DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 2 **MEETING DATE:** 08/05/2026 **FILE:** PA2026/0094

APPLICATION PURPOSE:	Additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries
SUBJECT SITE:	Lot 5818 (96) Cullen Bay Cres, Larrakeyah, Town of Darwin
ZONE:	LR (Low Density Residential)
SITE AREA:	1160m^2
APPLICANT	Sheridan Consulting Director - Joseph Sheridan
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Vanessa Marie Farmer
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	John Da Costa

1. PROPOSAL

The application is for additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries at Lot 5818 (96) Cullen Bay Cres, Larrakeyah, Town of Darwin (the site). The 1160m² lot is in Zone LR (Low Density Residential) of the Northern Territory Planning Scheme 2020 (NTPS2020).

The application was submitted by Joseph Sheridan of Sheridan Planning and Development, on behalf of the landowner Vanessa Marie Farmer. The proposal seeks consent for alterations and additions to an existing two-storey, four-bedroom single dwelling.

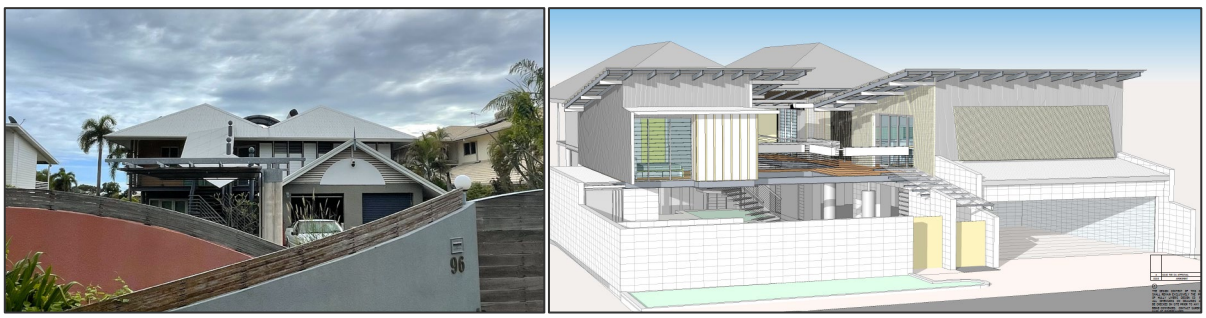


Figure 1: Existing site photo and proposed street view

The proposed layout will comprise:

- Ground Floor
  - Existing garage converted to bike room
  - Relocate bin enclosure and pool equipment storage
  - New garage
  - New gatehouse entry
  - New outdoor kitchen
  - New blockwork fence
  - Extensive landscaping with focus on street frontage and western side boundary

- First Floor
  - Two new bedrooms with ensuites
  - New family room
  - New outdoor kitchen
  - Decking extensions linking existing dwelling and additions.

The proposed development has a maximum height of 6.287m and 2 storeys.

It is noted that the previous planning policy for the Cullen Bay Estate was the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000 (refer to **Bookmark B3)**. This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020.

The proposed development provides the following setbacks:

Lot Boundary	**Structure**	**Proposed Setback**	**NTPS 2020**		**Cullen Bay Setback Plan (Policy No.3)**	
			Requirements	**Compliance**	**Requirements**	**Compliance**
Primary Street (Cullen Bay Cres)	Blockwork Fence	0m	6m	x	4.5m but car parking structures allowed up to 1.5m from front boundary and no more than 8m	x
	Gatehouse & Roof	0.5m		x		x
	Pool Equip Wall	1.23m		x		x
	Garage	1.5m		x		✓
	Outdoor Kitchen	7.25m		✓		✓
	First Floor	4.5m		x		✓
Eastern Side	Blockwork Fence	0m	1.5m	x	0m ie zero lot line one side only	✓
	Garage	0m		x		✓
	First Floor	0m		x		✓
Western Side	Blockwork Fence	0m	1.5m	x	3m	x
	Outdoor Kitchen	1.5m		✓		x
	First Floor	1.5m		✓		x
Rear	Dwelling	No change proposed to existing rear setback approved under DP95/0464				

The application explains that 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 (10) during peak holiday periods.*

Schedule 2 of the NTPS2020 provides the following relevant definitions:

> ***dwelling-single*** *means a building containing one dwelling only;*
>
> ***dwelling*** *means a building, or part of a building, designed, constructed or adapted as a self-contained residence;*

The proposed development is considered an addition to the existing dwelling-single, as although it proposes substantial floor area and contains multiple bedrooms and living spaces, it is physically and functionally integrated with the existing dwelling, relies on shared structures and services, and does not contain independent facilities required for separate occupation. Accordingly, it remains an extension of the existing single dwelling rather than a new or additional dwelling.

