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File: P10026 & P 9635

ID: MAS:ws

23 April 2015

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Ms Deborah Curry  
Development Assessment Services  
Department of Lands, Planning and Environment  
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Dear Deborah

**PA2015/0230**

**Development Application**

**Lot 10026 (1) Palmerston Circuit and Lot 9635 (15) The Boulevard,  
Palmerston**

**50 x 1, 121 x 2 and 17 x 3 bedroom multiple dwellings (including 22  
serviced apartments), 168 motel suites, shops and offices in a 17 storey  
building comprising 3 towers in 3 stages, plus one basement level**

Thank you for the Development Application referred to this office on 7 April 2015, concerning Lot 10026 (1) Palmerston Circuit and Lot 9635 (15) The Boulevard, Palmerston. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Further to Council's letter of 17 April 2015, Council provides the following additional comments to the original submission under Section 49 of the Planning Act, in which the Council objects to the granting of a Development Permit with the following comments:**

Council has several significant concerns with the current development proposal. There are several opportunities for revisions to this proposal that would make it a stronger development that would contribute much more to the Palmerston City Centre.

**a) Non-compliance with NT Planning Scheme Clause 6.5.1 Parking Requirements**

The application proposes 582 car parking spaces plus 39 motorcycle parking spaces for the development. An analysis against the requirements of the NT Planning Scheme reveals that the development would require 1,094 car parking spaces, a shortfall of 512 spaces.

Council does not support a reduction in car parking spaces for the site and does not accept the arguments within the application that compare the area to the Darwin CBD. The development application has suggested a series of reductions in the car parking rates for the site.

The first reduction is the recommendation that the car parking rates should be based on the reduced rates for the City of Darwin CBD. The development proposed is not located within the Darwin CBD with the full benefit of years of CBD development for a capital city but is located within the City of Palmerston, which currently has no residential development and limited office development. As such, the site is subject to the relevant aspects of the NT Planning Scheme that apply to the City of Palmerston. Council supports the requirements of the NT Planning Scheme.

The second reduction is the recommendation that due to a mix of uses the site should receive an additional 10% reduction on top of the Darwin CBD rates. It is noted that the original reduction for the Darwin CBD rates was created to account for the mixed-use nature of the CBD; thus an additional reduction based on the same principle appears illogical. Council does not accept the recommendation that on top of utilising reduced rates for the Darwin CBD, that there would be enough development within this site to warrant an additional reduction on top of the CBD reduced rate.

A third reduction of 10% is recommended due to tenancy fitout reducing the amount of net floor area for retail spaces. While some form of reduction has been utilised in other developments due to tenancy fitout, it remains unclear whether the original generation rates for the NT Planning Scheme already take this element into account in determining the overall rate.

Reductions are proposed for 5 dual-key apartments accessed by a single air-lock door, to provide only 5 spaces for these units. However, it is noted that each of these 10 units could be rented separately.

Finally, the application has proposed a reduction of 1 car parking bay for every 3 motorcycle bays provided. As the development provides 39 motorcycle bays, 13 car parking bays are requested to be waived in favour of motorcycle bays. The extent of this proposed reduction is not supported, as the application is proposing that 6.7% of the total parking provided be provided in motorcycle bays. The overall rate of NT motorcycle registration is only 5% of the total registration. It would seem logical to then limit the replacement rate for motorcycle parking at 5% of the total parking provided.

Most of the car parking spaces provided are of the minimum dimensions as required by the NT Planning Scheme. However, 12 of the spaces are proposed as small car bays, where the length of the bay has been reduced to 2.2m.

Further the application proposes that 20 of the spaces provided operate with the use of car stackers, such that there are 10 on ground spaces with 10 cars lifted above each of these spaces. The application recommends that these spaces be limited to pool cars (of which 10 are recommended within the application) and motel staff parking. The car stackers proposed are not part of a holistic independent mechanical system but are separate units raised above individual car parking spaces. It is unclear how the car stacker system would be managed and

operated. It is noted that the NT Planning Scheme requires that each space be able to be separately accessed.

The 10 proposed pool cars will occupy and be required to have reserved 10 of the spaces allocated to the development. The application proposes that 5 of the pool cars would be available for residents and 5 would be available for motel guests. The application notes that in Melbourne and Sydney pool cars can reduce the requirement for private motor vehicle ownership by 7-10 or 12 cars, respectively. Carshare Darwin has estimated that each share vehicle could reduce the need for 8 privately owned cars. More information on this assessment would be useful to determine the viability of 8 separate individuals sharing one vehicle while living in the Palmerston City Centre at this time. The application is unclear on how the pool car system would be managed, particularly for the residential vehicles.

