DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION

NORTHERN TERRITORY PLANNING SCHEME

AGENDA ITEM: 1 **MEETING DATE**: 21/08/2026 **FILE:** PA2026/0031

APPLICATION PURPOSE:	**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
ZONE:	CB (Central Business)
SITE AREA:	944 m^2
APPLICANT	Sheridan Consulting – Director Joseph Sheridan
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Ashford Architects – Director Randal Ashford Dalmer Pty Ltd – Director Lita Astralita Connolly
LANDOWNER	
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. BACKGROUND

The 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin was first heard by the Authority on 10 April 2026 where consideration was deferred to allow the applicant to provide further information on the following matters:

1. 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.

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.

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.

A copy of the deferral letter is provided at **Bookmark A**.

On 18 July 2026, the applicant provided further information and amended plans to address the points of deferral identified above. The deferral response is provided at **Bookmark B**.

A copy of the previous Development Assessment Services (DAS) report to the Development Consent Authority (the Authority) is provided at **Bookmark C**, which includes all the public submission and service authority comments received, and the plans previously considered at the 10 April 2026 meeting, as well as an assessment against all relevant NT Planning Scheme (NTPS2020) clauses.

The applicant's response to the deferral points was circulated to the public submitter and service authorities. One additional comment has been received from the submitter. This additional comment is provided at **Bookmark D**.

The intent of this report is to summarise the additional information received and to address any new or outstanding issues. For general information regarding the proposed development, including an assessment against the provisions of section 51 of the *Planning Act 1999*, the public submissions received and the full set of development plans, please refer to the previous Development Assessment Services (DAS) reports to the Authority at Bookmark G.

A revised technical assessment of the amended proposal is provided at **Bookmark E.**

2. ASSESSMENT SYNOPSIS

The further information and amended plans respond to the matters of deferral and it is recommended that the consent authority approve the application subject to conditions on the development permit as detailed in section 6 of this report.

3. CURRENT SITUATION

A summary of the applicant's response to the deferral points is provided below, with the applicant's full response to each deferral point is provided at **Bookmark B**.

1. *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).*

The site is 944 m^2 and therefore requires 141.6 m^2 of communal open space, where the amended plans show that 164.99 m^2 (17.48%) is proposed. The communal open space is shown as providing 2 BBQ facilities, outdoor seating, space for pool tables/table tennis, and a gym room.

In addition, the Level 2 studio dwelling will now have access to a small balcony (6.8 m^2), where no balcony was originally proposed.

An assessment of the proposed development against the requirements of the Table to Clause 5.4.6: Minimum Areas of Private Open Space is provided below.

Apartment Type (and number)	Dimensions (approx.)	Area (as listed on plans)	Complies	Location (number of dwellings)
U1 to U3	Patio – 3.2 m x 2.3 m Terrace – 6 m x 4.4 m	Total area – 41 m^2	Yes	Level 2
U4	Patio – 3.2 m x 2.3 m Terrace – 5.8 m x 4.4 m	Total Area – 41 m^2	Yes	
U5	Balcony – 4 m x 1.7 m	6.8 m^2	No	
U1	Balcony –2.4 m x 3.2 m	11 m^2	No	Levels 3 to 9 (7 instances of each unit typology)
U2	Balcony –2.4 m x 3.2 m	11 m^2	No	
U3	Balcony –2.4 m x 3.2 m	11 m^2	No	
U4	Balcony –2.4 m x 3.2 m	11 m^2	No	
U5	Balcony – 4 m x 1.7 m	6.8 m^2	No	
U6	Balcony – 3 m x 1.7 m	5.1 m^2	No	
U7	Balcony –5 m x 1.7 m	8.5 m^2	No	
U8	Balcony –3 m x 1.7 m	5.1 m^2	No	
U9	Balcony –3 m x 1.7 m	5.1 m^2	No	
U10	Balcony – 5.7 m x 1.7 m	9.69 m^2	No	

Red text denotes non-compliance with private open space area requirements

Administratively, subclause 2 states *The consent authority may consent to dwellings-multiple … that is not in accordance with sub-clauses 3-5 if 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.

As such, a variation to this clause is appropriate in this instance because:

- The dwellings are intended to 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 a high degree of communal open space (164.99 m^2 (17.48%) where 141.6 m^2 (10%) is ordinarily required) which provides recreational opportunities for visitors of the development to utilise as needed, enhancing the site's functionality.

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.*

Serviced apartments are required to provide bicycle parking facilities at a rate of 1 for every 3 dwellings. As 75 dwellings are proposed, 25 bicycle parking spaces are required. As the amended plans show that bikes racks capable of parking 25 bicycle parking spaces are proposed within a dedicated bicycle parking facility (BPF) at the site, this subclause is complied with.

In addition, the application identifies that 24 staff lockers will be provided within the ground level reception area. However, as the relevant subclause states *A locker should accompany every secure bicycle parking space provided*, this is still not compliant.

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….*

A variation to this clause is supported in this instance as there will likely be less than 24 staff members on-site at any given time, and that visitors will be reasonably able to store personal belongings in the their serviced apartment.

c) *Provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin.*

The amended plans show that in lieu of a dedicated drop off/pick up bay being provided within the Lindsay Street road reserve, that 2 short-term (15 minute limit) car parking spaces 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.*

This is considered acceptable at addressing the intention of this deferral point, as these 2 car parking spaces will be time limited and therefore reasonably allow for visitor pick up and dropp off via taxis or mini-busses to place in a convenient manner.

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.

The amended plans state that 'perforated pattern screen' will be provided at the interface of the central corridor with the south-western building line for levels 3 to 9. However, a laundry store is now proposed the north-eastern end of the central corridor, and may be of a nature which would impede any internal cross ventilation.

Notwithstanding, the amended plans now show 'high-set openable' windows, between the central corridor and several dwellings on each residential level, which will still allow for some internal cross-ventilation.

The Authority may wish to consider clarifying with the applicant the nature of the laundry store, and the impacts this may have on the interface of the central corridor with the north-eastern building line.

e) Any amendments required as a result of the clarification of the servicing activities for the proposed serviced apartments.

The amended plans show that a series of changes in relation to servicing elements of the development. These include:

- 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.
- Changes to nearby on-street parking to provide 2 short-term car parking spaces
- 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.*

Of note, the deferral response 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.*

While the application did not detail the expected functionality of the proposed 2 short-term car parking spaces on Lindsay Street, this element in considered acceptable, by virtue that the City of Darwin did raised concerns in relation to this element. It is noted that the deferral

response also indicates that the City of Darwin may have raised concerns that any bus loading bay may necessitate the removal of 2 on-street car parking spaces.

In summary, the applicant is considered to have adequately addressed the deferral points issued by the Authority.

4. SERVICE AUTHORITY COMMENTS

The original application was circulated to the service authorities and comments received were discussed in the original assessment report to the Authority (**Bookmark G**). The deferral response was circulated to service authorities on 20 July 2026, however, no additional comments were received. The previous comments provided on the original application are still considered to apply to the proposed changes.

Notwithstanding the above, on 9 July 2026, the City of Darwin advised their original comments omitted a request for a cash-in-lieu contribution for any parking shortfall, and subsequently requested that this element be considered by the Authority.

In addition, the applicant's deferral response included a letter from the City of Darwin. Of note, this letter stated *As discussed in our recent meeting, City of Darwin requests that the submission, review and approval of detailed drawings showing the two-bay 15 minute parking area be included as a Condition Precedent on any Development Permit issued for the development*.

DAS response: The application is found to have a revised shortfall of 4 car parking spaces, when taking into account the discretionary car parking reduction categories. A permit condition requiring a part or in-full contribution for the car parking shortfall at the site is not recommended for the following reasons:

- The shortfall of 4 car parking spaces is minor.
- The development is intended to cater for both tourists and business travellers, who may reasonably be less likely to require their own car parking space.
- The proximity of alternative modes of transport (i.e. public transport, walking and cycling).

This report recommends the inclusion of standard conditions precedent relating to the preparation of a traffic impact assessment, and in-principle approval for the site access. As such, it is considered that changes to the on-street car parking can be dealt with through these standard conditions precedent, which will be to the requirements of the City of Darwin.

5. PUBLIC SUBMISSION

The application was placed on public exhibition for a period of two weeks, between 6 and 20 February 2026. The applicant's response to the deferral points was circulated to the public submitter. One additional comment has been received from the submitter, from Mr Nick Kirlew on behalf of PLan: the Planning Action Network Inc.

Mr Nick Kirlew reiterated his objection to the application, and raised the following concerns in relation to private open space shortfalls, usage of the public street for traffic management

(short term pick up and drop off), poor dwelling ventilation, lack of on-site staff, and driveway non-compliances.

It is considered that planning matters raised in the submission are either acceptable in nature, or are addressed by the inclusion of permit conditions, as recommended at section 6 of this report.

6. RECOMMENDATION

That the Development Consent Authority 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 a 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 to the following conditions:

CONDITIONS PRECEDENT

1. 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 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.

2. 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, 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.

3. 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.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the awning to the Lindsay Street frontage 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), 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.

6. 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.

7. 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

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, 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.

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. 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.

13. 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.

14. 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.

15. 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.

16. If Council approval is obtained for in association with condition 4 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.

17. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin to the satisfaction of the consent authority.

18. 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.

19. 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.

20. 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.

    Car spaces, access lanes and driveways must be kept available for these purposes at all times.

21. 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.

22. 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.

23. 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 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).

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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

30. 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. 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.

7. REASONS FOR THE RECOMMENDATION

1. This application is in relation to a 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin (the site). The 944 m² lot is in Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS2020).

   The application proposes the following:

   - **Basement level 4**: Contains 11 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a ramp to level 3.

   - **Basement level 3**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 4, or a continuous ramp to basement level 2.

   - **Basement level 2**: Contains 9 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 1, or a continuous ramp to basement level 3. Minor water servicing is located at the end of a driveway here.

   - **Basement level 1**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 2, or a continuous ramp to the ground level.

   - **Ground level**: Contains the reception area (57 m^2), internal pedestrian lobby/access area (which provides access to 2 emergency stairwells, store/services room, elevator, and level 1 car parking area), dedicated bicycle parking facility, services (including a street-facing hydrant booster and internal indoor substation), and a single car parking space on the ramp to level 1. The primary street frontage is dominated by 2.8 m high windows and doors, and 6 m wide driveway (with roller door).

   - **Level 1**: Contains 11 car parking spaces, and an internal bin store/laundry store.

   - **Level 2**: Contains 4 x 2 bedroom dwellings, 1 x studio dwelling, and 164.99 m^2 of communal open space. The 4 dwellings have access to a 11 m^2 patio and 30 m^2 courtyard, with the studio dwelling having access to a 6.8 m^2 balcony. This level can be accessed by an emergency stairwell or elevator, and also contains a fire pump room, fire hydrant and communications/electrical supply closet.

   - **Levels 3 to 9**: Each level contains 5 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and one studio dwelling, which will be accessed by central corridor, which will be open at the south-western end. All dwellings contain their own balconies, which range in size from 5.1 m^2 to 11 m^2, and will contain AC units within this space (which are proposed to be screened). In addition, planter boxes are proposed along the balconies of all dwellings. These levels can be accessed by an emergency stairwell or elevator. The building has an overall height of 29.3 m above ground level (52.53 mAHD, excluding the minor lift overrun).

The building frontages from level 2 and upwards will generally comprise balconies and terraces for the entirety of the north-western (Lindsay Street) and south-eastern (rear) frontages, with the north-eastern and south-western (side) frontages comprising solid walls with alternating grey paintwork, and broken up through edges of the central breezeway.

Ground level and level 1 frontages will comprise active street frontage, driveway and servicing at the Lindsay Street frontage, and solid walls (associated with car parking and internal stairwells) along the remaining boundaries.

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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and a 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 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.

These clauses have been considered and it is found that the proposal complies with the relevant 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) 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 the south-western boundary however 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 through internal, high-set windows between the central corridor and adjacent dwellings.

DAS also note that if the adjoining property to the south-west were to be redeveloped, any future development would require setbacks or lightwells/voids in order to preserve this development's access to natural light and ventilation.

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).

3. 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 it has been found that the proposal complies with all relevant requirements of the NTPS2020, except for the non-compliant clauses as identified and discussed below.

   In response to clause 1.10(5)(a), variations to these clauses are appropriate in this instance because:

   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.

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*.

A variation to this subclause is acceptable because the layout of the car parking area will reasonably result in a slow speed environment, and that in the event that a vehicle exiting the ground level/level 1 car parking area encounters a car trying to access those levels, that by virtue these drivers will have direct visibility of one another directly or with the support of proposed convex safety mirrors, there will be ample opportunity for one of the vehicles to remain stationary while the other vehicle completes the manoeuvre through the instance of reduced driveway.

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 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*.

A variation to this subclause is acceptable in this instance because the plans show that 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.

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

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….*

A variation to this clause is supported in this instance as there will likely be less than 24 staff members on-site at any given time, and that visitors will be reasonably able to store personal belongings in the 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 m^2, 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 loungeroom) are 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 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.

As such, a variation to this clause is acceptable in this instance because:

- The dwellings are intended to 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 m^2 (17.48%) where 141.6 m^2 (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.

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 proposed variation to the building articulation requirements is acceptable in this instance because:

- While a lightwell/void is not proposed along the southern boundary, the existing residential development on the adjoining property to the south is well setback from the common boundary ensuring natural daylight and ventilation is provided to the proposed developments central corridor.
- The proposed wall will be finished in an alternating grey feature façade, along with the fenestration/coverings associated with the corridor, provides 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.*

A variation to this clause is acceptable in this instance because:

- 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.

In addition to the above, clause 5.5.15(13) requires that *Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate*, where it is unclear if the central corridor will be enclosed or open at the south-western property boundary, and also if windows are provided internally to the lightwell or central corridor.

To ensure compliance with clause 5.5.15(13), a condition precedent has been included requiring that windows (if proposed) along the south-western side of the central corridor be open to allow for adequate cross-ventilation. In addition, a condition precedent is included that requires that a window is provided to all bedrooms to ensure appropriate passive climate control measures, and that these windows need to designed to have no internal overlooking impacts (i.e. a sill height greater than 1. 8m) and not located along the side elevations.

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*.

A variation to this clause is acceptable in this instance because the extent of non-compliance relates to essentially 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*.

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.*

A variation to this clause is acceptable in this instance because 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, with that proposed being well integrated with the public domain.

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.*

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).* A review 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.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 19.91 car parking spaces, resulting 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 would still be an outstanding shortfall of 4 car parking spaces.

A subsequent variation to the required number of car parking spaces is acceptable for the following reasons:

- The remaining shortfall is minor.
- 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 reasonably impact on the surrounding road network and the amenity of the locality and adjoining property.

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 t*he 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 clauses 5.4.7 (Communal Open Space) is warranted. A discussion of this clause is provided below.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation*.

Clause 5.4.7(5) requires that *A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space*, where 17.48% (164.99 m^2) is proposed at Level 2. It is further notes that the communal open space is shown as providing 2 BBQ facilities, outdoor seating, space for pool tables/table tennis, and a gym room.

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 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlew, on behalf of PLan: the Planning Action Network Inc.

   Mr Kirlew, on behalf of PLan: the Planning Action Network Inc, objects to the application, and raised the following concerns:

   - Application seeks too many variations to modern planning scheme requirements
   - Inappropriateness of relying upon project economics to justify the development
   - Driveway won't 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.

   In response to the amended plans, Mr Kirlew reiterated previous concerns, and additionally raised concerns land suitability, and adverse amenity impacts to nearby residential developments. An assessment of the themes raised in the public submissions, and taking into consideration the applicant's response, is provided below.

   1. *The application seeks too many variations to the planning scheme than should be acceptable.*

   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.

   2. *Inappropriateness of relying upon project economics to justify the development.*

   There are no specific requirements within the *Planning Act 1999* or NTPS2020 that need to be considered in relation to the business or economic environment at the time an application is lodged

3. *Driveway won't be safe for future visitors, and will create a risk for nearby pedestrians and street function.*

The functionality of the proposed car parking layout has been considered at section 3 of these reasons.

4. *Lack of on-site end of trip facilities undermines the purpose of requiring these facilities, and overarching goals of improving active transport options.*

The functionality of the proposed car parking layout has been considered at section 3 of these reasons.

5. *Inappropriateness of relying upon the City of Darwin-managed Dragonfly Car Park for car parking and end of trip facilities.*

As demonstrated at the discussion of clauses 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) and 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre) within section 3 of these reasons, the Authority is able to have regard to alternative, including where publicly owned and/or managed, car parking or end of trip facilities.

6. *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.*

The quality and functionality of the private open spaces and communal open space has been considered at section 3 of these reasons.

7. *Poor built form outcomes in relation to variations being sought for podium height, setbacks, building articulation/visual massing, awning width.*

Variations in relation to these built form elements have been considered at section 3 of these reasons.

8. *Land Capability concerns.*

The capability of the land to support this development has been considered at section 5 of these reasons.

9. *Amenity impact concerns.*

Amenity impacts have been considered at section 6 of these reasons for recommendation.

For the reasons as discussed above, it is considered that planning matters raised in the submissions are either acceptable in nature, or are addressed by included permit conditions.

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 reticulated power, water and sewerage, and is reasonably 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.

   In addition, it is noted that 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.

6. 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 proposed 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 is considered to reasonably mitigate its adverse amenity impacts within the locality and on nearby residential land uses for the following reasons:

   - The 9-storey scale of the development is consistent with the intended character of the zone. The building will be well-articulated through a variety of measures such as landscaping along the front facings balconies, presence of balconies along the majority of the front and rear building façades, and alternating grey banding along the side building façades.
   - No dwellings directly overlook adjoining residential developments.
   - Balcony landscaping and high degree of active street frontage elements will create a visually interesting built form.
   - Additional accommodation in this locality will help improve activation of the street outside of standard business hours, thereby improving passive safety outcomes.

AUTHORISED:

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SENIOR PLANNER – URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES

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Mr Joseph Sheridan
Director
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PO Box 41936
Casuarina NT 0811

Via email: joe@sheridanconsulting.au

Dear Mr Sheridan

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

You are hereby advised that the Darwin Division of the Development Consent Authority, at its meeting on 10 April 2026 resolved, pursuant to section 46(4)(b) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of 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 to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. 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.
    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.

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.

REASONS FOR THE DECISION

1. This application seeks consent for 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 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).

   At the meeting, Mr Joe Sheridan (the applicant) summarised the application for the benefit of the Authority, and advised that, while the site has been undeveloped for 12 years, the landowner is actively looking to pursue its development. Mr Sheridan noted the extent of non-compliances being sought and further clarified that amendments were made to the application following comments from a member of the public, the City of Darwin, and service authorities. Mr Sheridan advised that while there are existing hotel/motel developments in the locality, that there is a demand for service apartments.

   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*, and hotel/motel as *premises primarily used for the short term accommodation of travellers. The use can include where ancillary … recreation facilities*.

   At the meeting, Ms Suzanne Philip (the Chair of the Authority) advised that if the proposed development were for a hotel/motel, then several key non-compliances with the NTPS2020, including those relating to the under provision of private open space, communal open space, and car parking would no longer be applicable or instead be compliant.

   Mr Sheridan acknowledged these non-compliances and told the Authority that the preference is for the proposed development to be serviced apartments for financial considerations and future operational requirements. Mr Sheridan advised that being able to develop the site for serviced apartments would improve the ability of the proponent to engage a dedicated serviced apartment operator to manage the development.

   To help demonstrate that this development would not be for longer term residential purposes, Mr Sheridan advised his client would be willing to accept a permit condition, if the application were to be approved, that prevents the dwellings from being unit titled. The Chair advised that this approach would not be preferred, as future decisions made by an Authority cannot be not fettered; nor is it appropriate to attempt to pre-empt the capacity or discretion of a future Authority.

   Ms Marion Guppy (a member of the Authority) queried Mr Sheridan on how the serviced apartments would be serviced, such as where any materials/supplies would be stored, and how laundry arrangements would be managed.

   Mr Sheridan advised that the intention is for a dedicated serviced apartment operator to be engaged, with it likely that external contractors provide cleaning and waste management services. Notwithstanding, Mr Sheridan advised that storage of equipment and materials could take place on site, for example, within the on-site reception or ground floor storage room.

   Ms Monica Baumgartner (a member of the Authority) also asked how domestic waste would be managed, with Mr Peter Pangquee (a member of the Authority) further querying how waste would be removed from site.

   The Chair also noted that no waste chutes are proposed, while Mr Pangquee commented that only 1 lift is proposed to service the development.

Mr Sheridan advised that waste management would be outsourced to a private waste management company, but that additional detail around the servicing arrangements could be provided.

Mr Sheridan further explained that in response to a substation being required by Power and Water Corporation, that the ground level/level 1 would need to be raised a further 300 mm, increasing the clearance for any waste management vehicles.

The Authority considers that clarification on the nature and scope of servicing activities for the proposed serviced apartments is required, including an indication of how the car parking area and drop off/pick up bay and any facilities on site (e.g. storeroom, linen cupboard etc) will be utilised for these servicing activities (deferral point 2). In addition, amended plans are required to reflect any changes as a result of this clarification (deferral point 1e).

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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and a 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 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 the assessment completed by Development Assessment Services (DAS), which found that the application complies with the relevant 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), 5.4.7 (Communal Open Space), 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 are discussed further below, where relevant to this deferral.

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

   Part 3 – Overlays

   The Authority notes that the site is not affected by any overlays.

   Part 4 – Zoning

   The Authority notes 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.

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), 5.4.7 (Communal Open Space), 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).

Key development requirements that were discussed include:

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.*

At the meeting, the Authority queried Mr Sheridan on how traffic would be managed, highlighting that serviced apartments will likely result in bus movements to collect or drop off visitors.

Mr Sheridan advised that there had been previous discussions with the City of Darwin (as part of the previous development permits) in relation to the conversion of existing on-street car parking into a loading bay/bus drop off space.

The Authority notes that the provision of a drop off/pick up bay would minimise potential adverse traffic impacts both internally within the site and on the surrounding road network. Furthermore, the Authority acknowledges that the development plans do not include any drop off or pick up bays internally within the site, however, there is a bay depicted along Lindsay Street which was discussed with the City of Darwin as part of previous development permits.

In the context of the above, the Authority considers that amended plans are required to provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin (deferral point one 1c).

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

The Authority notes that 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(2) requires that *All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number)* [where 25 are calculated as being required], where only 10 spaces (5 bike racks capable of securing 10 bikes) are proposed within a dedicated bicycle parking facility (BPF) at the site, located within the ground level car parking area.

In addition, clause 5.3.7(4) requires that *A locker should accompany every secure bicycle parking space provided* ..., where no lockers are proposed on-site.

At the meeting, Mr Peter Pangquee (a member of the Authority) queried Mr Sheridan on whether it would be possible for additional on-site bicycle parking to be provided, as well as lockers for staff.

Mr Sheridan advised that the bicycle parking facility could be redesigned to incorporate wall-mounted bicycle parking spaces, and that spaces for staff possessions could be provided with the on-site reception area.

The Authority notes that 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: i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause; ii. access to the alternative end of trip facilities is safe and convenient for users; iii. the alternative end of trip facilities are sheltered and secure; and iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or ….*

The Authority notes there is no on-site staff room capable of serving the same function as staff lockers. In addition, the Authority highlights that given there is a shortfall of car parking spaces on site (refer to further discussion below) it is not unreasonable to provide end of trip facilities as required by this clause.

The Authority considers that amended plans are required to demonstrate better compliance with clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) through the provision of locker facilities for staff, and increased number of bicycle parking spaces (deferral point 1b).

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.*

The Authority notes that 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 with balconies less than 12 m^2 (including one dwelling which has no balcony at all), and all of which have dimensions less than 2.8 m, and (b) there are 21 x 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 loungeroom) are separated from the balcony by the bedroom.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation*.

Clause 5.4.7(5) requires that A *minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space*, where 8.8% (83 m^2) is proposed within a sheltered pool area. It is noted the communal open space is considered to comprise only the pool area (excluding the presence of a central building support column in the middle), and not the storeroom, ablution/shower facility, or adjacent hallway.

In relation to the variations sought under clause 5.4.6.2 (Private open space for dwelling-multiple) and clause 5.4.7 (Communal Open Space), at the meeting the Chair noted the significant reductions sought and highlighted that this was not an appropriate outcome. The Chair queried whether the studio dwelling on level 2, that did not include any private open space, could be converted into a communal open space, such as a gym.

Mr Sheridan advised that while it may be possible to convert the studio dwelling to communal open space, that the development feasibility relies upon a certain number of dwellings. Mr Sheridan further advised that the studio dwelling was carried over from previous planning permits, which intended for it to be used by an on-site manager/caretaker.

Mr Sheridan advised the greatest reduction related to the private open space requirements for the studio and single bedroom dwellings. In addition, Mr Sheridan suggested that there may be potential for the communal open space to be extended towards the rear of the property and/or into the footprint of the fire pump room, to achieve compliance with the relevant requirement.

The Authority highlights that administratively subclause 1 of clause 5.4.6.2 requires that *The consent authority may consent to dwellings-multiple, other than dwellings-multiple comprising of serviced apartments in Zone TC, that is not in accordance with sub-clauses 3-5 if is satisfied the development is consistent with the purpose of this clause* and administratively subclause 3 of clause 5.4.7 requires that *The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters: (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development; (b) the development is in proximity to adequate public open space or sufficient amenities; and (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*

In this context, to ensure that the function of the dwellings are enhanced and adequate amenity is provided to future occupants, the Authority considers that amended plans are required to 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 (deferral point 1a). The Authority further notes that, in order to justify such a substantial reduction in private open space, it would expect that the communal open space proposed was generous in nature and included sufficient space and facilities to overcome the failure to comply with the bare minimum of private open space.

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 side boundary.

Noting the proximity of the south-western end of the corridor to the property boundary, and intention for this corridor to provide light and airflow to the dwelling accesses, the Authority consider amended plans are required to 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 (deferral point 1d).

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(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.

Mr Pangquee queried Mr Sheridan on whether the AC plant shown on the dwelling balconies will be screened. Mr Sheridan confirmed that the AC plant would be screened.

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.*

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).*

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 DarwinBus 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.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 19.91 car parking spaces, resulting 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 would still be an outstanding shortfall of 4 car parking spaces.

Notwithstanding the above, the Authority notes that were the proposed development to be a hotel/motel, only 35 car parking spaces would have been required (taking into consideration reduction categories 1(a) and 2(b)) and subsequently there would have been a 21 car parking space surplus.

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 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlew, on behalf of PLan: the Planning Action Network Inc.

   Mr Kirlew, on behalf of PLan: the Planning Action Network Inc, objected to the application, and raised the following concerns:

   - Application seeks too many variations to modern planning scheme requirements
   - Inappropriateness of relying upon project economics to justify the development
   - Driveway won't 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.

At the meeting, Mr Kirlew reiterated his concerns regarding the role of the community in consideration of development permit applications and considered that there is too much missing from the application for it to be approved. Mr Kirlew expressed disappointment that DAS continue to recommend applications with such a high degree of non-compliance for approval. Mr Kirlew emphasised that the proposed serviced apartments will likely be used for long term residential purposes and advised that this scenario has already happened in Darwin City, where there are now multiple units on a single power meter. Mr Kirlew queried if the Authority has the power to prevent the proponent from selling the units at a later date.

The Chair clarified that a development permit can prescribe that there is to be no strata titling, however, there is nothing to stop someone applying in the future. The Chair noted that there is limited scope to future proof developments, and that a determination of the Authority cannot fetter the ability or discretion of a future Authority.

Mr Kirlew highlighted that the Planning Act and the Planning Scheme put in clear boundaries for what must be considered when varying development requirements and emphasised that there were a high number of variations being sought. Mr Kirlew emphasised that the community want outdoor living spaces and suggested that a future visitor would prefer to park/leave a pushbike in a dedicated room in lieu of their own serviced apartment. Mr Kirlew also suggested that reducing the number of dwellings would reduce the number of variations being sought. Mr Kirlew noted that there is clearly a need for single room accommodation near the university.

Mr Kirlew additionally highlighted that this development may limit the development potential of the property to the south-west of the site, and queried whether those landowners should have been invited to this meeting.

The Chair noted that the property to the south-west of the site is developed, and that any re-development would need to take into account the existing conditions of the site at the time. The Chair further clarified that no submissions were received from the property to the south-west of the site.

Mr Kirlew advised the Authority that the community is disadvantaged, and that the residents of that development may not have been aware of this application. Mr Kirlew also noted that application did not indicate if there have been any communication with the nearby school.

Mr Kirlew tabled photos that show Montoro Court in Larrakeyah, a cul-de-sac, advising that the cul-de-sac is home to approximately 30 units. Mr Kirlew emphasised that the photos show the amount of overflow car parking that exists on the site as a result of a lack of off-street car parking. Mr Kirlew stated that Lindsay Street would be unable to cope with overflow car parking, and stressed that relying on the City of Darwin Dragonfly carpark is not appropriate, noting that it closes at night.

The Chair clarified that noting this restriction, the planning scheme does still allow the Dragonfly carpark to be taken into consideration by the Authority. The Chair further noted that while a car parking audit was completed over 10 years ago, there has been no know recent audit.

In response, Mr Kirlew advised that he still was not sure how visitors/staff will be using the carpark, raising a specific concern that vehicles entering the property will need to complete a reverse manoeuvre onto Lindsay Street in the even that another vehicle is attempting to exit the site.

Mr Kirlew also flagged that developments with such great reductions to private and communal open space will create a precedent for future applications, and that this specific application will adversely affect local character. The Chair noted that the NTPS2020 allows reductions in private open space to be considered where appropriate, particularly in cases where a development delivers high-quality communal open space as an alternative.

The Authority has taken all comments into account and carefully considered the concerns of the submitter. The matters raised by the submitter have contributed to the Authority's decision to defer the application in order to obtain further information addressing the relevant considerations identified by the submitter, as well as the concerns of the Authority in relation to the requirements of the NTPS2020 and the *Planning Act 1999*.

Pursuant to section 46(6) of the *Planning Act 1999*, information required in this correspondence is to be provided within 30 days of the receipt of this correspondence.

You may request the consent authority extend the time to provide the required information. A request must be made before the expiry of the period referred to in section 46(6) (i.e. within 30 days of receipt of this notice) and it must be made in writing to either address listed below:

Email: das.ntg@nt.gov.au
In person: First Floor, Energy House, 18-20 Cavenagh Street, Darwin
Post: Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680, Darwin NT 0801

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully

Madison Harvey

Digitally signed by Madison Harvey
Date: 2026.04.20 08:41:18 +09'30'

MADISON HARVEY
Delegate
20 April 2026

cc City of Darwin
Submitter

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

Sheridan Consulting
PO Box 41936
Casuarina 0811

18 July 2026

Dear Kaleb,

Via email: Kaleb.Thomas@nt.gov.au

cc: randal@ala.net.au

RE: – PA2026/0031: Response to Notice of Deferral

Lot 1462 Town of Darwin (4 Lindsay Street, Darwin CBD)

I refer to the above-mentioned Planning Application (PA2026/0031) for the purpose of 39 x 2-bedroom and 36 x 1-bedroom **serviced apartments** in a 9-storey building with two levels of basement car parking.

The application was considered by the Darwin Division of the Development Consent Authority (DCA) at its meeting on 10 April 2026. The report prepared by Development Assessment Services (DAS) recommended approval, however the DCA determined to defer the application and requested additional information be provided. The material herein provides a formal response to the Notice of Deferral issued by the DCA on 20 April 2026.

The following attachments are enclosed:

- **Attachment A** – Notice of Deferral
- **Attachment B** – Update Development Plans and Renders
- **Attachment C** – Council letter of support
- **Attachment D** – VTG Letter on waste management

Notice of Deferral items

1. *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 (NTPS 2020).

The plans provided at **Attachment B** demonstrate a compliant communal open space area that is approximately 165m^2 where approximately 141m^2 is required by NTPS clause 5.4.7. This has been achieved by extending the cantilevered Level 2 floor plate approximately 1.7m towards the rear/south-east boundary (SK4 refers) consistent with Levels 3-9.

The revised design includes the following:

- A dedicated gym for use by guests.
- Pool/billiards table & ping pong table.
- Multiple Barbecue facilities and tables.
- Landscaping.

In relation to sub-clause 5.4.7(6)(b), bedroom 2 in units 3 and 4 includes a high-set openable window. These windows are designed to promote breeze flow and cross-ventilation in response to Deferral point 1(d) (discussed below). The windows will be openable/lockable from inside each unit with glazing incorporated to mitigate the potential for noise intrusion from the nearby communal open space area. Use of the communal open space area will also be restricted to respectable hours.

As result of the extended floor plate, the absence of a private balcony for Unit 5 on Level 2 has also been rectified. While the balcony does not satisfy the minimum dimensions required by clause 5.4.6 (Private Open Space), it is consistent with the dimensions provided for Unit 5 on Levels 3-9.

Accordingly, the revised plans demonstrate compliance with clause 5.4.7 (Communal Open Space) and the deferral point has been addressed. The overall level of compliance with clause 5.4.6 (Private Open Space) has also been improved by virtue of the balcony for Unit 5 on Level 2.

(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.

The plans provided at **Attachment B** include a revised bike parking facility that can securely accommodate 25 individual bikes with dedicated lockers also provided in the reception area (SK1 refers). These will be made available for use by staff and guests alike.

(c) Provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin.

Extensive consultation with City of Darwin Council officers has been undertaken to address this Deferral point. It's understood that Council plans to undertake a wider review of its CBD parking stock, usage/demand drivers and projected needs as the city develops. This informed the basis of discussions about what an acceptable solution for both the proponent and Council may require.

While acknowledging the historically approved design for a taxi-min-bus drop off area, Council's preference is to change two (2) existing car parks from Zone B controls to two (2) short stay 15-minute bays. This solution supports several complimentary outcomes:

- It provides the proposed development with a dedicated pick-up drop off area immediately adjacent to the building entrance. This versatile arrangement can accommodate taxis, vans and other ride share providers. It also supports the DCA's objective to 'limit potential adverse traffic impacts both internally within the site and

on the surrounding road network.'

- The two 15-minute bays will be available for public use, including by the school directly opposite, neighboring commercial development and surrounding high-density residential buildings. It also provides an opportunity to supplement the school's existing 'Kiss & Go' area during pick-up and drop-off times while simultaneously supporting the overall functionality of Lindsay Street.
- Importantly, this arrangement satisfies Council's immediate hesitation regarding the potential loss of two (2) on-street bays prior to undertaking its wider review of CBD parking provision and future needs.

Accordingly, the plans provided at **Attachment B** show this arrangement with Council's letter of support provided at **Attachment C**. These plans have also been provided to Council prior to submitting the formal Deferral response (this document). Detailed design of this arrangement is expected to be conditioned to the requirements of Council as part of any permit issued.

(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.

The plans have been updated to show the sliding doors to each balcony and windows to bedroom 2 for units 1-4 (L2) and units 1-4 & 10 (L3-9). An additional window to unit 7 (L3-9) has also been included adjacent to the kitchen/doorway entrance. This detail, and the increased breeze flow opportunities, are shown on SK4 and SK5 at **Attachment B**.

It is noted that the Deferral point discusses 'windows/openings' in relation to the south-west elevation. In this regard, SK10 at **Attachment B** has been specifically notated to show the use of a perforated aluminum screen at the end of central corridor. Windows have not been included along the side boundary for adjacent bedrooms due to structural and fire rating obligations that are currently achieved through the use of the pre-cast concrete panels. To promote additional breeze flow but mitigate the potential for noise intrusion into each unit, the windows adjacent to main the corridor will be high-set, openable/lockable and incorporate glazing.

(e) Any amendments required as a result of the clarification of the servicing activities for the proposed serviced apartments.

The plans provided at **Attachment B** show a marginal increase in total building height from approximately 29m to 29.3m. This is required to ensure that access requirements for Power and Water Corporation (PWC) in relation to the substation location on the Ground Floor are satisfactory.

The provision of two (2) short stay 15-minute parking bays is discussed above and also shown in the plans at **Attachment B**.

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.*

In relation to the operation of the **serviced apartments**, the plans have been updated to show services consistent with a multi-storey **serviced apartment** development in a CBD location. The design is modelled to suit tourists and business travelers who want maximum flexibility and convenience without luxury hotel level services and amenities. This approach naturally requires limited staffing besides those required for core short-stay accommodation functions.

On-site staffing will therefore be limited to what is required for security and safety or to attend to specific guest needs. This essential only staffing model lowers overheads and allows capital to be deployed to high-quality internal finishes and contemporary furniture in accordance with the operator's requirements.

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 following design amendments have been made to support the proposed **serviced apartment** model:

- A revised waste management area in line with private waste management contractor requirements (**Attachment D** refers).
- A dedicated laundry trolley area that can be accessed via standard size vehicle and or small service vehicle.
- Versatile cupboards/linen stores located on the Ground floor, L2 and L3-9. These areas can also be used to support waste collection on each floor.
- A secure luggage storage area located in the reception area. This will allow guests to arrive to and store their belongings prior to check-in but also after check-out if required.
- Digital access key boxes located in the foyer. This system supports after hours or unassisted check-in/check-out for guests – a feature particularly attractive for late arrivals/departures but also business travelers.
- The allocation of one (1) car parking bay on the ground floor for staff and/or light (service) vehicles. This bay has also been made wider to provide convenient access for any building maintenance or servicing requirements.

In summary, the essential staff only model for **serviced apartments** is popular interstate particularly in CBD locations. The building design has been adapted to support this approach.

Conclusion

In summary, the items set out in the Notice of Deferral issued by the Darwin division of the DCA on 20 April 2026 have been addressed by the additional information contained herein. The proposed development will also increase short-stay accommodation options for tourists and business travelers alike, stimulate construction activity and contribute to the overall vibrancy of the CBD. This is particularly impactful given it will rectify a partially developed site in a prime CBD location.

Should you require clarification on any of the above, please contact the undersigned via email joe@sheridanconsulting.au or mobile 0407 703 813.

Yours sincerely



Joe Sheridan
Sheridan Consulting

Attachment A

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Email: development.consentauthority@nt.gov.au

In reply please quote: PA2026/0031

Mr Joseph Sheridan
Director
Sheridan Consulting
PO Box 41936
Casuarina NT 0811

Via email: joe@sheridanconsulting.au

Dear Mr Sheridan

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

You are hereby advised that the Darwin Division of the Development Consent Authority, at its meeting on 10 April 2026 resolved, pursuant to section 46(4)(b) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of 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 to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. 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.
    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.

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.

REASONS FOR THE DECISION

1. This application seeks consent for 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 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).

   At the meeting, Mr Joe Sheridan (the applicant) summarised the application for the benefit of the Authority, and advised that, while the site has been undeveloped for 12 years, the landowner is actively looking to pursue its development. Mr Sheridan noted the extent of non-compliances being sought and further clarified that amendments were made to the application following comments from a member of the public, the City of Darwin, and service authorities. Mr Sheridan advised that while there are existing hotel/motel developments in the locality, that there is a demand for service apartments.

   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*, and hotel/motel as *premises primarily used for the short term accommodation of travellers. The use can include where ancillary … recreation facilities*.

   At the meeting, Ms Suzanne Philip (the Chair of the Authority) advised that if the proposed development were for a hotel/motel, then several key non-compliances with the NTPS2020, including those relating to the under provision of private open space, communal open space, and car parking would no longer be applicable or instead be compliant.

   Mr Sheridan acknowledged these non-compliances and told the Authority that the preference is for the proposed development to be serviced apartments for financial considerations and future operational requirements. Mr Sheridan advised that being able to develop the site for serviced apartments would improve the ability of the proponent to engage a dedicated serviced apartment operator to manage the development.

   To help demonstrate that this development would not be for longer term residential purposes, Mr Sheridan advised his client would be willing to accept a permit condition, if the application were to be approved, that prevents the dwellings from being unit titled. The Chair advised that this approach would not be preferred, as future decisions made by an Authority cannot be not fettered; nor is it appropriate to attempt to pre-empt the capacity or discretion of a future Authority.

   Ms Marion Guppy (a member of the Authority) queried Mr Sheridan on how the serviced apartments would be serviced, such as where any materials/supplies would be stored, and how laundry arrangements would be managed.

   Mr Sheridan advised that the intention is for a dedicated serviced apartment operator to be engaged, with it likely that external contractors provide cleaning and waste management services. Notwithstanding, Mr Sheridan advised that storage of equipment and materials could take place on site, for example, within the on-site reception or ground floor storage room.

   Ms Monica Baumgartner (a member of the Authority) also asked how domestic waste would be managed, with Mr Peter Pangquee (a member of the Authority) further querying how waste would be removed from site.

   The Chair also noted that no waste chutes are proposed, while Mr Pangquee commented that only 1 lift is proposed to service the development.

Mr Sheridan advised that waste management would be outsourced to a private waste management company, but that additional detail around the servicing arrangements could be provided.

Mr Sheridan further explained that in response to a substation being required by Power and Water Corporation, that the ground level/level 1 would need to be raised a further 300 mm, increasing the clearance for any waste management vehicles.

The Authority considers that clarification on the nature and scope of servicing activities for the proposed serviced apartments is required, including an indication of how the car parking area and drop off/pick up bay and any facilities on site (e.g. storeroom, linen cupboard etc) will be utilised for these servicing activities (deferral point 2). In addition, amended plans are required to reflect any changes as a result of this clarification (deferral point 1e).

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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and a 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 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 the assessment completed by Development Assessment Services (DAS), which found that the application complies with the relevant 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), 5.4.7 (Communal Open Space), 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 are discussed further below, where relevant to this deferral.

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

   Part 3 – Overlays

   The Authority notes that the site is not affected by any overlays.

   Part 4 – Zoning

   The Authority notes 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.

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), 5.4.7 (Communal Open Space), 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).

Key development requirements that were discussed include:

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.*

At the meeting, the Authority queried Mr Sheridan on how traffic would be managed, highlighting that serviced apartments will likely result in bus movements to collect or drop off visitors.

Mr Sheridan advised that there had been previous discussions with the City of Darwin (as part of the previous development permits) in relation to the conversion of existing on-street car parking into a loading bay/bus drop off space.

The Authority notes that the provision of a drop off/pick up bay would minimise potential adverse traffic impacts both internally within the site and on the surrounding road network. Furthermore, the Authority acknowledges that the development plans do not include any drop off or pick up bays internally within the site, however, there is a bay depicted along Lindsay Street which was discussed with the City of Darwin as part of previous development permits.

In the context of the above, the Authority considers that amended plans are required to provide a drop off/pick up bay within the Lindsay Street road reserve, to the requirements of the City of Darwin (deferral point one 1c).

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

The Authority notes that 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(2) requires that *All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number)* [where 25 are calculated as being required], where only 10 spaces (5 bike racks capable of securing 10 bikes) are proposed within a dedicated bicycle parking facility (BPF) at the site, located within the ground level car parking area.

In addition, clause 5.3.7(4) requires that *A locker should accompany every secure bicycle parking space provided …*, where no lockers are proposed on-site.

At the meeting, Mr Peter Pangquee (a member of the Authority) queried Mr Sheridan on whether it would be possible for additional on-site bicycle parking to be provided, as well as lockers for staff.

Mr Sheridan advised that the bicycle parking facility could be redesigned to incorporate wall-mounted bicycle parking spaces, and that spaces for staff possessions could be provided with the on-site reception area.

The Authority notes that 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: i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause; ii. access to the alternative end of trip facilities is safe and convenient for users; iii. the alternative end of trip facilities are sheltered and secure; and iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or ….*

The Authority notes there is no on-site staff room capable of serving the same function as staff lockers. In addition, the Authority highlights that given there is a shortfall of car parking spaces on site (refer to further discussion below) it is not unreasonable to provide end of trip facilities as required by this clause.

The Authority considers that amended plans are required to demonstrate better compliance with clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) through the provision of locker facilities for staff, and increased number of bicycle parking spaces (deferral point 1b).

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.*

The Authority notes that 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 with balconies less than 12 m^2 (including one dwelling which has no balcony at all), and all of which have dimensions less than 2.8 m, and (b) there are 21 x 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 loungeroom) are separated from the balcony by the bedroom.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation*.

Clause 5.4.7(5) requires that A *minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space*, where 8.8% (83 m^2) is proposed within a sheltered pool area. It is noted the communal open space is considered to comprise only the pool area (excluding the presence of a central building support column in the middle), and not the storeroom, ablution/shower facility, or adjacent hallway.

In relation to the variations sought under clause 5.4.6.2 (Private open space for dwelling-multiple) and clause 5.4.7 (Communal Open Space), at the meeting the Chair noted the significant reductions sought and highlighted that this was not an appropriate outcome. The Chair queried whether the studio dwelling on level 2, that did not include any private open space, could be converted into a communal open space, such as a gym.

Mr Sheridan advised that while it may be possible to convert the studio dwelling to communal open space, that the development feasibility relies upon a certain number of dwellings. Mr Sheridan further advised that the studio dwelling was carried over from previous planning permits, which intended for it to be used by an on-site manager/caretaker.

Mr Sheridan advised the greatest reduction related to the private open space requirements for the studio and single bedroom dwellings. In addition, Mr Sheridan suggested that there may be potential for the communal open space to be extended towards the rear of the property and/or into the footprint of the fire pump room, to achieve compliance with the relevant requirement.

The Authority highlights that administratively subclause 1 of clause 5.4.6.2 requires that *The consent authority may consent to dwellings-multiple, other than dwellings-multiple comprising of serviced apartments in Zone TC, that is not in accordance with sub-clauses 3-5 if is satisfied the development is consistent with the purpose of this clause* and administratively subclause 3 of clause 5.4.7 requires that *The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters: (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development; (b) the development is in proximity to adequate public open space or sufficient amenities; and (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*

In this context, to ensure that the function of the dwellings are enhanced and adequate amenity is provided to future occupants, the Authority considers that amended plans are required to 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 (deferral point 1a). The Authority further notes that, in order to justify such a substantial reduction in private open space, it would expect that the communal open space proposed was generous in nature and included sufficient space and facilities to overcome the failure to comply with the bare minimum of private open space.

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 side boundary.

Noting the proximity of the south-western end of the corridor to the property boundary, and intention for this corridor to provide light and airflow to the dwelling accesses, the Authority consider amended plans are required to 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 (deferral point 1d).

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(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.

Mr Pangquee queried Mr Sheridan on whether the AC plant shown on the dwelling balconies will be screened. Mr Sheridan confirmed that the AC plant would be screened.

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.*

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).*

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 DarwinBus 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.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 19.91 car parking spaces, resulting 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 would still be an outstanding shortfall of 4 car parking spaces.

Notwithstanding the above, the Authority notes that were the proposed development to be a hotel/motel, only 35 car parking spaces would have been required (taking into consideration reduction categories 1(a) and 2(b)) and subsequently there would have been a 21 car parking space surplus.

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 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlew, on behalf of PLan: the Planning Action Network Inc.

   Mr Kirlew, on behalf of PLan: the Planning Action Network Inc, objected to the application, and raised the following concerns:

   - Application seeks too many variations to modern planning scheme requirements
   - Inappropriateness of relying upon project economics to justify the development
   - Driveway won't 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.

At the meeting, Mr Kirlew reiterated his concerns regarding the role of the community in consideration of development permit applications and considered that there is too much missing from the application for it to be approved. Mr Kirlew expressed disappointment that DAS continue to recommend applications with such a high degree of non-compliance for approval. Mr Kirlew emphasised that the proposed serviced apartments will likely be used for long term residential purposes and advised that this scenario has already happened in Darwin City, where there are now multiple units on a single power meter. Mr Kirlew queried if the Authority has the power to prevent the proponent from selling the units at a later date.

The Chair clarified that a development permit can prescribe that there is to be no strata titling, however, there is nothing to stop someone applying in the future. The Chair noted that there is limited scope to future proof developments, and that a determination of the Authority cannot fetter the ability or discretion of a future Authority.

Mr Kirlew highlighted that the Planning Act and the Planning Scheme put in clear boundaries for what must be considered when varying development requirements and emphasised that there were a high number of variations being sought. Mr Kirlew emphasised that the community want outdoor living spaces and suggested that a future visitor would prefer to park/leave a pushbike in a dedicated room in lieu of their own serviced apartment. Mr Kirlew also suggested that reducing the number of dwellings would reduce the number of variations being sought. Mr Kirlew noted that there is clearly a need for single room accommodation near the university.

Mr Kirlew additionally highlighted that this development may limit the development potential of the property to the south-west of the site, and queried whether those landowners should have been invited to this meeting.

The Chair noted that the property to the south-west of the site is developed, and that any re-development would need to take into account the existing conditions of the site at the time. The Chair further clarified that no submissions were received from the property to the south-west of the site.

Mr Kirlew advised the Authority that the community is disadvantaged, and that the residents of that development may not have been aware of this application. Mr Kirlew also noted that application did not indicate if there have been any communication with the nearby school.

Mr Kirlew tabled photos that show Montoro Court in Larrakeyah, a cul-de-sac, advising that the cul-de-sac is home to approximately 30 units. Mr Kirlew emphasised that the photos show the amount of overflow car parking that exists on the site as a result of a lack of off-street car parking. Mr Kirlew stated that Lindsay Street would be unable to cope with overflow car parking, and stressed that relying on the City of Darwin Dragonfly carpark is not appropriate, noting that it closes at night.

The Chair clarified that noting this restriction, the planning scheme does still allow the Dragonfly carpark to be taken into consideration by the Authority. The Chair further noted that while a car parking audit was completed over 10 years ago, there has been no know recent audit.

In response, Mr Kirlew advised that he still was not sure how visitors/staff will be using the carpark, raising a specific concern that vehicles entering the property will need to complete a reverse manoeuvre onto Lindsay Street in the even that another vehicle is attempting to exit the site.

Mr Kirlew also flagged that developments with such great reductions to private and communal open space will create a precedent for future applications, and that this specific application will adversely affect local character. The Chair noted that the NTPS2020 allows reductions in private open space to be considered where appropriate, particularly in cases where a development delivers high-quality communal open space as an alternative.

The Authority has taken all comments into account and carefully considered the concerns of the submitter. The matters raised by the submitter have contributed to the Authority's decision to defer the application in order to obtain further information addressing the relevant considerations identified by the submitter, as well as the concerns of the Authority in relation to the requirements of the NTPS2020 and the *Planning Act 1999*.

Pursuant to section 46(6) of the *Planning Act 1999*, information required in this correspondence is to be provided within 30 days of the receipt of this correspondence.

You may request the consent authority extend the time to provide the required information. A request must be made before the expiry of the period referred to in section 46(6) (i.e. within 30 days of receipt of this notice) and it must be made in writing to either address listed below:

Email: das.ntg@nt.gov.au
In person: First Floor, Energy House, 18-20 Cavenagh Street, Darwin
Post: Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680, Darwin NT 0801

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully

MADISON HARVEY
Delegate
20 April 2026

cc City of Darwin
Submitter

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

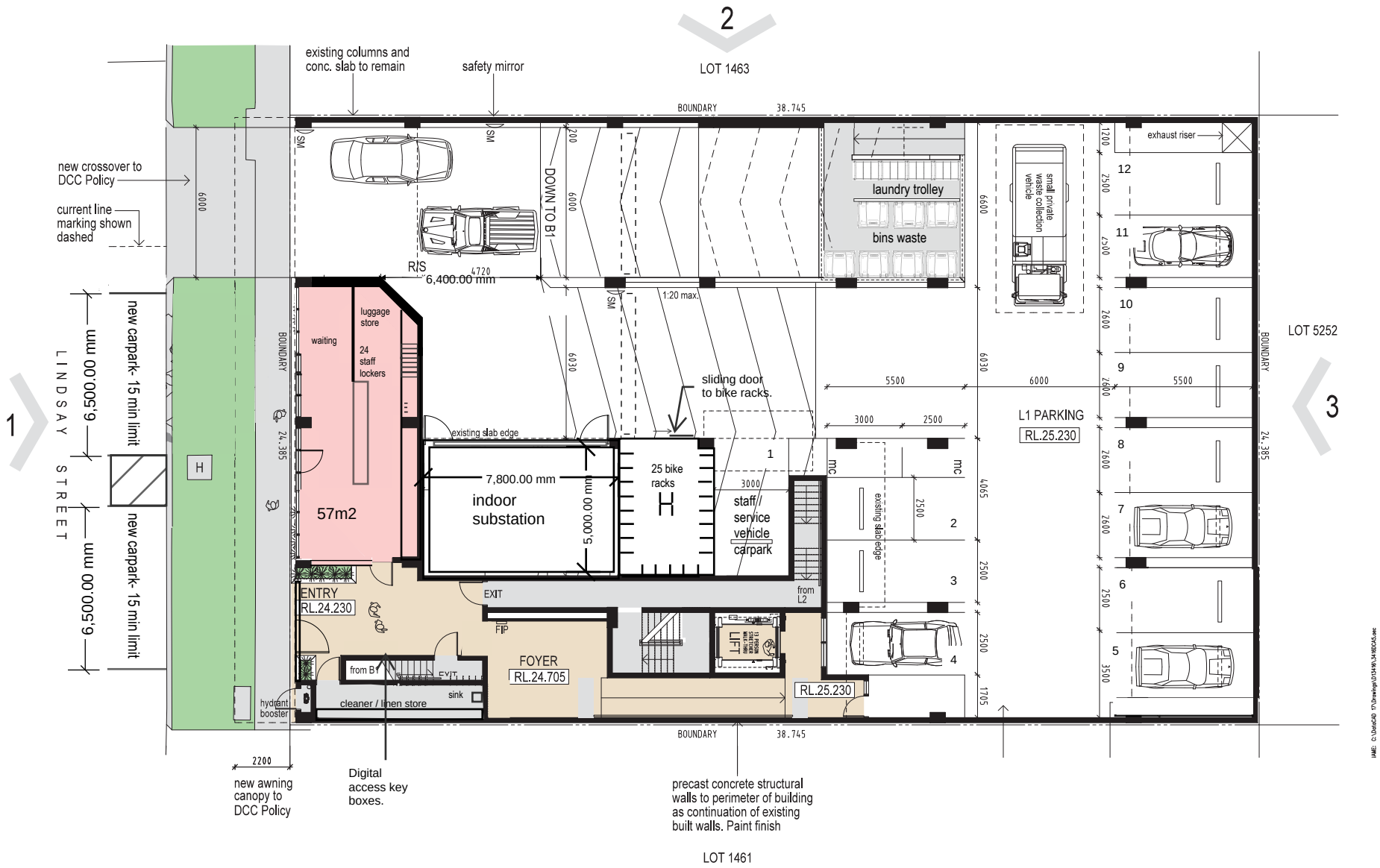
Attachment B



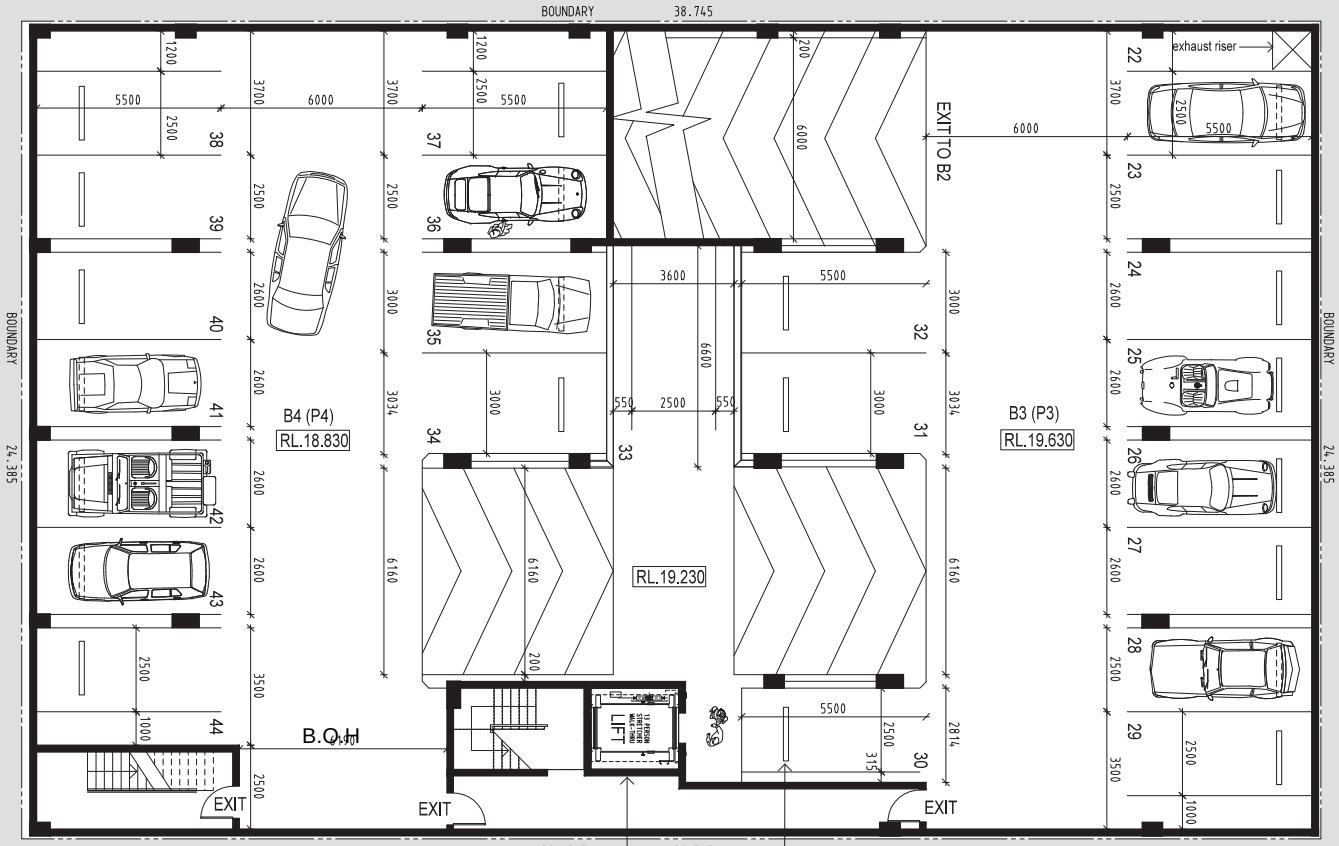
THE LINDSAY

INITIAL CONCEPT DESIGN PRESENTATION

LOT 1642 (4) LINDSAY ST - JULY 2026



SK1 - GROUND FLOOR & LEVEL 1 PLAN

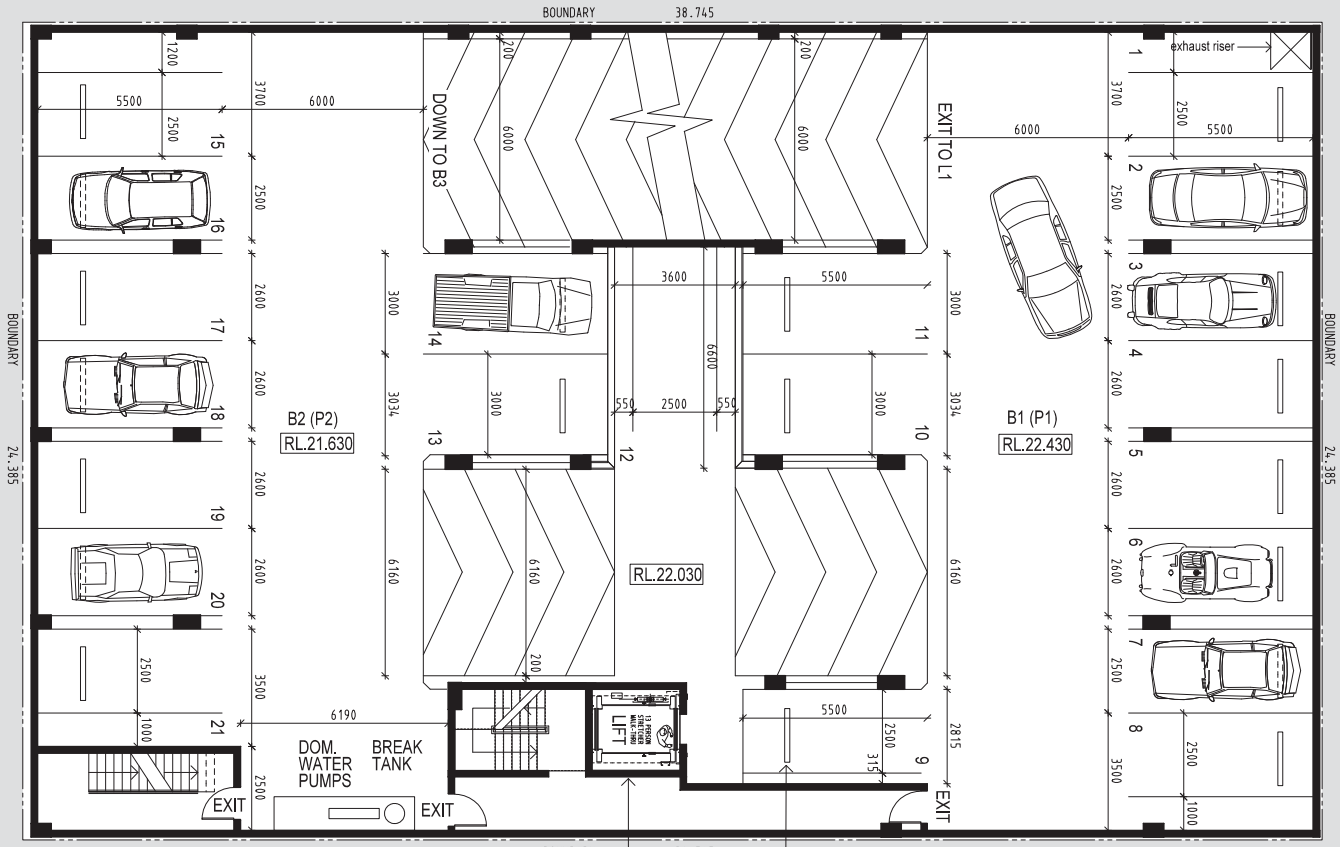


EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 30)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

SK 2 - BASEMENT 3 & 4



EXISTING BASEMENT WITH

Lift modifications to comply

Wheelstops and white

SK3 - BASEMENT 1 & 2

L1 - 5 ROOMS

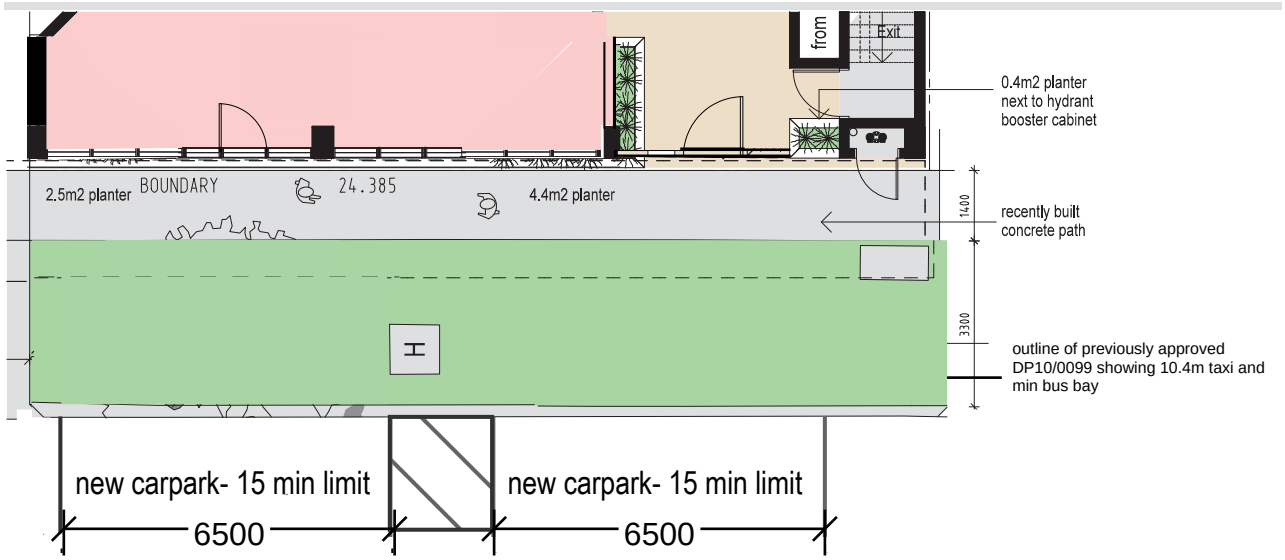


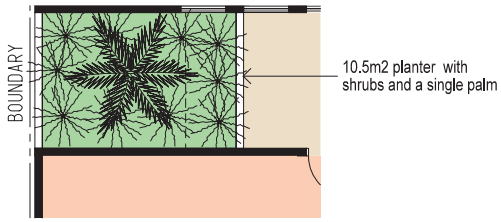
SK4 - LEVEL 2 PLAN



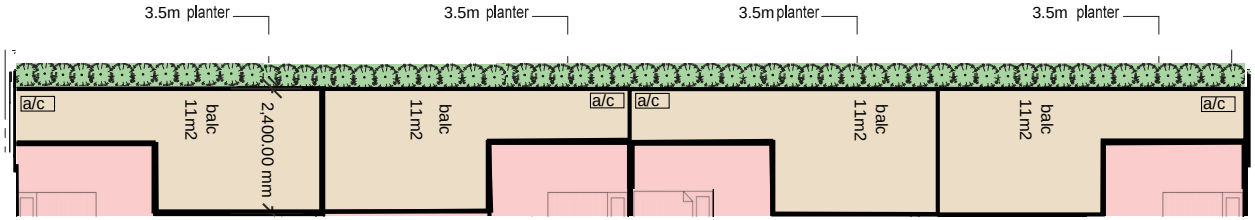
NOTE:
All balconies to include internal drainage and lip or upstand to edge to prevent edge staining

SK5 - LEVEL 3 - LEVEL 9





L2 PLAN



L3 - L9 PLAN continuous planters across building facade and edge of balconies allowing



LANDSCAPE SELECTIONS

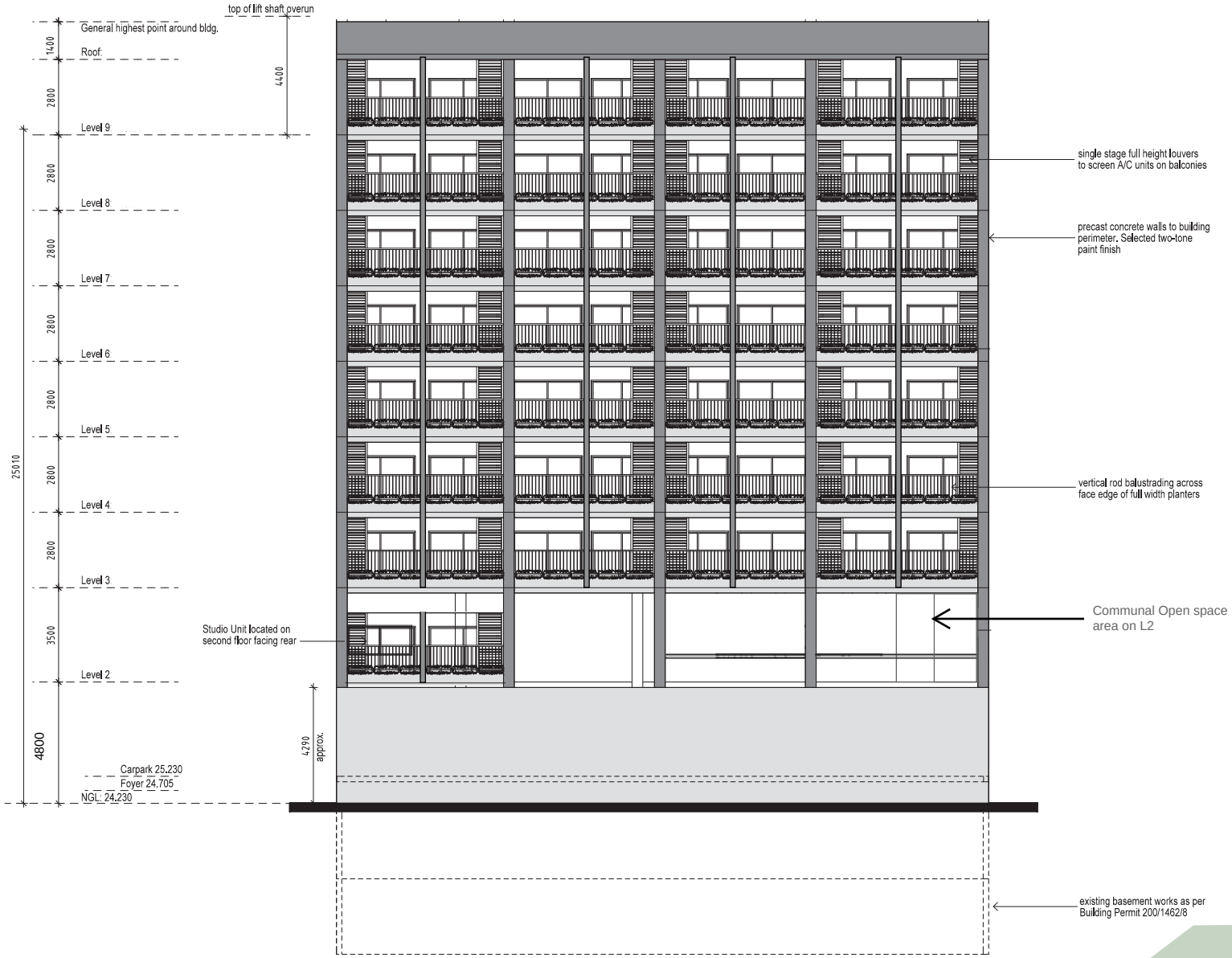
SK6 - LANDSCAPE PLAN



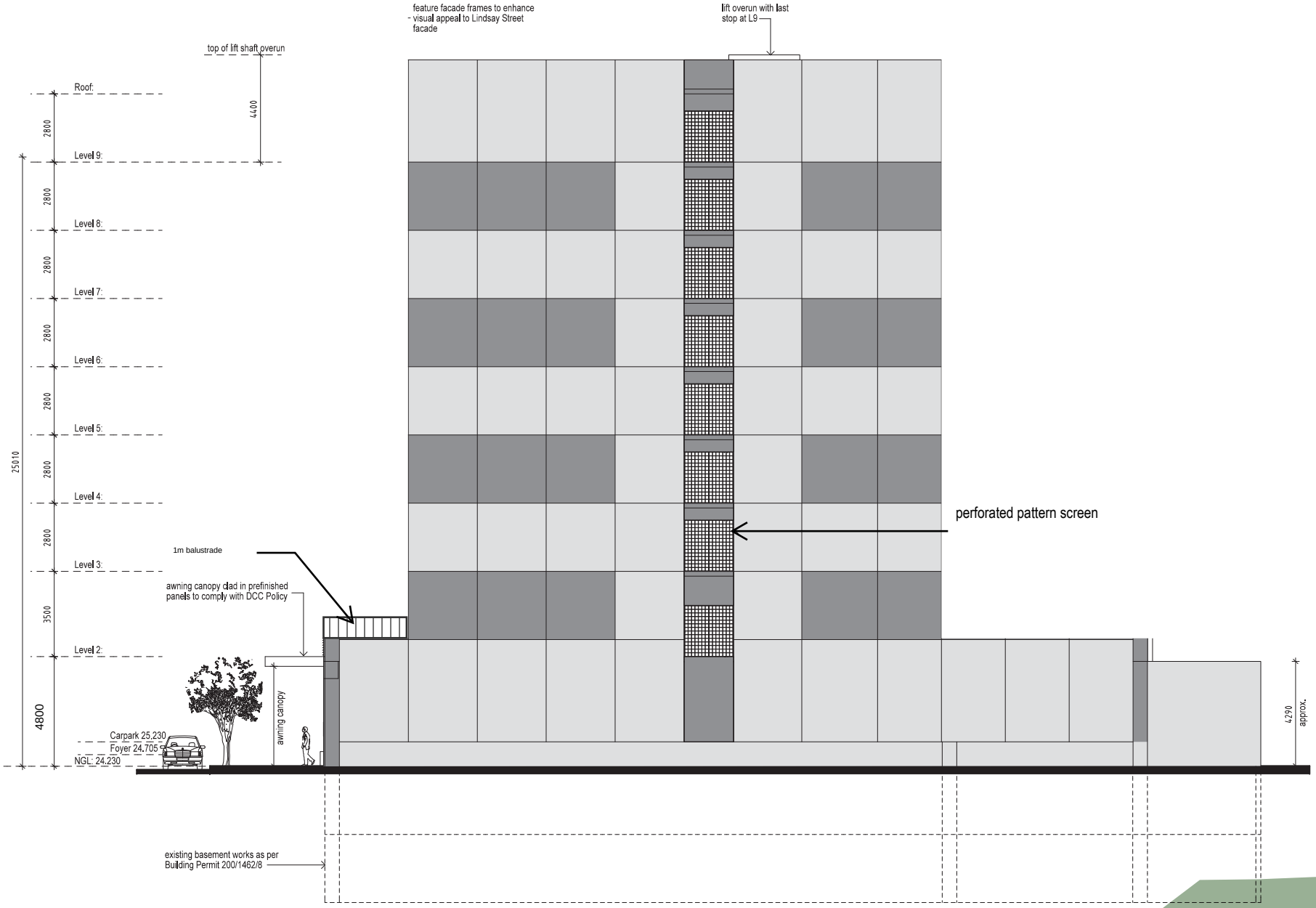
SK7 - FRONT ELEVATION



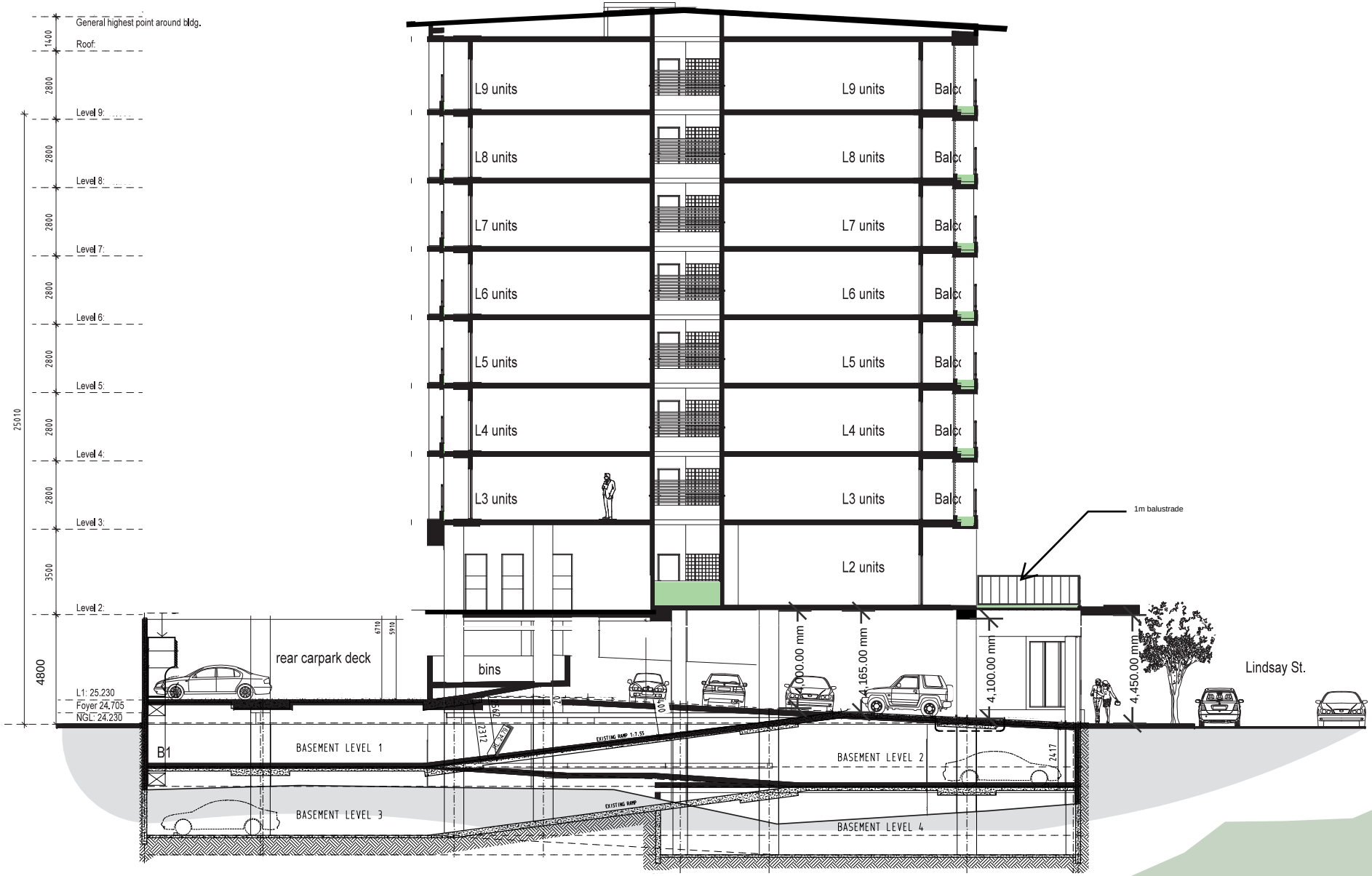
SK8 - NORTH ELEVATION



SK9 - REAR ELEVATION



SK10 - SOUTH ELEVATION



SK11 - SECTION

Attachment C

Civic Centre
Harry Chan Avenue
Darwin NT 0800

GPO Box 84
Darwin NT 0801

P 08 8930 0300
E darwin@darwin.nt.gov.au

Mr Joseph Sheridan
Director
Sheridan Consulting
PO Box 41936
Casuarina NT 0811

Dear Mr Sheridan

Lot (4) Lindsay Street, Darwin City, Town of Darwin Drop-off/Pick-up Facilities

Thank you for our recent meeting to discuss the Development Consent Authority's (DCA's) Deferral Notice for the latest development proposal for Lot 1462(4) Lindsay Street, Darwin City comprising 39 two-bedroom and 36 one-bedroom serviced apartments within a nine-storey building.

As outlined in the Deferral Notice, amongst other matters, the Authority requires an amended drawing showing the provision of a drop-off/pick-up area at the front of the proposed development along Lindsay Street, to the requirements of City of Darwin.

The explanation provided for this requirement, is to avoid on-site congestion and potential traffic issues along the surrounding road network, and to align with a previous City of Darwin position to agree to some form of pick-up/drop-off area along this road.

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.

As discussed in our recent meeting, City of Darwin requests that the submission, review and approval of detailed drawings showing the two-bay 15 minute parking area be included as a Condition Precedent on any Development Permit issued for the development.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

Signed by:
Drosso Lelekis
D60ED8F55AB784EB

Drosso Lelekis
Executive Manager Technical Services

10 July 2026

Via email: Joe@sheridanconsulting.au

Attachment D

VTG Waste & Recycling Pty Ltd
ABN 62 614 465 682
PO Box 36617, Winnellie NT 0821
www.vtgwaste.com.au
T 08 7909 8888
E admin@vtgwaste.com.au

14th July 2026

Good Morning Randal

Thank you for considering VTG Waste & Recycling for all your waste services. Please see all the information below that will support the waste Management Plan for **75 serviced apartments in a 9 storey building development on Lot 1462 (4) Lindsay Street, Darwin CBD (NE200/1462).** The Plans provided will allow our truck and operator to enter the area and manually remove the bins and empty them into our truck. Please see the Operational Collection Schedule overview provided in this document. If you require any additional information, please contact our office on 08 7909 8888 or email **admin@vtgwaste.com.au**

Waste Management Proposal Overview
VTG Waste & Recycling Pty Ltd (VTG) is a Territory-owned and operated waste management provider delivering reliable, compliant, and sustainable waste and recycling services across the Northern Territory. With a strong local workforce, modern fleet, and extensive industry experience, VTG provides tailored waste solutions to suit site access, operational needs, and environmental objectives.

Services Provided

VTG offers comprehensive waste management services, including:

- General waste collection and disposal
- Cardboard and recycling collection services
- Internal and external bin supply and servicing
- Scheduled and flexible collection programs
- Transport of waste to licensed facilities

All services are designed to minimise disruption, maintain site cleanliness, and support safe waste handling practices.

Bin Options & Waste Streams

General Waste Bins
Available in a range of sizes to suit site volumes and access:

- 240L wheelie bins
- 660L & 1100L Wheelie bins
- Larger hook-lift bins for high-volume sites

Cardboard & Recycling Bins
Dedicated bins to support waste diversion and recycling outcomes:

- Wheelie and front-lift recycling bins
- Hook-lift bins for bulk cardboard generation

Bins can be provided with locking and controlled-access options where required.

Internal & External Collections

VTG assesses each site to determine the most suitable internal or external collection model based on:

- Vehicle access and safety
- Available space and site layout
- Waste volumes and service frequency

Collection methods are selected to ensure safe servicing, operational efficiency, and compliance.

Capability Statement

VTG's capability is supported by:

- A fleet of specialised waste collection vehicles
- Experienced, locally based operators
- Strong safety, quality, and environmental management systems
- Proven delivery across commercial, industrial, government, and defence sectors

VTG is agile and responsive, with local decision-making that allows services to adapt as requirements change.

Licensing & Compliance

VTG Waste & Recycling Pty Ltd
ABN 62 614 465 682
PO Box 36617, Winnellie NT 0821
www.vtgwaste.com.au
T 08 7909 8888
E admin@vtgwaste.com.au

VTG Waste & Recycling Pty Ltd is licensed by the **Northern Territory Environment Protection Authority (NT EPA)** to collect, transport, and manage waste in the NT.

