



# Statement of Effect

Alterations & additions to an existing dwelling-single with reduced  
front and side setbacks

Lot 5818 Town of Darwin (96 Cullen Bay Crescent, Larrakeyah)

March 2026

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<b>Application Details s46(3)(aa) of the Act</b>	
Proposed Development	Alterations & additions to an existing <b>dwelling-single</b> with reduced side and front setbacks
Lot/Parcel	Lot 5818 Town of Darwin
Street address	96 Cullen Bay Crescent, Larrakeyah.
Site area	1,160m <sup>2</sup>
Easements	Nil.
Applicant	Sheridan Consulting
Landowner	Vanessa Marie Farmer
Beneficiaries	Mr John Da Costa
Other interests	Nil.
Contact	Joe Sheridan
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Address	PO Box 41936 Casuarina NT 0811
<b>Planning Synopsis</b>	
Planning Scheme	Northern Territory Planning Scheme 2020 (NTPS)
Strategic framework	<ul style="list-style-type: none"> <li>• Darwin Regional Land Use Plan</li> <li>• Central Darwin Area Plan</li> </ul>
Overlays	Nil.
Zone	LR (Low Density Residential)
Assessment Category	<i>Merit Assessable</i> pursuant to NTPS Clause 1.8(1)(b)(ii)(2)
NTPS Variations sought	<ul style="list-style-type: none"> <li>• Clause 5.4.3 (Building Setbacks of Residential Buildings &amp; Ancillary Structures)</li> </ul>
Consent Authority	Darwin division of the Development Consent Authority
Council municipality	City of Darwin

## 1.0 Introduction

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Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application seeking consent for alterations and additions to an existing **dwelling-single** with reduced front and side setbacks at 96 Cullen Bay Crescent (Lot 5818 Town of Darwin), Larrakeyah pursuant to section 46(3) of the *NT Planning Act 1999* (the Act).

The land is within Zone LR (Low Density Residential) of the *Northern Territory Planning Scheme 2020 (NTPS)*. The proposed use is *merit assessable* pursuant to Part 1 clause 1.8(1)(b)(ii)(2) of the NTPS.

In accordance with clause 1.10(3) of the NTPS, 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.

The following attachments accompany this Development Application:

<b>Attachment A</b>	Certificate of Title
<b>Attachment B</b>	Survey Plan
<b>Attachment C</b>	Site Aerial
<b>Attachment D</b>	Zoning & Locality Plan
<b>Attachment E</b>	Development Plans
<b>Attachment F</b>	Planning History
<b>Attachment G</b>	Stakeholder Endorsement

## 2.0 Locality & Site Description

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### 2.1 Locality Description

The subject site is located to the north-west of Darwin CBD in the suburb of Larrakeyah with direct frontage to Cullen Bay marina. This area was developed in the early 1990s and has become a key economic driver and tourism precinct for the Darwin region. It also supports key marine infrastructure to enable ferry access to and from Mandorah as well as the Tiwi islands.

Surrounding development to the east and west is predominantly residential and developed in accordance with Zone LR (Low Density Residential) provisions. Existing residential development along Cullen Bay Crescent is predominantly single and two-storey **dwelling-singles**. The Cullen Bay crescent alignment follows the natural path of the escarpment. Development atop the escarpment is in Zone CA (Commonwealth) and has uninterrupted views of the Darwin Harbour vista. The Zone CA land is comprised of Department of Defence strategic assets including accommodation.

The marina itself is in Zone OR (Organised Recreation) with land on the northern side in Zone TC (Tourist Commercial). This commercial precinct consists of a range of uses including multi-storey residential, low-rise commercial and the Cullen Bay lock which provides all tide access from the marina to Darwin Harbour. The precinct also boasts a public open space belt along the Darwin Harbour frontage which provides pedestrian connection to Myilly Terrace and the Mindil Beach locality.

The Survey Plan is at **Attachment B**. A Site Aerial is provided at **Attachment C**, and a Zoning Plan is at **Attachment D**.