Council requests that the site not be granted any car parking variations or waivers and that the full car parking space shortfall be subject to Council's Car Parking Contribution Plan.

Council conducted a car parking survey of the CBD in 2012. This survey demonstrated that the demand for car parking in the CBD is equal to the requirements of the NT Planning Scheme. Therefore, any outright waivers of car parking spaces will leave the CBD with an overall car parking shortfall. The indications at present are that the CBD is near 100% occupancy on the available parking.

**b) Non-compliance with NT Planning Scheme Clause 6.6 Loading Bays**

The proposed development requires 8 loading bays with dimensions of 7.5m by 3.5m and an at least 4m clearance. The application proposes 3 loading bays, plus additional drop off area within the porte cochere along Palmerston Circuit to account for 3 loading bays. The application also proposes that loading could occur from a drop-off zone along the internal drive aisle/laneway, which would equate to 2 loading bays.

It is noted that the apparent waste collection point would be on the basement level, utilising the two loading bays provided there. Transpacific and Cleanaway Waste Management Services has indicated that a minimum of 6m clearance would be required for this internal loading bay to satisfy waste removal vehicles. The applicant should address whether this height clearance can be met in the proposed basement level loading bays.

**c) Non-compliance with NT Planning Scheme Clause 7.5 Private Open Space**

The application proposes variations to the private open space areas required for the multiple dwelling units, serviced apartments and motel rooms.

Private open space for all residential units above ground floor is to be a minimum of 12m<sup>2</sup> with minimum dimensions of 2.8m by 4m.

Of the two bedroom multiple dwellings, 13 of the units have balconies that do not meet the minimum dimension requirements and 3 of the three

bedroom units do not meet the minimum dimension requirements. However, each of these units does meet the overall 12m<sup>2</sup> size requirement.

The application states that smaller balconies are proposed for the single bedroom and studio apartments. There are no private open space area reductions provided for within the NT Planning Scheme for smaller units. It could be argued that these units deserve as much outdoor space as the other units as they have less overall space within the unit. For example, if most of the space within a studio unit is taken up by a bed/sleeping area, it would make sense to have an expanded outdoor area that would provide room for a table/eating area.

The serviced apartments are noted as being provided with smaller private open space areas due to the temporary nature of the use. However, it is noted that within the NT Planning Scheme, only motel rooms are associated with traveller populations and that serviced apartments are considered multiple dwellings, with no requirements that these units have any length of rental time restrictions attached. It is therefore inaccurate to refer to serviced apartments as having a temporary nature.

Only 21 of the 168 motel rooms have balconies.

The purpose of the private open space clause is to provide for an area that acts as an extension of the function of the dwelling and that is of an adequate size to provide for domestic purposes. In particular, it is unclear whether the reduced balcony sizes for the single bedroom units, studio units, and serviced apartments meets the purpose of this clause.

Council does not support a reduction in private open space areas for these units.

**d) Clause 7.6 Communal Open Space**

The application meets the requirements of the NT Planning Scheme for communal open space area. However, it is noted that this area appears to be shared between the motel, serviced apartment and residential uses with no restrictions.

It is unclear whether there would be any conflict or detriment to the shared use of pool and BBQ areas between permanent residents and transient motel guests. It is acknowledged that the different populations may have varying priorities and level of care when using joint facilities.

The clause notes that the design of the communal open space should consider the "need to clearly distinguish communal open space from private and public open space". It could be argued that space for motel guests is closer to public open space than communal open space to be enjoyed by a set group of longer-term residents.

**e) Traffic Impact Assessment**

The application has provided a traffic impact assessment (TIA) for the development. Council notes that the TIA does not address the appropriate ultimate design for The Boulevard and Palmerston Circuit.

The approved design for The Boulevard is a T-intersection at Palmerston Circuit. The TIA assesses the current roundabout design.

As the T-intersection is approved by Council and its installation is imminent, the TIA should be revised to address the appropriate road design for this site.

Further, the traffic impact assessment should particularly address the potential for conflict between the vehicle exit for the porte cochere and the proposed new drive aisle/laneway off Palmerston Circuit. The applicant should consider a one-way operating design for this proposed drive aisle/laneway.

Council will also require a Road Safety Audit on all entry and exit points to the site, including the proposed porte cochere off Palmerston Circuit.

**f) Porte Cochere over Council Property**

As noted above, the application proposes a porte cochere access off Palmerston Circuit. Also, as noted above, the application has not addressed the appropriate road design adjacent this porte cochere feature.

