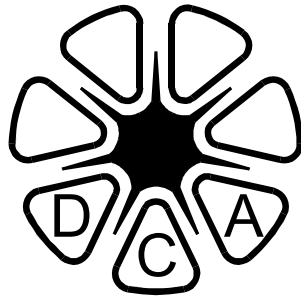




DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING NO. 462 – FRIDAY 21 AUGUST 2026

**AGORA ROOM, HUDSON BERRIMAH
4 BERRIMAH ROAD, BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Rod Applegate, Peter Pangquee and Mick Palmer

APOLOGIES: None

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Madison Harvey (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.15 am and closed at 12.15 pm

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2026/0031 **RECONSIDERATION - DWELLING-MULTIPLE (39 X 2 BEDROOM AND 36 X 1 BEDROOM SUITES) IN A NINE STOREY BUILDING INCLUDING TWO LEVELS OF BASEMENT CAR PARKING TO BE USED AS SERVICED APARTMENTS**

SUBJECT SITE **LOT 1462 (4) LINDSAY STREET, DARWIN CITY, TOWN OF DARWIN**

APPLICANT **SHERIDAN CONSULTING**

Applicant: Joseph Sheridan (Sheridan Consulting) attended.

Landowner Lita Connolly and her husband Ross Connolly attended as interested parties.

Submitter: Nick Kirlew on behalf of PPlan: The Planning Action Network Inc. attended.

RESOLVED
50/26

That the Development Consent Authority (the Authority) reduce the car parking requirements pursuant to Clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre) and vary the requirements of Clauses 5.2.4.4 (Layout of Car Parking Area), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.4.6.2 (Private open space for dwelling-multiple), 5.4.17 (Building Articulation), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.9.2.2 (Volumetric Control), 5.9.2.5 (Development along Priority Activated Frontages), and 5.9.2.11 (Car parking spaces in Darwin City Centre) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin for the purpose of dwelling-multiple (serviced apartments) (39 x 2 bedroom and 36 x 1 bedroom suites) in a 9 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and generally in accordance with the landscape concept plan (SK6 Revision July 2026) prepared by ALA architects except that the plan must show:
 - a. Compliance with subclause 3 of Clause 5.2.6.2 (Landscaping in Zone CB) of the Northern Territory Planning Scheme (NTPS2020).
 - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;All species selected must be to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and

Darwin DCA Meeting No 462 – Friday 21 August 2026

its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the modelling of adjacent intersections, the proposed two-bay 15 minute parking area and which identifies any other necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority. The report must also take into account the operating hours of the adjoining school.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the exclusive use of the two-bay 15 minute parking area for the development under this permit, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to commencement of works (including site preparation), in principle approval is required for the provision of awnings to the street frontages to the requirement of City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserves to the requirements of the City of Darwin, to the satisfaction of the consent authority.
8. Prior to the commencement of works (including site preparation), a waste management plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), the applicant is to prepare a site construction management plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage and sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. If the two-bay 15 minute parking area ceases to be exclusively available to the development approved under this permit, then the permit holder must cease the use of the land for the purpose of dwelling-multiple (serviced apartments) within 3 months, if no alternative provision of the pick up and drop off bays is provided, to the satisfaction of the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notes 1, 2 and 3 for further information.
13. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
14. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
15. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the adjacent road reserves shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in any dilapidation reports, to the satisfaction of the consent authority.
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
17. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
18. Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines, to the satisfaction of the consent authority.
19. If Council approval is obtained for in association with condition 4 and 5 and other encroachments into the City of Darwin Road Reserve building elements over City of Darwin road reserve, the applicant will be required to enter into appropriate agreements with the City of Darwin to the requirements of City of Darwin, to the satisfaction of the consent authority.
20. All works recommended by the traffic impact assessment are to be completed

Darwin DCA Meeting No 462 – Friday 21 August 2026

to the requirements of the City of Darwin to the satisfaction of the consent authority.

21. No new fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
22. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the City of Darwin for the upgrade of local infrastructure, in accordance with its Stormwater Contribution Plan.
23. If Council approval is obtained for in association with Conditions 4 and 5 and other encroachments into the City of Darwin Road Reserve building elements over City of Darwin road reserve, the applicant will be required to enter into appropriate agreements with the City of Darwin and the design specifications are to be to the satisfaction of General Manager, Infrastructure of the City of Darwin.
24. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Constructed;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather-seal coat;
 - d. Drained;
 - e. Line marked to indicate each car space and all access lanes; and
 - f. Clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
25. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
26. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

Darwin DCA Meeting No 462 – Friday 21 August 2026

27. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
28. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
29. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
30. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
31. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
32. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
33. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
34. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing

Darwin DCA Meeting No 462 – Friday 21 August 2026

requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on (08) 8936 4070 to determine if the proposed works are subject to the Act.
6. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
7. The City of Darwin notes that the proposal includes awnings and sunshades which extend over the City of Darwin Road reserve. The applicant is required to seek all necessary approvals and obtain an Agreements with the City of Darwin for these additions.
8. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 'Protection of Trees on Development Sites'. Copies of AS 4970-2009 'Protection of Trees on Development Sites' can be obtained from the Australian Standards website.

9. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
10. All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. The City of Darwin requires that the applicant obtain all necessary approvals before commencing any construction in the road reserve.
11. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

REASONS FOR THE DECISION

1. This application seeks consent for dwelling-multiple (serviced apartments) (39 x 2 bedroom and 36 x 1 bedroom suites) in a 9 storey building at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin (the site). The site is 944 m² in area and is in Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS2020).

In the wider context, the site is located in an area intended to be developed for commercial, civic, residential, education, tourism, recreation and retail purposes as part of the Central Darwin Area Plan. Building height, style and design in the locality is varied, with a mixture of smaller scale buildings intermingled with higher-density towers that have a height of 2 to 10 storeys. In addition, a large oval associated with the St Mary's Primary School is located across the road.

In its specific context, the Authority notes the site is located on Lindsay Street in Darwin City, is regular in shape, has no discernible slope and comprises existing basement levels and partial ground car parking area. To the north-west, is Lindsay Street, and further north-west on the opposite side of the road, is St Mary's Primary School. To the north-east and south-east are 2 storey buildings developed for commercial land uses, and to the south-west, an 8 storey residential development.

2. The application was initially deferred by the Authority on 20 April 2026 to require that the applicant provide:
 - Amended drawings that:
 - a) Demonstrate compliance at a minimum with either clause 5.4.6.2 (Private open space for dwelling-multiple) or clause 5.4.7 (Communal Open Space) of the Northern Territory Planning Scheme 2020 (NTPS2020).
 - b) Demonstrate better compliance with clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) of the NTPS2020 through the provision of locker facilities, and increased number of bicycle parking spaces.

Darwin DCA Meeting No 462 – Friday 21 August 2026

- c) Provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin.
- d) Detail the windows/openings located along the south-western elevation at the end of the central corridor on levels 2 to 9, particularly to clarify the extent of cross-ventilation.
- e) Any amendments required as a result of the clarification of the servicing activities for the proposed serviced apartments.
- Provide clarification on the nature and scope of servicing activities for the proposed serviced apartments, including an indication of how the car parking area, drop off/pick up bay and any facilities on site (i.e. storeroom, linen cupboard etc) will be utilised for these servicing activities.

In response to the Notice of Deferral, the applicant provided the following information:

- Written response to Notice of Deferral prepared by Sheridan Planning & Development Consultants.
- Amended Plans prepared by ALA.
- Letter from City of Darwin regarding drop off/pick up facilities.
- Letter from VTG Waste & Recycling regarding waste management plan for 75 serviced apartments.

On that basis and given that the information required by the Notice of Deferral was addressed by the applicant, reconsideration of the application took place at the 21 August 2026 Development Consent Authority meeting.

The Authority's consideration of the applicant's responses to the deferral points is provided below.

1a) Amended drawings that...demonstrate compliance at a minimum with either clause 5.4.6.2 (Private open space for dwelling-multiple) or clause 5.4.7 (Communal Open Space) of the Northern Territory Planning Scheme 2020 (NTPS2020)

The Authority notes the amended drawings increase the area of communal open space from 83m² (8.8% of the site area) to 164.99m² (17.48% of the site area). The communal open space comprises 2 BBQ facilities, outdoor seating, space for pool tables/table tennis, and a gym room.

In addition, the areas of private open space have been increased, with the level 2 studio dwelling now having access to a small balcony (6.8 m²), where no balcony was originally proposed.