### 2.2 Site Description

The subject site is approximately 1,160m<sup>2</sup> with a gentle slope to the north-east towards the marina. The lot is irregularly shaped with frontage to Cullen Bay crescent approximately 19.5m wide and a private pontoon and mooring that is accessed from the backyard. Vehicle access and egress is via an existing crossover from Cullen Bay Crescent.

The existing two-storey 'dwelling-single' was approved in 1995 through determination DP95/0464 and remains generally consistent with the originally approved design (**Attachment F** refers).

## 3.0 Proposed development

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### 3.1 Land use definition

This development application seeks consent for alterations and additions to an existing 'dwelling-single' at 96 Cullen Bay Crescent, Larrakeyah.

The following Schedule 2 NTPS definitions are most relevant:

*"...dwelling-single means a building containing one dwelling only..."*

Schedule 2 of the NTPS provides the following general definitions:

*"...a dwelling means a building, or part of a building, designed, constructed or adapted as a self-contained residence";*

*"...a residential building means a building or part of a building used or developed or proposed to be developed for a dwelling-community residence, dwelling caretakers, dwelling-group, dwelling-independent, dwelling-multiple, dwelling single, hotel/motel, residential care facility, or rooming accommodation..."*

### 3.2 Existing & Proposed Development

A multi-generational family currently occupies the existing 4-bedroom home. This includes both parents and their three teenage sons plus their respective partners residing at the premises. Another teenage daughter attending boarding school interstate returns home during semester breaks (occasionally with fellow boarders on holiday). This equates to a household that regularly contains eight (8) adults and more than ten during peak holiday periods.

This organic situation has meant the extended family has outgrown the existing 4-bedroom home that has otherwise been ample for a two-parent family raising young kids and throughout their early teenager years. The current cost of living has also compounded the length of time which the adult children had initially contemplated using the house as a primary place of residence.

#### Design Rationale

In essence, the primary driver for the extensions is to accommodate the multi-generational family under one roof (summarised above). The design has therefore sought to improve the overall functionality of the dwelling and increase the privacy available to the surrounding residents without compromising the architectural merit. The build will also include a solar and battery installation which is scalable to a 100kW+ to offset the large power demand the household is currently experiencing. The proposed battery locations are shown in the Development Plans at **Attachment E**).

The layout will create a natural separation with how the home is used by preserving the rear of the established residence for the adult landowners. The front portion of the house has been intentionally designed to provide a 'retreat' that will function as the hub for teenage

activities. To ensure this area does not result in any potential noise impacts for the adjoining landowner on the east boundary, the room will also incorporate additional noise attenuation and acoustic treatments. No windows are also proposed along this boundary to prevent any concerns about overlooking to the neighbouring driveway area. The design will also ensure that any potential issues emanating from the subject site or the neighbouring site are adequately mitigated.

In summary, this represents the optimal design solution for the landowners. It's also not out of character with the existing development in the Cullen Bay precinct nor does it undermine the design outcomes encouraged by the Cullen Bay Management Authority. The zero lot line along the east boundary is also compliant with the approved building setback plan for R1 lots of Policy 3 (**Attachment F** refers). This is further evidenced by their endorsement of the plans and support from the landowners along the west side boundary and directly opposite to address the setback variations sought.

An overview of the proposed alterations and additions is provided below:

## Ground floor

- Conversion of the existing garage to a bike room/gym and hobby space and reconfiguration of the internal pedestrian circulation areas.
- Removal of the existing bin enclosure in the south-east corner of the driveway & pool equipment storage area in south west corner of the site. A new open pool equipment enclosure will replace the existing one but is behind the front fenceline and not visible from the street.
- New garage with 0m setback to the east side boundary and 1.5m front setback to the building line.
- Approximate 0.5m front setback to the gatehouse entry and associated roof structure.
- New outdoor kitchen and ensuite bathroom to the pool/entertainment area adjacent the west side boundary.
- New front blockwork fence to match and ensure privacy.
- Extensive landscaping throughout with a focus on planting in the south-west property frontage and shared side/rear boundaries to improve privacy for the residents and adjacent properties.