It is noted that whilst not a requirement under the *Planning Act* 1999 the proposed development has been endorsed by the Cullen Bay Management Authority with respect to the design covenant that applies to development in the locality. A copy of support letter and endorsed plans is attached at **Bookmark C8**.

A location plan is included at **Bookmark A** and a copy of the application is at **Bookmark C.**

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is the application is Merit Assessable under Clause 1.8(1)(b)(ii)(2) of the NTPS2020. While the use is usually a Permitted use in the zone, a variation is required to primary street and western side boundary setbacks, and private open space fencing height.

Zoning	Part 3 Overlay	Part 5 – General and Specific Development Requirements	Level of Assessment
LR (Low Density Residential)	N/A	5.2.1 General Height control 5.2.4 Car Parking 5.2.6 Landscaping 5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.6 Private Open Space	Merit Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(2).

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and clause 5.4.6 (Private Open Space) of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit.

4. BACKGROUND

The site is located in Larrakeyah within the Cullen Bay Estate and is surrounding by similar single dwelling residential developments. The site has a primary street frontage to Cullen Bay Crescent and a rear frontage to the Cullen Bay Marina.

The site is semi-regular in shape and slopes down from south to north. A review of the survey plan found that the subject lot is not encumbered by any easements, nor are any located in proximity to the proposed development.

The existing dwelling has been approved under Development Permit DP95/0464 issued on 18 September 1995. A copy of Development Permit is at **Bookmark B1**, and a copy of Endorsed Plans is at **Bookmark B2**.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. One public submission was received under section 49(1) of the *Planning Act 1999* and one submission was received outside of the exhibition period.

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

Section 51 sub-clause 3 states that when considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

Sub-clause 2 of Clause 1.10 of the NTPS2020 specifies that 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.

The NTPS 2020 applies to the land which is located in Zone LR (Low Density Residential). The application is Merit Assessable under Clause 1.8(1)(b)(ii)(2) of the NTPS2020, as while the use of a dwelling-single is usually a permitted use in the zone, a variation is required to clause 5.4.3 Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 5.4.6 (Private Open Space), as assessed at **Bookmark D**.

Consideration of each non-compliance is provided below.

<u>Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)</u>

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

Primary Street (Cullen Bay Crescent): 6m required
- Blockwork Fence – 0m
- Gatehouse and Roof – 0.5m
- Garage – 1.5m
- Pool Equipment Wall – 1.23m

- First Floor – 4.5m

Eastern side: 1.5m required
- Blockwork Fence – 0m
- Garage - 0m
- First Floor – 0m

Western side: 1.5m required
- Blockwork Fence – 0m

It is the noted the site was previously able to access site specific setbacks through the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000 by the Development Consent Authority **(Bookmark B3**).

This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020 (and previously under the NTPS2007). A number of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy. This policy identified the site as being within R1 (which applied to land in Zone R1, which is considered to accord with the NTPS2020 Zone LR, and former NTPS2007 Zone SD (Single Dwellings).

If this proposal were to be assessed under the previous policy it would be largely compliant with the setback requirements, except for a small encroachment of the garage roof into the 1.5m primary street setback and the 1.5m western side setback, where 3m was required.

Notwithstanding the proposal requires consideration under the current setback provisions.

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

The purpose of Clause 5.4.3 is to *ensure that residential buildings and ancillary structures are located in a manner that:*
(a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
(b) minimises adverse effects of building massing when viewed from adjoining land and the street;
(c) avoids undue overlooking of adjoining properties; and
(d) facilitates breeze penetration through and between buildings.