1b) Amended drawings that...demonstrate better compliance with clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) of the NTPS2020 through the provision of locker facilities, and increased number of bicycle parking spaces.

Serviced apartments are required to provide bicycle parking facilities at a rate of 1 for every 3 dwellings, in accordance with the requirements of clause 5.3.7

Darwin DCA Meeting No 462 – Friday 21 August 2026

(End of Trip Facilities in Zones HR CB C SC and TC).

The proposed development comprises 75 dwelling-multiple (serviced apartments) and therefore 25 bicycle parking spaces are required. In addition, a locker should accompany every secure bicycle parking space provided.

The Authority notes that the amended drawings show bikes racks capable of parking 25 bicycle parking spaces proposed within a dedicated bicycle parking facility (BPF) at the site and show 24 staff lockers in the ground level reception area.

1c) Amended drawings that...provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin.

The Authority notes that the amended drawings show that in lieu of a dedicated drop off/pick up bay being provided within the Lindsay Street road reserve, that a two-bay 15 minute parking area will be provided instead. The deferral response included a supporting letter from the City of Darwin.

Of relevance, the following excerpt of that letter states:

‘After due consideration, in the interests of facilitating the progression of this development and supporting the economy of Darwin, City of Darwin is prepared to allow the use of two bays along Lindsay Street adjacent the development site, to be converted to 15 minute parking bays, to be installed at the developer’s expense and available for public use.

We are happy to receive concept drawings of the modified parking for review and approval in principle for the purposes of you providing amended drawings to the DCA.’

At the meeting, the applicant, Mr Joe Sheridan (Sheridan Consulting), advised that the City of Darwin was currently reviewing its parking stock and had indicated that a short-term pick-up and drop-off space may not represent the most efficient use for the area. The applicant told the Authority that the City of Darwin considered the proposed arrangement would support the operation of the serviced apartments, whilst also contributing to overall parking supply and management of the locality.

Ms Suzanne Philip (the Chair of the Authority) noted that the Authority would require certainty that the two-bay 15 minute parking area would be available to residents, visitors and staff associated with the proposed development and, further would be ongoing during the life of the use.

Ms Guppy also noted that under the current arrangement of a two-bay 15 minute parking area, if one of the spaces were occupied by a member of the public not associated with the proposed development, this may impact on the functionality of the overall development. Ms Guppy highlighted that an internal pick up/drop off area would not have this issue. The Chair also commented that the current internal loading bay arrangement on the site is not particularly functional.

The applicant noted the concerns raised and advised that the City of Darwin did not object to the exclusive use of the two-bay 15 minute parking area, subject to consideration of the overall availability of CBD parking. The applicant was willing to tie the duration of the permit to the availability to the two-bay car parking area.

Mr Peter Panquee (a member of the Authority) highlighted that the traffic impact assessment should not be undertaken during school holidays, and should also include the two-bay 15 minute parking area.

In the context of the above, the Authority decided to apply a condition precedent to the permit, which requires prior to endorsement of plans, that approval is obtained for the exclusive use of the two-bay 15 minute parking area for the development approved under this permit, to the requirements of the City of Darwin. A corresponding general condition was also applied to the permit which requires the applicant to enter into appropriate agreements with the City of Darwin as it relates to the condition precedent.

In addition, the Authority decided to apply a general condition that prescribes that if the two-bay 15 minute parking area ceases to be exclusively available to the development approved under this permit, then the permit holder must cease the use of the land for the purpose of dwelling-multiple (serviced apartments) within 3 months, if no alternative provision of the pick up and drop off bays is provided, to the satisfaction of the consent authority.

1d) Amended drawings that...detail the windows/openings located along the south-western elevation at the end of the central corridor on levels 2 to 9, particularly to clarify the extent of cross-ventilation.

The Authority notes that the amended drawings show the windows/openings located along the south-western elevation as perforated pattern screen and the windows/openings located along the north-eastern elevation as breezeway vertical opening to side allowing light and ventilation to corridor space. The amended drawings also remove the lightwell along the north-eastern elevation, so now the breezeway/opening is located directly along this boundary, and a lightwell/void is not proposed along the south-western boundary.

1e) Amended drawings that...any amendments required as a result of the clarification of the servicing activities for the proposed serviced apartments.

The amended plans show the following minor changes in relation to servicing elements of the development:

- Increase in building height from 29 m to 29.3 m, as a result of the ground floor being lifted in response to substation servicing requirements from the Power and Water Corporation.
- Provision of laundry stores on levels 2 through 9.

2. Provide clarification on the nature and scope of servicing activities for the proposed serviced apartments, including an indication of how the car parking area, drop off/pick up bay and any facilities on site (i.e. storeroom, linen cupboard etc) will be utilised for these servicing activities.

The Written response to Notice of Deferral prepared by Sheridan Planning & Development Consultants states the following:

- 'On-site staffing will therefore be limited to what is required for security and safety or to attend to specific guest needs.
- The ground floor car-parking (bay 1) will be reserved for building maintenance requirements or staff attending out of hours.
- Primary serviced apartment functions such as bulk waste management, cleaning and laundry services will be outsourced and coordinated via the service area on Level 1.
- Versatile laundry/storage cupboards have been included on each level to support these functions'.

The Authority notes that Schedule 2 of the NTPS2020 defines 'serviced apartments' as a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned, while the definition of 'hotel/motel' is premises primarily used for the short term accommodation of travellers'. The use can include where ancillary ... recreation facilities'.

At the meeting, the Chair acknowledged that the applicant is categorising the land use as serviced apartments, rather than hotel/motel.

The applicant confirmed that the proposed development is for serviced apartments, and the landowner intends to partner with a serviced apartment operator.

3. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NTPS2020 applies to the land and a dwelling-multiple (serviced apartments) (39 x 2 bedroom and 36 x 1 bedroom suites) in a 9 storey building requires consent under clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under clause 1.8(1)(b)(i); therefore, the zone purpose and outcomes of Zone CB (Central Business), and clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.4.4 (Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.17 (Building Articulation), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), and 5.9.2 (Darwin City Centre), need to be considered.

The Authority notes that these clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS2020

Darwin DCA Meeting No 462 – Friday 21 August 2026

except for Clauses 5.2.4.4 (Layout of Car Parking Area), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.4.6.2 (Private open space for dwelling-multiple), 5.4.17 (Building Articulation), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.9.2.2 (Volumetric Control), 5.9.2.5 (Development along Priority Activated Frontages), 5.9.2.11 (Car parking spaces in Darwin City Centre), and 5.9.2.13 (Design of Car Parking Areas and Vehicle Access) which is discussed further below.

A summary of the relevant parts of the NTPS2020 is as follows:

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

The purpose of Zone CB is to *Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

In Zone CB, building form and design is expected to facilitate a vibrant commercial precinct along and the creation of safe, active street frontages and public places, whilst balancing competing demands with reference to the overall mixed use nature of the zone. The application supports the broader intent of Zone CB and is not considered likely to result in unreasonable adverse amenity impacts on the locality.

In relation to the proposed variation to clause 5.4.17 (Building Articulation) (see below for detailed assessment of this clause), zone outcome 8 is relevant.

Zone outcome 8 requires that *development incorporates innovative building design, site layout and landscaping that: a) responds to and encourage pleasant microclimates, including through breeze capture and shading’.*

A lightwell/void is not proposed along either the south-west or north-east boundaries, however, windows/openings are proposed centrally along both boundaries. The Authority notes that the existing residential development on the adjoining property to the south-west is well set back from the shared boundary ensuring natural daylight and ventilation is provided to the proposed developments central corridor.

Furthermore, the existing commercial development on the adjoining property to the north-east is partially located along the shared boundary, and is only 2 storeys in height. This ensures natural daylight and ventilation is provided to the proposed developments central corridor, however, were the this property were to be re-developed, the proposed developments access to natural light and ventilation may be compromised, unless setbacks or lightwells/voids were incorporated into the future development.

Part 5 – Development requirements

As mentioned earlier, the application was found to comply with the relevant part 5 development requirements of the NTPS2020, except for Clauses 5.2.4.4 (Layout of Car Parking Area), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.4.6.2 (Private open space for dwelling-multiple), 5.4.17 (Building Articulation), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.9.2.2 (Volumetric Control), 5.9.2.5 (Development along Priority Activated Frontages), 5.9.2.11 (Car parking spaces in Darwin City Centre), and 5.9.2.13 (Design of Car Parking Areas and Vehicle Access).

4. Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause (5), of the NTPS2020, *The consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*
 - (a) The purpose and administration clauses of the requirement; and*
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).*

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) have been given regard to and the consent authority has determined that the proposal complies with all relevant requirements of the NTPS2020, except for those non-compliant clauses as identified and discussed below.

In response to clause 1.10(5)(a), consideration of the purpose and administration clauses of each relevant requirement is provided below.

Clause 5.2.4.4 (Layout of Car Parking Area)

The purpose of this clause is to *Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

Clause 5.2.4.4(8)(c) requires that *The layout of a car parking area is to: ... (c) be in accordance with the dimensions set out in the diagram to this clause [where the diagram shows that driveways must be a minimum of 6 m wide] ..., where there is an instance of a 5 m wide driveway where the basement ramp and ground level accessways meet.*

In addition, clause 5.2.4.4(9)(b) requires that *The number of access points to the road is to be limited, and access points to car parking areas are to: ... (b) maximise sight lines for drivers entering or exiting the car parking area, where this application will result in poor sightlines between drivers and pedestrians, as drivers exit the site, as a solid wall is proposed adjacent to the driveways at the exit.*

Administratively, subclause 4 states *The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

Darwin DCA Meeting No 462 – Friday 21 August 2026

Administratively, subclause 5 states *The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

The Authority considers the proposed variation to the car parking area requirements appropriate in this instance for the following reasons:

- Two convex safety mirrors proposed in proximity to the reduced driveway section, to allow visibility of vehicles approaching. These mirrors allow for ample opportunity for vehicles at the reduced driveway, to view each other and one of the vehicles to remain stationary while the other vehicle completes the manoeuvre.
- In addition, a convex safety mirror is proposed along the site boundary wall, in proximity to the driveway exit. This safety mirror will allow vehicles exiting the development to identify any pedestrians that may be able to cross the driveway from the left.

Clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC)

The purpose of this clause is to *Ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

Clause 5.3.7(4) requires that *A locker should accompany every secure bicycle parking space provided ...*, where 24 lockers are proposed on-site, and where 25 secure bicycle parking spaces are proposed within the on-site bicycle parking facility.

Administratively, subclause 1 states *The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either: (a) there are alternative end of trip facilities (on or off the site), where: ... ii. access to the alternative end of trip facilities is safe and convenient for users; ...; and iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items....*

The Authority supports a variation to this clause in this instance as there will likely be less than 24 staff members on-site at any given time, and residents will be able to store personal belongings in their serviced apartment.

Clause 5.4.6.2 (Private open space for dwelling-multiple)

The purpose of this clause is to *Ensure dwellings include private open space that enhances the function of the dwelling and are: (a) of an adequate size to provide for outdoor living; and (b) appropriately sited to provide outlook for the dwelling.*

Subclauses (a) and (b) of clause 5.4.6.2(3) require that *Each dwelling-multiple is to have at least one area of private open space that: (a) is a minimum area of 12m² with no dimensions less than 2.8m; (b) is directly accessible from the main living*

area or dining area of the dwelling to enable an extension of the function of the dwelling ..., where (a), there are 71 serviced apartments whose balconies are less than 12 m², and all of which have dimensions less than 2.8 m long, and (b) there are 21 1-bedroom/studio serviced apartments where access to the balcony is proposed through the bedroom itself. These are not considered compliant against this subclause by virtue that the main living area (dining room, kitchen and lounge room) is separated from the balcony by the bedroom.

Administratively, subclause 2 states *The consent authority may consent to dwellings-multiple ... that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.*

Notwithstanding the above, it is noted that serviced apartments are included within the NTPS2020 definition of *dwelling-multiple*, and defined as *a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned.* However, serviced apartments differ from dwellings-multiple as they are not intended to be a primary place of residence, and are intended to cater for tourists/visitors.

The Authority considers a variation to the minimum dimension, area and accessibility of private open space areas, consistent with the purpose of this clause, for the following reasons:

- The dwellings are intended to be used by visitors/tourists who are less likely to require dedicated, private open space for outdoor living compared to long term residents.
- Balconies will provide sufficient space for the outdoor seating to be provided.
- Balconies are oriented to the primary street or to the rear lot boundary, and will not result in overlooking of any private open spaces.
- Furthermore, the development provides compliant amount of communal open space (164.99 m² (17.48%) where 141.6 m² (10%) is required) which provides recreational opportunities for visitors of the development to utilise as needed, enhancing the site's functionality.

Clause 5.4.17 (Building Articulation)

The purpose of this clause is to *Ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.*

Clause 5.4.17(4) requires that *A step or recess to the building line of no less than 1m by 1m is required for every 15m of building length, or part thereof*, where Levels 2 to 9 propose a 21.5 m long wall along the north-eastern and south-western side boundaries.

Darwin DCA Meeting No 462 – Friday 21 August 2026

Administratively, subclause (2) states *The consent authority may consent to a development that is not in accordance with subclause 4 only if it is satisfied it is consistent with the purpose of this clause.*

The Authority considers a variation to the building articulation requirements, consistent with the purpose of this clause, for the following reasons:

- While a lightwell/void is not proposed along either the south-west or north-east boundaries, the existing built form on the adjoining properties (as described in section 3 of these reasons), currently allows for natural daylight and ventilation to be provided to the proposed developments central corridor. In addition, cross ventilation is also provided across the site through the external north-west and south-east facing balconies and windows.
- The proposed walls will be finished in an alternating grey feature façade, along with the fenestration/coverings associated with the corridor, providing texture and articulation minimising the visual bulk.

Clause 5.5.15 (Design in Commercial and Mixed Use Areas)

The purpose of this clause is to *Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

Clause 5.5.15(17)(b) requires that *Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which: ... (b) covers the full width of the footpath or has a minimum width of 3m ..., where a full width awning is not provided over the footpath adjacent.*

Clause 5.5.15(20) requires *Development is to minimise the transmission of noise and exhaust from services by: (a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and (b) locating air conditioner plants away from openings in habitable rooms, where AC plant are proposed to be located on the dwelling balconies, outside openings to living rooms or bedrooms.*

Administratively, subclause (5) states *The consent authority may consent to a development that is not in accordance with sub-clause 17 if it is satisfied that: (a) the development provides a considered response to the established character of the streetscape; and (b) the development provides an alternative response for shading.*

Administratively, subclause (8) states *The consent authority may consent to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on habitable rooms within the site.*

Darwin DCA Meeting No 462 – Friday 21 August 2026

The Authority is satisfied with the proposed variation to the awning and AC requirements, for the following reasons:

- The proposed awning is 2.2 m wide, and covers the entire width of the existing footpath, and as such, will still provide adequate protection from the weather to pedestrians.
- While not part of this application, the reduced width of the awnings would not preclude the future planting of street trees in the road reserve (noting that none currently exist).
- The AC plant for each dwelling will be located in an accessible manner (thereby aiding their ongoing maintenance), and are orientated in a way where the only affected dwelling will be the dwelling using the AC plant.

Clause 5.9.2.2 (Volumetric Control)

The purpose of this clause is to *Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow: (a) potential for view corridors to Darwin Harbour; (b) breeze circulation between buildings; ...; and (d) reasonable privacy for residents.*

Subclauses (b) and (c) of clause 5.9.2.2(6) require that *The tower of a development is to: ... (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and (c) provide minimum setbacks of: i. 6m from any site boundary ...*, where (b) the length of the tower (comprising the built form exceeding 25 m above ground level) facing the front and rear boundaries is 97.6% of those boundary lengths, and (c) the development will be setback 5.2 m from the north-western property boundary (primary street), 0.5 m from the south-western property boundary, and 0.4 m from the north-eastern property boundary.

Administratively, subclause (3) states *The consent authority may consent to a development... that is not in accordance with subclauses 5 and 6 if it is satisfied the development: (a) is appropriate to the location considering the scale of the development and surrounding built form; and (b) will not unreasonably restrict the future development of adjoining sites.*

The Authority considers a variation this clause appropriate in this instance as the extent of non-compliance relates to level 9, and the roof, and is considered to be a minor exceedance. As such, this development is unlikely to result in an unreasonable impact on local visual amenity, nor be of a scale that would reasonably restrict the future development of adjacent properties.