## First floor

- 2 x new bedrooms with ensuites. One is above the bike room/gym with the second above the pool/entertainment area.
- A new family room (teenage retreat) above the proposed garage with a 4.5m front setback including a kitchenette and outdoor kitchen.
- Decking extensions to connect the existing dwelling.
- Colourbond roofing with all stormwater directed inwards to ensure no impacts to adjoining land.

A photo of the property frontage is provided in figure 1 below. A copy of the proposed development plans is at **Attachment E**.



**Figure 1 – Existing dwelling from Cullen Bay Crescent**

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

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### 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:

- The proposed **dwelling-single** is *merit assessable* in Zone LR (Low-Density Residential) by virtue of clause 1.8(1)(b)(ii)(2)
- In accordance with clause 1.10(3) of the NTPS, 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.

The development has been assessed as compliant with the relevant Part 5 requirements except in relation to clause 5.4.3 (Building Setbacks of Residential Buildings & Ancillary Structures). The variations sought relate to the west side boundary and front setback requirements.

### 4.2 Part 2 – Strategic framework

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

The strategic policy documents relevant to this application are the *Darwin Regional Land Use Plan 2015*<sup>1</sup> and the *Central Darwin Area Plan 2019*<sup>2</sup>. However, Part 2 of the NTPS is not relevant to the consent authority's assessment pursuant to clause 1.8(1)(b)(ii)(2).

### 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.

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<sup>1</sup> [Darwin Regional Land Use Plan 2015](#)

<sup>2</sup> [Central Darwin Area Plan 2019](#)

## 4.4 Part 4 – Zones & Assessment Tables

### 4.4.1 Clause 4.3 – Zone LR – Low Density Residential

*The purpose of Zone LR is to provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available.*

*The relevant zoning outcomes are discussed below:*

1. **Dwellings-single** and associated **dwellings-independent** predominantly two storeys or less, on individual lots on a range of lot sizes that respond to changing community needs.

The proposed development does not exceed two-storeys.

2. *Home based businesses and dwellings-community residence are operated in a manner consistent with residential amenity.*

Not applicable.

3. *Residential care facilities are of a scale and operated in a way that is compatible with the character and amenity associated with medium density residential development.*

Not applicable.

4. **Dwellings** and **outbuildings** are set back in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development.

The proposed setbacks are discussed below in section 4.6.2 of this report including photos of development in the immediate locality with similar setback variations.

5. **Non-residential residential activities, such as *community centre*:**
  - a. *support the needs of the immediate residential community;*
  - b. *are of a scale and intensity compatible with the residential character and amenity of the area;*
  - c. *wherever possible, are co-located with other non-residential activities in the locality;*
  - d. *avoid adverse impacts on the surrounding road network; and*
  - e. *are managed to minimise unreasonable impacts on the amenity of surrounding residents.*

Not applicable.

6. **Building design, *site* layout and **landscaping**** provide a sympathetic interface to the adjoining public spaces and to adjoining lots, and provides privacy and attractive outdoor spaces.

Landscaping is proposed throughout the site with screen planting focused along the front & side boundaries to improve privacy for the residents and adjacent landowners. Landscaping, site layout and building design is discussed in more detail in Section 5 of this report.

7. *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.*

The site is appropriately zoned, connected to existing reticulated services, integrated with existing transport networks and has convenient access to community facilities including the Cullen Bay marina complex.

#### **4.5 Part 5 – General Development Requirements**

The following Part 5 clauses are applicable to the proposed development.

##### **4.5.1 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.*

6. *The building height of a development is not to exceed:*
  - a. *the maximum **building height** for the zone and use as specified in table B to this clause; or*
  - b. *two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.*

Zone LR is not listed in Table B to this clause. Pursuant to sub-clause 5(b), the proposed additions to the existing two-storey dwelling are a maximum height of approximately 6.287m. This is less than the roof height of the existing dwelling. It is noted that a variation to height requirements was originally granted through determination DP95/0464 pursuant to the old Darwin Town Plan 1990.