- **NT EPA Licence Number: EPL367**
- Licensed to carry listed waste streams
- All waste transported and disposed of at appropriately licensed facilities

Environmental compliance is supported through VTG's documented HSEQ management systems.

Operational Collection Schedule

4 Lindsay Street Waste Management Schedule Based on the information provided, please note that a site check of the building will need to be conducted before services commence and changes to schedules, bin sizes and vehicle may be needed for safety and access upon completion of the building.

- General **Waste Bins Required: 6 x 240L bins** (Cleared daily)
- Recycling **Bins Required: 6 x 240L bins** (Cleared daily)

Day	Service Window	Vehicle Type	Access Point
Monday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Tuesday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Wednesday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Thursday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Friday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Saturday	7:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound
Sunday	8:00 AM – 5:00 PM	Heavy Rigid Vehicle (Rear Loader)	On-site Bin Compound

Kindest Regards

Nadia Tolhurst

Customer Service Manager

Proudly Territory Owned and Operated…

26 Nebo Road, East Arm, NT 0822
PO Box 36617, Winnellie, NT 0821

M:0407 611 000 T:08 7909 8888

E: nadia.tolhurst@vtgwaste.com.au www.vtgwaste.com.au

DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 1 **MEETING DATE:** 10/04/2026 **FILE:** PA2026/0031

APPLICATION PURPOSE:	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
ZONE:	CB (Central Business)
SITE AREA:	944 m^2
APPLICANT	Sheridan Consulting – Director Joseph Sheridan
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Dalmer Pty Ltd – Director Lita Astralita Connolly
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	Ashford Architects – Director Randal Ashford

1. PROPOSAL

The application is for a 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin (the site). The 944 m^2 lot is in Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS2020).

The application was submitted by Joseph Sheridan of Sheridan Consulting, on behalf of the landowner Dalmer Pty Ltd (via Director Lita Astralita Connolly).

The application proposes the following:

- **Basement level 4**: Contains 11 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a ramp to level 3.

- **Basement level 3**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 4, or a continuous ramp to basement level 2.

- **Basement level 2**: Contains 9 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 1, or a continuous ramp to basement level 3. Minor water servicing is located at the end of a driveway here.

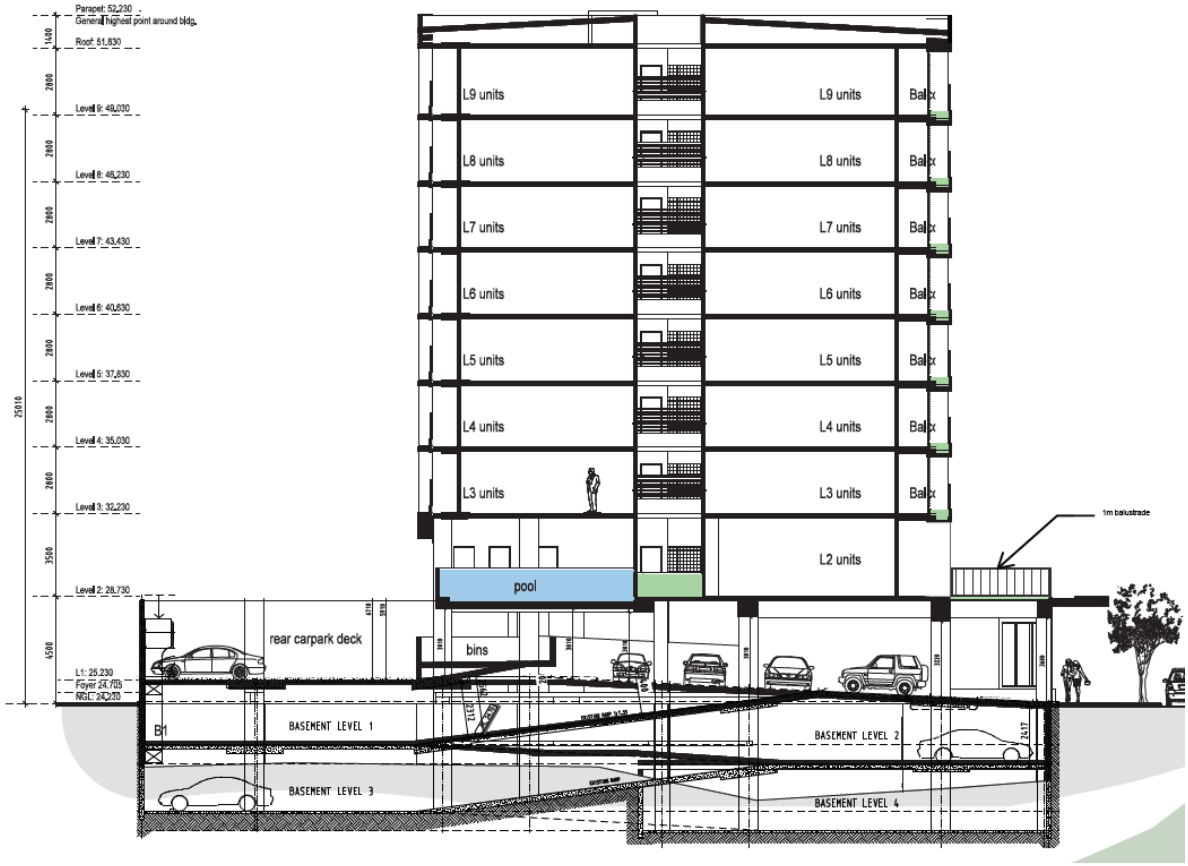
- **Basement level 1**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 2, or a continuous ramp to the ground level.

- **Ground level**: Contains the reception area (57 m^2), internal pedestrian lobby/access area (which provides access to 2 emergency stairwells, store/services room, elevator, and level 1 car parking area), dedicated bicycle parking facility, services (including a street-facing hydrant booster and internal indoor substation), and a single car parking space on the ramp to level 1. The primary street frontage is dominated by 2.8 m high windows and doors, and 6 m wide driveway (with roller door).

- **Level 1**: Contains 11 car parking spaces, and internal bin store.

- **Level 2**: Contains 4 x 2 bedroom dwellings, 1 x studio dwelling, and 115.6 m^2 of communal open space (pool area) with communal ablution/shower facility. The 4 dwellings have access to an 11 m^2 patio and 30 m^2 courtyard, whereas the studio dwelling does not contain any private open space. The courtyards are proposed to be separated by 1.5 m high fencing, and have a 1 m fence overlooking Lindsay Street. This level can be accessed by an emergency stairwell or elevator, and also contains a fire pump room, fire hydrant and communications/electrical supply closet.

- **Levels 3 to 9**: Each level contains 5 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and one studio dwelling, which will be accessed by central corridor, which will be open at both the north-eastern and south-western ends, acting as a breezeway. A 1.5 m wide by 2.08 m deep lightwell is proposed at the north-eastern end of this corridor with the south-western end being in line with that building line (approximately 0.5 m off the property boundary). All dwellings contain their own balconies, which range in size from 5.1 m^2 to 11 m^2, and will contain AC units within this space (which are proposed to be screened). In addition, planter boxes are proposed along the balconies of all dwellings. These levels can be accessed by an emergency stairwell or elevator. The building has an overall height of 29 m above ground level (52.23 mAHD, excluding the minor lift overrun).



Building section depicting the staggered arrangement of the basement levels

The building frontages from level 2 and upwards will generally comprise balconies and terraces for the entirety of the north-western (Lindsay Street) and south-eastern (rear) frontages, with the north-eastern and south-western (side) frontages comprising solid walls with alternating grey paintwork, and broken up through edges of the central breezeway.

Ground level and level 1 frontages will comprise active street frontage, driveway and servicing at the Lindsay Street frontage, and solid walls (associated with car parking and internal stairwells) along the remaining boundaries.

A location plan, pink sign and site context photos are provided at **Bookmark A,** with a copy of the application provided at **Bookmark B**.

Following the public exhibition of the application, Development Assessment Services (DAS) queried whether there was potential for minor changes to be made to the plans, to achieve better compliance with the NTPS2020, as well as address comments received from service authorities and a public submitter. The applicant subsequently provided amended plans and cover letter on 18 March 2026 that:

- Improved general plan legibility
- Included a ground level substation
- Changed the on-site driveway to improve compliance with the NTPS2020
- Changed the location and capacity of the secure bicycle parking facility to improve compliance with the NTPS2020
- Increased the size of the private open spaces to improve compliance with the NTPS2020.

A copy of the applicant's response is provided at **Bookmark C**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is *Merit Assessable*.

Zoning and land use and level of assessment	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements
Zone CB (Central Business) Dwelling-multiple (Serviced apartments) *Merit Assessable*	N/A	No	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 5.9.2 Darwin City Centre

The exercise of discretion by the consent authority that applies is clause 1.10(3), which states *In considering an application for consent for a use or development identified as Merit Assessable the consent authority must take into account all of the following:*

(a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land; and
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should 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), 5.4.7 (Communal Open Space), 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) of the NT Planning Scheme 2020 and approve the application subject to conditions as detailed in section 7 of this report.

4. BACKGROUND

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, it is noted that a large oval associated with the St Mary's Primary School is located across the road.

In its specific context, the site is located on Lindsay Street in Darwin City, is regular in shape, and has no discernible slope (noting the site is not in its natural state). To the north-west, the property boundary is bounded by Lindsay Street, across which is located 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. A review of the survey plan found that the subject lot is encumbered by an electricity supply easement, which is located in the north-western corner of the site.

Photos of the existing site, and its immediate surrounds are provided at **Bookmark A2**, and a copy of the survey plan is provided at **Bookmark A3**.



Lindsay Street perspective

The site has the following relevant planning history –

- DP10/0099 was issued on 19 February 2010 for the purpose of 59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck. This development did not take place, with the permit lapsing in 2012.

- DP14/0490 was issued on 3 July 2014 for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking. This permit was subsequently extended on 2 occasions, and varied on one occasion for the purpose of changes to the level 2 floor plan including replacing 1 multiple dwelling with a serviced apartment. Works relating to the basement levels commenced under this permit, however, as works were not completed by 3 July 2022, and no further extensions were sought, the permit subsequently lapsed on that date. Works commenced in accordance with this permit, before subsequently ceasing. These works resulted in the development of the basement levels, and partial ground and level 1 car parking areas.

A copy of the above permits and associated documents are provided at **Bookmark D**.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks, between 6 and 20 February 2026. One public submission was received under section 49(1) of the *Planning Act 1999*. Photos of the pink sign photos are provided at **Bookmark A2**.

6. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE *PLANNING ACT 1999*)

Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and a 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 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.

These clauses have been considered and it is found that the proposal complies with the relevant 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), 5.4.7 (Communal Open Space), 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 copy of the technical assessment completed by DAS is provided at **Bookmark E1**.

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 is considered to support the broader intent of Zone CB and is not 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 the south-western boundary however 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. Notwithstanding, it is unclear if the corridor is enclosed or open along the southwestern boundary and a condition precedent is recommended to be applied to any permit issued requesting that the windows along the southern side of the central corridor be open to allow for adequate cross-ventilation. In addition, it is unclear from the floor plans where windows are proposed to be located. As such, a condition precedent is recommended to be applied to any permit issued requiring that a window be provided to all bedrooms to ensure appropriate passive climate control measures. These windows would need to designed to have no internal overlooking impacts (i.e. a sill height greater than 1.8 m) and not located along the side elevations.

DAS also note that if the adjoining property to the south-west were to be redeveloped, any future development would require setbacks or lightwells/voids in order to preserve this development's access to natural light and ventilation.

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), 5.4.7 (Communal Open Space), 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).

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).

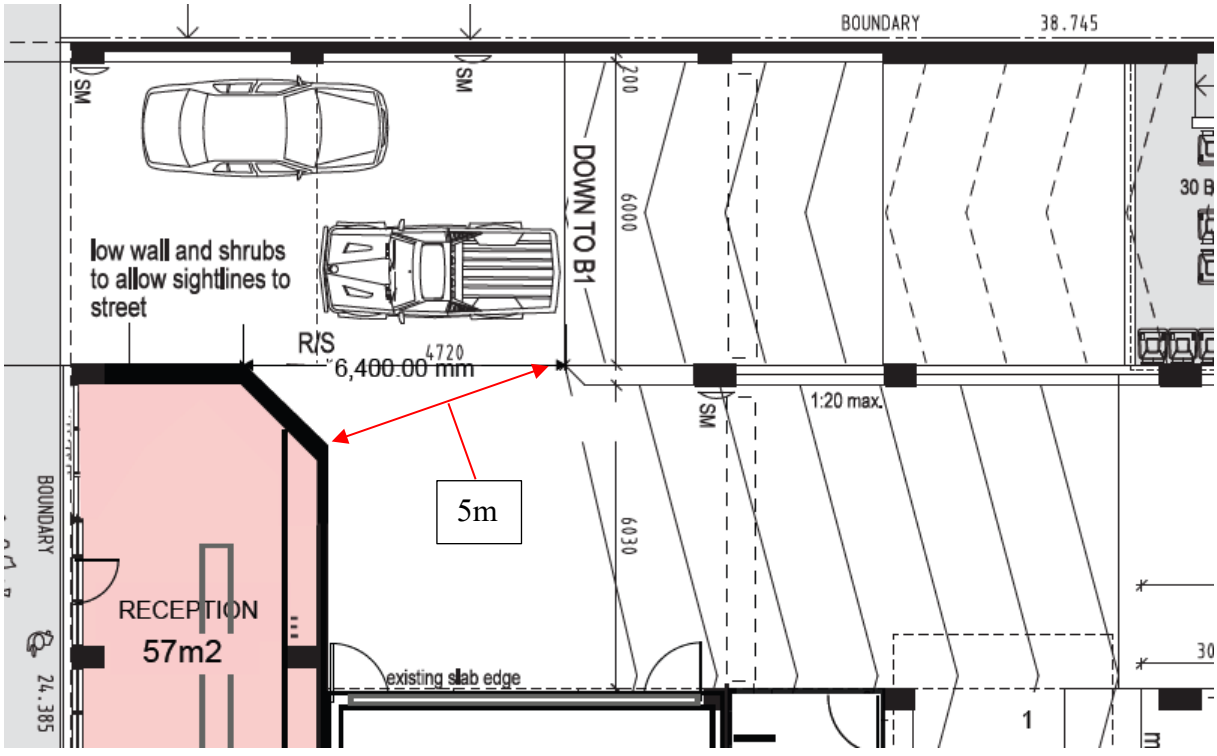
In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS2020, except for the non-compliant clauses as identified and discussed below.

In response to clause 1.10(5)(a), it is considered that variations to these clauses are appropriate in this instance because:

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.



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.*

A variation to this subclause is considered acceptable because the layout of the car parking area will reasonably result in a slow speed environment, and that in the event that a vehicle exiting the ground level/level 1 car parking area encounters a car trying to access those levels, that by

virtue these drivers will have direct visibility of one another directly or with the support of proposed convex safety mirrors, there will be ample opportunity for one of the vehicles to remain stationary while the other vehicle completes the manoeuvre through the instance of reduced driveway.

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 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*.

A variation to this subclause is considered acceptable in this instance because the plans show that 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(2) requires that *All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number)* [where 25 are calculated as being required], where only 10 spaces (5 bike racks capable of securing 10 bikes) are proposed within a dedicated bicycle parking facility (BPF) at the site, located within the ground level car parking area.

In addition, clause 5.3.7(4) requires that *A locker should accompany every secure bicycle parking space provided …*, where no lockers are proposed on-site.

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: i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause; ii. access to the alternative end of trip facilities is safe and convenient for users; iii. the alternative end of trip facilities are sheltered and secure; and iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or ….*

A variation to this clause is supported in this instance as the development will primarily cater for tourists/visitors who are less likely to require bicycle parking spaces within a dedicated facility. In addition, visitors will be reasonably able to store bicycles and personal belongings in the 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 (including one dwelling which has no balcony at all), and all of which have dimensions less than 2.8 m long, and (b) there are 21 x 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 loungeroom) are separated from the balcony by the bedroom.

An assessment of the proposed development against the requirements of Table to Clause 5.4.6: Minimum Areas of Private Open Space is provided below.

Apartment Type (and number)	Dimensions (approx.)	Area (as listed on plans)	Complies	Location (number of dwellings)
U1 to U3	Patio – 3.2 m x 2.3 m Terrace – 6 m x 4.4 m	Total area – 41 m²	Yes	Level 2
U4	Patio – 3.2 m x 2.3 m Terrace – 5.8 m x 4.4 m	Total Area – 41 m²	Yes	
U5	None proposed	N/A	No	
U1	Balcony –2.4 m x 3.2 m	11 m²	No	Levels 3 to 9 (resulting in 7 instances of each typology)
U2	Balcony –2.4 m x 3.2 m	11 m²	No	
U3	Balcony –2.4 m x 3.2 m	11 m²	No	
U4	Balcony –2.4 m x 3.2 m	11 m²	No	
U5	Balcony – 4 m x 1.7 m	6.8 m²	No	
U6	Balcony – 3 m x 1.7 m	5.1 m²	No	
U7	Balcony –5 m x 1.7 m	8.5 m²	No	
U8	Balcony –3 m x 1.7 m	5.1 m²	No	
U9	Balcony –3 m x 1.7 m	5.1 m²	No	
U10	Balcony – 5.7 m x 1.7 m	9.69 m²	No	

Red text denotes non-compliance with private open space area requirements

Administratively, subclause 2 states *The consent authority may consent to dwellings-multiple … that is not in accordance with sub-clauses 3-5 if 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.

As such, a variation to this clause is appropriate in this instance because:

- With the exception of one dwelling which does not propose its own private open space, the dwellings with non-compliant balconies (39 x 2 bedroom, and 36 x 1 bedroom/studio serviced apartments) are intended to 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.
- The one studio dwelling which does not include its own private open space is located on the same level as the communal open space, which would provide an easily accessible alternative recreational space for visitors occupying this dwelling.
- 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 communal open space which provides opportunities for occupants of the development to utilise as wanted, enhancing the function of the dwellings.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation.*

Clause 5.4.7(5) requires that *A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space*, where 8.8% (83 m^2) is proposed within a sheltered pool area. It is noted the communal open space is considered to comprise only the pool area (which has excluding the presence of a central building support column in the middle), and not the storeroom, ablution/shower facility, or adjacent hallway.

Administratively, subclause 3 states *The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters: (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development; (b) the development is in proximity to adequate public open space or sufficient amenities; and (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*

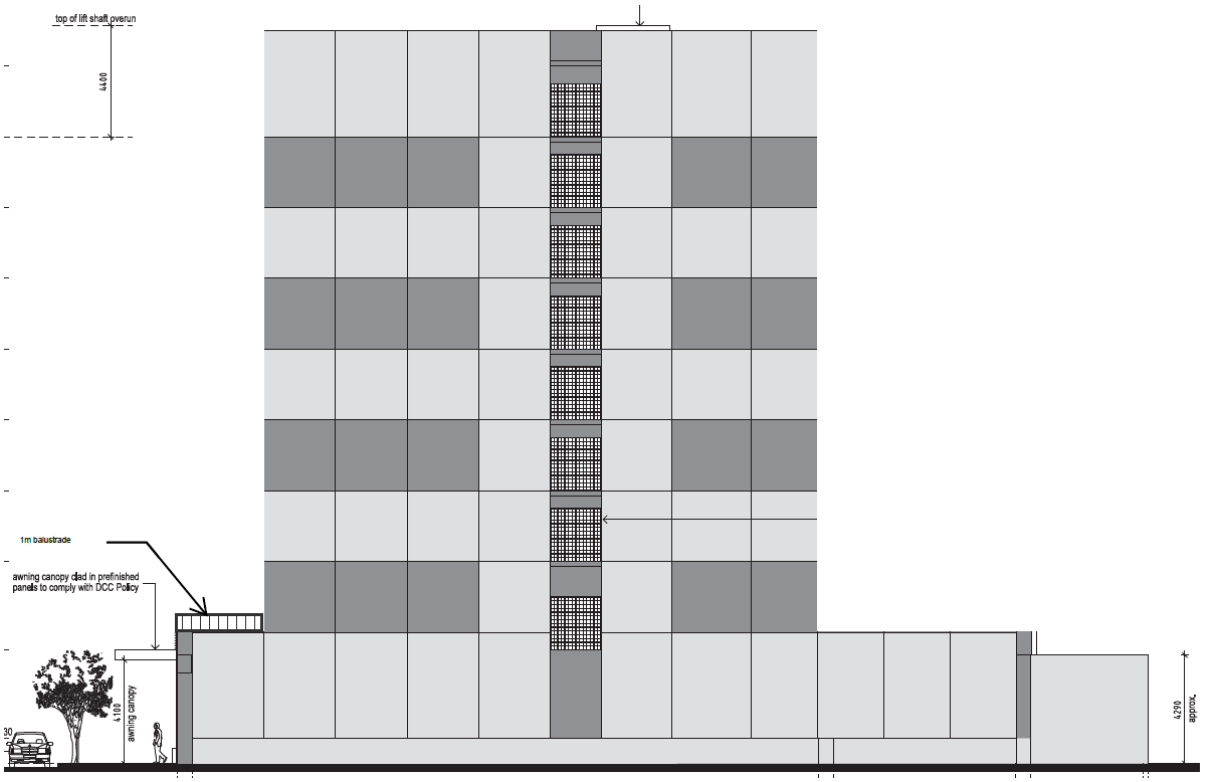
A variation to this clause is considered acceptable in this instance because:

- In response to (a), the application proposes 39 x 2 bedroom serviced apartments, and 36 x 1 bedroom/studio serviced apartments. As such, these serviced apartments may be less likely to be utilised by families/large groups. As the plans indicate that there will be sufficient room for a number of tables, deck chairs, and the pool itself, it is considered that the proposed communal open space will likely be adequate for the site and its expected visitors.
- In response to (b), the site is located approximately 300 m from Frog Hollow park, 330 m to public open space/facilities associated with the Charles Darwin University Danala campus, and 500 m to the Esplanade park. These publicly accessible spaces are considered suitable for providing visitors with outdoor recreational opportunities.
- In response to (c), it is noted that this application also seeks a reduction to the required amount and dimensions thereof, for the private open spaces associated with 71 serviced apartments.

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 side boundary.



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 proposed variation to the building articulation requirements is appropriate for the following reasons:

- While a lightwell/void is not proposed along the southern boundary, the existing residential development on the adjoining property to the south is well setback from the common boundary ensuring natural daylight and ventilation is provided to the proposed developments central corridor. It is unclear if the corridor is enclosed or open along the southern boundary and a condition precedent is recommended to be applied to any permit issued requesting that the windows along the southern side of the communal corridor spaces be open to allow for adequate cross-ventilation.
- The proposed wall will be finished in an alternating grey feature façade, along with the fenestration associated with the corridor, provides 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.*

A variation to this clause is supported in this instance because:

- 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.

In addition to the above, clause 5.5.15(13) requires that *Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate*, where it is unclear if the central corridor will be enclosed or open at the south-western property boundary, and also if windows are provided internally to the lightwell or central corridor.

To ensure compliance with clause 5.5.15(13), a condition precedent is recommended to be applied to any permit issued requiring that windows (if proposed) along the south-western side of the central corridor be open to allow for adequate cross-ventilation. In addition, a condition precedent is recommended to be applied to any permit issued requiring that a window is provided to all bedrooms to ensure appropriate passive climate control measures, and that these windows need to designed to have no internal overlooking impacts (i.e. a sill height greater than 1. 8m) and not located along the side elevations.

DAS also note that while not specifically identified by this clause, the DCA may wish to query the applicant as to the potential acoustic impacts of the Fire Pump Room on the adjoining unit 5 studio located on level 2.

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.



Approximate extent of non-compliant tower element when viewed from Linday Street

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*.

A variation to this clause is supported in this instance because the extent of non-compliance relates to essentially level 9, and the roof, and is considered to be a minor exceedance. As such, a variation to this clause is considered acceptable, as it will not 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*.

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*.

A variation to this clause is supported in this instance because 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 is considered to entirely comprise active street frontage. As such, while non-compliant with this clause, the application is considered to maximise it potential for active street frontage, with that proposed being well integrated with the public domain.

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*.

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)*. A review 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.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 19.91 car parking spaces, resulting 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 would still be an outstanding shortfall of 4 car parking spaces.

A subsequent variation to the required number of car parking spaces is supported for the following reasons:

- The remaining shortfall is minor.
- 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 reasonably impact on the surrounding road network and the amenity of the locality and adjoining property.

In addition to the above, it is noted that the applicant sought consideration for 2 additional categories, which if the Authority also support, would result in a compliant number of car parking spaces being provided on-site. A review of these considerations are provided below for the benefit of the Authority.

Pursuant to category 3(d), if *Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the site area* were provided, where of relevance, subclause 4 states *An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate: (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas …*, the Authority could consider a 10% reduction. The application states that up 11.8% of the site (112 m^2) of vertical landscaping is provided along the balconies facing Lindsay Street, and those facing the rear boundary. A review of the application instead considered that the only vertical landscaping that is well-integrated with the overall building design and publicly visible on the front building façade fronting key pedestrian thoroughfares comprises that located on the levels 2 to 9 balcony planter boxes facing Lindsay Street. As these planter boxes have a combined length of 166.6 m, and assuming 40 cm high vegetation, this would only provide a site coverage equivalent to 8.07% (76.16 m^2 of a 944 m^2 lot). As such, this reduction category has not been considered applicable to this application.

Pursuant to category 4(a), if *All car parking on the site is provided in an underground parking area*, the Authority could consider a 20% reduction. The applicant has suggested that this could be interpreted as being applicable against the percentage of car parking spaces that are provided underground (44). However, While the majority of the car parking is proposed within an

underground facility (72.7%), this is not considered to meet the criteria of *All car parking on the site is provided in an underground parking area*, noting that there is no phrasing suggesting that this category could be applied 'in part'.

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 t*he 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 supported 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.

(b) any proposed amendments to such a planning scheme:
(i) that have been or are on exhibition under Part 2, Division 3;
(ii) in respect of which a decision has not been made under Part 2, Division 5; and
(iii) that are relevant to the development proposed in the development application

There are no proposed amendments to the NTPS2020 which are considered relevant to this application.

(c) an interim development control order, if any, in respect of the land to which the application relates

There are no interim development control orders that affect this application.

(d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates

There are no environment protection objectives that are considered to affect this application. Additionally, the Land Resource Division of the Department of Lands, Planning and Environment (who coordinate responses from the various entities, including the Environment Division) did not communicate any requirements or concerns regarding this application.

(e) 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 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlew, on behalf of PLan: the Planning Action Network Inc.

Following the original exhibition of the application, the applicant provided amended plans (**Bookmark C1**) addressing comments raised by Development Assessment Services, service

authorities and this public submission. These amended plans were circulated on 18 March 2026 to Mr Kirlew, who then provided a subsequent submission. These submissions are provided at B**ookmark F**.

Mr Kirlew, on behalf of PLan: the Planning Action Network Inc, objects to the application, and raised the following concerns:

- Application seeks too many variations to modern planning scheme requirements
- Inappropriateness of relying upon project economics to justify the development
- Driveway won't 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.

In response to the amended plans, Mr Kirlew reiterated previous concerns, and additionally raised concerns land suitability, and adverse amenity impacts to nearby residential developments.

An assessment of the themes raised in the public submissions, and taking into consideration the applicant's response, is provided below.

1. The application seeks too many variations to the planning scheme than should be acceptable.

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 6(a) of this report, it is considered that proposed variations are appropriate in this instance.

2. Inappropriateness of relying upon project economics to justify the development.

There are no specific requirements within the *Planning Act 1999* or NTPS2020 that need to be considered in relation to the business or economic environment at the time an application is lodged

3. Driveway won't be safe for future visitors, and will create a risk for nearby pedestrians and street function.

The functionality of the proposed car parking layout has been considered at section 6(a) of this report.

4. Lack of on-site end of trip facilities undermines the purpose of requiring these facilities, and overarching goals of improving active transport options.

The functionality of the proposed car parking layout has been considered at section 6(a) of this report.

5. Inappropriateness of relying upon the City of Darwin-managed Dragonfly Car Park for car parking and end of trip facilities.

As demonstrated within clauses 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) and 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre), the Authority is able to have regard to alternative, including where publicly owned and/or managed, car parking or end of trip facilities. These have been given regard, as discussed at section 6(a) of this report.

6. 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.

The quality and functionality of the private open spaces and communal open space has been considered at section 6(a) of this report.

7. Poor built form outcomes in relation to variations being sought for podium height, setbacks, building articulation/visual massing, awning width.

Variations in relation to these built form elements have been considered at section 6(a) of this report.

8. Land Capability concerns.

The capability of the land to support this development has been considered at section 6(k) of this report.

9. Amenity impact concerns.

Amenity impacts have been considered at section 6(n) of this report.

For the reasons as discussed above, it is considered that planning matters raised in the submissions are either acceptable in nature, or are addressed by the inclusion of permit conditions, as recommended at section 7 of this report.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister has made no direction in relation to the application.

(h) the merits of the proposed development as demonstrated in the application

The application submits that the proposal has the following merits:

- *The type and scale of development is appropriate for the site and consistent with the uses anticipated in a Zone CB environment.*
- *The design exemplifies efficient infill development by leveraging a partially constructed development site that will improve the overall street aesthetic.*

- *The improvements to the active street frontage including new awnings are a positive contribution to the immediate locality and streetscape.*
- *The design also improves community safety by promoting passive surveillance opportunities.*

(j) 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 reasonably considered capable of supporting the proposed development. While Power Services identified that on-site electrical infrastructure may need to be upgraded, this can be addressed through standard permit conditions.

In addition, it is noted that 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.

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer

There is not considered to be a requirement for the provision of public facilities or open space as part of the proposed application, with facilities provided internally, including amenities and end of trip facilities intended for building occupants.

(m) 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 facilities, infrastructure or land to be provided by the developer for that purpose

Following the original exhibition of the application, the applicant provided amended plans (**Bookmark C1**) addressing comments raised by Development Assessment Services, service authorities and a public submission. These amended plans were circulated to all service authorities on 18 March 2026. Additional responses were received from City of Darwin, Land Resources Division of the Department of Lands, Planning and Environment, Aboriginal Areas Protection Authority and Airport Development Group. Service authority comments received in response to that response are provided with their original comments, within **Bookmark G**.

Below is a summary of service authority submissions –

Local authority:

City of Darwin (**Bookmark G1**) highlighted it does not support the proposed location of the vehicle access point as demonstrated in the development plans. City of Darwin requested that the Authority require a revised plan demonstrating compliance with City of Darwin standards for vehicle access. To meet City of Darwin's requirements, a minimum clearance of 1.35 meters from the edge of the driveway to the boundary line is necessary to ensure that the wings of the crossover do not encroach beyond the boundary line

In addition, City of Darwin requested standard conditions precedent relating to dilapidation report, site crossovers, stormwater engineered plan, waste management plan, traffic impact assessment report, site construction management plan and awnings; general conditions relating to the above, as well a monetary contribution in accordance with the Council's stormwater

contribution plan, landscaping, sightlines, works adjacent easements, signage; and permit notes relating to the above, as well as relating to awnings, works within the road reserve, street trees, and building identification. In response to the amended plans, City of Darwin reiterated concerns regarding the design of the crossover.

DAS response: The conditions requested above have been included within the recommended conditions. While the Council requested that matters relating to landscaping of the road reserve, signage, and works over Council land be addressed as permit conditions, these have been recommended as permit conditions, in-line with standard practice. Concerns raised regarding the crossover are considered to be addressed through a condition precedent that will require its in-principle approval from City of Darwin, prior to the endorsement of any plans.

Service authorities:

Power and Water Corporation (PWC) Power Services (**Bookmark G2**) provided standard comments that are reasonably expected for an application of this nature. It is noted that Power Services originally identified that an onsite substation would be required, and that this was subsequently addressed by the applicant through amended plans.

DAS response: Standard permit conditions and notes relating to works being to the requirements of Power Services have been included within the recommended conditions.

PWC Water Services (**Bookmark G3**) provided standard comments that are reasonably expected for an application of this nature.

DAS response: Standard permit conditions and notes relating to works being to the requirements of Water Services have been included within the recommended conditions.

The Land Resources Division of the Department of Lands, Planning and Environment (DLPE) (**Bookmark G4**) advised that the Land Resources Division did not have any comments, and later clarified (**Bookmark G5**) that this response applied to the other divisions they coordinate responses for.

DAS response: Noted.

Department of Defence (**Bookmark G6**) advised they have no concerns regarding this application.

DAS response: Noted.

The application was also circulated to the Airport Development Group, and NBNCo, however, no comments were received from these service authorities.

(n) 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 proposed 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 is considered to reasonably mitigate its adverse amenity impacts within the locality and on nearby residential land uses for the following reasons:

- The 9-storey scale of the development is consistent with the intended character of the zone. The building will be well-articulated through a variety of measures such as landscaping along the front facings balconies, presence of balconies along the majority of the front and rear building façades, and alternating grey banding along the side building façades.
- No dwellings directly overlook adjoining residential developments.
- Balcony landscaping and high degree of active street frontage elements will create a visually interesting built form.
- Additional accommodation in this locality will help improve activation of the street outside of standard business hours, thereby improving passive safety outcomes.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:
(i) community safety through crime prevention principles in design;
(ii) water safety;
(iii) access for persons with disabilities

It is in the public interest to ensure that development generally accords with the land use requirements as stipulated within the NTPS2020, as this sets out reasonable expectations of the community for developments in a given locality.

In response to (i), it is considered that community safety through crime prevention principles in design have been broadly incorporated into design elements of various clauses of the NTPS2020, which are addressed through the consideration of the planning scheme that applies to the land (as discussed in section (a) of this report).

In response to (ii), water safety is expected to be reviewed as part of building code requirements when future development takes place, and dealt with under the *Building Act 1993* and *Swimming Pool Safety Act 2004*. It is noted that a pool safety barrier separates the communal open space (pool area, including change room and storage room) from the central level 2 hallway and lift.

In response to (iii), access for persons with disabilities is expected to be reviewed as part of building code requirements and dealt with under the *Building Act 1993*.

Broader public interest in the application is also reflected in the public submission received and as discussed in section 6(e) of this report.

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;

Subdivision is not proposed as part of this application.

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

Not applicable to this application.

(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011

There are no known natural, social, cultural or heritage values of note on the subject lot or in the immediate surrounding area, nor were any identified as part of the public exhibition or assessment of this application.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992

The site is located within the declared Darwin Harbour beneficial use area, which exists to protect surface water in the declared area for aquaculture, environment, cultural, rural stock and domestic purposes. It is noted that it is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

(t) other matters it thinks fit

No other matters are raised for consideration by the consent authority.

Section 51(2) of the Planning Act 1999

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:
(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or
(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

In response to (a), the Environment Division did not communicate the need for an environmental impact assessment. As such, pursuant to (c), the consent authority may make a decision by virtue that referral is not reasonably required.

7. RECOMMENDATION

That, the Development Consent Authority 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), 5.4.7 (Communal Open Space), 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 a 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 to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be

endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

a. All bedrooms must be provided with an openable window to facilitate adequate cross-ventilation. Bedroom windows must be designed to prevent internal overlooking within the development, and must not be located on side elevations of the building.

b. Windows along the southwestern side of the central corridor is to be openable to allow for adequate cross-ventilation.

c. Doors and windows to and within the dwellings, including between rooms within each dwelling.

d. Stairs or ramp within the emergency stairwell between basement levels 3 and 4, and basement levels 1 and 2.

e. Extent of planter box of landscaping associated with the level 1 terraces, including showing a clear access between each dwelling's patio and its courtyard.

f. Difference between extent of AC unit screening and standard balcony railings.

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 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, 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.

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 awning to the Lindsay Street frontage to the requirements of the City of Darwin, to the satisfaction of the consent authority.

6. 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.

7. 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.

8. 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

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. If Council approval is obtained for in association with condition 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.

18. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin to the satisfaction of the consent authority.

19. 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.

20. 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.

21. 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.

    Car spaces, access lanes and driveways must be kept available for these purposes at all times.

22. 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.

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 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.

24. 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 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).

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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

31. 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. 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.

8. REASONS FOR THE RECOMMENDATION

1. This application is in relation to a 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin (the site). The 944 m² lot is in Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS2020).

   The application proposes the following:

   - **Basement level 4**: Contains 11 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a ramp to level 3.

   - **Basement level 3**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 4, or a continuous ramp to basement level 2.

- **Basement level 2**: Contains 9 car parking spaces, and has access to 2 emergency stairwells. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 1, or a continuous ramp to basement level 3. Minor water servicing is located at the end of a driveway here.

- **Basement level 1**: Contains 12 car parking spaces, and has access to the lift landing area, and a single emergency stairwell. This level can be accessed by a staggered ramp (which contains the lift landing area and a single car parking space in the middle) to basement level 2, or a continuous ramp to the ground level.

- **Ground level**: Contains the reception area (57 m^2), internal pedestrian lobby/access area (which provides access to 2 emergency stairwells, store/services room, elevator, and level 1 car parking area), dedicated bicycle parking facility, services (including a street-facing hydrant booster and internal indoor substation), and a single car parking space on the ramp to level 1. The primary street frontage is dominated by 2.8 m high windows and doors, and 6 m wide driveway (with roller door).

- **Level 1**: Contains 11 car parking spaces, and internal bin store.

- **Level 2**: Contains 4 x 2 bedroom dwellings, 1 x studio dwelling, and 115.6 m^2 of communal open space (pool area) with communal ablution/shower facility. The 4 dwellings have access to a 11 m^2 patio and 30 m^2 courtyard, whereas the studio dwelling does not contain any private open space. The courtyards are proposed to be separated by 1.5 m high fencing, and have a 1 m fence overlooking Lindsay Street. This level can be accessed by an emergency stairwell or elevator, and also contains a fire pump room, fire hydrant and communications/electrical supply closet.

- **Levels 3 to 9**: Each level contains 5 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and one studio dwelling, which will be accessed by central corridor, which will be open at both the north-eastern and south-western ends, acting as a breezeway. A 1.5 m wide by 2.08 m deep lightwell is proposed at the north-eastern end of this corridor with the south-western end being in line with that building line (approximately 0.5 m off the property boundary). All dwellings contain their own balconies, which range in size from 5.1 m^2 to 11 m^2, and will contain AC units within this space (which are proposed to be screened). In addition, planter boxes are proposed along the balconies of all dwellings. These levels can be accessed by an emergency stairwell or elevator. The building has an overall height of 29 m above ground level (52.23 mAHD, excluding the minor lift overrun).

The building frontages from level 2 and upwards will generally comprise balconies and terraces for the entirety of the north-western (Lindsay Street) and south-eastern (rear) frontages, with the north-eastern and south-western (side) frontages comprising solid walls with alternating grey paintwork, and broken up through edges of the central breezeway.

Ground level and level 1 frontages will comprise active street frontage, driveway and servicing at the Lindsay Street frontage, and solid walls (associated with car parking and internal stairwells) along the remaining boundaries.

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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and a 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 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.

These clauses have been considered and it is found that the proposal complies with the relevant 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), 5.4.7 (Communal Open Space), 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 the south-western boundary however 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. Notwithstanding, it is unclear if the corridor is enclosed or open along the southwestern boundary and a condition precedent is recommended to be applied to any permit issued requesting that the windows along the southern side of the central corridor be open to allow for adequate cross-ventilation. In addition, it is unclear from the floor plans where windows are proposed to be located. As such, a condition

precedent is recommended to be applied to any permit issued requiring that a window be provided to all bedrooms to ensure appropriate passive climate control measures. These windows would need to designed to have no internal overlooking impacts (i.e. a sill height greater than 1.8 m) and not located along the side elevations.

DAS also note that if the adjoining property to the south-west were to be redeveloped, any future development would require setbacks or lightwells/voids in order to preserve this development's access to natural light and ventilation.

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), 5.4.7 (Communal Open Space), 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).

3. 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 it has been found that the proposal complies with all relevant requirements of the NTPS2020, except for the non-compliant clauses as identified and discussed below.

   In response to clause 1.10(5)(a), variations to these clauses are appropriate in this instance because:

   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.

   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*.

   A variation to this subclause is acceptable because the layout of the car parking area will reasonably result in a slow speed environment, and that in the event that a vehicle exiting the ground level/level 1 car parking area encounters a car trying to access those levels, that by virtue these drivers will have direct visibility of one another directly or with the support of proposed convex safety mirrors, there will be ample opportunity for one of the

vehicles to remain stationary while the other vehicle completes the manoeuvre through the instance of reduced driveway.

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 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*.

A variation to this subclause is acceptable in this instance because the plans show that 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(2) requires that *All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number)* [where 25 are calculated as being required], where only 10 spaces (5 bike racks capable of securing 10 bikes) are proposed within a dedicated bicycle parking facility (BPF) at the site, located within the ground level car parking area.

In addition, clause 5.3.7(4) requires that *A locker should accompany every secure bicycle parking space provided …*, where no lockers are proposed on-site.

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: i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause; ii. access to the alternative end of trip facilities is safe and convenient for users; iii. the alternative end of trip facilities are sheltered and secure; and iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or ….*

A variation to this clause is acceptable in this instance as the development will primarily cater for tourists/visitors who are less likely to require bicycle parking spaces within a dedicated facility. In addition, visitors will be reasonably able to store bicycles and personal belongings in the 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 m^2 (including one dwelling which has no balcony at all), and all of which have dimensions less than 2.8 m long, and (b) there are 21 x 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 loungeroom) are 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 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.

As such, a variation to this clause is acceptable in this instance because:

- With the exception of one dwelling which does not propose its own private open space, the dwellings with non-compliant balconies (39 x 2 bedroom, and 36 x 1 bedroom/studio serviced apartments) are intended to 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.
- The one studio dwelling which does not include its own private open space is located on the same level as the communal open space, which would provide an easily accessible alternative recreational space for visitors occupying this dwelling.
- 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 communal open space which provides opportunities for occupants of the development to utilise as wanted, enhancing the function of the dwellings.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation*.

Clause 5.4.7(5) requires that *A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space*, where 8.8% (83 m^2) is proposed within a sheltered pool

area. It is noted the communal open space is considered to comprise only the pool area (which has excluding the presence of a central building support column in the middle), and not the storeroom, ablution/shower facility, or adjacent hallway.

Administratively, subclause 3 states *The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters: (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development; (b) the development is in proximity to adequate public open space or sufficient amenities; and (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*

A variation to this clause is considered acceptable in this instance because:

- In response to (a), the application proposes 39 x 2 bedroom serviced apartments, and 36 x 1 bedroom/studio serviced apartments. As such, these serviced apartments may be less likely to be utilised by families/large groups. As the plans indicate that there will be sufficient room for a number of tables, deck chairs, and the pool itself, it is considered that the proposed communal open space will likely be adequate for the site and its expected visitors.
- In response to (b), the site is located approximately 300 m from Frog Hollow park, 330 m to public open space/facilities associated with the Charles Darwin University Danala campus, and 500 m to the Esplanade park. These publicly accessible spaces are considered suitable for providing visitors with outdoor recreational opportunities.
- In response to (c), it is noted that this application also seeks a reduction to the required amount and dimensions thereof, for the private open spaces associated with 71 serviced apartments.

<u>Clause 5.4.17 (Building Articulation)</u>

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 side boundary.

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 proposed variation to the building articulation requirements is acceptable in this instance because:

- While a lightwell/void is not proposed along the southern boundary, the existing residential development on the adjoining property to the south is well setback from the common boundary ensuring natural daylight and ventilation is provided to the proposed developments central corridor.

- The proposed wall will be finished in an alternating grey feature façade, along with the fenestration associated with the corridor, provides 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.*

A variation to this clause is acceptable in this instance because:

- 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.

In addition to the above, clause 5.5.15(13) requires that *Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate*, where it is unclear if the central corridor will be enclosed or open at the south-western property boundary, and also if windows are provided internally to the lightwell or central corridor.

To ensure compliance with clause 5.5.15(13), a condition precedent has been included requiring that windows (if proposed) along the south-western side of the central corridor be open to allow for adequate cross-ventilation. In addition, a condition precedent is included that requires that a window is provided to all bedrooms to ensure appropriate

passive climate control measures, and that these windows need to designed to have no internal overlooking impacts (i.e. a sill height greater than 1. 8m) and not located along the side elevations.

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.*

A variation to this clause is acceptable in this instance because the extent of non-compliance relates to essentially 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.*

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.*

A variation to this clause is acceptable in this instance because 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, with that proposed being well integrated with the public domain.

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.*

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).* A review 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.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 19.91 car parking spaces, resulting 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 would still be an outstanding shortfall of 4 car parking spaces.

A subsequent variation to the required number of car parking spaces is acceptable for the following reasons:

- The remaining shortfall is minor.
- 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 reasonably impact on the surrounding road network and the amenity of the locality and adjoining property.

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 t*he 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.

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 6 and 20 February 2026. One (1) public submission was received under section 49(1) of the *Planning Act 1999* from Mr Nicholas Kirlew, on behalf of PLan: the Planning Action Network Inc.

   Mr Kirlew, on behalf of PLan: the Planning Action Network Inc, objects to the application, and raised the following concerns:

   - Application seeks too many variations to modern planning scheme requirements
   - Inappropriateness of relying upon project economics to justify the development
   - Driveway won't 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.

   In response to the amended plans, Mr Kirlew reiterated previous concerns, and additionally raised concerns land suitability, and adverse amenity impacts to nearby residential developments. An assessment of the themes raised in the public submissions, and taking into consideration the applicant's response, is provided below.

1. The application seeks too many variations to the planning scheme than should be acceptable.

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.

2. Inappropriateness of relying upon project economics to justify the development.

There are no specific requirements within the *Planning Act 1999* or NTPS2020 that need to be considered in relation to the business or economic environment at the time an application is lodged

3. Driveway won't be safe for future visitors, and will create a risk for nearby pedestrians and street function.

The functionality of the proposed car parking layout has been considered at section 3 of these reasons.

4. Lack of on-site end of trip facilities undermines the purpose of requiring these facilities, and overarching goals of improving active transport options.

The functionality of the proposed car parking layout has been considered at section 3 of these reasons.

5. Inappropriateness of relying upon the City of Darwin-managed Dragonfly Car Park for car parking and end of trip facilities.

As demonstrated at the discussion of clauses 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) and 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre) within section 3 of these reasons, the Authority is able to have regard to alternative, including where publicly owned and/or managed, car parking or end of trip facilities.

6. 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.

The quality and functionality of the private open spaces and communal open space has been considered at section 3 of these reasons.

7. Poor built form outcomes in relation to variations being sought for podium height, setbacks, building articulation/visual massing, awning width.

Variations in relation to these built form elements have been considered at section 3 of these reasons.

8. Land Capability concerns.

The capability of the land to support this development has been considered at section 5 of these reasons.

9. Amenity impact concerns.

Amenity impacts have been considered at section 6 of these reasons for recommendation.

For the reasons as discussed above, it is considered that planning matters raised in the submissions are either acceptable in nature, or are addressed by included permit conditions.

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 reticulated power, water and sewerage, and is reasonably 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.

   In addition, it is noted that 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.

6. 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 proposed 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 is considered to reasonably mitigate its adverse amenity impacts within the locality and on nearby residential land uses for the following reasons:

   - The 9-storey scale of the development is consistent with the intended character of the zone. The building will be well-articulated through a variety of measures such as landscaping along the front facings balconies, presence of balconies along the majority of the front and rear building façades, and alternating grey banding along the side building façades.
   - No dwellings directly overlook adjoining residential developments.
   - Balcony landscaping and high degree of active street frontage elements will create a visually interesting built form.
   - Additional accommodation in this locality will help improve activation of the street outside of standard business hours, thereby improving passive safety outcomes.

AUTHORISED:

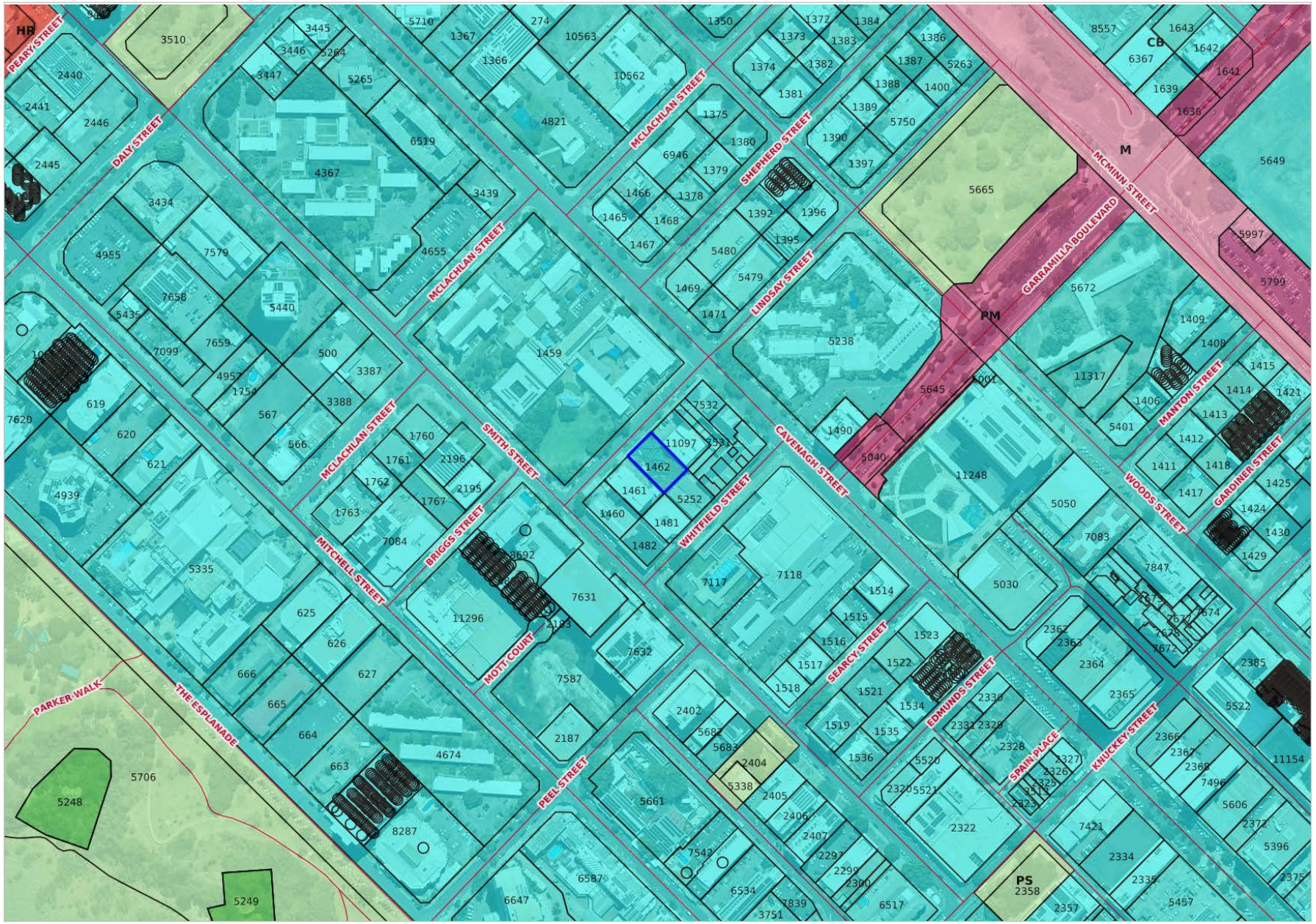
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SENIOR PLANNER – URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES

NORTHERN TERRITORY GOVERNMENT

NR MAPS

PA2026/0031



Legend

TOWN_PLANNING_ZONES

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Meduim Density Resid
- CA - No Planning Scheme Contrc
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use

N

Metres 50 100 150

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Geospatial Services Unit

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Department of Lands, Planning and Environment

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Created by Kaleb.Thomas@nt.gov.au, 31 Mar 2026

Pink sign photo on Lindsay Street.



View of Lindsay Street to the north-east (Cavenagh Street).



View of Lindsay Street to the north-east.



View of the existing site.



View of the existing site.



View of Lindsay Street to the south-west.



View of Lindsay Street to the south-west (Smith Street).



View of Lindsay Street to the south-west (Smith Street).



View of Lindsay Street to the south-west (St Mary's Primary School).

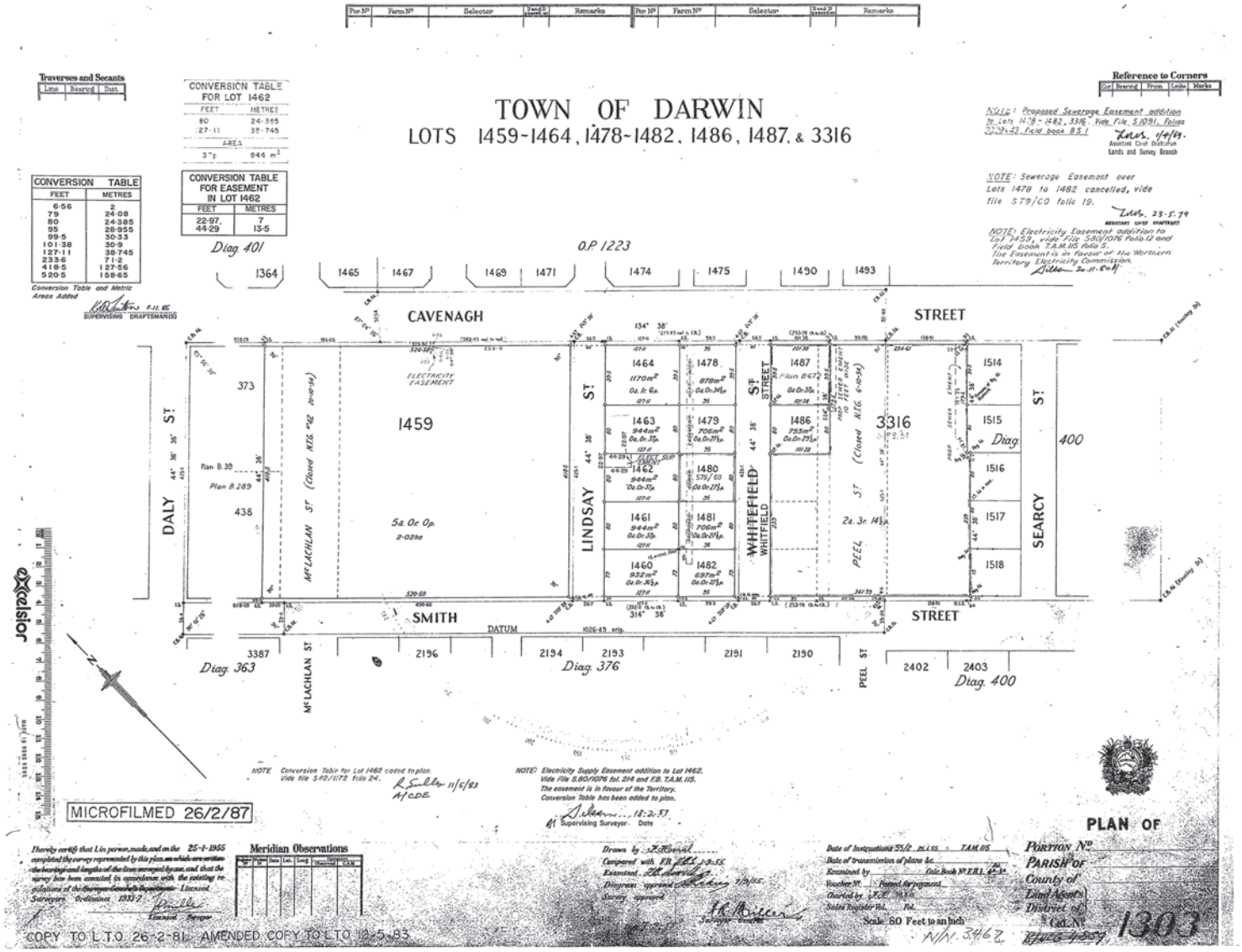


View of Lindsay Street to the north-east (St Mary's Primary School).



View of Lindsay Street to the north-east (Cavenagh Street).




TOWN OF DARWIN
LOTS 1459-1464, 1478-1482, 1486, 1487, & 3316
Traverses and Secants
CONVERSION TABLE FOR LOT 1462
CONVERSION TABLE
CONVERSION TABLE FOR EASEMENT IN LOT 1462
Diag. 401
O.P. 1223
Reference to Corners
NOTE: Proposed Sewerage Easement addition to Lots 1478 - 1482, 3316 vide File 5.1091, Folios 5294-43, Field book 85.1
NOTE: Sewerage Easement over Lots 1478 to 1482 cancelled, vide file 579/CO folio 19.
NOTE: Electricity Easement addition to Lot 1459, vide File 580/1076 Folio 12 and Field book T.A.M.115 Folio 5. The Easement is in favour of the Northern Territory Electricity Commission.
CAVENAGH STREET
DALY ST
LINDSAY ST
WHITFIELD ST
PEEL ST
SEARCY ST
McLACHLAN ST
SMITH STREET
1459
1464
1478
1463
1479
1462
1480
1461
1481
1460
1482
1487
1486
3316
1514
1515
1516
1517
1518
Diag.
400
373
438
3387
2196
2194
2193
Diag. 376
2191
2190
2402
2403
Diag. 400
Diag. 363
DATUM
NOTE Conversion Table for Lot 1462 coded to plan. Vide file 592/1172 folio 24.
NOTE: Electricity Supply Easement addition to Lot 1462. Vide File 580/1076 fol. 214 and F.B. T.A.M. 115. The easement is in favour of the Territory. Conversion Table has been added to plan.
MICROFILMED 26/2/87
Meridian Observations
PLAN OF
Portion No.
Parish of
County of
Land Agent's
District of
Cat. No. 1303
Scale 60 Feet to an inch
COPY TO L.T.O. 26-2-81. AMENDED COPY TO L.T.O. 12-5-83

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

Statement of Effect

39 x 2-bedroom & 36 x 1-bedroom serviced apartments in a 9-storey building plus 2 levels of parking.

4 Lindsay Street, Darwin CBD (Lots 1462 Town of Darwin)

February 2026

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

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Application Details s46(3)(aa) of the Act	
Proposed Development	39 x 2-bedroom and 36 x 1-bedroom serviced apartments in a 9-storey building plus 2 levels of basement parking
Lot	1642 Town of Darwin
Street address	4 Lindsay Street, Darwin CBD.
Site area	944m^2
Easements	Nil listed on Title (historical easement on survey plan)
Applicant	Sheridan Consulting
Landowner	Dalmer Pty Ltd (CAN 101 990 229)
Beneficiaries	Nil (other than the landowners listed on Title)
Other interests	Randal Ashford
Contact	Joe Sheridan
Email	joe@sheridanconsulting.au
Address	PO Box 41936 Casuarina NT 0811
Planning Synopsis	
Planning Scheme	Northern Territory Planning Scheme 2020 (NTPS)
Strategic framework	• Darwin Regional Land Use Plan (DRLUP) • Central Darwin Area Plan (CDAP)
Overlays	Nil.
Zone	CB (Central Business)
Assessment Category	*Merit Assessable* pursuant to NTPS Clause 1.8(1)(b)(i)
NTPS Variations sought	• Clause 5.2.4.4 – Layout of car parking Areas • Clause 5.3.7 – End of Trip facilities • Clause 5.4.6 – Private Open Space • Clause 5.4.7 – Communal Open Space • Clause 5.9.2.2 - Volumetric Control • Clause 5.5.15 – Design in commercial & mixed-use areas
Consent Authority	Darwin Division of the Development Consent Authority
Council municipality	City of Darwin

1.0 Introduction

Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application for 39 x 2-bedroom and 36 x 1-bedroom serviced apartments in a 9-storey building plus 2 levels of basement parking at 4 Lindsay Street Darwin CBD (Lot 1462 Town of Darwin).

The land is within Zone CB of the *Northern Territory Planning Scheme 2020 (NTPS),* and the use is *merit assessable* pursuant to clause 1.8(1)(b)(i) of the NTPS. In accordance with clause 1.10(3) of the NTPS, the consent authority must consider the relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3, and; the guidance provided in Part 4 relevant to any variation sought to Part 5 requirements.

The planning history over the site indicates that similar developments in both form and density have been previously approved over the site. In 2007, 59 motel suites and 1 x 3-bedroom caretaker's residence in a 11-storey building with 2 (two) levels of basement car parking were approved through DP10/0099. In 2014, 60 x 1-bedroom multiple dwellings in a 9-storey building plus 2 (two) levels of basement car parking were approved through DP14/0490 (**Attachment F** refers).

The basement levels and structural footings for upper levels were constructed in accordance with DP14/0490, but progress stalled due to economic factors. The planned recommencement of the construction phase was then delayed due to the COVID pandemic. A series of base period extensions were granted to DP14/0490 until 3 July 2022, but no further construction works were undertaken.

The proposed development contained herein is consistent with the developments originally approved over the site albeit with minor changes to the dwelling configurations to suit current market demand. The basement levels, floor plates and building height are consistent with those approved through DP14/0490.

This development application contains the following attachments:

Attachment A	Certificate of Title
Attachment B	Site Aerial
Attachment C	Locality Map
Attachment D	Survey Plan
Attachment E	Development Plans
Attachment F	Planning History

2.0 Locality & Site Description

2.1 Locality

The site is located is centrally located within Darwin CBD on Lindsay Street. The existing land uses within the immediate locality are both ground level and multi-storey commercial developments including:

- St Mary's Catholic primary school.
- Multi-storey dwellings.
- Various commercial uses such as short-stay accommodation, offices, retail and specialty shops including Woolworths.
- Charles Darwin University CBD campus.
- City of Darwin's publicly accessible Dragonfly off-street parking facility.

2.2 Site & Existing Development

The site is approximately 944m^2, generally flat and rectangular in shape with dimensions of 24.385m (w) x 38.745m (l). The existing vehicle access from Lindsay Street is located in the southern corner of the lot.

As noted above, the basement levels, fire escape stairs to the ground floor and part of the structural footings have been constructed. Parts of the ground floor blockwork wall on the rear and side boundaries have also been constructed along with chain mesh fencing on the front boundary to discourage trespassing. Low-set shade sails were also erected on the ground floor to reduce damage to the basement level entry and ground floor works from seasonal weather.

A Site Aerial provided at **Attachment B**. A Locality Plan is provided at **Attachment C**. The Survey Plan is located at **Attachment D**.





Figures 1 & 2 – Subject site from Lindsay Street

3.0 Proposed Development

3.1 Development description

The proposed development is for a total of 75 **serviced apartments** comprised of 39 x 2-bedroom and 36 x 1-bedroom suites in a 9-storey building plus 2 levels of basement parking at 4 Lindsay Street Darwin CBD (Lot 1462 Town of Darwin).

Schedule 2 of the NTPS defines the primary use on site as a **multiple dwelling** which:

*…. '"means a **dwelling** or **serviced apartmen**t that is wholly or partially vertically over or under another **dwelling** on a site or any **dwellings** above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;.."*

*…"**serviced apartments** means 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;*

The proposed works are summarised as follows:

- Refurbishment of the existing basement levels of car parking and associated facilities (fire stairs, lifts, lighting, line marking, bike parking etc.)
- Ground floor reception area, lift foyer, fire stairs, new dual vehicle crossover, internal refuse area and partially enclosed car parking area.
- Level 1 is comprised of 4 x 2-bedroom suites adjacent the Lindsay Street frontage with individual courtyards and plantar boxes on each balcony, 1 x 1 bedroom studio suite at the rear side (east) of the building, communal pool/deck area, landscaping, internal breezeway & building services (fire pump room).
- Levels 2-8 are comprised of 5 x 2-bedroom suites and 5 x 1-bedroom suites each with individual balconies.
- Each of the suites will also be equipped with a small kitchenette & private balcony (except the level 1 studio) to cater for a range of short-stay guests and increase the overall level of amenity for guests.
- The 2-bedroom suites are designed with the ability to be self-contained short-stay accommodation inclusive of

As noted above, the basement levels including the structural footings and columns have been constructed. The partially constructed ground floor also shows the intended location of structural columns to support the upper levels. These factors have attributed to the desire to retain the previously approved building envelope and upper floor dwelling layouts albeit with a minor reconfiguration. The use of the partially constructed building envelope also provides a substantial economic benefit through reduced capital expenditure for detailed engineering and future construction costs.

A copy of the development plans is at **Attachment E.**

4.0 S46(3)(A) of the Act - Northern Territory Planning Scheme

4.1 Part 1 – Guidance

Part 1 of The Northern Territory Planning Scheme (NTPS) sets out its administration and function. The relevant assessment parameters are summarised below:

- Pursuant to Clause 1.8(1)(b)(i) of the NTPS, the proposed development is deemed *Merit assessable* and requires consent.
- Pursuant to Clause 1.10(3) of the NTPS, the consent authority must consider the non-compliances with Part 5, any Overlays applicable in Part 3, and the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to any variation required to Part 5.

4.2 Part 2 – Strategic framework

Part 2 of the NTPS sets out the strategic framework for development by promoting the objectives of the *NT Planning Act 1999*. It establishes the hierarchy of strategic land use plans and contains policies designed to guide development outcomes relevant to the geographical context of the region, sub-region and locality.

The *Darwin Regional Land Use Plan 2015* (DRLUP)[1] and the *Central Darwin Area Plan 2019* (CDAP)[2] are relevant to the land. However, as consent is required pursuant to clause 1.10(3), assessment under Part 2 is not triggered.

4.3 Part 3 – Overlays

Part 3 of the NTPS identifies areas of land within the NT by using Overlays designed to preserve desired development outcomes. Overlays can apply to both terrestrial and marine environments and respond to unique locality or site features.

No Overlays apply to the subject site.

4.4 Part 4 – Zones and Assessment Tables

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.

The relevant zone outcomes are discussed below:

1. *A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.*

[1] DRLUP https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-regional-land-use-plan.PDF

[2] CDAP 2019 https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/central-darwin-area-plan.pdf

The proposed development will support the diversity of land uses that are encouraged in Zone CB and once occupied, contribute to the viability of existing and future commercial uses in the CBD.

2. *Residential developments that cater for residents and tourists, including dwelling-multiple, serviced apartment, rooming accommodation, residential care facility, and hotel/motel, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.*

The high-density development is comprised of a one (1) and two (2) bedroom suites in a 9-storey building (total of 75). The site is well located to a range of entertainment precincts along Mitchell and Cavenagh Streets that boast well established hospitality and entertainment venues.

4. *Commercial developments and entertainment and dining activities such as bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops and sex services-commercial premises:*

    a. *encourage diversity and contribute to day and night activity within the zone;*
    b. *are designed and operated in a manner that is considerate of the character and amenity of surrounding uses, having regard to the mixed-use nature of the zone.*

The range of land uses contemplated by this zone outcome do not feature in the proposed development. However, the overall use contributes to the overall diversity in Zone CB and will support the viability of surrounding commercial uses. It will also promote day and night activity in the zone through guest patronage.

8. *Development incorporates innovative building design, site layout and landscaping that:*

    a. *responds to and encourage pleasant microclimates, including through breeze capture and shading;*
    b. *minimises privacy and overlooking impacts on private spaces;*
    c. *maximises overlooking and passive surveillance of public spaces;*
    d. *maximises pedestrian activity along primary street frontages;*
    e. *reduces the appearance of building mass relative to its surroundings; and*
    f. *creates attractive outdoor spaces and enhances the streetscape.*

The proposed development incorporates a central breezeway on levels 1-8 with landscaping located on all balconies adjacent the Lindsay Street frontage. Balconies are also provided for all suites on the rear side of the building. These features serve to promote passive surveillance opportunities over the surrounding public spaces.

The north and south boundaries are comprised of pre-cast concrete panels in a two-tone finish. This maintains resident privacy for the existing residential development on the south boundary and potential future residential development on the north boundary.

In relation to building massing, the two-tone paint on side boundaries, upper floor landscaping features along the Lindsay Street frontage and the building setback from the rear boundary reduce the overall bulk of the building. A new awning is also provided at ground level offering pedestrians shelter and shade.

9. *Development contributes to the creation of an active, safe and legible public realm by:*

    a. *incorporating and responding to high quality public open spaces including town squares, civic plazas and forecourts where appropriate; and*
    b. *integrating with walking, cycling and public transport networks to promote accessibility and use.*

The proposed development enhances convenient pedestrian and cyclist movement by providing an awning to Lindsay Street.

10. *Developments are designed and operated in a manner that avoids unreasonable loss of amenity for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed-use nature of the zone.*

No loss of amenity is expected to result from the proposed development. The design is also considerate of the existing residential building on the south boundary (see response to sub-clause 8 above).

11. *An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient access to open space, community and educational facilities.*

Reticulated services are already connected to the subject site. The site is also well positioned to utilise existing transport networks to access open space, community, entertainment and educational facilities in the CBD.

4.4 Part 5 – General Development Requirements

Having regard to the purpose and outcomes for Zone CB, the following Part 5 clauses are applicable to the proposed development.

4.4.1 Clause 5.2.1 – General Height Control

The purpose of this clause is to ensure that building heights are appropriate for the locality and meets community expectations for the Zone.

Pursuant to Table B, there are no height limits for development in Zone CB controlled by the NTPS. However, the site falls within the aviation area controlled by the Commonwealth Department of Defence which requires approval for structures over 90 metres in the CBD.

The proposed building is approximately 28m and does require approval from Defence.

4.4.2 Clause 5.2.4.4 – Car Parking Layout

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

The proposed car parking area is predominantly located in two (2) existing basement levels with bays 1-16 located on the ground floor. Of these, bays 9-16 are perpendicular to the rear boundary and not directly undercover owing the upper floor building setback.

The requirements of this clause are:

6. *A car parking area is to:*
    a. *be not less than 3m from any lot boundary abutting a road; and;*
    b. *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

Both the basement levels and ground floor car parking areas are within the existing building footprint and obscured from public view.

7. *A car parking area is to be constructed and maintained to be:*
    a. *of a suitable gradient for safe and convenient parking; and*
    b. *sealed and well drained in urban areas, or dust supressed in non-urban areas.*

The car parking area is sealed, of a suitable gradient for safe and convenient car parking and well drained.

8. *The layout of a car parking area is to:*
    a. *be functional and provide separate access to every car parking space;*
    b. *allow a vehicle to enter from and exit to a road in a forward gear;*
    c. *be in accordance with the dimensions set out in the diagram to this clause; and*
    d. *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The car parking layout is functional, has separate access to each bay and allows each vehicle to enter/exit in a forward gear. All bays comply with the dimensions set out by this clause including at the least a 1m buffer to the building wall for bays at the end of each driveway. While bays 32-35 & 10-14 are not technically at the end of driveways, all are 3m wide to promote vehicle manoeuvrability.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*
    a. *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
    b. *maximise sight lines for drivers entering or exiting the car parking area.*

The only variation relates to the width of internal driveway entrance to the rear ground floor car parking area which is approximately 4.72m-5.12m wide. All other driveways provide two-way 6m wide vehicle access. Sight lines for vehicles entering and exiting from Lindsay Street are considered acceptable with an unimpeded view north-south and further aided by convex mirrors at the building entrance.

Pursuant to sub-clause 5.2.4.4(5), to offset the reduced entry width to the development the internal ground floor driveway after entering the building marginally exceeds the minimum 6m width. The use of two convex mirrors also improves driver sightlines along the main driveway entrance. This allows safe and functional access to the ground floor car parking area at the rear of the building and for a privately contracted refuse vehicle to enter and exit (see SK1 at **Attachment E**).

4.4.3 Clause 5.2.5 – Loading Bays

The purpose of this clause is to provide for loading and unloading of vehicles associated with the use of the site.

Multiple dwellings or **serviced apartments** do not require a loading bay however discussion is provided for context.

Each floor plate is approximately 600m^2 which, over 9 levels, equates to less than 10,000m^2 of net floor area. While **serviced apartments** do not require a loading bay per the Table to this clause, a dedicated waste vehicle area on the ground floor is included. This is designed to accommodate a privately contracted refuse vehicle but can also be utilised as an informal loading bay as required (see SK1 at **Attachment E**).

It complies with the dimensional requirements of this clause including height (4m). It is noted that while bins are being emptied, access to bays 14-16 will be limited. This can be negated by on-site management and reception staff ensuring the use of the bays by guests is not impacted by waste collection time and vice versa.

Furthermore, the largest vehicle that is likely to require to site access is a waste vehicle. Deliveries and maintenance activities are also anticipated to be undertaken by light vehicles. Surplus bays on the ground floor can therefore be used for this purpose under the direction of on-site management and reception staff (specifically bays 4 & 5 are 3m wide for increased manoeuvrability/access).

4.4.4 Clause 5.2.6.2 – Landscaping in Zone CB

The purpose of this clause is to 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.

This clause require development in Zone CB is to provide areas of landscape planting equivalent to 10% of the site area.

The combined site is 944m^2 which equates to a landscaping requirement of approximately 94.4m^2 (Total site = 944m^2 / 100 x 10). A preliminary landscaping plan is provided at **Attachment E** (refer **SK6**) and is summarised below:

Level	Calculation
Ground floor	7.3m^2
L1 breezeway plantar box	10.5m^2
L1 Courtyards	120m^2
L2 – 8 balcony plantar boxes on Lindsay Street frontage	112m^2 (8 x 14m^2 per level)
Total	249.8m^2 (~26%)

4.4.5 Clause 5.3.7 – End of Trip Facilities (EoT) in Zone CB

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.

Sub-clause 5.3.7(2) states that all new buildings in Zone CB should provide bicycle parking facilities calculated per the table to this clause.

The EoT facilities required for the development are:

Use	Bicycle spaces required	Dwellings/Suites	Total
Serviced Apartments	1 space for every 3 dwellings	75	25
	1 shower for up to 50 staff	1	1
Total required (rounded up)			25
Total provided			10

Sub-clause 5.3.7(3) requires that all bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:

- *(a) be located in a convenient and safe location with adequate security for the storage of bicycles;*
- *(b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;*
- *(c) where secure parking is provided, provide e-bike charging facilities, as necessary;*
- *(d) not require access via steps;*
- *(e) be protected from the weather;*
- *(f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;*
- *(g) be located outside pedestrian movement paths;*
- *(h) be easily accessible from the road;*
- *(i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;*
- *(j) be protected from manoeuvring motor vehicles and opening car doors;*
- *(k) be as close as possible the cyclist's ultimate destination;*
- *(l) be well lit by appropriate existing or new lighting; and*

(m) be sympathetic in design, material & colour to compliment the surrounding environment.

Secure ground mounted bicycle car parking internal to the development is available for approximately 10 bikes in the south-east corner of the development. These spaces comply with the design criteria set out above. Guests and visitors alike have direct access to the parks on the ground floor and to the lifts which provide access to upper-floor suites and the communal open space area on level 1 which includes a shower that can be access by staff. No e-bike charging is proposed.

While there is theoretical shortfall of 15 spaces, the site is proximate to a range of publicly accessibly bicycle parking including the Dragonlfly car park. This facility has dedicated end-of-trip facilities (showers and lockers) and is approximately 50m to the south. Furthermore, guests may opt to use bikes and scooters available for hire throughout the CBD which does not require any formal parking and can be left on footpaths.

4. *A locker should accompany every secure bicycle parking space, and should be:*
   (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;
   (b) well ventilated, secure and lockable; and
   (c) located close to shower and changing facilities.

No lockers are proposed given the primary use of the site is for serviced apartments. It's reasonable to assume that guests will prioritise use of the shower/changing facilities in their private suites thereby limiting the requirement for lockers. A shower is located within the communal area with adequate space for personal belongings in the reception area for staff.

5. *All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.*
6. *Shower and changing facilities must be secure facilities capable of being locked, and should:*
   (a) be located as close as practical to the associated bicycle parking facilities;
   (b) provide one change space per shower; and
   (c) Provide for separate male and female facilities where more than one shower is provided.

Please refer to responses provided for sub-clauses 3 and 4 above.

4.5 Part 5 – Location Specific Development Requirements

4.5.1 Clause 5.9.2.1 – Building Design in Darwin City Centre

The purpose of this clause is to promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of amenity in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

The requirements of this clause are:

6. *New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.*

The ground floor includes a floor to ceiling height of approximately 4.1m.

7. *Building facades are to have a clearly distinguished base, middle and top.*

The proposed 9-storey development has a clear base (gf), middle (levels 1-8) and top (roof/level 9).

8. *Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the site layout and building design.*

Bicycle parking is located on the ground floor. A communal pool and deck area is provided on level 1.

9. *Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.*

Rooftop plant equipment is not currently required. Individual A/C units will be provided for each suite.

10. *Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at ground level to connect the two street frontages.*

Not applicable.

4.5.2 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;*
c. *penetration of daylight into habitable rooms; and*
d. *reasonable privacy for residents.*

The requirements of this clause are:

5. *The podium of a development is to:*
   a. *have a maximum height of 25m, excluding any plant, equipment, aerials, outbuildings or visually permeable balustrades; and*
   b. *provide a minimum setback of 6m from any site boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or public open space.*

The total building height is approximately 28m. The private courtyards and balconies for level 1 suites are located on the Lindsay Street front boundary with all upper-level balconies setback 5.2m from the street. Level 2- 8 balconies are setback approximately 12.5m from the rear boundary. The building is located 0.4-0.5m on each of the side boundaries. However, only level 8 has a portion of each balcony over the 25m height limit and 6m setback prescribed by sub-clause 5.

Pursuant to sub-clause 5.9.2.2(3), the following justification is provided in support of the building height exceeding 25m (only if it is considered a 'podium') and the level 8 balconies:

- The building height over 25m only relates to the roof structure and the upper portion of the level 8 balconies (refer SK7 & SK9).
- No windows are proposed along any side boundaries including for the suites on level 8. Importantly, the existing building on the south side boundary is setback from the shared boundary due to the driveway location.
- The generous building setbacks to the front and rear boundaries increase the level of privacy associated with the development by providing a greater distance between neighbouring properties including the existing residential building on the south boundary.
- These setbacks also provide greater design flexibility for the future development of the lot adjacent the north side boundary.

6. *The tower of a development is to:*
    c. *have a footprint that covers a maximum of 56% of the site area, to a maximum of 1200m2 in any single tower;*
    d. *have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and*
    e. *provide minimum setbacks of: i. 6m from any site boundary; and ii. 12m between towers on the same site.*
7. *Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:*
    f. *the podium height is reduced below 25m; and*
    g. *the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and*
    h. *the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.*

The following is noted in relation to sub-clauses six (6) and (7):

- The proposed development does not adopt a typical podium and tower design with generous setbacks to both the front and rear boundaries.
- The building height and setbacks that may be considered relevant to the podium design are discussed above under sub-clause 5.
- Floor plates (or tower footprint) are also well below the prescribed 1,200m^2 limit.

- The subject site is not within the Smith Street Character area identified in the diagram to Clause 5.9.2

In summary, the building form does not adversely impact breeze circulation and view lines to Darwin Harbour, ensures adequate penetration of daylight into habitable room and incorporates breezeways on levels 1-9.

4.5.3 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.

The administration sub-clause (4) states that every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontages.

The subject site is located along a portion of Lindasy Street that is identified as a Priority activated frontage. It is noted that the proposed building services, were previously considered acceptable by Power and Water Corporation (PWC). Discussions will continue with service authorities for all building services including both power and water at PWC.

The requirements of this clause are:

5. *Services on street level frontages are to be limited to:*
    a. *a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*
    b. *a direct single point of access to service equipment for all service authorities;*
    c. *required fire egress; and*
    d. *required fire booster connection points.*

The proposed building has one compliant vehicle entry/exit with other services limited to the hydrant booster located in the south-west front corner of the site and associated fire egress.

6. *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, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*
    a. *windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
    b. *operational and legible entrances (excluding fire egress) that are directly accessible from a public space;*
    c. *areas within the site that are used for alfresco dining; or*
    d. *well-designed spaces that allow for pedestrian movement and/or seating*

Schedule 2 of the NTPS defines "*active street frontage' as any ground level frontage of a commercial building that stimulates interest and activity on the adjacent street, or to a public space."*

The Lindsay Street frontage is approximately 24.385m wide and is considered entirely active except in relation to the 6m wide vehicle access/egress. This equates to a total of 75.38% active frontage (18.385m / 24.385 x 100).

The ground floor reception and main building entry use floor to ceiling windows that maintain clear views to the street including windows at 45 degrees behind the plantar boxes to promote a wider field of view. Low shrubs are deliberately incorporated to ensure that the landscaping does not inhibit passive surveillance opportunities. An awning the length of the property boundary which extends wider than the footpath is also provided.

4.5.4 Clause 5.9.2.11 – Car parking in Darwin CBD

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.

A total of 75 suites is proposed with the car parking requirements calculated below:

Use	Required Bays	Suite/NFA	Total
Serviced Apartments	1 for every dwelling	75	75
Other areas	3 per 100m^2 of net floor area not within a dwelling	~158.6m^2 (Reception + Communal area)	4.758
Total required			79.758 bays
Total provided (B1/2 =21, B3/4=23, GF=16)			59
Total motorcycle bays			2
Total shortfall			20.758

4.5.6 Clause 5.9.2.12 – Reduction in car parking spaces in Darwin CBD

The purpose of this clause is to provide for a use or development with few car parking spaces than required by clause 5.9.2.11 where deemed appropriate.