Clause 5.9.2.5 (Development along Priority Activated Frontages)

The purpose of this clause is to *Prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.*

Darwin DCA Meeting No 462 – Friday 21 August 2026

Clause 5.9.2.5(6) requires that *Where a site boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that site boundary as active street frontage ...*, where development is comprises only 65.6% (16 m) of active street frontage elements, such as windows and legible pedestrian entrances.

Administratively, subclause (2) states *The consent authority may consent to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to: (a) maximise the active street frontage on 'priority activated frontages'; and (b) minimise the visual impact of services.*

The Authority considers a variation this clause appropriate in this instance as the only non-compliant building elements proposed relate to the 6 m wide driveway crossover, and access to a hydrant booster provided within a street-facing services cabinet. With the exception of these 2 elements, the development entirely comprises active street frontage. As such, while non-compliant with this clause, the application maximises its potential for active street frontage.

Clause 5.9.2.11 (Car parking spaces in Darwin City Centre)

The purpose of this clause is to *Ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a site.*

The Authority notes that clause 5.9.2.11(5) requires that a *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number)* [calculated as 79.62 (80) car parking spaces], where only 56 car parking spaces are provided at the site, resulting in a 24 car parking space shortfall.

Administratively, subclause (2) states *The consent authority may consent to a use or development that is not in accordance with subclause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).* Consideration of this clause is provided below.

Clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre)

The purpose of this clause is to *Provide for a use or development with fewer car parking spaces than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).*

Pursuant to category (1)(a), as *The development is located within 200m walking distance of a public bus stop that provides access to: five or more bus routes; or a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday* [where Darwin Bus bus stop 70 (Woolworths Cavenagh Street) is considered to meet this criterion], the consent authority can consider a 15% reduction.

Pursuant to category 2(b), as *The development is within 200m walking distance of an existing, publicly accessible car park with a combined total of 100 car parking spaces or more*, where the Dragonfly off-street carpark is located less than 200 m walking distanced of the development site, the consent authority can consider a 10% reduction.

The Authority notes the available reductions and applies a combined reduction of 19.91 car parking spaces for this application pursuant to categories 1(a) and 2(b) of this clause. This results in a revised requirement for the provision of 59.72 (60) car parking spaces at the site, where only 56 car parking spaces are proposed. As such, there is an outstanding shortfall of 4 car parking spaces.

The Authority noted that there are no administrative clauses that expressly permit the Authority to vary car parking requirements for other reasons under clauses 5.9.2.11 (Car parking spaces in Darwin City Centre) or 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre) other than those mentioned in the reduction categories. However, as there are no subclauses expressly prohibiting the Authority from varying the required number of car parking spaces under either of these clauses, the Authority may vary this requirement by having regard to the purpose of clause 5.9.2.11 (car parking spaces in Darwin City Centre), pursuant to clause 1.10(5)(a) of the NTPS2020.

The Authority considers a variation to the number of car parking spaces provided, consistent with the purpose of this clause, for the following reasons:

- The site has ample access to public transport options.
- There are public car parking facilities in the vicinity of the site.
- The site is located in close proximity to multiple commercial and tourist businesses/activities within Darwin City.
- The shortfall is not anticipated to impact on the surrounding road network and the amenity of the locality and adjoining property, noting a condition precedent is applied to the permit requiring a traffic impact assessment to be prepared.

Clause 5.9.2.13 (Design of Car Parking Areas and Vehicle Access)

The purpose of the clause is to *Promote design of car parking, vehicle access points and onsite movement that: a) is easily adapted to meet changing demand; b) minimises visual impact to the street and other public areas; and c) minimises impacts to pedestrian and cyclist movement.*

Clause 5.9.2.13(4) requires that *Ground level car parking areas in buildings are limited to the number of car parking spaces required for ground level commercial tenancies*, where ground level car parking within the building is proposed for residential purposes (by virtue that serviced apartments are a form of dwelling-multiple).

Administratively, subclause (2) states *the consent authority may consent to a development that is not in accordance with sub-clauses 3-6 if it is satisfied the use or development is appropriate to the site having regard the potential impact on the surrounding road network and the amenity of the locality.*

A variation to this clause is acceptable in this instance because the ground floor car parking area has a minimum floor to ceiling height of 4 m which allows the area to be adapted to commercial uses should there be a demand in the future.

Notwithstanding, while the application was considered to be compliant with the other identified relevant development requirements, it is considered that further discussion of clause 5.2.6.2 (Landscaping in Zone CB) is warranted.

5.2.6.2 Landscaping in Zone CB

The purpose of the clause is *Ensure developments within central business districts minimise heat capture and enhance the visual amenity of the area when viewed from the street or from surrounding buildings.*

Clause 5.2.6.2(3) states *Development in Zone CB is to provide landscaping equivalent to 10% of the site area, excluding any impervious or unplanted areas.*

At the meeting, the Chair noted that areas of landscaping were proposed within the private open space and queried the ongoing maintenance arrangements. The applicant advised there is no intention to strata title the development, as they intend to retain ownership, operation and management of the asset. The applicant further advised that the landscaping would be maintained as part of the ongoing management of the site.

The Authority considers the amended drawings do not demonstrate compliance with clause 5.2.6.2(3), and have applied a condition precedent to the permit requiring, prior to endorsement of plans, that a landscape plan to be prepared to demonstrate compliance.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application was placed on public exhibition for a period of 2 weeks, between 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlaw, on behalf of PAn: the Planning Action Network Inc.

The main concerns raised by the submitter in his submission and expressed at the meeting held on 10 April 2026 are:

- Application seeks too many variations to modern planning scheme requirements.
- Inappropriateness of relying upon project economics to justify the

development.

- Driveway will not be safe for future visitors, and will create a risk for nearby pedestrians and street function.
- Lack of on-site end of trip facilities undermines the purpose of requiring these facilities, and overarching goals of improving active transport options.
- Inappropriateness of relying upon the City of Darwin-managed Dragonfly Car Park for car parking and end of trip facilities.
- Poor quality outcome in relation to reduced private and communal open spaces, especially in regard to the potential for the serviced apartments to be used for long term residential purposes in the future.
- Poor built form outcomes in relation to variations being sought for podium height, setbacks, building articulation/visual massing, awning width.
- Role of the community in consideration of development permit applications.
- Concerns that the serviced apartments will be used for long term residential purposes.

The Authority took all comments into account and carefully considered the concerns of the submitter. The Authority also took into account the response provided by the applicant regarding submitters' concerns expressed at the meeting held on 10 April 2026. The matters raised in the submission contributed to the Authority's decision to defer the application in order to obtain further information addressing, the relevant considerations identified by submitter, as well as the concerns of the DCA in relation to the requirements of the NTPS 2020 and the *Planning Act 1999*.

The applicant's response to the points of deferral was circulated to the public submitter. Mr Kirlew provided written comments reiterating previous concerns, and a raised additional concerns relating to land suitability, and adverse amenity impacts to nearby residential developments.

In addition to the written submission, the Authority heard from Mr Kirlew who was present at the meeting on 21 August 2026.

At the meeting, Mr Kirlew raised concerns with the minimum dimensions of the private open space area, and highlighted that no studies had been undertaken to support the claim that short term guests do not use these spaces. Mr Kirlew advised that PPlan would welcome a broader conversation around the appropriateness of the current minimum dimensions for private open space under the NTPS2020. Mr Kirlew highlighted that serviced apartments frequently accommodate longer-term stays and families who are more likely to make use of the private open space, these areas also assist in heat load reduction and natural ventilation. Mr Kirlew reiterated there is no empirical evidence that having smaller private open space would still provide these benefits.

Darwin DCA Meeting No 462 – Friday 21 August 2026

In relation to the pick up/drop off bays, Mr Kirlew advised that PAn have written to the City of Darwin to express concerns, and queried the operation of the 15-minute parking spaces, noting that these bays would not be for the exclusive use of the proposed development and that potential traffic impacts on Lindsay Street had not been adequately addressed. Mr Kirlew posited that the traffic impact assessment should be undertaken upfront as part of the development application. Mr Kirlew emphasised it is an erosion of public consultation rights if the traffic modelling is undertaken post approval, as the public do not get to see or comment on the traffic impact assessment.

Mr Kirlew further noted that by agreeing to convert public car parking spaces transfers a private shortfall to public infrastructure. Mr Kirlew further raised concerns with cross ventilation, and whilst acknowledged that the building permit process is separate to planning, highlighted that the Authority may be approving something that the building authority may not approve.