##### **4.5.2 Clause 5.2.4.1 – Car Parking**

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

The table to this clause requires two (2) car parking spaces per **dwelling-single**. Sufficient parking is provided within the new garage.

##### **4.5.3 Clause 5.2.6.1 – Landscaping in Zones other than Zone CB**

*The purpose of this clause is to 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.*

The requirements of this clause are:

3. *Where landscaping is required by this Scheme it should be designed so that:*
  - a. *planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
  - b. *it maximises efficient use of water and is appropriate to the local climate;*

- c. *it takes into account the existing streetscape, or any landscape strategy in relation to the area;*

A landscaping plan is provided with the Development Plans at **Attachment E**. The plan includes a selection of species appropriate for the local climate and focuses planting along the side and front boundaries to improve both amenity and privacy for the residents and neighbouring landowners.

- d. *significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
- e. *energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
- f. *the layout and choice of plants permits surveillance of public and communal areas;*

Surveillance of the streetscape is not impeded by the proposed landscaping.

- g. *it facilitates on-site infiltration of stormwater run-off.*

The planting schedule will assist on-site filtration and simultaneously reduce stormwater run-off to the street and Cullen Bay marina.

4. *The quality and extent of the landscaping consented to must be maintained for the life of the development.*

A standard condition can be included to this effect on any permit issued.

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

Not applicable.

6. *In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.*

Not applicable.

7. *In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.*

Not applicable.

#### **4.5.6 Clause 5.2.7 – Setback for Development Adjacent to Zones LR, LMR, MR or HR.**

*The purpose of this clause is to protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.*

Not applicable.

## 4.6 Part 5 – Specific Development Requirements

### 4.6.1 Clause 5.4.1 – Residential Density

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

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

Table A to this clause requires (1) one **dwelling-single** per lot in Zone LR. The proposed development is for alterations and additions to an existing **dwelling-single**.

### 4.6.2 Clause 5.4.3 – Building Setbacks of Residential Buildings & Ancillary Structures

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

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

The requirements of this clause are:

- 6. Subject to clause 5.2.7, building setbacks of residential buildings and ancillary structures are to be set back from lot boundaries in accordance with:*
  - a. the relevant table to this clause;*
  - b. or any setbacks established in a building setback plan that is included in Schedule 9.*

Pursuant to sub-clause 6(b), the established setback plan is the *Cullen Bay Setback Plan Policy No. 3* approved in October 2000 and is provided at **Attachment F**. The subject site is identified as an 'R1' lot in this setback plan.

It is noted that this setback plan is not included at Schedule 9 of the NTPS 2020 however is understood to be in effect and this has been confirmed by Development Assessment Services.

The *Cullen Bay Setback Plan Policy No. 3* requires the following setbacks:

Lot Boundary	Minimum Setback requirements for R1 lots	Proposed Setbacks	
<b>Primary Street (Cullen Bay Crescent)</b>	<ul style="list-style-type: none"> <li>4.5m to building line</li> <li>1.5m to car parking structures including garages</li> </ul>	<ul style="list-style-type: none"> <li>4.5m to 1<sup>st</sup> floor Family room &amp; 3m-3.5m to front eave</li> <li>~1.45m to new GF garage</li> <li>~0.5m to GF entry/roofline</li> </ul>	Variation requested (garage/gate house)
<b>Rear (north)</b>	<ul style="list-style-type: none"> <li>4.5m from water line</li> </ul>	<ul style="list-style-type: none"> <li>No change to existing</li> </ul>	Complies
<b>Side (east)</b>	<ul style="list-style-type: none"> <li>0m per R1 setback plan</li> </ul>	<ul style="list-style-type: none"> <li>0m for 12.5m length of GF garage wall</li> <li>0m for 7.729m length of 1<sup>st</sup> floor family room</li> <li>0m for 4.749m length of 1<sup>st</sup> floor bedroom length</li> </ul>	Complies
<b>Side (west)</b>	<ul style="list-style-type: none"> <li>3m per R1 setback plan</li> </ul>	<ul style="list-style-type: none"> <li>0.2m for the GF Arbor for 8m</li> <li>1.5m to GF structures (outdoor kitchen/ensuite in entertainment area)</li> <li>1.5m to 1<sup>st</sup> floor building wall</li> <li>0.7m to 1<sup>st</sup> floor roofline/slots</li> </ul>	Variation requested