The proposed development is calculated as having a requirement of 32.772 bays. In accordance with the criteria in Table to Clause 5.9.2.12, the car parking reduction is calculated as follows:

Category*		Criteria	Reduction	Justification
1(c)	Access to alternative transport options	The development is located within 200m walking distance of a public bus stop that provides access to five or more bus routes	15%	- The site is located within 200m of bus stop 70 (Woolworths interchange) on Cavenagh Street
2(b)	Use of Shared parking	The development is within 200m walking distance of an existing, publicly accessible	10%	Dragonfly car park on Smith Street has a

	areas/proximity to public car parking	car park with a combined total of 100 car parking spaces or more.		capacity >100 bays and is <100m away.
3(d)	Vertical landscaping	10—25% of the site area	10%	Upper floor balconies provide ~11.8% (112m^2 / 944m^2 x 100)
4(a)	Improved car parking design outcomes	All car parking is located underground	Approx 15%	Majority of parking is provided in two basement levels
Total Reduction permitted			50%	
Car parking requirements per clause 5.9.2.11			79.758 bays	
Reduction calculation (79.758/100 x 50)			39.879 bays	
Total requirement after reductions			39.879 bays	
Provided on site			59 bays	
Total surplus (59 – 39.879)			19.121 bays (19)	

4.5.7 Clause 5.9.2.13 – Design of Car Parking Areas and Vehicle Access

The purpose of this 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.

The requirements of this clause are:

3. *Ground level car parking areas in buildings are limited to the number of car parking spaces required for ground level commercial tenancies.*
4. *All car parking spaces are to be screened so that they are not visible from the public domain.*
5. *Vehicle access and loading areas are to be consolidated and car parking areas are to be located away from street frontages.*

No ground floor commercial tenancies are proposed. All parking at ground level is sited to the rear of the development and obscured from Lindsay Street.

6. *Entry and access from a car parking area is to be from the lowest order vehicle access way. In order of priority, access should be from:*
   a. a laneway;
   b. a secondary street; or
   c. a primary street only if no other access is possible.

The access/egress arrangement is from the primary and only street frontage.

4.6 Part 5 – Specific Development Requirements

4.6.1 Clause 5.4.6.2 – Private Open Space

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.

The requirements of this clause are:

3. 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;
c. is located to provide views from the dwelling to open space and natural features of the site or locality.

Aside from the 1-bedroom studio on level, each suite is provided with private open space directly accessible from the main living area and afforded views of the surrounding locality. The 2-bedroom suites on level 1 are fully compliant with balconies that open onto private open space courtyards approximately 30m^2.

The following points are made in relation to the private open space areas:

- Although the one-bedroom suite on level 1 does not have a dedicated private open space area, it's the closest suite to the communal open space area. It is therefore reasonable to consider that occupants of this suite may be more inclined to utilise the communal open space area in the absence of a private balcony. While not a direct substitution for a private area, it does offer an alternative high amenity area that is conveniently accessible.
- Each 2-bedroom suite on levels 2-8 adjacent the Lindsay street frontage provides a private open space balcony of approximately 10m^2 with a minimum dimension of 1.2m. While this area does not meet the 2.8m minimum width or the total 12m^2 required, it provides a useable private open area that is an extension of the dwelling. Landscaped plantar boxes are also provided on this façade to assist with cooling and the overall amenity.
- The 2-bedroom suite facing the rear (east boundary) provides a similarly proportioned private open space balcony of 10m^2 and provides a useable private open area that is an extension of the dwelling.
- Three (3) 1-bedroom studio suites facing the rear (east boundary) provide private open space balconies approximately 4.1m^2 commensurate with the reduced floor area of these particular suites. It's envisioned that these suites will cater for predominantly solo guests who only require accommodation for 1-2 nights or are transiting through Darwin.

- The larger 1-bedroom studio suite facing the rear (east) boundary provides a private open space balcony of 6.6m^2 with the larger studio suite in the south-east corner providing a balcony of 5.4m^2

In summary, the private open space balconies on levels 2-8 are consistent with the purpose of the clause in that each suite provides an area capable of being used for outdoor living. Furthermore, the short-stay nature of the **serviced apartments** means that each suite will not be used as a permanently occupied **multiple dwelling** where compliant private open space would (& should) be expected to ensure a higher level of amenity for residents is maintained.

It's further noted that the target market for the development will predominantly be travellers. It's therefore reasonable to assume that guests are more likely to spend time away from their primary address sightseeing in the region and enjoying the high amenity offerings in the CBD. The availability of a high-amenity communal open space area with a pool on level 1 will also provide an additional space for guests to enjoy without leaving the building.

4.6.2 Clause 5.4.7 – Communal Open Space

The purpose of this clause is to ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation.

The requirements of this clause are:

3. *A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.*
4. *Communal open space is to be designed to:*
    a. *be clearly delineated from private and public open space;*
    b. *maintain reasonable privacy of nearby dwellings;*
    c. *provide recreational facilities for occupants;*
    d. *address the projected needs of children;*
    e. *include landscaping and shade where located outdoors;*
    f. *minimise safety issues, including through lighting and passive surveillance;*
    g. *minimise the effects of any on-site traffic circulation and car parking areas; and*
    h. *be capable of efficient maintenance and management.*

A total of 141.6m^2 (944m^2 / 100 x 15) is required. A total of 115.6m^2 is provided in the form a pool and deck area on level 1 with no dimension less than 6m. This area is safe, delineated, internal to the site and away from lot boundaries, provides a pool which can be used by guests of all ages, and can be efficiently managed/maintained.

Pursuant to sub-clause 5.4.7(3), a variation is sought to the dimensional requirements for the following reasons:

- The development is proximate to an expansive high-quality CBD public open space network with shared paths that connect the CBD core, the Darwin Esplanade and the Waterfront Precinct;
- The CBD locality includes a diverse range of high amenity offerings including; the AANT Centre, various hospitality venues along Mitchell Street, Cavenagh Street and the Austin Lane precinct;
- Aside from the studio on level 1 which is the closest unit to the communal open space area, each suite also has a balcony that functions as private extension of the dwelling that can be used by guests, and;
- The communal area equates to approximately 80% which is not considered to be significant departure from the clause requirements.

4.6.3 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.

This clause requires:

4. *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.*

The building lengths along each side boundary are broken up through the use of centrally located breezeways that ensure no continuous building length greater than 15m.

In relation to the front and rear building lengths, the proposed development is approximately 28.435m noting it's built almost to each side boundary. Dedicated recesses are provided at ground level to break up the perceived mass through plantar boxes and for the rear of level 1 through the design of the communal area. On upper levels, the front and rear building lengths use landscaping along the Lindsay Street frontage and setbacks to the rear and front boundaries to reduce the perceived building mass.

Pursuant to sub-clause 5.4.17(2), a variation is sought to for the front and rear building lengths noting the use of upper floor landscaping, breezeways and building setbacks. These design features visibly reduce the building mass and serve to ensure the purpose of the clause is achieved.

4.6.4 Clause 5.5.15 - Design in Commercial & Mixed-Use Areas

The purpose of this clause is to encourage diverse mix of commercial and mixed-use developments that are safe, positively contribute to the activity and amenity of commercial centres, climate appropriate, and minimise conflicts between different land uses within and surrounding the commercial centre.

The requirements of this clause are:

12. *Building design is to be sympathetic to the character of buildings in the immediate locality.*

The proposed development is sympathetic to development in the immediate locality through the use of architectural features including upper floor landscaping, setbacks to front and rear boundaries including the siting of the communal area internal to the building footprint. While upper floor balconies are provided, these are designed as ancillary recreation areas rather than a generously proportioned private open space area that might be found in a privately owned multiple dwelling.

13. *Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.*

The proposed development incorporates glazed floor to ceiling windows to promote energy efficiency, landscaping features and breezeways on upper floors to promote passive cooling.

14. *Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.*

The pre-cast concrete walls along the side boundaries will be painted with appropriate colours to minimise nuisance or glare to the public.

15. *Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties*.

Services will be integrated from the development and/or screened from public view.

16. *Car parking areas, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.*

No rooftop parking is proposed with all parking located on the ground floor and partially obscured by the building footprint. All other parking is located in basement levels and entirely obscured from view.

17. *Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or veranda to all street frontages that adjoin a footpath, which:*

    a. *extends along the full length of the site boundary to provide continuous coverage for pedestrians.*

b. covers the full width of the footpath or has a minimum width of 3m; and
c. allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.

The development includes an awning 2.2m wide x 4.1m for the length of the 24.385m Lindsay Street frontage which covers the existing footpath.

18. *Development is to provide legible pedestrian access from the street and public pathways to building entrances that:*

    a. is direct and provides refuge from the sun and rain; and
    b. avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.

The development includes two dedicated pedestrian building entrances that are legible, functional and avoid potential entrapment areas.

19. *New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.*

The proposed residential use is not anticipated to give rise to any unreasonable impacts on surrounding uses.

20. *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.

No noise or exhaust impacts are anticipated with all suites designed to ensure that any impact is limited and sufficiently mitigated. This includes the 1-bedroom suite on level 1 located proximate to building services and the 1-bedroom suites located on levels 2-8 proximate to the lift.

21. *Buildings are to provide internal drainage of balconies.*

Balconies will be internally drained.

22. *Development with a floor area of 3500m² or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).*

The communal area and private suites can accommodate a range of parenting needs.

23. *Development is to provide designated areas for rubbish collection.*

A designated refuse area is provided on the ground floor with a privately contracted waste collection service to be used.

4.6.5 Clause 5.5.16 – Active frontage

The purpose of this clause is to provide a site-responsive interface between commercial buildings and the public domain that:

a. is attractive, safe and functional for pedestrians;
b. encourages activity within the streetscape; and
c. encourages passive surveillance of the public domain.

Pursuant to sub-clause 5.5.16(1), this clause does not apply where alternative requirements are established under clause 5.9 (refer above).

4.6.6 Clause 5.5.17 – Building Frontage in Commercial & Mixed-Use Areas

The purpose of this clause is to encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

Pursuant to sub-clause 5.5.17(1), this clause does not apply where alternative requirements are established under clause 5.9 (refer above).

S46(3)(b) to (l) of the Act

This relevant parts of s46 for the type of development proposed are discussed below.

5.1 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders listed on Title.

5.2 46(3)(c) – Referral to the NT EPA

Referral to the NT EPA under Part 4 Division 3 of the *Environment Protection Act 2019* has not been undertaken and is not required.

5.3 46(3)(d) – Merits of the proposed development

The following merits have been identified:

- The type and scale of development is appropriate for the site and consistent with the uses anticipated in a Zone CB environment.
- The design exemplifies efficient infill development by leveraging a partially constructed development site that will improve the overall street aesthetic.
- The improvements to the active street frontage including new awnings are a positive contribution to the immediate locality and streetscape.
- The design also improves community safety by promoting passive surveillance opportunities.

5.4 46(3)(e) – Physical characteristics of the land and an assessment regarding its suitability for the proposed development on the land and other land.

A description of the site is provided in Section 2.2 of this report. The site is considered appropriate for the development and consistent with previous approvals issued over the site.

5.5 46(3)(f) – specify the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer.

A description of the locality is provided in Section 2.1. No public facilities or open space is proposed as part of the proposed development.

5.6 46(3)(g) – specify the public facilities or public open space available in the area in which the land is situated, the requirement for public facilities or infrastructure to be connected to the land and whether public utilities or infrastructure are to be provided by the developer for the provision of public utilities or infrastructure.

Reticulated power, water and sewer and telecommunications are connected to the site. No public facilities or open space is proposed as part of the proposed development.

5.7 46(3)(h) – potential impact on existing and future amenity of the area in which the land is situated.

The proposed development is not anticipated to have an adverse impact on future or existing amenity in the area. Instead, it will activate an underutilised parcel of land that has sat undeveloped for some time. This will increase the vibrancy of the western end of the Darwin CBD and contribute to the overall amenity of the locality.

5.8 46(3)(j) – the benefit or detriment to the public interest of the development.

No detriment to the public interest is anticipated. The proposed development will benefit the broader Darwin community by stimulating economic activity during the development, construction and operational phases of the project. Once operational, it will also contribute to the diversity and availability of CBD accommodation during peak tourist season.

5.0 Conclusion

Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application for 39 x 2-bedroom and 36 x 1-bedroom **serviced apartments** in a 9-storey building plus 2 levels of basement parking at 4 Lindsay Street Darwin CBD (Lot 1462 Town of Darwin).

The land is within Zone CB of the *Northern Territory Planning Scheme 2020 (NTPS),* and the proposed land use is *merit assessable* pursuant to clause 1.8(1)(b)(i) of the NTPS.

The variations to the applicable Part 5 criteria described herein are considered relatively minor with justification provided to support favourable administration of the corresponding clauses. Importantly, the proposed development is a prime example of infill development where a partially developed site will finally be completed to support the overall vibrancy of the CBD.

The proposed development is also comparable with the developments originally approved over the site in 2010 (motel) and in 2014 (multiple dwellings). Minor alterations to the internal dwelling configuration and subsequent dwelling density have been proposed to suit current market demand. The basement levels, floor plates and building height are consistent with those approved through DP14/0490. Importantly, the revised dwelling configuration is economically viable meaning that a partially developed building can be completed. This will result in on overall net increase in the overall amenity, accommodation options and vibrancy of the CBD locality.

In summary, Sheridan Consulting requests that the consent authority review the application material and, subject to its satisfaction, determine to grant consent under s53(a) of the Act with conditions commensurate with the scale of development.

End

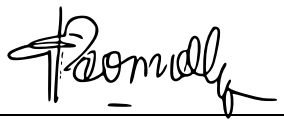
Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required. Fields marked with a carat (^) are required if applicable.			
Applicant In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the **applicant** AND **any person on whose behalf the application is made.**			
Name of Applicant/Consultant or Acting agent	Sheridan Planning & Development T/A Sheridan Consulting		
Address	PO Box 41936, Casuarina, NT 0811		
Phone	0407 703 813	**Email**	joe@sheridanconsulting.au
Persons on whose behalf the application is made:			
Person/s on whose behalf the application is made:	See landowner details below.		
Address			
Phone		**Email**	
The applicant is hereby authorised to lodge a development application over the subject land described as:			
***Lot/NT portion**	Lot 1462		
***Location/town**	Darwin		
***Street address**	4 Lindsay Street, Darwin CBD.		

The application is for the purpose of:			
Proposed development *Brief description of proposed development*	Refer attached SoE.		
Landowner/s signature In accordance with Section 46(3)(aa)(ii) of the *Planning Act 1999*, a development application is to contain the **name and contact details of the owner of the land** to which the application relates. Written authorisation from each: • **Individual owner**: Each person listed on the title must provide written authorisation for the application. • **Companies**: For each company listed on the title, written authorisation must be obtained from the **director** or **authorised representative** of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so.			
***Full name**	Lita Astralita Connolly		
^Company name	Dalmer Pty Ltd		
^Title *(e.g. director/authorised representative)*	Director		
Phone	0408076577	**Email**	dalmeraustralia@gmail.com
***Signature**			
***Date**	12/12/2025		
Landowner signature			
***Full name**			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	
***Signature**			
***Date**			

Any Persons with an interest in the land *(as applicable)* In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement** with the applicant and/or landowner, **to acquire an estate or interest in the land to which the application relates**; and **any person with an interest** prescribed by regulation.			
^Full name	Randal Ashford		
^Company name	Ashford Architects		
^Title *(e.g. director/authorised representative)*	Director		
Phone	0413 316 562	**Email**	randal@ala.net.au
Any Persons with an interest in the land			
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

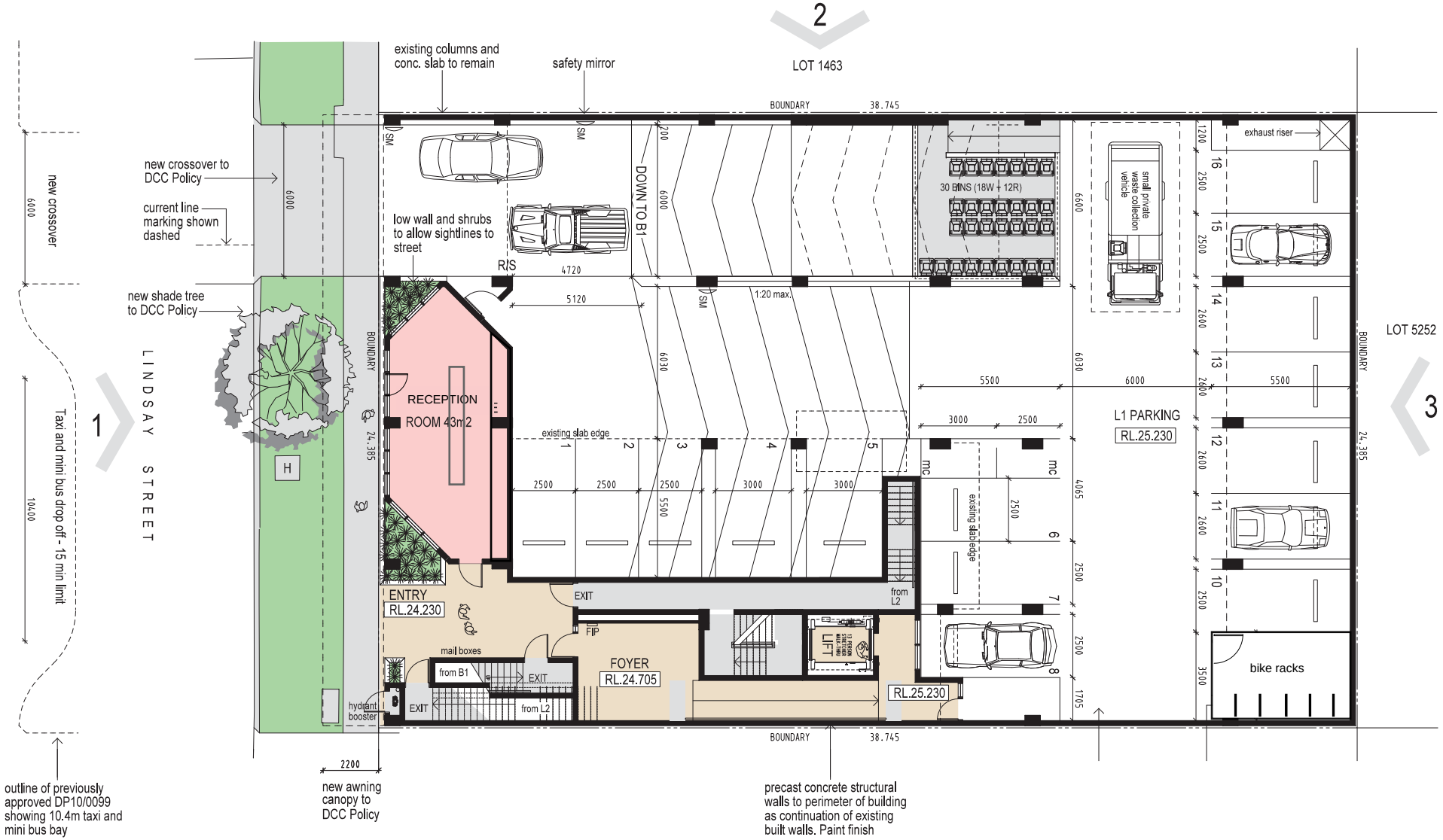
Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at https://nt.gov.au/copyright-disclaimer-and-privacy
Any personal information provided can be subsequently accessed by you on request.

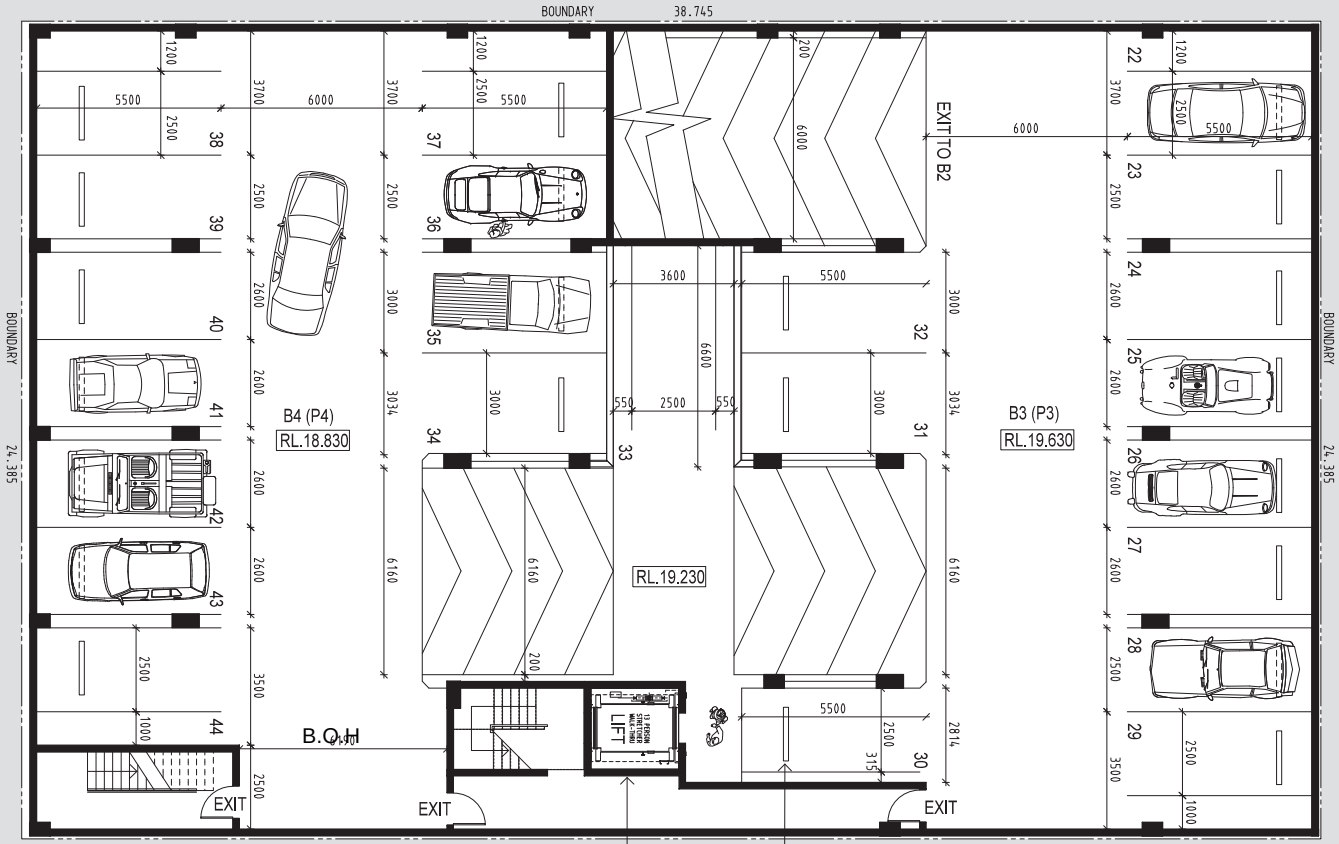
THE LINDSAY

INITIAL CONCEPT DESIGN PRESENTATION

LOT 1642 (4) LINDSAY ST - JANUARY 2026



SK1 - GROUND FLOOR PLAN

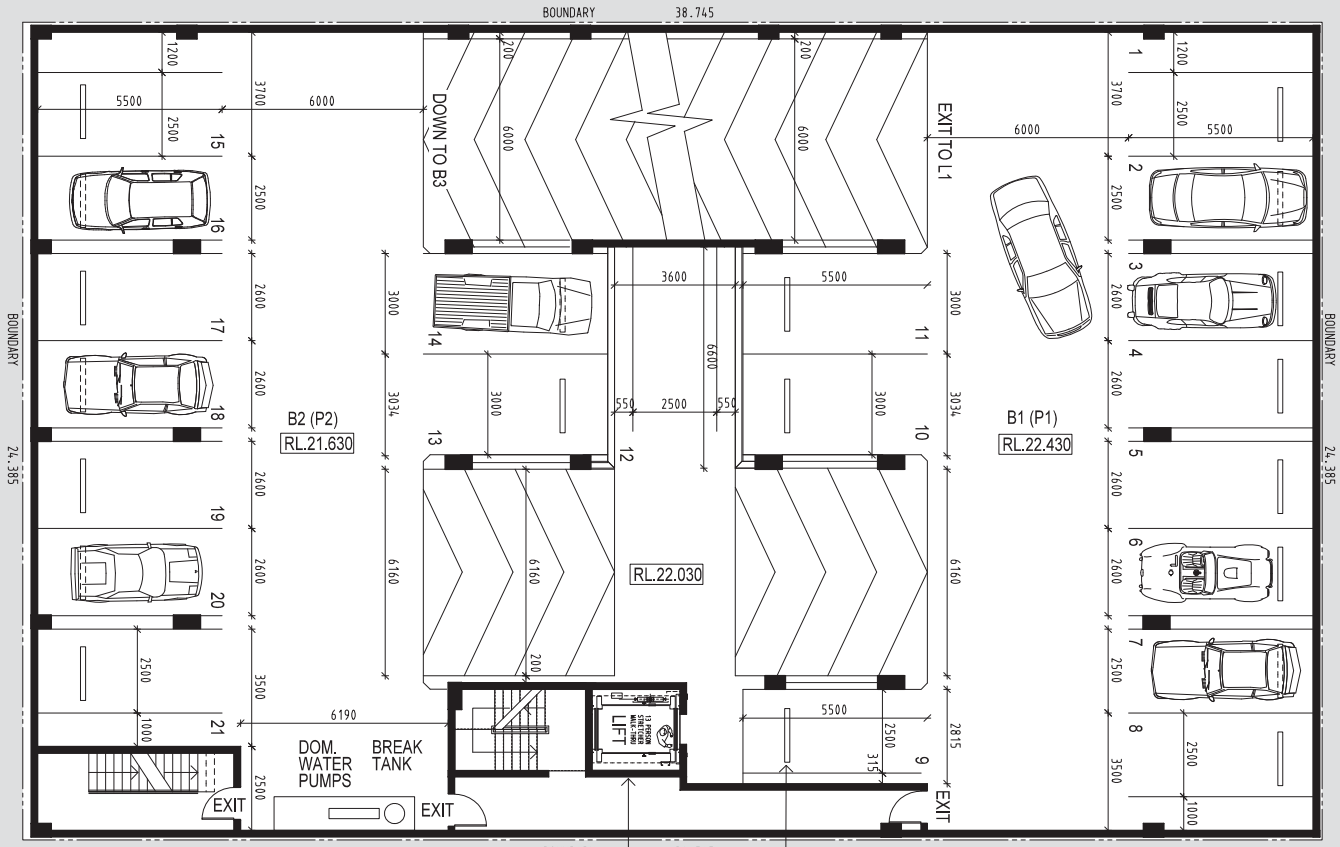


EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 30)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

SK 2 - BASEMENT 3 & 4



SK3 - BASEMENT 1 & 2

L1 - 5 ROOMS



SK4 - LEVEL 1

2

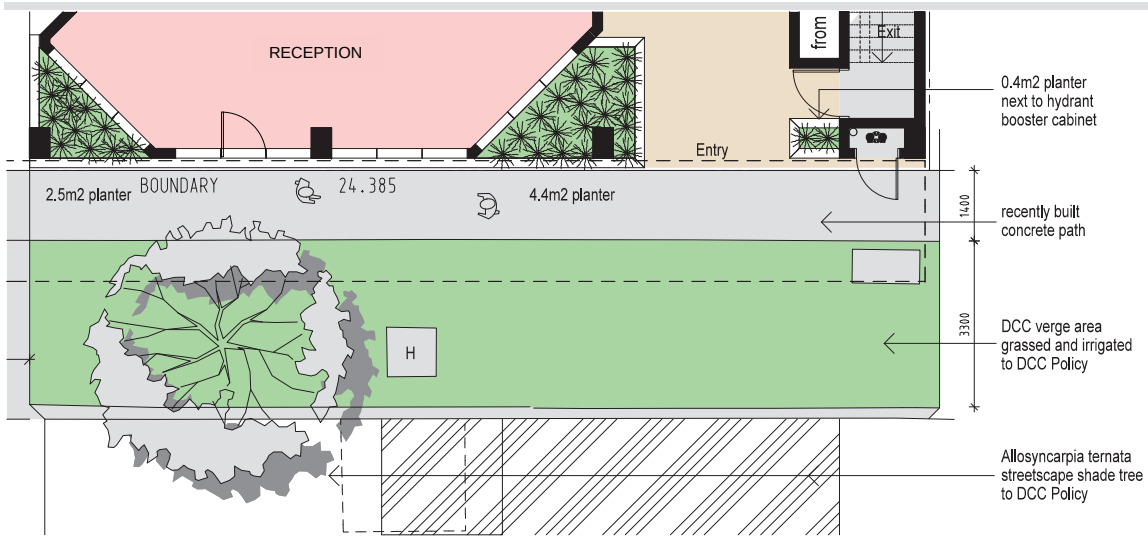
1

3

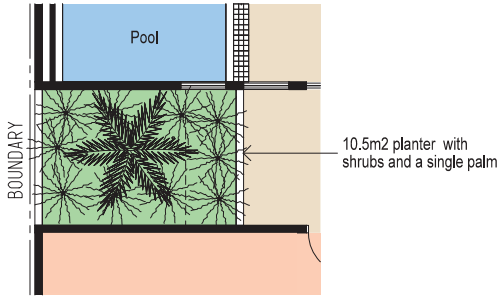


NOTE:
All balconies to include internal drainage and lip or upstand to edge to prevent edge staining

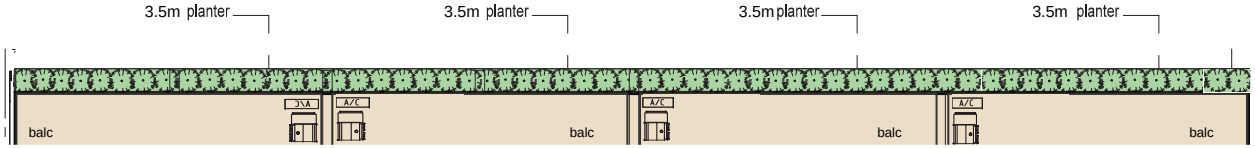
SK5 - LEVEL 2 - LEVEL 9



L1(GL) PLAN



L2 PLAN



L3 - L9 PLAN continuous planters across building facade and edge of balconies allowing


Allosyncarpia ternata


Pandanus pendunculatis


Philodendron xanadu


Phalaenopsis

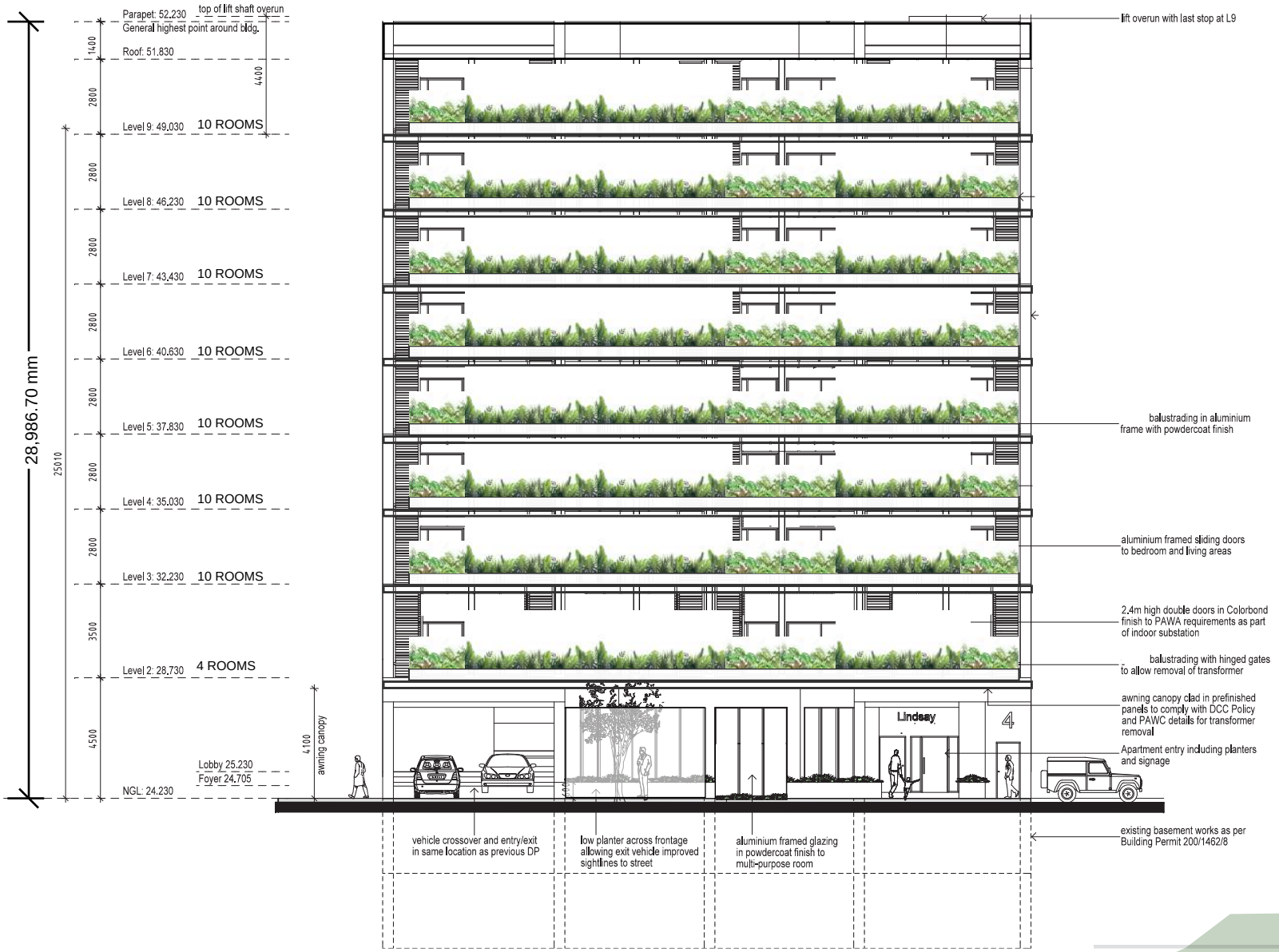

Dianella revoluta


Ixora sp.


Heliconia tropic

LANDSCAPE SELECTIONS

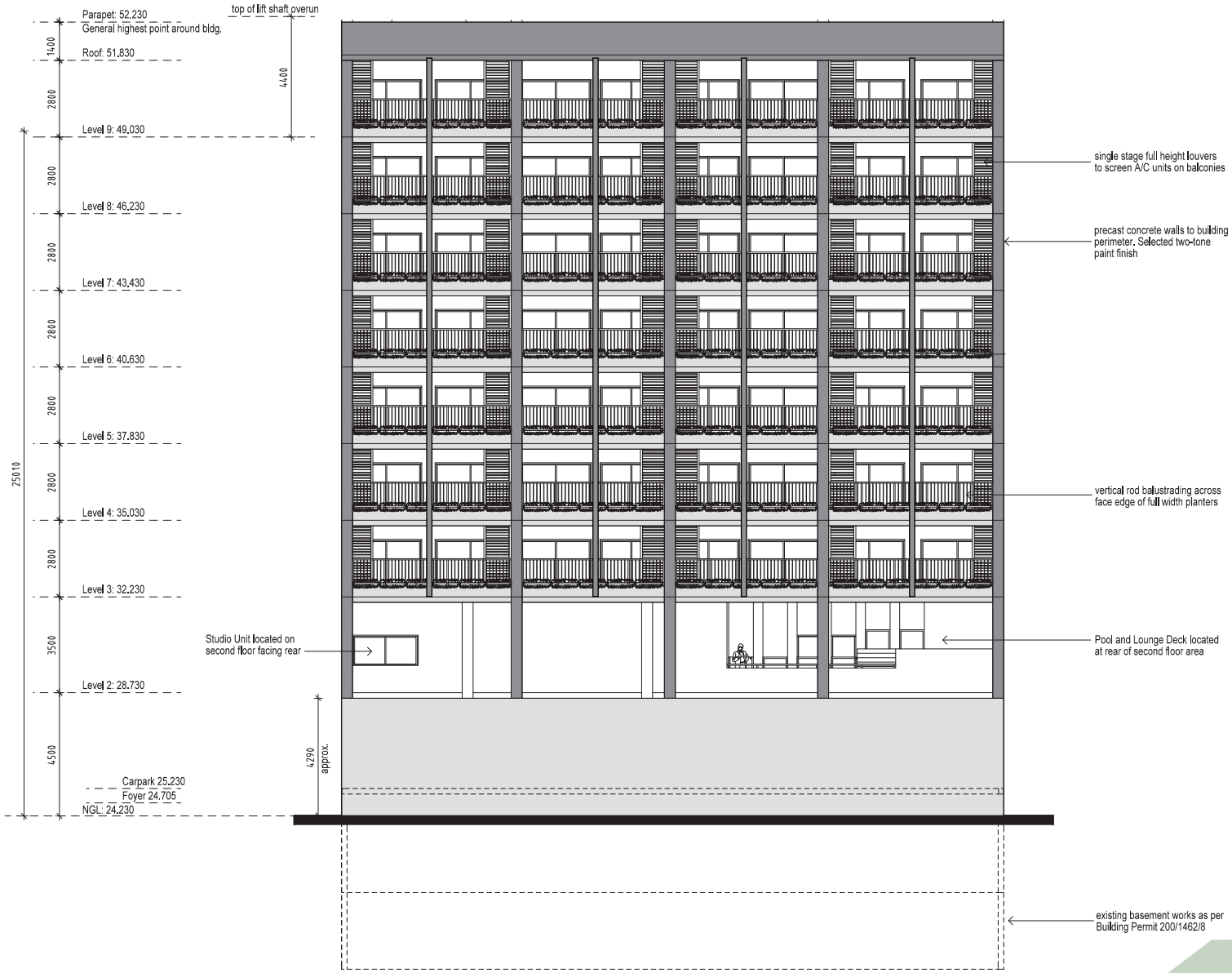
SK6 - LANDSCAPE PLAN



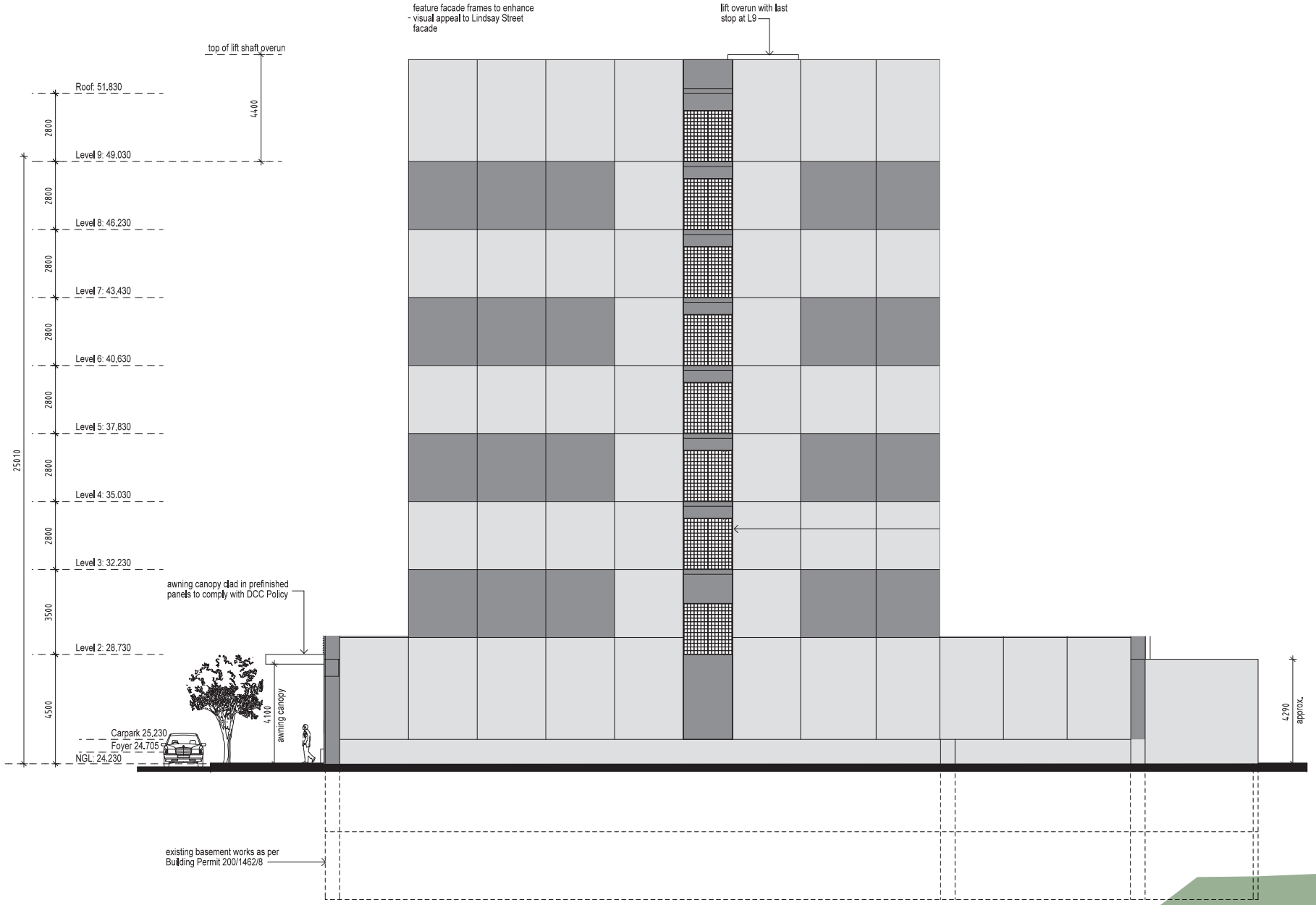
SK7 - FRONT ELEVATION



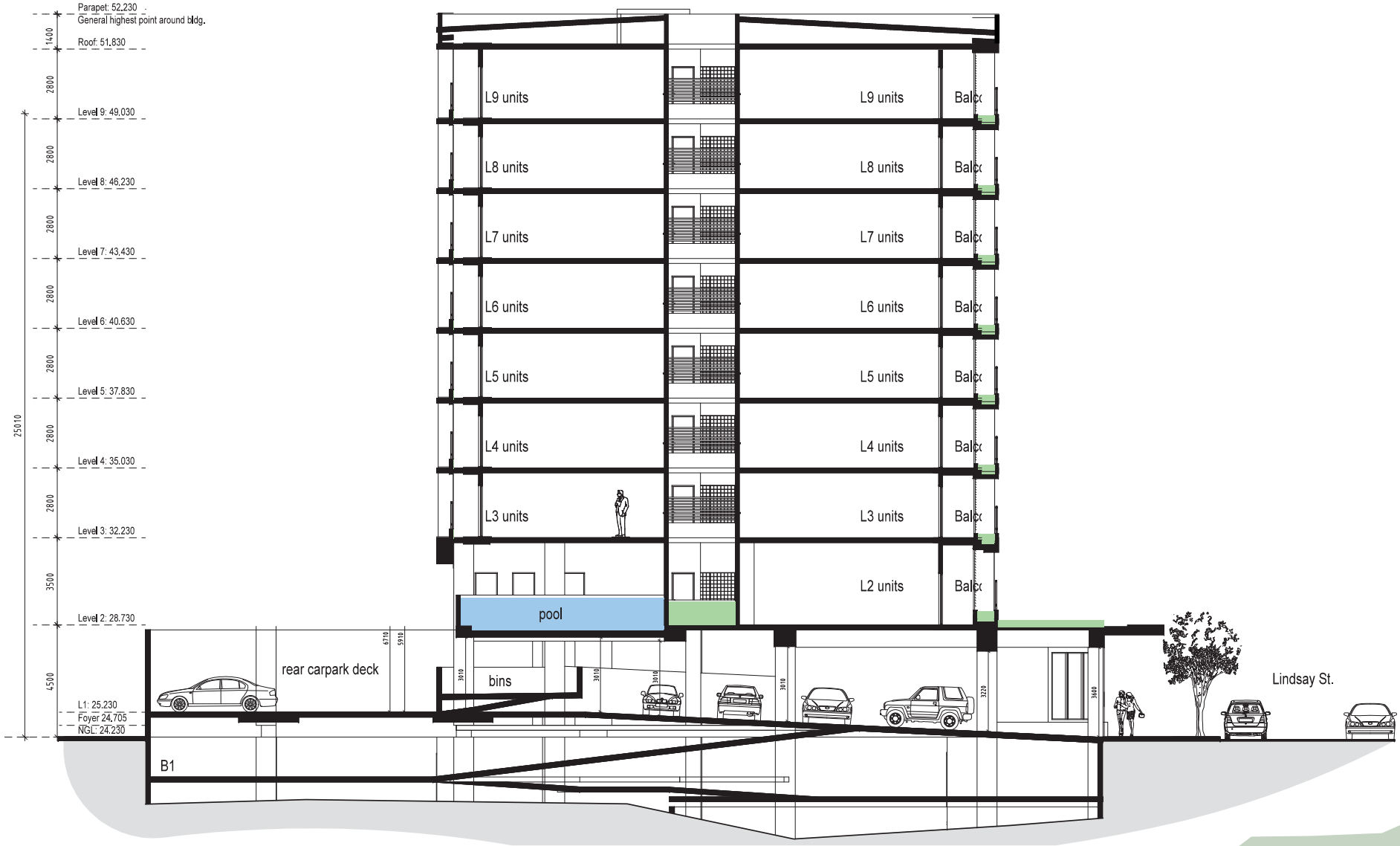
SK8 - NORTH ELEVATION



SK9 - REAR ELEVATION



SK10 - SOUTH ELEVATION



SK11 - SECTION

Date Registered: 13/05/2016 **Volume** 810 **Folio** 658
Duplicate Certificate as to Title issued? No

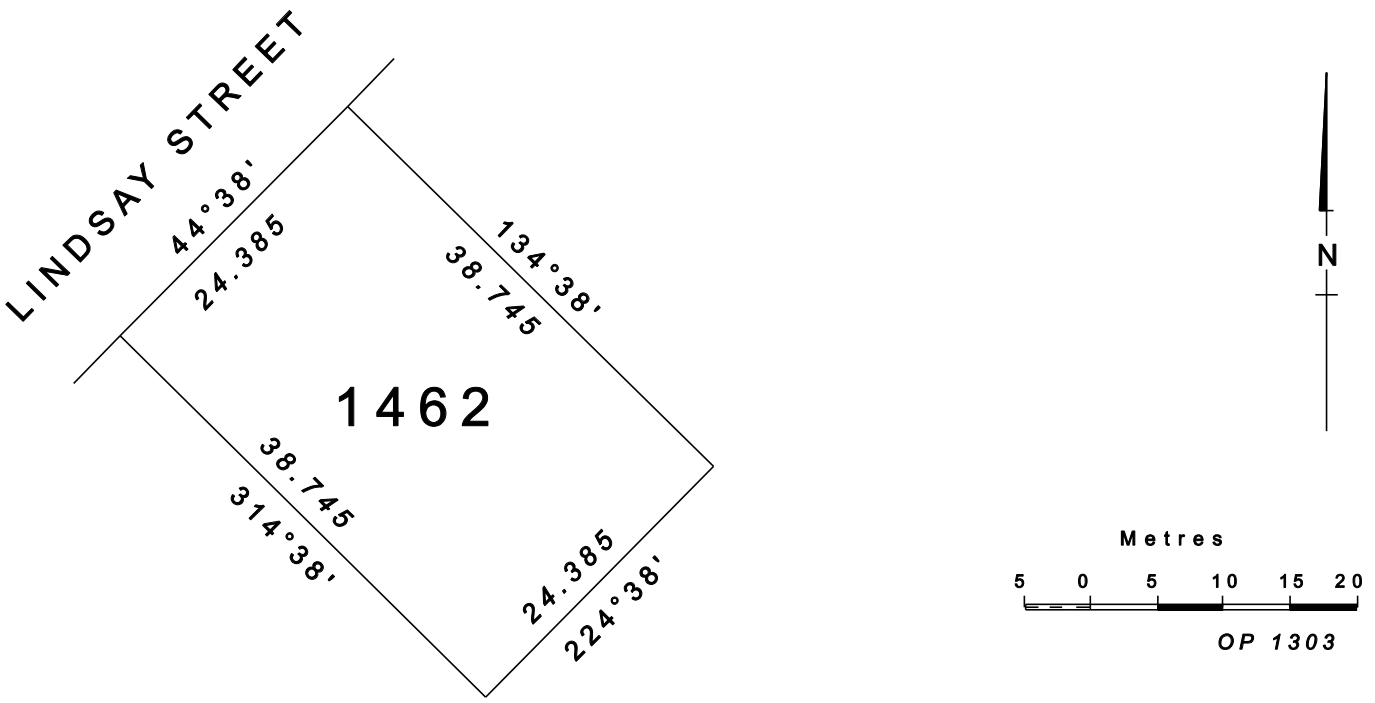
SEARCH CERTIFICATE

Lot 1462 Town of Darwin from plan(s) OP 001303
Area under title is 944 square metres

Owner:
Dalmer Pty Ltd (ACN 101 990 229)
of PO Box 37846, Winnellie NT 0821

Registered Date	Dealing Number	Description
		Previous title is **Volume** 793 **Folio** 307
09/12/2014	838679	Unit Title Schemes Disclosure Statement - 4 Lindsay Street Unit Title Scheme Disclosure Statement

End of Dealings



NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information
The information contained in this record of Administrative Interests only relates to the below parcel reference.

Parcel Reference: Lot 01462 Town of Darwin plan(s) OP 001303

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

Government Land Register
(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title
CUFT 810 658 (order 1)

Tenure Type
ESTATE IN FEE SIMPLE

Tenure Status
Current

Area Under Title
944 square metres

Owners
Dalmer Pty Ltd (ACN 101 990 229)
PO Box 37846, Winnellie NT 0821

Easements
(none found)

Scheme Name
(none found)

Scheme Body Corporate Name
(none found)

Reserved Name(s)
(none found)

Unit Entitlements
(none found)

Transfers
13/05/2016 for $1,950,000
03/10/2014 for $5,000,000
20/02/2007 for $1,500,000
23/01/2006 for $1,100,000

Tenure Comments
(none found)

Historic Titles
CUFT 793 307 (order 1)
CUFT 710 137 (order 1)
CUFT 695 575 (order 1)
CUFT 647 719 (order 1)
CUFT 492 025 (order 1)
CUFT 401 021 (order 1)
CUFT 204 133 (order 1)
Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5346)

Address
4 LINDSAY ST, DARWIN CITY

Survey Plan
OP 001303

Survey Status
Approved

Parcel Status
CURRENT

Parcel Area
944 square metres

Map Reference
Code 200 Scale 2500 Sheet 29.22

Parent Parcels
(none found)

Parcel Comments
ELEC SUBSTATION SITE UD/73/68-LAND REQ'D FOR NTEC SUBSTATION NOW LOT 5403,& BALANCE OF LOT 1462 TO BE AUCTIONED-S83/158/3. PROP. PT. SUBD. OF LOT 1462 INTO LOT 5403, NOT CONTINUED WITH VIDE S83/158/6. AUCTION NTG G19 13/5/83.

Survey Comments
(none found)

Proposed Easements
(none found)

Local Government Area
DARWIN MUNICIPALITY

Region
DARWIN

Custodian - Valuer General (+61 8 8995 5375)

Owner's Last Known Address
DALMER PTY LTD, PO BOX 38746, WINNELLIE NT 0821

Parcels in Valuation
Lot 01462 Town of Darwin

Unimproved Capital Value
$1,600,000 on 01/07/2023
$1,825,000 on 01/07/2020
$1,925,000 on 01/07/2017
$2,170,000 on 01/07/2014
$1,800,000 on 01/07/2011
$1,270,000 on 01/07/2008
$960,000 on 01/07/2005
$620,000 on 01/07/2002
$565,000 on 01/07/1999
$335,000 on 01/07/1996
$155,000 on 01/07/1993
$127,000 on 01/01/1991
$127,000 on 01/01/1988
$110,000 on 01/01/1985
$95,000 on 01/01/1982
$44,600 on 01/05/1979
$42,900 on 01/05/1977
$81,180 on 01/05/1974

Custodian - Property Purchasing (+61 8 8999 6886)

Acquisitions
(none found)

Custodian - Building Advisory Service (+61 8 8999 8965)

Building Control Areas

BBDAR001 - Building Control Area	DARWIN BUILDING AREA

Building Permits

Application Number:	10 of 10
Description:	New Shade Structure - Post Construction
Number of Residential Units:	
Australian Bureau of Statistics Type:	(none found)
Building Class:	Structure (Fence, Mast)
Area:	250 square metres
Certification:	Structure (Fence, Mast) - Occupancy Permit - *issued on* 27/08/2020

Application Number:	6 of 10
Description:	OFFICE EXTENSIONS - DEMOLISHED
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Office
Area:	12 square metres
Certification:	Office - Full Code - *issued on* 03/02/1997

Application Number:	4 of 10
Description:	OFFICE ADD
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Office
Area:	35 square metres
Certification:	Office - Full Code - *issued on* 26/09/1991

Application Number:	1 of 10
Description:	OFFICE
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Office
Area:	152 square metres
Certification:	Office - Full Code - *issued on* 02/11/1989

Visit the website http://www.nt.gov.au/building/

Custodian - Town Planning and Development Assessment Services (+61 8 8999 6046)

Planning Scheme Zone

CB (Central Business)

Overlays:

(none found)

Strategic Frameworks: The following strategic frameworks may apply to your land

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- Central Darwin Area Plan

Interim Development Control Orders

(none found)

Planning Notes

(none found)

Planning Applications

File Number

PA2014/0094

Type

Extension of Time

Date Received

16/03/2020

Application Purpose

Extension of Time

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

08/05/2020

Instrument Number

DP14/0490C

Instrument Issued

Signed

Instrument Status

Current

File Number

PA2014/0094

Type

Variation of Development Permit

Date Received

28/09/2016

Application Purpose

Application Status

Approved

Other Affected Parcels
(none found)

Instrument Signed
01/11/2016

Instrument Number
DP14/0490B

Instrument Issued
Signed

Instrument Status
Current

File Number
PA2014/0094

Type
Extension of Time

Date Received
07/03/2016

Application Purpose
Extension of Time (2 years)

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
10/03/2016

Instrument Number
DP14/0490A

Instrument Issued
Signed

Instrument Status
Current

File Number
PA2014/0094

Type
Development

Date Received
04/02/2014

Application Purpose
60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
03/07/2014

Instrument Number
DP14/0490

Instrument Issued
Signed

Instrument Status
Current

File Number
PA2007/0511

Type
Development

Date Received
29/06/2007

Application Purpose
59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
19/02/2010

Instrument Number
DP10/0099

Instrument Issued
Signed

Instrument Status
Current

File Number
PA1991/0016

Type
Development

Date Received
09/01/1991

Application Purpose
EXTENSIONS TO OFFICE

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
22/01/1991

Instrument Number
DV4063

Instrument Issued
Signed

Instrument Status
Completed

Custodian - Pastoral Estate - Vegetation Assessment Unit (+61 8 8999 4454)
(none found)

Visit the website for information on Pastoral land permits.

Custodian - Power and Water Corporation (1800 245 092)

Meters on Parcel

Power Water - Electricity	1
Power Water - Water	1

For Account balances, contact the Power and Water Corporation.

Custodian - Pool Fencing Unit (+61 8 8924 3641)

Swimming Pool/Spa Status
(none found)

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

Custodian - Department of Mining and Energy (+61 8 8999 5263)

Mineral Titles

Title ID	Status	Title Type	Expiry Date	Legislation
RL390	Granted	Reserve Land		Mineral Titles Act 2010

For additional information contact the Mineral Titles Team on +61 8 8999 5322

Energy Titles

Title ID	Status	Title Type	Expiry Date	Legislation
GRO1	Granted	Geothermal Reserved from Occupation		Geothermal Energy Act 2009
RB56	Granted	Reservation of Blocks		Petroleum Act 1984
RB225	Granted	Reservation of Blocks		Petroleum Act 1984

For additional information contact the Petroleum Tenure Team on +61 8 8999 5263

Land Access Agreements
(none found)

For additional information contact the Land Access Team on +61 8 8999 5240

For further information contact as above or visit the website https://strike.nt.gov.au

Custodian - NT Environment Protection Authority (+61 8 8924 4218)

Results of site contamination assessment
(none found)

For further information contact Environment Protection Authority or visit the website https://ntepa.nt.gov.au/your-business/public-registers/contaminated-land-audits

Custodian - Heritage Branch (+61 8 8999 5039)

Heritage Listing:
(none found)

For further information on heritage places contact Heritage Branch or visit the website https://nt.gov.au/property/land/heritage-register-search-for-places-or-objects

Other Interests
For Account balances, contact Darwin City Council

Locality Diagram



NR MAPS

Attachment B - Site Aerial



Legend

Subject Site

N

Metres 10 20 30 40

nrmaps.nt.gov.au

Geospatial Services Unit

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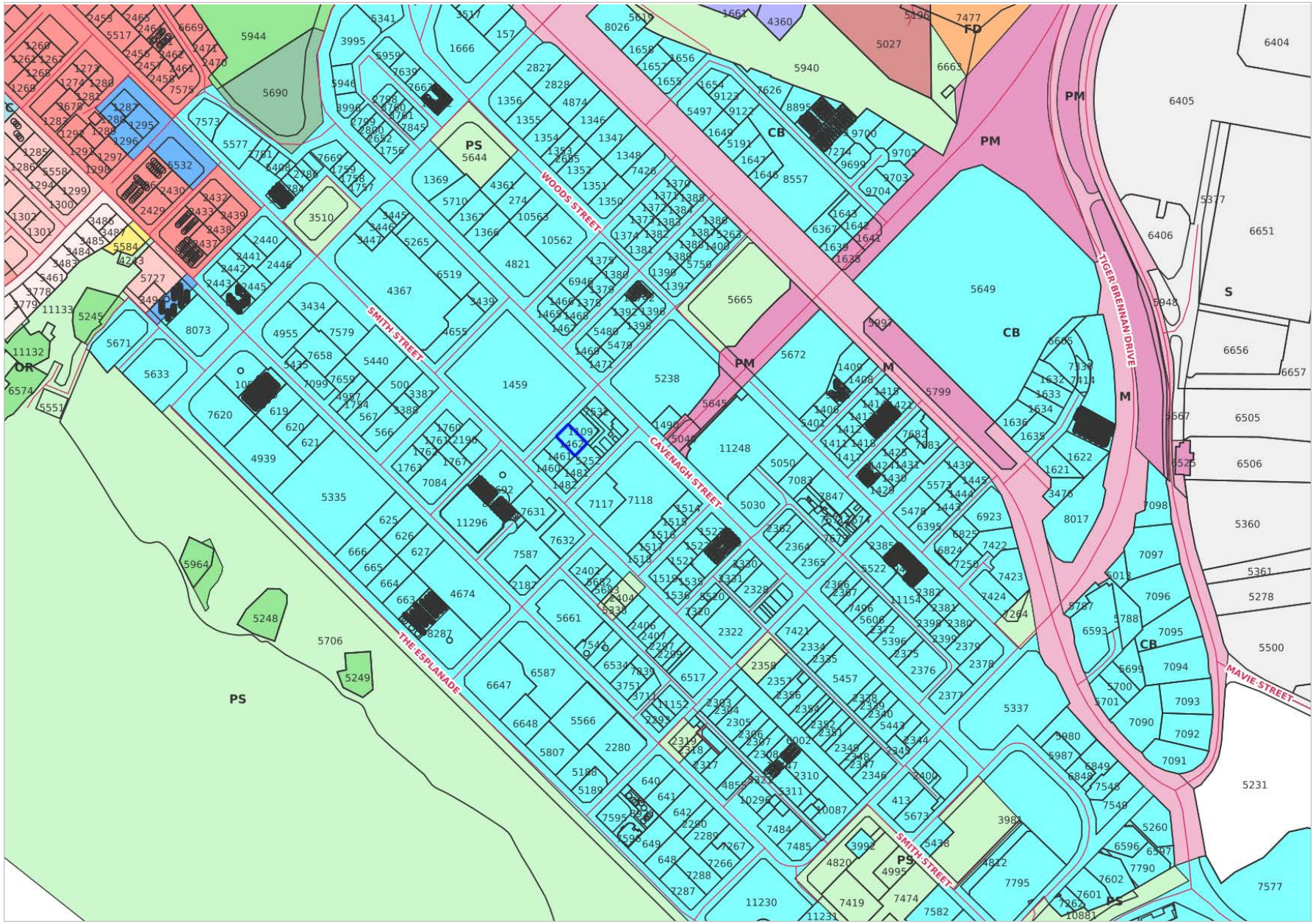
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Department of Lands, Planning and Environment
© Northern Territory Government

Created by anonymous, 21 Jan 2026

NR MAPS

Attachment C - Locality Map



Legend

TOWN_PLANNING_ZONES

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Meduim Density Resid
- CA - No Planning Scheme Contro
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use

N

Metres 100 200 300

nrmaps.nt.gov.au

Geospatial Services Unit

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Department of Lands, Planning and Environment
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Created by anonymous, 21 Jan 2026

For N°	Farm N°	Selector	Deed D passed on	Remarks	For N°	Farm N°	Selector	Deed D passed on	Remarks

Traverses and Secants

Line	Bearing	Dist.

CONVERSION TABLE	
FEET	METRES
6·56	2
79	24·08
80	24·385
95	28·955
99·5	30·33
101·38	30·9
127·11	38·745
233·6	71·2
418·5	127·56
520·5	158·65

Conversion Table and Metric Areas Added

K.D. Sutton 8.11.85
SUPERVISING DRAFTSMAN(S)

CONVERSION TABLE FOR LOT 1462	
FEET	METRES
60	24·385
27·11	38·745
AREA	
3rp	944 m²

CONVERSION TABLE FOR EASEMENT IN LOT 1462	
FEET	METRES
22·97, 44·29	7, 13·5

Diag. 401

TOWN OF DARWIN
LOTS 1459~1464, 1478~1482, 1486, 1487, & 3316

Reference to Corners

Cor.	Bearing	From	Links	Marks

NOTE: *Proposed Sewerage Easement addition to Lots 1478 - 1482, 3316. Vide File S 1091, Folios 39, 42, Field book BS 1*
Lws. 1/4/79.
Assistant Chief Draftsman
Lands and Survey Branch

NOTE: *Sewerage Easement over Lots 1478 to 1482 cancelled, vide file S 79/00 folio 19.*
Lws. 23.5.79
ASSISTANT CHIEF DRAFTSMAN

NOTE: *Electricity Easement addition to Lot 1459, vide File S80/1076 Folio 12 and Field book T.A.M. 115 folio 5. The Easement is in favour of the Northern Territory Electricity Commission.*
20.11.80

O.P. 1223

1364 | 1465 | 1467 | 1469 | 1471 | 1474 | 1475 | 1490 | 1493

CAVENAGH STREET

1459 — 5a. 0r. 0p. — 2·02ha

1464 1170m² 0a. 1r. 6p.
1478 678m² 0a. 0r. 34½p.
1487 Plan B67 0a. 0r. 31p.
1514
1463 944m² 0a. 0r. 37p.
1479 706m² 0a. 0r. 27½p.
1486 753m² 0a. 0r. 29½p.
1515 Diag.
1462 944m² 0a. 0r. 37p.
1480 579/60 0a. 0r. 22½p.
1516
1461 944m² 0a. 0r. 37p.
1481 706m² 0a. 0r. 27½p.
1517
1460 932m² 0a. 0r. 36½p.
1482 697m² 0a. 0r. 27½p.
1518

3316 (Closed N.T.G. 6-10-54) — 2a. 3r. 14½p.

373 | 438 | Plan B.39 | Plan B.289

DALY ST | McLACHLAN ST (Closed N.T.G. 20-10-54) | LINDSAY ST | WHITFIELD ST | PEEL ST | SEARCY ST

ELECTRICITY EASEMENT

SMITH STREET

DATUM 1026·49 orig.

3387 Diag. 363 | 2196 | 2194 | 2193 Diag. 376 | 2191 | 2190 | 2402 | 2403 Diag. 400

400

NOTE Conversion Table for Lot 1462 added to plan. Vide file S 82/1172 folio 24.
R Sullis 11/5/83
A/CDE

NOTE: Electricity Supply Easement addition to Lot 1462. Vide File S.80/1076 fol. 214 and F.B. T.A.M. 115. The easement is in favour of the Territory. Conversion Table has been added to plan.
13.2.87
A/ Supervising Surveyor. Date

MICROFILMED 26/2/87

I hereby certify that I, in person, made, and on the 25-1-1955 completed the survey represented by this plan, on which are written the bearings and lengths of the lines surveyed by me, and that the survey has been executed in accordance with the existing regulations of the Surveyor General's Ordinance. Licensed Surveyors Ordinance 1933-7
Licensed Surveyor

Meridian Observations

Subsec.	Station	Date	Lat.	Long	Variation Observed	G.M.

Drawn by S. Rosnell
Compared with F.B. 1-3-55.
Examined
Diagram approved 7/9/55.
Survey approved
Surveyor-General

Date of Instructions 25/2 25.1.55. T.A.M. 115
Date of transmission of plans &c.
Examined by Calc. Book N° F.B. 1 42-54
Voucher N° Passed for payment
Charted by N.T.G. 28.3.55
Sales Register Vol. Fol.

Scale 60 Feet to an inch

PLAN OF
PORTION N°
PARISH OF
County of
Land Agent's
District of
Cat. N° 1303
N/N 3467
Plan 4 1037

COPY TO L.T.O. 26-2-81. AMENDED COPY TO L.T.O. 12-5-83.

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2007/0511
MM:AM

Ms June D'Rozario
June D'Rozario & Associates
GPO Box 780
DARWIN NT 0801

Dear Ms D'Rozario

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*)
LOT 1462 (4) LINDSAY STREET, TOWN OF DARWIN

The Development Consent Authority has determined in accordance with section 53(b) of the Act to alter the proposal and grant consent to use and develop the abovementioned land for the purpose of 59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck, subject to the conditions specified on the attached Development Permit DP10/0099.

Reasons for the Determination

1. The proposed mixed use development is consistent with the purpose of Zone CB (Central Business) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.

2. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme to provide a loading bay less than the minimum length and height clearance is considered satisfactory in this instance as the small scale nature of the motel and café use is likely to require only smaller sized commercial vehicles.

3. A variation to clause 6.5.3 (Parking Layout) subject to receipt of amended plans is supported in this instance as:

    - the 4 end car parking bays are additional to the car parking required by clause 6.5.1 (Parking Requirements) of the scheme, but can still be used for parking for smaller vehicles or motorcycles; and

    - the podium level vehicle accessway will only cater to a small car park/ service area which is likely to be infrequently used.

4. A variation to the requirements of clause 7.10.3 (Caretakers Residence) for a floor area in excess of 50 m^2 for the caretakers (managers) residence is supported as the residence is not the primary use of the land and is located within the building such that it will not cause any detriment to adjoining land or the surrounding area.

5. The requirement for amended plans nominating the galvanised metal elements along the side elevations in a non reflective finish is considered necessary to ensure these elements do not result in undue glare to adjoining and nearby properties.

6. The requirement for amended plans showing landscaping details is to ensure that that landscaping of the site is sustainable, and in recognition of the need to achieve a development which provides an active interface with, and passive surveillance to, the street.

7. The requirement for amended plans demonstrating vehicle sightlines in accordance with Darwin City Council requirements will ensure that car parking and vehicle access is functional as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

8. A taxi/mini bus drop off is required to be provided within the road reserve at the front of the site as the consent authority considers that due to the use of the site as a motel it necessary to provide a specific area for loading and unloading of guests to the motel which does not conflict with vehicle movements on Lindsay Street or with vehicles associated with the loading and unloading of students attending St. Mary's Primary School on the opposite side of the street.

9. A requirement for amended plans showing a redesign of the front of the site within the road reserve is required as the final design of the on-street taxi/ mini bus drop off bay may impact on the site and may need to be amended to meet Darwin City Council requirements, to the satisfaction of the consent authority.

10. A requirement for amended plans showing a 6m setback from the adjoining rear site (subject to receipt of legal advice that such a setback is necessary) is required in accordance with clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme. The condition that the proposal continues to comply with clause 7.5 (Private Open Space) will ensure that sufficient areas of private open space are retained for future residents.

Right of Appeal

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

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 2014, DARWIN NT 0801 or Level 1, Cnr Cavenagh and Bennett Street, Darwin NT 0800 (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 7867.

Yours faithfully

PETER MCQUEEN
Delegate

19 / 2 /2010

Attachment

Cc Darwin City Council

St. Mary's Primary School

GHD Pty Ltd

The Planning Action Network

C Mitchell & L Eldridge

Mark Moretti

Eleni Moretti

Andrew Karl Schulze

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP10/0099

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 1462

Town of Darwin

4 Lindsay Street, Darwin City

APPROVED PURPOSE

To use and develop the land for the purpose of 59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Variation to clause 6.6 (Loading Bays)

Variation to clause 6.5.3 (Parking Layout)

Variation to clause7.10.3 (Caretakers Residence)

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

PETER McQUEEN
Delegate
Development Consent Authority

19/2/2010

DEVELOPMENT PERMIT

DP10/0099

SCHEDULE OF CONDITIONS

Conditions Precedent:

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
(a) a 6m setback to the rear property boundary in accordance with the requirements of clause 6.3.2 (Volumetric Control in Central Darwin), maintaining compliance with clause 7.5(Private Open Space) subject to receipt of legal advice that such a setback is required;

(b) the 'galvanised custom orb sheeting' elements along both side walls nominated in a non reflective finish;

(c) car parking space number 8 (at levels P1 & P3), 13 (at level P2) and 22 (at level P4) all nominated for either small cars or motorcycles;

(d) provision of a landscaping plan to include:

(i) a planting schedule which specifies plant species, with a requirement that species within the front setback area at ground level enable passive surveillance to the street; and

(ii) details together with written advice demonstrating that soil depth, growth areas and plant species within the atrium and above the basement car park are all suitable in ensuring the ongoing sustainability of the landscaping proposed in the plans for the development;

(e) provision of vehicle sightlines to Darwin City Council requirements, with any required relocation of the water booster pump to be to an area which maintains the openness of the alfresco area to the street; and

(f) any redesign of the front of the site required as a result of final design details of the on-street taxi/mini bus drop off bays within the road reserve and appurtenant footpath meeting the requirements of Darwin City Council, to the satisfaction of the Consent Authority.

2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.

General Conditions:

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.

4. Before the use commences the owner must, in accordance with section 70(5) of the Act, substitute the 2 on-street car bays lost through the development, through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.

5. Before the use commences the owner/developer must (at no cost to Darwin City Council or the Department of Lands and Planning, construct a bus set-down area within the road reserve meeting the requirements of Darwin City Council, to the satisfaction of the consent authority.

6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.

7. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to Darwin City Council in accordance with Council?s Developer Contribution Plans for Stormwater Drainage Works, to the satisfaction of the Development Consent Authority.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. 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.

10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.

11. The owner shall:
(a) remove disused vehicle and/ or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) construct a taxi/ bus drop off/ pick bay within the Lindsay Street road reserve;
(d) collect stormwater and discharge it to the drainage network; and
(e) undertake reinstatement works;
all to the technical requirements of and at no cost to Darwin City Council to the satisfaction

of the consent authority.

12. 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.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.

13. 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.

14. 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.

15. 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.

16. 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.

17. All air conditioning condensers 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.

18. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

19. The developer shall contact Service Stream on 1800 733 776 or Commercial/leadin@servicestream.com.au prior to any work commencing to facilitate the installation of the Telstra Network.

Note:

It is advised by Darwin City Council that in no circumstances will Council permit temporary storage of garbage and recycling waste bins on the Lindsay Street road reserve for servicing purposes. Council further advises that its requirement is for the bins to always be serviced from the designated storage area within the property, with Council?s requirement being that collection vehicles are only permitted to enter and exit the property in a forward gear.

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2014/0094
AB: NW

Mark Bell
PO Box 4619
DARWIN NT 0801
mark@bellgabbert.com

Dear Mr Bell

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*)
LOT 1462 (4) LINDSAY STREET, TOWN OF DARWIN

The Development Consent Authority has determined, in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking, subject to the conditions specified on the attached Development Permit DP14/0490.

Reasons for the Determination

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities".

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is acceptable as the level of non-compliance is quite minor and not seen to impact, in any real way, on access to views, daylight and breezes. The proposal is smaller in scale than the previously approved development (DP10/0099), and it would be commercially difficult to achieve full compliance given that 2 levels of basement parking and a ground level slab with ramps and columns has already been constructed. Achieving full compliance with the Tier 2 aspect of this clause is not considered to have any greater benefit than what is proposed in terms of what the clause seeks to achieve.

3. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliance is very minor and the angled balconies are included to improve the visual amenity of the front of the building. The connection between the balconies and both the living rooms and bedrooms is ideal and it is considered that the private open space provided meets the purpose of the clause and a variation is acceptable.

4. A variation to the requirements of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliance is relatively minor and relates to the minimum width requirements only, and given the inner-city location it is

expected that residents would have additional access to a variety of places for activities and recreational needs.

5. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the proposal, particularly in regard to increased traffic flows, congestion and parking shortages along Lindsay Street. The proposal achieves compliance with parking bay numbers, parking layout and driveway access sightlines. Given that the site is located in the core area of zone CB, and the proposal is of a scale significantly less than what could be developed in the CBD, it is considered that the proposal is suitable for the area and for the site, and is unlikely to have any significant impact on the amenity of the area.

6. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates purely to the proposed development.

7. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

8. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

9. The design of the building at ground level ensures an active street frontage by limiting the services at street level to a small fire service node and vehicle entry and exit point. The glazed entry and multi-purpose room as well as the landscaped platter boxes and building signage ensures street level activity and visual connection with the indoor restaurant activity on the ground level.

Right of Appeal

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

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 1281, DARWIN NT 0801 or Office of the Coroner, Level 3 Nichols Place, Cnr Bennett & Cavenagh Sts (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations apply to the application.

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

Yours faithfully

LINDA HENNING
Delegate

3 / 7 /2014

Attachment

Cc City of Darwin
Jacqui Langdon

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP14/0490

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

APPROVED PURPOSE

To use and develop the land for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clauses 6.3.2 (Volumetric Control in Central Darwin), 7.5 (Private Open Space) and 7.6 (Communal Open Space) of the NT Planning Scheme.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

L Henning

LINDA HENNING
Delegate
Development Consent Authority

3 / 7 / 2014

DEVELOPMENT PERMIT

DP14/0490

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) the locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will placed on the rooftop of the development. The equipment 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); and,
   (b) increased shading to the western side verandahs by way of awnings or other such shading devises.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings 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, electricity and telecommunications facilities to the

development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. Before the use or occupation of the development starts, the area(s) 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.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.

10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.

11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

13. 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.

14. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.

15. 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.

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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 74% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.

4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the

development, including the potential requirement to provide fibre ready telecommunication facilities

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - section 59

EXTENSION OF PERIOD OF PERMIT

DP14/0490A

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP14/0490 by a period of two years.

Development Permit DP14/0490 will now lapse on 3 July 2018.

In all other respects DP14/0490 remains unchanged.

SALLY GRAETZ
Delegate
Development Consent Authority

10/03/2016

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - Section 57(3)

VARIATION OF CONDITIONS

DP14/0490B

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

VARIATION

Consent is granted to vary Condition 5 of Development Permit DP14/0490 for the purpose of changes to the level 2 floor plan including replacing 1 multiple dwelling with a serviced apartment, in accordance with the drawing/s numbered 2014/0094/01B, endorsed as forming part of this permit.

In all other respects Development Permit DP14/0490 remains unchanged.

BASE PERIOD OF THE PERMIT

This permit does not extend the period of DP14/0490A

DENIS BURKE
Delegate
Development Consent Authority
/ / / 2016

SCHEDULE OF CONDITIONS

DEVELOPMENT PERMIT

DP14/0490B

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) the locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will placed on the rooftop of the development. The equipment 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); and,
   (b) increased shading to the western side verandahs by way of awnings or other such shading devises.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings 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, electricity and telecommunications facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. Before the use or occupation of the development starts, the area(s) 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.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.

10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.

11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

13. 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.

14. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.

15. 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.

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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

22. The use of the Studio Unit/Unit 1 on level 2 must be limited to short-term accommodation and meet the definition of 'Serviced Apartments' under the NT Planning Scheme.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 74% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.

4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

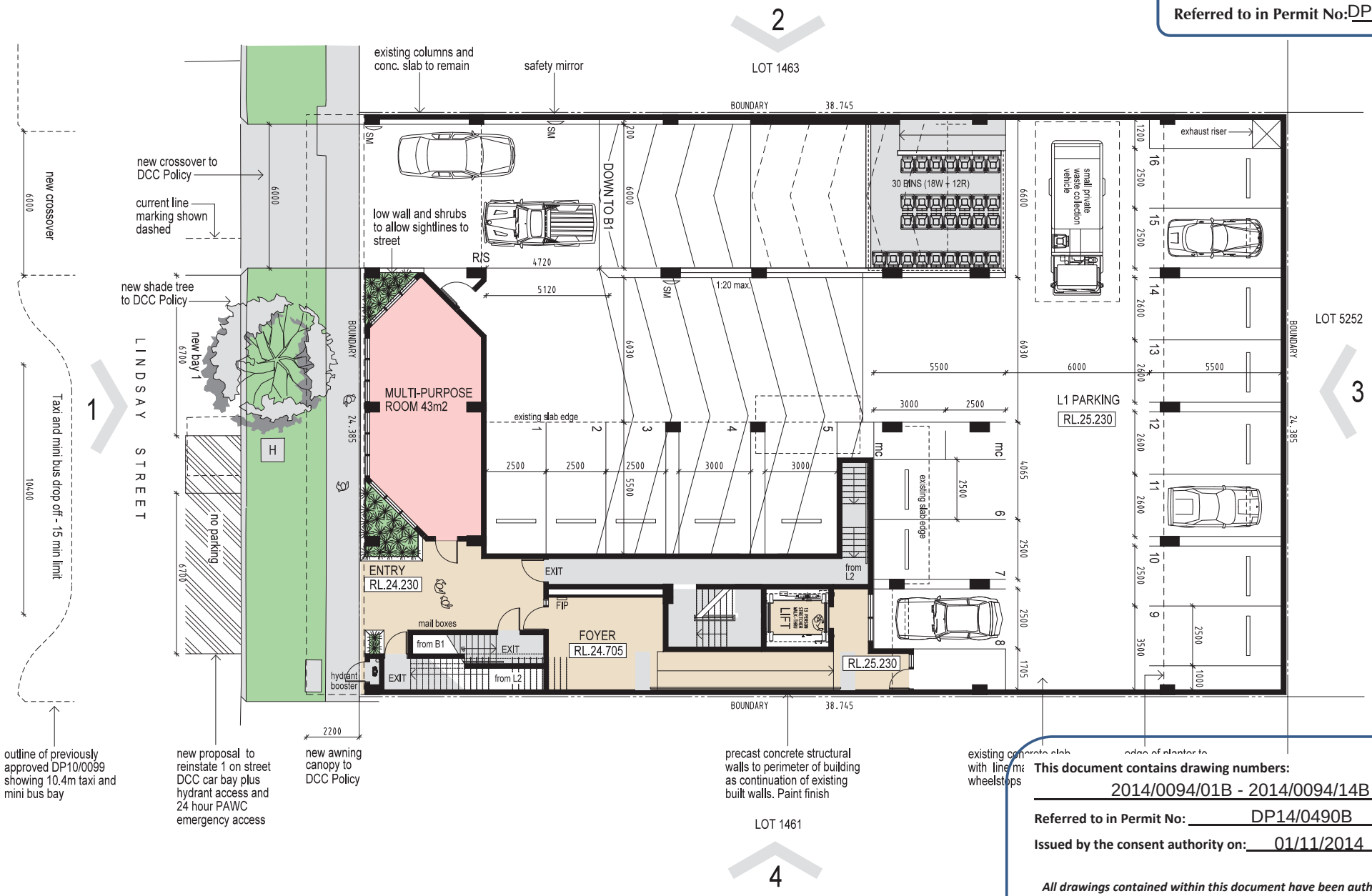
5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to

between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

Drawing number 2014/0094/01B

Referred to in Permit No: DP14/0490B



This document contains drawing numbers:

2014/0094/01B - 2014/0094/14B

Referred to in Permit No: DP14/0490B

Issued by the consent authority on: 01/11/2014

All drawings contained within this document have been authorised by the delegate of the consent authority.