Mr Kirlew also raised concerns with the extent of landscaping provided, noting that the proposed development relies on planter boxes and provides zero deep soil planting.

The Authority has taken all comments into account and carefully considered the concerns of the submitter. The Authority has also taken into account the response provided by the applicant regarding submitters concerns expressed at the both the meeting held on 4 April 2026 and the meeting held on 21 August 2026.

In response to the extent of variations to the planning scheme, the Authority notes there are no specific requirements within the *Planning Act 1999* or NTPS2020 that the consent authority must have regard to when considering cumulative variations. Notwithstanding, variations are at the discretion of the consent authority. As detailed at section 3 of these reasons, it is considered that the proposed variations are acceptable in this instance.

In response to reliance of project economics to justify the development, the Authority notes there are no requirements within the *Planning Act 1999* or NTPS2020 in relation to the business or economic environment at the time an application is lodged and these are not planning considerations..

Consideration of the car parking area layout, end of trip facilities, extent of car parking spaces provided, reduced extent of private open space and communal open space and built form outcomes is provided at section 4 of these reasons.

Consideration of land capability is provided at section 6 of these reasons. Consideration of amenity impact is provided at section 7 of these reasons.

Darwin DCA Meeting No 462 – Friday 21 August 2026

6. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site is connected to reticulated power, water and sewerage, and is considered capable of supporting the proposed development. While Power Services identified that on-site electrical infrastructure may need to be upgraded, this is addressed through standard permit conditions.

Furthermore, the site is generally flat, not identified as being subject to flooding or storm surges, and located outside the Australian Noise Exposure Forecast 2042 20-unit contour.

Additionally, the Development Coordination Branch of Department of Lands, Planning and Environment (DLPE) (who coordinate responses from all relevant internal divisions DLPE) did not identify or raise any issues in relation to land capability.

7. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

Amenity is defined in the Planning Act 1999 as in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

The Authority notes that amenity is considered in the context of the site and its surrounds along with the applicable planning controls.

Whilst the development will result in a change to the appearance of the site it is consistent with that expected in Zone CB (Central Business) as a *Merit Assessable* development, including overall height, scale and residential use proposed. The development is noted as similar in scale to the adjoining properties, and is well-articulated through a variety of measures such as landscaping along the street facing balconies, presence of balconies along the majority of the front and rear building façades, and alternating grey banding along the side building façades. The Authority notes that access to and from the development, which may impact on the street, will be addressed by the requirement for a functional exclusive use right to the two-bay 15 minute parking area referred to earlier.

Overall, the development is not anticipated to adversely impact the existing or future amenity of the area.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2026/0094

RECONSIDERATION - ADDITIONS TO AN EXISTING DWELLING-SINGLE WITH A REDUCED BUILDING SETBACK TO THE PRIMARY STREET AND SIDE BOUNDARIES

SUBJECT SITE

LOT 5818 (96) CULLEN BAY CRESCENT, LARRAKEYAH, TOWN OF DARWIN

APPLICANT

SHERIDAN CONSULTING

Applicant: Joseph Sheridan (Sheridan Consulting) attended.

Submitter: Nick Kirlew on behalf of PAn: The Planning Action Network Inc. attended.

**RESOLVED
51/26**

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 5818 (96) Cullen Bay Cres, Larrakeyah, Town of Darwin for the purpose of additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, particularly regarding the proposed crossover location on Cullen Bay Crescent and its impact on the existing SEP, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings numbered 2026/0094/01 through to 2026/0094/05 endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notations 1 for further information.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
12. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road to the requirements of the City of Darwin, to the satisfaction of the consent authority.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
14. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. The proposal includes works within the City of Darwin road reserve. All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. City of Darwin requires that the applicant obtains all necessary approvals before commencing any construction in the road reserve.
4. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.

REASONS FOR THE DECISION

1. The application seeks consent for additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries at Lot 5818 (96) Cullen Bay Cres, Larrakeyah, Town of Darwin (the site).

The site is 1160m² in area and located in Zone LR (Low Density Residential) of the Northern Territory Planning Scheme 2020 (NTPS2020). The Authority notes that the site cannot be considered in isolation and must be considered in the context the locality. The land uses in the immediate locality are residential in nature with built form characterised by single dwellings on large allotments with generally compliant building setbacks to the primary street and side boundaries.

2. The application was initially deferred by the Authority on 18 May 2026 to require that the applicant provide:
 - Amended drawings that demonstrate better compliance with the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme (NTPS 2020) through:
 - a) Increasing the primary street setback of the ground floor dwelling additions to a minimum of 4.5 metres, and

Darwin DCA Meeting No 462 – Friday 21 August 2026

- b) Increasing the eastern side setback of the dwelling additions to align with the existing eastern side setback of the wall of the existing dwelling.

An assessment against the deferral request and relevant elements of NTPS 2020 is provided below:

Increasing the primary street setback of the ground floor dwelling additions to a minimum of 4.5 metres

The Authority notes that the primary street frontage setbacks of the proposed ground-floor garage and first-floor dwelling additions have been increased to a minimum of 4.5m, however, the garage roof, the first-floor eave, and privacy slat screen are setback at 3.64m, 3.6m, and 3.75m respectively.

Increasing the eastern side setback of the dwelling additions to align with the existing eastern side setback of the wall of the existing dwelling

The eastern side setbacks have been increased from 0m to a minimum of 1.42m (associated with garage structural column only) which aligns with the existing dwelling side setback. Except for the 1.42m setback for the garage supporting column, the rest of the proposed dwelling additions have a minimum eastern side setback of more than 1.5m, which complies with the minimum requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and would not require consent.

- 3. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NTPS2020 applies to the land and additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries requires consent under Clause 1.8 (When development consent is required). The Authority noted it is identified as Merit Assessable under Clause 1.8(1)(b)(ii)(2); therefore, pursuant to Clause 1.10(2), the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements, need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

- 4. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - a. The purpose and administration clauses of the requirement; and
 - b. The considerations listed under Clause 1.10(3) or 1.10(4).

Darwin DCA Meeting No 462 – Friday 21 August 2026

In response to clause 1.10(5)(b), the considerations listed under Clause 1.10(3) do not apply to this application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and pursuant to Clause 1.10(2), the consent authority is required only to consider the requirements in Part 5 that are not complied with for such applications.

In response to clause 1.10(5)(a), a variation to this clause is appropriate in this instance because:

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of Clause 5.4.3 is to ensure that residential buildings and ancillary structures are located in a manner that:

- a. is compatible with the streetscape and surrounding development including residential buildings on the same site;
- b. minimises adverse effects of building massing when viewed from adjoining land and the street;
- c. avoids undue overlooking of adjoining properties; and
- d. facilitates breeze penetration through and between buildings.

The proposal does not comply with the prescribed setbacks outlined in subclause 6, as follows:

Primary Street (Cullen Bay Crescent):

- Gatehouse and Roof – 0.5m (6m Required)
- Garage and First Floor – 4.5m (6m Required)
- Garage Roof – 3.64m (5.1m Required)
- First Floor Roof – 3.6m (5.1m Required)
- First Floor Privacy Slat Screen – 3.75m (5.1m Required)

Eastern Side:

- Garage Structural Column – 1.42m (1.5m Required)

Western Side:

- Outdoor Kitchen and Bathroom Roof – 0.2m (0.6m Required)

The Authority noted in its Notice of Deferral dated 18 May 2026 that the site was previously able to access site specific setbacks through the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000 by the Development Consent Authority, however, this policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007. A number of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy. If this proposal were to be assessed under the previous policy it would be largely compliant with the setback requirements, except for a small encroachment of the garage roof into the 1.5m primary street setback, and the 1.5m western side setback, where 3m was required. Notwithstanding the Authority noted that the proposed development requires consideration under the current setback provisions.

Administratively, subclause 3 specifies that *the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The Authority considers each these matters below:

- (a) *Is compatible with the streetscape and surrounding development including residential buildings on the same site*

Alterations and additions to an existing single dwelling are a typical form of development within Zone LR. The immediate locality is generally characterised by development that complies with the primary street frontage setback requirements, with limited instances of reduced setbacks.

The proposed 4.5m setback to the garage and first-floor dwelling is considered compatible with the existing streetscape. The reduced setback applies to only approximately 5.7m of the 19.54m primary street frontage (29.17%) which limits its visual impact. The roofs and privacy slat screen extend up to 0.9m into the 4.5m setback but are lightweight elements that do not contribute significantly to building bulk. The gatehouse is also minor in scale and consistent with similar structures along primary street frontages within the surrounding Zone LR development.