Elements of subclause 3 are discussed further below:

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

Alterations and additions to an existing single dwelling is a typical form of development within Zone LR. The reduced setback of the dwelling to the primary street frontage and one of the side boundaries is considered compatible with the Cullen Bay streetscape, as similar developments in the locality reflect the provisions of the former Setback Plan (Policy No. 3), which allowed a 1.5m front setback for car parking structures, 4.5m front setback for residential buildings, and 0m to one of the side boundaries. Refer to photos of similar developments within the surrounding locality:



46 Cullen Bay Cres – reduced front and side setback



15 Cullen Bay Cres – reduced front and side setback



11 Cullen Bay Cres - reduced front and side setback



3 Paspaley Pl - reduced front and side setback



11 Paspaley Pl - reduced front and side setback



15 Paspaley Pl - reduced front and side setback



16 Hickey Ct – reduced side setback



9 Hicky Ct – reduced front setback



8 Hicky Ct (on the left) – reduced side setback



10 Hicky Ct – reduced front setback



9 Perkins Ct – reduced side setback



78 Cullen Bay Cres – reduced front and side setback



76 Cullen Bay Cres - reduced front and side setback



1 Gribble Ct – reduced front and side setback

Despite the above, the proposed nil setback to both side boundaries and the street boundary has the potential to impact the streetscape and adversely affect the amenity of neighbouring properties. It is noted that under the Cullen Bay Setback Plan (Policy No.3), nil setback is permitted to one side boundary only, where 3m is required for another side. The proposed development has nil setback on the eastern side, where 1.5m is proposed on the other side, which does not meet the requirements under either the previous Policy No.3, or the current NTPS 2020.

The potential impact is particularly relevant to Lot 5819 (94) Cullen Bay Crescent, where the blockwork fence wall would extend approximately 22.3m at a maximum height of 6.287m, encroaching into the required setback along around 54% of the total 41.3m eastern side boundary length. The combination of height, length, and zero setback of the proposed addition must be considered.

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

As discussed above, it is considered that the proposed reduced front setback is compatible with the Cullen Bay streetscape. However, the height and extent (noting the form is continuous with no variation in setbacks or voids) of the proposed blockwork fence and dwelling addition, is visually dominant particularly when viewed from the adjoining property.

(c) Avoids undue overlooking of adjoining properties

Solid fencing is proposed around the front setback area which provides privacy for both onsite residents and adjoining neighbours. Dense landscaping is also proposed along western side boundary providing a visual screen. No windows facing the adjoining properties are proposed and no overlooking concerns are anticipated. Therefore no overlooking issues are considered to arise from this proposal.

(d) Facilitates breeze penetration through and between buildings

The proposed extent of the existing dwelling along with the extent of wall proposed along the eastern side boundary is likely to impact on breeze penetration east to west across the site. It is considered that alterations to the proposed layout to make the proposed enclosed gym and outdoor kitchen and void space 'open' and not enclosed would allow for greater breeze penetration between the building.

For the reasons above, a condition precedent is recommended to be applied to any development permit issued requiring amended plans that achieve better compliance with the purpose of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020, particularly as it relates to the height, setback and continuous nature of the built form along the boundary.

Clause 5.4.6 (Private Open Space)

Part of the western side boundary is proposed to include dense landscaping and an existing 1.2m-high tubular fence, which does not comply with subclause 3(b) that requires fencing to be at least 1.8m in height.

Administratively, subclause 1 specifies that *the consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property*.

The purpose of Clause 5.4.3 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;
(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.'

The proposed reduced side boundary fencing height is considered appropriate for the following reasons:

- Both Area A and Area B of the proposed open space meet the minimum area and dimension requirements, and are directly accessible from the habitable rooms and enable an extension of the dwelling's function.

- The proposed private open space will provide a functional area to enhance visual connection between the indoor and outdoor spaces.
- A minimum area of 63.5m2 of the proposed private open space is permeable to allow stormwater infiltration and reduce stormwater runoff. Adequate space is provided for deep soil planting of trees and vegetation.
- Landscaping is provided at the property frontage and along western and rear boundaries to enhance the visual appeal of the streetscape, and provide visual screen for residents on site and neighbours.
- In addition, although the 1.2m high tubular fence does not meet the requirements under this clause, the fence is existing and has been approved under development permit DP95/0464, while no amendment has been proposed to the 1.2m high fence, this is not considered a significant issue for the development.

(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 Northern Territory Planning Scheme 2020 which affect this proposal.

(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 relevant to the site.

(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 environmental protection objectives relevant to the land.