Adelle Godfrey
2016.11.03
~~08:41:36~~ +09'30'

Delegate

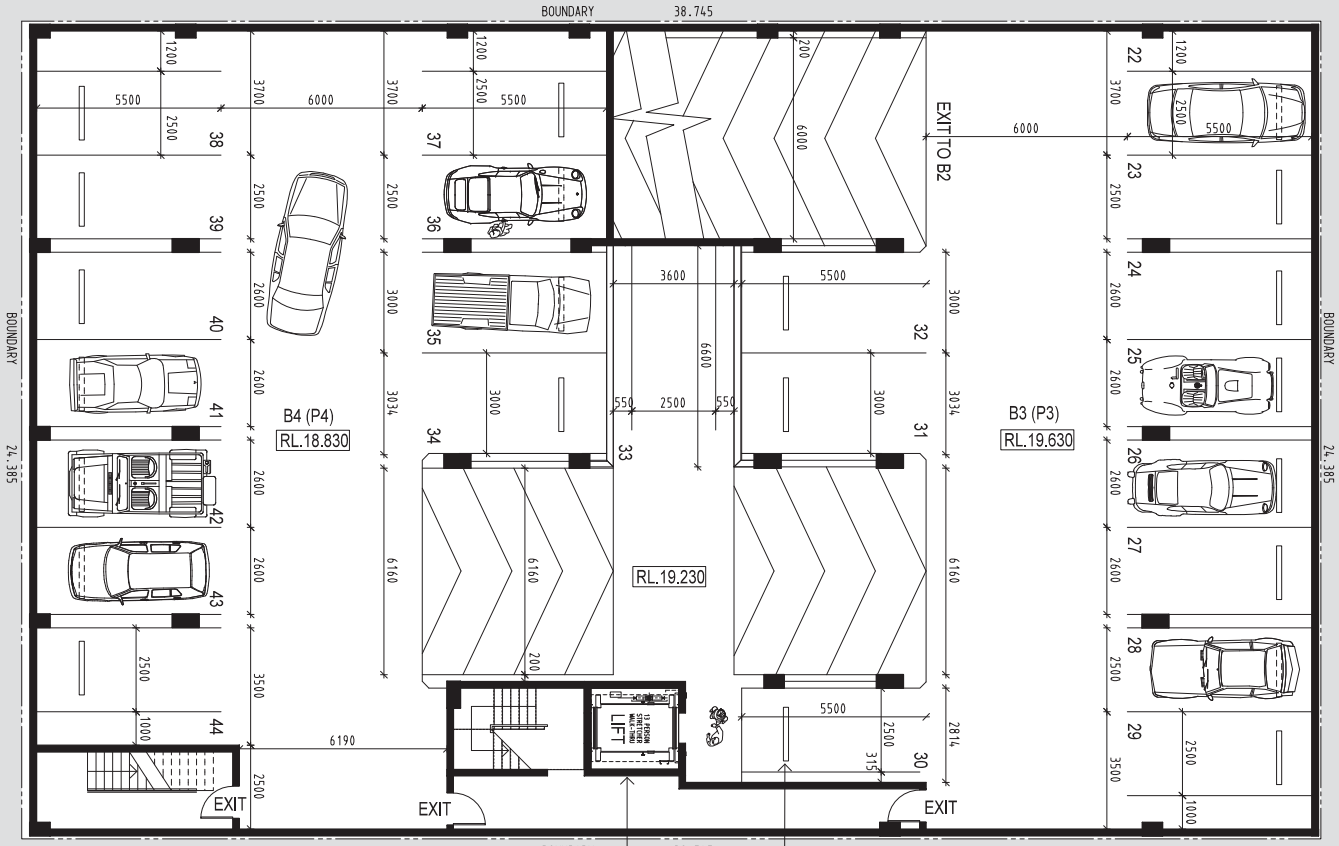
ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

Drawing number 2014/0094/02B

Referred to in Permit No: DP14/0490B



EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 30)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

PRELIMINARY

(C) COPYRIGHT BELL GABBERT ASSOCIATES PTY LTD

PLOT DATE: Sunday, August 21, 2016 PLOT TIME: 7:19 PM PATH NAME: C:\Data\AD 17\Drawings\D13416\13416DA5.dwg

ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

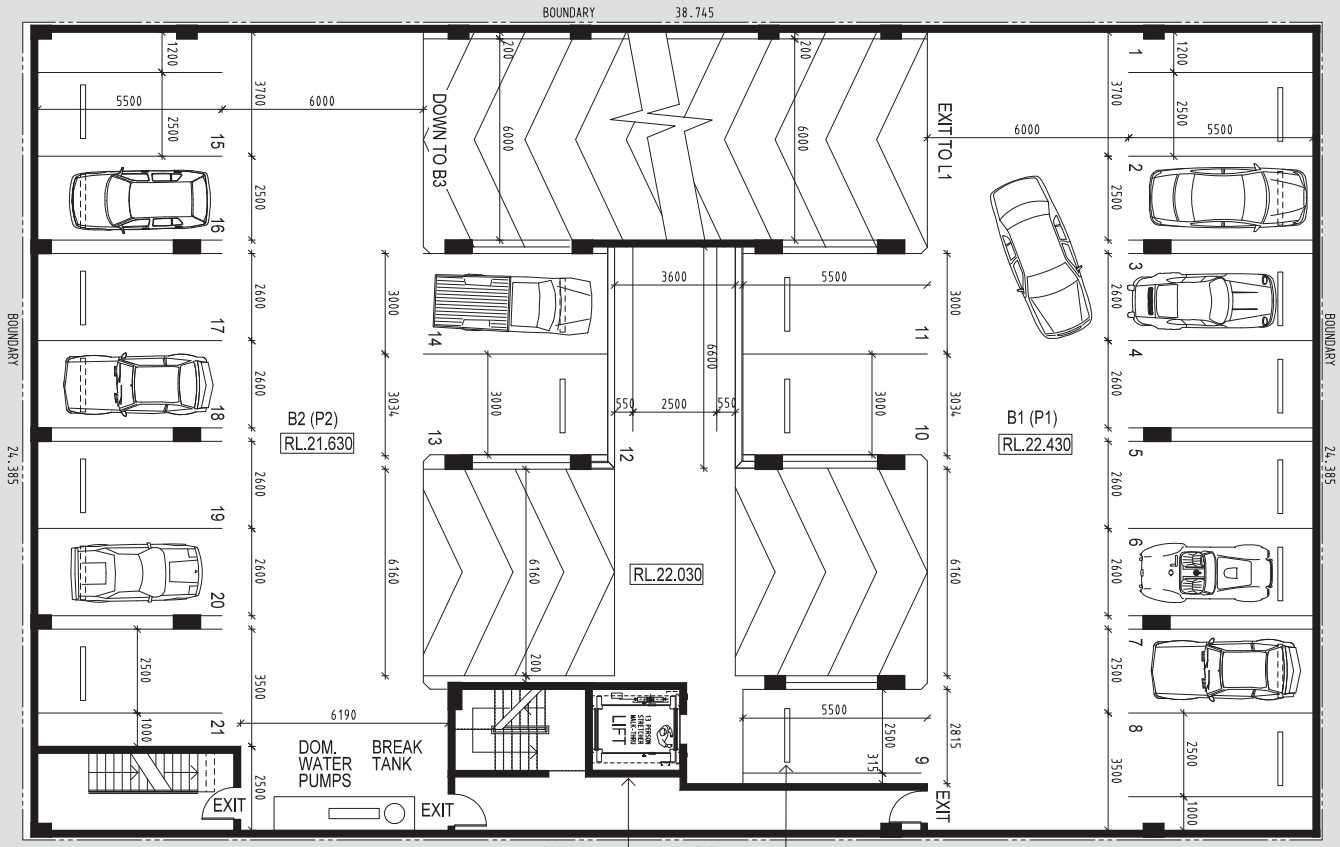
DEVELOPMENT APPLICATION

EXISTING BASEMENT PARKING B4 - B3 PLAN

D13416 | AUG. 2016 | MBELL | 1:75 (A1)

SK-03 B

Drawing number 2014/0094/03B
Referred to in Permit No: DP14/0490B



EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 9)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

PRELIMINARY

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ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

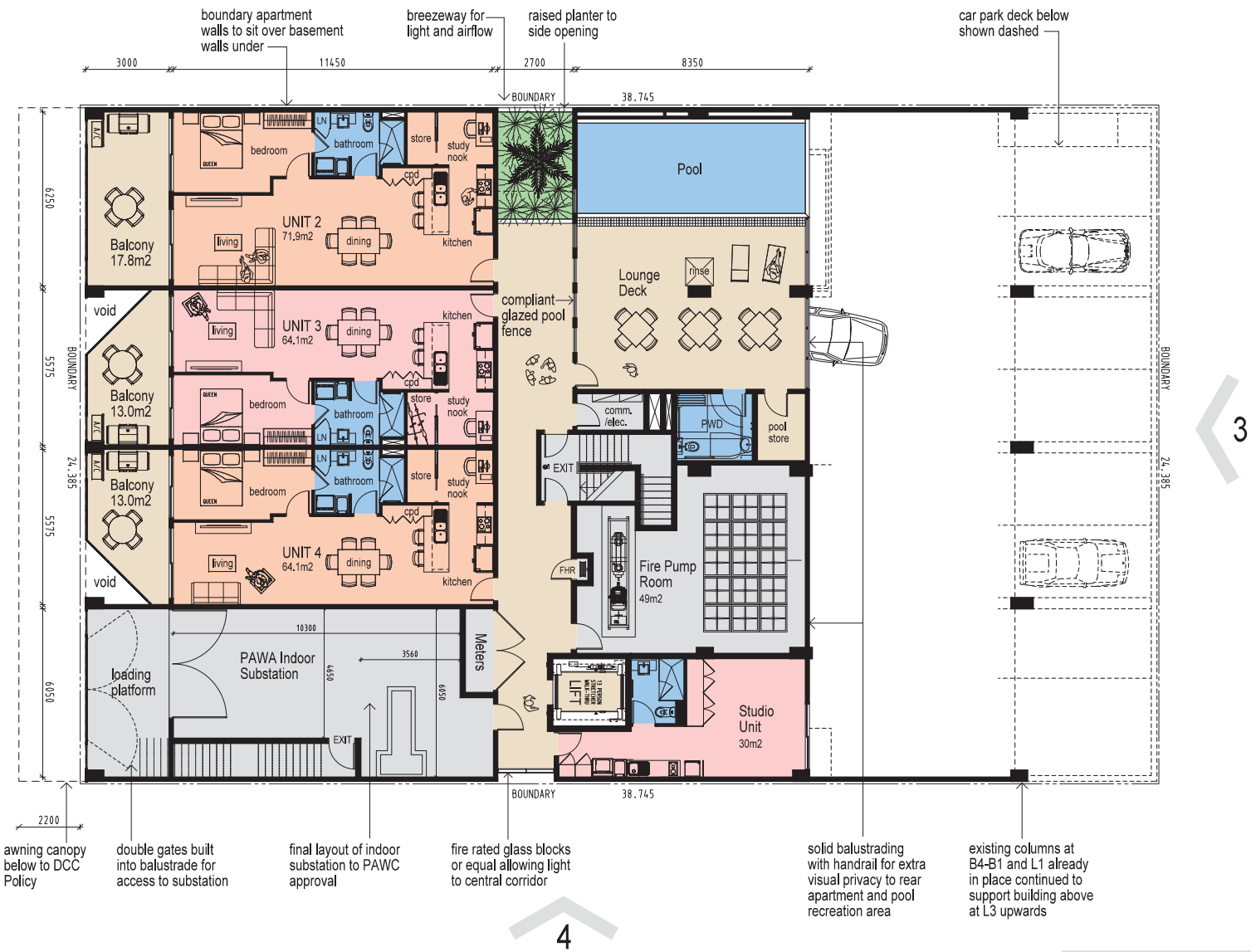
DEVELOPMENT APPLICATION
EXISTING BASEMENT PARKING B2 - B1 PLAN

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SK-04
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Drawing number 2014/0094/04B
Referred to in Permit No: DP14/0490B



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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
LEVEL 2 TYPICAL FLOOR PLAN

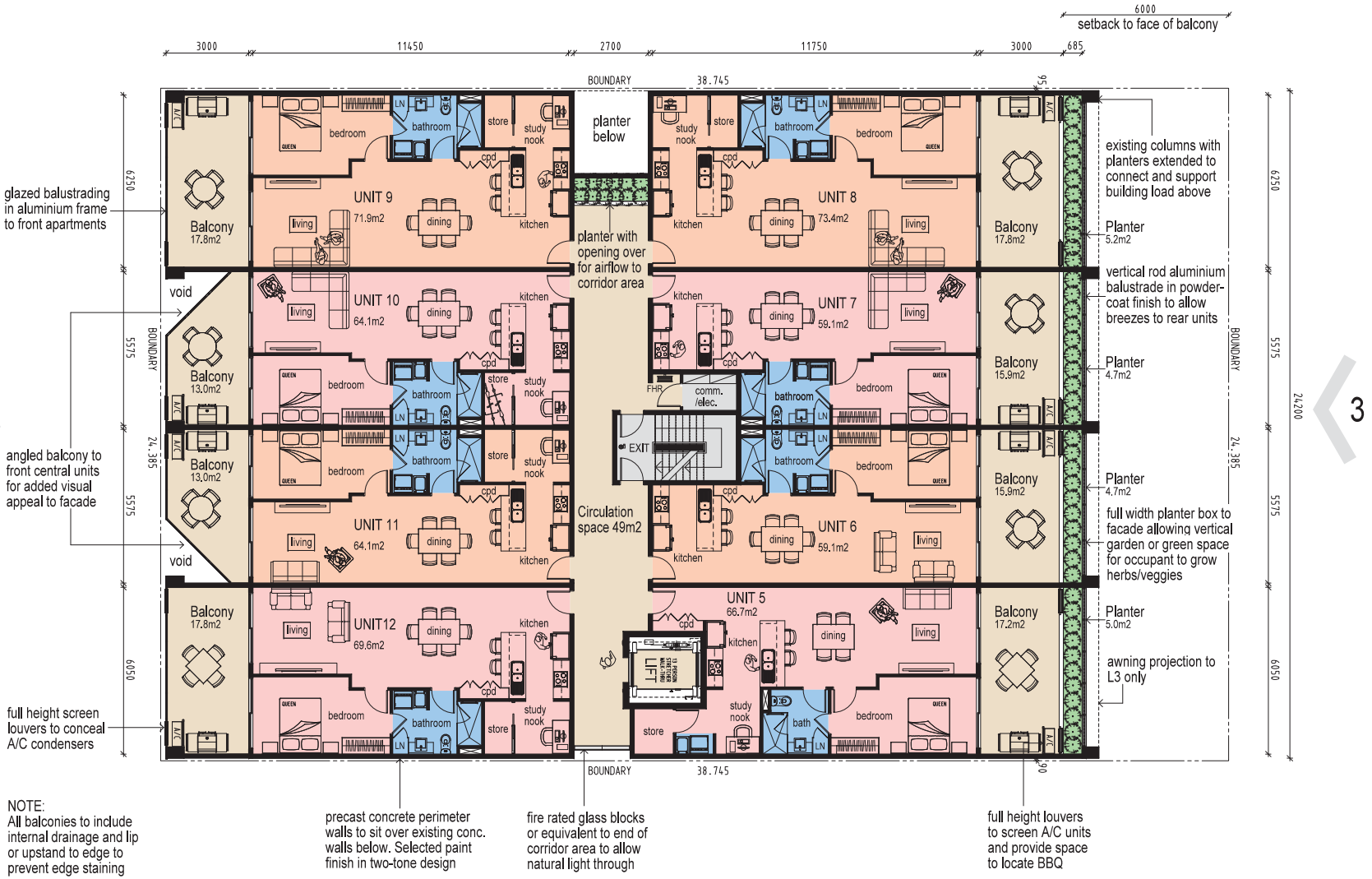
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Drawing number 2014/0094/05B

Referred to in Permit No: DP14/0490B



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ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
L3 - L9 TYPICAL FLOOR PLAN

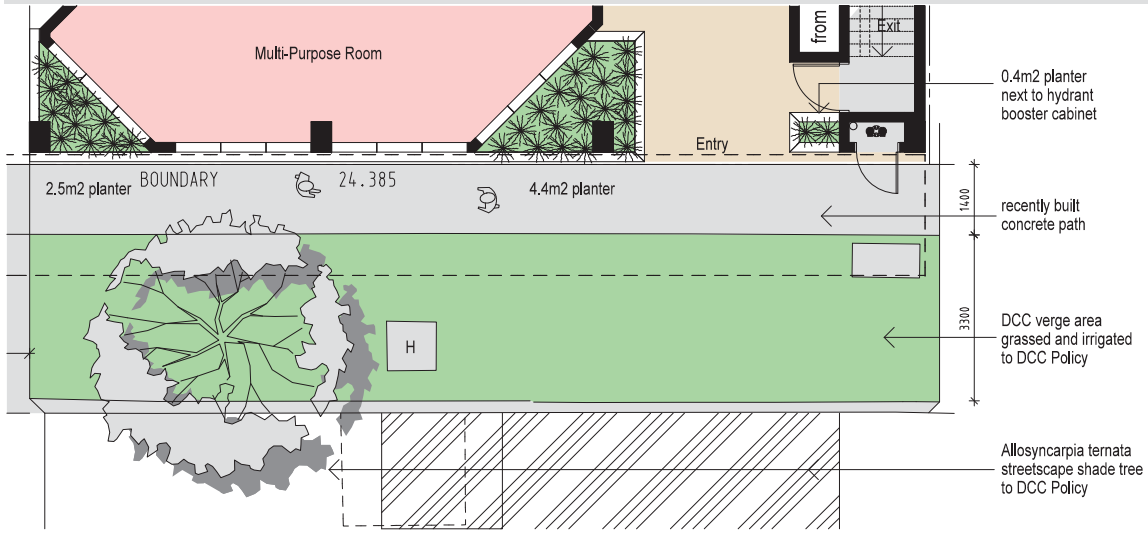
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AUG. 2016
MBELL
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SK-07
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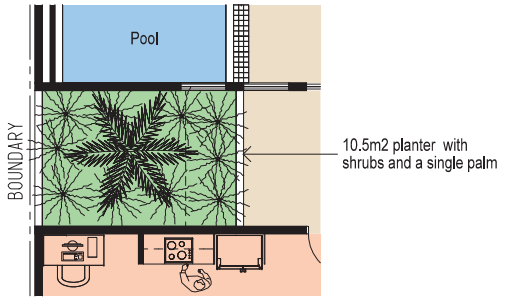
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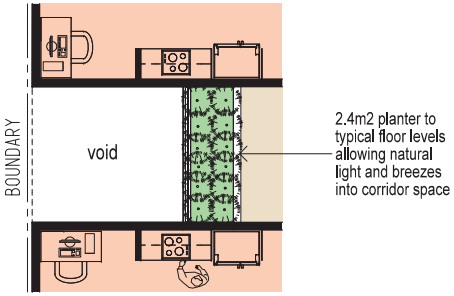
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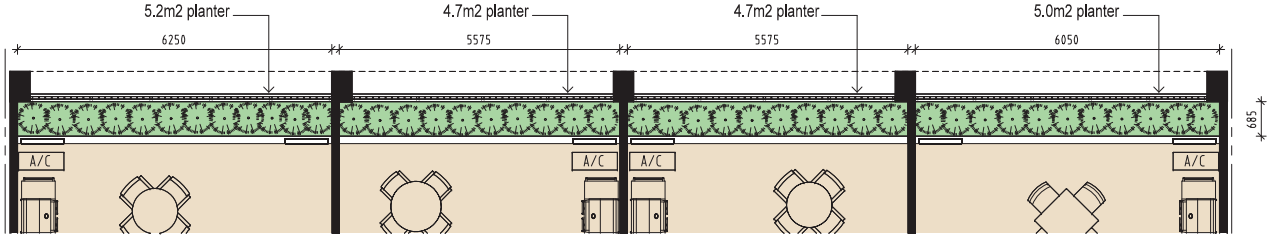
L1(GL) PLAN



L2 PLAN



L3 - L9 PLAN



L3 - L9 PLAN

continuous planters across building facade and edge of balconies allowing vertical garden. Building occupants also have the ability to grow herbs or veggies as an alternative to shrubs or climbers


Allosyncarpia ternata


Pandanus pendunculatis


Philodendron xanadu


Phalaenopsis


Dianella revoluta


Heliconia tropic


Ixora sp.

LANDSCAPE SELECTIONS

PRELIMINARY

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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
LANDSCAPE PLAN

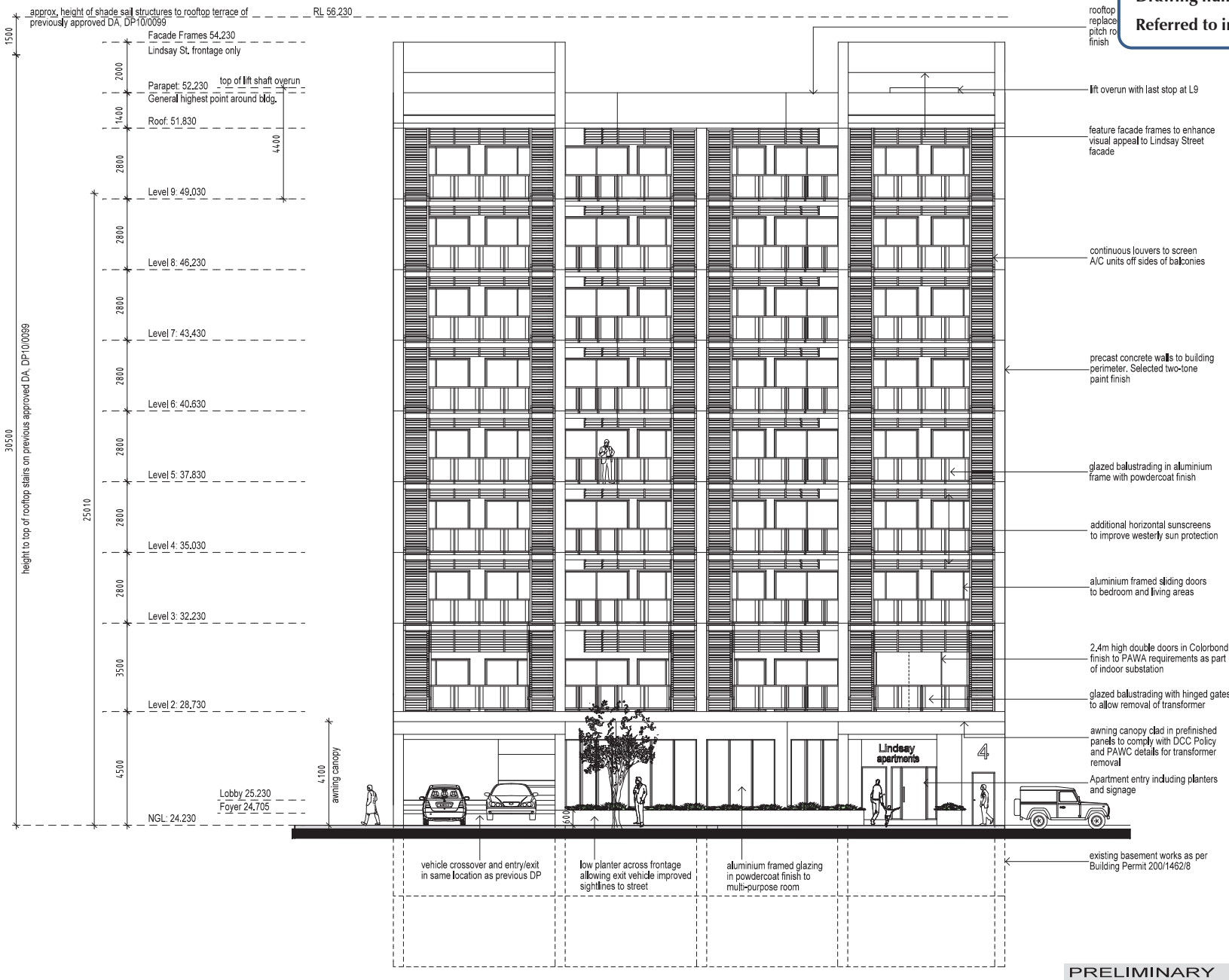
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Drawing number 2014/0094/07B

Referred to in Permit No: DP14/0490B



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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

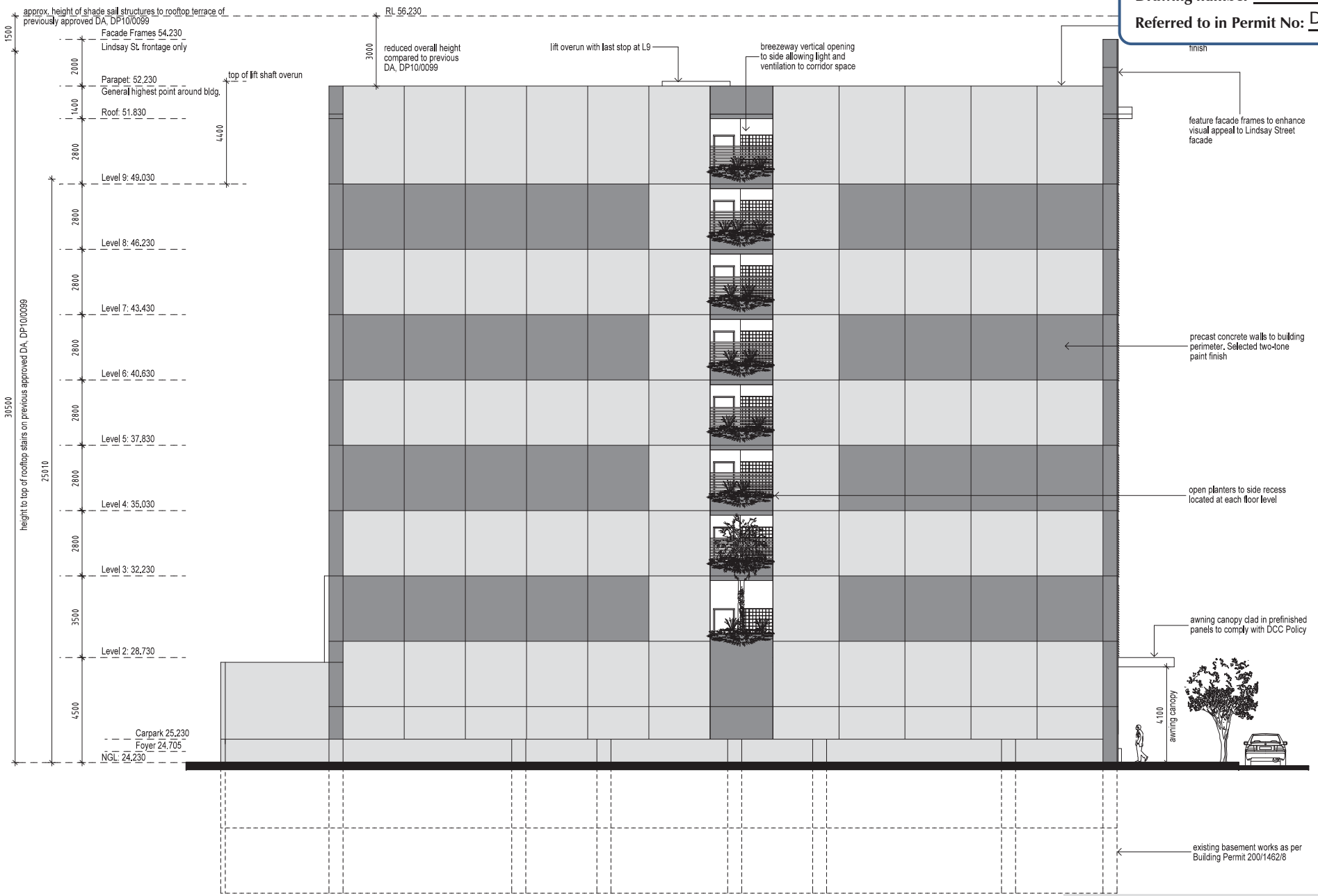
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
ELEVATION 1

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AUG. 2016
MBELL
1:75

SK-08
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Drawing number 2014/0094/08B
Referred to in Permit No: DP14/0490B



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PLOT DATE: Sunday, August 21, 2016

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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

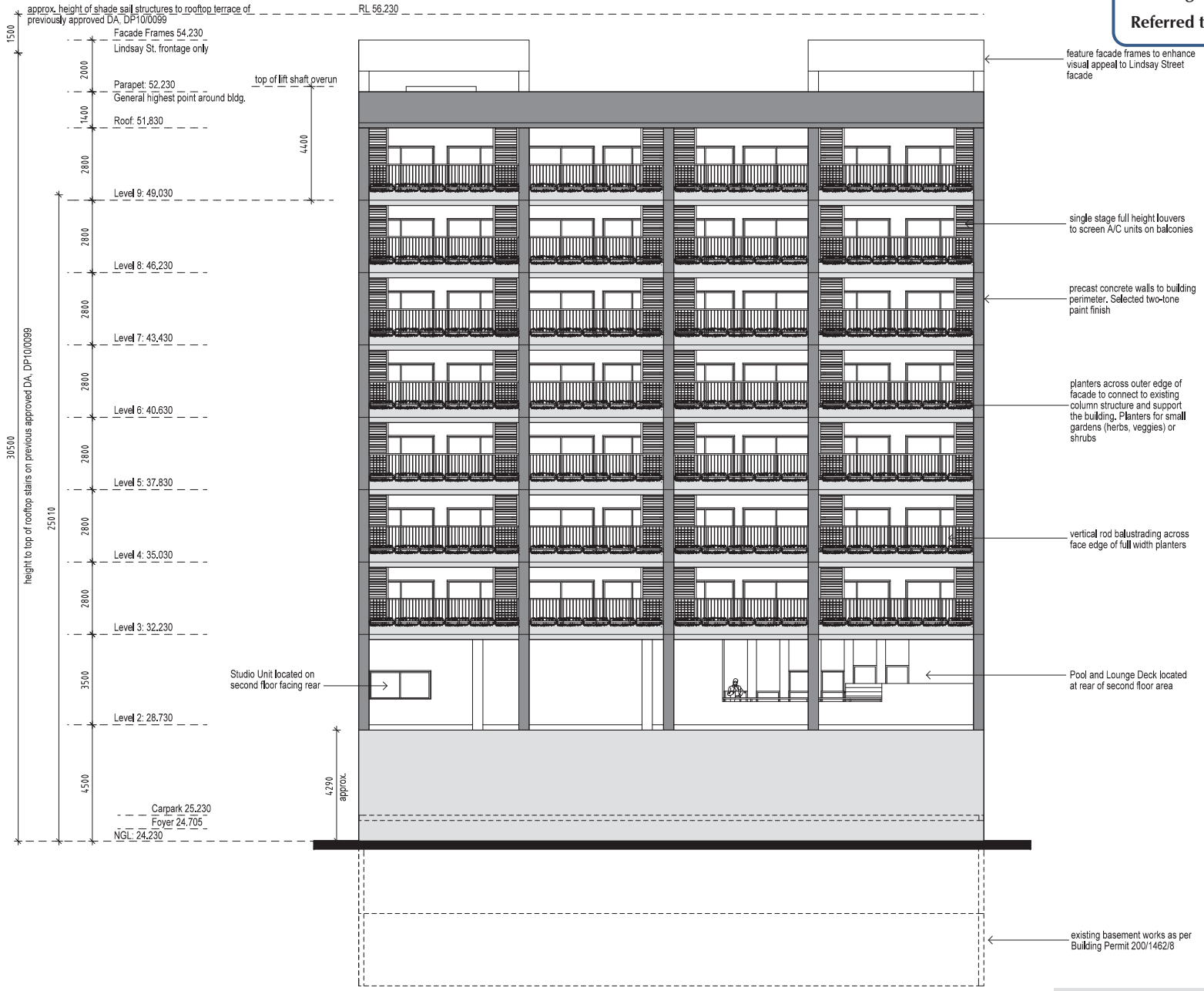
DEVELOPMENT APPLICATION
ELEVATION 2

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AUG. 2016
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SK-09
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Drawing number 2014/0094/09B

Referred to in Permit No: DP14/0490B



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ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

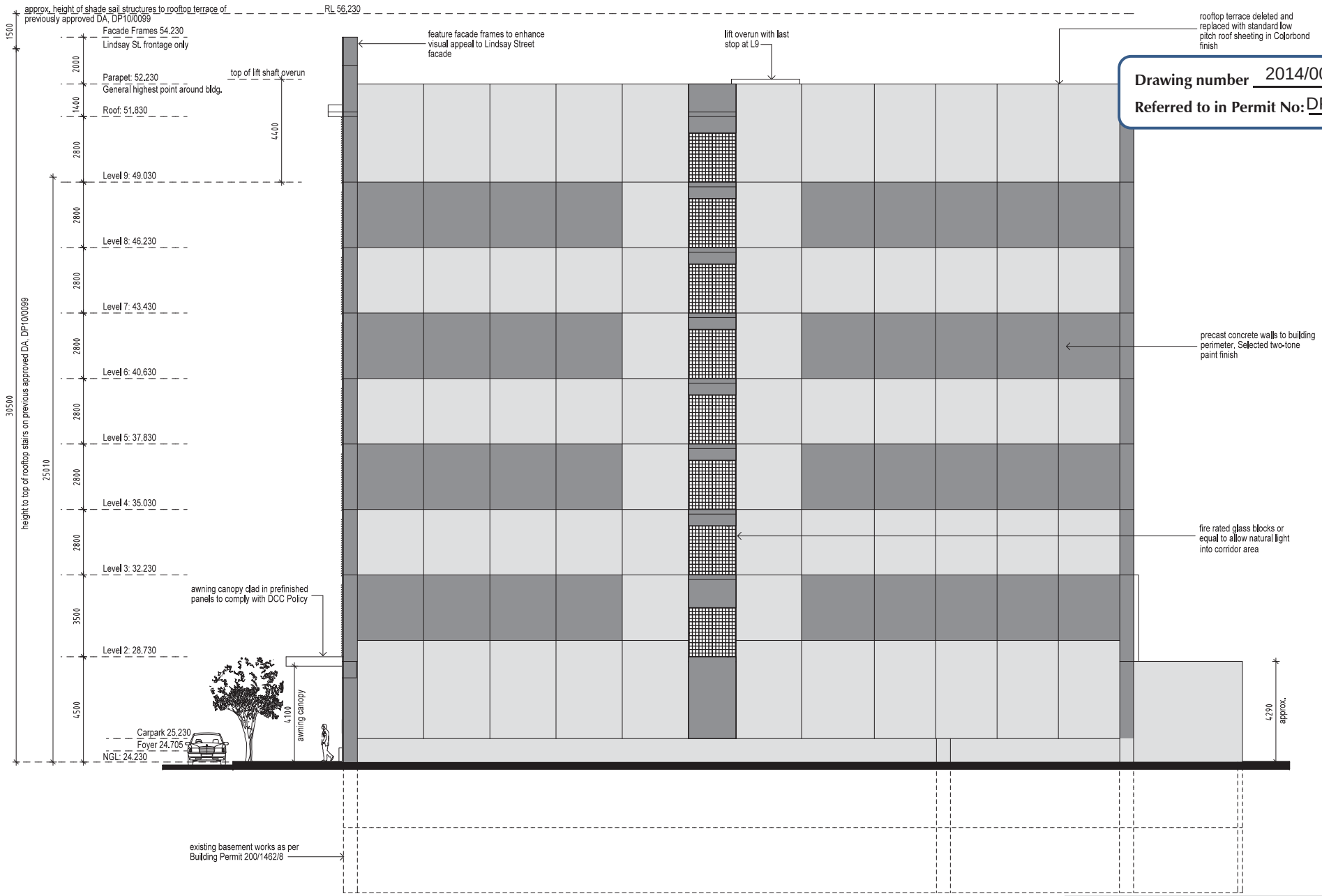
60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
ELEVATION 3

D13416
AUG. 2016
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SK-10
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Drawing number 2014/0094/10B

Referred to in Permit No: DP14/0490B

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AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

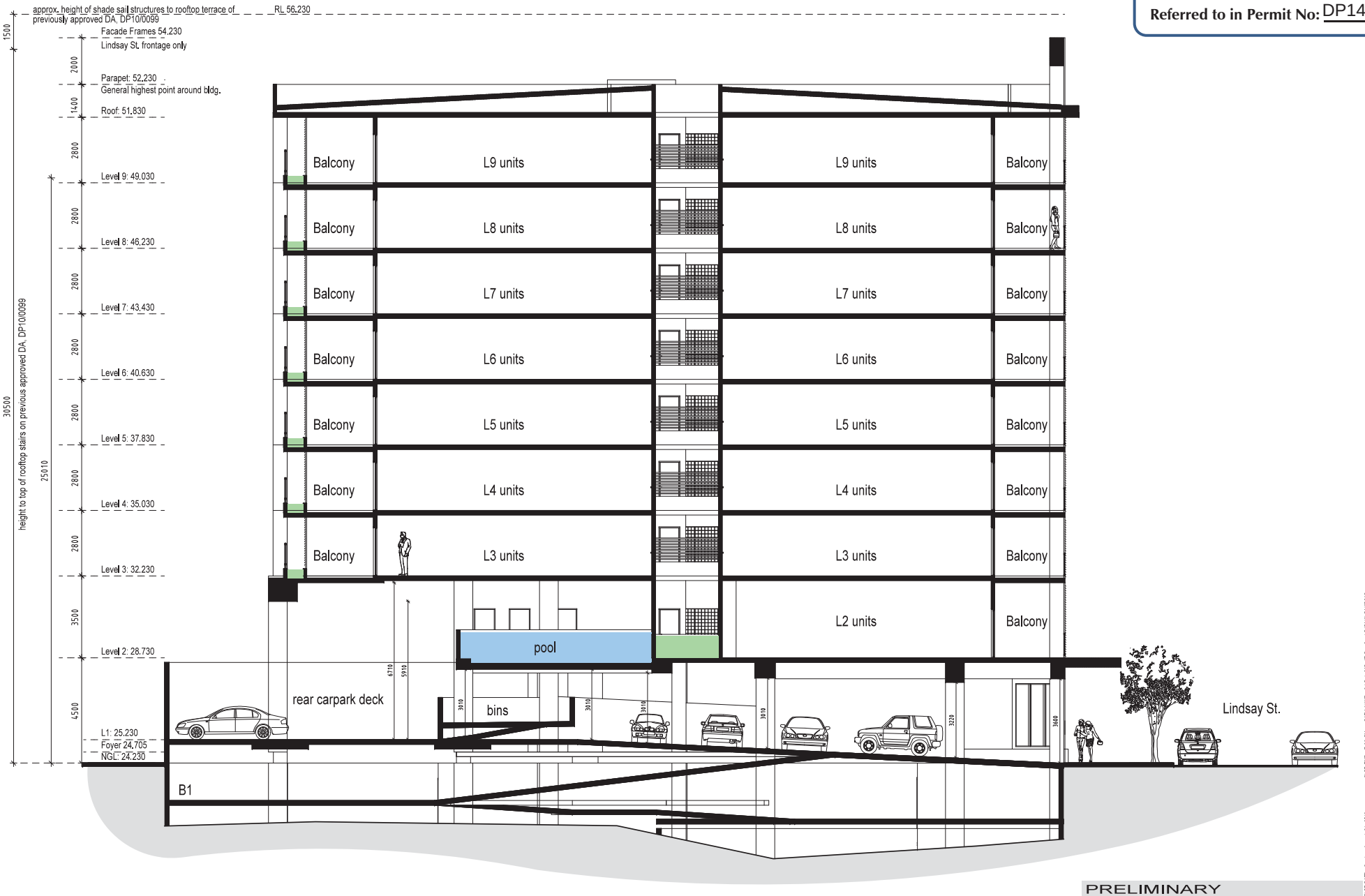
DEVELOPMENT APPLICATION
ELEVATION 4

D13416
AUG. 2016
MBELL
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SK-11
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Drawing number 2014/0094/11B

Referred to in Permit No: DP14/0490B



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AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
SKETCH SECTION

D13416
AUG. 2016
MBELL
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SK-12
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Drawing number 2014/0094/12B
Referred to in Permit No: DP14/0490B

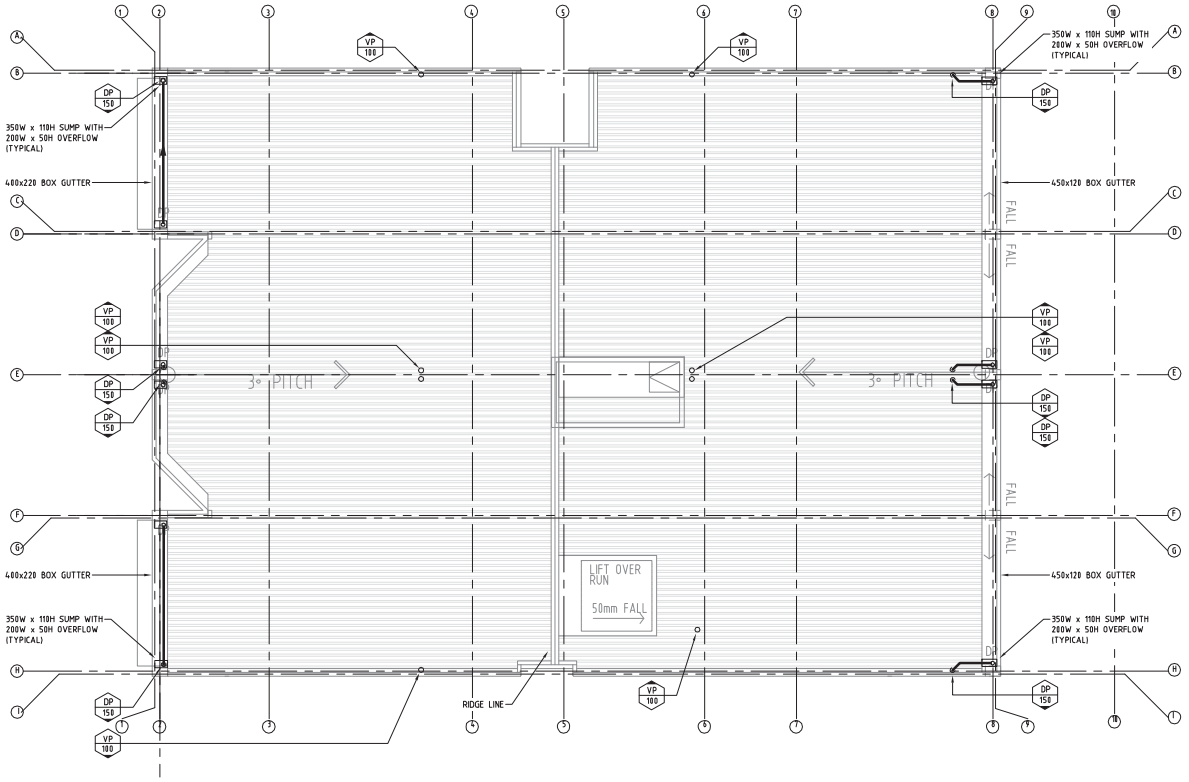
NOTES:

1. ALL INVERTS (WHERE SHOWN) ARE TO BE CHECKED AND CONFIRMED BEFORE CONSTRUCTION OF PIPELINE SERVICES COMMENCES, LIAISE AND COORDINATE WITH OTHER SERVICES TRADES TO AVOID CLASHES.
2. SANITARY DRAINAGE VENTS ARE TO BE TERMINATED 450mm ABOVE ROOF WITH MOSQUITO PROOF COWL AND WATERPROOF APRON TO MATCH ROOF COLOUR. ALL IN ACCORDANCE WITH AS3500.
3. ALL SANITARY DRAINAGE AND ELEVATED DRAIN LINES ARE TO BE ACOUSTICALLY LAGGED WITHIN CEILING SPACES OF HABITABLE SPACES TO COMPLY WITH THE NCC OF AUSTRALIA. ENSURE THE LAGGING AND PIPEWORK DOES NOT CONTACT CEILINGS, WALLS OR SUPPORTS AND THE PIPE MOUNTS AND SUPPORTS ARE NOT TO CONTACT THE SURROUNDING BULKHEADS OR RISERS.
4. ALL CONDENSE DRAINS ARE TO BE INSULATED WITH AP ARMAFLEX TUBULAR SECTIONS KEEPING JOINTS TO A MINIMUM. ALL SEAMS AND BUTT JOINTS SHALL BE ADHERED AND SEALED USING ARMAFLEX 520 ADHESIVE.

SANITARY STACK RISER LEGEND:

VP 50 — FLOW DIRECTION / SERVICE TYPE / PIPE SIZE

SST	SOIL STACK
EPD	ELEVATED PIPE DRAIN
VP	VENT PIPE
DP	DOWNPIPE
BDR	BALCONY DRAIN RISER



ROOF PLAN
ROOF WATER DRAINAGE
SCALE 1:100 AT A1

Scale 1.0 0 1.0 2.0 3.0 4.0 5.0 metres
1:100 AT A1
1:200 AT A3

Revision	Description	Issue Date
A	PRELIMINARY - FOR CLIENT REVIEW	29/02/16

AHSCA The Association of Hydraulic Services Consultants Australia

AWS ARCHITECTURAL WATER SOLUTIONS
Architectural Water Solutions
ABN 84 140 482 908
P.O. Box 2112
PARAP NT 0804
Phone : 08 8947 3677
Fax : 08 8947 3699
Mobile : 0419 835 686
Email : design@awsdesign.com.au

Do NOT scale from drawings, All dimensions to be verified on site prior to commencement of works. All existing services have been plotted from existing plans, exact location of existing services to be finalised on site prior to commencement of work. Drawings to be read in conjunction with other project drawings and specifications.

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PROJECT PROPOSED 60x1 BED UNITS
ADDRESS LOT 1462 LINDSAY STREET, DARWIN CITY, NT
TITLE ROOF PLAN
ROOF WATER DRAINAGE

PRELIMINARY
NOT FOR CONSTRUCTION

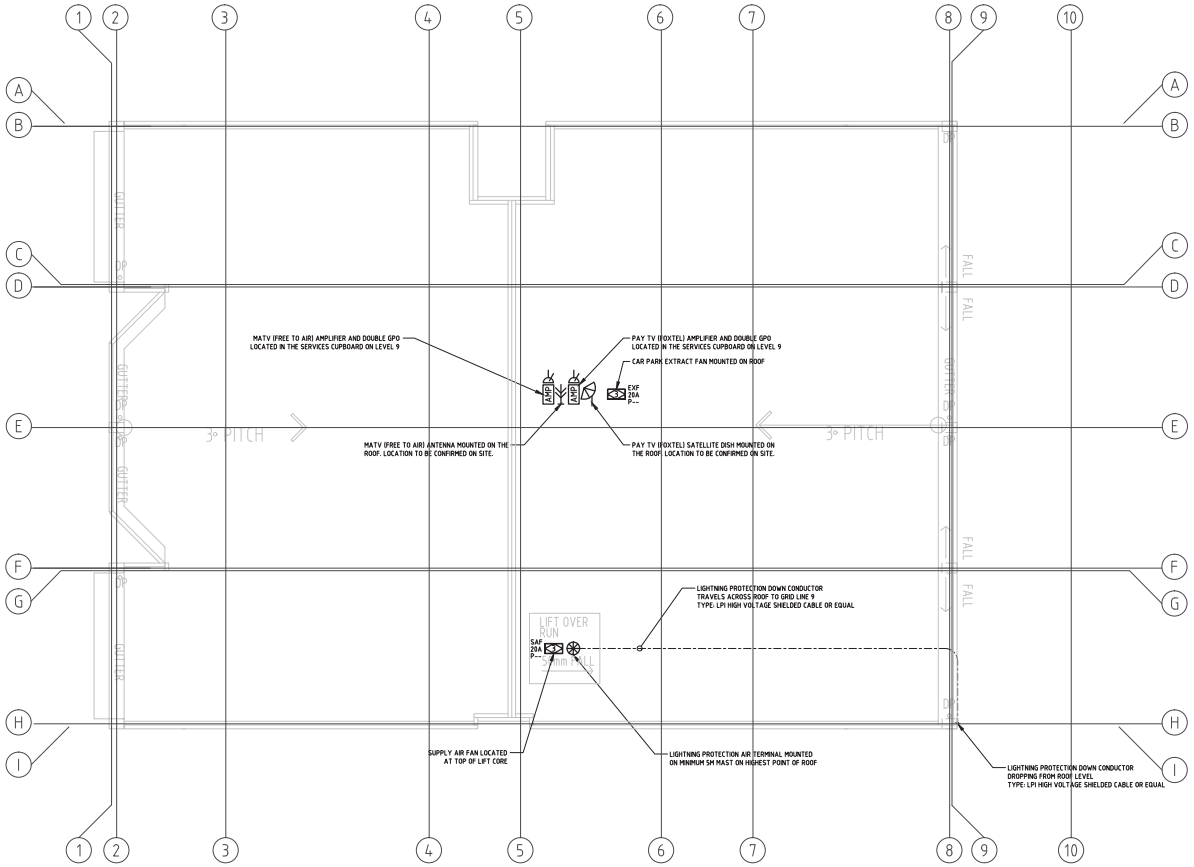
DATE 09/10/2015	SCALE 1:100	A1
DRAWN DG	DESIGNED DM	CHECKED LM
AWS PROJECT NO. 215D1054	DRAWING NUMBER H106	REV A

NOTES

1. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE ELECTRICAL SERVICES SECTION OF THE SPECIFICATION, THE ARCHITECTURAL DRAWINGS AND ALL OTHER RELEVANT SERVICES DRAWINGS.
2. REFER TO DRAWING E1.01 FOR THE LEGEND.
3. ALL EQUIPMENT AND ACCESSORIES SHALL BE NEW.
4. FINAL POSITION OF ALL EQUIPMENT TO BE DETERMINED ON SITE PRIOR TO INSTALLATION. REFER TO ARCHITECTURAL FITOUT DRAWINGS.
5. RATINGS AND TERMINATIONS OF ALL EQUIPMENT TO BE CONFIRMED WITH SUPPLIER/MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION.

Drawing number 2014/0094/13B

Referred to in Permit No: DP14/0490B



REV.	DESCRIPTION	DRAWN	APP'D	DATE
A	TENDER ISSUE	DDD	SN	07/09/15

ARCHITECT/CLIENT:

BELL GABBERT ASSOCIATES
One / 21 Cavenagh Street
Darwin NT 0801
GPO Box 4619 Darwin NT 0800
Ph. (08) 8941 1177
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WOOD & GRIEVE ENGINEERS
Wood & Grieve Engineers Ltd
A.C.N. 137 569 609
Darwin Waterfront Office 33
Level 5, 7 Kitchener Drive
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Phone: +61 8 8932 9500
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Email: darwin@wge.com.au
Web: www.wge.com.au

PROJECT:

LINDSAY STREET
LINDSAY APARTMENTS
LOT 1462 (4), LINDSAY STREET
DARWIN

TITLE:

ELECTRICAL SERVICES
ROOF LAYOUT

TENDER ISSUE
NOT FOR CONSTRUCTION

DESIGNED :	SN	VERIFIED :	LJ	28/08/15
DRAWN :	DDD	APPROVED FOR TENDER :	LJ	28/08/15
SCALE :	1:100@A1	APPROVED FOR CONSTRUCTION :	---	--/--/--

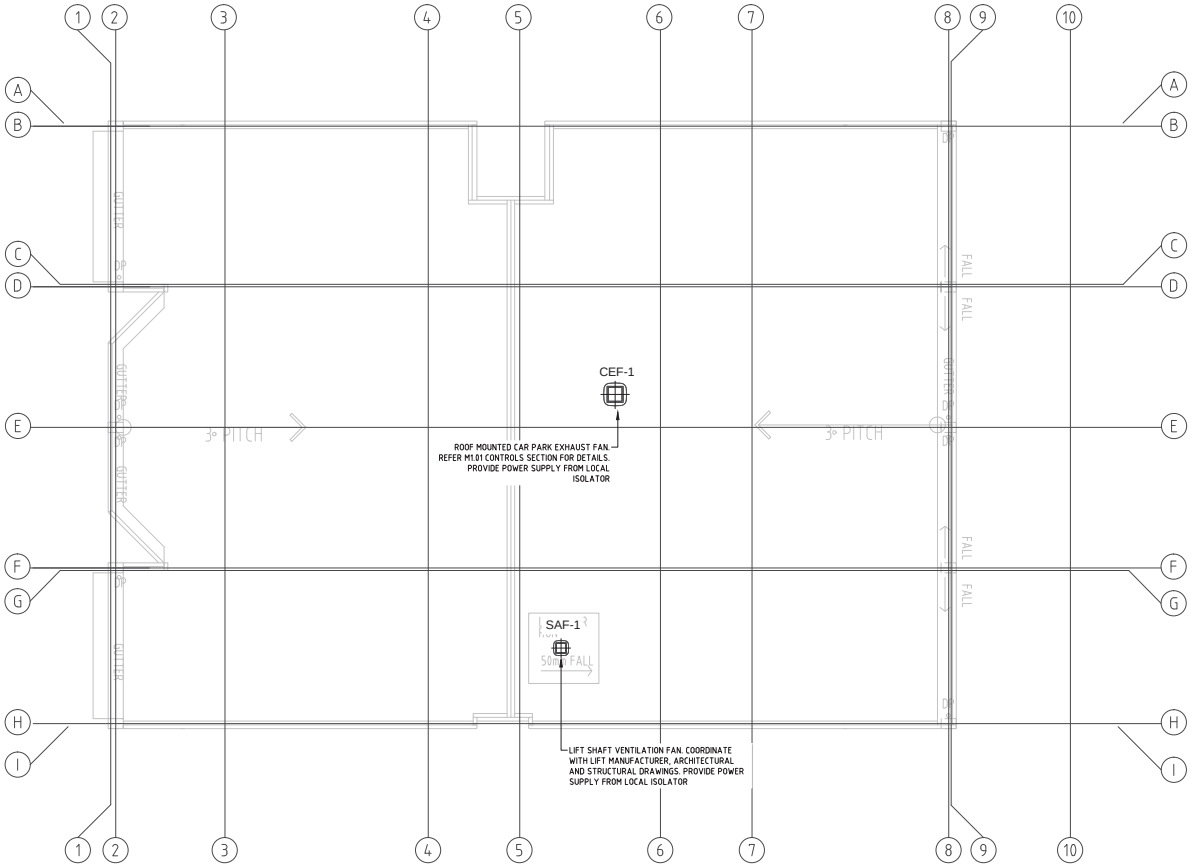
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PROJECT No.	DRAWING No.	REVISION
27672-DAR	E2.07	A

DATE: 7/09/2015 9:23:49 AM

A1 DRAWING - BUILDING SERVICES GROUP

Drawing number 2014/0094/14B
Referred to in Permit No: DP14/0490B



1 AC & Ventilation: Roof Level
1:100@A1

REV.	DESCRIPTION	DRAWN	APP'D	DATE
A	TENDER ISSUE	AIS	BJC	03/09/15

ARCHITECT/CLIENT:

BELL GABBERT ASSOCIATES
One / 21 Cavenagh Street
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Darwin, Northern Territory, 0800
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Fax: +61 8 8222 7100
Email: darwin@wge.com.au
Web: www.wge.com.au

PROJECT:
LINDSAY STREET
LINDSAY APARTMENTS
LOT 1462 (4), LINDSAY STREET
DARWIN

TITLE:
MECHANICAL SERVICES
AC & VENTILATION
ROOF LEVEL

TENDER ISSUE
NOT FOR CONSTRUCTION

DESIGNED :	BJC	VERIFIED :	---	--/--/--
DRAWN :	AIS	APPROVED FOR TENDER :	---	--/--/--
SCALE :	AS SHOWN	APPROVED FOR CONSTRUCTION :	---	--/--/--

CAD FILE LOCATION: P:\27672\BUILDING SERVICES DRAWINGS\MECHANICAL\27672-DAR-M2.06.DWG

PROJECT No.	DRAWING No.	REVISION
27672-DAR	M2.06	A

DATE: 3/09/2015 1:26:38 PM
A1 DRAWING - BUILDING SERVICES GROUP

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 59

EXTENSION OF PERIOD OF PERMIT

DP14/0490C

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP14/0490 by a period of two years.

Development Permit DP14/0490 will now lapse on 03 July 2022.

In all other respects DP14/0490, and subsequent variations remains unchanged.

Suzanne Philip 2020.05.08 07:55:18 +09'30'

SUZANNE PHILIP
Delegate
Development Consent Authority
08 May 2020

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

Sheridan Consulting
PO Box 41936
Casuarina 0811

17 March 2026

Dear Kaleb,

Via email: Kaleb.Thomas@nt.gov.au

cc: randal@ala.net.au

RE: – PA2026/0031: Response to Service Authority comments, Technical Assessment & public submission
Lot 1462 Town of Darwin (4 Lindsay Street, Darwin CBD)

I refer to the above-mentioned Planning Application (PA2026/0031) for the purpose of 39 x 2-bedroom and 36 x 1-bedroom serviced apartments in a 9-storey building with two levels of basement car parking.

The application was exhibited from 6 to 20 February 2026. Service authority comments from key agencies and one public submission was received during the exhibition period. Subsequent discussions with Development Assessment Services (DAS) also indicated that several design elements may benefit further clarification to support the assessment process. This letter provides a brief response to the items raised during the exhibition and assessment process to date.

Technical Assessment prepared by DAS

The Technical Assessment noted several design elements requiring further clarification. Power & Water Corporation (PWC – Power) servicing requirements also triggered several minor tweaks to the ground floor layout. Accordingly, the revised plans at **Attachment A** include the following edits:

Ground Floor

- Clarification of plan notations including minor line work corrections.
- Inclusion of a substation on the ground floor to address the matters raised by PWC (Power). This results in a net loss of three car parking spaces (bays 1-3 on the original plans) and subsequent re-numbering of ground floor spaces for clarity (1-12). The implications for total car parking and available reductions are discussed below.
- Reconfiguration of the internal driveway entrance/ramp width to 6.4m to achieve compliance with sub-clause 5.2.4.4(8)(c) and improve access to the proposed substation location.
- Relocation of the bicycle parking facility adjacent the proposed substation location to achieve compliance with sub-clause 5.3.7(a), (e) and (h).

- Rationalization of the ground floor reception area decreases the net landscaping by 7m^2 and increases the total net floor area by the same. While there is a net loss in landscaping, this is offset by improved street activation and passive surveillance opportunities. It is noted that this has flow on impacts to the total landscaping provision and car parking calculations although neither have material impacts on the assessment. The landscaping provided remains compliant with clause 5.2.6.2 and the total car parking required by clause 5.9.2.11 is still 80 (4.965 + 75 rounded up).
- Pursuant to clause 5.9.2.12, the total car parking provided on site is reduced to 57 bays and 2 motorcycle bays by virtue of the substation location. It is noted that the consent authority may consider a reduction of up to 50% in accordance this clause. While the majority of car parking is located in basement levels, it is acknowledged that approximately 20% is located on the ground floor/L1 configuration. In this regard, the consent authority may consider a conservation application of category 4(a) reduction of circa 7.5%. This would facilitate a total reduction to approximately 53.97 bays (80 – 35%) and render the provision of 57-bays adequate for the proposed use.

Basement Levels 1-4

- Clarification of exhaust riser location & confirmation of a zero gradient for bays 9 on L1/2 and 30 on L3/4 adjacent driveway ramps.

Level 2

- Clarification of wall and column extent in relation to ground floor and level 1 below.
- Confirmation of balustrading and landscaping associated with courtyards for suites 1-4.

Levels 3-9

- A net increase to the balcony areas for suites 1-4 (except the studio on level 2) in order to increase the level of compliance with clause 5.4.6.2 (Private Open Space). This reconfiguration is achieved by reducing the total internal floor area of each suite in favour of an increased balcony footprint. The changes are summarised as follows:
    - Each 2-bedroom suite on level 2 has been reconfigured to include a hardscape/balcony of approximately 11m^2 including provision of a 2.4m wide area to improve overall functionality. Balustrading and landscaping details have also been clarified for each suite's individual courtyard.
    - Each 2-bedroom suites on levels 3-9 on the Lindsay street frontage has been reconfigured to include a balcony of approximately 11m^2 including provision of a 2.4m wide area to improve overall functionality (originally 10m^2 and 1.2m wide).
    - The 2-bedroom suite facing the rear (east) boundary has a private open space balcony totaling 9.69m^2 and 1.7m wide.
    - The 1-bedroom studios facing the rear (east) boundaries have been revised to include private open space balconies ranging from 5.1m^2 (suites 6, 8 and 9), 8.5m^2 (suite 7) and 6.8m^2 (suite 5) and each being 1.7m wide.

While the proposed private open spaces areas have been substantially improved for the 2-bedroom suites and marginally improved for the 1-bedroom suites facing the rear boundary, it is acknowledged that a technical non-compliance with clause 5.4.6.2 remains. However, the private open space balconies are considered functional and in line with the purpose of the clause, particularly noting the short-stay nature of the **serviced apartments.** Each suite will not be used as a permanently occupied **multiple dwelling** where compliant private open space would (& should) be encouraged to ensure a higher level of amenity for permanent residents is maintained.

Furthermore, the target market for the development will be travellers visiting during NT's peak tourism season. It's therefore reasonable to assume that guests are more likely to spend time away from their suite sightseeing in the region and enjoying the high amenity offerings in the CBD. The availability of a high-amenity communal open space area with a pool on level 2 will also provide an additional space for guests to enjoy without leaving the building.

For the reasons outlined above, a variation to the dimensional requirements of clause 5.4.6.2 is requested.

City of Darwin Council

In relation to the vehicle access driveway, the design was previously approved in accordance with Council requirements at the time with the internal alignment already constructed to suit. There are also no changes proposed to the existing dimensions or driveway location. Notwithstanding, the proponent is open to discussing what reasonable measures could be implemented to mitigate Council's concerns regarding the potential encroachment by the 'wings'. The consent authority may opt to include a condition precedent to this effect, subject to consent.

All other requirements appear relatively standard and can be addressed via permit conditions.

Power & Water Corporation (Power)

The revised substation location was issued to PWC for review on 9 March 2026 via email. At the time of writing, this was still under assessment by PWC's team. The proponent will continue dialogue with PWC directly and throughout its assessment of the material contained herein.

All other requirements appear relatively standard and can be addressed via permit conditions.

Power & Water (Water)

All requirements appear relatively standard and can be addressed via permit conditions.

Commonwealth Department of Defence & Land Development Unit (DLPE)

No comments or requirements.

Public submission – Mr Nicholas Kirlew

The issues and themes raised by the submitter are acknowledged. Several of these non-compliances and matters are either discussed above or addressed through the provision of the revised plans at **Attachment A**. In response to the planning matters raised by the submitter, the original Statement of

Effect provides the context for the proposed development and sets out reasoning why justification is sought for certain NTPS 2020 criteria.

This includes acknowledgement of the design limitations imposed by the partially constructed development and justification for the key departures sought from NTPS clauses 5.4.7 (Communal Open Space), 5.5.15(Building Design in Commercial Areas), 5.9.2.2 (Volumetric Control) and 5.9.2.11 (Car Parking).

Conclusion

In summary, the proposed development is comparable with the developments originally approved over the site in 2010 (motel) and in 2014 (multiple dwellings). Minor alterations to the internal dwelling configuration and subsequent dwelling density have been proposed to suit current market demand. The basement levels, floor plates and building height are also consistent with those approved through DP14/0490. Importantly, the revised dwelling configuration is economically viable meaning that the partially developed building can be completed. The proposed development will increase short-stay accommodation options, stimulate construction activity and contribute to the overall vibrancy of the CBD.

Should you require clarification on any of the above, please contact the undersigned via email joe@sheridanconsulting.au or mobile 0407 703 813.

Yours sincerely

J. Sheridan

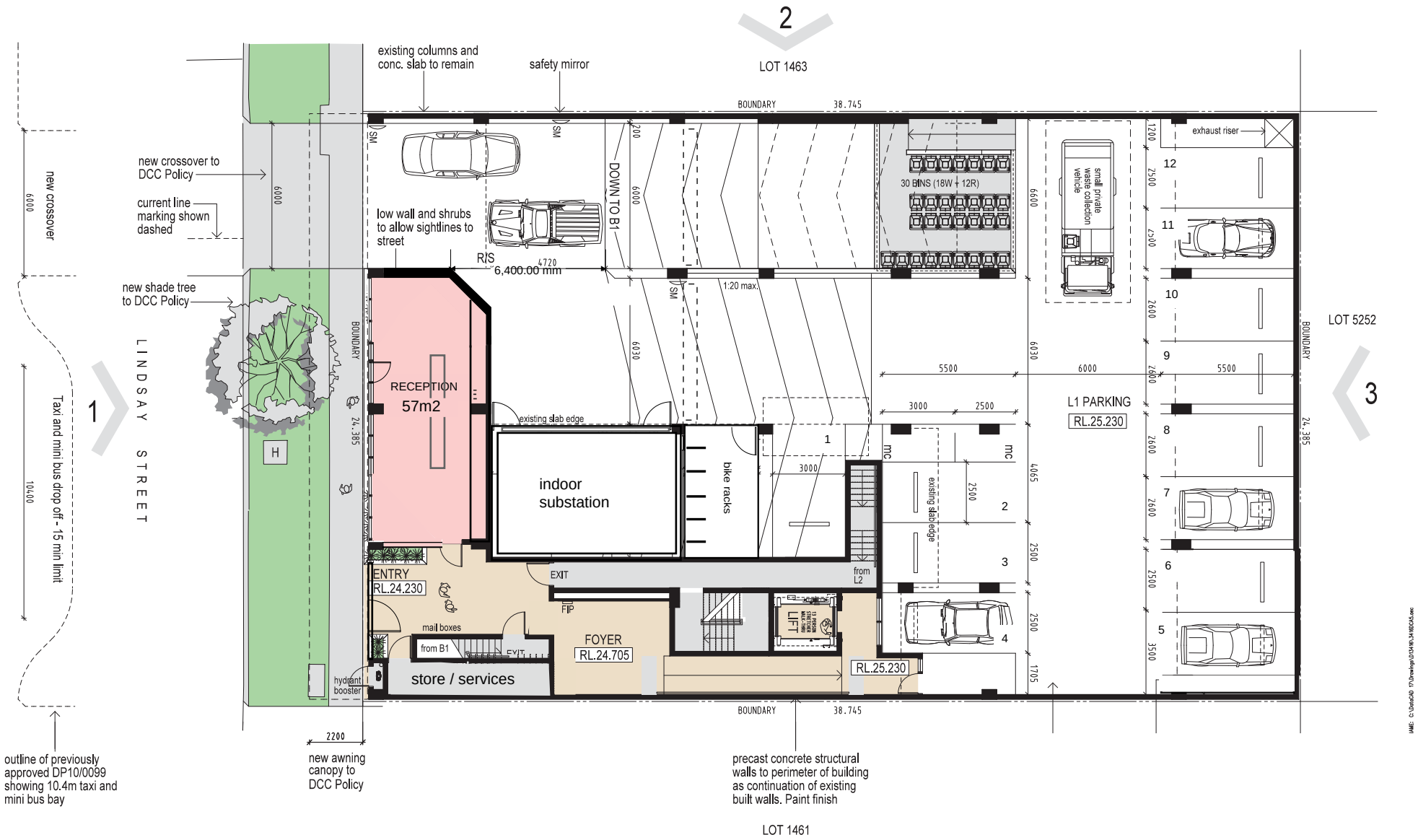
Joe Sheridan
Sheridan Consulting

Attachment A

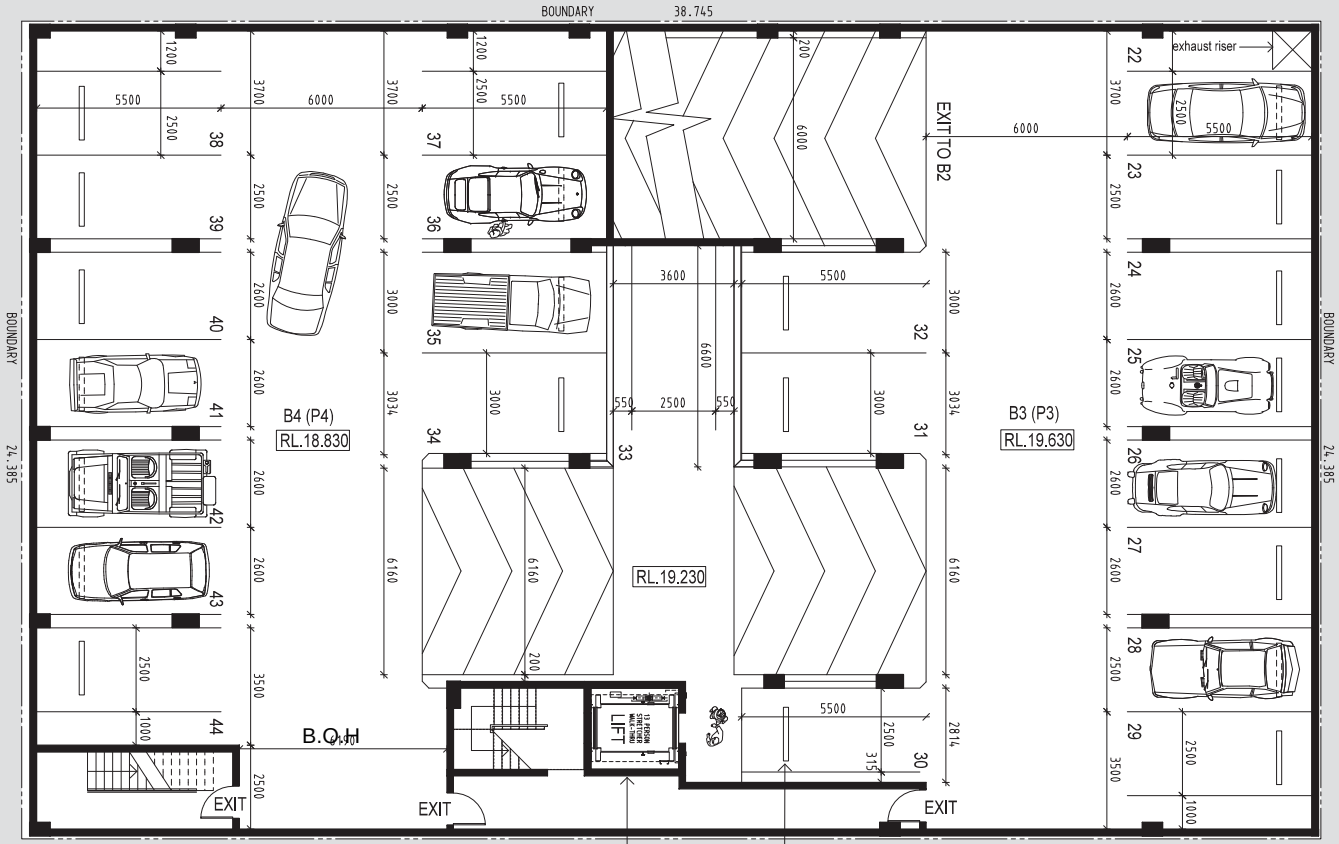
THE LINDSAY

INITIAL CONCEPT DESIGN PRESENTATION

LOT 1642 (4) LINDSAY ST - MARCH 2026



SK1 - GROUND FLOOR & LEVEL 1 PLAN

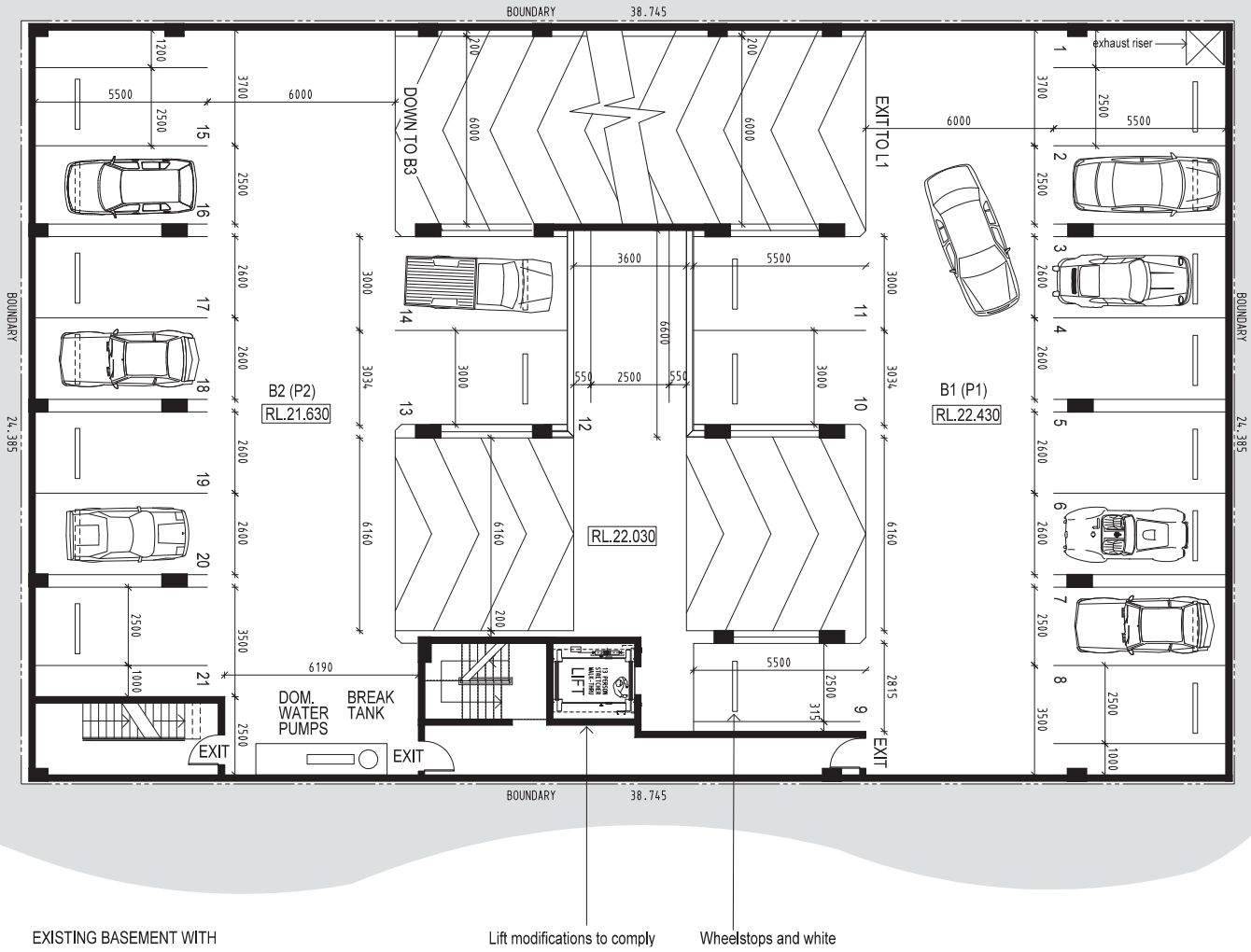


EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 30)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

SK 2 - BASEMENT 3 & 4



EXISTING BASEMENT WITH

Lift modifications to comply

Wheelstops and white

SK3 - BASEMENT 1 & 2

L1 - 5 ROOMS

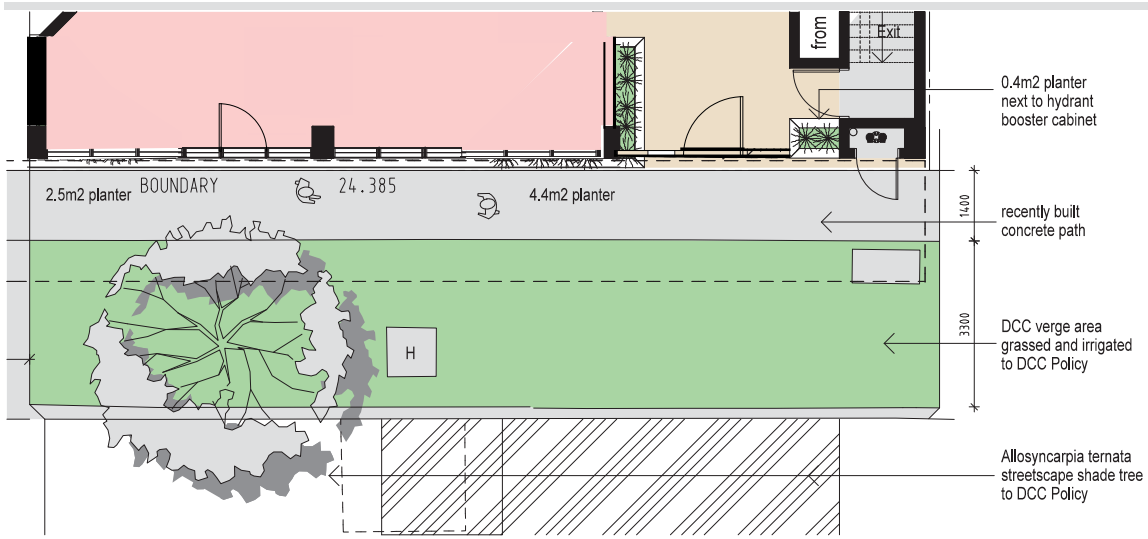


SK4 - LEVEL 2 PLAN

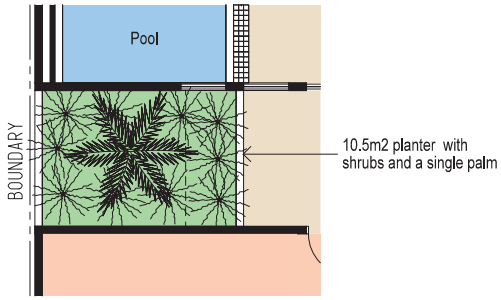


NOTE:
All balconies to include internal drainage and lip or upstand to edge to prevent edge staining

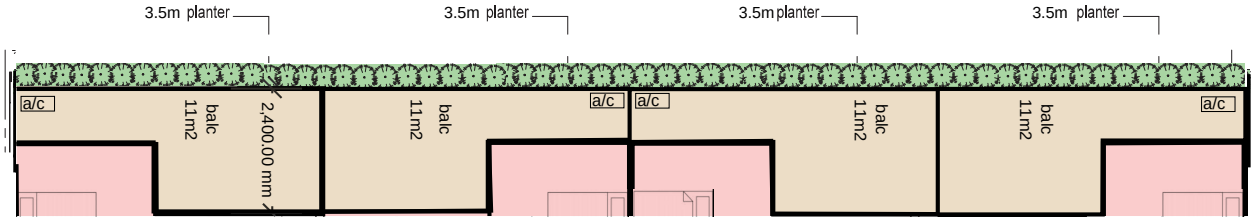
SK5 - LEVEL 3 - LEVEL 9



L1(GL) PLAN



L2 PLAN

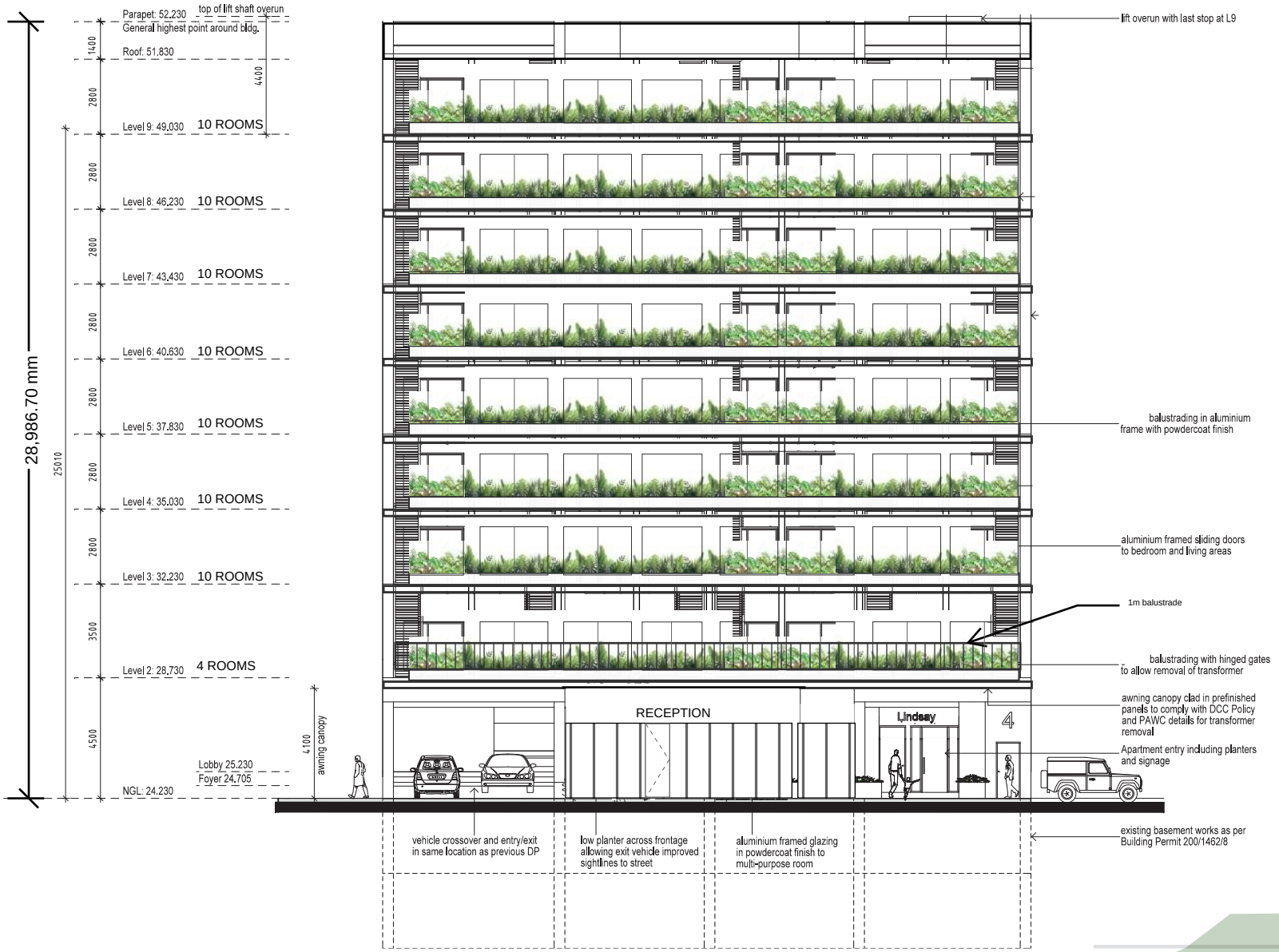


L3 - L9 PLAN continuous planters across building facade and edge of balconies allowing



LANDSCAPE SELECTIONS

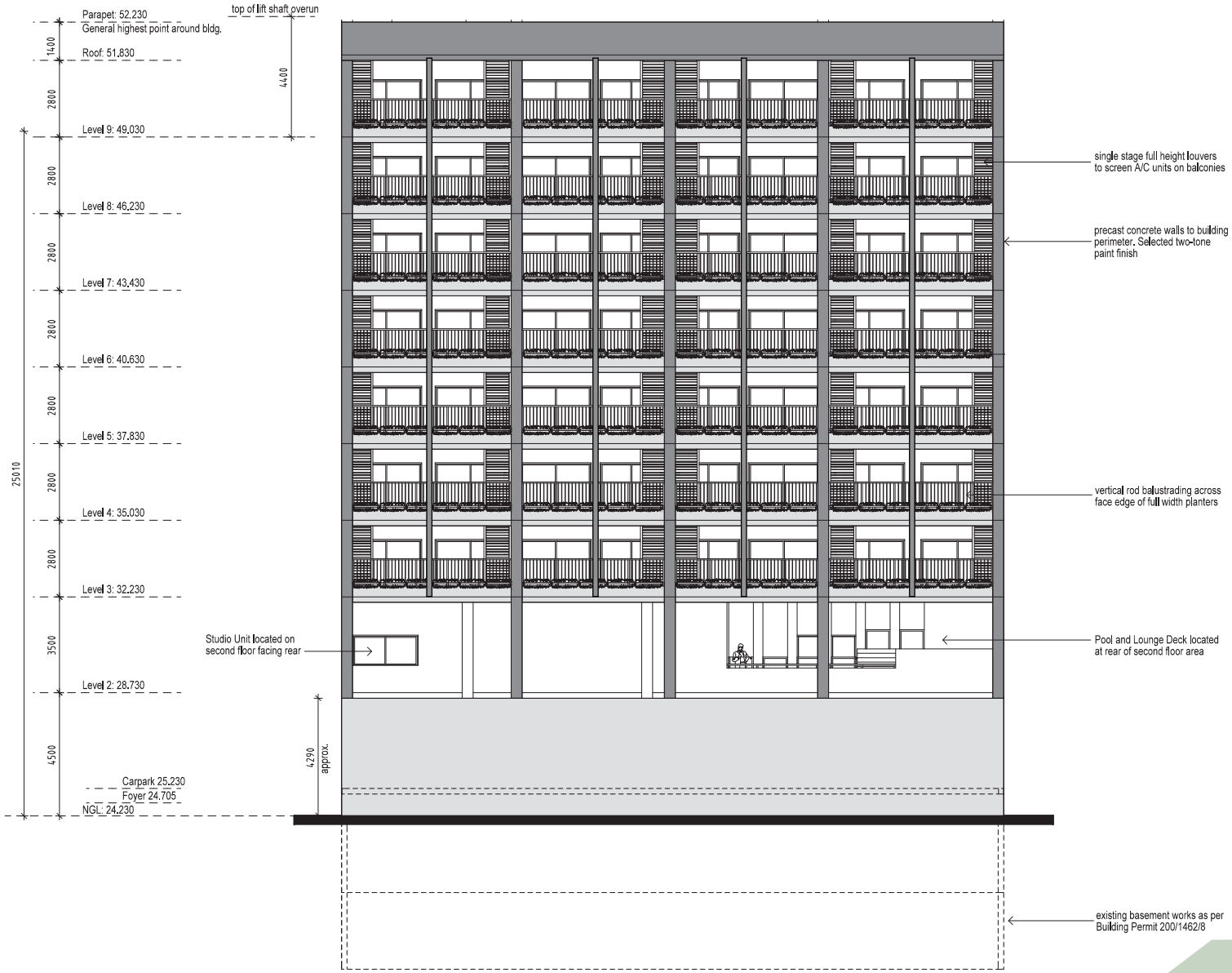
SK6 - LANDSCAPE PLAN



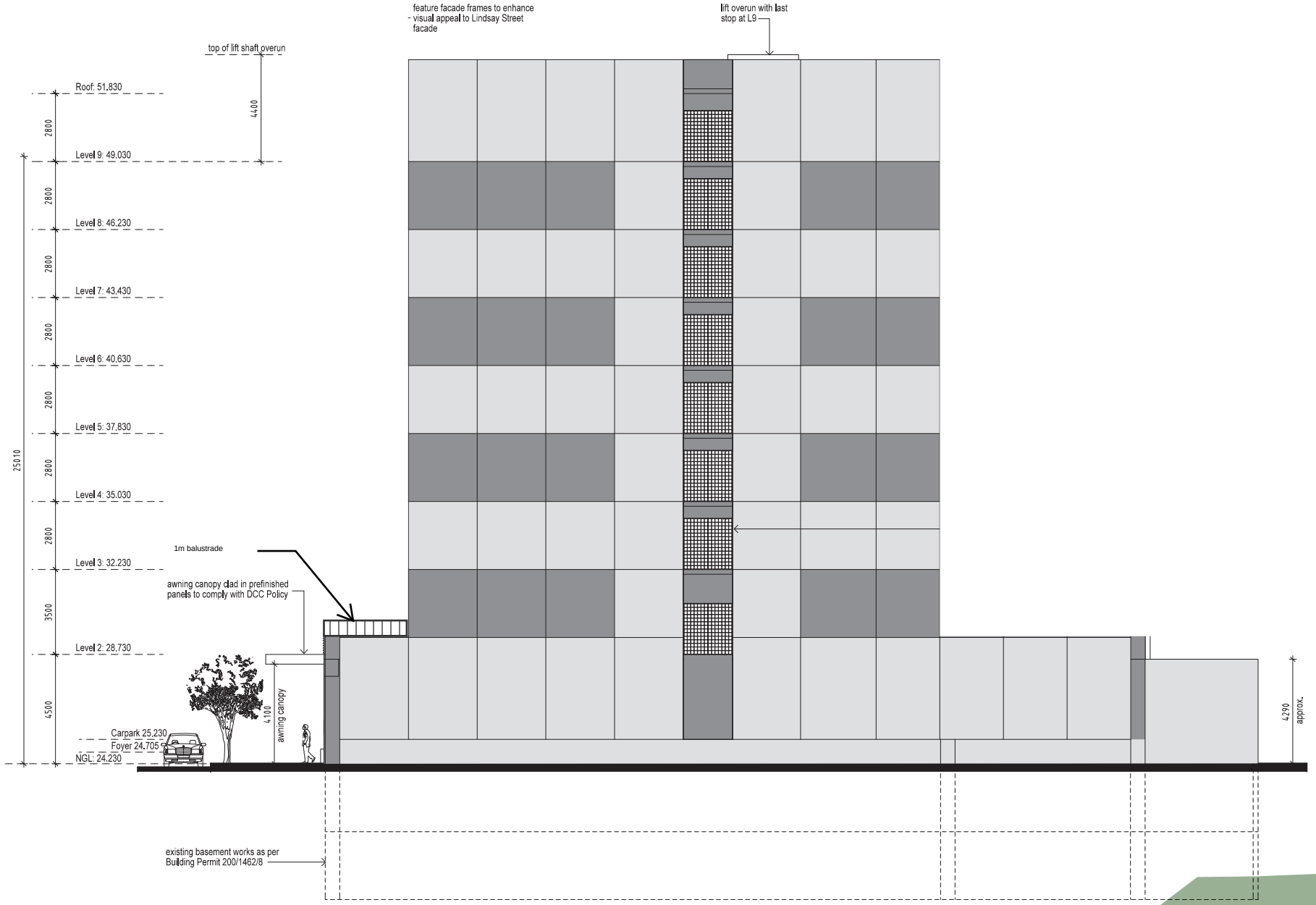
SK7 - FRONT ELEVATION



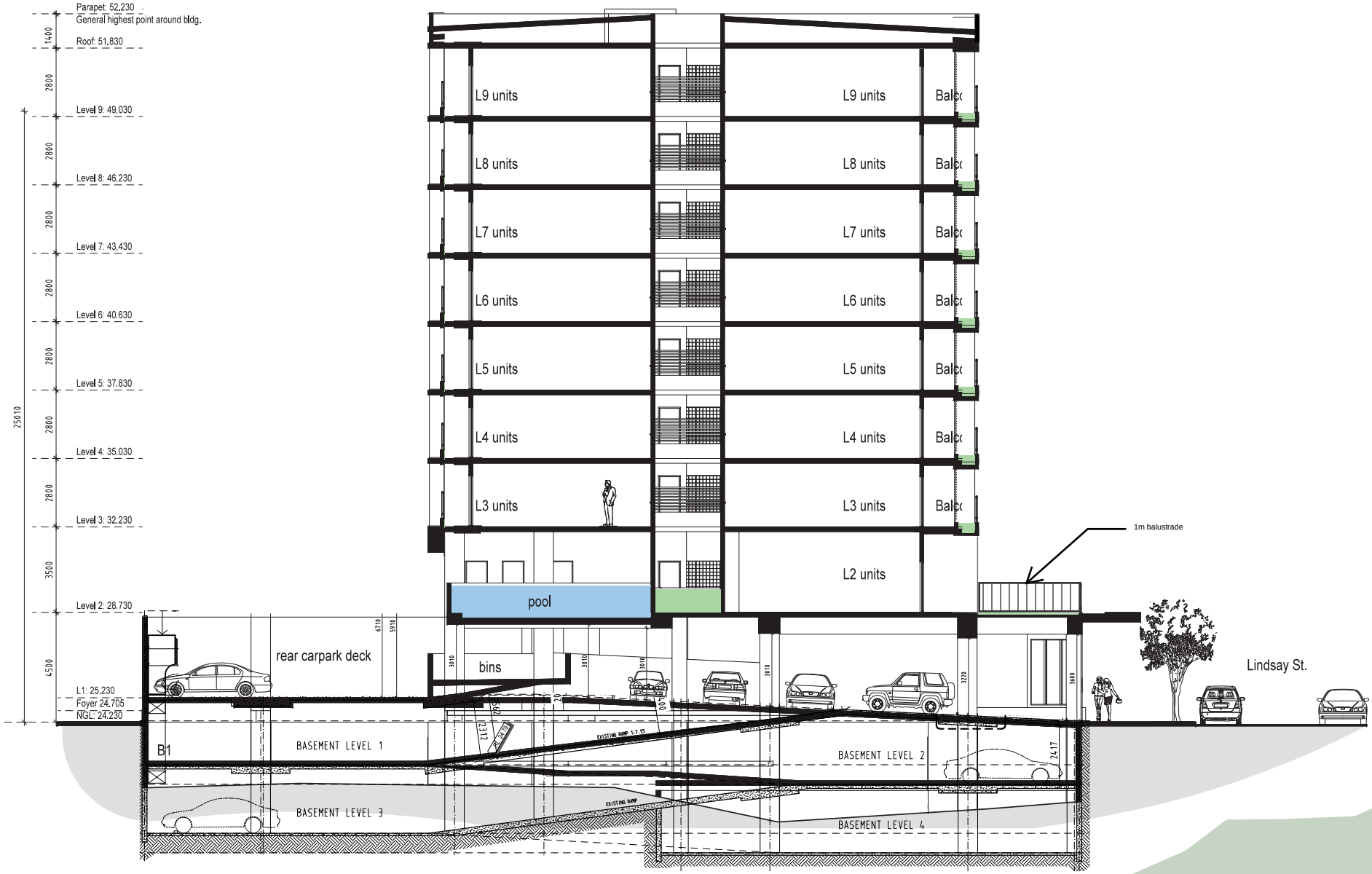
SK8 - NORTH ELEVATION



SK9 - REAR ELEVATION



SK10 - SOUTH ELEVATION



SK11 - SECTION

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2007/0511
MM:AM

Ms June D'Rozario
June D'Rozario & Associates
GPO Box 780
DARWIN NT 0801

Dear Ms D'Rozario

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*)
LOT 1462 (4) LINDSAY STREET, TOWN OF DARWIN

The Development Consent Authority has determined in accordance with section 53(b) of the Act to alter the proposal and grant consent to use and develop the abovementioned land for the purpose of 59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck, subject to the conditions specified on the attached Development Permit DP10/0099.