The eastern side setback non-compliance is limited to a minor garage supporting column, with the remainder of the development complying with the required eastern side setback. The proposed non-compliant element represents a minor encroachment of 80mm into the required 1.5m side setback, which will not be visible from the streetscape or adjoining properties due to the extent of boundary fencing. The western side non-compliance relates only to the kitchen and bathroom roof, while the ground floor additions are modest in height and scale and sufficiently setback from the primary street frontage.

Overall, the non-compliances are limited in extent and predominantly relate to minor or ancillary elements. The Authority considers that the proposal will not adversely affect the established streetscape.

- (b) *Minimises adverse effects of building massing when viewed from adjoining land and the street*

The proposed development incorporates a varied building form through the combination of the two-storey dwelling, gatehouse, patio and decks, together with varying setbacks and roof forms. These elements break up the overall building mass and avoid a continuous built form, providing visual articulation and reducing the perceived bulk of the development when viewed from the street and adjoining properties.

The proposed ground floor dwelling additions along the western side boundary are open-sided and integrate with the compliant elements of the proposed first floor dwelling additions reducing any visual bulk.

The proposed gatehouse incorporates a recessed entry from primary street boundary which provides articulation and reduces building massing when viewed from the streetscape. In addition, the proposed gatehouse is small in scale and the open-sided nature of the roof ensures the structure is lightweight and unlikely to have any significant impact on building massing when viewed from adjoining properties or the street.

(c) Avoids undue overlooking of adjoining properties

The Authority notes the proposal incorporates measures to minimise overlooking of adjoining properties. At ground level, a blockwork fence is proposed along the boundaries. At the first level, whilst all elements have compliant side boundary setbacks, it is noted that no windows are proposed along the western elevation and aluminium louvres to the eastern-facing openings restrict direct views towards adjoining land while allowing natural light and ventilation.

(d) Facilitates breeze penetration through and between buildings

Approximately 1.5m eastern side setback is proposed for the development in accordance with the existing dwelling at the northern portion of the site, allowing for improved airflow around the building and supporting natural ventilation. The proposed garage is an open-sided structure, which allows for the movement of air through the garage area rather than creating a continuous built form. In addition, the proposed patio and decks provide open and semi-open areas around the dwelling, supporting airflow through and around the development.

For the reasons above, the Authority considers the proposed development is appropriate to the site with regard to its location, scale and impact on adjoining properties.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application was placed on public exhibition for a period of 2 weeks, between 27 March 2025 and 10 April 2026. One public submission was received under section 49(1) of the *Planning Act 1999* (the Act) and one submission was received outside of the exhibition period stated above. Pursuant to section 51(1)(t) of the Act, which relates to other matters the consent authority thinks fit, the 'late submission' is considered relevant. The NTCAT decision of Association of Islamic Da'Wah in Australia Inc v Development Consent Authority [2019] NTCAT 14, in considering the status of a late submission, confirmed that section 51(t) of the Act allows the consent

authority to take into account such a submission. The Authority considers the matters raised in the late submission to be relevant this application.

The main concerns raised by the submitters in their submissions and expressed at the meeting held on the 8 May 2026 are:

- Cullen Bay is a low-density residential suburb, with appeal and ongoing viability as a result of the estate plan.
- The proposed site is located within a constrained cul-de-sac where traffic and parking are already significant issues.
- The proposal adds multiple bedrooms and structures, increasing the dwelling capacity well beyond typical standards in the area.
- The proposed plot ratio significantly exceeds the prevailing plot ratio within the area.
- The design enables a separate habitable dwelling, suggesting dual occupancy rather than a single dwelling. The development should be classified as a dwelling-group, which does not meet the planning provisions.
- The proposal fails to demonstrate compliance with fire safety requirements for the solar battery system under Australian Standard 5139.
- The interpretation of height controls within the application is considered incorrect.
- The parking provisions are inadequate given the number of residents and existing vehicle usage. Existing on-site and overflow parking conditions already exceed capacity and will worsen with the proposal.
- The proposed landscaping will not mitigate the visual impact of a large, dominant structure at the street frontage.
- The building design will obstruct established views and disrupt the open streetscape.
- The proposal is inconsistent with setback requirements and is not compatible with surrounding development.
- The development would result in unreasonable impacts on neighbouring properties, including reduced amenity and airflow.
- The proposal significantly undermines the established private open space character of Cullen Bay.
- Consent from a former neighbouring owner carries little weight and may not reflect current ownership views.
- The approval process by the Cullen Bay Management Corporation and Committee involved conflict of interest and procedural issues. The Committee's decision is argued to be unfair and unreasonable under relevant regulations.
- The development is inconsistent with the planning scheme and long-standing design standards of the area.
- The building's scale and form will negatively affect streetscape character and nearby property values.
- Approval of the proposal could set a harmful precedent for similar overdevelopment in the future.
- The applicant has alternative options within existing planning controls without requiring excessive development concessions.
- The proposal is based on a temporary living situation, not long-term planning merit, and may lead to overuse of the site.

Darwin DCA Meeting No 462 – Friday 21 August 2026

- The Cullen Bay Management Authority (CBMA) Policy 3 is not part of the NTPS 2020, and therefore carries no statutory weight compared to the current planning scheme.
- It would be poor planning practice to allow a building to encroach into setbacks just to support a private redesign to turn the existing parking space into a hobby area, especially when it negatively affects the streetscape.
- The design may enable additional informal living spaces and function more like a boarding house than a single dwelling.
- The proposed parking is insufficient considering the level of occupancy.
- Private agreements do not replace compliance, and the proposal is seen as contrary to broader public interest.

The Authority took all comments into account and carefully considered the concerns of the submitters. The Authority also took into account the response provided by the applicant regarding submitters concerns expressed at the meeting held on 8 May 2026.

The matters raised in the submissions contributed to the Authority's decision to defer the application in order to obtain further information addressing, the relevant considerations identified by submitters, as well as the concerns of the DCA in relation to the requirements of the NTPS 2020 and the *Planning Act 1999*.

The applicant's response to the points of deferral was circulated to all public submitters. Additional concerns were raised by Eric Withnall on behalf of Gordon Withnall and Vivienne Withnall in relation to the following:

- The amended design is not substantially different from the original proposal in terms of impact on streetscape. The proposed development remains concentrated along the street-facing side of the site, with a central open area that is largely not visible from the street. The submitter considers that the proposed development is not compatible with the existing streetscape and would reduce the openness and visual amenity provided by the existing private open space along the street.
- The proposed garage has been reduced in size to provide 2 car parking spaces instead of 4. Under Clause 5.2.4 of the NTPS 2020, 4 car parking spaces are considered to be required based on the proposed dwelling and additional bedrooms. The submitter considers that the amended proposal therefore does not provide the required minimum number of car parking spaces.

In addition, the Authority heard from Mr Kirlew who was present at the meeting on 21 August 2026.

Mr Kirlew raised concerns with the extent of variations granted and did not consider the proposed built form to reflect the established streetscape. Mr Kirlew posited there is a direct relationship between a number of people in a building, and how many cars they have, and raised concerns that the proposed development cannot accommodate all cars without impacting on the street. Mr Kirlew noted that when vehicles park on the nature strip, there is risk of

Darwin DCA Meeting No 462 – Friday 21 August 2026

collision and waste management issues. Mr Kirlew highlighted that the Authority have a track record of approving these variations and that the community is wearing the consequences.

The Chair highlighted that the NTPS2020 prescribes a minimum of 2 car parking spaces for a dwelling-single and minimum building setbacks, however there is no minimum site coverage requirements.

The Authority noted in its Notice of Deferral dated 18 May 2026 that there is no requirement under the NTPS 2020 or the *Planning Act 1999* limiting the number of bedrooms that a dwelling-single can contain. The approval sought in this case is for additions to a single dwelling and any approval relates to that use. If there is a subsequent change of use which is not permitted by the permit or is otherwise not permitted by the Act or Scheme, this is a matter for planning enforcement to determine. The Chair acknowledged that the applicant has advised the proposed development will be used as a dwelling-single and the Authority must take this on face value.

Detailed consideration of the proposed setbacks and compatibility with the streetscape, impacts of building massing, overlooking and breeze penetration impacts are provided at section 4 of these reasons.