Pursuant to sub-clause 5.4.3(3), a variation is respectfully requested for the reasons set out below. In relation to the front setback variation where 1.5m is required:

- Existing development in the Cullen Bay locality includes similar front setback encroachments for garages and the first floor of **dwelling-singles**. Examples of comparative built form are provided in the figures below. These images demonstrate setbacks similar to the 1.45m sought for the main garage structure of the proposed development are not inconsistent with the existing streetscape.
- The 0.5m front setback for the gatehouse entry structure relates only to the roof structure and associated structural supports. This architectural and security feature is also evident in other homes in the locality.
- Furthermore, the generous landscaping plan which includes first floor creeping vines and new verge planting to enhance the streetscape will serve to reduce the perceived impacts of building massing when viewed from adjoining land.
- Importantly, the plans have been endorsed by the neighbours directly opposite at 95 Cullen Bay Crescent and by the Cullen Bay Management Corporation with respect to the design covenant that applies to development in the locality (**Attachment G** refers). This evidences that the proposed front setback is considered generally acceptable in the locality and for the existing streetscape.

In relation to the west side setback:

- The ground floor block work boundary wall will assist in screening at ground level. The structures within the setback at ground floor are not habitable will and will only be used occasionally for entertaining purposes (bathroom/BBQ area). The open

nature of the 1.3m wide Arbor is also unlikely to give rise to any circumstances that may undermine the purpose of the clause.

- To ensure there is no impact on the privacy of the adjoining landowner, the proposed setback on the first floor does not include any windows for the entirety of setback encroachment (all block work, aluminium slat screening & cladding).
- To further reduce the potential for adverse impacts from building massing, the landowners are open to painting the blockwork wall in a colour of the neighbour's choosing (subject to further discussion).
- Importantly, the Cullen Bay Management Corporation has endorsed the plans (**Attachment G** refers).
- Most importantly, the landowner of 98 Cullen Bay Crescent has also endorsed the plans (**Attachment G** refers).



Figure 2 – 78 Cullen Bay Crescent (comparative 0m side and front setbacks/built form)



**Figure 3 – 1 Gribble Court (comparative 0.5m front and 0m side garage setbacks)**



**Figure 4 – 18 Cullen Bay Crescent (with comparative 0m garage setback and front pool)**



Figure 5 – 11 & 13 Cullen Bay Crescent (comparative 0m garage setback & first floor-built form)

#### 4.6.3 Clause 5.4.6.1 – Private Open Space (POS) for dwelling-single

*The purpose of this clause is to 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;*

The POS is adequate for domestic purposes and unique in nature due to the private pontoon with marina frontage.

- b. appropriately sited to provide outlook for the dwelling;*

Both the front and unique marina frontage of the rear POS area are appropriately sited such that an outlook for dwelling is provided.

- c. open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and*

The POS areas are open to the sky and include landscaping to promote stormwater filtration.

- d. inclusive of areas for landscaping and tree planting.*

Existing landscaped areas will be improved and allow for additional tree planting.

This clause requires private open space to:

- a. *satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;*

Refer to calculations in the table below.

- b. *be directly accessible from the dwelling and enable an extension of the function of the dwelling; and*

The rear POS area, including a ground floor veranda & upper floor balcony, is directly accessible from the existing dwelling. The front POS area is also accessible via stairs from the first floor and directly via the existing ground floor dwelling configuration.

- c. *be located to provide views from the dwelling to open space and natural features of the site or locality, and to reduce overlooking from neighbouring open space and dwellings;*

The POS areas are appropriately sited with the rear area able to leverage the unique views available across the Cullen Bay marina and parts of the Darwin Harbour.

- d. *ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the site;*

The majority of the POS areas are considered permeable and allow stormwater infiltration.