Reasons for the Determination

1. The proposed mixed use development is consistent with the purpose of Zone CB (Central Business) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.

2. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme to provide a loading bay less than the minimum length and height clearance is considered satisfactory in this instance as the small scale nature of the motel and café use is likely to require only smaller sized commercial vehicles.

3. A variation to clause 6.5.3 (Parking Layout) subject to receipt of amended plans is supported in this instance as:

    - the 4 end car parking bays are additional to the car parking required by clause 6.5.1 (Parking Requirements) of the scheme, but can still be used for parking for smaller vehicles or motorcycles; and

    - the podium level vehicle accessway will only cater to a small car park/ service area which is likely to be infrequently used.

4. A variation to the requirements of clause 7.10.3 (Caretakers Residence) for a floor area in excess of 50 m^2 for the caretakers (managers) residence is supported as the residence is not the primary use of the land and is located within the building such that it will not cause any detriment to adjoining land or the surrounding area.

5. The requirement for amended plans nominating the galvanised metal elements along the side elevations in a non reflective finish is considered necessary to ensure these elements do not result in undue glare to adjoining and nearby properties.

6. The requirement for amended plans showing landscaping details is to ensure that that landscaping of the site is sustainable, and in recognition of the need to achieve a development which provides an active interface with, and passive surveillance to, the street.

7. The requirement for amended plans demonstrating vehicle sightlines in accordance with Darwin City Council requirements will ensure that car parking and vehicle access is functional as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

8. A taxi/mini bus drop off is required to be provided within the road reserve at the front of the site as the consent authority considers that due to the use of the site as a motel it necessary to provide a specific area for loading and unloading of guests to the motel which does not conflict with vehicle movements on Lindsay Street or with vehicles associated with the loading and unloading of students attending St. Mary's Primary School on the opposite side of the street.

9. A requirement for amended plans showing a redesign of the front of the site within the road reserve is required as the final design of the on-street taxi/ mini bus drop off bay may impact on the site and may need to be amended to meet Darwin City Council requirements, to the satisfaction of the consent authority.

10. A requirement for amended plans showing a 6m setback from the adjoining rear site (subject to receipt of legal advice that such a setback is necessary) is required in accordance with clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme. The condition that the proposal continues to comply with clause 7.5 (Private Open Space) will ensure that sufficient areas of private open space are retained for future residents.

Right of Appeal

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

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 2014, DARWIN NT 0801 or Level 1, Cnr Cavenagh and Bennett Street, Darwin NT 0800 (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 7867.

Yours faithfully

PETER MCQUEEN
Delegate

19 / 2 /2010

Attachment

Cc Darwin City Council

St. Mary's Primary School

GHD Pty Ltd

The Planning Action Network

C Mitchell & L Eldridge

Mark Moretti

Eleni Moretti

Andrew Karl Schulze

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP10/0099

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 1462

Town of Darwin

4 Lindsay Street, Darwin City

APPROVED PURPOSE

To use and develop the land for the purpose of 59 motel suites and a 1 x 3 bedroom manager's residence in an 11 storey building including 2 levels of basement car parking and a roof top deck, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Variation to clause 6.6 (Loading Bays)

Variation to clause 6.5.3 (Parking Layout)

Variation to clause7.10.3 (Caretakers Residence)

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

PETER McQUEEN
Delegate
Development Consent Authority

19/2/2010

DEVELOPMENT PERMIT

DP10/0099

SCHEDULE OF CONDITIONS

Conditions Precedent:

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
(a) a 6m setback to the rear property boundary in accordance with the requirements of clause 6.3.2 (Volumetric Control in Central Darwin), maintaining compliance with clause 7.5(Private Open Space) subject to receipt of legal advice that such a setback is required;

(b) the 'galvanised custom orb sheeting' elements along both side walls nominated in a non reflective finish;

(c) car parking space number 8 (at levels P1 & P3), 13 (at level P2) and 22 (at level P4) all nominated for either small cars or motorcycles;

(d) provision of a landscaping plan to include:

(i) a planting schedule which specifies plant species, with a requirement that species within the front setback area at ground level enable passive surveillance to the street; and

(ii) details together with written advice demonstrating that soil depth, growth areas and plant species within the atrium and above the basement car park are all suitable in ensuring the ongoing sustainability of the landscaping proposed in the plans for the development;

(e) provision of vehicle sightlines to Darwin City Council requirements, with any required relocation of the water booster pump to be to an area which maintains the openness of the alfresco area to the street; and

(f) any redesign of the front of the site required as a result of final design details of the on-street taxi/mini bus drop off bays within the road reserve and appurtenant footpath meeting the requirements of Darwin City Council, to the satisfaction of the Consent Authority.

2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.

General Conditions:

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.

4. Before the use commences the owner must, in accordance with section 70(5) of the Act, substitute the 2 on-street car bays lost through the development, through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.

5. Before the use commences the owner/developer must (at no cost to Darwin City Council or the Department of Lands and Planning, construct a bus set-down area within the road reserve meeting the requirements of Darwin City Council, to the satisfaction of the consent authority.

6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.

7. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to Darwin City Council in accordance with Council?s Developer Contribution Plans for Stormwater Drainage Works, to the satisfaction of the Development Consent Authority.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. 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.

10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.

11. The owner shall:
(a) remove disused vehicle and/ or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) construct a taxi/ bus drop off/ pick bay within the Lindsay Street road reserve;
(d) collect stormwater and discharge it to the drainage network; and
(e) undertake reinstatement works;
all to the technical requirements of and at no cost to Darwin City Council to the satisfaction

of the consent authority.

12. 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.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.

13. 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.

14. 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.

15. 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.

16. 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.

17. All air conditioning condensers 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.

18. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

19. The developer shall contact Service Stream on 1800 733 776 or Commercial/leadin@servicestream.com.au prior to any work commencing to facilitate the installation of the Telstra Network.

Note:

It is advised by Darwin City Council that in no circumstances will Council permit temporary storage of garbage and recycling waste bins on the Lindsay Street road reserve for servicing purposes. Council further advises that its requirement is for the bins to always be serviced from the designated storage area within the property, with Council?s requirement being that collection vehicles are only permitted to enter and exit the property in a forward gear.

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6807
Facsimile No: (08) 8999 6055

In reply, please quote: PA2007/0511
SC: CM

June D'Rozario and Associates Pty Ltd
drozaro@ozmail.com.au

Dear Sir/ Madam

LOT 1462 (4) LINDSAY STREET

Thank you for the plans submitted which address the requirements of Conditions 1 and 2 of Development Permit DP10/0099.

Please find attached, for your records, an endorsed copy of the required plans numbered 2007/0511/1 through to 2007/0511/12 which now form part of the permit.

You are reminded that Condition 3 of Development Permit DP10/0099 states: 'The works carried out under this Permit shall be in accordance with the drawings endorsed as forming part of this permit.'

Should you require further information on this matter please contact Steven Conn on 8999 7414.

Yours faithfully

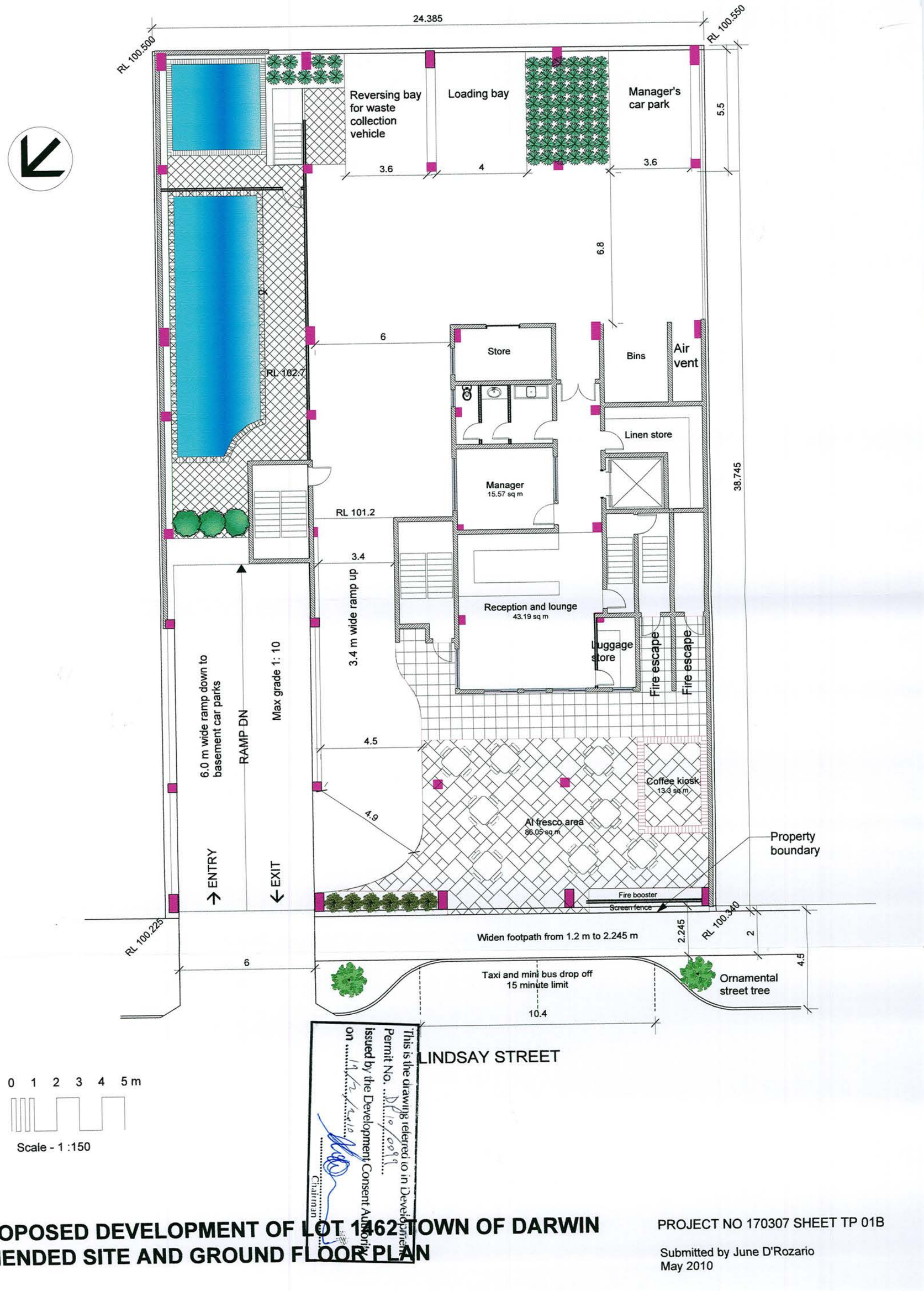
Courtney Maynard

COURTNEY MAYNARD
for Secretary, DCA

28 June 2010

Attachment

Cc. Darwin City Council
St. Mary's Primary School
GHD Pty Ltd
The Planning Action Network
C Mitchell & L Eldridge
Mark Moretti
Eleni Moretti
Andrew Karl Schulze



This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 11/2/2010

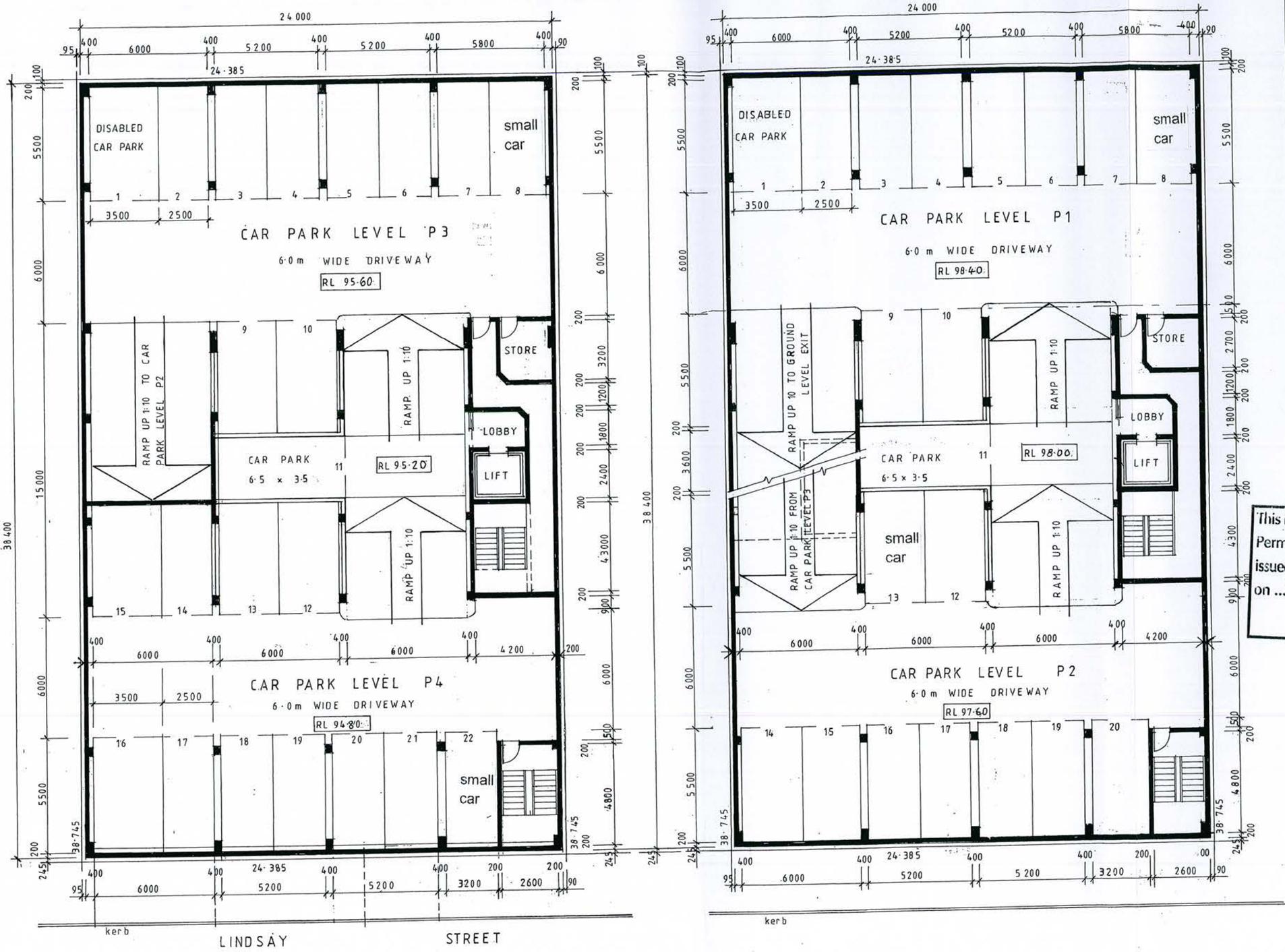
Chairman

1/1150/L002

PROPOSED DEVELOPMENT OF LOT 1462 TOWN OF DARWIN
AMENDED SITE AND GROUND FLOOR PLAN

PROJECT NO 170307 SHEET TP 01B

Submitted by June D'Rozario
May 2010



PLAN- BASEMENT CAR PARK
LEVELS P3 & P4

PLAN- BASEMENT CAR PARK
LEVELS P1 & P2

NOTES

DO NOT SCALE DRAWINGS
FOLLOW DIMENSIONS ONLY

This is the drawing referred to in Development Permit No. DP10/0099
issued by the Development Consent Authority on 19/2/2010
Chairman

BASEMENT CAR PARK
LEVELS P1, P2, P3 & P4

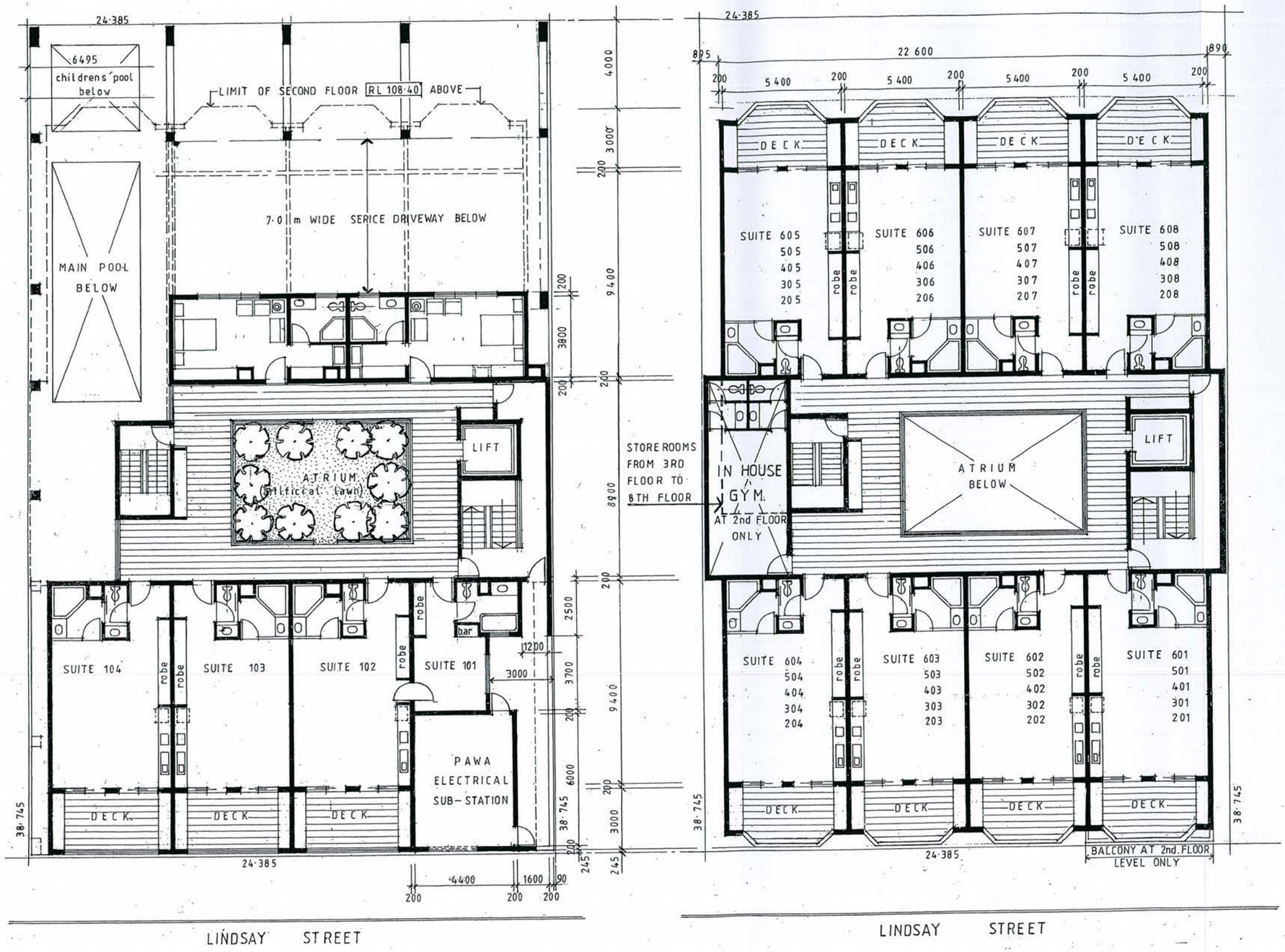
DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
SUITE 2, ALEXANDRIA CHAMBERS
291 TROWER ROAD CASUARINA, NT 0810
G.P.O. BOX 1409 DARWIN, NT 0801
MOBILE 0408 002 577 FAX 08 8927 7733
email don.gordon@naca.com.au

SCALE 0 1 2 3 4 5

PROJECT N°	SHEET N°
170307	TP 02 Ⓐ

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR & TERRACE LEVEL AT LOT N° 1462 (N° 4) LINDSAY STREET, DARWIN CBD

2007/0511/2



NOTES

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FOLLOW DIMENSIONS ONLY.

This is the drawing referred to in Development Permit No. DP10/0099
issued by the Development Consent Authority
on 19/2/2010
Chairman

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING, INCLUDING GROUND FLOOR & TERRACE LEVEL, AT LOT Nº 1462 (Nº 4) LINDSAY STREET, DARWIN CBD.

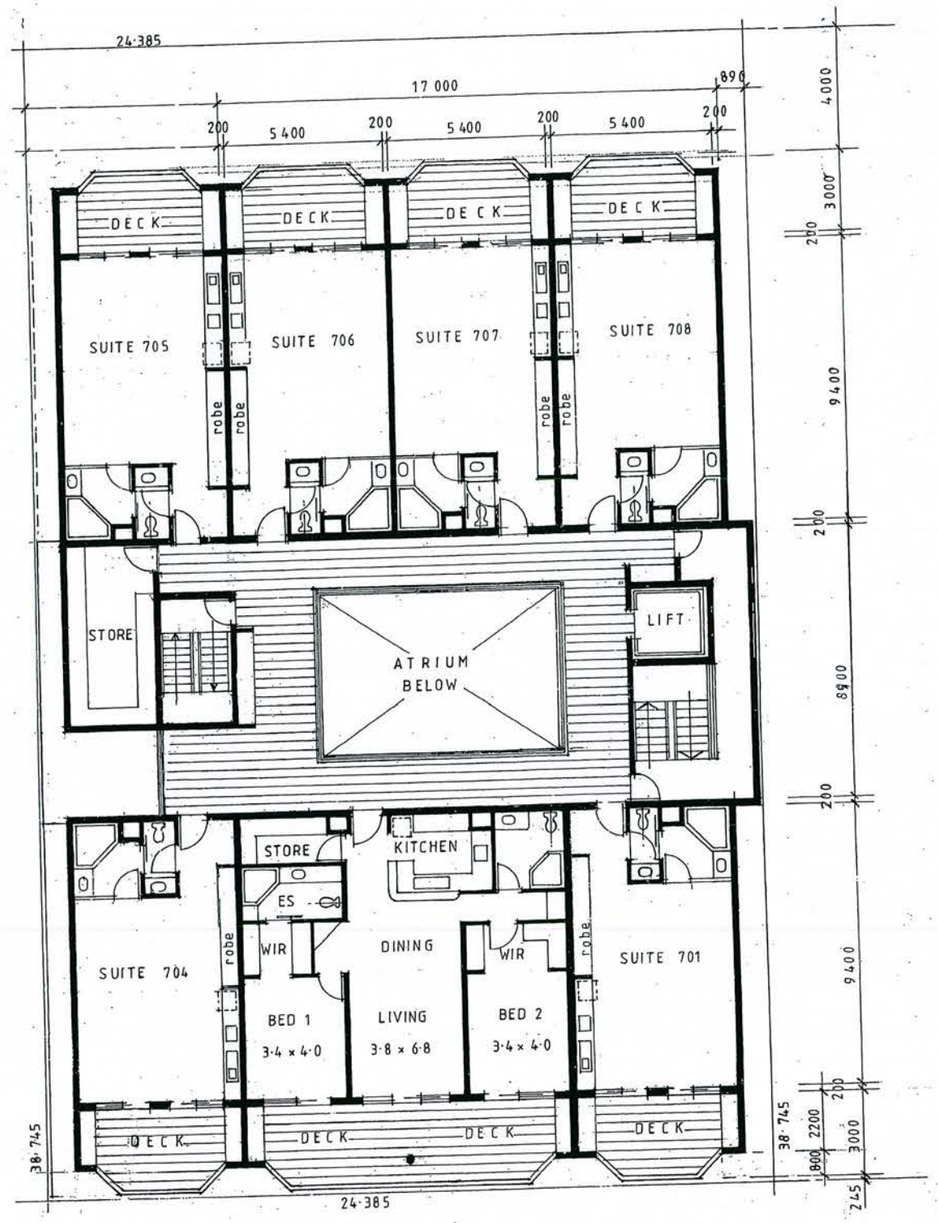
FIRST FLOOR PLAN & SECOND TO SIXTH FLOOR PLAN.

DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
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email don.gordon@naca.com.au

SCALE 0 1 2 3 4 5 metres

PROJECT Nº 170307
SHEET Nº TP 03 (A)

2007/0511/3



SEVENTH & EIGTH FLOOR PLAN.

RL 122·40 RL 125·20

NOTES

DO NOT SCALE DRAWINGS.

FOLLOW DIMENSIONS ONLY.

This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 19/2/2010

Chairman

SEVENTH AND EIGHT FLOOR PLAN.

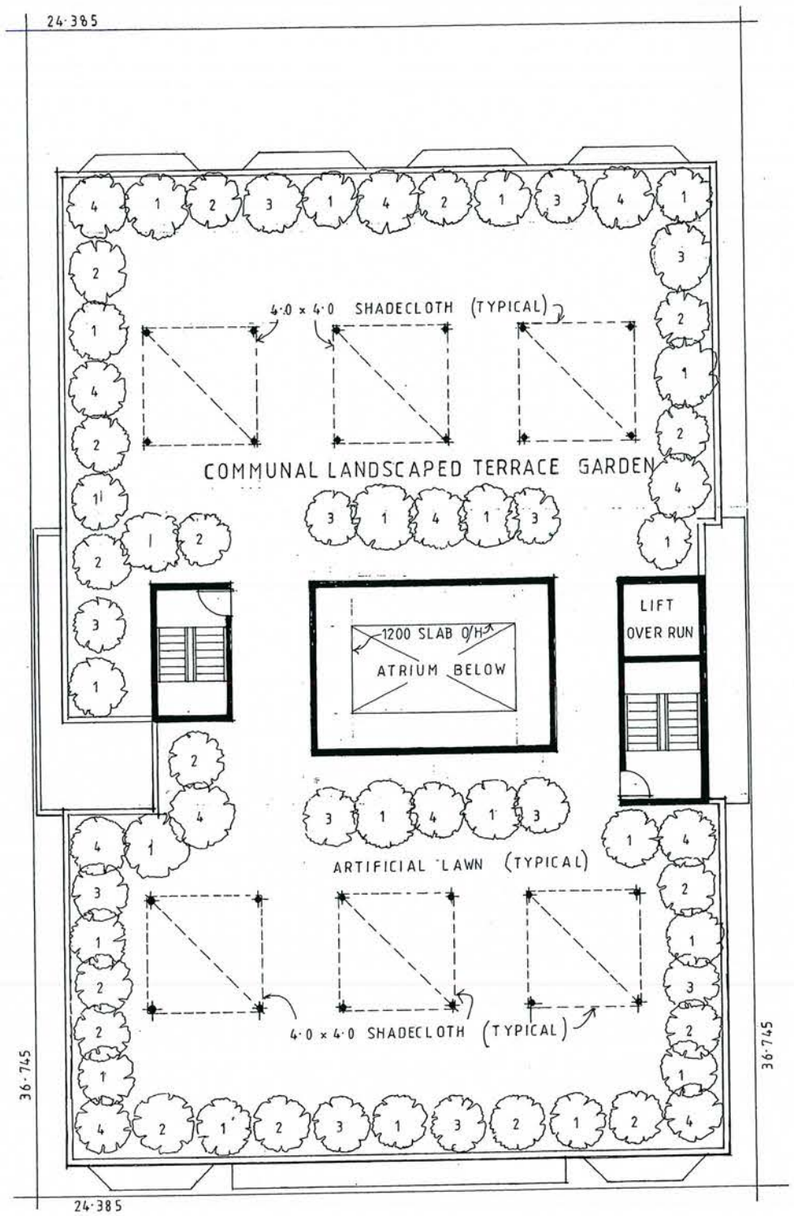
DON GORDON ARCHITECT
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291 TROWER ROAD, CASUARINA NT 0810
G.P.O. BOX 1409 DARWIN, NT 0801
PHONE 0408 002 577 FAX 08 8927 7733
email don.gordon@naca.com.au

SCALE 0 1 2 3 4 5 metres

PROJECT N°	SHEET N°
170307	TP 04 (A)

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL, IN A 10 STOREY BUILDING, INCLUDING GROUND FLOOR & TERRACE LEVEL, AT LOT N° 1462 (N° 4) LINDSAY STREET, DARWIN CBD.

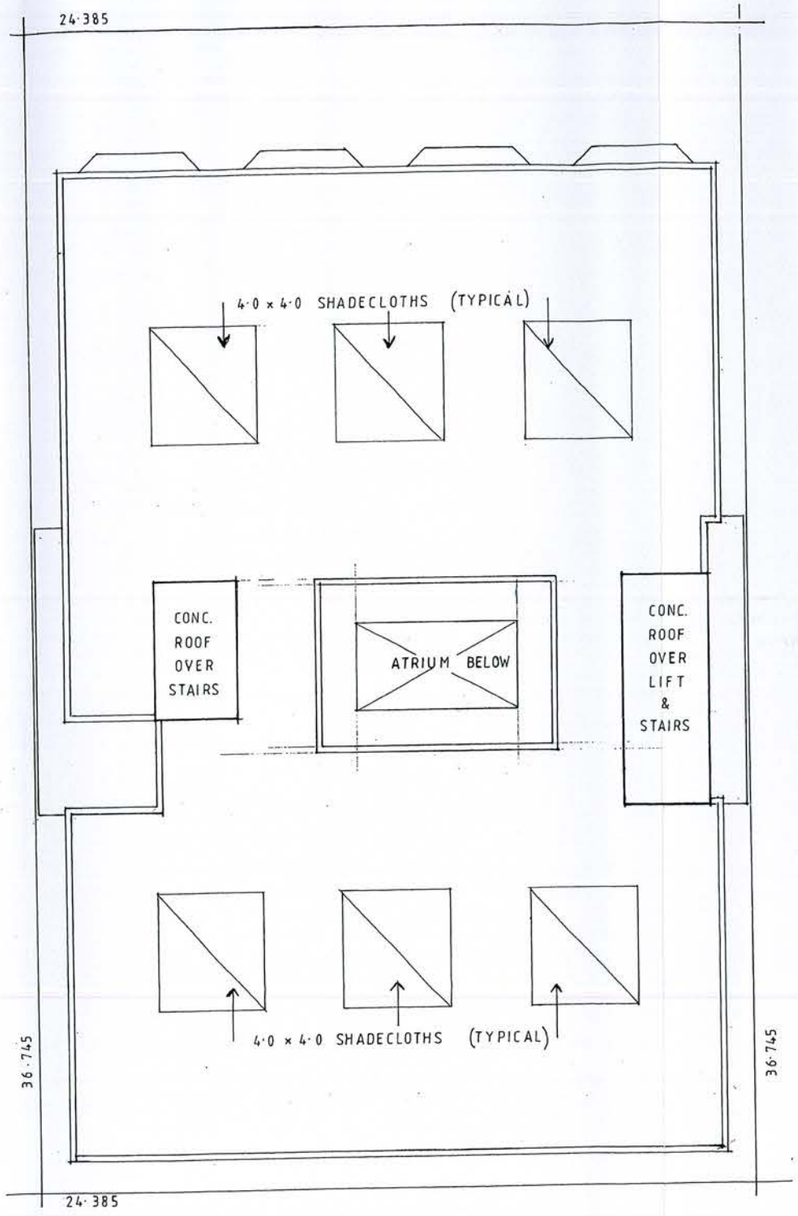
2007/0511/4



LINDSAY STREET

TERRACE FLOOR PLAN

RL 126·60



LINDSAY STREET

ROOF LEVEL PLAN

NOTES

DO NOT SCALE DRAWINGS.
FOLLOW DIMENSIONS ONLY.

ROOF TOP LANDSCAPING SCHEDULE

1. BOURGANVILIA (VARIES COLOURS)
2. RHOPALOBASTE SINGAPORENIS
3. RHAPIS SUBTILIS
4. RHAPIS HUMILIS

ALL ABOVE PLANTS WILL BE IN 600 Ø POTS

This is the drawing referred to in Development Permit No. DP10/0099
issued by the Development Consent Authority on 11/2/2010
Chairman

TERRACE AND ROOF PLANS

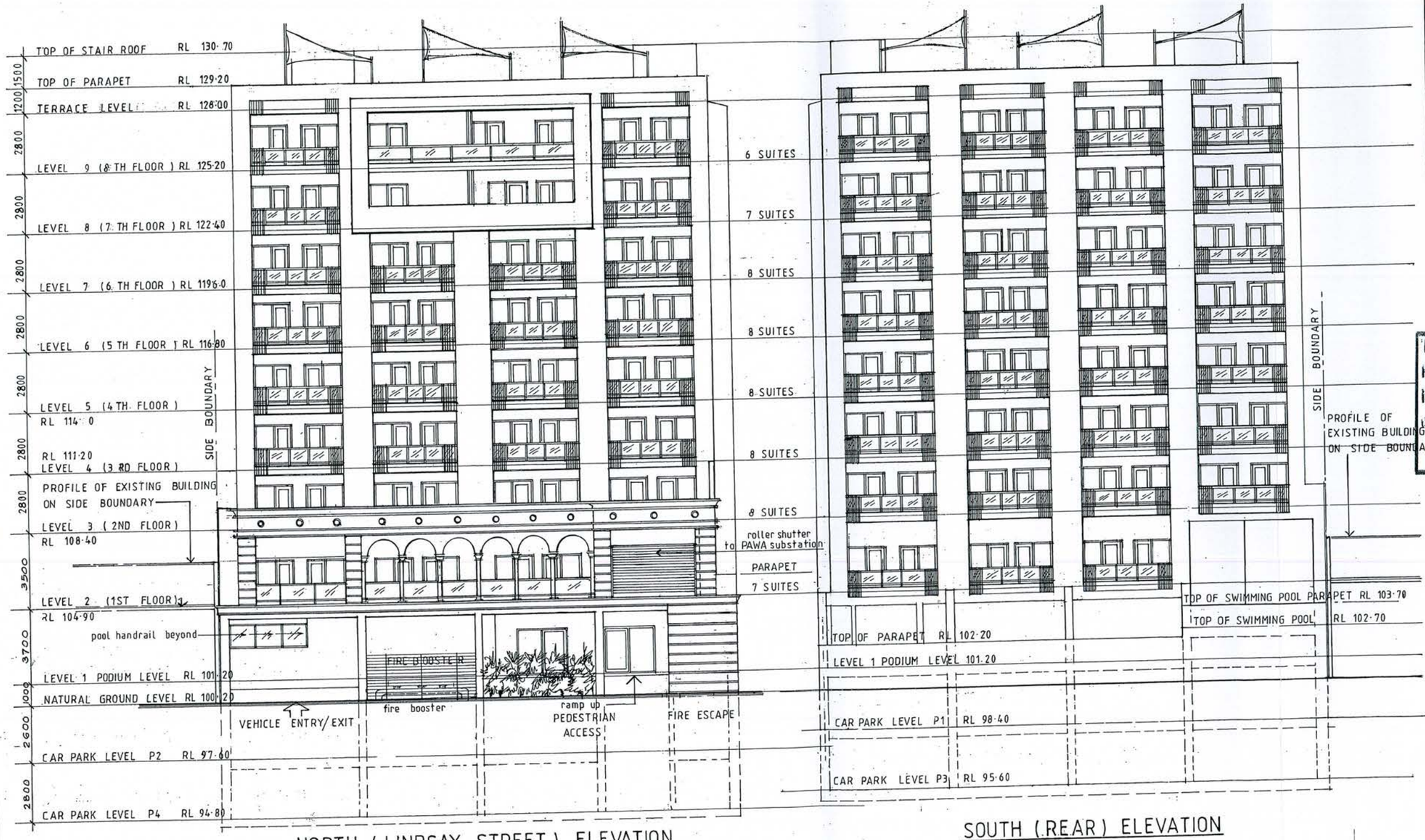
DON GORDON ARCHITECT
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email: don.gordon@naca.com.au

SCALE 0 1 2 3 4 5 metres

PROJECT N°	SHEET N°
170307	TP 05

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR & TERRACE LEVEL AT LOT N° 1462 (N° 4) LINDSAY STREET DARWIN C.B.D.

2007/0511/5



NORTH (LINDSAY STREET) ELEVATION

SOUTH (REAR) ELEVATION

NOTES

DO NOT SCALE DRAWINS.
FOLLOW DIMENSIONS ONLY.

SCHEDULE OF FINISHES (TYPICAL)

CARPARK & DRIVEWAY	CONCRETE
BALCONY	NON-SLIP CERAMIC FLOOR TILES
INTERNAL FLOORS	SELECTED CERAMIC FLOOR TILES
BALCONY DOORS	POWDERCOATED ALUMINIUM GLAZED SLIDING DOORS
WINDOWS	POWDERCOATED ALUMINIUM GLAZED SLIDING WINDOWS
HANDRAILS	POWDERCOATED METAL BALUSTRADING
ALL WALLS	CONC. BLOCKWORK RENDERED BOTH SIDES AND PAINTED
ATRIUM	TRANSLUSCENT ROOF SHEETING ON POWDERCOATED METAL FRAMES

This is the drawing referred to in Development Permit No. DP10/0099
Issued by the Development Consent Authority
on 19/2/20
Chairman

NORTH AND SOUTH ELEVATIONS

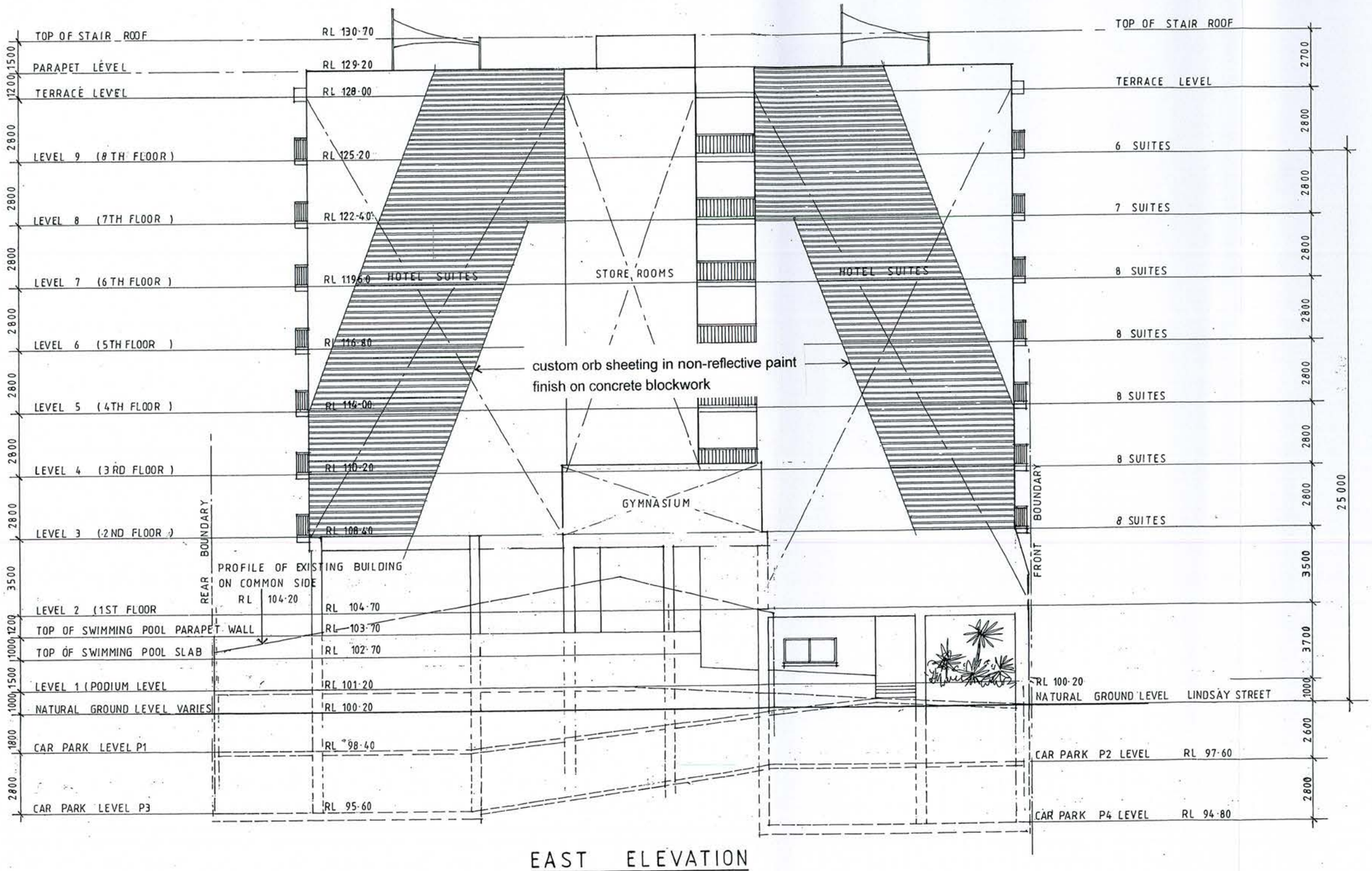
DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
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291 TROWER ROAD CASUARINA, NT 0810
P.O.BOX 1409 DARWIN NT 0801
MOBILE 0408 002 577 FAX 08 89277 733
email don.gordon @ naca.com.au

SCALE metres

PROJECT N°	SHEET N°
170307	TP 06 (A)

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMINGPOOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR AND TERRACE LEVEL AT LOT N° 1462 (N° 4) LINDSAY STREET DARWIN C.B.D.

2007/0511/6



EAST ELEVATION

NOTES

DO NOT SCALE DRAWINGS. FOLLOW DIMENSIONS ONLY.

This is the drawing referred to in Development Permit No. DP 19/0299
issued by, the Development Consent Authority
on 19/2/2019
Chairman

EAST ELEVATION

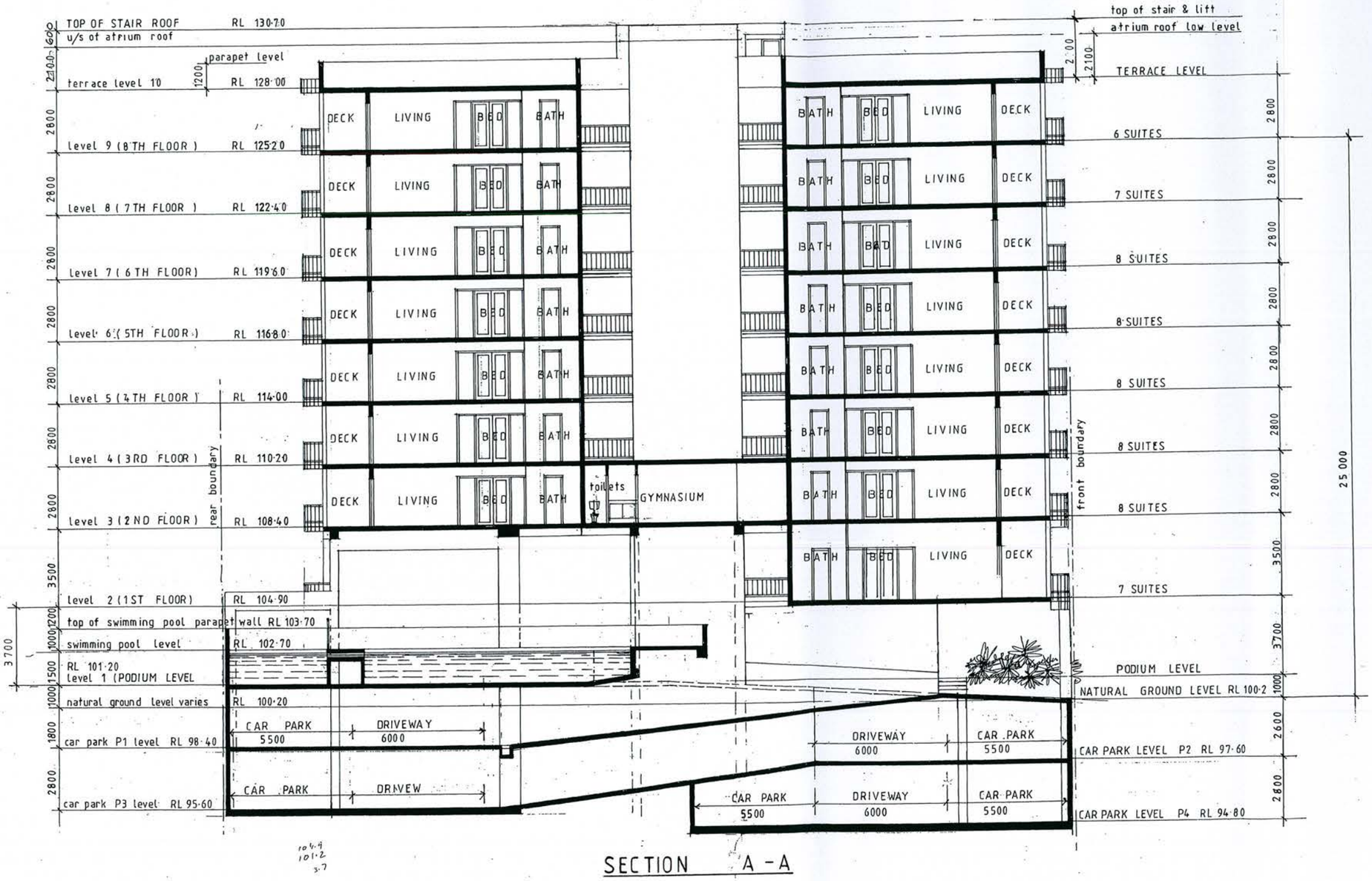
DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
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291 TROWER ROAD, CASUARINA, NT 0810
P.O. BOX 1409 DARWIN, NT 0801
MOBILE 0408 002 577 FAX 08 8927 7733
email don.gordon a naca.com.au

SCALE 0 1 2 3 4 5 metres

PROJECT Nº	SHEET Nº
170307	TP 07 Ⓐ

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR AND TERRACE LEVEL AT LOT Nº 1462 LINDSAY STREET, DARWIN C.B.D.

2007/0511/7



SECTION A-A

This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 19/2/2010

Chairman

SECTION A-A

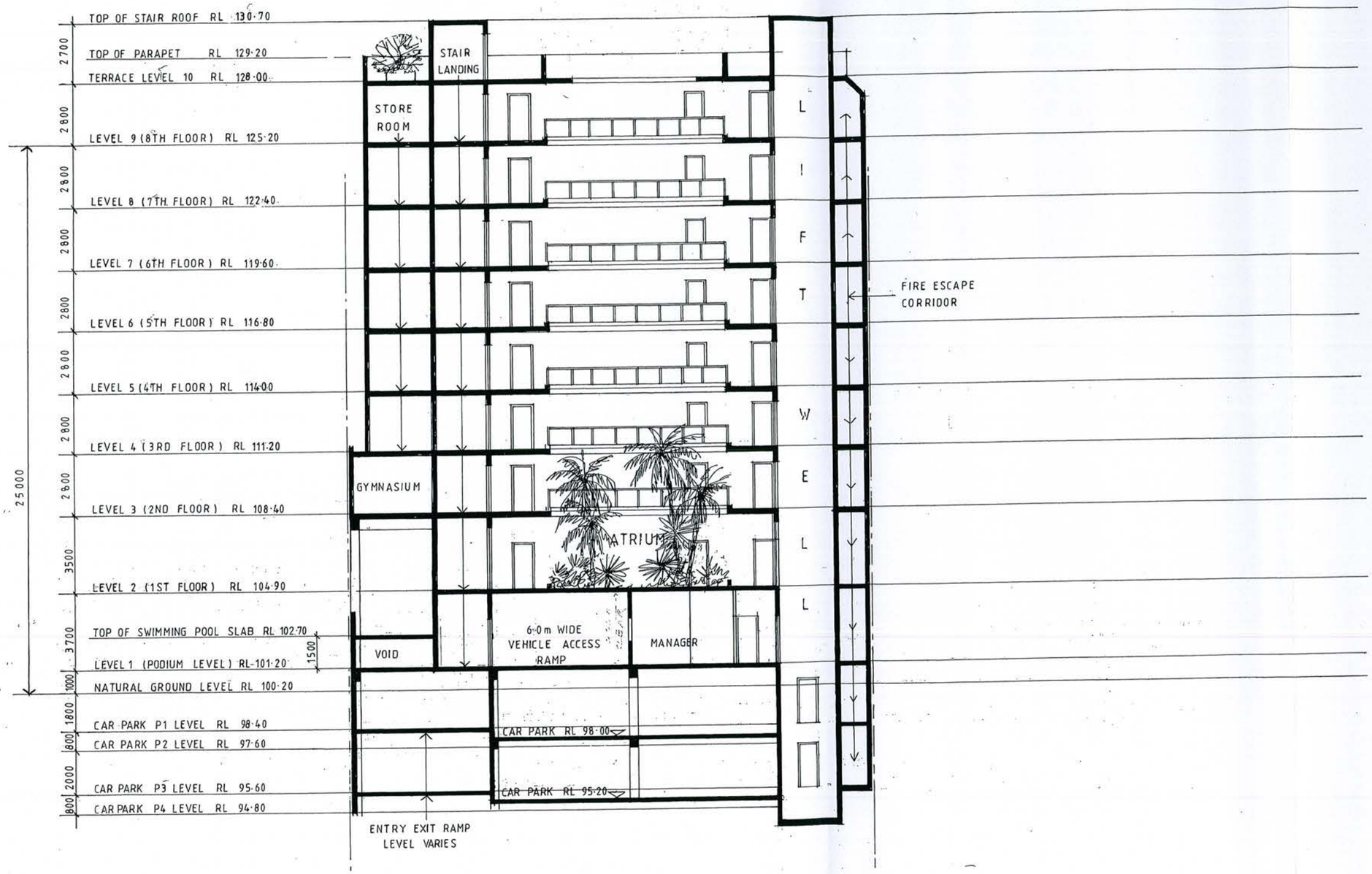
DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
SUITE 2, ALEXANDRIA CHAMBERS
291 TROWER ROAD CASUARINA, NT 0810
P.O.BOX 1409 DARWIN NT 0801
MOBILE 0408 002 577 FAX 08 8927 7733
email don.gordon@naca.com.au

SCALE 1 0 0 1 2 3 4 5 metres

PROJECT Nº	SHEET Nº
170307	TP 08 (A)

PROPOSED 60 KEY OTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR AND TERRACE LEVEL AT LOT Nº 1462 (Nº 4) LINDSAY STREET, DARWIN CBD.

2007/0511/8



SECTION B - B

NOTES

DO NOT SCALE DRAWINGS
FOLLOW DIMENSIONS ONLY

This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 19/2/2010

SECTION B-B

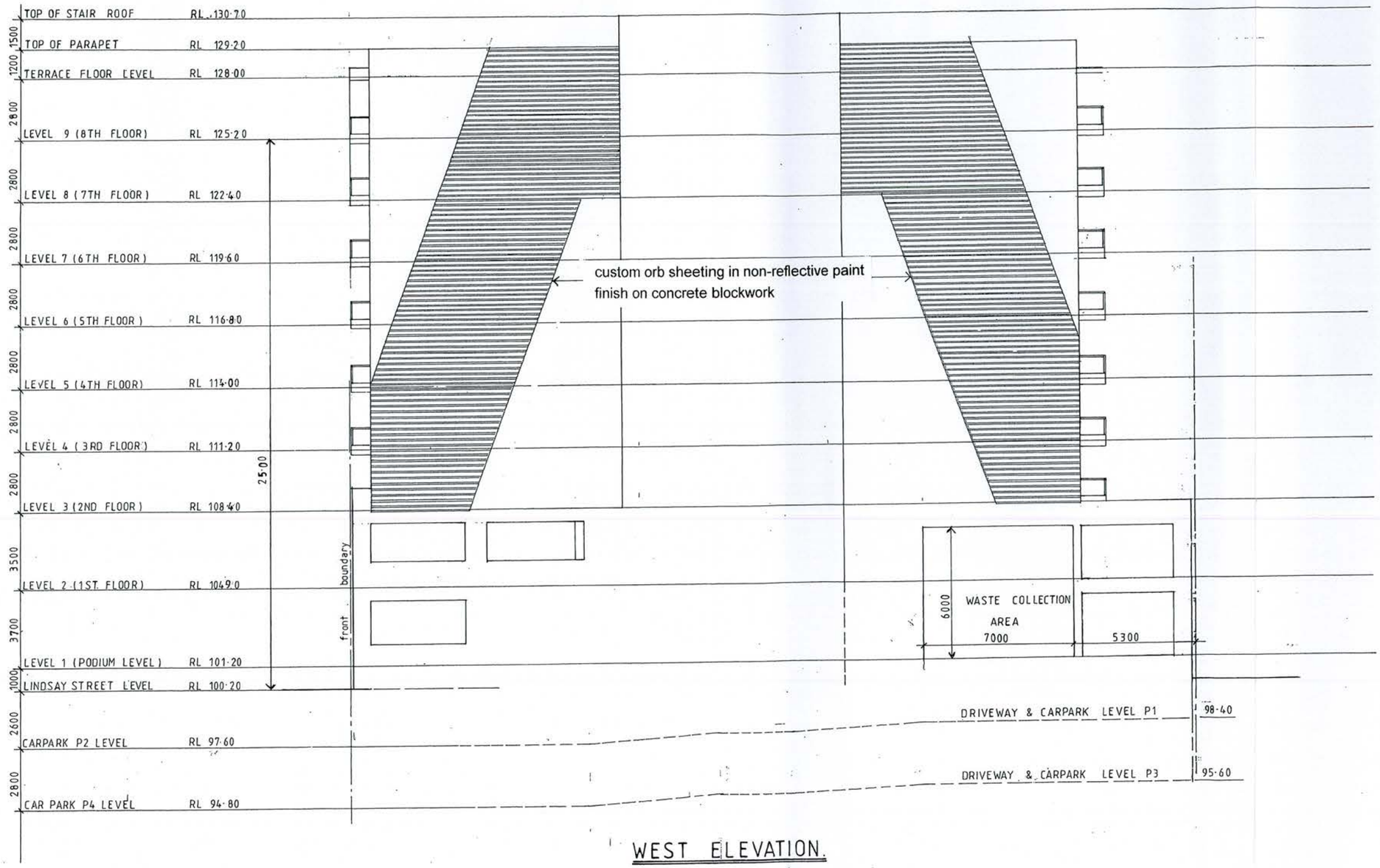
DON GORDON ARCHITECT
DESIGN & MANAGEMENT CONSULTANT
SUITE 2, ALEXANDRIA CHAMBERS
291 TROWER ROAD CASUARINA NT 0810
G.P.O. BOX 1409 DARWIN NT 0801
MOBILE 0408 002 577 FAX 08 89277 733
email don.gordon@naca.com.au

SCALE 0 1 2 3 4 5 metres

PROJECT Nº	SHEET Nº
170307	TP 09 (A)

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM AND SWIMMING POOL IN A 10 STOREY BUILDING, INCLUDING GROUND FLOOR AND TERRACE LEVEL AT LOT Nº 1462 (Nº 4) LINDSAY STREET, DARWIN C.B.D.

2007/0511/9



WEST ELEVATION.

This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 18/2/2010

Chairman

WEST ELEVATION

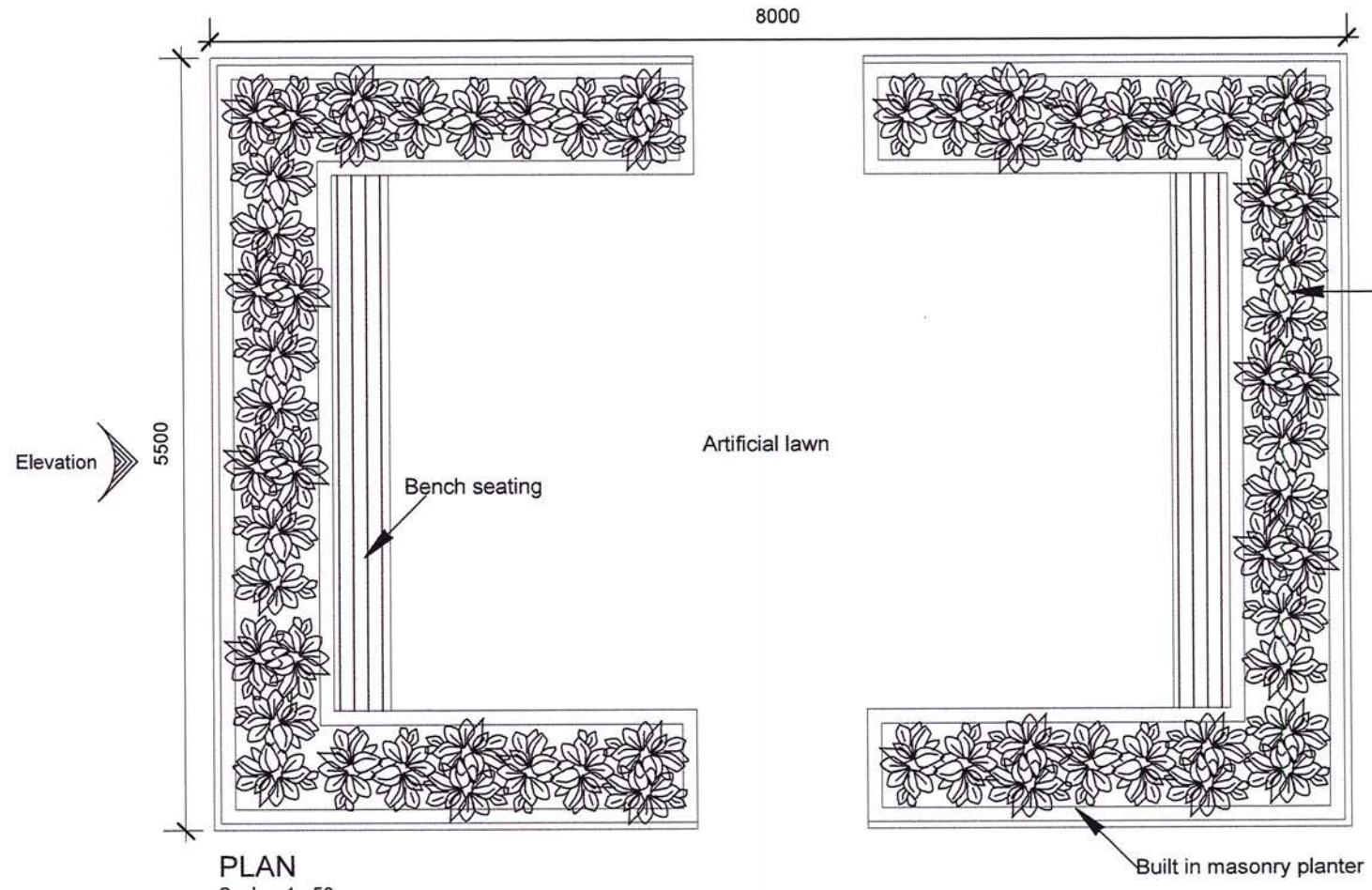
DON GORDON ARCHITECT,
DESIGN & MANAGEMENT CONSULTANT
SUITE 2, ALEXANDRIA CHAMBERS
291 TROWER ROAD CASURINA, NT 0810
GPO BOX 1409 DARWIN, NT 0801
MOBILE 0408 002 577
FAX 08 89277733
email don.gordon@naca.com.au

SCALE ..... metres

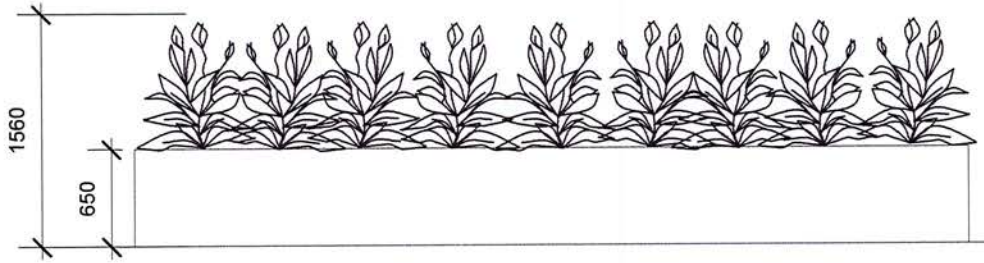
PROJECT Nº	SHEET Nº
170307	TP 10 (A)

PROPOSED 60 KEY MOTEL DEVELOPMENT WITH GYMNASIUM & SWIMMING POOL IN A 10 STOREY BUILDING INCLUDING GROUND FLOOR & TERRACE LEVEL AT LOT Nº 1462 (Nº 4) LINDSAY STREET, DARWIN C.B.D.

2007/05 11/10



PLAN
Scale - 1 : 50



ELEVATION
Scale - 1 : 50





This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 19/2/2010

PROPOSED DEVELOPMENT OF LOT 1462 TOWN OF DARWIN
LANDSCAPE DETAILS - ATRIUM

Submitted by June D'Rozario
May 2010

Project No 170307 Sheet TP 11









Massed planting of Raphis excelsa in 350 mm lightweight soil mix, filter membrane, and 250 mm lightweight drainage medium in masonry container

24.385

RL 100.500

RL 100.550

Reversing bay for waste collection vehicle

Loading bay

Manager's car park

5.5

3.6

4

3.6

6.8

CK

RL 102.7

6

Store

Bins

Air vent

Linen store

Containerised ornamental trees eg. Ficus "Benny" on pool deck

Manager
15.57 sq m

RL 101.2

38.745

3.4

3.4 m wide ramp up

Reception and lounge
43.19 sq m

Luggage store

Fire escape

Fire escape

6.0 m wide ramp down to basement car parks

RAMP DN

Max grade 1: 10

4.5

4.9

Coffee kiosk
13.3 sq m

Al fresco area
86.05 sq m

Property boundary

→ ENTRY

← EXIT

Fire booster

Screen fence

Massed bed of Hymenocallis spp or Spathiphylum spp to 450 mm in height

RL 100.225

6

Widen footpath from 1.2 m to 2.245 m

2.245

RL 100.340

2

4.5

Taxi and mini bus drop off
15 minute limit

10.4

Street trees : Syzygium armstrongii
Preferred by Darwin City Council for its canopy shape, because it does not impede ground level sight lines

LINDSAY STREET

0 1 2 3 4 5 m

Scale - 1 :150

This is the drawing referred to in Development Permit No. DP10/0099 issued by the Development Consent Authority on 19/2/2010

PROPOSED DEVELOPMENT OF LOT 1462 TOWN OF DARWIN
LANDSCAPE DETAILS - GROUND FLOOR

PROJECT NO 170307 SHEET TP 12

Submitted by June D'Rozario
May 2010

21/1150/2007

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2014/0094
AB: NW

Mark Bell
PO Box 4619
DARWIN NT 0801
mark@bellgabbert.com

Dear Mr Bell

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*)
LOT 1462 (4) LINDSAY STREET, TOWN OF DARWIN

The Development Consent Authority has determined, in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking, subject to the conditions specified on the attached Development Permit DP14/0490.

Reasons for the Determination

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities".

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is acceptable as the level of non-compliance is quite minor and not seen to impact, in any real way, on access to views, daylight and breezes. The proposal is smaller in scale than the previously approved development (DP10/0099), and it would be commercially difficult to achieve full compliance given that 2 levels of basement parking and a ground level slab with ramps and columns has already been constructed. Achieving full compliance with the Tier 2 aspect of this clause is not considered to have any greater benefit than what is proposed in terms of what the clause seeks to achieve.

3. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliance is very minor and the angled balconies are included to improve the visual amenity of the front of the building. The connection between the balconies and both the living rooms and bedrooms is ideal and it is considered that the private open space provided meets the purpose of the clause and a variation is acceptable.

4. A variation to the requirements of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliance is relatively minor and relates to the minimum width requirements only, and given the inner-city location it is

expected that residents would have additional access to a variety of places for activities and recreational needs.

5. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the proposal, particularly in regard to increased traffic flows, congestion and parking shortages along Lindsay Street. The proposal achieves compliance with parking bay numbers, parking layout and driveway access sightlines. Given that the site is located in the core area of zone CB, and the proposal is of a scale significantly less than what could be developed in the CBD, it is considered that the proposal is suitable for the area and for the site, and is unlikely to have any significant impact on the amenity of the area.

6. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates purely to the proposed development.

7. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

8. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

9. The design of the building at ground level ensures an active street frontage by limiting the services at street level to a small fire service node and vehicle entry and exit point. The glazed entry and multi-purpose room as well as the landscaped platter boxes and building signage ensures street level activity and visual connection with the indoor restaurant activity on the ground level.

Right of Appeal

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

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 1281, DARWIN NT 0801 or Office of the Coroner, Level 3 Nichols Place, Cnr Bennett & Cavenagh Sts (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations apply to the application.

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

Yours faithfully

LINDA HENNING
Delegate

3 / 7 /2014

Attachment

Cc City of Darwin
Jacqui Langdon

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP14/0490

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

APPROVED PURPOSE

To use and develop the land for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clauses 6.3.2 (Volumetric Control in Central Darwin), 7.5 (Private Open Space) and 7.6 (Communal Open Space) of the NT Planning Scheme.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

LINDA HENNING
Delegate
Development Consent Authority

3 / 7 / 2014

DEVELOPMENT PERMIT

DP14/0490

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) the locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will placed on the rooftop of the development. The equipment 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); and,
   (b) increased shading to the western side verandahs by way of awnings or other such shading devises.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings 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, electricity and telecommunications facilities to the

development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. Before the use or occupation of the development starts, the area(s) 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.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.

10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.

11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

13. 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.

14. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.

15. 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.

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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 74% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.

4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the

development, including the potential requirement to provide fibre ready telecommunication facilities

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - section 59

EXTENSION OF PERIOD OF PERMIT

DP14/0490A

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP14/0490 by a period of two years.

Development Permit DP14/0490 will now lapse on 3 July 2018.

In all other respects DP14/0490 remains unchanged.

Sally Graetz
2016.03.10
11:26:48
+09'30'

SALLY GRAETZ
Delegate
Development Consent Authority

10/03/2016

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - Section 57(3)

VARIATION OF CONDITIONS

DP14/0490B

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

VARIATION

Consent is granted to vary Condition 5 of Development Permit DP14/0490 for the purpose of changes to the level 2 floor plan including replacing 1 multiple dwelling with a serviced apartment, in accordance with the drawing/s numbered 2014/0094/01B, endorsed as forming part of this permit.

In all other respects Development Permit DP14/0490 remains unchanged.

BASE PERIOD OF THE PERMIT

This permit does not extend the period of DP14/0490A

DENIS BURKE
Delegate
Development Consent Authority
/ / / 2016

SCHEDULE OF CONDITIONS

DEVELOPMENT PERMIT

DP14/0490B

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) the locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will placed on the rooftop of the development. The equipment 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); and,
   (b) increased shading to the western side verandahs by way of awnings or other such shading devises.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings 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, electricity and telecommunications facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. Before the use or occupation of the development starts, the area(s) 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.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.

10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.

11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

13. 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.

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   all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.

15. 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.

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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

22. The use of the Studio Unit/Unit 1 on level 2 must be limited to short-term accommodation and meet the definition of 'Serviced Apartments' under the NT Planning Scheme.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 74% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.

4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

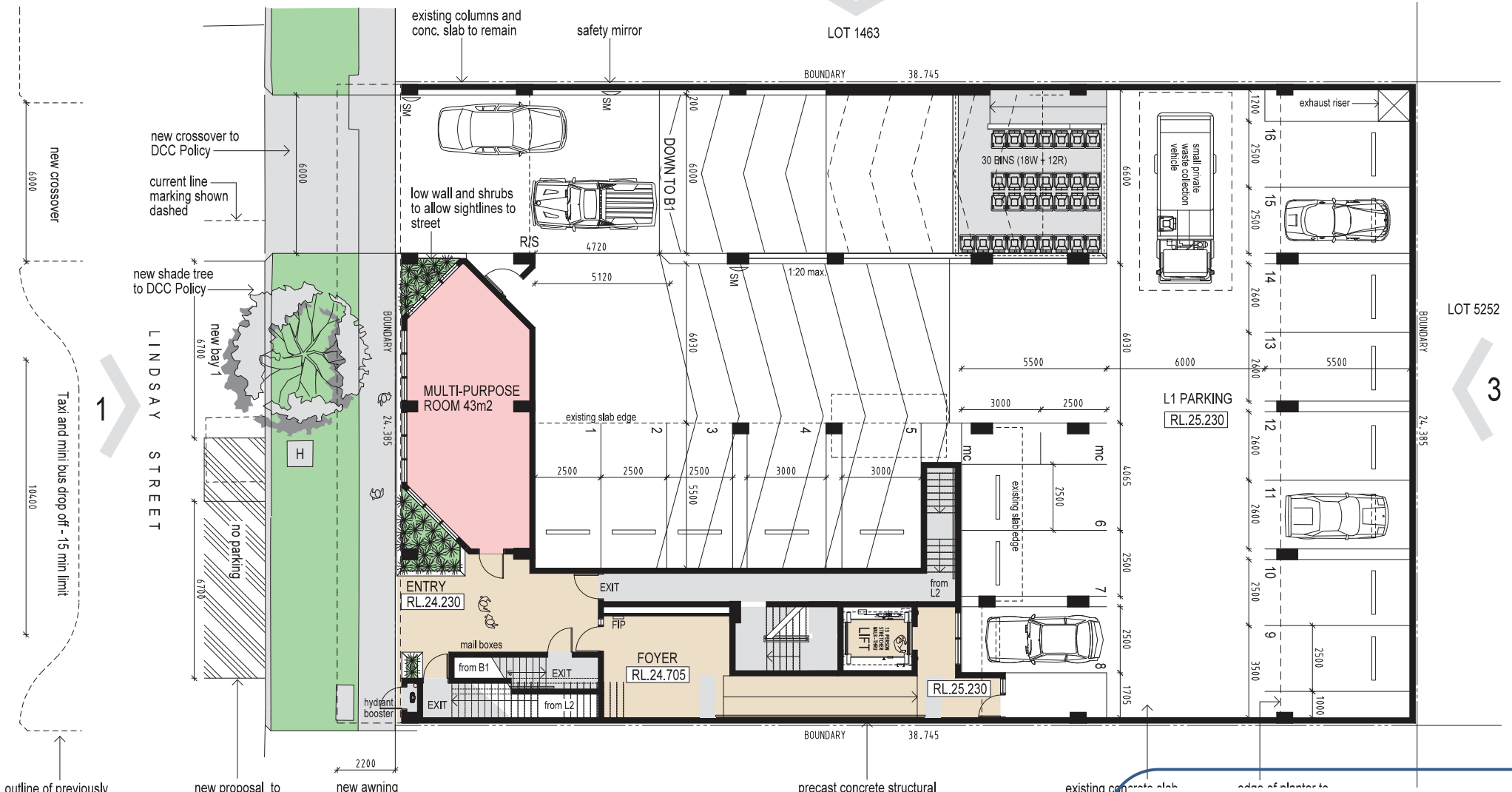
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6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

Drawing number 2014/0094/01B

Referred to in Permit No: DP14/0490B



This document contains drawing numbers:

2014/0094/01B - 2014/0094/14B

Referred to in Permit No: DP14/0490B

Issued by the consent authority on: 01/11/2014

All drawings contained within this document have been authorised by the delegate of the consent authority.