(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

One (1) public submission was received under section 49(1) of the *Planning Act 1999*, with respect to this application.

In addition, one (1) submission was received outside of the exhibition period stated above. Pursuant to section 51(1)(t) of the Act, which relates to *Other matters the consent authority thinks fit*, it is considered relevant. In respect of the late submission, it is noted that the NTCAT decision in *Association of Islamic Da'Wah in Australia Inc v Development Consent Authority [2019] NTCAT 14*, section 51(t) of the *Planning Act 1999*, allows the consent authority, in considering a development application, to take into account 'other matters it thinks fit'. This report considers the matters raised in the late submissions to be relevant this application, and that it should be considered by the Authority in respect of the current application. For the ease of reading, this late submission is included and summarised in this section of the report.

The submissions are summarised as followed:

Eric Withnall on behalf of Gordon Withnall and Vivienne Withnall, Lot 5819 (94) Cullen Bay Cres, Larrakeyah, Town of Darwin - **Bookmark F1**

- Cullen Bay is a low-density residential suburb, with appeal and ongoing viability as a result of the estate plan.

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

Nick Kirlew on behalf of the Planning Action Network Inc. (Plan) - **Bookmark F2**

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

DAS response:

In relation to the Cullen Bay Setback Plan (Policy No.3) DAS acknowledge that incorrect advice was provided regarding its status under the NTPS2020. DAS confirm that the policy setback plan does not apply in this instance, instead the standard setback requirements apply. For context, the previous planning policy for the Cullen Bay Estate was the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000. This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020. A number of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy.

Detailed consideration of the proposed setbacks and compatibility with the streetscape, impacts of building massing, overlooking and breeze penetration impacts are provided at section (a) of this report.

In relation to concerns that the proposed development is a dual occupancy, it is noted that although the proposed addition has a substantial floor area and contains multiple bedrooms and living spaces, it is physically and functionally integrated with the existing dwelling, relies on shared structures and services, and does not contain independent facilities required for separate occupation. Accordingly, it remains an extension of the existing single dwelling rather than a new or additional dwelling.

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

In relation to traffic and parking impacts, the proposal complies with Clause 5.2.4.1 (Car Parking Spaces) of the NTPS 2020, which requires a minimum of 2 on-site car parking spaces. In addition, based on the standard parking bay dimensions of 2.5m by 5.5m under the NTPS 2020, the proposed garage measuring 7.2m by 12.5m is likely to provide sufficient space to accommodate at least 4 vehicles.

In relation to landscaping, proposed landscaping is provided along the Cullen Bay Crescent street frontage and the western side boundary. The inclusion of screening vegetation will assist in achieving passive surveillance, support privacy requirements for private open space, enhance the streetscape, and provide shading for residents. The use of native species is appropriate, as they are generally resilient to the local warm climate. Stormwater from roofed areas will be collected and managed within the site and will not adversely impact adjoining properties. Maintenance of the landscaping will be listed as a condition on the development permit.

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

Concerns raised regarding land capacity are addressed at section (j) of this report.

Concerns raised regarding the solar battery system are not planning matters for consideration under the *Planning Act 1999* and are outside the scope of the application.

Procedural and conflict of interest concerns raised regarding the Cullen Bay Management Corporation and Committee are not planning matters for consideration under the *Planning Act 1999* and are outside the scope of the application.

In relation to concerns regarding setting a precedence, there are no specific provisions within the Planning Act 1999 or NTPS 2007 that allow the Authority to consider planning precedence when assessing an application. Each application is considered on its own merits, and in the context of its site and zoning.

(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 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.'

(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 land is capable of supporting the proposed development. Dwelling-single is a permitted form of development within Zone LR. Regarding servicing requirements, the application was circulated to the relevant authorities, and the comments received have been addressed through conditions and advisory notes on the development permit. Additionally, the Land Resources Division - Department of Lands, Planning and Environment did not identify or raise any issues of concern in relation to land capability.

(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 no requirement for the provision of public facilities or open space as part of the proposed application.

(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

The proposal was circulated to the following authorities for comment:

Local Authority:

City of Darwin – Bookmark E1

Conditions precedent have been requested by the City of Darwin regarding dilapidation report, access, stormwater, site construction management plan.

