



Development Consent Authority

Northern Territory

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MM AG

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Dear Mr Cunnington

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*) LOTS 1287 & 1288 (1 & 2) MONTORO COURT & LOTS 1295 & 1296 (8 & 7) PACKARD PLACE, TOWN OF DARWIN

The Development Consent Authority has determined to vary Clauses 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height), and grant a reduction to the parking requirements of Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of, subject to the conditions specified on the attached Development Permit DP15/0400.

Reasons for the Determination

1. The development is consistent with the primary purpose of zone TC (Tourist Commercial), to "Provide for uses or development servicing tourism, including commercial and residential activities", noting the provision of serviced apartments and ground level commercial uses, in addition to the approved multiple dwellings and intensification of accommodation options across the site.
2. The proposed amendments are seen to continue to be consistent with the purpose of clause 5.10 (Zone TC – Tourist Commercial), by providing development considered to be "of a scale and character that is compatible with uses or development nearby", given the context of the site's proximity to the CB (Central Business) zone and the existence of a number of mid to high rise buildings (six to nine storeys) within close proximity. No changes are proposed to the development which would affect the reasons of this previous determination, noting that the 6 storey height of 'Building 3' is well below the overall height already approved to be developed on the site.

3. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme relating to Packard Place is considered appropriate although Buildings 2 and 3 are considered as one building for the purposes of assessment, the solid walls of each component are separated by a distance of 11.3m, and provide an appearance of individual buildings despite being connected by open walkways and a lift well at upper levels. The building length of 'Building 2' and 'Building 3' together is considered to be balanced through the significant setbacks of 17m to solid walls at upper levels from Smith Street, and 13m to the rear (south-west) boundary where adjacent to Packard Place. The proposal results in a reduced overall building length compared to the extent of existing/approved buildings along Packard Place. As considered in the previous reasons, the design maintains a lightweight architectural appearance with sufficient visual interest provided through the use of balconies, feature cladding and screening materials. The combination of the building heights varying between 6 and 13 storeys also provides interest. The overall design is considered to achieve the purpose of the clause in preventing any adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

Right of Appeal

Applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7210 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as there were no submissions received under section 49 of the Act.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully



DENIS BURKE
Delegate

14/7/2015

Attachment

Cc City of Darwin