Adelle Godfrey
2016.11.03
~~08:41:36~~ +09'30'

Delegate

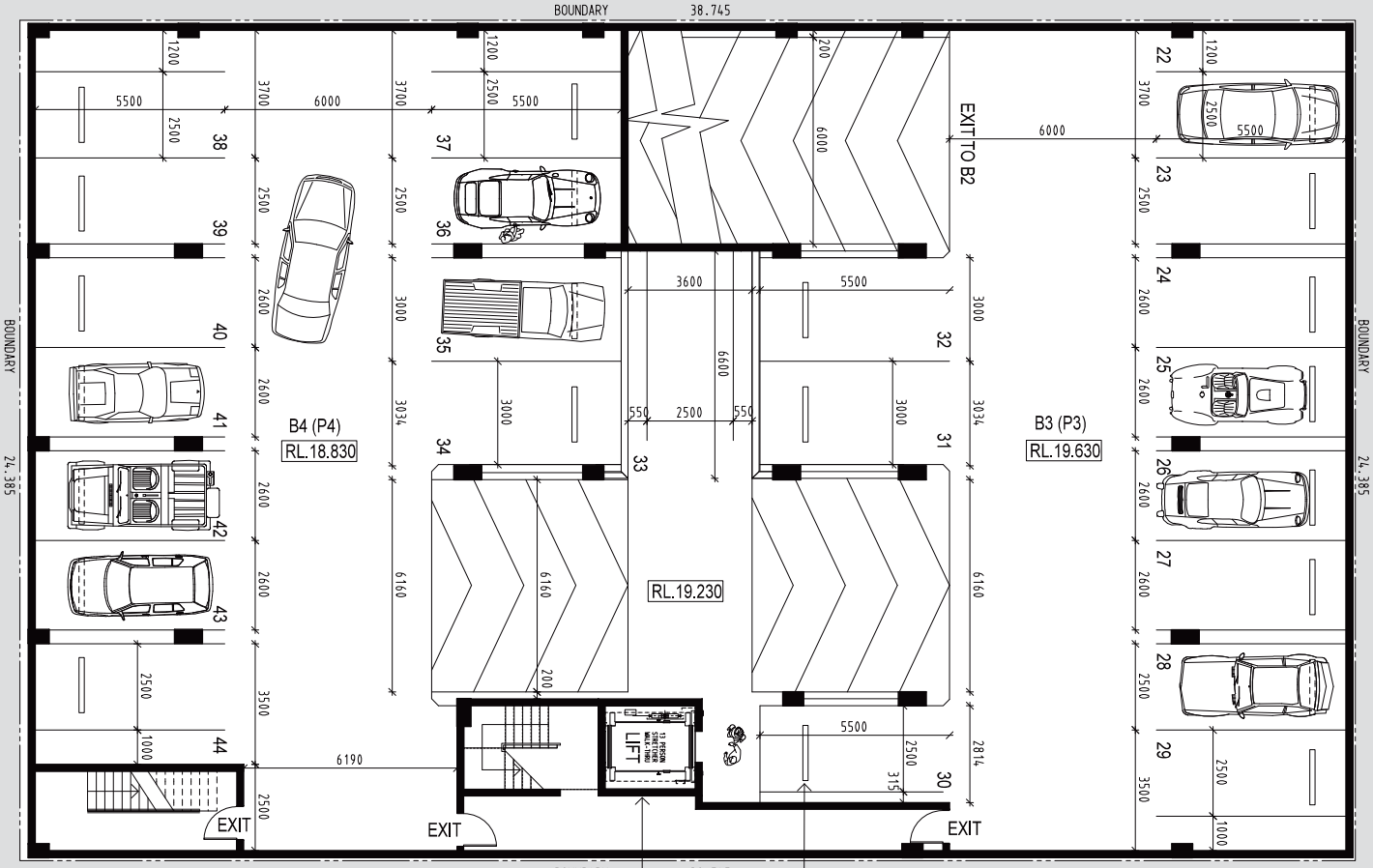
ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

Drawing number 2014/0094/02B

Referred to in Permit No: DP14/0490B



EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 30)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

PRELIMINARY

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AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION

EXISTING BASEMENT PARKING B4 - B3 PLAN

D13416

AUG. 2016

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SK-03

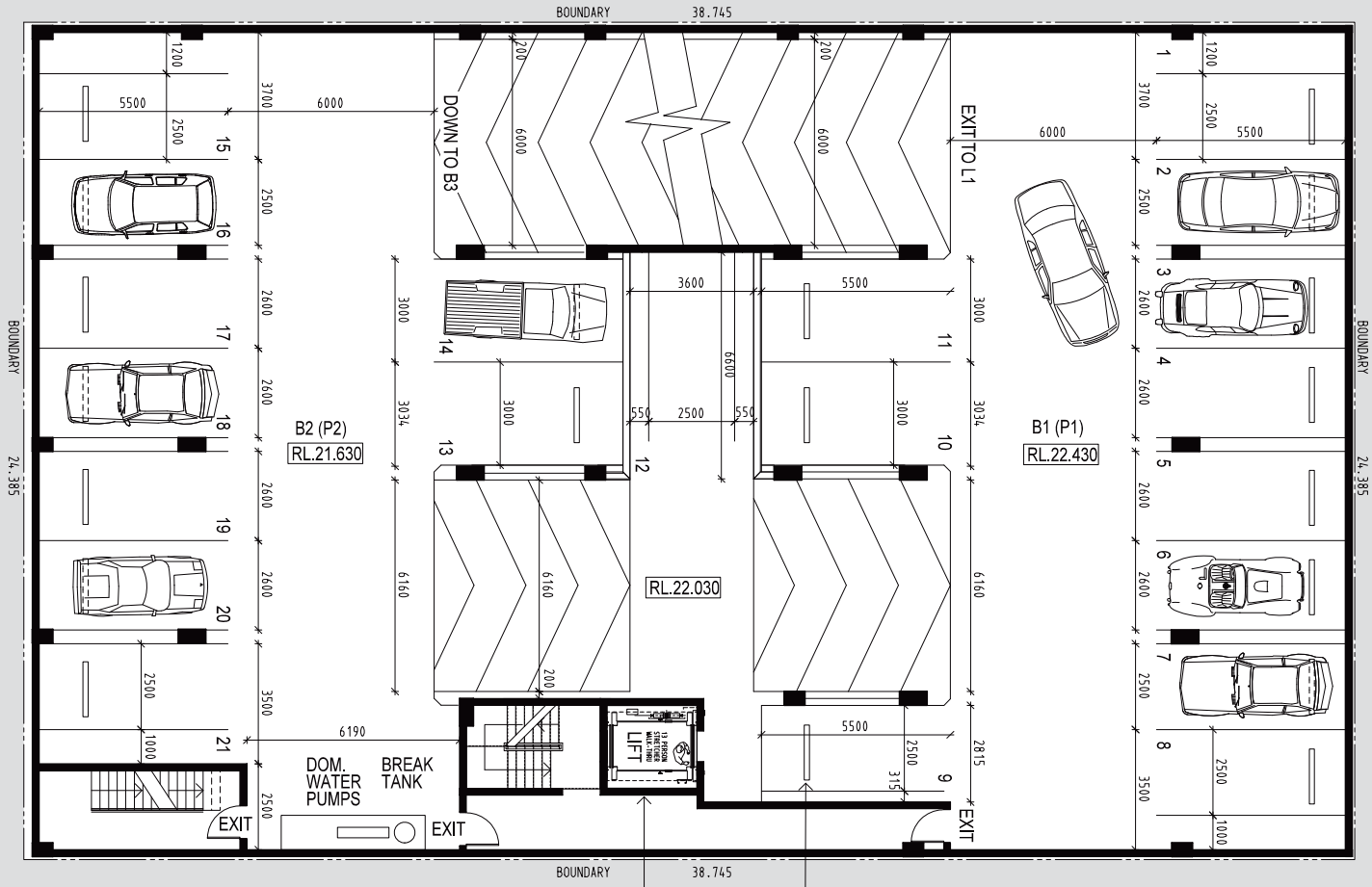
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PLOT DATE: Sunday, August 21, 2016

Drawing number 2014/0094/03B

Referred to in Permit No: DP14/0490B



EXISTING BASEMENT WITH MODIFICATIONS TO ALLOW EXTRA CAR SPACE (BAY 9)

Lift modifications to comply with current standards

Wheelstops and white line marking to AS 2890

PRELIMINARY

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ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

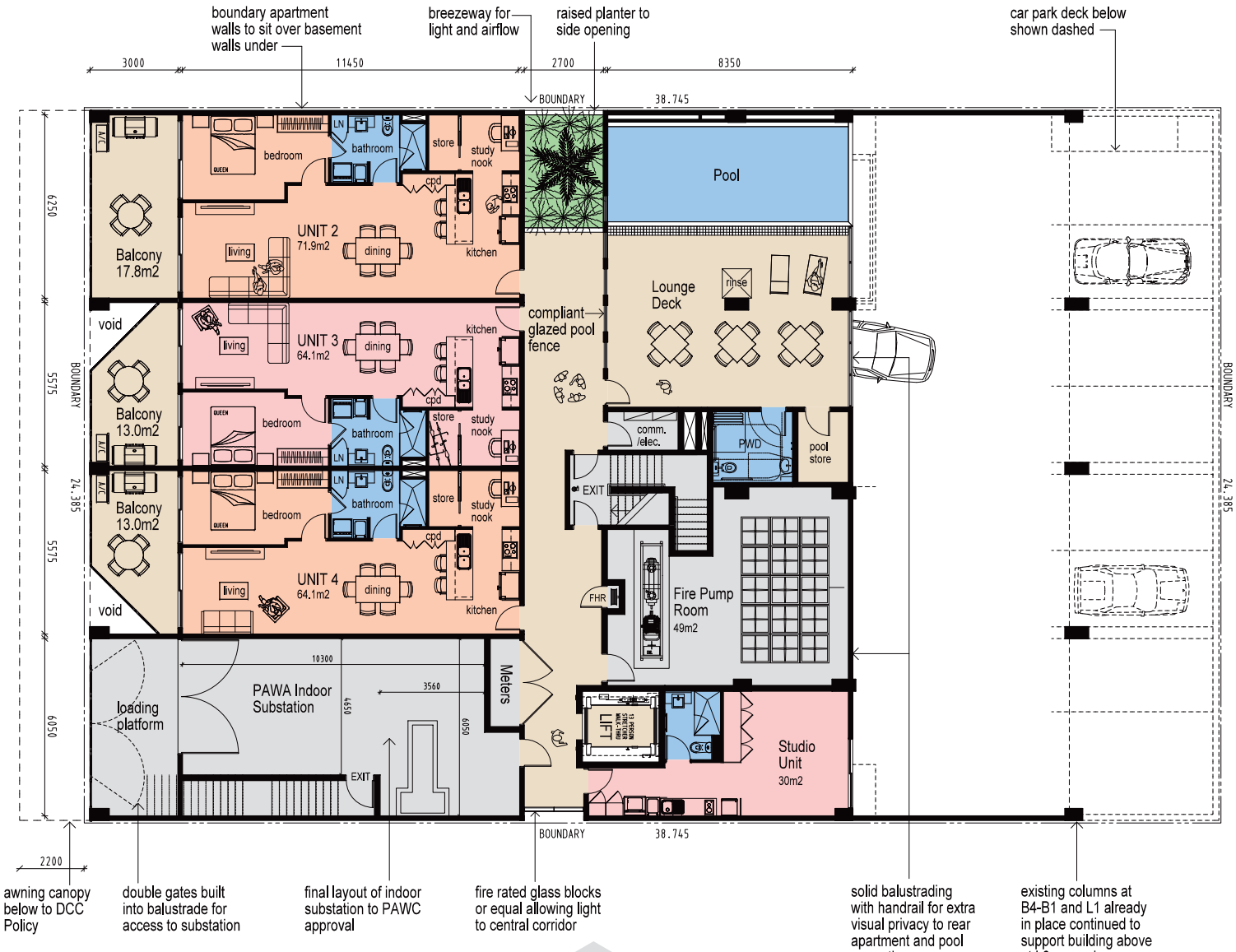
DEVELOPMENT APPLICATION
EXISTING BASEMENT PARKING B2 - B1 PLAN

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Drawing number 2014/0094/04B
Referred to in Permit No: DP14/0490B



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ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
LEVEL 2 TYPICAL FLOOR PLAN

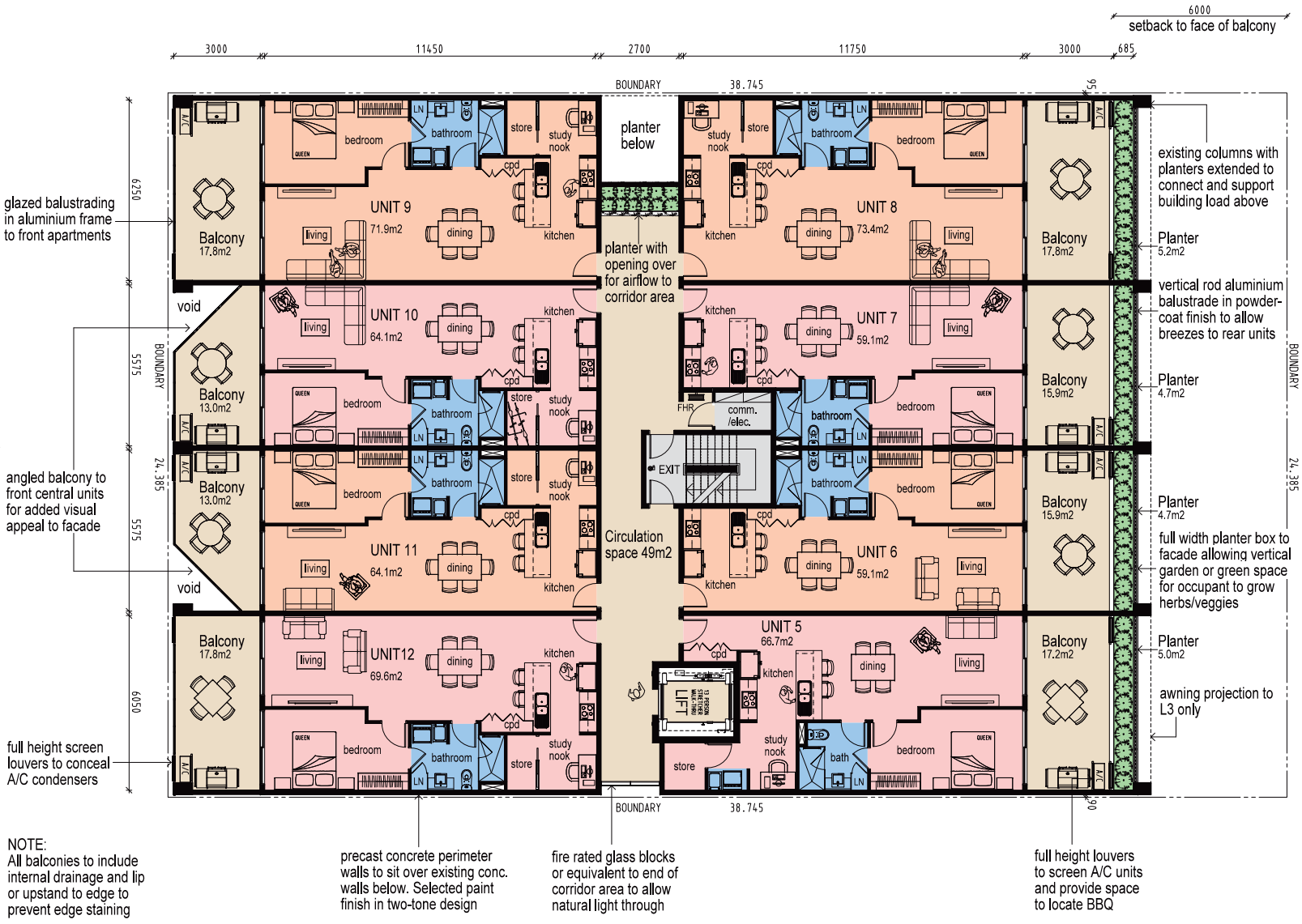
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PLOT DATE: Sunday, August 21, 2016

Drawing number 2014/0094/05B

Referred to in Permit No: DP14/0490B



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ATELIER MARK BELL
DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

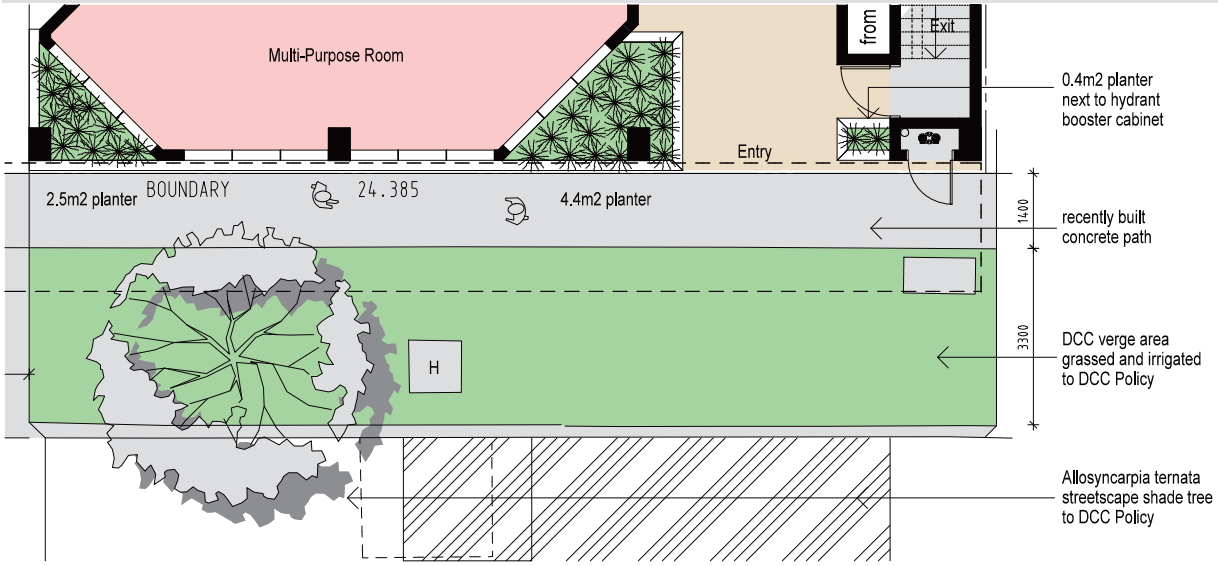
DEVELOPMENT APPLICATION
L3 - L9 TYPICAL FLOOR PLAN

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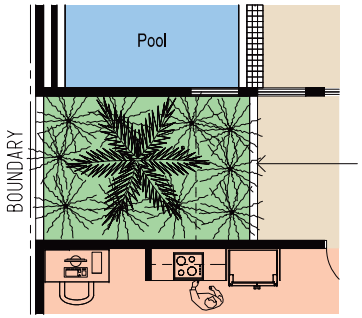
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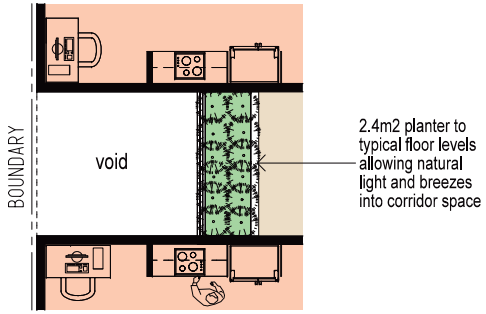
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Referred to in Permit No: DP14/0490B



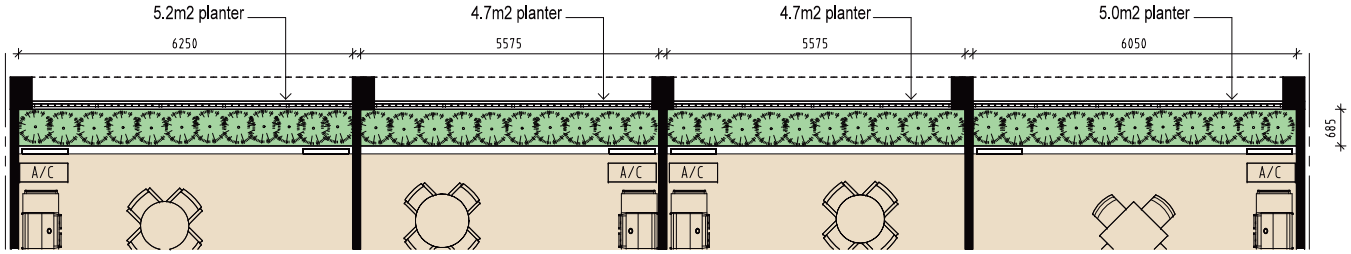
L1(GL) PLAN



L2 PLAN



L3 - L9 PLAN



L3 - L9 PLAN

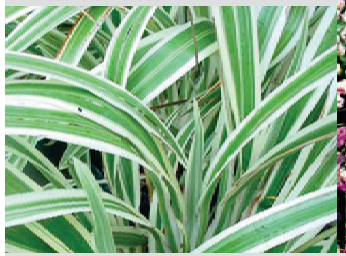
continuous planters across building facade and edge of balconies allowing vertical garden. Building occupants also have the ability to grow herbs or veggies as an alternative to shrubs or climbers


Allosyncarpia ternata


Pandanus pendunculatis


Philodendron xanadu


Phalaenopsis


Dianella revoluta


Ixora sp.


Heliconia tropic

LANDSCAPE SELECTIONS

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AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS
Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
LANDSCAPE PLAN

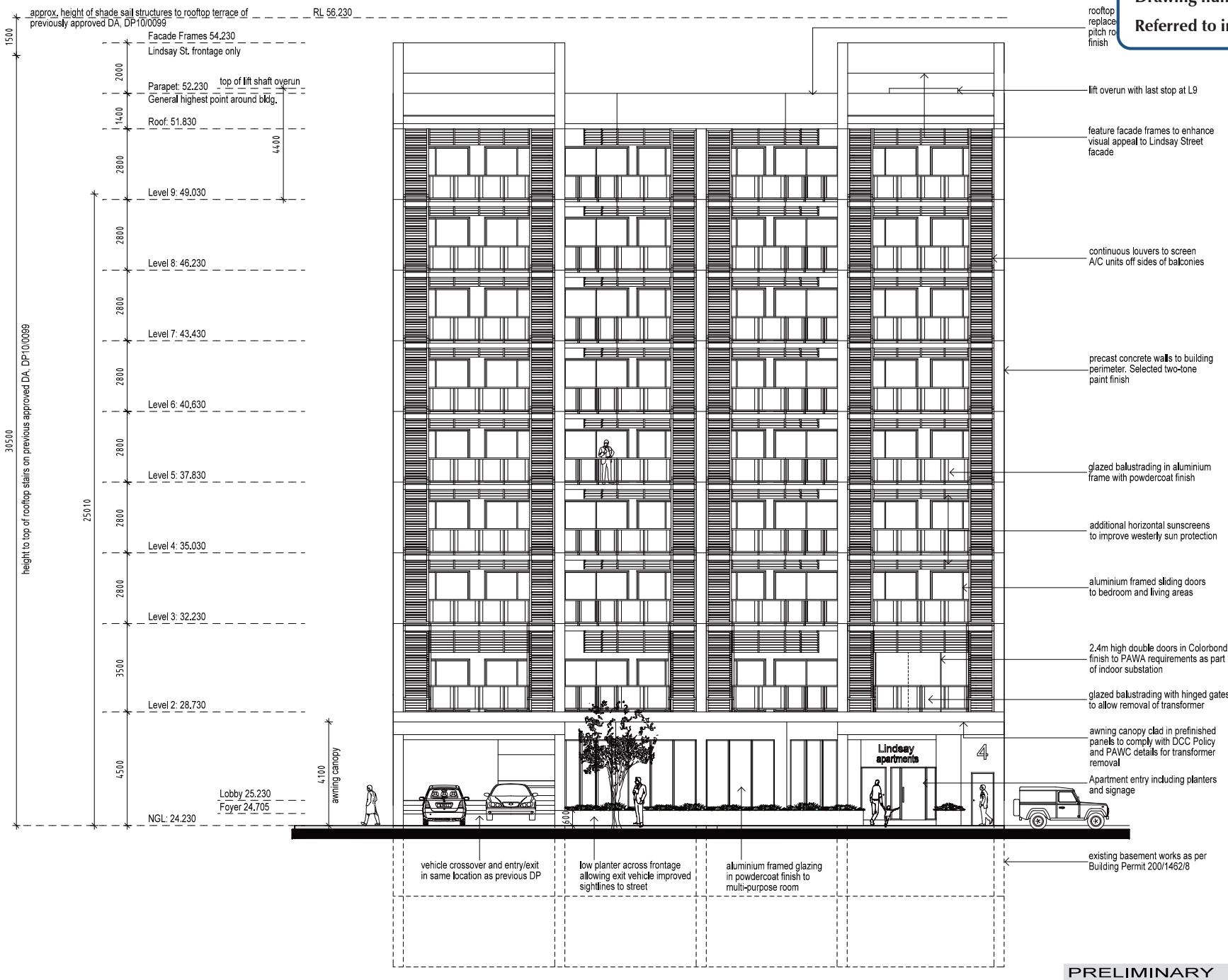
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Drawing number 2014/0094/07B

Referred to in Permit No: DP14/0490B



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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
ELEVATION 1

D13416
AUG. 2016
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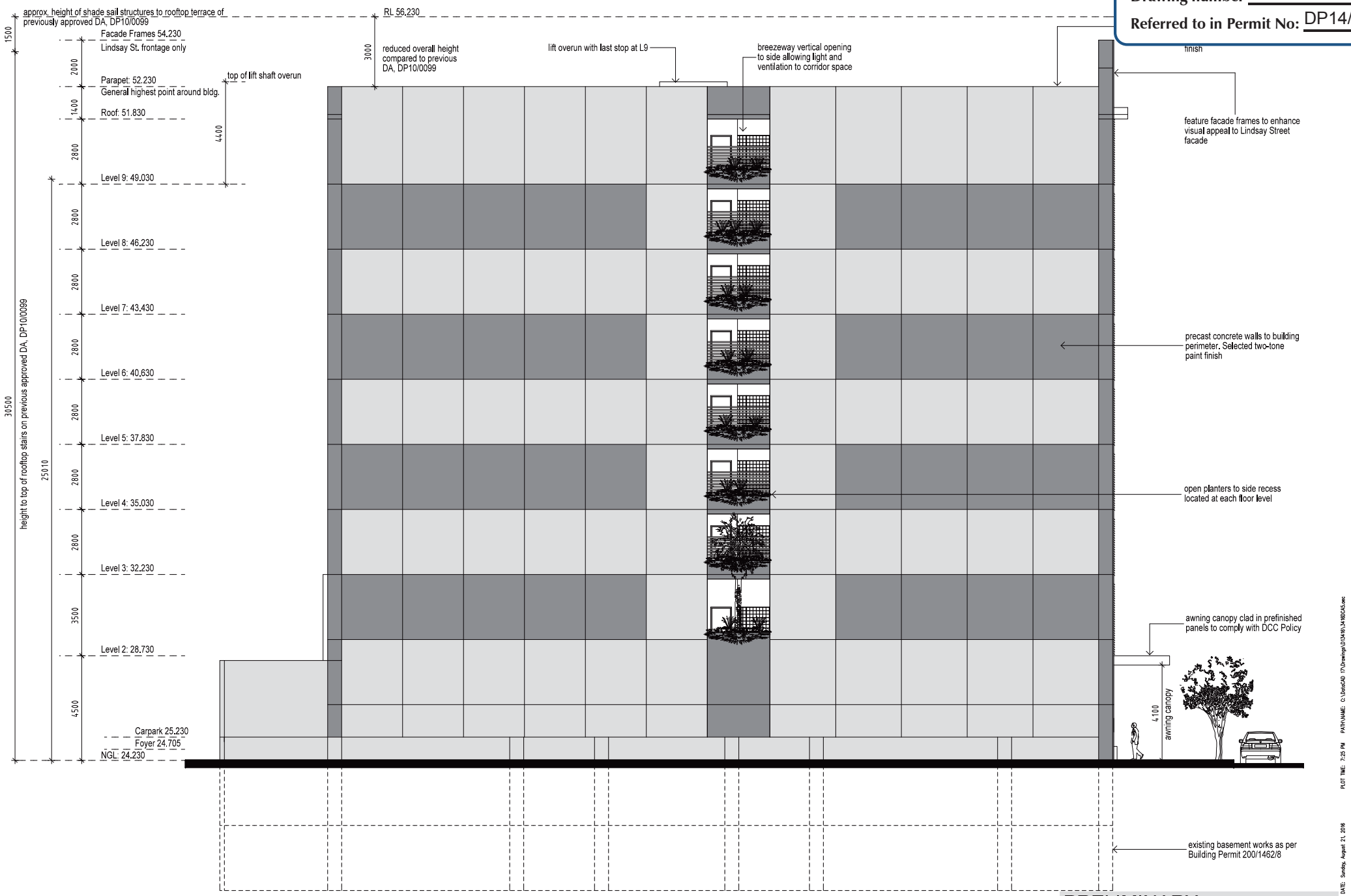
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PLOT DATE: Sunday, August 21, 2016

Drawing number 2014/0094/08B

Referred to in Permit No: DP14/0490B



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PLOT DATE: Sunday, August 21, 2016

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Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

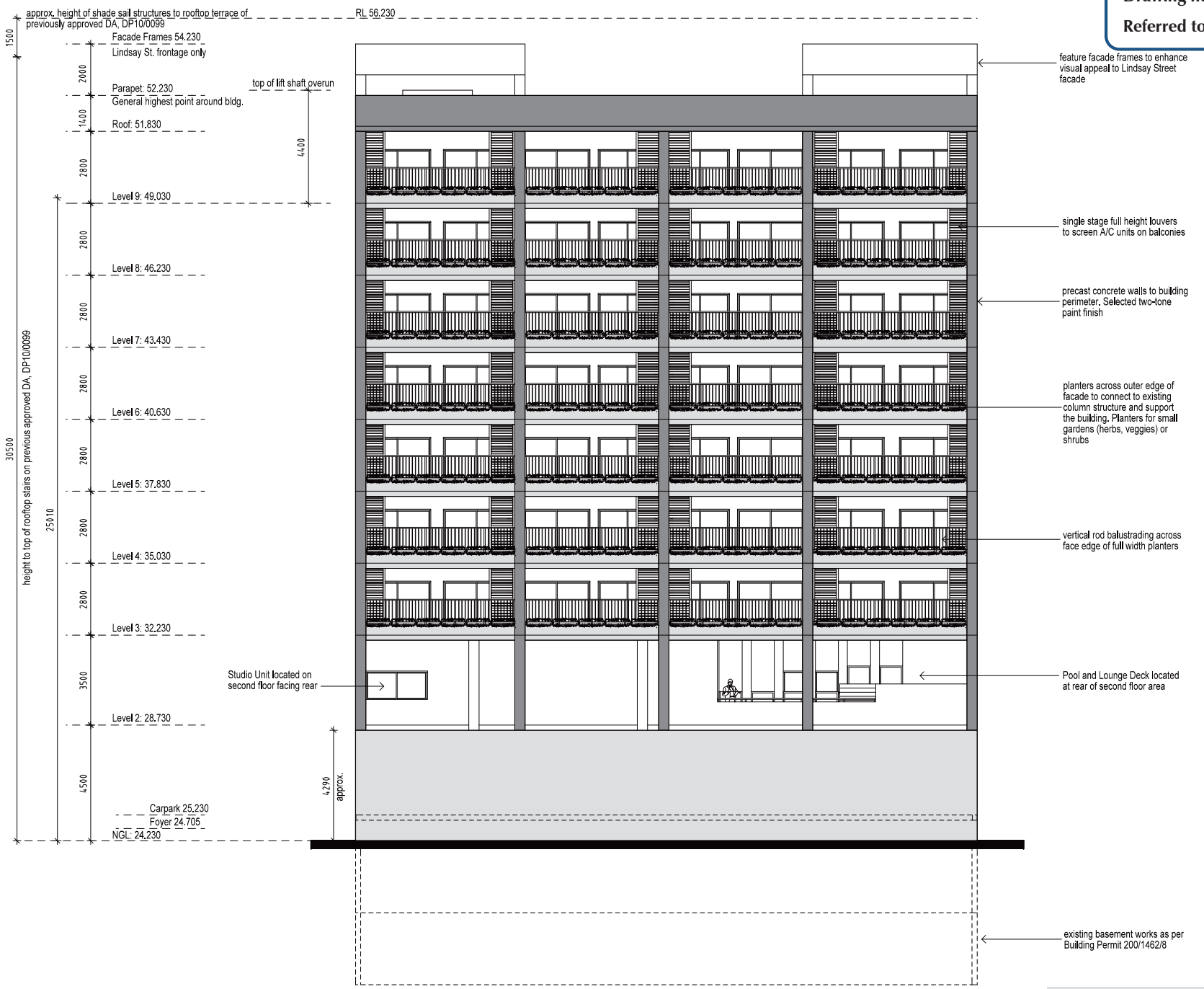
DEVELOPMENT APPLICATION
ELEVATION 2

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AUG. 2016
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Drawing number 2014/0094/09B

Referred to in Permit No: DP14/0490B



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AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

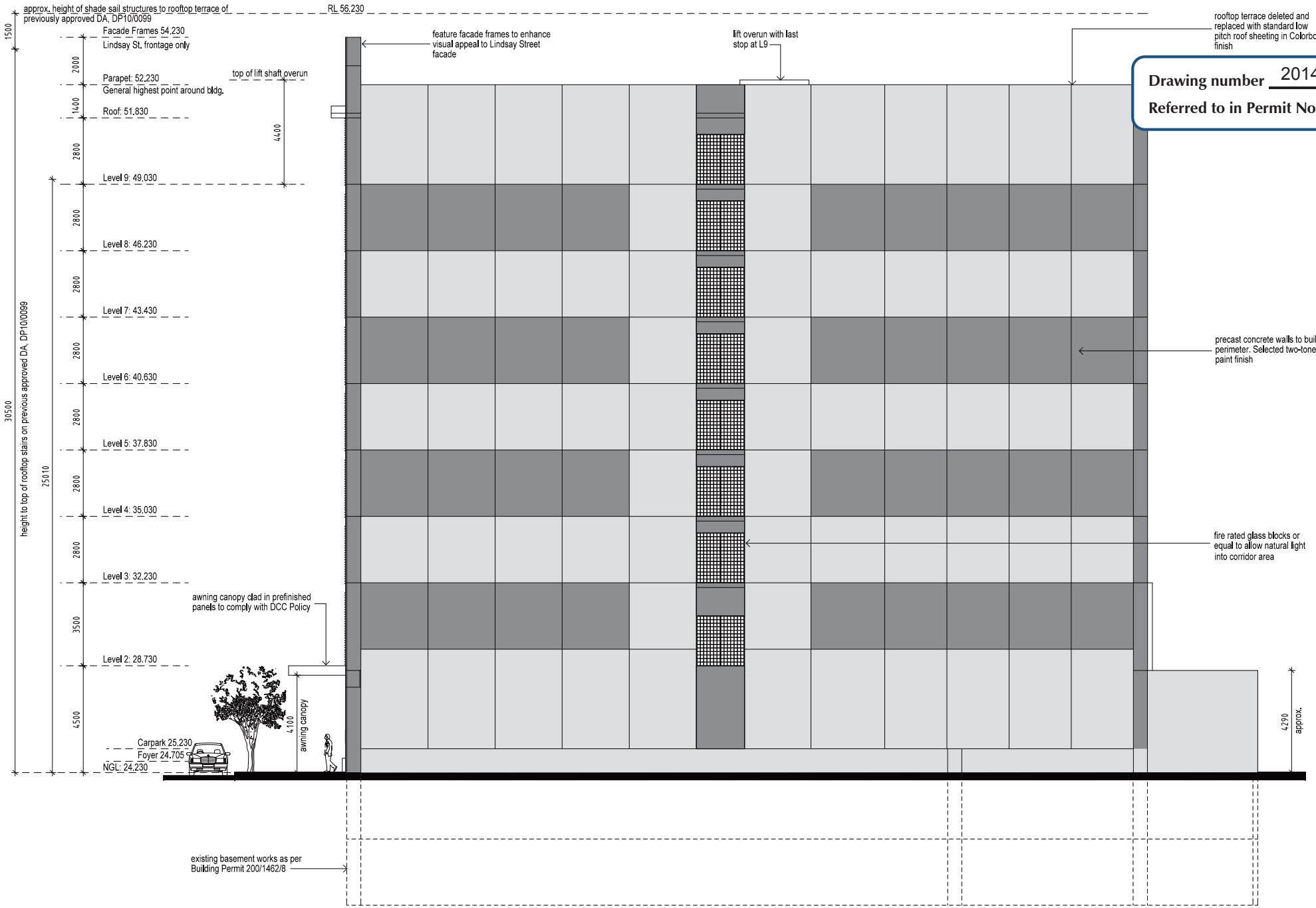
60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
ELEVATION 3

D13416
AUG. 2016
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SK-10
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Drawing number 2014/0094/10B

Referred to in Permit No: DP14/0490B

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PLOT DATE: Sunday, August 21, 2016

AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
ELEVATION 4

D13416
AUG. 2016
MBELL
1:75 (A1)

SK-11
A

Drawing number 2014/0094/11B

Referred to in Permit No: DP14/0490B



PRELIMINARY

(C) COPYRIGHT BELL GABBERT ASSOCIATES PTY LTD

PLOT TIME: 7:26 PM PATH NAME: C:\Data\CAD IT\Drawings\D13416\13416BDA25.pwc

PLOT DATE: Sunday, August 21, 2016

AMB ATELIER MARK BELL DESIGN STUDIO + WORKSHOP

Lindsay Apartments

60 x 1-BEDROOM APARTMENTS

Lot 1462 (4) Lindsay Street, Darwin

DEVELOPMENT APPLICATION
SKETCH SECTION

D13416
AUG. 2016
MBELL
1:75 (A1)

SK-12
B

Drawing number 2014/0094/12B
Referred to in Permit No: DP14/0490B

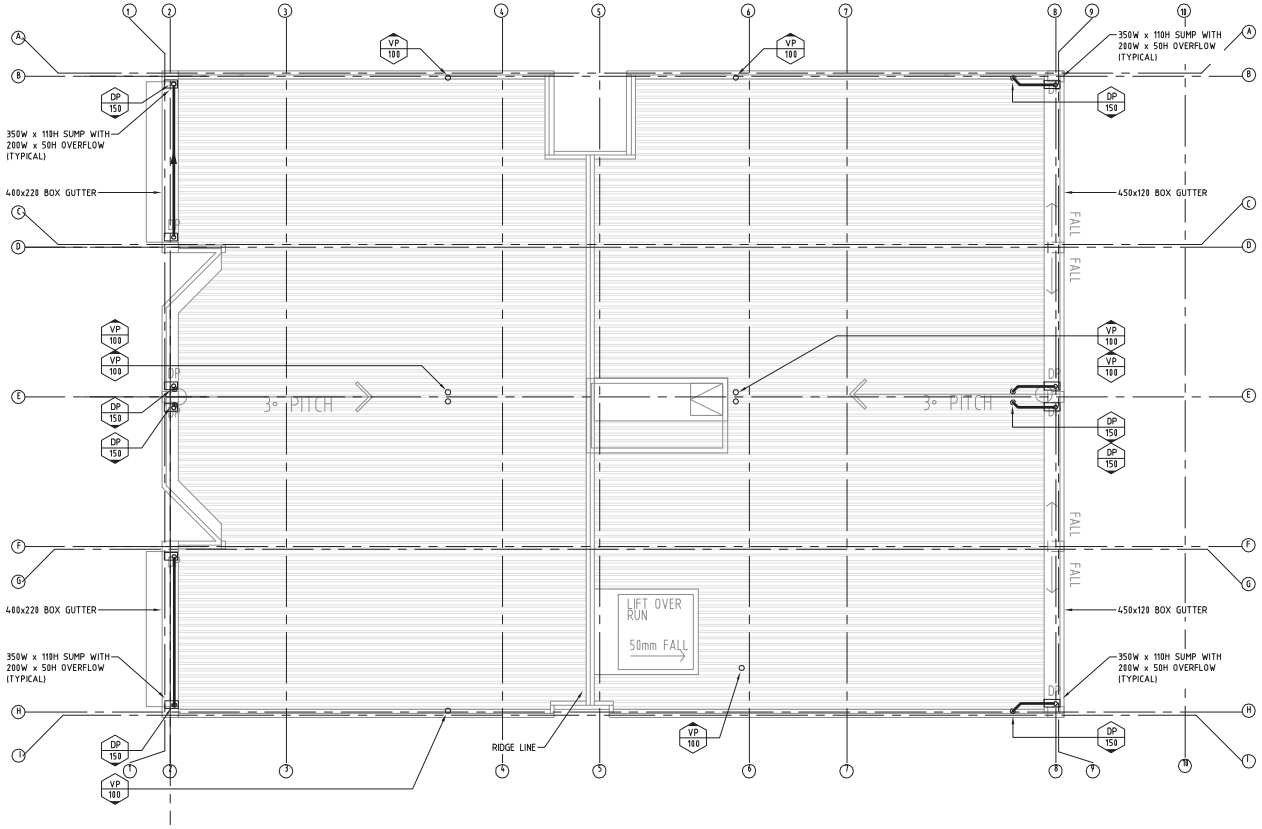
NOTES:

1. ALL INVERTS IWHERE SHOWN ARE TO BE CHECKED AND CONFIRMED BEFORE CONSTRUCTION OF PIPELINE SERVICES COMMENCES, LIAISE AND COORDINATE WITH OTHER SERVICES TRADES TO AVOID CLASHES.
2. SANITARY DRAINAGE VENTS ARE TO BE TERMINATED 450mm ABOVE ROOF WITH MOSQUITO PROOF COWL AND WATERPROOF APRON TO MATCH ROOF COLOUR. ALL IN ACCORDANCE WITH AS3500.
3. ALL SANITARY DRAINAGE AND ELEVATED DRAIN LINES ARE TO BE ACOUSTICALLY LAGGED WITHIN CEILING SPACES OF HABITABLE SPACES TO COMPLY WITH THE NCC OF AUSTRALIA. ENSURE THE LAGGING AND PIPEWORK DOES NOT CONTACT CEILINGS, WALLS OR SUPPORTS AND THE PIPE MOUNTS AND SUPPORTS ARE NOT TO CONTACT THE SURROUNDING BULKHEADS OR RISERS.
4. ALL CONDENSE DRAINS ARE TO BE INSULATED WITH AP ARMAFLEX TUBULAR SECTIONS KEEPING JOINTS TO A MINIMUM. ALL SEAMS AND BUTT JOINTS SHALL BE ADHERED AND SEALED USING ARMAFLEX 520 ADHESIVE.

SANITARY STACK RISER LEGEND:

VP 50 — FLOW DIRECTION / SERVICE TYPE / PIPE SIZE

SST SOIL STACK
EPD ELEVATED PIPE DRAIN
VP VENT PIPE
DP DOWNPIPE
BDR BALCONY DRAIN RISER



ROOF PLAN
ROOF WATER DRAINAGE
SCALE 1:100 AT A1

Scale 1.0 0 1.0 2.0 3.0 4.0 5.0 metres
1:100 AT A1
1:200 AT A3

Revision	Description	Issue Date
A	PRELIMINARY - FOR CLIENT REVIEW	29/02/16

AHSCA The Association of Hydraulic Services Consultants Australia

AWS ARCHITECTURAL WATER SOLUTIONS
Architectural Water Solutions
ABN 84 140 482 908
P.O. Box 2112
PARAP NT 0804
Phone : 08 8947 3677
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Mobile : 0419 835 686
Email : design@awsdesign.com.au

Do NOT scale from drawings, All dimensions to be verified on site prior to commencement of works. All existing services have been plotted from existing plans, exact location of existing services to be finalised on site prior to commencement of work. Drawings to be read in conjunction with other project drawings and specifications.

© Copyright of this drawing is vested in AWS Pty. Ltd. 2016

PROJECT PROPOSED 60x1 BED UNITS
ADDRESS LOT 1462 LINDSAY STREET, DARWIN CITY, NT
TITLE ROOF PLAN
ROOF WATER DRAINAGE

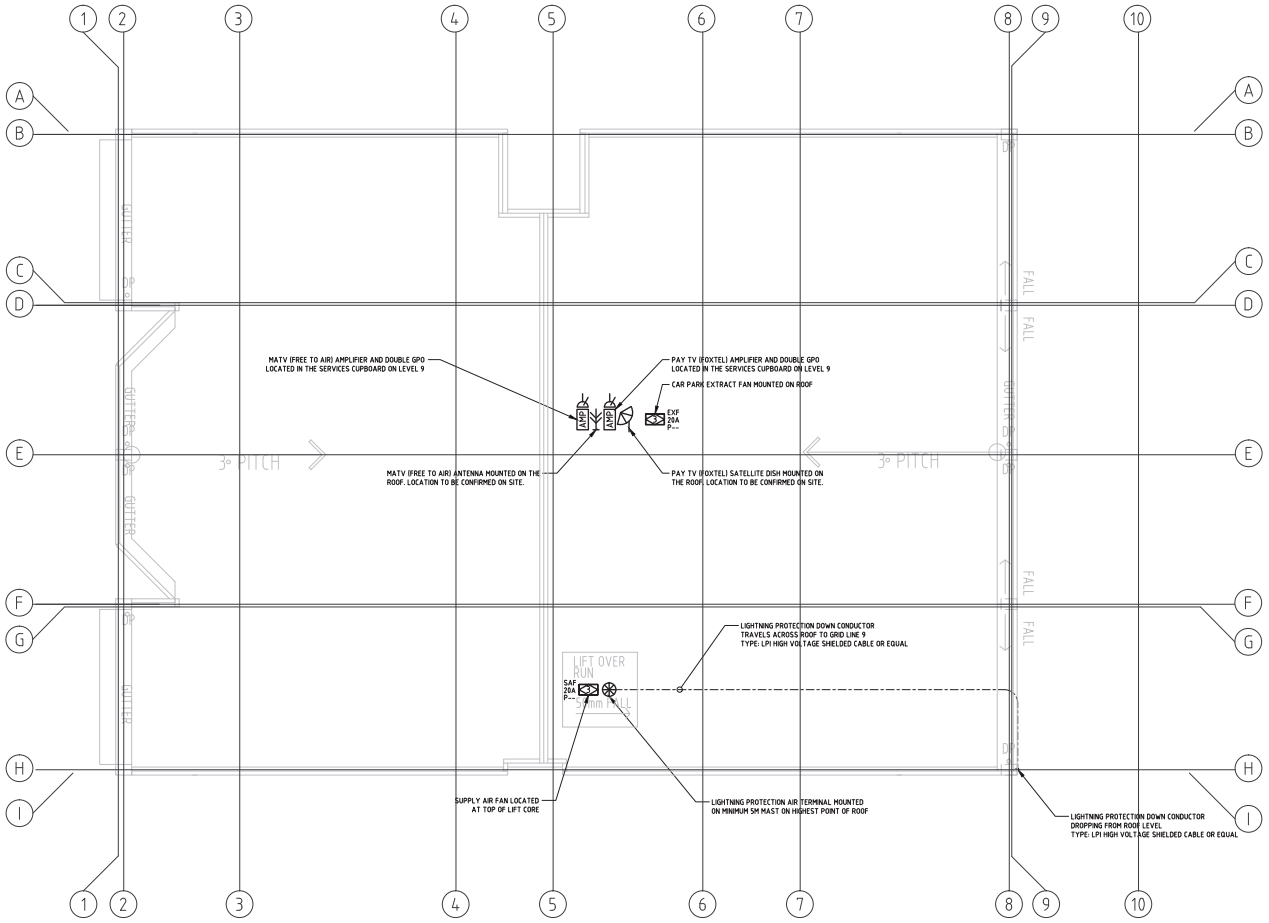
PRELIMINARY
NOT FOR CONSTRUCTION

DATE	SCALE	
09/10/2015	1:100	A1
DRAWN: DG	DESIGNED: DM	CHECKED: LM
AWS PROJECT NO.: 215D1054	DRAWING NUMBER: H106	REV: A

NOTES

1. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE ELECTRICAL SERVICES SECTION OF THE SPECIFICATION, THE ARCHITECTURAL DRAWINGS AND ALL OTHER RELEVANT SERVICES DRAWINGS.
2. REFER TO DRAWING E1.01 FOR THE LEGEND.
3. ALL EQUIPMENT AND ACCESSORIES SHALL BE NEW.
4. FINAL POSITION OF ALL EQUIPMENT TO BE DETERMINED ON SITE PRIOR TO INSTALLATION. REFER TO ARCHITECTURAL FITOUT DRAWINGS.
5. RATINGS AND TERMINATIONS OF ALL EQUIPMENT TO BE CONFIRMED WITH SUPPLIER/MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION.

Drawing number 2014/0094/13B
Referred to in Permit No: DP14/0490B



REV.	DESCRIPTION	DRAWN	APP'D	DATE
A	TENDER ISSUE	DDD	SN	07/09/15

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PERTH MELBOURNE SYDNEY BRISBANE GOLD COAST DARWIN ALBANY BUSSELTON SHENZHEN

PROJECT:
LINDSAY STREET
LINDSAY APARTMENTS
LOT 1462 (4), LINDSAY STREET
DARWIN

TITLE:
ELECTRICAL SERVICES
ROOF LAYOUT

TENDER ISSUE
NOT FOR CONSTRUCTION

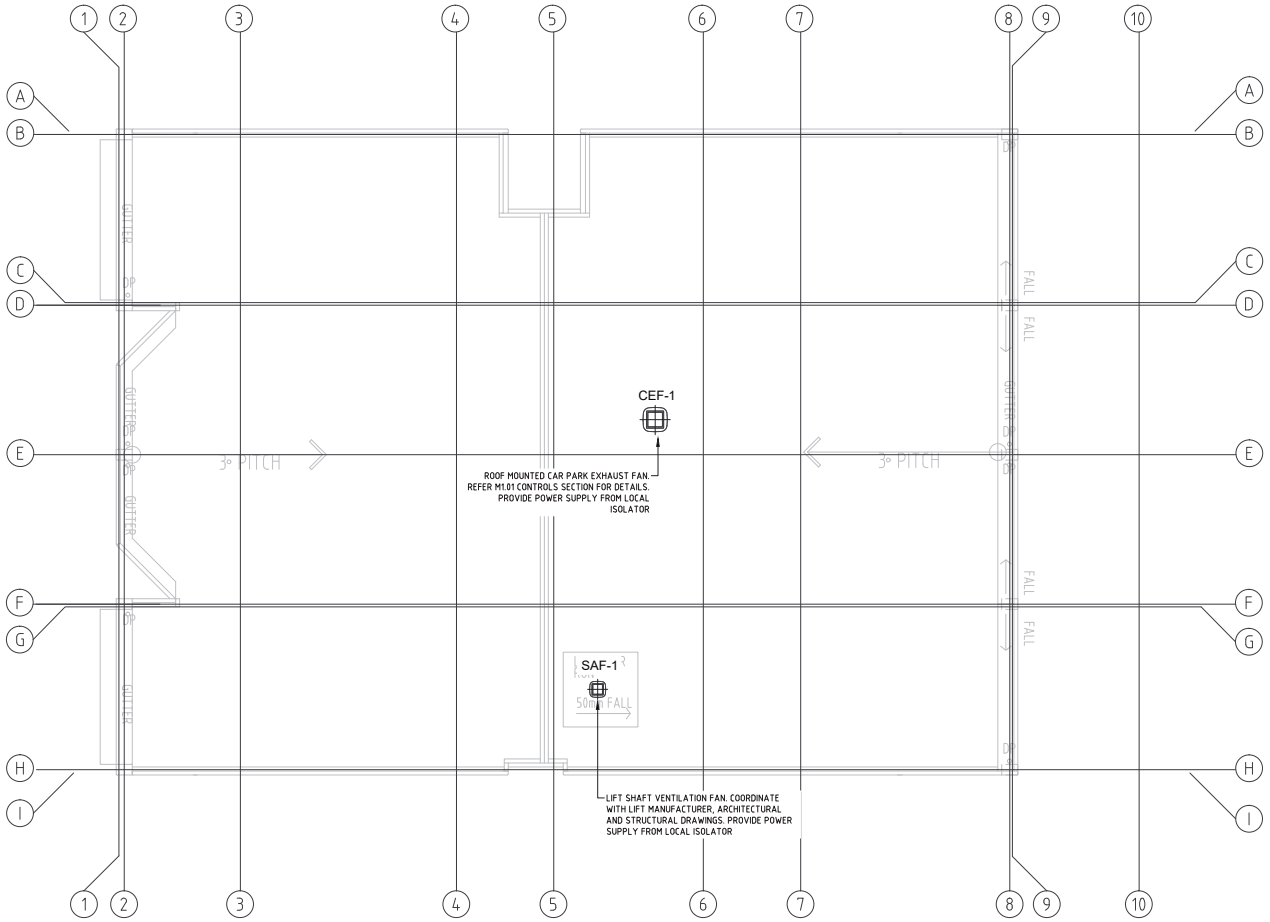
DESIGNED : SN	VERIFIED : LJ		28/08/15
DRAWN : DDD	APPROVED FOR TENDER : LJ		28/08/15
SCALE : 1:100@A1	APPROVED FOR CONSTRUCTION : ---		--/--/--

CAD FILE LOCATION: P:\27672\BUILDING SERVICES DRAWINGS\ELECTRICAL\27672-DAR-E2.07.DWG

PROJECT No.	DRAWING No.	REVISION
27672-DAR	E2.07	A

DATE: 7/09/2015 9:23:49 AM
A1 DRAWING - BUILDING SERVICES GROUP

Drawing number 2014/0094/14B
Referred to in Permit No:DP14/0490B



1 AC & Ventilation: Roof Level
1:100@A1

REV.	DESCRIPTION	DRAWN	APP'D	DATE
A	TENDER ISSUE	AIS	BJC	03/09/15

ARCHITECT/CLIENT:

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Web www.wge.com.au
PERTH
MELBOURNE
SYDNEY
BRISBANE
GOLD COAST
DARWIN
ALBANY
BUSSELTON
SHENZHEN

PROJECT:
LINDSAY STREET
LINDSAY APARTMENTS
LOT 1462 (4), LINDSAY STREET
DARWIN

TITLE:
MECHANICAL SERVICES
AC & VENTILATION
ROOF LEVEL

TENDER ISSUE
NOT FOR CONSTRUCTION

DESIGNED :	BJC	VERIFIED : ---	--/--/--
DRAWN :	AIS	APPROVED FOR TENDER : ---	--/--/--
SCALE :	AS SHOWN	APPROVED FOR CONSTRUCTION : ---	--/--/--

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PROJECT No.	DRAWING No.	REVISION
27672-DAR	M2.06	A

DATE: 3/09/2015 1:26:38 PM
A1 DRAWING - BUILDING SERVICES GROUP

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 59

EXTENSION OF PERIOD OF PERMIT

DP14/0490C

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01462
Town of Darwin
4 LINDSAY ST, DARWIN CITY

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP14/0490 by a period of two years.

Development Permit DP14/0490 will now lapse on 03 July 2022.

In all other respects DP14/0490, and subsequent variations remains unchanged.



Suzanne
Philip
2020.05.08
07:55:18
+09'30'

SUZANNE PHILIP
Delegate
Development Consent Authority
08 May 2020

Technical Assessment PA2026/0031

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2026/0031
Lot number:	Lot 1462 (4) Lindsay Street, Darwin City
Town/Hundred:	Town of Darwin
Zone:	Zone CB (Central Business)
Site Area:	944 m^2
Proposal:	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
Plans used for assessment:	0040_SOE_Rev3_030226.pdf (statement of effect); Attachment E - Development Plans_Rev3.pdf (dimension plans); Attachment F - Planning History.pdf (supporting document); Amended plans and cover letter

Date assessment finalised: 2 April 2026

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (NTPS2020). The proposal has been assessed as being for dwelling multiple (comprising entirely serviced apartments) within Zone CB (Central Business).

In general, this application proposes:

- 39 x 2 bedroom and 36 x 1 bedroom dwellings in a 9-storey building including two levels of basement car parking to be used as serviced apartments.
- All car parking will be accessed by a single 2-way driveway to Lindsay Street.
- A bin store is located at the rear of the level 1 car parking area (located at the rear of the ground level, however referred to as Level 1 due needing to use a half-ramp to access it).
- Ground level has a 57 m2 reception area, and store/services room adjacent to the pedestrian foyer
- Pedestrian access is through a pedestrian foyer, which connects to the emergency stairwell accesses, lift foyer, and level 1 car parking area.
- Level 2 comprises 1 x 1 bedroom dwelling, and 4 x 2 bedroom dwellings. While the 1 x bedroom dwelling has no private open space, the other 4 x dwellings contain and open courtyard that faces towards Lindsay Street. Level 1 also comprises the pool facility and change room.
- Levels 3 through 9 each comprise 5 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and 1 x studio dwelling.

NORTHERN TERRITORY GOVERNMENT

The application requires consent under the NTPS2020 as described in the tables and sections below:

Assessment Table – Zone CB (Central Business)					
Defined Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Location Specific Development Requirements**	**Specific Development Requirements**
Dwelling-Multiple (which includes serviced apartments)	***Merit assessable***	3.4 - CR Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 - LSSS Land Subject to Storm Surge 3.8 - LADR Land Adjacent to a Designated Road 3.13 - GL Gateway Locations 3.14 HHLSI – Land in proximity to Helicopter Landing Sites of Strategic Importance	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	5.9.1 Alice Springs Town Centre 5.9.2 Darwin City Centre 5.9.3 Palmerston City Centre	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

The application is *Merit Assessable* under clause 1.8(1)(b)(i) of the NTPS2020 as the use is shown as *Merit Assessable* on the relevant assessment table in Part 4 of the NTPS2020.

An assessment of the relevant clauses is summarised in the table below.

Overlays	**Compliance**		
	Yes	**No**	**N/A**
3.4 (Coastal Reclamation)			
3.6 (Land Subject to Flooding)			
3.7 (Land Subject to Storm Surge)			
3.8 (Land Adjacent to a Designated Road)			
3.13 (Gateway Locations)			
General Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.2.1 (General Height Control)			
5.2.4.1 (Car Parking Spaces)			
5.2.4.4 (Layout of Car Parking Area)			
5.2.4.5 (Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2)			
5.2.5 (Loading Bays)			
5.2.6.1 (Landscaping in Zones other than Zone CB)			
5.2.6.2 (Landscaping in Zone CB)			
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)			

General Development Requirements in Specific Zones	Compliance		
	Yes	No	N/A
5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC)			
Residential Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.4.4 (Extensions and ancillary structures to a dwelling-group or dwelling-multiple development)			
5.4.6.1 (Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group)			
5.4.6.2 (Private open space for dwelling-multiple)			
5.4.7 (Communal Open Space)			
5.4.17 (Building Articulation)			
Commercial Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.5.4 (Expansion of Existing Use or Development in Zones CB C SC and TC)			
5.5.15 (Design in Commercial and Mixed Use Areas)			
5.5.17 (Building Frontage in Commercial and Mixed Use Areas)			
Location Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.9.2 (Darwin City Centre)			
5.9.2.1 (Building Design in Darwin City Centre)			
5.9.2.2 (Volumetric Control)			
5.9.2.3 (Building Height in the Esplanade Character Area)			
5.9.2.4 (Development within the Darwin Waterfront)			
5.9.2.5 (Development along Priority Activated Frontages)			
5.9.2.6 (Development Fronting Laneways)			
5.9.2.7 (Development along the Priority Pedestrian and Cycle Network)			
5.9.2.8 (Development in Gateway Locations)			
5.9.2.9 (Public Domain Contributions for Development on Large Sites)			
5.9.2.10 (Alfresco Dining Areas)			
5.9.2.11 (Car parking spaces in Darwin City Centre)			
5.9.2.12 (Reduction in car parking spaces in Darwin City Centre)		CA	
5.9.2.13 (Design of Car Parking Areas and Vehicle Access)			

*TBC – To be confirmed by further information from the applicant.
*GC - Generally complies, with any outstanding aspects can be addressed via standard permit conditions.
*CA – At the discretion of the consent authority

In order to ensure a consistent assessment of the above clauses, the following terms defined in Schedule 2 of the NTPS 2020 are clarified below:

Basement is defined as *a storey either below ground level or that projects no more than one metre above ground level*; where storey is defined as *part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling. It may comprise an attic, basement or be built over an area for car parking*; and ground level as *the ground surface level that exists on a site prior to the commencement of earth or construction works associated with the development of a building.*

As such, for the purpose of this application, the Basement Level 1 car parking area is considered to be a basement level for the purpose of this application. This is by virtue that the dimension plans identify Level 1 (located directly above) as being 25.23 m, where natural ground level is identified as 24.23 m.

As such, Level 1 is also considered to be ground level for the purpose of this application.

Floor area is defined as *floor area in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or access thereto*.

The following spaces as shown on the plans are considered to constitute floor area under this definition (as estimated from the drawings) – Ground level – reception (57 m^2); indoor accesses/foyer, lift, substation and bicycle parking facility (195 m^2); Level 2 –dwellings, fire pump room , stairwell, communal open space store and ablution (318 m^2); and Levels 3 to 9 – dwellings, stairwell and lift (399 m^2) for each level (combined 2793 m^2).

As such, the net floor area of this application is considered to be 3363 m^2.

Vertical landscaping is defined in the Species Guide for Landscaping in the Northern Territory Planning Scheme as *A general description for planting that is included as part of the building fabric. It includes podium planting, green façade and green walls*. In addition, it is noted that landscaping in defined in the NTPS2020 as *the planting and growing of plants, including but not limited to grasses, shrubs and trees*.

As such, while the landscaping proposed on the balconies of the serviced apartments don't comprise a green façade or green wall, these are considered to be part of the podium, and therefore be vertical landscaping.

Habitable room is defined as *any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods*.

The following spaces as shown on the plans are not considered to constitute habitable rooms – bathrooms and kitchens.

As such, habitable rooms are only considered to constitute bedrooms (including those in a studio layout), dining rooms, and living rooms.

1.8 When development consent is required

1. The need for ***consent*** and the level of assessment that applies to the use and development of land is set out in the framework below:
   (a) *Permitted* – use and development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

   Use and development of land is *Permitted* without ***consent*** when the following apply:
   i. it is shown as *Permitted* on the relevant assessment table in Part 4; and
   ii. it does not require ***consent*** by virtue of an overlay in Part 3; and
   iii. it complies with all relevant development requirements set out in Part 5; or
   iv. a provision of the Planning Scheme expressly sets out that it is *Permitted*.

(b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the ***amenity*** of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires ***consent*** and is *Merit Assessable* when any of the following apply:

i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
    (1) requires ***consent*** by virtue of an Overlay as set out in Part 3; or
    (2) does not comply with the relevant development requirements set out in Part 5;
iii. it is for the consolidation of land; or
iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
    (1) development consent has been granted; or
    (2) the development is permitted in the relevant assessment table; or
    (3) the Unit Title Scheme does not include vacant land.
v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

Editor's note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.

(c) *Impact Assessable* – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the ***site*** and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Use and development of land requires ***consent*** and is *Impact Assessable* when any of the following apply:

i. it is shown as *Impact Assessable* on the relevant assessment table in Part 4;
ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
iii. it is identified as *Impact Assessable* in Clause 1.9; or
iv. it is a *Prohibited* development which relates to a ***heritage place*** as set out in Clause 1.10(7)(b); or
v. a provision of this Planning Scheme expressly requires assessment as *Impact Assessable*.

(d) *Prohibited* – use and development to which the consent authority must not grant ***consent***.

Use and development of land is *Prohibited* if:

i. it is shown as *Prohibited* on the relevant assessment table in Part 4, unless it is ***ancillary*** as allowed by Clause 1.9; or
ii. a provision of this Planning Scheme expressly prohibits ***consent***.

1.9 Ancillary use and development

1. Unless expressly provided for in this Planning Scheme:
   (a) where the definition of a development in Schedule 2 includes use or development that may be established if ***ancillary***, the ***ancillary*** use or development included in the definition are *Permitted* provided they comply with any relevant development requirements in Parts 3 and 5;
   (b) if an ***ancillary*** use or development described in (a) does not comply with Parts 3 and 5, the ***ancillary*** use or development requires ***consent*** and the level of assessment that applies is *Merit Assessable*;

(c) an ***ancillary*** use or development not specified in the definition of the ***primary use*** in Schedule 2 requires ***consent*** and the level of assessment that applies to the ***ancillary*** use or development is either:
   i. the assessment category specified in the assessment table for the zone in Part 4; or
   ii. if Undefined or Prohibited it is *Impact Assessable*.

1.10 Exercise of Discretion by the Consent Authority

1. In considering an application for ***consent*** for a use or development, the consent authority must consider the use or development in its entirety except in relation to:
   (a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
   (b) ***access*** to a ***main road***; or
   (c) a *Merit Assessable* application under Clause 1.8(1)(b)(ii)(2).

2. In considering an application for ***consent*** for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

3. In considering an application for ***consent*** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
   (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
   (b) any Overlays and associated requirements in Part 3 that apply to the land; and
   (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

4. In considering an application for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:
   (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
   (b) any Overlays and associated requirements in Part 3 that apply to the land;
   (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
   (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

5. The consent authority may ***consent*** to a proposed use or development that 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).

6. When consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.

7. The consent authority must not grant ***consent*** for a use or development identified as *Prohibited* unless:
   (a) the *Prohibited* use or development is ***ancillary*** as set out in Clause 1.9; or
   (b) the *Prohibited* use or development relates to a ***heritage place*** and it has the approval of the Minister responsible for the administration of the *Heritage Act 2011.*

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

3.4 CR – Coastal Reclamation

Purpose
Ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

Assessment

Not relevant – This application does not propose any land reclamation. As such, this overlay is not relevant to this application.

3.6 LSF – Land Subject to Flooding

Purpose
Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Assessment

Not relevant – The subject lot is not located within land identified as subject to flooding. As such, this overlay is not relevant to this application.

3.7 LSSS – Land Subject to Storm Surge

Purpose
Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Assessment

Not relevant – The development site is not located within the mapped primary or secondary storm surge extent (2100) on NT Atlas. As such, this overlay is not relevant to this application.

3.8 LADR – Land Adjacent to a Designated Road

Purpose
Ensure that ***access*** to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

Assessment

Not relevant – The subject lot is not located adjacent to a designated road. As such, this overlay is not relevant to this application.

3.13 GL – Gateway Locations

Purpose
Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.

Assessment

Not relevant – The subject lot is not located at an identified gateway location. As such, this overlay is not relevant to this application.

4.10 Zone CB – Central Business

Zone Purpose
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.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.
2. Residential developments that cater for residents and tourists, including **dwelling-multiple**, ***serviced apartment***, **rooming accommodation**, **residential care facility**, and **hotel/motel,** are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.

Supports – The application proposes a commercial accommodation land use at a functionally undeveloped site, and in high density manner which will increase the diversity of visitor accommodation in the Darwin CBD.

3. **Dwelling-community residence** and **home based business** are designed and operated in a manner consistent with the residential ***amenity*** of the building or surrounding precinct.

Not relevant – This application does not concern a dwelling-community residence or home based business. As such, this zone outcome is not considered relevant to this application.

4. Commercial developments and entertainment and dining activities such as **bar-public**, **bar-small**, **food premises (all)**, **leisure and recreation**, **market**, **night club entertainment venue, office**, **shops** and **sex services-commercial premises:**
   (a) encourage diversity and contribute to day and night activity within the zone; and

(b) are designed and operated in a manner that is considerate of the character and ***amenity*** of surrounding uses, having regard to the mixed use nature of the zone.

Supports – While not for a listed land use, this application is considered commercial in nature. This application will increase amount of self-contained accommodation in Darwin CBD, and reasonably capable of being operated in manner that won't adversely impact on nearby community, office and hotel developments.

5. Cultural and community focused activities such as **child care centre**, **community centre, exhibition centre, medical clinic**, **place of assembly** and **place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.

Not relevant – This application does not propose any community or public spaces, nor does it concern a child care centre, community centre, exhibition centre, medical clinic, place of assembly or place of worship.

6. Developments such as **veterinary clinic**, **plant nursery**, **shopping centre**, **showroom sales, education establishment,** and **passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.

Not relevant – This application does not concern a veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment, or passenger terminal.

7. Developments such as **vehicle sales and hire**, **motor body works**, **motor repair station**, **service station, industry-light** and **emergency services facility**:
   (a) are sited on the periphery of the CB area;
   (b) are located with good ***access*** to the local road network; and
   (c) are managed to minimise unreasonable impacts to the ***amenity*** of surrounding residents.

Not relevant – This application does not concern vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility. As such, this zone outcome is not considered relevant to this application.

8. Development incorporates innovative building design, ***site*** layout and landscaping that:
   (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;

Supports – Awnings are provided over all external facing windows, and the central hallway will be open at the sides, and allow for internal breeze flow.

   (b) minimises privacy and overlooking impacts on private spaces;

Supports – The proposed balconies either face Lindsay Street, or a neighbouring office development to the south-east. As such, there is not considered to be any potential for privacy or overlooking impacts on private spaces.

   (c) maximises overlooking and passive surveillance of public spaces;

Supports – The application proposes windows on the ground level floor and balconies/courtyards to the Lindsay Street frontage.

(d) maximises pedestrian activity along ***primary street*** frontages;

Supports – The application will likely improve the sense of security for pedestrians in the area through the inclusion of active street frontage where none exists at the moment, and through the increase in activity on Lindsay Street.

(e) reduces the appearance of building mass relative to its surroundings; and

Acceptable – While the building is not well articulated with regard to the north-eastern and south-western facades, distinctive treatments comprising alternating shades of grey reduce the degree of visual building massing.

(f) creates attractive outdoor spaces and enhances the streetscape.

Supports – This application will contribute to an attractive streetscape through the inclusion of planter boxes along the Lindsay Street-facing balconies.

9. Development contributes to the creation of an active, safe and legible public realm by:
   (a) incorporating and responding to high quality ***public open spaces*** including town squares, civic plazas and forecourts where appropriate; and

Not relevant – The application does not propose, and is not considered to be located adjacent to any public open spaces.

   (b) integrating with walking, cycling and public transport networks to promote accessibility and use.

Supports – The main pedestrian entrances to the building are located along Lindsay Street, and be well integrated with the local active transport network.

10. Developments are designed and operated in a manner that avoids unreasonable loss of ***amenity*** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.

Acceptable –This development is not considered to be of a scale that would result in any unreasonable adverse amenity impacts.

11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient ***access*** to open space, community and educational facilities.

Not relevant – This zone outcomes is considered to be relevant to the subdivision of land within Zone CB. As such, it is not considered relevant to this application.

12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Not relevant – The application is considered to meet the definitions of defined uses. As such, this zone outcome is not considered relevant to this application.

Assessment

Supports – This application is not considered to be inconsistent with the relevant zone outcomes for the reasons discussed above.

5.2.1 General Height Control

Purpose
Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
   (a) The development is for the purpose of:
      i. a **telecommunications facility**;
      ii. a chimney, flag pole, aerial, antenna or lightning rod; or
      iii. the housing of equipment relating to the operation of a lift; or
   (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).

2. The consent authority must not ***consent*** to a development in Alice Springs that is not in accordance with sub-clause 5.

3. The consent authority must not ***consent*** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.

4. Except as set out in sub-clause 3, the consent authority may ***consent*** to a development that is not in accordance with sub-clause 6 if it is satisfied the ***building height*** is consistent with the intended character and ***amenity*** of the area, having regard to:
   (a) the heights of other buildings in the immediate vicinity; and
   (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The ***building height*** of a development in the Municipality of Alice Springs is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table A to this clause; or
   (b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table A to this clause.

Not relevant – The subject lot is not located within the municipality of Alice Springs. As such, this sub-clause is not relevant to this application.

6. The ***building height*** in all other areas is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table B to this clause; or

Not relevant – The application is located within Zone CB, and as such, is not subject to a maximum height limit. It is noted that the maximum height of the development is 29 m (53.23 mAHD, excluding the lift overrun), which is less than the built form of nearby developments.

(b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Not relevant – This application is subject to table B. As such, this sub-clause is not relevant to this application

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	**Use**	**Maximum building height above ground level**
MR	Development on a ***site*** in zone MR abutting a ***site*** in Zone LR	3 ***storeys***
	Development on a ***site*** that is: • within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a ***site*** in Zone LR.	3 ***storeys***
	All other uses	4 ***storeys***
HR	All uses	8 ***storeys***
C	Mixed use development that consists of one or more ***residential buildings***	4 storeys
	All other uses	No height limit
CL and CP	**Education establishment** or **hospital**	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

(1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.

(2) Basements that protrude less than 1m from ground level are not considered as a *storey* for the purposes of this clause.

(3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the *Airports Act 1996* (Cth), *Airports (Protection of Airspace) Regulations 1996* (Cth), and *Defence Regulation 2016* (Cth). More information is available on NT.GOV.AU.

Assessment

Not relevant – As discussed above, there is no applicable maximum height as the site is within Zone CB.

5.2.4.1 Car Parking Spaces

Purpose

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

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of ***car parking spaces*** is appropriate with regard to:
   (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
   (b) the provision of ***car parking spaces*** in the vicinity of the land;
   (c) the availability of public transport in the vicinity of the land; and
   (d) the potential impact on the surrounding road network and the ***amenity*** of the locality and adjoining property;

   or if the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of ***car parking spaces*** in the interest of preserving the significance of the ***heritage place***.

3. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

Requirements

4. 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).

Editor's Note: Clause 5.2.4.4 provides for the design and layout of a *car parking area.*

The table to this clause can be found in the NTPS2020

Assessment

Not applicable – The site is subject to clause 5.9.2.11 (Car parking spaces in Darwin City Centre) of the Darwin city centre location specific development requirements.

5.2.4.4 Layout of car parking areas

Purpose

Ensure that a ***car parking area*** is appropriately designed, constructed and maintained for its intended purpose.

Administration

1. This clause does not apply to a ***car parking area*** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.

2. A ***car parking area*** may be used for the purpose of a **market** if:
   (a) a market is Permitted in the zone; and
   (b) the market operates outside of the operating hours of the use for which the car parking area is established.

3. The consent authority may ***consent*** to a ***car parking area*** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the ***amenity*** of the surrounding locality.

4. 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.

5. 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.

Requirements

6. A ***car parking area*** is to:
   (a) be not less than 3m from any lot boundary abutting a road; and

   Not relevant – While the basement car parking area is located adjacent to the front property boundary (albeit underground), this was developed under previous planning permits.

   (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the ***car parking area*** when viewed from the road.

   Not relevant – With the exception of the driveway access, the ground car parking area is located behind the reception.

7. A ***car parking area*** is to be constructed and maintained to be:
   (a) of a suitable gradient for safe and convenient parking; and

   Acceptable – While most the car parking areas are reasonably assumed to be flat, 1 space on the ground level is located on a 1:20 (2.86°, 5% grade) slope. This slope is considered mild, and be capable of safe and convenient parking for future users.

   (b) sealed and well drained in urban areas, or dust supressed in non-urban areas.

   Complies - The car parking area is located within a 9-storey building. As such, it is reasonably expected that it will be sealed and well drained.

8. The layout of a ***car parking area*** is to:
   (a) be functional and provide separate access to every car parking space;

   Complies – The layout of the car parking area is considered adequate to allow for a vehicle to access and vacate each car parking space in a convenient manner.

   (b) allow a vehicle to enter from and exit to a road in a forward gear;

   Complies – There is sufficient space in the car parking area to allow a vehicle to either complete a 3-point turn, or circulate the site in manner that allows them to leave in a forward gear.

(c) be in accordance with the dimensions set out in the diagram to this clause; and

Does not comply – There is an instance of a 5 m wide driveway where the basement ramp and ground level accessways meet.

All car parking spaces are shown as being a minimum of 2.5 m wide by 5.5 m long, and all other driveways are at least 6 m wide.

(d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.

Complies – There are instances where a car parking space is located perpendicular to the end of a driveway, however, a minimum 1 m projection is proposed in all instances.

9. The number of ***access*** points to the road is to be limited, and ***access*** points to ***car parking areas*** are to:

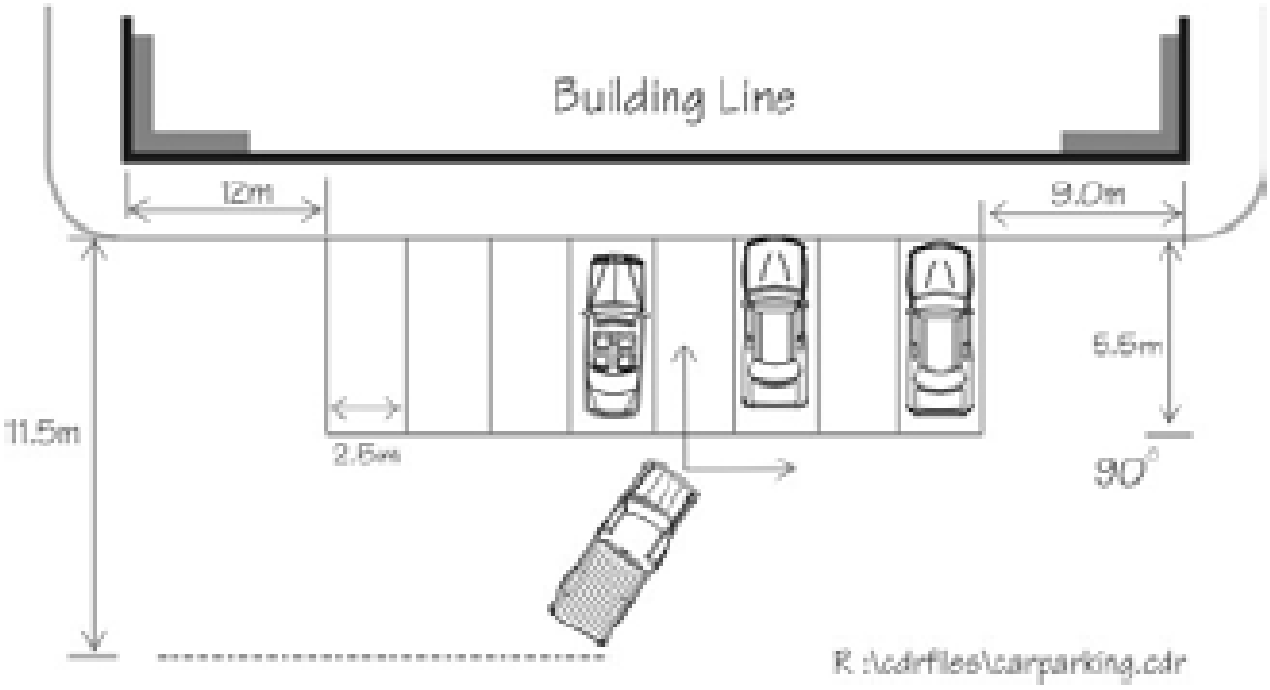
(a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and

Complies – One access point is shown on the plans, and which will be 6 m wide at its minimum width.

(b) maximise sight lines for drivers entering or exiting the car parking area.

Does not comply – A solid wall is proposed adjacent to the driveways at the exit.

It is noted that the Diagram to Clause 5.2.4.4: Parking Layout can be found at the NTPS 2020 website.



Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to an instance of a non-compliant driveway aisle, and sightlines.

5.2.4.5 Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2

Purpose
Ensure that vehicle ***access*** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m^2 and not less than 300m^2 do not unduly reduce the ***amenity*** of a public road or the availability of kerbside vehicle parking in the public road.

Assessment

Not relevant – This application does not concern a dwelling-single on a lot between 300 m^2 and 600 m^2. As such, this clause is not considered relevant to this application.

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration

1. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
   (a) the scale of the use and development on the ***site***;
   (b) any potential adverse impacts on the local road network; and
   (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or ***secondary street***.

2. For the purposes of this clause, where an **exhibition centre**, **food premises (fast food outlet** and **restaurant)**, **office**, **place of assembly**, **shop** or **shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined ***net floor area*** of the integrated uses.

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).

4. A ***loading bay*** is to:
   (a) provide areas wholly within the ***site*** for loading and unloading of vehicles;
   (b) be at least 7.5m by 3.5m;
   (c) have a clearance of at least 4m; and

(d) have access that is adequate for its purpose.

Not relevant – Dwelling-multiple/serviced apartments are not listed as a land use that requires a loading bay. As such, no loading bay facilities are required at the site. It is noted that none are proposed either.

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	**Minimum number of loading bays**
All other uses	No loading bays required

Assessment

Not relevant – No loading bay facilities are provided, nor required, on-site. As such, this clause is not relevant to this application.

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall ***amenity*** of the locality.

Assessment

Not relevant – No landscaping is required to be provided at this development as a result of this development requirement, nor another development requirement. As such, this clause is not considered to be relevant to this application.