- e. *include at least one area of at least 5m<sup>2</sup>, with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and*
- f. *allow for landscaping at the property frontage to complement the visual amenity of the streetscape.*

Planting is focused adjacent the front boundary with additional verge planting proposed to enhance the streetscape. Both the front and rear ground floor landscaped areas provide an area greater than 5m<sup>2</sup> with no dimension less than 1.5m (the rear landscaped area is irregularly shaped but satisfies the intent of the sub-clause).

The design also includes verge planting to increase the amenity and visual appeal of the Cullen Bay Crescent streetscape. While the existing private pontoon with marina access is challenging to assess, it provides a unique and privately accessible feature of the dwelling that aligns with the purpose of the clause.

The dimensional requirements of the table to this clause are set out below:

- **Area A** is the minimum area, for each dwelling, which must be open vertically to the sky and have no dimension less than 1.5m. At least half of Area A must be permeable and may include the 5m<sup>2</sup> required for deep soil planting.
- **Area B** is the minimum dimensioned space that extends the ‘function of the dwelling’ and may be covered or open to the sky.

Dwelling Type	POS per dwelling	Unit	Dimensions	Assessment
Dwelling- Single	<b>Area A:</b> 50m <sup>2</sup> , open vertically to the sky, with no dimension less than 1.5m  <b>Area B:</b> 36m <sup>2</sup> all or partly covered, with no dimension less than 6m	Area A (front & rear)	~4.5m wide & m <sup>2</sup> (permeable + >5m <sup>2</sup> for planting)	>36m <sup>2</sup> in the front garden area near pool >18m <sup>2</sup> rear garden area >All open to the sky, permeable & include 5m <sup>2</sup> for deep soil planting
		Area B	6m wide	> 20m <sup>2</sup> for rear GF veranda > 15m <sup>2</sup> first floor balcony area (not shown in plans) > GF pool area excluding front garden is >35m <sup>2</sup>

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

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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 nor is it required.

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

The following merits have been identified:

- The primary driver for the proposal is to accommodate a multi-generational family, and the partners of their adult children, under one roof. The design has therefore sought to improve the overall functionality of the dwelling and increase the privacy available to the surrounding residents and owners alike without compromising the architectural merit.
- Importantly, while departures from the minimum setback requirements are sought, the proposed development is endorsed by the Cullen Bay Management Corporation and the landowners along the west side boundary and directly opposite.

### 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 of this report.

### 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 and the land is provided in Section 2 of this report. No public facilities or open space is proposed as part of the proposed development nor is the developer required to under Part 5 of the NTPS.

### 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 telecommunications are connected to the site. No public facilities or open space is proposed as part of the proposed development nor is the developer required to provide any under Part 5 of the NTPS.

**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 expected to have any adverse impacts on the amenity within the area for the reasons discussed in this report.

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

The development will stimulate economic activity in the trades without any foreseeable detriment to the public interest.

**5.9 46(3)(ja) – the in the case of a proposed subdivision or consolidation of land in a Restricted Water Extraction Area - the information required by section 14C(1) of the *Water Act 1992*.**

Not applicable.

**5.10 46(3)(j) – in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the *Building Act 1993* as to whether the building will cease to comply with the *Building Act 1993* if the proposed development were to proceed.**

Not applicable.

## 6.0 Conclusion

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Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application seeking consent for alterations and additions to an existing **dwelling-single** with reduced front and side setbacks at 96 Cullen Bay Crescent (Lot 5818 Town of Darwin), Larrakeyah pursuant to section 46(3) of the *NT Planning Act 1999* (the Act).

While departures from the minimum setback requirements for R1 lots per the approved setback plan are sought, the proposed development is endorsed by the Cullen Bay Management Corporation and the impacted landowner along the west side boundary and also directly opposite.

The variations sought to the front and side setbacks are also generally consistent with established homes in the locality suggesting that the overall amenity of the streetscape or amenity is not unduly impacted. Furthermore, the architecturally designed home is both thoughtful and considerate of neighbouring landowners through the use of carefully selected materials, finishes and generous landscaping.

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.

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**End**