Further, the proposed porte cochere, associated landscaping features and bicycle racks are on Council property, rather than within the site boundary of the subject property. Council has not been approached by the developer to utilise this land or given any approval for the development of this portion of Council property.

Council is currently considering whether or not it is appropriate to have this essential site feature on Council property rather than within the site itself. Issues include whether Council would be willing to take on responsibility for long-term maintenance of this feature. Should Council be approving of the porte cochere arrangement, Council may require the developer to either purchase this portion of Council road reserve from Council or enter into a long-term lease/permit to occupy for the use of the road reserve.

**g) Awnings**

The application proposes awnings over Council road reserve for 3 of the four sides of the development. All awnings over Council road reserve must be detachable and the development proponents must enter into an awning agreement with Council.

**h) Lack of Interface with The Boulevard**

The City of Palmerston has a detailed design for The Boulevard, which is currently being implemented. The front of the building facing The Boulevard should accord with that design.

Accordingly, and in line with the Palmerston Masterplan, the overarching goal is to activate the streetscape and particularly The Boulevard frontage. From the plans provided, the retail units within this large full-block structure will not be activated onto The Boulevard but will be

inwardly focused towards an internal mall. There are no doorways shown to the Boulevard and all shops are shown to open only onto the internal mall.

**This design is unacceptable. The primary entryways for the retail and restaurant shops should open outward to The Boulevard.**

There should be no back of house features to The Boulevard. Providing blank walls or only windows that are easily covered, rather than actual entryways to the shops, onto The Boulevard is not in accordance with the Masterplan design and is not accepted.

Further, it is noted that in many new developments where there are multiple entries into a shop or restaurant, one or more of those entries will end up being locked or blocked off to the public. This design occurs for a variety of reasons, usually primarily that the retail use does not have enough staff to monitor multiple entrances. As one entry is to an internal air-conditioned mall, it is unlikely that this would end up being the back of house.

The site must be activated to The Boulevard, with the primary entries to individual businesses off of this street, in order to ensure activation of this street.

**i) Towers**

The overall building design is commended for including multiple towers, when viewed from The Boulevard, or due to building height, form other points to the east of the site.

However, it is noted that from the two sides along Palmerston Circuit and Hillson Street, the towers continue to appear as one continuous building, for the full width of those sides of the site, over 60m.

For the side of the building along the drive aisle/laneway, as noted within the application, it is expected that this side of the site will be covered up by future development on the adjacent sites. Until such time as additional development occurs on those adjacent sites, there is still a large blank wall five storeys high to that frontage.

Further, it is noted that while the application has felt free to compare the proposed development against portions of the Darwin City Centre requirements within the NT Planning Scheme, the requirements in Clause 6.3.2 that require a setback from the podium level to the tower level have not been employed within this development. This development proposes the zero lot line setback for the full height of the 15 and 17 storey towers. The suitability of this interface is questioned.

**j) Compliance with the Palmerston City Centre 2030 Master Plan**

The application briefly assesses the development against the original Palmerston City Centre Master Plan 2030, noting that that plan has no weight at an NT Government level. It is noted that the more recent version of the Palmerston City Centre Master Plan was adopted by Council in February 2015. However, given the likely planning timeframes related to development of this site, it is reasonable to assess the development against the original master plan that would have been

in place during the preparation of this current development proposal. There are numerous new guidelines, primarily around building design and public realm within the latest master plan that have not been addressed by this development proposal.

The proposal does provide some activation to The Boulevard, though the full design for this street is not taken into account in the traffic assessments for the application. It is unclear to what level direct interaction with The Boulevard is encouraged at ground level.

Of interest is how the building responds to the tropical climate; although there are balconies of varying sizes provided to the residential units, the retail, office and motel spaces appear to be highly insulated and dependent upon internal air conditioned spaces. In all aspects of the design, there appears to be little opportunity for cross flow of breezes through the buildings.

**k) Reticulated gas**

Council recommends provision for reticulated gas to the development with appropriately screened gas cylinders in locations that can be readily serviced.

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated by-Laws:

Should this application be approved, the following conditions pursuant to the Planning Act and Councils responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- a) Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
- b) The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- c) Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleway shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the Director of Technical Services, City of Palmerston, at no cost to Council.
- d) Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- e) Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.

- f) Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line marked and sealed with an impervious material.
- g) All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director of Technical Services, City of Palmerston.
- h) Waste bin storage and pick up shall be provided in accordance with Council requirements.
- i) Further subject to conditions of subdivisions to the satisfaction of service authorities.

If you require any further discussion in relation to this application please feel free to contact me on 8935 9958.

Yours sincerely

**Mark Spangler**  
**Director Technical Services**