Standard conditions have been recommended including works within road reserve, building identification, infrastructure on or over road reserve, landscaping of the road verges, kerb crossovers and driveways, gate over an access to a public road, sightlines, easements, bin enclosures, and stormwater connections.

It is recommended that conditions precedent, standard conditions and notes be applied to address this requirement.

Service Authority:

Power and Water Corp. (Power Section) – **Bookmark E2**

PWC (Power) provided standard comments regarding the current limited capacity power supply, and engaging a licensed electrician to prepare a maximum power demand calculation, and to carry out applicable upgrade works.

It is recommended that standard conditions and notes be applied to address this requirement.

Power and Water Corp. (Water Section) – **Bookmark E3**

Standard comments were received from the Water Services regarding upgrading existing service, water efficiency, internal firefighting arrangements, and standard charges at the developer's expense.

It is recommended that standard conditions and notes be applied to address this requirement.

The application was also circulated to the Development Coordination, Land Resource Division of the Department of Lands, Planning and Environment and no response has been received.

(n) the potential impact on the existing and future amenity of the area in which the land is situated

The proposal complies with the purpose and outcomes of Zone LR and is compatible with the character of the locality, where alterations and additions to existing dwellings are common in residential developments. Detailed consideration of the amenity impacts of western side setback is provided at section 6(a) of this report.

(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

The proposed development will not impact on the public interest.

(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 on the site or in the immediate surrounding area.

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

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic.

It is the responsibility of the developer and land owner 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.

The proposed development does not require the preparation of any environmental reports or impact statements under the Environmental Protection Act 2019.

7. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 5.4.6 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 5818 (96) Cullen Bay Cres, Larrakeyah, Town of Darwin for the purpose of additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the 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) amend the proposed dwelling additions and blockwork fence to achieve better compliance with the purpose of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020.

2. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, particularly regarding the proposed crossover location on Cullen Bay Crescent and its impact on the existing SEP, to the satisfaction of the consent authority.

3. 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.

4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

5. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

GENERAL CONDITIONS

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

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
   Please refer to notations 1 for further information.

8. 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.

9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

10. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.

11. 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.

12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

13. 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, to the satisfaction of the consent authority.

14. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.

15. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road to the requirements of the City of Darwin, to the satisfaction of the consent authority.

16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

17. 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.

18. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. 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.

3. This permit will expire if one of the following circumstances applies:
    (a) the development is not started within two years of the date of this permit; or
    (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

8. REASONS FOR THE RECOMMENDATION

1. 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 NT Planning Scheme 2020 applies to the land and additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(ii)(2); therefore, pursuant to Clause 1.10(2), the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements, need to be considered.

   These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 5.4.6 (Private Open Space).

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

   As discussed above, Clause 1.10(2) applies to the application, thus the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements, need to be considered. Clauses 1.10(3) and 1.10(4) do not apply.

   The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 5.4.6 (Private Open Space).

   <u>Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)</u>

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

   Primary Street (Cullen Bay Crescent): 6m required
   - Blockwork Fence – 0m
   - Gatehouse and Roof – 0.5m
   - Garage – 1.5m
   - Pool Equipment Wall – 1.23m
   - First Floor – 4.5m

   Eastern side: 1.5m required
   - Blockwork Fence – 0m
   - Garage - 0m
   - First Floor – 0m

   Western side: 1.5m required
   - Blockwork Fence – 0m

It is the noted the site was previously able to access site specific setbacks through the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000 by the Development Consent Authority **(Bookmark B3**).

This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020 (and previously under the NTPS2007). A number of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy. This policy identified the site as being within R1 (which applied to land in Zone R1, which is considered to accord with the NTPS2020 Zone LR, and former NTPS2007 Zone SD (Single Dwellings).

If this proposal were to be assessed under the previous policy it would be largely compliant with the setback requirements, except for a small encroachment of the garage roof into the 1.5m primary street setback and the 1.5m western side setback, where 3m was required.

Notwithstanding the proposal requires consideration under the current setback provisions.

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

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

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

Elements of subclause 3 are discussed further below:

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

Alterations and additions to an existing single dwelling is a typical form of development within Zone LR. The reduced setback of the dwelling to the primary street frontage and one of the side boundaries is considered compatible with the Cullen Bay streetscape, as similar developments in the locality reflect the provisions of the former Setback Plan (Policy No. 3), which allowed a 1.5m front setback for car parking structures, 4.5m front setback for residential buildings, and 0m to one of the side boundaries.