5.2.6.2 Landscaping in Zone CB

Purpose
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.

Administration

1. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 3 if:
   (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
   (b) the development provides an alternative response to achieve the purpose of this clause.

2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).

Requirements

3. Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the ***site*** area.

Complies - The site is 944 m^2 and therefore requires 94.2 m^2, where 194.6 m^2 (20.6%) is proposed. This is comprised of the level 2 hallway planter (7.56 m^2); level 2 dwelling terraces (120 m^2); and levels 3 to 9 Lindsay Street-facing balcony planter boxes (9.52 m^2).

It is noted that while the application references landscaping along the rear -facing balconies, none is shown on the floor level plans. These have not been considered in the above figure.

Editor's Notes:

(1) Any vertical landscaping provided to meet subclause 3 may also contribute to a reduction of car parking under Clause 5.9.2.12

(2) Refer to *Design Guidance: Landscaping in Zone CB* for guidance on interpreting requirement 3.

Assessment

Complies – As discussed above, the application is considered to comply with the requirements of this clause.

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose

Protect the visual and acoustic ***amenity*** of ***residential buildings*** where they are adjacent to non-residential development.

Assessment

Not relevant – The subject lot is not located adjacent to land in Zones LR, LMR, MR or HR. As such, this clause is not relevant to this application.

5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

Purpose

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***.

Administration

1. 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:
      i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;

ii. ***access*** to the alternative ***end of trip facilities*** is safe and convenient for users;
iii. the alternative ***end of trip facilities*** are sheltered and secure; and
iv. the size and layout of alternative storage areas allows for safe and comfortable storage and ***access*** to bicycles and/or personal items; or

(b) it would be unreasonable to provide the ***end of trip facilities*** as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or

(c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

Requirements

2. All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).

Does not comply –Serviced apartments are required to provide bicycle parking facilities at a rate of 1 for every 3 dwellings.

As such the bicycle parking assessed as being required is:

- Dwellings (total): 75 dwellings requiring 25 spaces.

As such, 25 (25) bicycle parking spaces are required as part of this development, where 10 spaces (5 bike racks capable of securing 10 bikes) are proposed within a dedicated bicycle parking facility (BPF) at the site.

3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with *Australian Standard AS2890.3 – Bicycle Parking* and must:

(a) be located in a convenient and safe location with adequate security for the storage of bicycles;

Complies – The BPF is located within the ground level parking area. The BPF can be accessed without the need to navigate stairs or doors through the car parking area. It is noted that the BPF will reasonably be secure.

(b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;

Acceptable – While only floor mounted bicycle parking is proposed, this is considered acceptable as the land use relates to residential, where residents/longer term visitors could store bicycles in their dwelling.

(c) where secure parking is provided, provide e-bike charging facilities, as necessary;

Acceptable – While no charging facilities are proposed within the secure BPF, this is considered acceptable on the basis that this development is for serviced apartments, where users could charge bikes at their dwelling.

(d) not require ***access*** via steps;

Complies –The BPF can be accessed without the need to navigate stairs or doors through the car parking area. It is noted that the BPF will reasonably be secure.

(e) be protected from the weather;

Complies – The BPF is located within the building footprint, at the ground level parking area.

(f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;

Acceptable – It is reasonably considered that the bike racks will allow a bike to be locked to the facility. This aspect can be reasonably be addressed by a standard permit condition.

(g) be located outside pedestrian movement paths;

Complies – The bike racks are located out of the way of pedestrian movement paths.

(h) be easily accessible from the road;

Acceptable – The BPF is located approximately 18 m from the road through the car parking area.

(i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;

(j) be protected from manoeuvring motor vehicles and opening car doors;

Complies – The bike racks are provided within a secure BPF.

(k) be as close as possible the cyclist's ultimate destination;

Acceptable – The bike racks are located inside the site, and approximately a 30 m walk to the lifts.

(l) be well lit by appropriate existing or new lighting; and

Acceptable – It is reasonably considered that adequate lighting will be provided in the vicinity of the bike racks.

(m) be sympathetic in design, material and colour to compliment the surrounding environment.

Acceptable – It is reasonably considered that the bike racks will be made of a material that is sympathetic with the surrounding development.

4. A locker should accompany every secure bicycle parking space provided, and should be:
   (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;
   (b) well ventilated, secure and lockable; and
   (c) located close to shower and changing facilities.

Does not comply – No locker facilities are proposed at the site.

5. All new ***non-residential buildings***, **hotels/motels**, and ***serviced apartments*** in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.

Complies – The application states that up to 1 staff member is expected at the site. As such, 1 shower facility is required, where 1 is provided as part of the communal open space. This is considered acceptable for the purpose of this clause.

6. Shower and changing facilities must be secure facilities capable of being locked, and should:

(a) be located as close as practical to the associated bicycle parking facilities;

Acceptable – While the UAT facility is located at the Level 2 communal open space (pool facility), this is considered acceptable due to the low expected staff numbers at the site.

(b) provide one change space per shower; and

Complies – The UAT facility is 7 m^2, which is considered sufficient to provide space for a future user to get changed in private.

(c) Provide for separate male and female facilities where more than one shower is provided.

Not relevant – Only 1 shower facility is proposed.

Table to Clause 5.3.7: End of trip facilities in Zones HR, CB, C, SC, and TC

Use or Development	Minimum number of bicycle parking spaces	Minimum number of showers
Dwellings-multiple	1 space for every 3 ***dwellings***	
Hotel/motel, rooming accommodation	1 space for every 3 guest rooms	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Non-residential buildings (except as identified in this table)	1 space per 300m^2 ***net floor area***	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Office	1 space per 300m^2 ***net floor area***	1 shower for up to 1500m^2 ***net floor area***, plus 1 additional shower for up to every 1500m^2 thereafter.
Serviced apartments	1 space for every 3 ***dwellings***	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Shop (including **shopping centres**)	1 space per 300m^2 ***net floor area*** up to 5000m^2 ***net floor area***, plus 1 space per 600m^2 ***net floor area*** above every 5000m^2 ***net floor area*** thereafter.	1 shower for up to 5000m^2 ***net floor area***, plus 1 additional shower for up to every 5000m^2 thereafter.

Assessment

Does not comply – As discussed above, the application is not considered to comply with requirements relating to the number of bike parks and lack of lockers.

5.4.4 Extensions and Ancillary Structures to a Dwelling-group or Dwelling-multiple Development

Purpose
Ensure an extension or ***ancillary*** structure that is ***ancillary*** to an existing **dwelling-group** or **dwelling-multiple** responds to the streetscape and surrounding development.

Assessment

Not relevant – The application is considered to be for a new residential building. As such, this clause is not considered to be relevant to this application.

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Purpose
Extend the function of a ***dwelling*** and enhance the residential environment by ensuring that each ***dwelling*** has private open space that is:
(a) of an adequate size to provide for domestic purposes;
(b) appropriately sited to provide outlook for the ***dwelling***;
(c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the ***site***; and
(d) inclusive of areas for landscaping and tree planting.

Assessment

Not relevant – This application does not concern the listed dwelling types. As such, this clause is not considered to be relevant to this application.

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose
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.***

Administration
1. The consent authority may ***consent*** to **dwellings-multiple** comprising of ***serviced apartments*** in Zone TC that is not in accordance with sub-clauses 3-5 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

2. The consent authority may ***consent*** to **dwellings-multiple**, other than **dwellings-multiple** comprising of ***serviced apartments*** in Zone TC, that is not in accordance with sub-clauses 3-5 if is satisfied the development is consistent with the purpose of this clause.

Requirements

3. 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;

Does not comply – There are 71 dwellings whose balconies are less than 12 m^2 (including one dwelling which has no balcony at all), and all of which have dimensions less than 2.8 m long.

It is noted that the only compliant balconies are those associated with the Level 2 dwellings facing Lindsay Street, which have private courtyards.

   (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***;

Does not comply – There are 21 single bedroom dwellings where access to the balcony is proposed through the bedroom itself. These are not considered acceptable against this subclause by virtue that the main living area (dining room, kitchen and loungeroom) are separated from the balcony by the bedroom.

Each other instance of private open space (53) is directly accessible to the main bedroom or living area of its associated dwelling.

   (c) is located to provide views from the ***dwelling*** to open space and natural features of the ***site*** or locality.

Acceptable – Balconies provide views over either Lindsay Street, or to the rear of the site. While the views to the rear of site don't necessarily face any open spaces or natural features of the site/locality, they are considered acceptable by virtue that rear facing balconies are a common design element in Darwin CBD.

4. Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.

Not relevant – No private open spaces are located adjacent to any communal open spaces.

5. Where the private open space is at ***ground level*** and not adjacent to communal open space, it should be:
   (a) fenced to a maximum height of 1.8m providing a visual barrier to adjoining ***dwellings***; or
   (b) planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining to adjoining ***dwellings*** within two years of planting.

Not relevant – No private open spaces are located at ground level.

Editor's Note: Refer to *Design Guidance: Private Open Space for Dwellings-multiple* for guidance on interpreting this clause.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to balcony dimensions and accessibility.

5.4.7 Communal Open Space

Purpose
Ensure that suitable areas for communal open space are provided for **dwellings-multiple**, **residential care facilities** and **rooming accommodation**.

Administration

1. This clause does not apply to **dwelling-multiple** where each ***dwelling*** has direct and independent ***access*** to private open space at ***ground level***.

2. The consent authority may ***consent*** to a **dwelling-multiple** comprising ***serviced apartments*** in Zone TC that is not in accordance with sub-clauses 5 and 6 only it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each ***dwelling*** provides appropriate opportunities for outdoor activities.

3. The consent authority may ***consent*** to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:
   (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;
   (b) the development is in proximity to adequate public open space or sufficient amenities; and
   (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.

4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may ***consent*** to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

Requirements

5. A minimum of 15% of the ***site***, being not less than 6m wide at any point, is to be communal open space.

Does not comply – The site is 944 m^2 and therefore requires 141.6 m^2, where 83 m^2 (8.8%) is proposed. It is noted the communal open space is considered to comprise only the pool area (which has excluding the presence of a central building support column in the middle), and not the storeroom, ablution/shower facility, or adjacent hallway.

6. Communal open space is to be designed to:
   (a) be clearly delineated from private and ***public open space;***
   (b) maintain reasonable privacy of nearby ***dwellings***;
   (c) provide recreational facilities for occupants;
   (d) address the projected needs of children;
   (e) include landscaping and shade where located outdoors;
   (f) minimise safety issues, including through lighting and passive surveillance;
   (g) minimise the effects of any on-site traffic circulation and ***car parking areas***; and
   (h) be capable of efficient maintenance and management.

Acceptable – The location and layout of the communal open space is reasonably considered to meet the design criteria above.

Assessment

As discussed above, the application does not meet requirements of this clause relating to the total area of the communal open space.

5.4.17 Building Articulation

Purpose
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.

Administration

1. This clause applies to all sides of ***residential buildings*** that are longer than 15m, except the ground floor of buildings in Zone CB.

2. 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.

3. The length of the building excludes verandahs, balconies, porches and carports integrated into the ***residential building*** design.

Requirements

4. 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.

Does not comply –Levels 2 to 9 propose 21.5 m long walls along the south-western boundary. While the north-eastern frontage proposes a breezeway vertical opening which could be considered compliant with this subclause, the south-west facing frontage appears to be windows.

It is noted too that while lengths of wall exceeding 15 m are proposed around the side property boundaries for the ground level/Level 1, this has been excluded pursuant to subclause (1). Please note clarification of basement and ground level can be found at the start of this technical assessment.

Editor's Note: Refer to *Design Guidance: Articulation* for guidance on interpreting sub-clause 4.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to building lengths along the side boundary.

5.5.15 Design in Commercial and Mixed Use Areas

Purpose
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.

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.

Noted – The application did not include any specific references to the Community Safety Design Guide (CSDG). The CDSG is a guideline document that sets out a series of key safe design elements (including associated objective) and guidelines that need to be considered as part of an application. Although the content of the CSDG is generally considered to be reflected in various clauses of the NTPS2020, a review of CSDG core design principles is provided at the end of this technical assessment.

2. The consent authority may ***consent*** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.

3. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.

4. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the ***site*** and scale of the development.

5. 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.

6. The consent authority may ***consent*** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the ***site***.

7. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.

8. 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.***

9. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and ***dwellings*** below.

10. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.

11. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.

Complies –It is reasonably considered that the character of the immediate locality (Lindsay Street between Cavenagh Street and Smith Street) is made up of 2 to 7 storey tall buildings, with building facades generally comprised of landscaping, blank walls, pedestrian entrances and perimeter fencing. In addition, it is noted there are limited instances of awnings over public footpaths.

As such, as this application proposes similar elements to the above, it is considered to sympathetic to the character of buildings in the immediate locality.

13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.

Acceptable – Passive climate control is achieved through the inclusion of awnings, balconies and landscaping. These features are considered to reasonably reduce the amount of solar gain on the building interior, thus improving energy efficiency. In addition, the proposal includes openable windows, which alongside doors to balconies, allows or breeze penetration, and a central breezeway between the dwellings.

14. Building design is to minimise the expanse of blank walls facing the street and ***public open spaces*** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

Complies – The development proposes multiple design elements that will create a varied façade when viewed directly from the public domain. These elements include balconies with planter boxes and plant screening.

It is noted that the north-eastern and south-western building-sides comprise large expanses of blank walls. However, as the walls have do not directly face the street or a public open space, they've not be considered under the remit of this subclause. Notwithstanding, the application proposes alternating coloured building-side treatments which would mitigate the severity of building massing.

In addition, it is considered unlikely that the proposed alternating treatments would result in excessive glare to nearby site users.

15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.

Conditionally acceptable – These features were not shown on the dimensioned plans. However, standard permit conditions can be applied to any resulting development permit requiring that services and utilities be screened, to the satisfaction of the consent authority. Notwithstanding, a bin store is shown as being interior to the building, on Level 1, and each dwelling will be serviced by their own AC plant, which are located on the balcony, and screened from the public domain.

16. ***Car parking areas***, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.

Acceptable – While most car parking is located within the development, a portion of Level 1 will be expose. This is considered acceptable as these spaces will be various shaded by the building itself, and adjacent 4.3 m high walls.

17. 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:
    (a) extends along the full length of the ***site*** boundary to provide continuous coverage for pedestrians;
    (b) covers the full width of the footpath or has a minimum width of 3m; and
    (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.

Does not comply – A 2.2 m wide awning is proposed along the entirety of the front building line.

In response to (a), the awning extends the full length of the building.

In response to (b), the awning is shown as being 2.2 m wide.

In response to (c), it is not considered likely that the placement of the awning would affect existing street trees or restrict future plantings.

18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:
    (a) is direct and provides refuge from the sun and rain; and
    (b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.

Complies –

In response to (a), the application proposes a primary pedestrian entrance towards the south-western property boundary, and a single door to the reception spaces. Prior to entering the building, site visitors will be sheltered by the proposed awning over the footpath/forecourt.

In response to (b), the pedestrian forecourt has multiple doors along the sides. This arrangement is not considered to create an entrapment issue.

19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.

Acceptable – it is considered that this application may result in increased noise and light nuisances, compared to the currently undeveloped site. It not considered likely that this application will result in unreasonable impacts for vibration, odour, or other nuisances.

20. 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.***

Does not comply –

In response to (a), a single lift shaft is proposed be located between 1 to 2 dwellings per level. As the galley-style kitchens, bathrooms, and WCs are proposed adjacent to the lift shaft, this is considered acceptable.

In response to (b), AC plant are proposed to be located on the dwelling balconies, outside openings to living rooms or bedrooms.

21. Buildings are to provide internal drainage of balconies.

Conditionally acceptable– Internal drainage not shown on the dimensioned plans. However, this can be addressed by a standard permit condition requiring that the plans include a note stating that balconies will be internally drained.

22. Development with a ***floor area*** of 3500m^2 or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).

Not applicable – The floor area of the development is estimated to be around 3400 m^2.

23. Development is to provide designated areas for rubbish collection.

Complies –A bin store is proposed in the Level 1 car parking area.

Editors Notes:

(1) Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government council.

(2) The relevant local government council should be contacted to determine refuse collection requirements and specifications.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to awning widths and location of AC plant.

5.5.17 Building Frontage in Commercial and Mixed Use Areas

Purpose
Encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

Administration

1. This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek except where alternative ***active street frontage*** requirements are established under Clause 5.9 (Location specific development requirements).

2. The consent authority may consent to a development that is not in accordance with sub-clause 4 and 5 if satisfied that the building design allows for adequate passive surveillance and provides visual interest appropriate to the locality.

3. The consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.

Requirements

4. Services on primary building frontages are to be limited to:
   (a) a direct single point of ***access*** to service equipment for all service authorities;
   (b) required fire egress; and
   (c) required fire booster connection points.

5. Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m:
   (a) windows with openings that have dimensions not less than 0.9m wide and 1.2m high;
   (b) operational and legible entrances (excluding fire egress);
   (c) areas that are used for alfresco dining;
   (d) spaces that allow for pedestrian movement and/or seating; or
   (e) vertical landscaping for the full height of the frontage.

6. Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.

Assessment

Not applicable – The site is subject to clause 5.9.2.5 (Development along Priority Activated Frontages) of the Darwin city centre location specific development requirements.

5.9.2 Darwin City Centre

1. This clause incorporates planning and design standards contained in the Central Darwin Area Plan.

2. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



Assessment

Noted – The site is located within the Darwin City Centre area.

5.9.2.1 Building Design in Darwin City Centre

Purpose

Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of ***amenity*** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.

3. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.

4. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual ***amenity*** of the public domain and neighbouring properties.

5. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).

Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.

Acceptable – While the plans don't depict the height, the statement of effect states 'The ground floor includes a floor to ceiling height of approximately 4.1m', and where a review of the plans indicate the height may range up to 4.36 m.

7. Building facades are to have a clearly distinguished base, middle and top.

Acceptable – The proposed built form has an acceptably distinctive façade comprise of driveway, reception and pedestrian access at ground level; terrace and balconies for Levels 2 to 9; and rooftop without landscaping along the edges at the roof.

8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the ***site*** layout and building design.

Not relevant – No communal facilities are proposed at the front of the building.

9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.

Acceptable – While there was limited detail on the arrangement of roof top plant, it is reasonably considered that an arrangement that complies with the design elements of this subclause can be provided. This can be addressed by a standard permit condition.

10. Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at ***ground level*** to connect the two street frontages.

Not relevant – The site only has one street frontage.

Assessment

Acceptable – As discussed above, the application is considered to comply with the relevant requirements of this clause.

5.9.2.2 Volumetric Control

Purpose
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;
(c) penetration of daylight into ***habitable rooms***; and
(d) reasonable privacy for residents.

Administration
1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).

2. In this clause:
   (a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and
   (b) the podium and tower components of a building are illustrated in the diagram to this clause.

3. The consent authority may ***consent*** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 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***.

4. The consent authority may ***consent*** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:
   (a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining ***sites***;
   (b) responds to the existing street front ***building heights***; and
   (c) provides an equivalent or better outcome to maintain a human scale at street level.

Requirements

5. The podium of a development is to:
   (a) have a maximum height of 25m, excluding any plant, equipment, aerials, ***outbuildings*** or visually permeable balustrades; and

Complies – While the maximum height of the podium element (which comprises the entire development) is 29 m, the podium element is only considered to apply to the first 25 m for the purpose of this clause.

   (b) provide a minimum setback of 6m from any ***site*** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or ***public open space***.

Complies – A 12.25 m setback is provided between the rear-facing balconies and the rear property boundary.

It is noted that while there are balconies are located within 6 m of the property side boundaries, that as a solid wall delineates the affected balconies from those side boundaries, those setbacks are not considered to be under the purview of this subclause.

6. The tower of a development is to:
   (a) have a footprint that covers a maximum of 56% of the ***site*** area, to a maximum of 1200m^2 in any single tower;

Complies – The site coverage of the building above 25 m (i.e. the tower element) is 511.7 m^2, where the lot is 944 m^2. This results in a site coverage of 54.2%.

   (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and

Does not comply – The length of the building facing the north-western (street) and south-eastern (rear) boundary is 23.8 m, where these property boundaries are 24.385 m. This results in a boundary coverage of 97.6%.

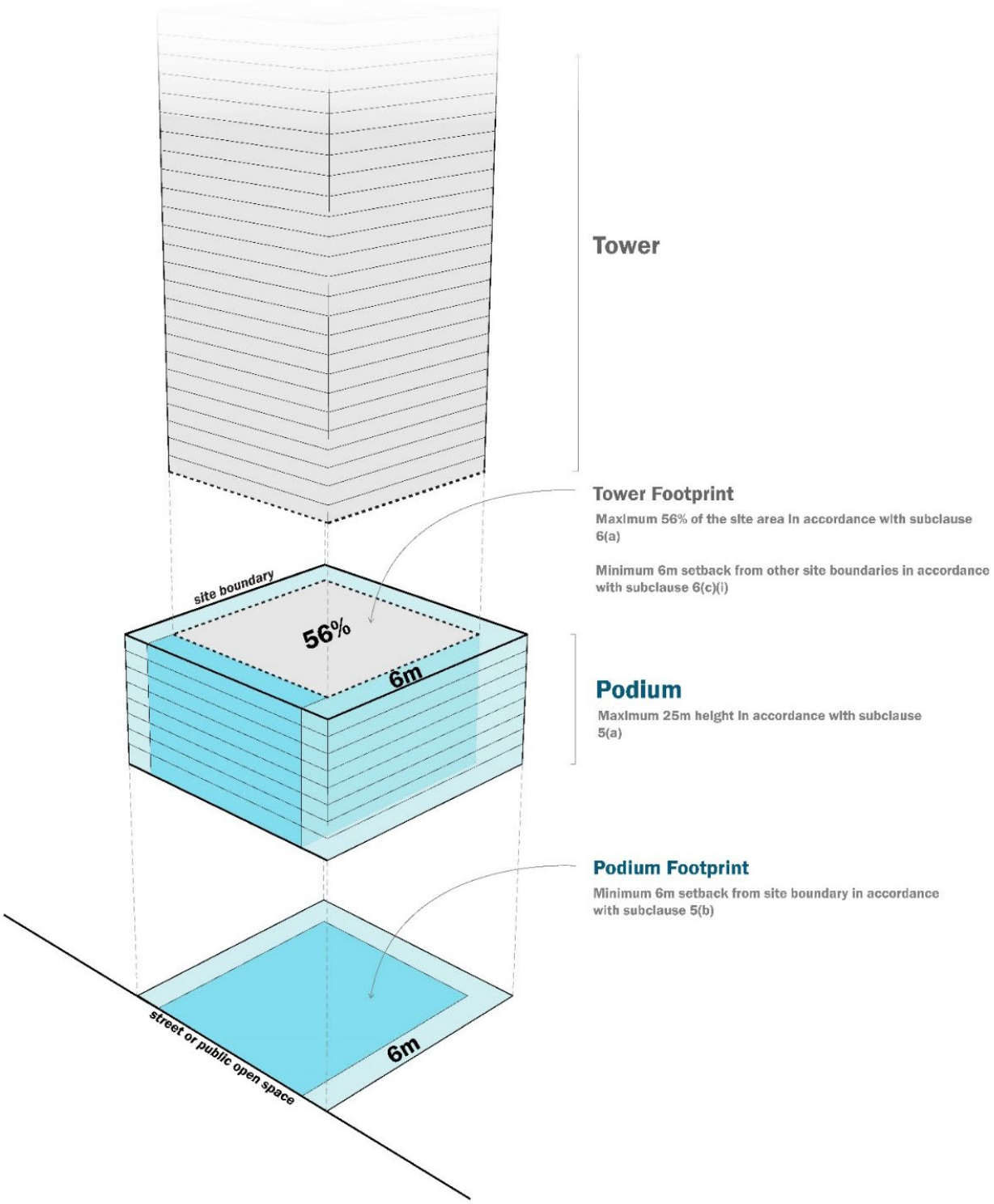
   (c) provide minimum setbacks of:
      i. 6m from any ***site*** boundary; and
      ii. 12m between towers on the same ***site***.

Does not comply – The tower element is setback 5.2 m from the north-western property boundary, 0.5 m from the south-western property boundary, and 0.4 m from the north-eastern property boundary.

7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:
   (a) the podium height is reduced below 25m; and
   (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
   (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

Not applicable – The site is not located within the Smith Steet Character Area.

Diagram to Clause 5.9.2.2: Podium and Tower Components



The Diagram B to Clause 5.9.2.2: Volumetric Control - Smith Street Mall Alternative can be found in the NTPS2020

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the podium height, tower setbacks, and tower length.

5.9.2.3 Building Height in the Esplanade Character Area

Purpose
Ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views, and deliver high quality built form outcomes appropriate for development that fronts Bicentennial Park and the Darwin Harbour.

Assessment

Not applicable – The site is not located within the Esplanade Character Area.

5.9.2.4 Development within the Darwin Waterfront

Purpose
Ensure that design and scale of development within the Darwin Waterfront responds to and respects the established role, character and constraints of the waterfront area and the surrounding escarpment.

The Diagram to Clause 5.9.2.4: Darwin Waterfront Building Heights and View Lines is located in the NTPS2020.

Assessment

Not applicable – The site is not located within the Darwin Waterfront area.

5.9.2.5 Development along Priority Activated Frontages

Purpose
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.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).

2. 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.

3. Landscaping may be counted toward the percentage of ***active street frontage*** required under sub-clause 6 if it comprises of:

(a) significant existing vegetation; or
(b) vertical landscaping for the full height of the ***ground level*** street frontage;
and the development still meets the purpose of the clause.

4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on ***active street frontages.***

Requirements

5. Services on street level frontages are to be limited to:
   (a) a single vehicle entry and exit point to and from the building (except on larger ***sites*** where additional access points are supported by a Traffic Study for the ***site***);

   Complies – All vehicle movements will take place at a single driveway to the site.

   (b) a direct single point of access to service equipment for all service authorities;

   Complies – The only servicing elements shown on the plans are located toward the front right of the site. While other services may be required, this their treatments (if not co-located) can be addressed via standard permit condition.

   (c) required fire egress; and

   Not relevant – While 2 fire escapes are proposed, these are located in a pedestrian foyer, and do not open directly onto the street.

   (d) required fire booster connection points.

   Acceptable – While no fire booster connection points are shown on the plans, their potential placement can be dealt with through a standard permit condition.

6. 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,*** made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
   (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
   (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
   (c) areas within the ***site*** that are used for alfresco dining; or
   (d) well-designed spaces that allow for pedestrian movement and/or seating.

Does not comply - The building line (which is the full boundary width) is 24.385 m long and therefore 18.29 m of active street frontage is required, where this application proposes approximately 16 m (65.6%) of active street frontage (11.5 m for the reception, and 4.5 m for the pedestrian foyer).

Editor's Notes:

(1) Clause 5.5.16 provides information on active street frontage for sites not identified as 'priority active frontage'.
(2) Refer to *Design Guidance to provide for Services* in Schedule 5 for more information on servicing requirements relating to requirement 5.
(3) Refer to *Design Guidance: Active Street Frontage* for guidance on how to interpret sub-clause 6.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the length of active street frontage.

5.9.2.6 Development Fronting Laneways

Purpose
Ensure that new developments enhance the use of laneways as shared spaces, are functional for commercial loading and servicing requirements, are safe for pedestrians, and contribute to the visual ***amenity*** of the laneway.

Assessment

Not applicable – The site is not located adjacent to an identified laneway

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

Purpose
Encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.

Assessment

Not applicable – The site is not located along the identified priority pedestrian and cycle network.

5.9.2.8 Development in Gateway Locations

Purpose
Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.

Assessment

Not applicable – The site is not located at an identified gateway location.

5.9.2.9 Public Domain Contributions for Development on Large Sites

Purpose
Encourage development on large ***sites*** that supports the public domain by contributing to an integrated, high-quality network of public spaces, recreation facilities and places for wildlife.

Assessment

Not relevant – The site is less than 3500 m^2, as such, this clause is not relevant to this application.

5.9.2.10 Alfresco Dining Areas

Purpose
Provide for the establishment of ***alfresco dining areas*** that contribute positively to the ***amenity***, safety and activation of streets in the Darwin's Central Business area.

Assessment

Not relevant – No alfresco area is proposed as part of this application.

5.9.2.11 Car parking spaces in Darwin City Centre

Purpose
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***.

Administration

1. This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).

3. An ***alfresco dining area*** on a ***site*** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 ***ground level*** car parking spaces associated with any existing development without requiring replacement ***car parking spaces***. However, a change of use from an ***alfresco dining area*** (including the provision of air conditioning) will result in the new use being subject to full car parking space requirements of this clause.

4. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

Requirements

5. 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).

Does not comply –The development is to provide car parking at the rate specified in the table below. As such, the number of car parking spaces required is:

- Dwellings: 75 dwellings require 75 spaces.
- Associated NFA: 154 m^2 requiring 4.62 spaces.

In total the required number of car parking spaces is 79.62 (80), where only 56 car parking spaces are proposed at the site. This would leave a shortfall of 24 car parking spaces.

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	**Minimum number of required car parking spaces**
Serviced apartment	1 for every ***dwelling*** Plus 3 for every 100m^2 of ***net floor area*** not within a ***dwelling***
Hotel/Motel	0.4 for every guest suite or bedroom Plus 2 for every 100m^2 of ***net floor area*** of all other areas
Any other uses	Minimum number of ***car parking spaces*** to be determined by the consent authority

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the insufficient number of car parking spaces provided at the site.

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

Purpose

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).

Administration

1. The consent authority may ***consent*** to:
   (a) a reduction of 1 ***car parking space*** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) ***car parking spaces*** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre); and

Noted – 2 motorcycle parking spaces are proposed on level 1.

(b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 ***car parking space*** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of ***car parking spaces*** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

Noted – There is a shortfall of 15 bicycle parking spaces proposed.

2. The consent authority may also ***consent*** to a use or development with fewer ***car parking spaces*** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.

3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

Editor's Note: Where a reduction in car parking is sought across 2 or more categories, the reduction percentages are combined, and the reduction is calculatedly cumulatively across all categories.

Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
   (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
   (b) the suitability of the plants to be used in the landscaping;
   (c) sufficient soil depth to accommodate the proposed types of plants;
   (d) how the landscaping will be practically maintained for the lifetime of the development; and
   (e) suitable management of drainage.

Noted – The application may be able to access the following reduction categories:

1(a) – The development site is located within 200 m of DarwinBus bus stop 70 (Woolworths Cavenagh Street). A review of the NT Government 'Darwin and Palmerston public bus timetables and maps' website (https://nt.gov.au/driving/public-transport-cycling/public-buses/darwin-and-palmerston-timetables-and-maps) shows that this bus stop is serviced by a variety of bus routes. This allows the consent authority to consider a 15% (11.94) car parking reduction. Notwithstanding the above, it is noted that this bus stop only services outgoing bus routes, with the closest inbound bus stop (Mitchell Street corner Brigg Street) located 260 m away.

2(b) – The development site is located within 200 m of the City of Darwin-managed Dragonfly Car Park. This facility is publicly accessible, and by virtue it likely has in excess of 100 car parking spaces. This allows the consent authority to consider a 10% (7.96) car parking reduction.

3(d) – The application states that up 11.8% of the site (112 m^2) of vertical landscaping is provided along the balconies along the Lindsay Street facing balconies. A review of the application instead considered that vertical landscaping would reasonably comprise only the Levels 2 to 9 balcony planter boxes facing Lindsay Street as these planter boxes are reasonably suitable as they are well-integrated with the overall building design and publicly visible on the front building façade fronting key pedestrian thoroughfares. Notwithstanding, as these planter boxes have a combined length of 166.6 m, even with 40 cm high vegetation, it would only provide a site coverage equivalent to 8.07% (76.16 m^2 of a large 944 m^2 lot). As such, it has not been considered applicable to this application.

4(a) – While the majority of the car parking is proposed within a semi-underground facility (72.7%), this is not considered to meet the criteria of 'All car parking on the site is provided in an underground parking area', by virtue that the Level 1 car parking area is greater than 1 m above the natural ground level, and is exposed to the elements.

Table to Clause 5.9.2.12: Reduction in car parking spaces in Darwin City Centre		
Category		**Reduction permitted**
1	Access to alternative transport options	
(a)	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.	15%
(b)	The development is located within 400m 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.	10%
(c)	The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane.	5%
2	Use of shared parking areas / proximity to public car parking	
(a)	The development consists of two or more uses that have different day / night peak parking times and these uses share a ***car parking area*** on the ***site***.	10% This reduction applies to ***non-residential*** uses only.
(b)	The development is within 200m walking distance of an existing, publically accessible **car park** with a combined total of 100 ***car parking spaces*** or more.	10%

(c)	The development is within 400m walking distance of an existing, publically accessible **car park** with a combined total of 100 ***car parking spaces*** or more.	5%
3	Inclusion of vertical landscaping	
(a)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 75% or more of the ***site*** area.	25%
(b)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 50-75% of the ***site*** area.	20%
(c)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 25-50% of the ***site*** area.	15%
(d)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the ***site*** area.	10%
4	Improved car parking design outcomes	
(a)	All car parking on the ***site*** is provided in an underground parking area	20%
5	Preservation of a heritage place	
(a)	the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of car parking spaces in the interest of preserving the significance of the ***heritage place***.	As determined by the consent authority, taking into account advice received from the Minister responsible for the administration of the *Heritage Act 2011*.

Assessment

Noted – The consent authority may consider applying a variety of car parking reductions.

1(a) Site within 200 m of frequent public transport – 15% -–11.94 reduction

2(b) Site within 200 m of a public car parking facility– 10% – 7.96 reduction

Combined 25% – 19.90 reduction

These reductions would result in a revised car parking requirement for 59.715 (60), where only 56 car parking spaces are proposed at the site. This would leave a shortfall of 4 car parking spaces.

5.9.2.13 Design of Car Parking Areas and Vehicle Access

Purpose

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.

Administration

1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new ***car parking areas*** in Darwin City Centre.

2. 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.

Requirements

3. ***Ground level car parking areas*** in buildings are limited to the number of ***car parking spaces*** required for ***ground level*** commercial tenancies.

Does not comply – While only one (1) car parking space is proposed on the ground level (located on the ramp to Level 1), and 1.71 are required for the ground level reception area, as serviced apartments of a form dwelling-multiple, this is not considered to be a commercial tenancy.

4. All car parking spaces are to be screened so that they are not visible from the public domain.
5. Vehicle access and loading areas are to be consolidated and ***car parking areas*** are to be located away from street frontages.

Complies – The car parking area is located inside the development, behind the reception which is located along the street boundary.

6. Entry and access from a ***car parking area*** is to be from the lowest order vehicle access way. In order of priority, access should be from:
   (a) a laneway;
   (b) a ***secondary street***; or
   (c) a primary street only if no other access is possible.

Complies – Access is proposed off Harvey Street, which is the only adjacent street.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the provision of ground floor car parking spaces where no commercial tenancies are proposed.

Schedule 5: Reference Guidelines

Clause 1.6 (Structure of the Planning Scheme) states *The structure of the Planning Scheme includes:*
(g) Schedules
The Schedules provide:
i. a range of interpretive provisions and administrative guidelines to supplement considerations and directions within the Parts of the Planning Scheme;
ii. …

As such, a review of the community safety design guide, which is listed in schedule 5 and mentioned in clause 5.5.15 (Design in Commercial and Mixed Use Areas), has been completed below. This review assesses whether this application is considered to support, be neutral towards, or not support, any guidance within the design guide.

Community safety design guide

The community safety design guide (CSDG) sets out 15 principles of crime prevention through environmental design that have particular relevance to the NT. A review of these 15 principles, and their associated guidelines is provided below.

Surveillance – *To ensure that development contributes to the safety of areas by optimising the opportunities to provide passive surveillance of public spaces, communal areas, streets and car parks.*
– Orientate windows, balconies and verandahs to overlook public spaces and streets.
– Ensure that residential building facades that face the public realm are connected to habitable rooms which provide windows and other openings that overlook public spaces.

Supports – The balconies and dwelling-access walkways are cover the majority of the external building line, and as such, will reasonably provide an adequate amount of passive surveillance over the adjacent public domains.

– Ensure that the ground level of commercial buildings are designed to maximise opportunity to activate frontages and allow clear observation of streets, plazas and malls (public spaces).

Not relevant – As the application is for serviced apartments, this guideline is not considered relevant. Notwithstanding, the ground floor reception is comprised of windows and entrances.

– Encourage mixed use development in town centres to facilitate day and night surveillance of public spaces.

Not relevant – The application does not concern a development within a town centre.

– Ensure front fences are either:
– Visually permeable (not solid); or
– Less than 1.2 metres high to enable surveillance of the street

Not relevant – No front fencing is proposed.

Sightlines – *To ensure that built forms and landscaping do not obscure sightlines and allow a clear view of public spaces.*
– Ensure that building entrances are clearly visible and do not provide opportunities for concealment.

Supports – The majority of building entrances are visible from the public domain, with limited opportunity for concealment near the doors.

– Glazed doors or glazed panels in doors should be installed in the entries of publicly accessible buildings to provide clear views into entry foyers and clear views out to the street.

Supports – The doors to the reception area will likely to be glazed.

– Establish clear sightlines across public spaces, along pathways and between buildings.

Supports – There are clear sightlines between the buildings, and to the public domain.

– Design site layouts so that pedestrian routes and destination points are easily identifiable and have clear sightlines.

Supports – The office and shed entrances are visible, and would be easily identifiable to site visitors.

– Avoid landscaping that creates barriers or restricts sightlines.

Supports – A variety of grassing and shrub/trees are proposed at a low density.

– Locate facilities such as bike racks in proximity to building entrances

Does not support – The bike racks are located at the back of the Level 1 car parking area, at the rear of the site.

Mixed use areas and activity generators – *To increase the level of activity within areas to enhance passive surveillance opportunities; and To extend the hours of activity in an area to include after business hours.*

Not relevant – While this application includes a commercial aspect through the proposed serviced apartments, they're not considered to be of a scale that would allow for increased activity at the site.

Design of building exteriors and openings – *Reduce opportunities for criminal behaviour through the design of building facades; and Design buildings that provide spaces and entries that are safe and highly visible.*

– Ensure that entrances to buildings are clearly lit, articulated, secure and orientated to face the street or a public space.

Supports – It is reasonable considered likely that the building entrances will be well lit and secure. Most building entrances are visible from the public domain.

– Locate lifts, stairwells and ramps in visible locations, ensuring that they do not provide entrapment opportunities.

Supports – It is considered that on-site lifts and stairwells adequately visible from on-site balconies/dwellings.

– Ensure that loading, delivery and car parking areas are well lit and secure.

Supports – It is reasonable considered likely that the car parking area and waste management bay (which is located within the car parking area) will be well lit and secure.

– Areas of blank wall facing streets, public space and car parks should not exceed 2 metres in length.

Does not support – Multiple sections of wall on levels 2 to 9 that face the north-east and south-west (other properties) exceed 2 m in width.

– Design entrances and facades to limit opportunities for concealment and entrapment.

Supports – Pedestrian and vehicular entry to the site is considered to be highly visible from the public domain, with the on-site lifts and stairwells adequately visible from on-site dwellings.

– Carefully design elements (such as balconies and fences) so that they do not provide 'ladders' to buildings.

Supports – There is not considered to be any elements that would provide 'ladders'.

Lighting – *To increase the level and quality of lighting in public spaces; To encourage night time activity in designated areas of the public realm; and To make pathways in public spaces clearly visible and inviting at night.*

– Utilise multiple light sources to provide consistent lighting levels and to reduce contrasts between shadow and light.
– Ensure that all recessed spaces and entrances to buildings are well lit.
– Ensure that all awnings provide under awning lighting.
– Ensure that lighting illuminates pathways and potential entrapment locations rather than windows and roads.
– Place lighting fixtures in positions that will not be blocked by mature vegetation.
– Utilise targeted lighting to identify safe routes in the public realm at night.
– Avoid placement of unshielded lighting at eye level.
– Low set lighting such as bollard lights should only be used to augment other lighting and not used exclusively to light spaces.

– All pedestrian lighting is to comply with Australian Standards AS1158.
– Ensure that lighting fixtures are vandal proof, well maintained and promptly replaced if damaged or not functioning.

Supports – It is reasonably considered that any lighting over the public domain (such as under the awnings) can be meet these guidelines.

Signage and way finding – *To provide clear information for people to easily and safely navigate the public realm; To clearly indicate permissible and prohibited uses in public areas; and To signify ownership and boundaries between public and private realms*.

Not relevant – This application does not concern any development within or contribution to the public domain. Beyond any permitter fencing, this core design element is not considered relevant to this application.

Movement predictors and entrapment locations – *Minimise the number of movement predictors in the public realm; and Ensure that the design of public spaces and all buildings eliminate entrapment locations and opportunities.*

Not relevant – This application does propose any additions or changes to the public domain. As such, this core design principle is not considered to be relevant to this application.

Residential – *To reduce the opportunity for criminal and anti-social behaviour within residential areas; To design and develop safe, connected, legible and vibrant spaces and places; To promote a sense of community and improve the quality of life within residential areas; To encourage small business operations from home as these provide additional passive surveillance and promote street activity during various hours of the day*.
– Streets should be designed to ensure there are clear and legible movement paths for pedestrian, cycle and vehicular traffic. Long sightlines are encouraged to increase surveillance and 'way finding' abilities

Not relevant – These aspects are considered relevant to the subdivision of land, and not to individual developments.

– Culs-de-sac and pedestrian walkways narrower than the adjoining street width should be avoided, as these create isolated areas and movement predictors.

Not relevant – These aspects are considered relevant to the subdivision of land, and not to individual developments.

– Ensure residential building facades that face the public realm include habitable rooms and openings for passive surveillance.

Supports –The front building line is comprised almost entirely of balconies.

– Buildings should be orientated to face parks and open spaces to ensure passive surveillance.

Supports –The building is orientated to have half the apartments face the street, and other half facing the rear

– Public open spaces should be designed to include street access around the perimeter to maximise passive surveillance. Where street access is not possible, the fencing between residential allotments and the adjoining open space must be visually permeable.

Not relevant – No public open spaces are proposed as part of this application.

– Avoid the use of multiple enclaves in building facades as these provide hiding places.

Supports – With the exception of the pedestrian foyer, which has multiple doors around its edges, no enclaves are proposed at ground level.

– Avoid the use of landscape treatments that impede clear sightlines or create barriers.

Supports – It is not considered that the proposed landscaping is contrary to this aspect.

Industrial – *To reduce the opportunity for criminal and anti-social behaviour within industrial areas; To reduce the fear of crime; and To design and develop industrial areas that are integrated and connected with the surrounding urban fabric.*

Not relevant – This application does not concern an industrial land use.

Commercial – *To reduce the opportunity for criminal and anti-social behaviour within commercial areas; To design and develop safe, legible and vibrant spaces and places; and To promote a sense of community within commercial areas.*

Not relevant – While the application does involve a commercial aspect through the on-site serviced apartments, this aspect is considered to be relevant for commercial developments that face the public domain/as a streetscape level. As such, this core design principle is not considered to be relevant to this application.

Automatic Teller Machines (ATMs) – *To provide safe and secure environments for the public to access automated banking facilities; and To reduce opportunities for entrapment and robbery.*

Not relevant – This application does propose any ATM facilities.

Public toilets – *To build Council and business capacity to implement and maintain good public toilet facilities; and To ensure that all public toilet facilities are safe, accessible and clean.*

Not relevant – This application does not propose any public toilet facilities.

Public transport settings – *To provide easily accessible, safe and clean public transport settings that encourage patronage throughout the day; To ensure that public transport settings are integrated into the urban fabric of commercial areas and contribute to vibrant and active communities.*

Not relevant – This application is for a development on a particular subject lot, and not considered to be a of scale whereby access to public transportation or publicly accessible routes needs to be considered.

Car parks – *To ensure that the planning and design of car parks considers the provision of a safe and secure environment; and To promote the inclusion of good design principles that reduces the opportunities for crime and anti-social behaviour.*

Not relevant – This core design principle is considered to be relevant to car parking areas associated with larger, commercial developments. As such, this specific application principle is not considered relevant to this application.

Outdoor Dining – *To ensure that outdoor dining areas contribute in a positive way to safe, active and attractive public places; and To ensure that outdoor dining areas are integral components of the streetscape.*

Not relevant – No outdoor dining is proposed as part of this application.

From: Nicholas Kirlew
To: Das NTG
Cc: Margaret Clinch; Sonja Pastor; Laurie Palfy
Subject: PA2026/0014 – Lot 1462 (4) Lindsay Street, Town of Darwin
Date: Thursday, 19 February 2026 10:00:11 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

SUBMISSION OF OBJECTION
TO: The Chairman, Development Consent Authority (Darwin Division)
VIA EMAIL: das.ntg@nt.gov.au
FROM: Nicholas Kirlew Convener, PLan: the Planning Action Network Inc.
DATE: 19 February 2026
RE: PA2026/0014 – Lot 1462 (4) Lindsay Street, Town of Darwin
PROPOSAL: 75 x Serviced Apartments in a 9-Storey Building

Introduction and Grounds for Objection

PLan: the Planning Action Network Inc. formally lodges this objection to the proposed development at 4 Lindsay Street. While we acknowledge the long-standing vacancy of this site, the current proposal represents a significant "planning retreat."

The proponent is seeking an excessive number of variations to the Northern Territory Planning Scheme 2020, essentially attempting to resurrect a decade-old, lapsed design that is incompatible with contemporary standards for safety, amenity, and tropical urban form.

Our objection is centered on the principle that "economic expediency"—specifically the developer's desire to utilize structural footings poured under a 2014 permit—does not constitute a valid planning justification for bypassing 2020 safety and liveability requirements.

Variation to Clause 5.2.4.4: Driveway Width and Access

The Proposed Exemption:

The applicant seeks a variation to reduce the internal driveway width to 4.72m–5.12m, falling significantly short of the 6m minimum required for safe two-way traffic flow.

The Proponent's Justification:

The applicant relies on structural constraints from columns poured under a lapsed 2014 permit (DP14/0490). They argue that the existing "bones" of the building make compliance impossible and that the "serviced apartment" use allows for manageable traffic.

The PLan Technical Rebuttal (Performance Outcome Failure):

The Northern Territory Planning Scheme 2020 is performance-based; a variation must still meet the **Purpose** of Clause 5.2.4, which is to ensure "safe and convenient access." This proposal fails fundamentally:

- **Hazardous Reversing Maneuvers:** A driveway width of ~4.7m is insufficient for two vehicles to pass. When an entering vehicle encounters an exiting vehicle, one is

forced to wait or reverse. Given the depth of the site, common sense and traffic safety principles dictate that vehicles will be forced to **reverse back into Lindsay Street** to clear the way. Lindsay Street is a high-activity CBD corridor near a primary school; forcing vehicles to reverse blindly into this traffic is an unacceptable safety risk that no "management plan" can mitigate.

- **Failure to Prevent "Vehicle Queuing":** The Scheme requires access to be arranged so that no queuing occurs on the public road. By failing to provide a 6m two-way thoroughfare, the developer is effectively moving their internal traffic management problems onto the public street, causing congestion and increasing the risk of rear-end collisions.
- **Irrelevance of Lapsed Permits:** The proponent's "constraint" is self-inflicted. Relying on footings from a permit that expired years ago does not override the current **2020 safety standards**. The DCA is tasked "This proposal directly contradicts the **City of Darwin's 'Safe and Active Routes to School'** initiative. Given the site's immediate proximity to **St Mary's Catholic Primary School**, any variation that increases the likelihood of vehicles reversing into the public realm or 'queuing' on Lindsay Street represents an unacceptable safety risk to the student population."with protecting the public interest under the current Scheme, not accommodating a developer's legacy structural errors at the expense of community safety.
- This proposal directly contradicts the **City of Darwin's 'Safe and Active Routes to School'** initiative. Given the site's immediate proximity to **St Mary's Catholic Primary School**, any variation that increases the likelihood of vehicles reversing into the public realm or 'queuing' on Lindsay Street represents an unacceptable safety risk to the student population.

The Proposed Exemption: The applicant seeks a significant variation to the bicycle parking requirements, proposing only **10 spaces** instead of the **25 spaces** required by the Planning Scheme—a shortfall of 60%. Furthermore, they seek to omit the mandatory **locker facilities**.

The Proponent's Justification: The proponent argues that "serviced apartments" have a different user profile than permanent dwellings, suggesting guests will prefer in-suite facilities. Critically, they justify the parking shortfall by pointing to the proximity of the **"Dragonfly" public car park** (approx. 50m away) as a viable alternative for guests.

The PLan Technical Rebuttal (Public Interest & Operational Failure): The proposal fails to meet the **Purpose** of Clause 5.3.7, which is to "enable active travel choices." Furthermore, the reliance on third-party public infrastructure is logically and operationally flawed:

- **The "Dragonfly" Fallacy (Operational Lock-out):** Relying on the Dragonfly car park is a failure of orderly planning. The facility is physically locked at **8:00 PM** most nights (10:00 PM on weekends). This creates a "parking curfew" entirely incompatible with the 24/7 nature of serviced apartments. A guest arriving after-

hours is denied access, while a guest needing an early departure (e.g., for a 6:00 AM tour or flight) finds their vehicle trapped until 7:00 AM.

- **Punitive Costs and Safety:** In an emergency, a resident must pay a **$135 after-hours release fee** to access a vehicle from the Dragonfly. It is a failure of the DCA's duty to approve a development that makes a resident's basic mobility contingent on third-party security call-outs and exorbitant fees. This is an unacceptable "cost-shifting" exercise from the developer to the public realm.
- **Undermining Active Transport:** Darwin's strategic goal is to become a "walkable, tropical city." By providing 60% fewer bike parks than required, this development locks in car-dependency for decades. Common sense dictates that if secure, convenient parking and lockers are not provided, guests and staff will not choose cycling.
- **Locker and Security Failure:** The claim that guests will use in-suite showers ignores the primary purpose of lockers: the secure storage of specialized gear (helmets, wet weather gear, e-bike batteries). Forcing guests to haul bulky, often dirty cycling equipment through the lobby and up to the 9th floor is a deterrent to the "active travel" the Scheme seeks to promote.

The Proposed Exemptions: The applicant seeks significant reductions across both private and communal amenities:

- **Private Open Space (POS):** Most balconies for the 1 and 2-bedroom suites do not meet the minimum **12m? area** or the **2.8m minimum width** requirement. One 1-bedroom studio on Level 1 has no balcony at all.
- **Communal Open Space (COS):** The proposal provides **115.6m?** (approx. 12% of the site), failing the mandatory **15% (141.6m?)** requirement.

The Proponent's Justification: The proponent argues that "serviced apartments" do not require the same level of amenity as permanent dwellings because guests are "short-stay." They claim the shortfall in COS is offset by Darwin's public park network, such as the Esplanade, and that the reduced balcony sizes are sufficient for transient visitors.

The PLan Technical Rebuttal (Failure of Amenity and the "Trojan Horse" Risk): These variations represent a combined "race to the bottom" regarding resident amenity. The proposal fails to meet the **Purpose** of Clauses 5.4.6 and 5.4.7, which is to ensure functional outdoor living areas:

- **The "Short-Stay" Fallacy:** The Planning Scheme does not provide a "discount" on amenity based on the duration of a person's stay. The requirement for a functional balcony (min. 2.8m width) is based on the physical space needed for a table, chairs, and movement. By providing "balconies" as narrow as 1.2m, the developer is delivering useless architectural ledges rather than "outdoor living" areas.
- **Inappropriate Reliance on Public Assets:** Just as with the car parking argument, the developer is attempting to "externalize" their requirements onto public land. Darwin's public parks are a community resource, not a subsidy for high-density private developments that refuse to provide adequate on-site open space.
- **The "Trojan Horse" Strategy:** Historical data across Australian capital cities

indicates that approximately **25% to 30%** of stock originally approved as "serviced apartments" eventually transitions to permanent residential use over a 30-year lifecycle. We have already seen this "Hotel-to-Home" transition locally with the **Darwin Esplanade Central Apartment Hotel** (formerly Mantra on the Esplanade).

- **Creation of "Vertical Slums":** By allowing variations for 1.2m wide balconies and omitting lockers now, the DCA is essentially approving **sub-standard permanent housing by stealth.** Once the "serviced" business model reaches the end of its commercial life, Darwin will be left with 75 apartments that fail every modern liveability benchmark, creating a permanent liability for the city's housing quality.
- **Failure of Adaptability:** Clause 5.9.2.1 of the Planning Scheme requires buildings to be designed for "adaptability." A building with "un-liveable" private open space is the antithesis of an adaptable building; it is a rigid, sub-standard product that bypasses residential standards today at the expense of Darwin's future.

4. Variations to Clause 5.9.2.2 (Volumetric Control) and Clause 5.4.17 (Building Articulation)

The Proposed Exemptions: The applicant seeks several critical variations to the building's massing and interface:

- **Podium Height (Clause 5.9.2.2):** The building reaches a height of approximately **28m**, exceeding the **25m podium height limit** for the Darwin City Centre.
- **Setbacks (Clause 5.9.2.2):** A portion of the Level 8 balconies fails to meet the mandatory **6m setback** from side boundaries.
- **Building Articulation (Clause 5.4.17):** The proposal lacks the required **1m x 1m recesses** every 15m for the front and rear building lengths.
- **Awning Width (Clause 5.5.15):** The proposed awning on Lindsay Street is only **2.2m wide**, failing to meet the standard **3m** minimum requirement for pedestrian shelter.
- The proposed 2.2m awning and 28m 'vertical wall' massing fail to align with the **Darwin City Centre Master Plan** and the **Civic and State Square Revitalisation** project. As this site falls within the 'Education and Civic Precinct,' it must adhere to the higher standards of tropical design and pedestrian shelter required to support Darwin's 'shady, cool parkland' vision.

The Proponent's Justification: The proponent argues that the height over 25m only relates to the roof structure and Level 8 balcony tops. They claim that because the building uses "generous" front and rear setbacks (approx. 5.2m and 12.5m respectively), the overall bulk is mitigated. They also state that the lack of side setbacks is acceptable because no windows are proposed on those side boundaries.

The PLan Technical Rebuttal (Failure of Urban Form and Microclimate): The proposal fails to achieve the **Purpose** of the Volumetric Control and Articulation clauses, which are designed to ensure breeze circulation, daylight penetration, and appropriate urban scale:

- **The "Vertical Wall" Effect:** By building within **0.4m–0.5m** of both side boundaries

to a height of 28m, the developer is creating a massive "vertical wall". This creates a "canyon effect" that severely restricts breeze circulation—a critical factor for Darwin's tropical microclimate—and blocks potential view corridors to the Harbour.

- **Failure of Articulation:** The omission of mandatory 1m x 1m recesses is a failure to mitigate the **perception of building mass**. Without these, the ~28m wide building front presents a monolithic and imposing face to Lindsay Street, directly contradicting the **Zone CB Outcome** of creating an "attractive mixed-use environment".
- **"Borrowing" Amenity from Neighbors:** The proponent's reliance on a lack of side windows to justify a 0.5m setback is a flawed planning argument. The 6m setback rule exists to ensure a **12m total separation** between towers. By ignoring this, the proponent is effectively "stealing" their neighbor's future "air rights" and breeze access, forcing any future development on adjacent lots to bear the entire burden of providing separation.
- **Inadequate Pedestrian Protection:** Providing an awning that is only **2.2m wide** (failing the 3m standard) is common-sense proof of the project's attempt to cut costs at the expense of public comfort. In Darwin's tropical climate, full-width protection from sun and rain is a basic requirement for a "Priority Activated Frontage".

Conclusion and Statement on the Planning Process

In summary, PLan: the Planning Action Network Inc. urges the Development Consent Authority to **refuse** this application in its current form. A development of this scale on a constrained 944m? site must be held to the highest standard of the 2020 Planning Scheme. Allowing a "short-stay" label to excuse sub-standard balconies, inadequate parking, and hazardous access is a failure of orderly development that Darwin will be forced to live with for the next fifty years.

A Note on Community Participation: Finally, we wish to record our ongoing concern regarding the barriers to genuine community consultation in the Northern Territory. Participating in this process is increasingly difficult for the average citizen. With public exhibition periods often overlapping with holiday periods and **DCA meetings held exclusively during working hours**, the system effectively disenfranchises the very community members most affected by these decisions. Most working people cannot sacrifice their livelihood to attend a mid-morning hearing to defend their street's safety or amenity.

This lack of accessibility places a heavy burden on volunteer advocacy groups and makes it even more imperative that the Authority acts as a rigorous gatekeeper of the Planning Scheme. We request the opportunity to be heard should this matter proceed to a hearing, and we trust that the DCA will prioritize the long-term public interest and tropical liveability of Darwin over the short-term financial convenience of the proponent.

Yours Sincerely,

Nicholas Kirlew Convener, PLan: the Planning Action Network I

From: Nicholas Kirlew
To: Kaleb Thomas
Subject: RE: PA2026/0031 | Amended plans received from applicant
Date: Tuesday, 24 March 2026 9:07:16 PM
Attachments: image001.png

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Hello Kaleb,
Here are my comments on the most recent information provided:

---

1. Preliminary Grounds for Objection

The Dragonfly Parking Fallacy The assertion that the Dragonfly car park serves as a valid substitute for the proposed car parking shortfall is fundamentally flawed and fails to account for the specific operational requirements of this development. While the developer points to proximity as a justification for a 35% reduction in on-site bays, this reliance ignores the critical distinction between public short-term parking and the dedicated, secure access required for serviced apartment guests. Furthermore, shifting the private parking burden onto public infrastructure ignores the cumulative impact on Darwin's CBD capacity and fails to address the unique traffic safety risks associated with the adjacent school zone.

Concerns Regarding Long-term Housing Standards It is critical to address the transient nature of "serviced apartment" designations. Experience across Australia shows that serviced apartment management agreements are frequently short-lived; when these agreements collapse, these sub-standard units inevitably spill into the long-term residential housing market. By approving significant departures from the **NT Planning Scheme 2020**—specifically regarding sub-standard balcony depths and reduced communal space—the DCA risks creating a legacy of "permanent" sub-standard housing. What is framed today as an acceptable compromise for a short-stay guest becomes a permanent deficit in liveability and tropical amenity for a future resident.

Aspect	**Serviced Apartment Justification**	**Long-term Residential Reality**
Balcony Depth	"Guests only use it briefly."	Essential for tropical airflow and outdoor living.
Storage/Space	"Suitcase living" requires less room.	Inadequate for permanent residents with household goods.
Parking	Reliance on public CBD parking.	Creates permanent congestion as residents require 24/7 secure bays.

---

2. Executive Summary of Changes

While some safety issues have been conceded, significant non-compliances remain, primarily justified by the developer under a "Short-Stay" amenity argument.

- **Concessions:** Driveway widened to 6.4m (Compliant); Bicycle parking increased to 25 spaces (Compliant).
- **New Issues:** Total car parking reduced to 57 bays (35% reduction request) to accommodate a new ground-floor substation.
- **Remaining Breaches:** Sub-standard balcony depths (1.7m), Communal Open Space shortfall, and Podium Height encroachment.

---

3. Technical Breaches & Variations (NT Planning Scheme 2020)

Clause	Issue	Current Status	PLan Technical Rebuttal
5.4.6	Private Open Space	**FAIL (1.7m depth)**	Building code is tied to the structure, not the duration of the guest. 1.7m fails tropical airflow standards.
5.2.4.1	Car Parking	**FAIL (57 Bays)**	35% reduction is excessive for a 9-storey building on a 944sqm lot; suggests over-development.
5.4.7	Communal Space	**FAIL (115.6m^2)**	Shortfall of ~26m^2. Internal "amenities" are not a valid substitute for outdoor communal tropical space.
5.9.2.2	Volumetric Control	**FAIL (Level 8)**	Encroachment of the 25m podium limit creates a "sheer wall" effect on Lindsay St.

---

4. Statutory & Safety Conflicts (Planning Act 1999)

- **Section 51(e): Land Suitability & Traffic Safety**
  - **Missing Traffic Study:** A 35% parking reduction cannot be justified without a formal Traffic Impact Assessment (TIA) providing empirical data on Lindsay Street flow.
  - **Pedestrian Conflict:** Directly opposite St Mary's Primary School, the increased intensity of 75 units creates a high-risk interface during school pick-up/drop-off periods.
- **Section 51(n): Amenity of the Locality**
  - **Lack of Consultation:** No evidence of stakeholder engagement with the school regarding construction noise, vibration, or overshadowing.
  - **The "Short-Stay" Precedent:** Accepting 1.7m balconies undermines the intent of the Planning Scheme to ensure all Darwin CBD buildings are fit for a tropical climate.

Regards,
Nick Kirlew

Convener **PLan: the Planning Action Network Inc M:** 0447 499 794 **E:** nick@planinc.org.au **W:** www.planinc.org.au
Power in Numbers: Join our network to ensure the Darwin community remains a force too big to be ignored. **Sign up here.**

From: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>
Sent: Wednesday, 18 March 2026 12:58 PM
To: Nicholas Kirlew <nick@planinc.org.au>
Subject: PA2026/0031 | Amended plans received from applicant

Good afternoon Nick

This email is in relation to PA2026/0031, which is for a 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin.

The applicant has provided amended plans in response to queries and comments from Development Assessment Services (DAS) and service authorities.

While we are willing to accept any further responses from public submitters, the attached documentation is provided for your reference, with no response being necessary. However, if you would like to provide an additional response/additional comments, we can then include that in the DAS report to the Development Consent Authority (DCA). Any comments would need to be received by close of business Wednesday 1 April 2026.

This application has been tentatively assigned to the 10 April 2026 meeting of the Darwin Division of the DCA, however, this will be confirmed by the DCA Secretary through an invitation sent out 1 to 2 weeks before that meeting.

All application materials, including the amended documentation, will be detailed in the DAS Report to the Development Consent Authority (DCA). The report will be made available 48 hours prior to the DCA meeting, and will be available at: DCA meetings-and-agendas.

Please let me know if you would like to clarify or query any of the above.

Thank you

Kaleb

Kaleb Thomas
Senior Planner
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Energy House, 18-20 Cavenagh Street, Darwin City
GPO Box 1680, Darwin City, NT 0801

P: **+61 8 8999 7414**
E: kaleb.thomas@nt.gov.au



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Civic Centre
Harry Chan Avenue
Darwin NT 0800

GPO Box 84
Darwin NT 0801

P 08 8930 0300
E darwin@darwin.nt.gov.au

Manager Urban Planning
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Please Quote: PA2026/0031

20 February 2026

Dear Sir/Madam

Parcel Description: **Lot 1462 Town of Darwin**
4 Lindsay Street, Darwin

Proposed Development: **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**

Thank you for the development application referred to this office on 6 February 2026 concerning the above.

The following matters are raised for consideration by the Development Consent Authority (Authority):

Vehicle Access

City of Darwin does not support the proposed location of the vehicle access point as demonstrated in the development plans. City of Darwin requests that the Authority require a revised plan demonstrating compliance with City of Darwin standards for vehicle access.

To meet City of Darwin's requirements, a minimum clearance of 1.35 meters from the edge of the driveway to the boundary line is necessary to ensure that the wings of the crossover do not encroach beyond the boundary line.

i). **City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:**

a). A dilapidation report covering all infrastructure (including street trees) located in the road reserve is to be submitted to the satisfaction of the City of Darwin.

b). Access to the site shall meet City of Darwin requirements, particularly the location of the proposed crossover.

c). **Stormwater**

City of Darwin requests that the Authority require an engineered plan completed by a suitably qualified civil engineer. The plan is to demonstrate the on-site collection of stormwaters, surface levels and its discharge into the local underground stormwater drainage system be submitted to, and be approved by City of Darwin, prior to the stormwater condition precedent being cleared.

The plan shall include details of:

- site levels
- stormwater drain connection point/s
- connection details, and
- a flow analysis including minor and major events HGL results, pipe sizes, and discharge volume into the existing local underground stormwater drainage system.

d). **Waste**

City of Darwin requests that the Authority requires the applicant to submit a Waste Management Plan outlining the ongoing waste disposal, storage, and removal arrangements for the site following the completion of construction.

The plan must be prepared in accordance with City of Darwin's Waste Management Guidelines, which are available on City of Darwin's website or can be obtained by contacting City of Darwin.

e). **Traffic**

City of Darwin requires a comprehensive Traffic Impact Assessment Report (TIA), to be prepared by a qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues, intersection/road network performance and opportunities.

The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development. The developer will be required to institute all required upgrade measures resulting from the traffic assessment at no cost to City of Darwin.

f). **Site Construction Management Plan**

City of Darwin requests that a Site Construction Management Plan (SCMP) be required.

The SCMP should specifically address the impact to City of Darwin owned land and infrastructure, including the following:

- 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.

all to the satisfaction of City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or causing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footpath or road, without first obtaining approval from City of Darwin.

g). All awnings over City of Darwin Road reserves must be designed in accordance with City of Darwin Policy 6320.100.E.R – Awnings, Balconies and Verandahs on City of Darwin Land. The developer is required to obtain in principle approval from the City of Darwin for the proposed awnings.

ii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the *Local Government Act* and associated By-Laws: -

a). **Awning Overhang**

The proposal includes awnings extending over the City of Darwin Road reserve. The applicant is required to seek all necessary approvals and obtain an Awning Licence with the City of Darwin for these awnings.

b). **Works within the City of Darwin Road Reserve**

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. The City of Darwin requires that the applicant obtain all necessary approvals before commencing any construction in the road reserve.

c). **Street Trees**

The proposed street tree/s in City of Darwin's Road reserve fronting the development shall be carried out at full cost to the developer.

As street trees will become an asset of City of Darwin, the developer shall provide City of Darwin specification for the purchasing of quality tree stock prior to construction. Specification for quality tree stock shall be submitted for approval to the satisfaction of City of Darwin.

The developer shall provide City of Darwin a Plant Schedule for street trees indicating:

- root-ball container volume (litres)
- height of species (metres)
- calliper (millimetres)
- details identifying the nursery supplying the tree stock, and
- confirmation that the developer will enter into a one-year maintenance period with City of Darwin.

Street trees shall be of advanced size to provide greater impact to the road reserve and the development.

Prior to the establishment of street trees within the road reserve contact shall be made with City of Darwin to ensure appropriate species and planting locations are defined.

d). **Building Identification**

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.

City of Darwin comments in relation to the *Planning Act 1999*, the Northern Territory Planning Scheme and Land Use Objectives: -

e). The City of Darwin requests that the Authority requires a monetary contribution is paid to City of Darwin in accordance with its Stormwater Contribution Plan to upgrade stormwater infrastructure as a result of this development. The site falls within the developer Contribution Plan for Stormwater Drainage Works – Contributions Area Zone A. The applicant will be required to pay City of Darwin a contribution towards stormwater drainage works in accordance with the above plan.

Should this application be approved, the following conditions pursuant to the *Planning Act 1999* and City of Darwin's responsibilities under the *Local Government Act 2019* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of the City of Darwin.

- 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.

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.

- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and shared paths shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, all of which is to be provided at the applicant's expense, to the requirements and satisfaction of City of Darwin.

- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

- Pursuant to the Northern Territory Planning Scheme and section 71 of the *Planning Act 1999*, a monetary contribution shall be paid to City of Darwin in accordance with the applicable City of Darwin Stormwater Contribution Plan.

- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.

- Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines.

- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.

- All awnings extending over the City of Darwin Road reserve shall have a valid Awning Agreement with the City of Darwin prior to final approval.

- All works recommended by the Traffic Impact Assessment Report are to be completed to the requirements of the City of Darwin.

- All works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

- Any proposed stormwater connections to City of Darwin stormwater system shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

If you require any further information in relation to this application, please feel free to contact City of Darwin's Innovation Team on 8930 0300 or darwin@darwin.nt.gov.au

Yours sincerely

Signed by:
Alice Percy
61EC68067F955F30

ALICE PERCY
GENERAL MANAGER INNOVATION

From:	Pawel Kusiak
To:	Kaleb Thomas
Subject:	RE: PA2026/0031 | Amended plans received from applicant
Date:	Wednesday, 1 April 2026 1:49:13 PM
Attachments:	image003.png image004.png

Hi Kaleb,
Hope you are doing well.

City of Darwin has reviewed this material. Please find our response as below:

Unless a signed approved drawing from City of Darwin is provided for the already built crossover, to meet City of Darwin's requirements, a minimum clearance of 1.35 meters from the edge of the driveway to the boundary line is necessary to ensure that the wings of the crossover do not encroach beyond the boundary line.

Thanks,
Pawel

PAWEL KUSIAK
PLACEMAKING OFFICER

CITY OF DARWIN
Civic Centre | 17 Harry Chan Avenue | GPO Box 84 Darwin NT 0801
P: +61 8 8930 0423
www.darwin.nt.gov.au

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City of Darwin is proud to operate on Larrakia country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region and pay our respects to Larrakia elders past and present. We are committed to working with all Larrakia people to care for our community and this land and sea for our shared future.

From: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>
Sent: Wednesday, 18 March 2026 12:58 PM
To: RecordsManagementUnit PWC <RecordsManagementUnit.PWC@powerwater.com.au>; RecordsManagementUnit PWC <RecordsManagementUnit.PWC@powerwater.com.au>; City of Darwin <darwin@darwin.nt.gov.au>; planning@adgnt.com.au; nicmarie@nbnco.com.au; DevelopmentAssessment DLPE <DevelopmentAssessment.DLPE@nt.gov.au>; land.planning@defence.gov.au
Subject: PA2026/0031 | Amended plans received from applicant

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Good afternoon

This email is in relation to PA2026/0031, which is for a 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 at Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin, which was publicly exhibited between 6 February and 20 February 2026.

The applicant has provided amended plans in response to queries and comments from Development Assessment Services (DAS) and service authorities.

Could I please ask you to review this material and provide a response within 2 weeks (i.e. by close of business Wednesday 1 April 2026)?

Let me know if you would like to clarify or query the above.

Thank you

Kaleb

Kaleb Thomas

Senior Planner
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Energy House, 18-20 Cavenagh Street, Darwin City
GPO Box 1680, Darwin City, NT 0801

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The views expressed in this transmission are those of the individual sender, except where the sender specifically states them to be the views of the City of Darwin.

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record No: D2026/38217
Container No: NE200/1462

Your Ref: PA2026/0031

Kaleb Thomas
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb

Re: Lot 1462 (4) Lindsay Street Darwin City Town of Darwin

In response to your letter of the above proposal for the purpose of dwelling-multiple (39 x 2-bedroom and 36 x 1-bedroom suites) in a 9-storey building including two levels of basement car parking to be used as serviced apartments, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. Existing power service to Lot 1462 does not have capacity to provide power supply to the proposed dwelling-multiple development.

2. Underground 11kV cable extension and establishment of a suitable indoor substation on Lot 1462 shall be required to meet the requirements of PWC power servicing compliance in Darwin CBD areas as well as specific compliance with Active Street Frontages and Department of Lands, Planning and Environment (DLPE)'s Design Guidance to Provide for Services" requirements under Development Assessment Services (DAS)'s assessment for any development in Darwin CBD that requires minimizing visual impact consideration against the case of an outdoor package substation.

3. There is no provision for substation power servicing for the proposed development on any submitted plan in the current application. The Proponent (Dalmer Pty Ltd) shall engage an accredited electrical consultant (from the attached accreditation list) to:
   - prepare a suitable location and appropriate dimensions of a suitable indoor substation to PWC for acceptance assessment.
   - Submit details of AS-3000 maximum demand calculation of the requested load.
   - Apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process.
   - Submit detailed power servicing design drawings in consultation with PWC.

4. PWC shall check and approve the consultant's electrical design drawings for construction by Dalmer's engaged accredited contractor and carry out final connection works at applicable cost under the AER assessment process.

5. Dalmer shall engage a licensed electrician to install customer's internal electricity reticulation in accordance with PWC's current NP018-Service Rules and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact the undersigned on 8924 5729 or email:
PowerDevelopment@powerwater.com.au

Yours sincerely

Thanh Tang
Manager Distribution Development

09 February 2026

Phone 1800 245 092
Web powerwater.com.au

Record No: D2026/98307
Container No: NE200/1462

Your Ref: PA2026/0031 (Additional information and amended plans)

Kaleb Thomas
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb

Re: Lot 1462 (4) Lindsay Street Darwin City Town of Darwin

In response to your additional information letter with amended plans of the above proposal for the purpose of dwelling-multiple (39 x 2-bedroom and 36 x 1-bedroom suites) in a 9-storey building including two levels of basement car parking to be used as serviced apartments, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. The proposed indoor substation location and dimensions as shown on the attached Drawing SK1 – Ground Floor & Level 1 Plan by Ashford Lamaya Architects (Randal Ashford) are accepted in principle by PWC for DAS assessment process.

2. The Proponent (Dalmer P/L) had engaged NTBS Consulting (Will Purtill) to action on:
   - Applying for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process.
   - Submitting details of AS-3000 maximum demand calculation of the requested load.
   - Preparing detailed power servicing design drawings in consultation with PWC.

3. PWC shall check and approve the power servicing design drawings for construction by Dalmer's engaged accredited contractor and carry out final connection works at applicable cost under the AER assessment process.

4. Dalmer shall engage a licensed electrician to install customer's internal electricity reticulation in accordance with PWC's current NP018-Service Rules and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact the undersigned on 8924 5729 or email:
PowerDevelopment@powerwater.com.au

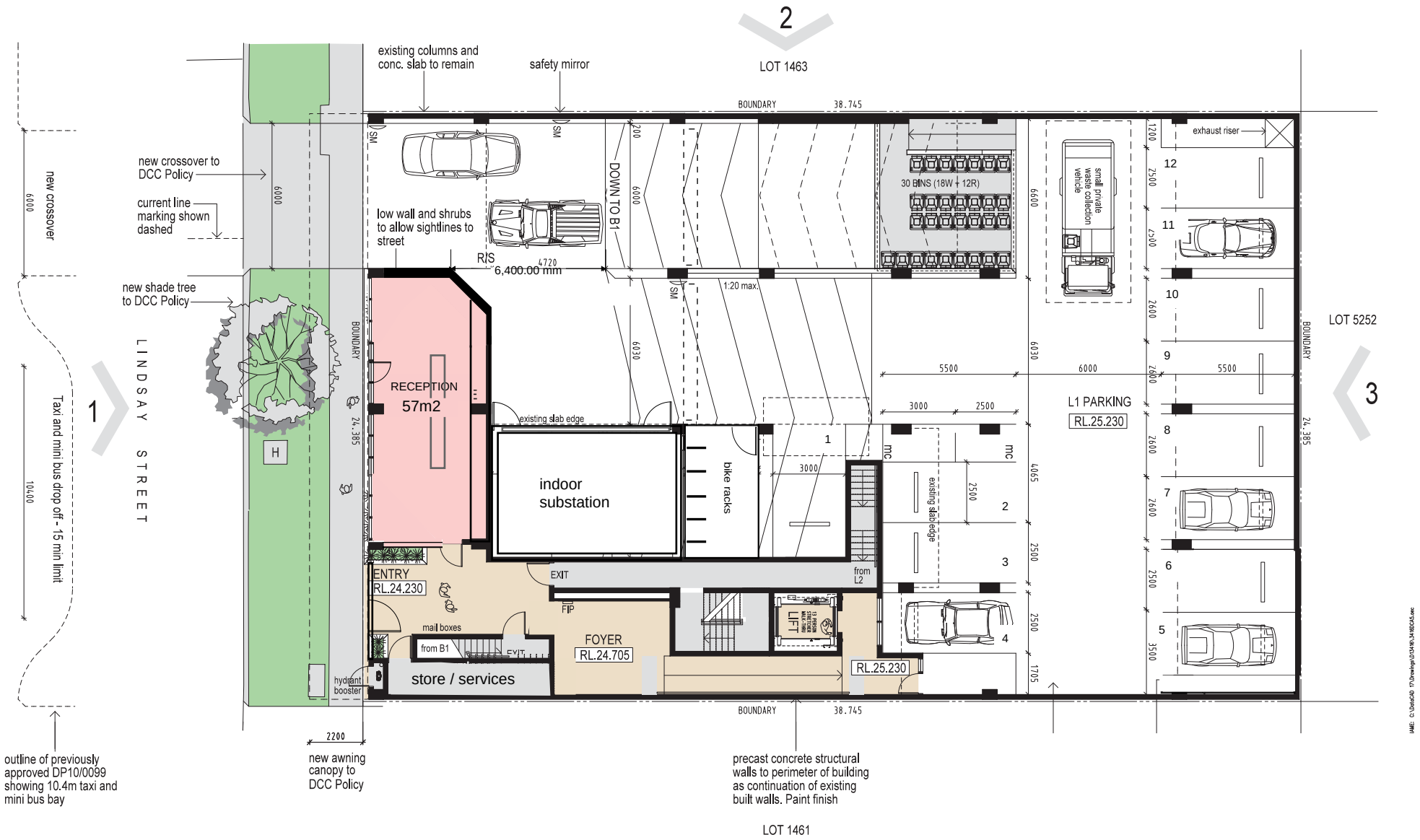
Yours sincerely

Thanh Tang
Manager Distribution Development
01 April 2026

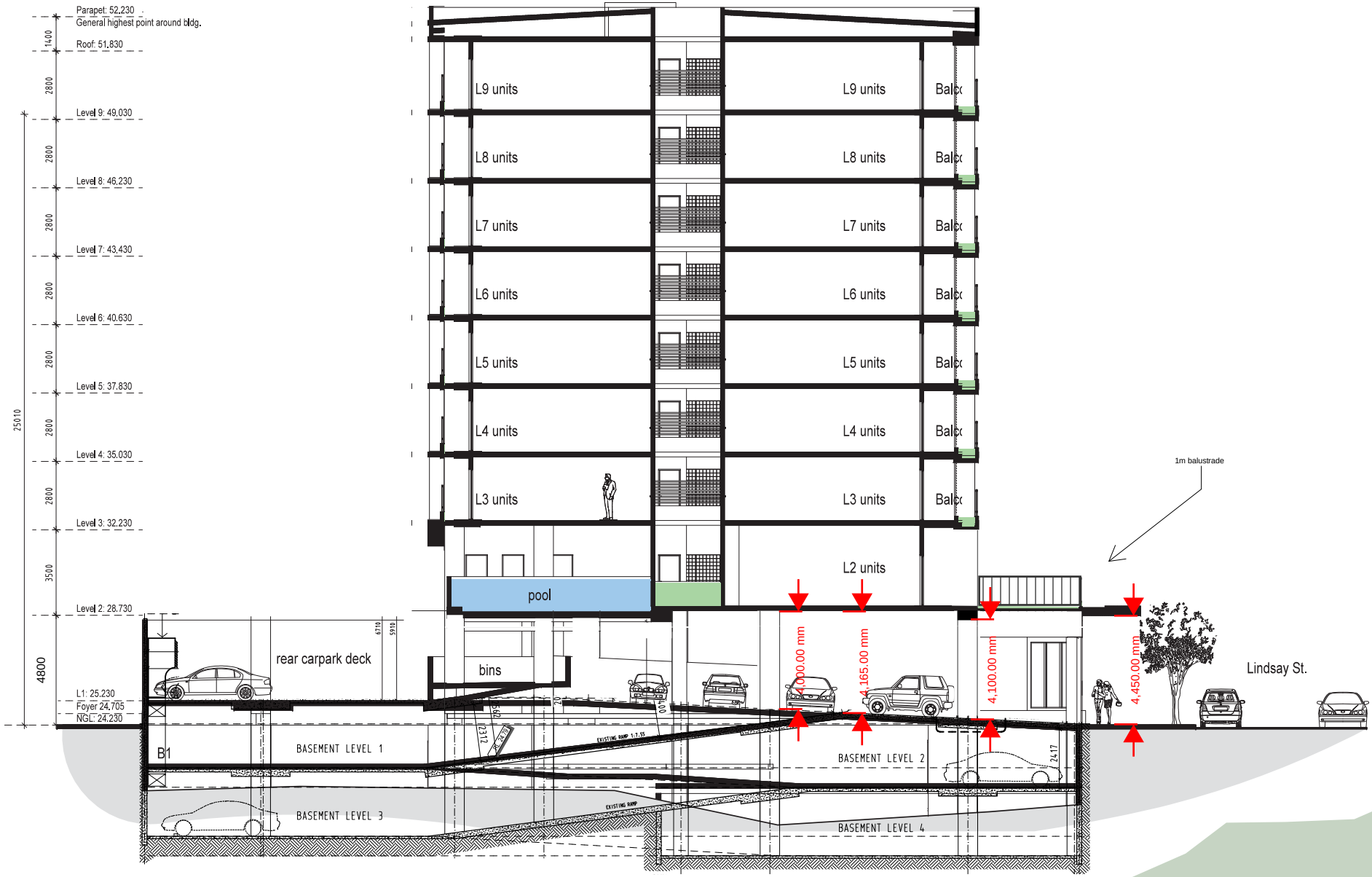
THE LINDSAY

INITIAL CONCEPT DESIGN PRESENTATION

LOT 1642 (4) LINDSAY ST - MARCH 2026



SK1 - GROUND FLOOR & LEVEL 1 PLAN



SK11 - SECTION

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD200/1462

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb,

PA2026/0031 - Lot 01462 Town of Darwin - 4 Lindsay St, Darwin City NT - 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

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.

2. The developer is advised to engage a hydraulic consultant to confirm and design the water service connection based on the domestic and firefighting needs.

3. The developer must ensure that;

    a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services

    b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

    Our database shows a device **is not** installed

    Visit https://www.powerwater.com.au/developers/water-development/backflow-prevention or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

4. The developer must contact Power and Water regarding temporary installation of cranes in the road reserve prior to building construction. The developer must propose structural protection of existing PWC assets affected by cranes and crane foundations, then obtain approval from PWC (and other service providers) prior to tower installation of the cranes.

5. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.

6. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 08 9463 2089, or email waterdevelopment@powerwater.com.au

Yours sincerely

Akrum Abdaltam

Akrum Abdaltam
Services Development

20th February 2026

cc: Joseph Sheridan
email: joe@sheridanconsulting.au

From:	Sarah Roche on behalf of DevelopmentAssessment DLPE
To:	Kaleb Thomas
Cc:	Heritage Branch
Subject:	FW: PA2026/0031 | Service authority comments request
Date:	Friday, 13 February 2026 11:58:00 AM
Attachments:	image001.png image004.png image005.png image006.png image007.png image008.png image009.png

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Good afternoon Kaleb

The Land Resources Division have reviewed this application and has no comments. Thank you.

Kind regards

Sarah Roche

Land Development Coordinator
Land Resources Division
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Goyder Centre, 25 Chung Wah Terrace, Palmerston
PO Box 496, Palmerston, NT 0831

P: **+61 8 8999 4446**
E: sarah.roche@nt.gov.au



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Please consider the environment before printing this email

From: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>
Sent: Tuesday, 10 February 2026 12:38 PM
To: DevelopmentAssessment DLPE <DevelopmentAssessment.DLPE@nt.gov.au>
Cc: Sarah Roche <Sarah.Roche@nt.gov.au>; Madison Harvey <Madison.Harvey@nt.gov.au>
Subject: PA2026/0031 | Service authority comments request

Good afternoon

We commenced exhibition of a planning application (PA2026/0031) last Friday (6 February 2026) for a 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 at Lot 1462 (4) Lindsay Street, Town of Darwin, Darwin City.

We just released we forgot to include 'Development Coordination, Land Resource Division-DLPE' as a service authority.

Could I please ask you to review this material, and provide a response by Friday, 20 February 2026?

I'm happy to take a call to discuss this as well, including if any extensions may be needed due to this late notice.

Thank you

Kaleb

Kaleb Thomas
Senior Planner
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Energy House, 18-20 Cavenagh Street, Darwin City
GPO Box 1680, Darwin City, NT 0801

P: **+61 8 8999 7414**
E: kaleb.thomas@nt.gov.au



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From: Sarah Roche
To: Kaleb Thomas
Subject: RE: PA2026/0031 | Service authority comments request
Date: Monday, 16 February 2026 8:34:35 AM
Attachments: image003.jpg
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.gif

Good morning Kaleb

Yes, this comment applies to all the other Divisions I normally coordinate responses for, apologies for the confusion.

Kind regards

Sarah Roche

Land Development Coordinator
Land Resources Division
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Goyder Centre, 25 Chung Wah Terrace, Palmerston
PO Box 496, Palmerston, NT 0831

P: **+61 8 8999 4446**
E: sarah.roche@nt.gov.au





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From: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>
Sent: Friday, 13 February 2026 3:58 PM
To: Sarah Roche <Sarah.Roche@nt.gov.au>
Subject: RE: PA2026/0031 | Service authority comments request

Good afternoon Sarah

Thanks for providing that comment.

Can I just confirm whether or not that comment applies to the other Divisions you normally coordinate responses for?

I just note I normally include a comment like 'Additionally, the Land Resources Division of the Department of Lands, Planning and Environment (who coordinate responses from the various entities, including the Environment Division) did not communicate any requirements or concerns regarding this application' in my reports, is all.

Thanks!

Kaleb

Kaleb Thomas
Senior Planner
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Energy House, 18-20 Cavenagh Street, Darwin City
GPO Box 1680, Darwin City, NT 0801

P: **+61 8 8999 7414**
E: kaleb.thomas@nt.gov.au

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From: Sarah Roche <Sarah.Roche@nt.gov.au> **On Behalf Of** DevelopmentAssessment DLPE

Sent: Friday, 13 February 2026 11:58 AM
To: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>
Cc: Heritage Branch <Heritage.Branch@nt.gov.au>
Subject: FW: PA2026/0031 | Service authority comments request

Good afternoon Kaleb

The Land Resources Division have reviewed this application and has no comments. Thank you.

Kind regards

Sarah Roche
Land Development Coordinator
Land Resources Division
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Goyder Centre, 25 Chung Wah Terrace, Palmerston
PO Box 496, Palmerston, NT 0831

P: **+61 8 8999 4446**
E: sarah.roche@nt.gov.au





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I'm happy to take a call to discuss this as well, including if any extensions may be needed due to this late notice.

Thank you

Kaleb

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Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

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Australian Government
Department of Defence
Security and Estate Group

ID-EP-DLP&R/OUT/2026/BS75996735

Development Assessment Services
NT Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

RE: PA2026/0031 - PROPOSAL FOR THE CONSTRUCTION OF SERVICED APARTMENTS IN A NINE STOREY BUILDING WITH TWO LEVELS OF BASEMENT CAR PARKING AT 4 LINDSAY STREET, DARWIN CITY

The Department of Defence (Defence) thanks the Northern Territory Department of Lands, Planning and Environment for referring the abovementioned proposal to Defence for comment. Defence understands the proposal is for the construction of serviced apartments in a nine storey building at 4 Lindsay Street, Darwin City. This site sits approximately 6km south of the RAAF Base Darwin runway.

RAAF Base Darwin is of strategic importance and an enduring Defence base, being an operated and controlled airfield in close proximity to Darwin, Northern Territory. Defence is planning for future development of the base, including potential for new capabilities and functions, which may be jeopardised by incompatible development on nearby properties.

Defence has no concerns with the proposal.

Should you wish to discuss the content of this advice further, my point of contact is Matt Williams at land.planning@defence.gov.au

Yours sincerely,

timothy.hogan2 Digitally signed by timothy.hogan2
Date: 2026.02.10 11:46:59 +11'00'

Mr Timothy Hogan

Director Land Planning & Regulation
Department of Defence
(02) 5109 7933
Timothy.hogan2@defence.gov.au

9 February 2026

From:	Nicholas Kirlew
To:	Das NTG
Subject:	TRM: PA2026/0031 – Lot 1462 (4) Lindsay Street, Town of Darwin
Date:	Friday, 31 July 2026 5:14:06 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

SUPPLEMENTARY SUBMISSION OF OBJECTION

TO: The Chairman, Development Consent Authority (Darwin Division)

VIA EMAIL: das.ntg@nt.gov.au

FROM: Nicholas Kirlew, Convener, PLan: the Planning Action Network Inc.

DATE: 31 July 2026

RE: PA2026/0031 – Lot 1462 (4) Lindsay Street, Town of Darwin

PROPOSAL: 75 x Serviced Apartments in a 9-Storey Building

SUBJECT: Supplementary Submission in Response to Proponent's Deferral Material (Dated 18 July 2026)

1. Failure to Meet Private Open Space Standards and Ensuing Compromises (Clauses 5.4.6.2 & 5.4.7)

- **Widespread Verandah Non-Compliance:** The proponent acknowledges that 71 out of 75 units fail to meet mandatory minimum dimensions under Clause 5.4.6.2 (requiring a minimum area of **[e.g., 12m^2]** and no dimension less than **2.8m**). For Unit 5 on Level 2, the applicant openly admits the added balcony fails these requirements.
- **Compromised Communal Amenity:** To offset this private open space deficit under Clause 5.4.7, the proponent has expanded the Level 2 floor plate by **1.7m**. This places active communal areas (gym, billiards, BBQ deck) directly adjacent to unit bedrooms, generating significant acoustic impacts.
- **Sacrificed Tropical Design:** To manage this self-inflicted noise, the proponent specifies high-set, locked glass windows for adjacent bedrooms. This forces future occupiers to rely continuously on energy-intensive air conditioning, directly undermining the natural ventilation principles of the NT Planning Scheme 2020 (NTPS2020).

2. Externalisation of Traffic and Parking Burdens (Clause 5.2.4)

- **Privatisation of Public Road Reserve:** The applicant relies on the City of Darwin converting two public street bays into 15-minute short-stay loading zones to resolve on-site drop-off deficits. Private operational requirements must not be externalised onto public infrastructure.
- **Speculative Justification:** Citing an uncommitted, future municipal parking study provides zero statutory basis or physical relief for immediate traffic deficits on a constrained site today.
- **Traffic Hazards near School Zone:** Generating high-turnover commercial traffic (rideshares, taxis, deliveries) without dedicated on-site drop-off facilities

creates permanent traffic conflicts on Lindsay Street, directly opposite an active school drop-off zone.

3. Inadequate Natural Cross-Ventilation (Clause 5.4.3)

- **Reliance on Lapsed Footprint:** Solid pre-cast concrete panels remain along the south-western boundary, relying on structural constraints from a lapsed 2014 approval.
- **Ineffective Ventilation Design:** A single perforated screen at the end of a central corridor does not provide genuine cross-ventilation for individual units. Relying on a ten-year-old footprint excuses poor passive design and compromises long-term tropical liveability.

4. Unstaffed Operational Model and Servicing Deficits

- **Relevance of Operational Budgets:** The proponent's strategy to run an unstaffed "essential-only" model to lower overheads and reallocate capital into interior finishes is irrelevant to planning assessment. The DCA is tasked with assessing land-use impacts, amenity, and safety—not subsidising operational budgets.
- **Logistical Impossibility of Service Infrastructure:** All daily maintenance, linen laundering, and cleaning for 75 units are outsourced, yet only a single parking space (**Bay 1**) is allocated for all service vehicles. Confining servicing activity to one bay guarantees that commercial vans will routinely overflow, blocking internal access or parking illegally on Lindsay Street.
- **Daily Heavy Vehicle Risks:** Waste management relies on a Heavy Rigid Vehicle (Rear Loader) entering the constrained compound **7 days a week**. Navigating daily heavy vehicle movements in a high-pedestrian CBD zone opposite a primary school introduces severe, recurring public safety hazards.
- **Exploitation of Definitions:** Operating 75 high-turnover units with zero on-site personnel to manage noise or disputes misuses the "serviced apartment" land-use classification simply to bypass standard residential amenity rules.

5. Driveway Width Non-Compliance (Clause 5.2.4.4)

- **Uncorrected Statutory Variation:** Clause 5.2.4.4 mandates a minimum driveway width of **[e.g., 6.0m]** for two-way vehicle movement. The updated plans retain a substandard width of **[e.g., 5.0m]**, leaving an active, uncorrected statutory non-compliance before the DCA.
- **Vehicular Queue Conflicts:** Whenever a service contractor occupies Bay 1, incoming or outgoing vehicles will be unable to pass within the narrow corridor. This will regularly force vehicles to queue across the public footpath or reverse blindly onto Lindsay Street.

Concluding Request to the Authority

PLan submits that the proponent's deferral response relies on unacceptable compromises—privatising public street bays, forcing locked windows, ignoring driveway width shortfalls, and imposing daily heavy-vehicle traffic on a school zone—rather than achieving genuine design compliance with the NT Planning Scheme 2020.

We respectfully request that the Development Consent Authority **refuse the requested variations** or **refuse consent** under Section 51 of the *Planning Act 1999*.

Regards,
Nick Kirlew
Convener **PLan: the Planning Action Network Inc M:** 0447 499 794 **E:** nick@planinc.org.au **W:** www.planinc.org.au
Power in Numbers: Join our network to ensure the Darwin community remains a force too big to be ignored. **Sign up here**.

Technical Assessment PA2026/0031

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2026/0031
Lot number:	Lot 1462 (4) Lindsay Street, Darwin City
Town/Hundred:	Town of Darwin
Zone:	Zone CB (Central Business)
Site Area:	944 m^2
Proposal:	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
Plans used for assessment:	Deferral response (18 July 2026).pdf (statement of effect and dimension plans); Attachment F - Planning History.pdf (supporting document); Amended plans and cover letter

Date assessment finalised: 12 August 2026

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (NTPS2020). The proposal has been assessed as being for dwelling multiple (comprising entirely serviced apartments) within Zone CB (Central Business).

In general, this application proposes:

- 39 x 2 bedroom and 36 x 1 bedroom dwellings in a 9-storey building including two levels of basement car parking to be used as serviced apartments.
- All car parking will be accessed by a single 2-way driveway to Lindsay Street.
- A bin store and laundry trolley store located at the rear of the level 1 car parking area (located at the rear of the ground level, however referred to as Level 1 due needing to use a half-ramp to access it).
- Ground level has a 57 m^2 reception area, and store/services room adjacent to the pedestrian foyer
- Pedestrian access is through a pedestrian foyer, which connects to the emergency stairwell accesses, lift foyer, and level 1 car parking area.
- Level 2 comprises 1 x 1 bedroom dwelling, and 4 x 2 bedroom dwellings. The 1 x bedroom dwelling has a small balcony, while the other 4 x dwellings contain and open courtyard that faces towards Lindsay Street. Level 1 also contains the communal open space, which comprises a pool, change room and gym facility.

NORTHERN TERRITORY GOVERNMENT

- Levels 3 through 9 each comprise 5 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and 1 x studio dwelling. These levels also contain 2 small laundry stores at both ends of the central corridor.

The application requires consent under the NTPS2020 as described in the tables and sections below:

Assessment Table – Zone CB (Central Business)					
Defined Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Location Specific Development Requirements**	**Specific Development Requirements**
Dwelling-Multiple (which includes serviced apartments)	***Merit assessable***	3.4 - CR Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 - LSSS Land Subject to Storm Surge 3.8 - LADR Land Adjacent to a Designated Road 3.13 - GL Gateway Locations 3.14 HHLSI – Land in proximity to Helicopter Landing Sites of Strategic Importance	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	5.9.1 Alice Springs Town Centre 5.9.2 Darwin City Centre 5.9.3 Palmerston City Centre	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

The application is *Merit Assessable* under clause 1.8(1)(b)(i) of the NTPS2020 as the use is shown as *Merit Assessable* on the relevant assessment table in Part 4 of the NTPS2020.

An assessment of the relevant clauses is summarised in the table below.

Overlays	**Compliance**		
	Yes	**No**	**N/A**
3.4 (Coastal Reclamation)			
3.6 (Land Subject to Flooding)			
3.7 (Land Subject to Storm Surge)			
3.8 (Land Adjacent to a Designated Road)			
3.13 (Gateway Locations)			
General Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.2.1 (General Height Control)			
5.2.4.1 (Car Parking Spaces)			
5.2.4.4 (Layout of Car Parking Area)			
5.2.4.5 (Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2)			
5.2.5 (Loading Bays)			

5.2.6.1 (Landscaping in Zones other than Zone CB)			
5.2.6.2 (Landscaping in Zone CB)			
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)			
General Development Requirements in Specific Zones	**Compliance**		
	Yes	**No**	**N/A**
5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC)			
Residential Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.4.4 (Extensions and ancillary structures to a dwelling-group or dwelling-multiple development)			
5.4.6.1 (Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group)			
5.4.6.2 (Private open space for dwelling-multiple)			
5.4.7 (Communal Open Space)			
5.4.17 (Building Articulation)			
Commercial Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.5.4 (Expansion of Existing Use or Development in Zones CB C SC and TC)			
5.5.15 (Design in Commercial and Mixed Use Areas)			
5.5.17 (Building Frontage in Commercial and Mixed Use Areas)			
Location Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.9.2 (Darwin City Centre)			
5.9.2.1 (Building Design in Darwin City Centre)			
5.9.2.2 (Volumetric Control)			
5.9.2.3 (Building Height in the Esplanade Character Area)			
5.9.2.4 (Development within the Darwin Waterfront)			
5.9.2.5 (Development along Priority Activated Frontages)			
5.9.2.6 (Development Fronting Laneways)			
5.9.2.7 (Development along the Priority Pedestrian and Cycle Network)			
5.9.2.8 (Development in Gateway Locations)			
5.9.2.9 (Public Domain Contributions for Development on Large Sites)			
5.9.2.10 (Alfresco Dining Areas)			
5.9.2.11 (Car parking spaces in Darwin City Centre)			
5.9.2.12 (Reduction in car parking spaces in Darwin City Centre)		**CA**	
5.9.2.13 (Design of Car Parking Areas and Vehicle Access)			

*TBC – To be confirmed by further information from the applicant.
*GC - Generally complies, with any outstanding aspects can be addressed via standard permit conditions.
*CA – At the discretion of the consent authority

In order to ensure a consistent assessment of the above clauses, the following terms defined in Schedule 2 of the NTPS 2020 are clarified below:

Basement is defined as *a storey either below ground level or that projects no more than one metre above ground level*; where storey is defined as *part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling. It may comprise an attic, basement or be built over an area for*

car parking; and ground level as *the ground surface level that exists on a site prior to the commencement of earth or construction works associated with the development of a building*.

As such, for the purpose of this application, the Basement Level 1 car parking area is considered to be a basement level for the purpose of this application. This is by virtue that the dimension plans identify Level 1 (located directly above) as being 25.23 m, where natural ground level is identified as 24.23 m.

As such, Level 1 is also considered to be ground level for the purpose of this application.

Floor area is defined as *floor area in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or access thereto*.

The following spaces as shown on the plans are considered to constitute floor area under this definition (as estimated from the drawings) – Ground level – reception (57 m^2); indoor accesses/foyer, lift, substation and bicycle parking facility (195 m^2); Level 2 –dwellings, fire pump room , stairwell, communal open space store and ablution (318 m^2); and Levels 3 to 9 – dwellings, stairwell and lift (399 m^2) for each level (combined 2793 m^2).

As such, the net floor area of this application is considered to be 3363 m^2.

Vertical landscaping is defined in the Species Guide for Landscaping in the Northern Territory Planning Scheme as *A general description for planting that is included as part of the building fabric. It includes podium planting, green façade and green walls*. In addition, it is noted that landscaping in defined in the NTPS2020 as *the planting and growing of plants, including but not limited to grasses, shrubs and trees*.

As such, while the landscaping proposed on the balconies of the serviced apartments don't comprise a green façade or green wall, these are considered to be part of the podium, and therefore be vertical landscaping.

Habitable room is defined as *any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods*.

The following spaces as shown on the plans are not considered to constitute habitable rooms – bathrooms and kitchens.

As such, habitable rooms are only considered to constitute bedrooms (including those in a studio layout), dining rooms, and living rooms.

1.8 When development consent is required

1. The need for ***consent*** and the level of assessment that applies to the use and development of land is set out in the framework below:
   (a) *Permitted* – use and development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

   Use and development of land is *Permitted* without ***consent*** when the following apply:
   i. it is shown as *Permitted* on the relevant assessment table in Part 4; and

ii. it does not require ***consent*** by virtue of an overlay in Part 3; and
iii. it complies with all relevant development requirements set out in Part 5; or
iv. a provision of the Planning Scheme expressly sets out that it is *Permitted*.

(b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the ***amenity*** of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires ***consent*** and is *Merit Assessable* when any of the following apply:
i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
(1) requires ***consent*** by virtue of an Overlay as set out in Part 3; or
(2) does not comply with the relevant development requirements set out in Part 5;
iii. it is for the consolidation of land; or
iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
(1) development consent has been granted; or
(2) the development is permitted in the relevant assessment table; or
(3) the Unit Title Scheme does not include vacant land.
v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

Editor's note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.

(c) *Impact Assessable* – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the ***site*** and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Use and development of land requires ***consent*** and is *Impact Assessable* when any of the following apply:
i. it is shown as *Impact Assessable* on the relevant assessment table in Part 4;
ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
iii. it is identified as *Impact Assessable* in Clause 1.9; or
iv. it is a *Prohibited* development which relates to a ***heritage place*** as set out in Clause 1.10(7)(b); or
v. a provision of this Planning Scheme expressly requires assessment as *Impact Assessable*.

(d) *Prohibited* – use and development to which the consent authority must not grant ***consent***.

Use and development of land is *Prohibited* if:
i. it is shown as *Prohibited* on the relevant assessment table in Part 4, unless it is ***ancillary*** as allowed by Clause 1.9; or
ii. a provision of this Planning Scheme expressly prohibits ***consent***.

1.9 Ancillary use and development

1. Unless expressly provided for in this Planning Scheme:
(a) where the definition of a development in Schedule 2 includes use or development that may be established if ***ancillary***, the ***ancillary*** use or development included in the definition are *Permitted* provided they comply with any relevant development requirements in Parts 3 and 5;

(b) if an ***ancillary*** use or development described in (a) does not comply with Parts 3 and 5, the ***ancillary*** use or development requires ***consent*** and the level of assessment that applies is *Merit Assessable*;
(c) an ***ancillary*** use or development not specified in the definition of the ***primary use*** in Schedule 2 requires ***consent*** and the level of assessment that applies to the ***ancillary*** use or development is either:
i. the assessment category specified in the assessment table for the zone in Part 4; or
ii. if Undefined or Prohibited it is *Impact Assessable*.

1.10 Exercise of Discretion by the Consent Authority

1. In considering an application for ***consent*** for a use or development, the consent authority must consider the use or development in its entirety except in relation to:
(a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
(b) ***access*** to a ***main road***; or
(c) a *Merit Assessable* application under Clause 1.8(1)(b)(ii)(2).

2. In considering an application for ***consent*** for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

3. In considering an application for ***consent*** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
(a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land; and
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

4. In considering an application for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:
(a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land;
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

5. The consent authority may ***consent*** to a proposed use or development that 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).

6. When consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.

7. The consent authority must not grant ***consent*** for a use or development identified as *Prohibited* unless:

(a) the *Prohibited* use or development is ***ancillary*** as set out in Clause 1.9; or
(b) the *Prohibited* use or development relates to a ***heritage place*** and it has the approval of the Minister responsible for the administration of the *Heritage Act 2011.*

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

3.4 CR – Coastal Reclamation

Purpose
Ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

Assessment

Not relevant – This application does not propose any land reclamation. As such, this overlay is not relevant to this application.

3.6 LSF – Land Subject to Flooding

Purpose
Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Assessment

Not relevant – The subject lot is not located within land identified as subject to flooding. As such, this overlay is not relevant to this application.

3.7 LSSS – Land Subject to Storm Surge

Purpose
Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Assessment

Not relevant – The development site is not located within the mapped primary or secondary storm surge extent (2100) on NT Atlas. As such, this overlay is not relevant to this application.

3.8 LADR – Land Adjacent to a Designated Road

Purpose
Ensure that ***access*** to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

Assessment

Not relevant – The subject lot is not located adjacent to a designated road. As such, this overlay is not relevant to this application.

3.13 GL – Gateway Locations

Purpose
Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.

Assessment

Not relevant – The subject lot is not located at an identified gateway location. As such, this overlay is not relevant to this application.

4.10 Zone CB – Central Business

Zone Purpose
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.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.
2. Residential developments that cater for residents and tourists, including **dwelling-multiple**, ***serviced apartment***, **rooming accommodation**, **residential care facility**, and **hotel/motel,** are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.

Supports – The application proposes a commercial accommodation land use at a functionally undeveloped site, and in high density manner which will increase the diversity of visitor accommodation in the Darwin CBD.

3. **Dwelling-community residence** and **home based business** are designed and operated in a manner consistent with the residential ***amenity*** of the building or surrounding precinct.

Not relevant – This application does not concern a dwelling-community residence or home based business. As such, this zone outcome is not considered relevant to this application.

4. Commercial developments and entertainment and dining activities such as **bar-public**, **bar-small**, **food premises (all)**, **leisure and recreation**, **market**, **night club entertainment venue, office**, **shops** and **sex services-commercial premises:**
   (a) encourage diversity and contribute to day and night activity within the zone; and

(b) are designed and operated in a manner that is considerate of the character and ***amenity*** of surrounding uses, having regard to the mixed use nature of the zone.

Supports – While not for a listed land use, this application is considered commercial in nature. This application will increase amount of self-contained accommodation in Darwin CBD, and reasonably capable of being operated in manner that won't adversely impact on nearby community, office and hotel developments.

5. Cultural and community focused activities such as **child care centre**, **community centre, exhibition centre, medical clinic**, **place of assembly** and **place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.

Not relevant – This application does not propose any community or public spaces, nor does it concern a child care centre, community centre, exhibition centre, medical clinic, place of assembly or place of worship.

6. Developments such as **veterinary clinic**, **plant nursery**, **shopping centre**, **showroom sales, education establishment,** and **passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.

Not relevant – This application does not concern a veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment, or passenger terminal.

7. Developments such as **vehicle sales and hire**, **motor body works**, **motor repair station**, **service station, industry-light** and **emergency services facility**:
   (a) are sited on the periphery of the CB area;
   (b) are located with good ***access*** to the local road network; and
   (c) are managed to minimise unreasonable impacts to the ***amenity*** of surrounding residents.

Not relevant – This application does not concern vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility. As such, this zone outcome is not considered relevant to this application.

8. Development incorporates innovative building design, ***site*** layout and landscaping that:
   (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;

Supports – Awnings are provided over all external facing windows, and the central hallway will be open at the sides, and allow for internal breeze flow.

   (b) minimises privacy and overlooking impacts on private spaces;

Supports – The proposed balconies either face Lindsay Street, or a neighbouring office development to the south-east. As such, there is not considered to be any potential for privacy or overlooking impacts on private spaces.

   (c) maximises overlooking and passive surveillance of public spaces;

Supports – The application proposes windows on the ground level floor and balconies/courtyards to the Lindsay Street frontage.

(d) maximises pedestrian activity along ***primary street*** frontages;

Supports – The application will likely improve the sense of security for pedestrians in the area through the inclusion of active street frontage where none exists at the moment, and through the increase in activity on Lindsay Street.

(e) reduces the appearance of building mass relative to its surroundings; and

Acceptable – While the building is not well articulated with regard to the north-eastern and south-western facades, distinctive treatments comprising alternating shades of grey reduce the degree of visual building massing.

(f) creates attractive outdoor spaces and enhances the streetscape.

Supports – This application will contribute to an attractive streetscape through the inclusion of planter boxes along the Lindsay Street-facing balconies.

9. Development contributes to the creation of an active, safe and legible public realm by:

(a) incorporating and responding to high quality ***public open spaces*** including town squares, civic plazas and forecourts where appropriate; and

Not relevant – The application does not propose, and is not considered to be located adjacent to any public open spaces.

(b) integrating with walking, cycling and public transport networks to promote accessibility and use.

Supports – The main pedestrian entrances to the building are located along Lindsay Street, and be well integrated with the local active transport network.

10. Developments are designed and operated in a manner that avoids unreasonable loss of ***amenity*** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.

Acceptable –This development is not considered to be of a scale that would result in any unreasonable adverse amenity impacts.

11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient ***access*** to open space, community and educational facilities.

Not relevant – This zone outcomes is considered to be relevant to the subdivision of land within Zone CB. As such, it is not considered relevant to this application.

12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Not relevant – The application is considered to meet the definitions of defined uses. As such, this zone outcome is not considered relevant to this application.

Assessment

Supports – This application is not considered to be inconsistent with the relevant zone outcomes for the reasons discussed above.

5.2.1 General Height Control

Purpose
Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
   (a) The development is for the purpose of:
      i. a **telecommunications facility**;
      ii. a chimney, flag pole, aerial, antenna or lightning rod; or
      iii. the housing of equipment relating to the operation of a lift; or
   (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).

2. The consent authority must not ***consent*** to a development in Alice Springs that is not in accordance with sub-clause 5.

3. The consent authority must not ***consent*** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.

4. Except as set out in sub-clause 3, the consent authority may ***consent*** to a development that is not in accordance with sub-clause 6 if it is satisfied the ***building height*** is consistent with the intended character and ***amenity*** of the area, having regard to:
   (a) the heights of other buildings in the immediate vicinity; and
   (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The ***building height*** of a development in the Municipality of Alice Springs is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table A to this clause; or
   (b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table A to this clause.

Not relevant – The subject lot is not located within the municipality of Alice Springs. As such, this sub-clause is not relevant to this application.

6. The ***building height*** in all other areas is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table B to this clause; or

Not relevant – The application is located within Zone CB, and as such, is not subject to a maximum height limit. It is noted that the maximum height of the development is 29 m (53.23 mAHD, excluding the lift overrun), which is less than the built form of nearby developments.

(b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Not relevant – This application is subject to table B. As such, this sub-clause is not relevant to this application

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	**Use**	**Maximum building height above ground level**
MR	Development on a ***site*** in zone MR abutting a ***site*** in Zone LR	3 ***storeys***
	Development on a ***site*** that is: • within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a ***site*** in Zone LR.	3 ***storeys***
	All other uses	4 ***storeys***
HR	All uses	8 ***storeys***
C	Mixed use development that consists of one or more ***residential buildings***	4 storeys
	All other uses	No height limit
CL and CP	**Education establishment** or **hospital**	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

(1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.

(2) Basements that protrude less than 1m from ground level are not considered as a *storey* for the purposes of this clause.

(3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the *Airports Act 1996* (Cth), *Airports (Protection of Airspace) Regulations 1996* (Cth), and *Defence Regulation 2016* (Cth). More information is available on NT.GOV.AU.

Assessment

Not relevant – As discussed above, there is no applicable maximum height as the site is within Zone CB.

5.2.4.1 Car Parking Spaces

Purpose

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

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of ***car parking spaces*** is appropriate with regard to:
   (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
   (b) the provision of ***car parking spaces*** in the vicinity of the land;
   (c) the availability of public transport in the vicinity of the land; and
   (d) the potential impact on the surrounding road network and the ***amenity*** of the locality and adjoining property;

   or if the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of ***car parking spaces*** in the interest of preserving the significance of the ***heritage place***.

3. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

Requirements

4. 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).

Editor's Note: Clause 5.2.4.4 provides for the design and layout of a *car parking area.*

The table to this clause can be found in the NTPS2020

Assessment

Not applicable – The site is subject to clause 5.9.2.11 (Car parking spaces in Darwin City Centre) of the Darwin city centre location specific development requirements.

5.2.4.4 Layout of car parking areas

Purpose

Ensure that a ***car parking area*** is appropriately designed, constructed and maintained for its intended purpose.

Administration

1. This clause does not apply to a ***car parking area*** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.

2. A ***car parking area*** may be used for the purpose of a **market** if:
   (a) a market is Permitted in the zone; and
   (b) the market operates outside of the operating hours of the use for which the car parking area is established.

3. The consent authority may ***consent*** to a ***car parking area*** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the ***amenity*** of the surrounding locality.

4. 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.

5. 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.

Requirements

6. A ***car parking area*** is to:
   (a) be not less than 3m from any lot boundary abutting a road; and

Not relevant – While the basement car parking area is located adjacent to the front property boundary (albeit underground), this was developed under previous planning permits.

   (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the ***car parking area*** when viewed from the road.

Not relevant – With the exception of the driveway access, the ground car parking area is located behind the reception.

7. A ***car parking area*** is to be constructed and maintained to be:
   (a) of a suitable gradient for safe and convenient parking; and

Acceptable – While most the car parking areas are reasonably assumed to be flat, 1 space on the ground level is located on a 1:20 (2.86°, 5% grade) slope. This slope is considered mild, and be capable of safe and convenient parking for future users.

   (b) sealed and well drained in urban areas, or dust supressed in non-urban areas.

Complies - The car parking area is located within a 9-storey building. As such, it is reasonably expected that it will be sealed and well drained.

8. The layout of a ***car parking area*** is to:
   (a) be functional and provide separate access to every car parking space;

Complies – The layout of the car parking area is considered adequate to allow for a vehicle to access and vacate each car parking space in a convenient manner.

   (b) allow a vehicle to enter from and exit to a road in a forward gear;

Complies – There is sufficient space in the car parking area to allow a vehicle to either complete a 3-point turn, or circulate the site in manner that allows them to leave in a forward gear.

(c) be in accordance with the dimensions set out in the diagram to this clause; and

Does not comply – There is an instance of a 5 m wide driveway where the basement ramp and ground level accessways meet.

All car parking spaces are shown as being a minimum of 2.5 m wide by 5.5 m long, and all other driveways are at least 6 m wide.

(d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.

Complies – There are instances where a car parking space is located perpendicular to the end of a driveway, however, a minimum 1 m projection is proposed in all instances.

9. The number of ***access*** points to the road is to be limited, and ***access*** points to ***car parking areas*** are to:

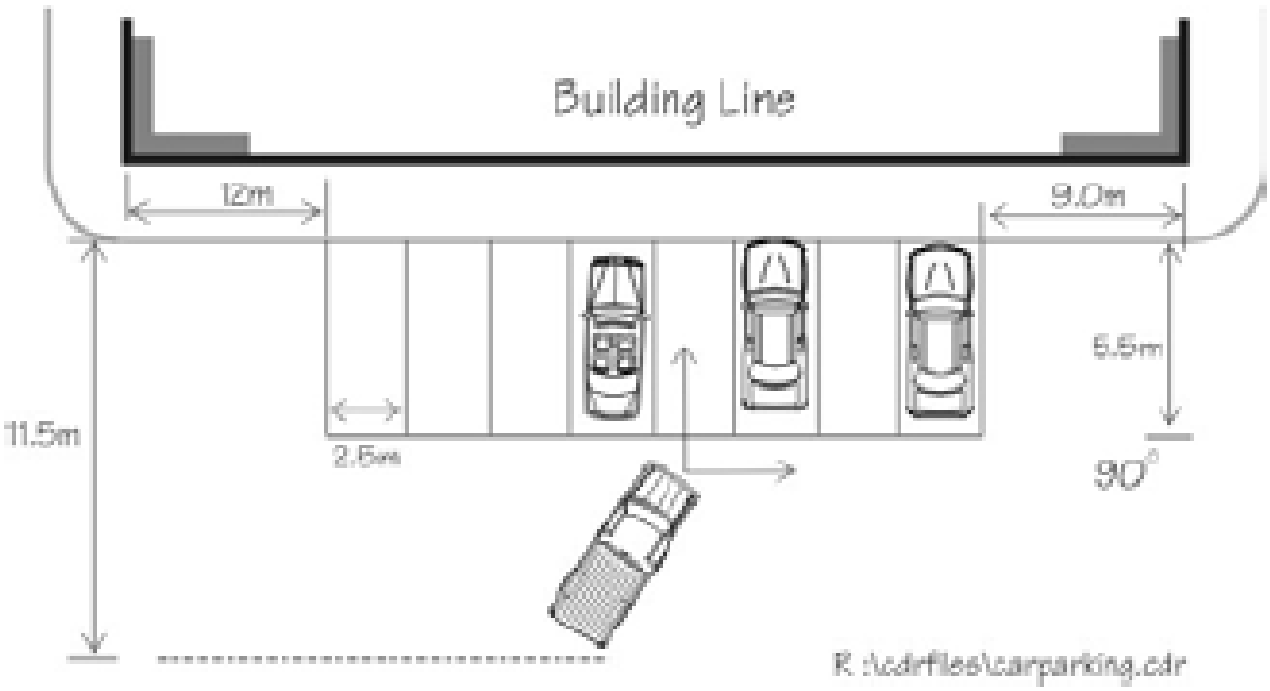
(a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and

Complies – One access point is shown on the plans, and which will be 6 m wide at its minimum width.

(b) maximise sight lines for drivers entering or exiting the car parking area.

Does not comply – A solid wall is proposed adjacent to the driveways at the exit.

It is noted that the Diagram to Clause 5.2.4.4: Parking Layout can be found at the NTPS 2020 website.



Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to an instance of a non-compliant driveway aisle, and sightlines.

5.2.4.5 Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2

Purpose
Ensure that vehicle ***access*** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m^2 and not less than 300m^2 do not unduly reduce the ***amenity*** of a public road or the availability of kerbside vehicle parking in the public road.

Assessment

Not relevant – This application does not concern a dwelling-single on a lot between 300 m^2 and 600 m^2. As such, this clause is not considered relevant to this application.

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
   (a) the scale of the use and development on the ***site***;
   (b) any potential adverse impacts on the local road network; and
   (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or ***secondary street***.

2. For the purposes of this clause, where an **exhibition centre**, **food premises (fast food outlet** and **restaurant)**, **office**, **place of assembly**, **shop** or **shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined ***net floor area*** of the integrated uses.

Requirements
3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).

4. A ***loading bay*** is to:
   (a) provide areas wholly within the ***site*** for loading and unloading of vehicles;
   (b) be at least 7.5m by 3.5m;
   (c) have a clearance of at least 4m; and

(d) have access that is adequate for its purpose.

Not relevant – Dwelling-multiple/serviced apartments are not listed as a land use that requires a loading bay. As such, no loading bay facilities are required at the site. It is noted that none are proposed either.

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	**Minimum number of loading bays**
All other uses	No loading bays required

Assessment

Not relevant – No loading bay facilities are provided, nor required, on-site. As such, this clause is not relevant to this application.

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall ***amenity*** of the locality.

Assessment

Not relevant – No landscaping is required to be provided at this development as a result of this development requirement, nor another development requirement. As such, this clause is not considered to be relevant to this application.

5.2.6.2 Landscaping in Zone CB

Purpose
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.

Administration

1. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 3 if:
   (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
   (b) the development provides an alternative response to achieve the purpose of this clause.

2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).

Requirements

3. Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the ***site*** area.

Complies - The site is 944 m^2 and therefore requires 94.2 m^2, where 194.6 m^2 (20.6%) is proposed. This is comprised of the level 2 hallway planter (7.56 m^2); level 2 dwelling terraces (120 m^2); and levels 3 to 9 Lindsay Street-facing balcony planter boxes (9.52 m^2).

It is noted that while the application references landscaping along the rear -facing balconies, none is shown on the floor level plans. These have not been considered in the above figure.

Editor's Notes:

(1) Any vertical landscaping provided to meet subclause 3 may also contribute to a reduction of car parking under Clause 5.9.2.12

(2) Refer to *Design Guidance: Landscaping in Zone CB* for guidance on interpreting requirement 3.

Assessment

Complies – As discussed above, the application is considered to comply with the requirements of this clause.

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose

Protect the visual and acoustic ***amenity*** of ***residential buildings*** where they are adjacent to non-residential development.

Assessment

Not relevant – The subject lot is not located adjacent to land in Zones LR, LMR, MR or HR. As such, this clause is not relevant to this application.

5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

Purpose

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***.

Administration

1. 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:
      i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;

ii. ***access*** to the alternative ***end of trip facilities*** is safe and convenient for users;
iii. the alternative ***end of trip facilities*** are sheltered and secure; and
iv. the size and layout of alternative storage areas allows for safe and comfortable storage and ***access*** to bicycles and/or personal items; or

(b) it would be unreasonable to provide the ***end of trip facilities*** as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or

(c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

Requirements

2. All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).

Complies –Serviced apartments are required to provide bicycle parking facilities at a rate of 1 for every 3 dwellings.

As such the bicycle parking assessed as being required is:

- Dwellings (total): 75 dwellings requiring 25 spaces.

As bikes racks capable of parking 25 bicycles are proposed within a dedicated bicycle parking facility (BPF) at the site, this subclause is complied with.

3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with *Australian Standard AS2890.3 – Bicycle Parking* and must:

(a) be located in a convenient and safe location with adequate security for the storage of bicycles;

Complies – The BPF is located within the ground level parking area. The BPF can be accessed without the need to navigate stairs or doors through the car parking area. It is noted that the BPF will reasonably be secure.

(b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;

Acceptable – While only floor mounted bicycle parking is indicated, this is considered acceptable as the land use relates to residential, where residents/longer term visitors could store bicycles in their dwelling.

(c) where secure parking is provided, provide e-bike charging facilities, as necessary;

Acceptable – While no charging facilities are proposed within the secure BPF, this is considered acceptable on the basis that this development is for serviced apartments, where users could charge bikes at their dwelling.

(d) not require ***access*** via steps;

Complies –The BPF can be accessed without the need to navigate stairs or doors through the car parking area. It is noted that the BPF will reasonably be secure.

(e) be protected from the weather;

Complies – The BPF is located within the building footprint, at the ground level parking area.

(f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;

Acceptable – It is reasonably considered that the bike racks will allow a bike to be locked to the facility. This aspect can be reasonably be addressed by a standard permit condition.

(g) be located outside pedestrian movement paths;

Complies – The bike racks are located out of the way of pedestrian movement paths.

(h) be easily accessible from the road;

Acceptable – The BPF is located approximately 18 m from the road through the car parking area.

(i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;

(j) be protected from manoeuvring motor vehicles and opening car doors;

Complies – The bike racks are provided within a secure BPF.

(k) be as close as possible the cyclist's ultimate destination;

Acceptable – The bike racks are located inside the site, and approximately a 30 m walk to the lifts.

(l) be well lit by appropriate existing or new lighting; and

Acceptable – It is reasonably considered that adequate lighting will be provided in the vicinity of the bike racks.

(m) be sympathetic in design, material and colour to compliment the surrounding environment.

Acceptable – It is reasonably considered that the bike racks will be made of a material that is sympathetic with the surrounding development.

4. A locker should accompany every secure bicycle parking space provided, and should be:
   (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;
   (b) well ventilated, secure and lockable; and
   (c) located close to shower and changing facilities.

Does not comply – 24 lockers are shown as being provided within the reception area, while 25 bicycle spaces are proposed.

5. All new ***non-residential buildings***, **hotels/motels**, and ***serviced apartments*** in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.

Complies – The application states that up to 1 staff member is expected at the site. As such, 1 shower facility is required, where 1 is provided as part of the communal open space. This is considered acceptable for the purpose of this clause.

6. Shower and changing facilities must be secure facilities capable of being locked, and should:

(a) be located as close as practical to the associated bicycle parking facilities;

Acceptable – While the UAT facility is located at the Level 2 communal open space (pool facility), this is considered acceptable due to the low expected staff numbers at the site.

(b) provide one change space per shower; and

Complies – The UAT facility is 7 m^2, which is considered sufficient to provide space for a future user to get changed in private.

(c) Provide for separate male and female facilities where more than one shower is provided.

Not relevant – Only 1 shower facility is proposed.

Table to Clause 5.3.7: End of trip facilities in Zones HR, CB, C, SC, and TC

Use or Development	Minimum number of bicycle parking spaces	Minimum number of showers
Dwellings-multiple	1 space for every 3 ***dwellings***	
Hotel/motel, rooming accommodation	1 space for every 3 guest rooms	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Non-residential buildings (except as identified in this table)	1 space per 300m^2 ***net floor area***	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Office	1 space per 300m^2 ***net floor area***	1 shower for up to 1500m^2 ***net floor area***, plus 1 additional shower for up to every 1500m^2 thereafter.
Serviced apartments	1 space for every 3 ***dwellings***	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Shop (including **shopping centres**)	1 space per 300m^2 ***net floor area*** up to 5000m^2 ***net floor area***, plus 1 space per 600m^2 ***net floor area*** above every 5000m^2 ***net floor area*** thereafter.	1 shower for up to 5000m^2 ***net floor area***, plus 1 additional shower for up to every 5000m^2 thereafter.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the number of bike lockers.

5.4.4 Extensions and Ancillary Structures to a Dwelling-group or Dwelling-multiple Development

Purpose

Ensure an extension or ***ancillary*** structure that is ***ancillary*** to an existing **dwelling-group** or **dwelling-multiple** responds to the streetscape and surrounding development.

Assessment

Not relevant – The application is considered to be for a new residential building. As such, this clause is not considered to be relevant to this application.

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Purpose
Extend the function of a ***dwelling*** and enhance the residential environment by ensuring that each ***dwelling*** has private open space that is:
(a) of an adequate size to provide for domestic purposes;
(b) appropriately sited to provide outlook for the ***dwelling***;
(c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the ***site***; and
(d) inclusive of areas for landscaping and tree planting.

Assessment

Not relevant – This application does not concern the listed dwelling types. As such, this clause is not considered to be relevant to this application.

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose
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.***

Administration
1. The consent authority may ***consent*** to **dwellings-multiple** comprising of ***serviced apartments*** in Zone TC that is not in accordance with sub-clauses 3-5 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

2. The consent authority may ***consent*** to **dwellings-multiple**, other than **dwellings-multiple** comprising of ***serviced apartments*** in Zone TC, that is not in accordance with sub-clauses 3-5 if is satisfied the development is consistent with the purpose of this clause.

Requirements
3. 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;

Does not comply – There are 71 dwellings whose balconies are less than 12 m^2, and all of which have dimensions less than 2.8 m long.

It is noted that the only compliant balconies are those associated with the Level 2 dwellings facing Lindsay Street, which have private courtyards.

(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***;

Does not comply – There are 21 single bedroom dwellings where access to the balcony is proposed through the bedroom itself. These are not considered acceptable against this subclause by virtue that the main living area (dining room, kitchen and loungeroom) are separated from the balcony by the bedroom.

Each other instance of private open space (53) is directly accessible to the main bedroom or living area of its associated dwelling.

(c) is located to provide views from the ***dwelling*** to open space and natural features of the ***site*** or locality.

Acceptable – Balconies provide views over either Lindsay Street, or to the rear of the site. While the views to the rear of site don't necessarily face any open spaces or natural features of the site/locality, they are considered acceptable by virtue that rear facing balconies are a common design element in Darwin CBD.

4. Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.

Not relevant – No private open spaces are located adjacent to any communal open spaces.

5. Where the private open space is at ***ground level*** and not adjacent to communal open space, it should be:
   (a) fenced to a maximum height of 1.8m providing a visual barrier to adjoining ***dwellings***; or
   (b) planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining to adjoining ***dwellings*** within two years of planting.

Not relevant – No private open spaces are located at ground level.

Editor's Note: Refer to *Design Guidance: Private Open Space for Dwellings-multiple* for guidance on interpreting this clause.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to balcony dimensions and accessibility.

5.4.7 Communal Open Space

Purpose
Ensure that suitable areas for communal open space are provided for **dwellings-multiple**, **residential care facilities** and **rooming accommodation**.

Administration
1. This clause does not apply to **dwelling-multiple** where each ***dwelling*** has direct and independent ***access*** to private open space at ***ground level***.

2. The consent authority may ***consent*** to a **dwelling-multiple** comprising ***serviced apartments*** in Zone TC that is not in accordance with sub-clauses 5 and 6 only it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each ***dwelling*** provides appropriate opportunities for outdoor activities.

3. The consent authority may ***consent*** to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:
   (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;
   (b) the development is in proximity to adequate public open space or sufficient amenities; and
   (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.

4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may ***consent*** to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

Requirements

5. A minimum of 15% of the ***site***, being not less than 6m wide at any point, is to be communal open space.

Complies – The site is 944 m^2 and therefore requires 141.6 m^2, where 164.99 m^2 (17.48%) is proposed.

6. Communal open space is to be designed to:
   (a) be clearly delineated from private and ***public open space;***
   (b) maintain reasonable privacy of nearby ***dwellings***;
   (c) provide recreational facilities for occupants;
   (d) address the projected needs of children;
   (e) include landscaping and shade where located outdoors;
   (f) minimise safety issues, including through lighting and passive surveillance;
   (g) minimise the effects of any on-site traffic circulation and ***car parking areas***; and
   (h) be capable of efficient maintenance and management.

Acceptable – The location and layout of the communal open space is reasonably considered to meet the design criteria above.

Assessment

Complies – As discussed above, the application complies with the relevant requirements of this clause.

5.4.17 Building Articulation

Purpose

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.

Administration

1. This clause applies to all sides of ***residential buildings*** that are longer than 15m, except the ground floor of buildings in Zone CB.

2. 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.

3. The length of the building excludes verandahs, balconies, porches and carports integrated into the ***residential building*** design.

Requirements

4. 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.

Does not comply –Levels 2 to 9 propose approximately 21.5 m long walls along the north-eastern and south-western boundaries. It is noted that while the elevations along the north-eastern boundary state the corridor extent will be a 'breezeway vertical opening to side allowing light and ventilation to corridor space', the relevant floor plans identify this end of the corridor as a laundry store.

It is noted too that while lengths of wall exceeding 15 m are proposed around the side property boundaries for the ground level/Level 1, this has been excluded pursuant to subclause (1). Please note clarification of basement and ground level can be found at the start of this technical assessment.

Editor's Note: Refer to *Design Guidance: Articulation* for guidance on interpreting sub-clause 4.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to building lengths along the side boundary.

5.5.15 Design in Commercial and Mixed Use Areas

Purpose

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.

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.

Noted – The application did not include any specific references to the Community Safety Design Guide (CSDG). The CDSG is a guideline document that sets out a series of key safe design elements (including associated objective) and guidelines that need to be considered as part of an application. Although the content of the CSDG is generally considered to be reflected in various clauses of the NTPS2020, a review of CSDG core design principles is provided at the end of this technical assessment.

2. The consent authority may ***consent*** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.

3. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.

4. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the ***site*** and scale of the development.

5. 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.

6. The consent authority may ***consent*** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the ***site***.

7. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.

8. 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.***

9. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and ***dwellings*** below.

10. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.

11. The consent authority may ***consent*** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.

Complies –It is reasonably considered that the character of the immediate locality (Lindsay Street between Cavenagh Street and Smith Street) is made up of 2 to 7 storey tall buildings, with building facades generally comprised of landscaping, blank walls, pedestrian entrances and perimeter fencing. In addition, it is noted there are limited instances of awnings over public footpaths.

As such, as this application proposes similar elements to the above, it is considered to sympathetic to the character of buildings in the immediate locality.

13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.

Acceptable – Passive climate control is achieved through the inclusion of awnings, balconies and landscaping. These features are considered to reasonably reduce the amount of solar gain on the building interior, thus improving energy efficiency. In addition, the proposal includes openable windows, which alongside doors to balconies, allows or breeze penetration, and a central breezeway between the dwellings.

14. Building design is to minimise the expanse of blank walls facing the street and ***public open spaces*** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

Complies – The development proposes multiple design elements that will create a varied façade when viewed directly from the public domain. These elements include balconies with planter boxes and plant screening.

It is noted that the north-eastern and south-western building-sides comprise large expanses of blank walls. However, as the walls have do not directly face the street or a public open space, they've not be considered under the remit of this subclause. Notwithstanding, the application proposes alternating coloured building-side treatments which would mitigate the severity of building massing.

In addition, it is considered unlikely that the proposed alternating treatments would result in excessive glare to nearby site users.

15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.

Conditionally acceptable – These features were not shown on the dimensioned plans. However, standard permit conditions can be applied to any resulting development permit requiring that services and utilities be screened, to the satisfaction of the consent authority. Notwithstanding, a bin store is shown as being interior to the building, on Level 1, and each dwelling will be serviced by their own AC plant, which are located on the balcony, and screened from the public domain.

16. ***Car parking areas***, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.

Acceptable – While most car parking is located within the development, a portion of Level 1 will be expose. This is considered acceptable as these spaces will be various shaded by the building itself, and adjacent 4.3 m high walls.

17. 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:
    (a) extends along the full length of the ***site*** boundary to provide continuous coverage for pedestrians;
    (b) covers the full width of the footpath or has a minimum width of 3m; and
    (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.

Does not comply – A 2.2 m wide awning is proposed along the entirety of the front building line.

In response to (a), the awning extends the full length of the building.

In response to (b), the awning is shown as being 2.2 m wide.

In response to (c), it is not considered likely that the placement of the awning would affect existing street trees or restrict future plantings.

18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:
    (a) is direct and provides refuge from the sun and rain; and
    (b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.

Complies –

In response to (a), the application proposes a primary pedestrian entrance towards the south-western property boundary, and a single door to the reception spaces. Prior to entering the building, site visitors will be sheltered by the proposed awning over the footpath/forecourt.

In response to (b), the pedestrian forecourt has multiple doors along the sides. This arrangement is not considered to create an entrapment issue.

19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.

Acceptable – it is considered that this application may result in increased noise and light nuisances, compared to the currently undeveloped site. It not considered likely that this application will result in unreasonable impacts for vibration, odour, or other nuisances.

20. 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.***

Does not comply –

In response to (a), a single lift shaft is proposed be located between 1 to 2 dwellings per level. As the galley-style kitchens, bathrooms, and WCs are proposed adjacent to the lift shaft, this is considered acceptable.

In response to (b), AC plant are proposed to be located on the dwelling balconies, outside openings to living rooms or bedrooms.

21. Buildings are to provide internal drainage of balconies.

Conditionally acceptable– Internal drainage not shown on the dimensioned plans. However, this can be addressed by a standard permit condition requiring that the plans include a note stating that balconies will be internally drained.

22. Development with a ***floor area*** of 3500m^2 or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).

Not applicable – The floor area of the development is estimated to be around 3400 m^2.

23. Development is to provide designated areas for rubbish collection.

Complies –A bin store is proposed in the Level 1 car parking area.

Editors Notes:

(1) Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government council.

(2) The relevant local government council should be contacted to determine refuse collection requirements and specifications.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to awning widths and location of AC plant.

5.5.17 Building Frontage in Commercial and Mixed Use Areas

Purpose

Encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

Administration

1. This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek except where alternative ***active street frontage*** requirements are established under Clause 5.9 (Location specific development requirements).

2. The consent authority may consent to a development that is not in accordance with sub-clause 4 and 5 if satisfied that the building design allows for adequate passive surveillance and provides visual interest appropriate to the locality.

3. The consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.

Requirements

4. Services on primary building frontages are to be limited to:
   (a) a direct single point of ***access*** to service equipment for all service authorities;
   (b) required fire egress; and
   (c) required fire booster connection points.

5. Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m:
   (a) windows with openings that have dimensions not less than 0.9m wide and 1.2m high;
   (b) operational and legible entrances (excluding fire egress);
   (c) areas that are used for alfresco dining;
   (d) spaces that allow for pedestrian movement and/or seating; or
   (e) vertical landscaping for the full height of the frontage.

6. Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.

Assessment

Not applicable – The site is subject to clause 5.9.2.5 (Development along Priority Activated Frontages) of the Darwin city centre location specific development requirements.

5.9.2 Darwin City Centre

1. This clause incorporates planning and design standards contained in the Central Darwin Area Plan.

2. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



Assessment

Noted – The site is located within the Darwin City Centre area.

5.9.2.1 Building Design in Darwin City Centre

Purpose

Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of ***amenity*** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.

3. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.

4. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual ***amenity*** of the public domain and neighbouring properties.

5. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).

Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.

Acceptable – While the plans don't depict the height, the statement of effect states 'The ground floor includes a floor to ceiling height of approximately 4.1m', and where a review of the plans indicate the height may range up to 4.36 m.

7. Building facades are to have a clearly distinguished base, middle and top.

Acceptable – The proposed built form has an acceptably distinctive façade comprise of driveway, reception and pedestrian access at ground level; terrace and balconies for Levels 2 to 9; and rooftop without landscaping along the edges at the roof.

8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the ***site*** layout and building design.

Not relevant – No communal facilities are proposed at the front of the building.

9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.

Acceptable – While there was limited detail on the arrangement of roof top plant, it is reasonably considered that an arrangement that complies with the design elements of this subclause can be provided. This can be addressed by a standard permit condition.

10. Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at ***ground level*** to connect the two street frontages.

Not relevant – The site only has one street frontage.

Assessment

Acceptable – As discussed above, the application is considered to comply with the relevant requirements of this clause.

5.9.2.2 Volumetric Control

Purpose
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;
(c) penetration of daylight into ***habitable rooms***; and
(d) reasonable privacy for residents.

Administration
1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).

2. In this clause:
   (a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and
   (b) the podium and tower components of a building are illustrated in the diagram to this clause.

3. The consent authority may ***consent*** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 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***.

4. The consent authority may ***consent*** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:
   (a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining ***sites***;
   (b) responds to the existing street front ***building heights***; and
   (c) provides an equivalent or better outcome to maintain a human scale at street level.

Requirements

5. The podium of a development is to:
   (a) have a maximum height of 25m, excluding any plant, equipment, aerials, ***outbuildings*** or visually permeable balustrades; and

Complies – While the maximum height of the podium element (which comprises the entire development) is 29.3 m, the podium element is only considered to apply to the first 25 m for the purpose of this clause.

   (b) provide a minimum setback of 6m from any ***site*** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or ***public open space***.

Complies – A 12.25 m setback is provided between the rear-facing balconies and the rear property boundary.

It is noted that while there are balconies are located within 6 m of the property side boundaries, that as a solid wall delineates the affected balconies from those side boundaries, those setbacks are not considered to be under the purview of this subclause.

6. The tower of a development is to:
   (a) have a footprint that covers a maximum of 56% of the ***site*** area, to a maximum of 1200m^2 in any single tower;

Complies – The site coverage of the building above 25 m (i.e. the tower element) is 511.7 m^2, where the lot is 944 m^2. This results in a site coverage of 54.2%.

   (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and

Does not comply – The length of the building facing the north-western (street) and south-eastern (rear) boundary is 23.8 m, where these property boundaries are 24.385 m. This results in a boundary coverage of 97.6%.

   (c) provide minimum setbacks of:
      i. 6m from any ***site*** boundary; and
      ii. 12m between towers on the same ***site***.

Does not comply – The tower element is setback 5.2 m from the north-western property boundary, 0.5 m from the south-western property boundary, and 0.4 m from the north-eastern property boundary.

7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:
   (a) the podium height is reduced below 25m; and
   (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
   (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

Not applicable – The site is not located within the Smith Steet Character Area.

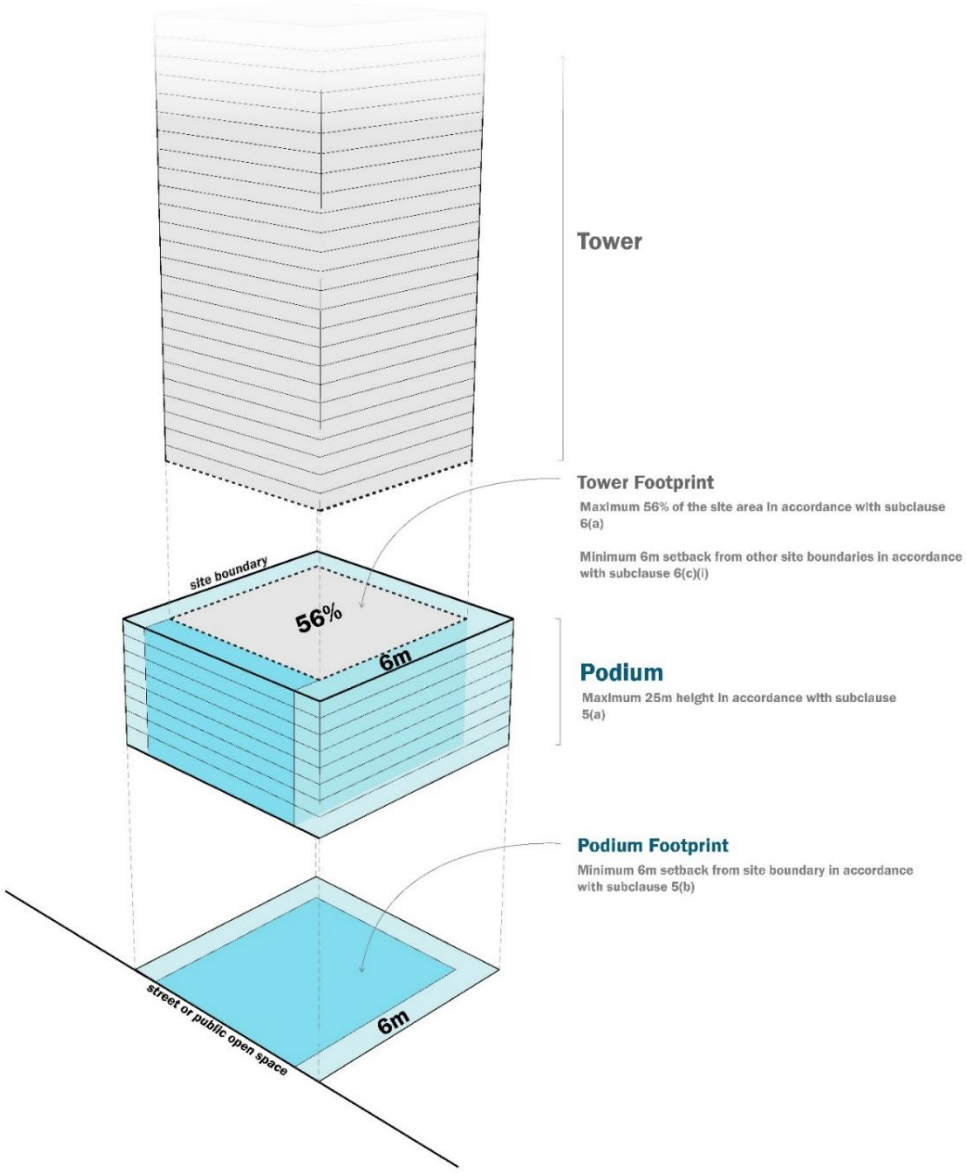


Diagram to Clause 5.9.2.2: Podium and Tower Components

The Diagram B to Clause 5.9.2.2: Volumetric Control - Smith Street Mall Alternative can be found in the NTPS2020

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the podium height, tower setbacks, and tower length.

5.9.2.3 Building Height in the Esplanade Character Area

Purpose
Ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views, and deliver high quality built form outcomes appropriate for development that fronts Bicentennial Park and the Darwin Harbour.

Assessment

Not applicable – The site is not located within the Esplanade Character Area.

5.9.2.4 Development within the Darwin Waterfront

Purpose
Ensure that design and scale of development within the Darwin Waterfront responds to and respects the established role, character and constraints of the waterfront area and the surrounding escarpment.

The Diagram to Clause 5.9.2.4: Darwin Waterfront Building Heights and View Lines is located in the NTPS2020.

Assessment

Not applicable – The site is not located within the Darwin Waterfront area.

5.9.2.5 Development along Priority Activated Frontages

Purpose
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.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).

2. 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.

3. Landscaping may be counted toward the percentage of ***active street frontage*** required under sub-clause 6 if it comprises of:
   (a) significant existing vegetation; or
   (b) vertical landscaping for the full height of the ***ground level*** street frontage;
   and the development still meets the purpose of the clause.

4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on ***active street frontages.***

Requirements

5. Services on street level frontages are to be limited to:
   (a) a single vehicle entry and exit point to and from the building (except on larger ***sites*** where additional access points are supported by a Traffic Study for the ***site***);

Complies – All vehicle movements will take place at a single driveway to the site.

   (b) a direct single point of access to service equipment for all service authorities;

Complies – The only servicing elements shown on the plans are located toward the front right of the site. While other services may be required, this their treatments (if not co-located) can be addressed via standard permit condition.

   (c) required fire egress; and

Not relevant – While 2 fire escapes are proposed, these are located in a pedestrian foyer, and do not open directly onto the street.

   (d) required fire booster connection points.

Acceptable – While no fire booster connection points are shown on the plans, their potential placement can be dealt with through a standard permit condition.

6. 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,*** made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
   (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
   (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
   (c) areas within the ***site*** that are used for alfresco dining; or
   (d) well-designed spaces that allow for pedestrian movement and/or seating.

Does not comply - The building line (which is the full boundary width) is 24.385 m long and therefore 18.29 m of active street frontage is required, where this application proposes approximately 16 m (65.6%) of active street frontage (11.5 m for the reception, and 4.5 m for the pedestrian foyer).

Editor's Notes:

(1) Clause 5.5.16 provides information on active street frontage for sites not identified as 'priority active frontage'.

(2) Refer to *Design Guidance to provide for Services* in Schedule 5 for more information on servicing requirements relating to requirement 5.

(3) Refer to *Design Guidance: Active Street Frontage* for guidance on how to interpret sub-clause 6.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the length of active street frontage.

5.9.2.6 Development Fronting Laneways

Purpose
Ensure that new developments enhance the use of laneways as shared spaces, are functional for commercial loading and servicing requirements, are safe for pedestrians, and contribute to the visual ***amenity*** of the laneway.

Assessment

Not applicable – The site is not located adjacent to an identified laneway

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

Purpose
Encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.

Assessment

Not applicable – The site is not located along the identified priority pedestrian and cycle network.

5.9.2.8 Development in Gateway Locations

Purpose
Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.

Assessment

Not applicable – The site is not located at an identified gateway location.

5.9.2.9 Public Domain Contributions for Development on Large Sites

Purpose
Encourage development on large ***sites*** that supports the public domain by contributing to an integrated, high-quality network of public spaces, recreation facilities and places for wildlife.

Assessment

Not relevant – The site is less than 3500 m^2, as such, this clause is not relevant to this application.

5.9.2.10 Alfresco Dining Areas

Purpose
Provide for the establishment of ***alfresco dining areas*** that contribute positively to the ***amenity***, safety and activation of streets in the Darwin's Central Business area.

Assessment

Not relevant – No alfresco area is proposed as part of this application.

5.9.2.11 Car parking spaces in Darwin City Centre

Purpose
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***.

Administration

1. This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).

3. An ***alfresco dining area*** on a ***site*** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 ***ground level*** car parking spaces associated with any existing development without requiring replacement ***car parking spaces***. However, a change of use from an ***alfresco dining area*** (including the provision of air conditioning) will result in the new use being subject to full car parking space requirements of this clause.

4. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

Requirements

5. 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).

Does not comply –The development is to provide car parking at the rate specified in the table below. As such, the number of car parking spaces required is:

- Dwellings: 75 dwellings require 75 spaces.
- Associated NFA: 154 m^2 requiring 4.62 spaces.

In total the required number of car parking spaces is 79.62 (80), where only 56 car parking spaces are proposed at the site. This would leave a shortfall of 24 car parking spaces.

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	**Minimum number of required car parking spaces**
Serviced apartment	1 for every ***dwelling*** Plus 3 for every 100m^2 of ***net floor area*** not within a ***dwelling***
Hotel/Motel	0.4 for every guest suite or bedroom Plus 2 for every 100m^2 of ***net floor area*** of all other areas
Any other uses	Minimum number of ***car parking spaces*** to be determined by the consent authority

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the insufficient number of car parking spaces provided at the site.

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

Purpose

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).

Administration

1. The consent authority may ***consent*** to:
   (a) a reduction of 1 ***car parking space*** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) ***car parking spaces*** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre); and

Noted – 2 motorcycle parking spaces are proposed on level 1.

(b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 ***car parking space*** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of ***car parking spaces*** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

Noted – There is a shortfall of 15 bicycle parking spaces proposed.

2. The consent authority may also ***consent*** to a use or development with fewer ***car parking spaces*** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.

3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

Editor's Note: Where a reduction in car parking is sought across 2 or more categories, the reduction percentages are combined, and the reduction is calculatedly cumulatively across all categories.

Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
   (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
   (b) the suitability of the plants to be used in the landscaping;
   (c) sufficient soil depth to accommodate the proposed types of plants;
   (d) how the landscaping will be practically maintained for the lifetime of the development; and
   (e) suitable management of drainage.

Noted – The application may be able to access the following reduction categories:

1(a) – The development site is located within 200 m of DarwinBus bus stop 70 (Woolworths Cavenagh Street). A review of the NT Government 'Darwin and Palmerston public bus timetables and maps' website (https://nt.gov.au/driving/public-transport-cycling/public-buses/darwin-and-palmerston-timetables-and-maps) shows that this bus stop is serviced by a variety of bus routes. This allows the consent authority to consider a 15% (11.94) car parking reduction. Notwithstanding the above, it is noted that this bus stop only services outgoing bus routes, with the closest inbound bus stop (Mitchell Street corner Brigg Street) located 260 m away.

2(b) – The development site is located within 200 m of the City of Darwin-managed Dragonfly Car Park. This facility is publicly accessible, and by virtue it likely has in excess of 100 car parking spaces. This allows the consent authority to consider a 10% (7.96) car parking reduction.

3(d) – The application states that up 11.8% of the site (112 m^2) of vertical landscaping is provided along the balconies along the Lindsay Street facing balconies. A review of the application instead considered that vertical landscaping would reasonably comprise only the Levels 2 to 9 balcony planter boxes facing Lindsay Street as these planter boxes are reasonably suitable as they are well-integrated with the overall building design and publicly visible on the front building façade fronting key pedestrian thoroughfares. Notwithstanding, as these planter boxes have a combined length of 166.6 m, even with 40 cm high vegetation, it would only provide a site coverage equivalent to 8.07% (76.16 m^2 of a large 944 m^2 lot). As such, it has not been considered applicable to this application.

4(a) – While the majority of the car parking is proposed within a semi-underground facility (72.7%), this is not considered to meet the criteria of 'All car parking on the site is provided in an underground parking area', by virtue that the Level 1 car parking area is greater than 1 m above the natural ground level, and is exposed to the elements.

Table to Clause 5.9.2.12: Reduction in car parking spaces in Darwin City Centre		
Category		**Reduction permitted**
1	Access to alternative transport options	
(a)	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.	15%
(b)	The development is located within 400m 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.	10%
(c)	The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane.	5%
2	Use of shared parking areas / proximity to public car parking	
(a)	The development consists of two or more uses that have different day / night peak parking times and these uses share a ***car parking area*** on the ***site***.	10% This reduction applies to ***non-residential*** uses only.
(b)	The development is within 200m walking distance of an existing, publically accessible **car park** with a combined total of 100 ***car parking spaces*** or more.	10%

(c)	The development is within 400m walking distance of an existing, publically accessible **car park** with a combined total of 100 ***car parking spaces*** or more.	5%
3	Inclusion of vertical landscaping	
(a)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 75% or more of the ***site*** area.	25%
(b)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 50-75% of the ***site*** area.	20%
(c)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 25-50% of the ***site*** area.	15%
(d)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the ***site*** area.	10%
4	Improved car parking design outcomes	
(a)	All car parking on the ***site*** is provided in an underground parking area	20%
5	Preservation of a heritage place	
(a)	the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of car parking spaces in the interest of preserving the significance of the ***heritage place***.	As determined by the consent authority, taking into account advice received from the Minister responsible for the administration of the *Heritage Act 2011*.

Assessment

Noted – The consent authority may consider applying a variety of car parking reductions.

1(a) Site within 200 m of frequent public transport – 15% -–11.94 reduction

2(b) Site within 200 m of a public car parking facility– 10% – 7.96 reduction

Combined 25% – 19.90 reduction

These reductions would result in a revised car parking requirement for 59.715 (60), where only 56 car parking spaces are proposed at the site. This would leave a shortfall of 4 car parking spaces.

5.9.2.13 Design of Car Parking Areas and Vehicle Access

Purpose

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.

Administration

1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new ***car parking areas*** in Darwin City Centre.

2. 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.

Requirements

3. ***Ground level car parking areas*** in buildings are limited to the number of ***car parking spaces*** required for ***ground level*** commercial tenancies.

Does not comply – While only one (1) car parking space is proposed on the ground level (located on the ramp to Level 1), and 1.71 are required for the ground level reception area, as serviced apartments of a form dwelling-multiple, this is not considered to be a commercial tenancy.

4. All car parking spaces are to be screened so that they are not visible from the public domain.
5. Vehicle access and loading areas are to be consolidated and ***car parking areas*** are to be located away from street frontages.

Complies – The car parking area is located inside the development, behind the reception which is located along the street boundary.

6. Entry and access from a ***car parking area*** is to be from the lowest order vehicle access way. In order of priority, access should be from:
   (a) a laneway;
   (b) a ***secondary street***; or
   (c) a primary street only if no other access is possible.

Complies – Access is proposed off Harvey Street, which is the only adjacent street.

Assessment

Does not comply – As discussed above, the application does not meet requirements of this clause relating to the provision of ground floor car parking spaces where no commercial tenancies are proposed.

Schedule 5: Reference Guidelines

Clause 1.6 (Structure of the Planning Scheme) states *The structure of the Planning Scheme includes:*
(g) Schedules
The Schedules provide:
i. a range of interpretive provisions and administrative guidelines to supplement considerations and directions within the Parts of the Planning Scheme;
ii. …

As such, a review of the community safety design guide, which is listed in schedule 5 and mentioned in clause 5.5.15 (Design in Commercial and Mixed Use Areas), has been completed below. This review assesses whether this application is considered to support, be neutral towards, or not support, any guidance within the design guide.

Community safety design guide

The community safety design guide (CSDG) sets out 15 principles of crime prevention through environmental design that have particular relevance to the NT. A review of these 15 principles, and their associated guidelines is provided below.

Surveillance – *To ensure that development contributes to the safety of areas by optimising the opportunities to provide passive surveillance of public spaces, communal areas, streets and car parks.*

– Orientate windows, balconies and verandahs to overlook public spaces and streets.
– Ensure that residential building facades that face the public realm are connected to habitable rooms which provide windows and other openings that overlook public spaces.

Supports – The balconies and dwelling-access walkways are cover the majority of the external building line, and as such, will reasonably provide an adequate amount of passive surveillance over the adjacent public domains.

– Ensure that the ground level of commercial buildings are designed to maximise opportunity to activate frontages and allow clear observation of streets, plazas and malls (public spaces).

Not relevant – As the application is for serviced apartments, this guideline is not considered relevant. Notwithstanding, the ground floor reception is comprised of windows and entrances.

– Encourage mixed use development in town centres to facilitate day and night surveillance of public spaces.

Not relevant – The application does not concern a development within a town centre.

– Ensure front fences are either:
– Visually permeable (not solid); or
– Less than 1.2 metres high to enable surveillance of the street

Not relevant – No front fencing is proposed.

Sightlines – *To ensure that built forms and landscaping do not obscure sightlines and allow a clear view of public spaces.*

– Ensure that building entrances are clearly visible and do not provide opportunities for concealment.

Supports – The majority of building entrances are visible from the public domain, with limited opportunity for concealment near the doors.

– Glazed doors or glazed panels in doors should be installed in the entries of publicly accessible buildings to provide clear views into entry foyers and clear views out to the street.

Supports – The doors to the reception area will likely to be glazed.

– Establish clear sightlines across public spaces, along pathways and between buildings.

Supports – There are clear sightlines between the buildings, and to the public domain.

– Design site layouts so that pedestrian routes and destination points are easily identifiable and have clear sightlines.

Supports – The office and shed entrances are visible, and would be easily identifiable to site visitors.

– Avoid landscaping that creates barriers or restricts sightlines.

Supports – A variety of grassing and shrub/trees are proposed at a low density.

– Locate facilities such as bike racks in proximity to building entrances

Does not support – The bike racks are located at the back of the Level 1 car parking area, at the rear of the site.

Mixed use areas and activity generators – *To increase the level of activity within areas to enhance passive surveillance opportunities; and To extend the hours of activity in an area to include after business hours.*

Not relevant – While this application includes a commercial aspect through the proposed serviced apartments, they're not considered to be of a scale that would allow for increased activity at the site.

Design of building exteriors and openings – *Reduce opportunities for criminal behaviour through the design of building facades; and Design buildings that provide spaces and entries that are safe and highly visible.*

– Ensure that entrances to buildings are clearly lit, articulated, secure and orientated to face the street or a public space.

Supports – It is reasonable considered likely that the building entrances will be well lit and secure. Most building entrances are visible from the public domain.

– Locate lifts, stairwells and ramps in visible locations, ensuring that they do not provide entrapment opportunities.

Supports – It is considered that on-site lifts and stairwells adequately visible from on-site balconies/dwellings.

– Ensure that loading, delivery and car parking areas are well lit and secure.

Supports – It is reasonable considered likely that the car parking area and waste management bay (which is located within the car parking area) will be well lit and secure.

– Areas of blank wall facing streets, public space and car parks should not exceed 2 metres in length.

Does not support – Multiple sections of wall on levels 2 to 9 that face the north-east and south-west (other properties) exceed 2 m in width.

– Design entrances and facades to limit opportunities for concealment and entrapment.

Supports – Pedestrian and vehicular entry to the site is considered to be highly visible from the public domain, with the on-site lifts and stairwells adequately visible from on-site dwellings.

– Carefully design elements (such as balconies and fences) so that they do not provide 'ladders' to buildings.

Supports – There is not considered to be any elements that would provide 'ladders'.

Lighting – *To increase the level and quality of lighting in public spaces; To encourage night time activity in designated areas of the public realm; and To make pathways in public spaces clearly visible and inviting at night*.

– Utilise multiple light sources to provide consistent lighting levels and to reduce contrasts between shadow and light.
– Ensure that all recessed spaces and entrances to buildings are well lit.
– Ensure that all awnings provide under awning lighting.
– Ensure that lighting illuminates pathways and potential entrapment locations rather than windows and roads.
– Place lighting fixtures in positions that will not be blocked by mature vegetation.
– Utilise targeted lighting to identify safe routes in the public realm at night.
– Avoid placement of unshielded lighting at eye level.
– Low set lighting such as bollard lights should only be used to augment other lighting and not used exclusively to light spaces.
– All pedestrian lighting is to comply with Australian Standards AS1158.

– Ensure that lighting fixtures are vandal proof, well maintained and promptly replaced if damaged or not functioning.

Supports – It is reasonably considered that any lighting over the public domain (such as under the awnings) can be meet these guidelines.

Signage and way finding – *To provide clear information for people to easily and safely navigate the public realm; To clearly indicate permissible and prohibited uses in public areas; and To signify ownership and boundaries between public and private realms*.

Not relevant – This application does not concern any development within or contribution to the public domain. Beyond any permitter fencing, this core design element is not considered relevant to this application.

Movement predictors and entrapment locations – *Minimise the number of movement predictors in the public realm; and Ensure that the design of public spaces and all buildings eliminate entrapment locations and opportunities.*

Not relevant – This application does propose any additions or changes to the public domain. As such, this core design principle is not considered to be relevant to this application.

Residential – *To reduce the opportunity for criminal and anti-social behaviour within residential areas; To design and develop safe, connected, legible and vibrant spaces and places; To promote a sense of community and improve the quality of life within residential areas; To encourage small business operations from home as these provide additional passive surveillance and promote street activity during various hours of the day*.

– Streets should be designed to ensure there are clear and legible movement paths for pedestrian, cycle and vehicular traffic. Long sightlines are encouraged to increase surveillance and 'way finding' abilities

Not relevant – These aspects are considered relevant to the subdivision of land, and not to individual developments.

– Culs-de-sac and pedestrian walkways narrower than the adjoining street width should be avoided, as these create isolated areas and movement predictors.

Not relevant – These aspects are considered relevant to the subdivision of land, and not to individual developments.

– Ensure residential building facades that face the public realm include habitable rooms and openings for passive surveillance.

Supports –The front building line is comprised almost entirely of balconies.

– Buildings should be orientated to face parks and open spaces to ensure passive surveillance.

Supports –The building is orientated to have half the apartments face the street, and other half facing the rear

– Public open spaces should be designed to include street access around the perimeter to maximise passive surveillance. Where street access is not possible, the fencing between residential allotments and the adjoining open space must be visually permeable.

Not relevant – No public open spaces are proposed as part of this application.

– Avoid the use of multiple enclaves in building facades as these provide hiding places.

Supports – With the exception of the pedestrian foyer, which has multiple doors around its edges, no enclaves are proposed at ground level.

– Avoid the use of landscape treatments that impede clear sightlines or create barriers.

Supports – It is not considered that the proposed landscaping is contrary to this aspect.

Industrial – *To reduce the opportunity for criminal and anti-social behaviour within industrial areas; To reduce the fear of crime; and To design and develop industrial areas that are integrated and connected with the surrounding urban fabric.*

Not relevant – This application does not concern an industrial land use.

Commercial – *To reduce the opportunity for criminal and anti-social behaviour within commercial areas; To design and develop safe, legible and vibrant spaces and places; and To promote a sense of community within commercial areas.*

Not relevant – While the application does involve a commercial aspect through the on-site serviced apartments, this aspect is considered to be relevant for commercial developments that face the public domain/as a streetscape level. As such, this core design principle is not considered to be relevant to this application.

Automatic Teller Machines (ATMs) – *To provide safe and secure environments for the public to access automated banking facilities; and To reduce opportunities for entrapment and robbery.*

Not relevant – This application does propose any ATM facilities.

Public toilets – *To build Council and business capacity to implement and maintain good public toilet facilities; and To ensure that all public toilet facilities are safe, accessible and clean.*

Not relevant – This application does not propose any public toilet facilities.

Public transport settings – *To provide easily accessible, safe and clean public transport settings that encourage patronage throughout the day; To ensure that public transport settings are integrated into the urban fabric of commercial areas and contribute to vibrant and active communities.*

Not relevant – This application is for a development on a particular subject lot, and not considered to be a of scale whereby access to public transportation or publicly accessible routes needs to be considered.

Car parks – *To ensure that the planning and design of car parks considers the provision of a safe and secure environment; and To promote the inclusion of good design principles that reduces the opportunities for crime and anti-social behaviour.*

Not relevant – This core design principle is considered to be relevant to car parking areas associated with larger, commercial developments. As such, this specific application principle is not considered relevant to this application.

Outdoor Dining – *To ensure that outdoor dining areas contribute in a positive way to safe, active and attractive public places; and To ensure that outdoor dining areas are integral components of the streetscape.*

Not relevant – No outdoor dining is proposed as part of this application.

From:	Susannah Penman
To:	Kaleb Thomas
Cc:	Drosso Lelekis; Alice Percy
Subject:	Cash-in-Lieu Parking Contributions for Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin,
Date:	Thursday, 9 July 2026 4:49:35 PM
Attachments:	image001.png

Dear Kaleb

I refer to the development application for Lot 1462 (4) Lindsay Street, Darwin City, Town of Darwin, comprising 39 two-bedroom and 36 one-bedroom serviced apartment suites within a nine-storey building, which is currently on deferral - PA2026/0031.

It appears Council did not request a condition requiring a cash-in-lieu contribution for any parking shortfall in its initial review of the proposal.

Given the development is located within the CBD Car Parking Contribution Plan area, the City requests that the Development Consent Authority consider including such a condition on any Development Permit issued for this development application, where a parking shortfall is supported.

Cash-in-lieu contributions are important as they ensure developments contribute to the cost of providing public parking infrastructure generated by their parking demand, consistent with the developer-pays principle. They also provide an equitable mechanism to fund future public parking facilities within the CBD and help mitigate impacts on surrounding streets and public parking resources.

Cheers

SUSANNAH PENMAN
EXECUTIVE MANAGER PLACE AND ECONOMIC DEVELOPMENT



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