In relation to traffic and parking impacts, the proposal complies with Clause 5.2.4.1 (Car Parking Spaces) of the NTPS 2020, which requires a minimum of 2 on-site car parking spaces

In relation to building height, Clause 5.2.1 (General Height Control) under the NTPS 2020 permits development to a maximum height of two storeys, not exceeding 8.5m. The proposed additions to the existing dwelling-single result in a two-storey building with a maximum height of 6.287m, thereby complying with the clause.

In relation to views, it is noted that there are no planning requirements that require the protection or sharing of views pursuant to the NTPS 2020 or the *Planning Act 1999*.

Concerns raised regarding the solar battery system are not planning matters for consideration under the Act and are outside the scope of the application

Matters regarding the Cullen Bay Marina Act, categorisation as dwelling-single and precedent were addressed by the Authority in its Notice of Deferral dated 18 May 2026.

Detailed consideration of land capacity is addressed at section 6 of these reasons.

Darwin DCA Meeting No 462 – Friday 21 August 2026

6. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is capable of supporting the proposed development. The site is generally flat, not identified as being subject to flooding or storm surges, and located outside the Australian Noise Exposure Forecast 2042 20-unit contour. In addition, the site is connected to reticulated power, water and sewerage, and the application was circulated to the relevant authorities, and the comments received have been addressed through conditions and notes on the development permit.

Additionally, the Development Coordination Branch of Department of Lands, Planning and Environment (DLPE) (who coordinate responses from all relevant internal divisions DLPE) did not identify or raise any issues in relation to land capability.

7. Pursuant to Section 51(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The impact on amenity should be considered in the context of the site and its surrounds. The application is for a dwelling-single in a locality zoned for low density residential land uses. As a dwelling-single is ordinarily a *Permitted* land use, this application is not considered likely to unreasonably detract from the existing or future amenity in the area. Detailed consideration of the proposed setbacks and compatibility with the streetscape, impacts of building massing, overlooking and breeze penetration impacts are provided at section 4 of this recommendation.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2026/0240
SUBJECT SITE
APPLICANT**

**ADDITION OF DWELLING-GROUP (2 X 3 BEDROOM) IN 1 X 2 STOREY
BUILDING TO AN EXISTING DWELLING-GROUP DEVELOPMENT
LOT 1814 (6) STOKES STREET, PARAP, TOWN OF DARWIN
ONE PLANNING CONSULT**

Applicant: Israel Tshepo Kgosiemang (One Planning Consult) and landowner Mathew O'Brien attended.

Submitter: Rory Mackay (on behalf of the Body Corporate for 4 Mackillop Street, Parap) attended.

**RESOLVED
52/26**

That, the Development Consent Authority vary the requirements of Clauses 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), and 5.4.17 (Building Articulation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent

Darwin DCA Meeting No 462 – Friday 21 August 2026

to the application to develop Lot 1814 (6) Stokes St, Parap, Town of Darwin for the purpose of addition of dwelling-group (2 x 3 bedroom) in 1 x 2 storey building to an existing dwelling-group development, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and generally in accordance with the overall site plan prepared except that the plan must show:
 - (a) compliance with subclause 3, 4 and 5 of Clause 5.2.6.1 (Landscaping in Zones other than Zone CB) of the Northern Territory Planning Scheme (NTPS2020).
 - (b) a survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - (c) details of surface finishes of pathways and driveways.
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - (e) landscaping and planting within all open areas of the site.
 - (f) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), in-principle approval is required for the encroachment of the driveway over the existing sewerage easement to the requirement of the Power and Water Corporation, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
4. Prior to commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system

Darwin DCA Meeting No 462 – Friday 21 August 2026

6. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.
7. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Guidelines must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notations 1, 2 and 3 for further information.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
13. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
15. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road to the requirements of the City of Darwin, to the satisfaction of the consent authority.

Darwin DCA Meeting No 462 – Friday 21 August 2026

16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
18. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
19. The private open space areas of each dwelling shall be screened on each boundary by:
 - (a) the erection of a solid wall or screen fence not less than 1.8 metres high; or
 - (b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
20. Before the use of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
21. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
22. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
23. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

Darwin DCA Meeting No 462 – Friday 21 August 2026

25. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
26. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit+ www.infrastructure.gov.au/tind+
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
4. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
5. The proposal includes works within the City of Darwin road reserve. All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. City of Darwin

Darwin DCA Meeting No 462 – Friday 21 August 2026

requires that the applicant obtains all necessary approvals before commencing any construction in the road reserve.

6. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
7. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 "Protection of Trees on Development Sites". Copies of AS 4970-2009 "Protection of Trees on Development Sites" can be obtained from the Australian Standards website.
8. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
9. Any proposed works which fall within the scope of the Construction Industry *Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
10. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 or surveylandrecords@nt.gov.au.

REASONS FOR THE DECISION

1. The application seeks consent for a dwelling-group (2 x 3 bedroom) in 1 x 2 storey building to an existing dwelling-group development at Lot 1814 (6) Stokes Street, Parap, Town of Darwin (the site).

The site is located in Zone LMR (Low-Medium Density Residential) of the Northern Territory Planning Scheme 2020 (NTPS2020) and is located in an established residential area of Parap. The site has an area of 1450m², is rectangular in shape and generally flat.

The Authority notes the proposed development involves the removal of the existing dwelling on the southern portion of the site and construction of 2 additional 3-bedroom dwellings (Units 1 and 2), in addition to existing 3 dwellings (Units 3 to 5) located on the northern portion of the site.

At the meeting, the applicant, Mr Israel Tshepo Kgosiemang (One Planning Consult) advised that a variation to the residential density requirement of one dwelling per 300m² is required. The applicant noted that an agreement had been reached with Power and Water Corporation regarding the necessary power infrastructure upgrades, which have since been completed. The applicant further advised that comments received from Power and Water Corporation, including both Power and Water Services, confirm that the site has sufficient servicing capacity to support the proposed development

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NTPS2020 applies to the land and addition of dwelling-group (2 x 3 bedroom) in 1 x 2 storey building to an existing dwelling-group development requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(1)(b)(i), therefore, zone purpose and outcomes of Clause 4.3 (Zone LMR – Low-Medium Density Residential), and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.4 (Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development), 5.4.6 (Private Open Space), 5.4.8 (Residential Building Design), and 5.4.17 (Building Articulation), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clauses 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), and 5.4.17 (Building Articulation).

3. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
- (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

In response to sub-clause (b), the considerations listed under Clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS 2020, except for the noncompliance as identified below.

In response to sub-clause (a), consideration of the purpose and administration clauses of each relevant requirement is provided below.

Clause 5.4.1 (Residential Density)

The purpose of this clause is to *'ensure that the development of residential buildings:*

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;*
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and*
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations'.*

The proposed addition of dwelling-group (2 x 3 bedroom) to the existing dwelling-group development results in 5 x 3 bedroom dwellings overall on the site and is subject to a density requirement of 1 dwelling per 300m² under this clause. For 5 dwellings, a minimum site area of 1500m² would therefore be required. As the site has an area of 1450m², the proposal results in a shortfall of 50m², equivalent to 10m² per dwelling, which does not comply with subclause 2.

Subclause 1 provides that *'the consent authority may consent to a development that is not in accordance with subclause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property'.*

The proposed variation to the residential density is consistent with the purpose of the clause, Zone LMR purpose and outcomes and appropriate to the site, for the following reasons:

- (a) *is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;*

The application proposes a dwelling density of 290m² per dwelling which is considered a minor reduction of 10m² or 3.3% of the 300m² requirement per dwelling. The proposed dwelling density is considered compatible with the adjoining dwelling-group which comprises 5 dwellings, and has a dwelling density of 306m per dwelling.

The Authority notes the site located in Zone LMR where the purpose of the zone is to *'provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available'*. The proposed development provides low-rise residential accommodation comprising 5 three-bedroom dwellings within an established residential area. The increased residential density contributes to the provision of additional housing to accommodate Darwin's growing population, particularly within established urban areas where existing infrastructure, services and community facilities are available. The development contributes to the residential character of the locality through an appropriately designed built form, with setbacks, landscaping and site layout that respond to the streetscape and maintain residential amenity.

- (b) *is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and*

Standard conditions to address servicing requirements of service authorities is applied to the permit. The Authority notes that no concerns have been raised by the relevant service authorities, except in relation to the proposed driveway over an existing sewerage easement, which has been addressed through a condition precedent requiring the necessary approval or amendment prior to endorsement of plans. The proposal is therefore considered compatible with the existing provision of infrastructure and community facilities serving the area.

