



Development Consent Authority

Northern Territory

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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 m² (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 lounge) 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 m²) 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 PAn: the Planning Action Network Inc.

Mr Kirlew, on behalf of PAn: 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