- (c) *is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.*

The site is connected to established reticulated services, including water, sewerage, electricity and telecommunication networks. In addition, the site is flat, not affected by the Australian Nosie Exposure Forecast (ANEF) 20-unit value or greater contour line and outside areas of identified flooding or storm surge.

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of this clause is to *'ensure that residential buildings and ancillary structures are located in a manner that:*

- (a) *is compatible with the streetscape and surrounding development*

- including residential buildings on the same site;*
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) avoids undue overlooking of adjoining properties; and*
- (d) facilitates breeze penetration through and between building’.*

The proposed variations to subclause 8 include a 4.5m setback from the verandah blade wall of Unit 1 to the primary street (Stokes Street) frontage boundary, where 6m is required, and a 4.1m setback to the relevant roof, where 5.1m is required.

Subclause 3 provides that ‘*the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property*’.

The proposed variation to the primary street boundary setbacks are acceptable for the following reasons:

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;*

The proposed verandah blade wall is a minor structure and is unlikely to result in a significant visual impact on the streetscape. Although the blade wall is setback 4.5m from the primary street frontage boundary and falls short of the 6m setback, the verandah achieves the minimum 4.5m setback, while the roof is setback 4.1m and would achieve the applicable 3.6m setback in the absence of the blade wall. The proposed setback is therefore considered compatible with the streetscape and surrounding development.

- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;*

The blade wall encroachment is limited to 0.19m in width and 1.5m in length and is unlikely to materially contribute to building bulk or massing of the proposed three-bedroom duplex development.

- (c) avoids undue overlooking of adjoining properties; and*

The blade wall is unlikely to result in unreasonable overlooking. Screening fencing and dense landscaping are proposed along the street boundaries, providing visual separation between the dwellings and the public domain.

- (d) facilitates breeze penetration through and between building*

Given the open nature and modest scale of the blade wall structure, it is unlikely to form a barrier to airflow through the development or between adjoining properties. Impacts on breeze penetration to neighbouring properties are therefore expected to be minimal.

For the reasons above, the Authority considers the proposed development is appropriate to the site with regard to its location, scale and impact on adjoining properties.

Clause 5.4.17 (Building Articulation)

The purpose of this clause is to *'ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design'*.

The northern wall of Unit 2 is 17.19m in length, with a recess of 0.55m by 3.84m, which does not comply with the required minimum of 1m by 1m under subclause 4.

Subclause 2 provides that *'the consent authority may consent to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause'*.

The proposed variation is considered consistent with the purpose of the clause. While the northern wall of Unit 2 does not provide the required 1m by 1m recess, the 0.55m deep recess over 3.84m provides appropriate articulation to the otherwise continuous wall. A 1.8m high good neighbour fence is proposed between Unit 2 and Unit 3, providing visual screening and further reducing the perception of building mass and bulk when viewed from the northern property. The proposed building layout and openings provide opportunities for natural ventilation, and the variation is therefore unlikely to materially compromise cross-ventilation or the intended outcome of the clause.

In addition to the above, Authority considered that further discussion of Clause 5.2.6.1 (Landscaping in Zones other than Zone CB) is warranted.

5.2.6.1 Landscaping in Zones other than Zone CB

The purpose of the clause is *Encourage landscaping that enhances local amenity by:*

- a) contributing to safe and attractive public spaces and places;*
- b) responding to the local climate and soil characteristics;*
- c) supporting cooler internal and outdoor areas; and*
- d) recognising the value of retaining existing plants and trees.*

Subclause 5 states *Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.*

At the meeting, the Chair noted that most of the area identified as landscaping was contained within private open space areas, and asked the applicant to confirm if the minimum landscaping area requirement had been met.

Darwin DCA Meeting No 462 – Friday 21 August 2026

The applicant advised they were willing to clarify this via amended landscape plans to show that a minimum of 30% landscaping was provided across the site.

To ensure the minimum landscaping area has been provided, the Authority has applied a condition precedent to the permit requiring, prior to endorsement of plans, that a landscape plan be prepared to demonstrate compliance with subclause 3, 4 and 5 of clause 5.2.6.1 (Landscaping in Zones other than Zone CB) of the NTPS2020.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application was placed on public exhibition for a period of two weeks between 17 and 31 July 2026. One (1) public submission, from the Body Corporate of the adjoining property at 4 Mackillop Street, was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The submitters concerns are noted and summarised as follows:

- Residential density – noted the non-compliance with clause 5.4.1 and questioned whether the proposed density is compatible with surrounding development and the capacity of existing infrastructure, noting the infrastructure upgrades undertaken for the recently completed triplex development. Confirmation was requested regarding the capacity of the existing electricity and telecommunications infrastructure and whether further upgrades would be required.
- Street frontage fencing – concerned that the proposed fence would not be visually permeable, noting the endorsed plans for the recently constructed triplex identified the fencing is permeable, however, the fence that was constructed was solid fencing. The submitter considered that solid fencing may adversely affect visual outlook, passive surveillance, ventilation and noise conditions within the locality.
- On-site car parking – noted that the 5.2m wide carports may actually have an effective width of approximately 4.75m due to the location of air-conditioning condensers, this in turn may limit the ability to accommodate car parking spaces, and increase reliance on on-street parking in an area where parking demand is already high.

In addition to the written submission, the Authority heard from Mr Rory Mackay who was present at the meeting on 21 August 2026.

Mr Mackay highlighted that upgrades to existing power services had been required as part of the original dwelling-group development, and that this had resulted in part of their driveway being replaced. Mr Mackay noted that Power and Water Corporation (Power) comments raised no objections and that he understood no further upgrades to power would be required.

Mr Mackay raised that the existing colorbond fence along Mackillop Street should be continued along the proposed development, rather than a 1.8m high screen fence, as this would ensure the overall development presents consistently to the streetscape. The landowner, Mr Mathew O'Brien, advised that he is willing to continue the solid colorbond fence presentation to the streetscape.

Mr Mackay confirmed he was satisfied that the A/C condenser units are raised, so that 2 car parking space width can be achieved in the carport. Mr Mackay noted that the availability of on street car parking is limited in the area.

The Authority notes that matters relating to residential density are considered at section 3 of these reasons.

In relation to the existing fencing along Mackillop Street, the Authority notes that while the endorsed drawings under DP2025/0088 (the development permit for the original dwelling-group development) show a 1.8m high batten fence, there is also a general condition that requires private open space to be screened to at least 1.8m high either by the erection of a solid wall or screen fence, or fenced and planted with dense vegetation. As such, the Authority notes that the existing colorbond fencing along Mackillop Street complies with the conditions of DP2025/0088.

The Authority notes that the air conditioner units are raised above ground level, and are not expected to impact on the functionality of the car parking spaces.

5. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site is connected to established reticulated services, including water, sewerage, electricity and telecommunication networks. In addition, the site is flat, not affected by the Australian National Exposure Forecast (ANEF) 20-unit value or greater contour line and outside areas of identified flooding or storm surge.

Additionally, the Development Coordination Branch of Department of Lands, Planning and Environment (DLPE) (who coordinate responses from all relevant internal divisions DLPE) did not identify or raise any issues in relation to land capability.

6. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those

Darwin DCA Meeting No 462 – Friday 21 August 2026

facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by recommended conditions and / or notations on the development permit.

Power and Water Corporation (Water Services) identified a proposed encroachment over an existing easement in the form of a driveway with no description of material. A condition precedent is applied to the permit requiring prior to endorsement of plans that the applicant obtain approval from Power and Water Corporation (Water Services) for the proposed encroachment. In addition, the City of Darwin requested a condition requiring prior approval for the removal of street trees, which has not been applied, as the protection and management of street trees located outside the site are not directly related to the development under assessment. The standard crossover condition enables the City of Darwin to ensure that any crossover works are undertaken in accordance with its requirements.

7. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Amenity is defined in the Planning Act 1999 as in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

Amenity should be considered in the context of the site and its surrounds, along with applicable planning controls.

The proposed built form is largely consistent with the character of the surrounding area, which includes other dwelling-group developments of a similar density and scale. The proposed development supports the purpose and relevant zone outcomes of Zone LMR as it will increase low rise housing options on a site connected to reticulated services with the internal private open space and landscaped setback to each frontage contributing to residential amenity and the streetscape. The proposed development further provides residential amenity through provision of compliant building setbacks, private open space and car parking.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair
27 August 2026