Despite the existing streetscape, the proposed nil setback to both side boundaries and the street boundary has the potential to impact the streetscape and adversely affect the amenity of neighbouring properties. It is noted that under the Cullen Bay Setback Plan (Policy No.3), nil setback is permitted to one side boundary only, where 3m is required for another side. The proposed development has nil setback on the eastern side, where 1.5m is proposed on the other side, which does not meet the requirements under either the previous Policy No.3, or the current NTPS 2020.

The potential impact is particularly relevant to Lot 5819 (94) Cullen Bay Crescent, where the blockwork fence wall would extend approximately 22.3m at a maximum height of 6.287m, encroaching into the required setback along around 54% of the total 41.3m eastern side boundary length. The combination of height, length, and zero setback of the proposed addition must be considered.

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

As discussed above, it is considered that the proposed reduced front setback is compatible with the Cullen Bay streetscape. However, the height and extent (noting the form is continuous with no variation in setbacks or voids) of the proposed blockwork fence and dwelling addition, is visually dominant particularly when viewed from the adjoining property.

(c) Avoids undue overlooking of adjoining properties

Solid fencing is proposed around the front setback area which provides privacy for both onsite residents and adjoining neighbours. Dense landscaping is also proposed along western side boundary providing a visual screen. No windows facing the adjoining properties are proposed and no overlooking concerns are anticipated. Therefore no overlooking issues are considered to arise from this proposal.

(d) Facilitates breeze penetration through and between buildings

The proposed extent of the existing dwelling along with the extent of wall proposed along the eastern side boundary is likely to impact on breeze penetration east to west across the site. It is considered that alterations to the proposed layout to make the proposed enclosed gym and outdoor kitchen and void space 'open' and not enclosed would allow for greater breeze penetration between the building.

For the reasons above, a condition precedent is recommended to be applied to any development permit issued requiring amended plans that achieve better compliance with the purpose of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020, particularly as it relates to the height, setback and continuous nature of the built form along the boundary.

<u>Clause 5.4.6 (Private Open Space)</u>

Part of the western side boundary is proposed to include dense landscaping and an existing 1.2m-high tubular fence, which does not comply with subclause 3(b) that requires fencing to be at least 1.8m in height.

Administratively, *the consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property*.

The purpose of Clause 5.4.3 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;
(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.'

Each of these matters is considered below:

(a) Both Area A and Area B of the proposed open space meet the minimum area and dimension requirements, and are directly accessible from the habitable rooms and enable an extension of the dwelling's function.
(b) The proposed private open space will provide a functional area to enhance visual connection between the indoor and outdoor spaces.
(c) A minimum area of 63.5m2 of the proposed private open space is permeable to allow stormwater infiltration and reduce stormwater runoff. Adequate space is provided for deep soil planting of trees and vegetation.
(d) Landscaping is provided at the property frontage and along western and rear boundaries to enhance the visual appeal of the streetscape, and provide visual screen for residents on site and neighbours.

In addition, although the 1.2m high tubular fence does not meet the requirements under this clause, the fence is existing and has been approved under development permit DP95/0464, while no amendment has been proposed to the 1.2m high fence, this is not considered a significant issue for the development.

Therefore, the proposed variation to Clause 5.4.6 (Private Open Space) is appropriate in this instance.

3. 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.

One (1) public submission was received under section 49(1) of the Planning Act 1999, with respect to this application.

In addition, one (1) submission was received outside of the exhibition period stated above. Pursuant to section 51(1)(t) of the Act, which relates to Other matters the consent authority thinks fit, it is considered relevant. In respect of the late submission, it is noted that the NTCAT decision in Association of Islamic Da'Wah in Australia Inc v Development Consent Authority [2019] NTCAT 14, section 51(t) of the Planning Act 1999, allows the consent authority, in considering a development application, to take into account 'other matters it thinks fit'. This report considers the matters raised in the late submissions to be relevant this application, and that it should be considered by the Authority in respect of the current application. For the ease of reading, this late submission is included and summarised in this section of the report.

The submissions are in relation to major concerns for dwelling density, car parking arrangement, loss of amenity, fire safety, breeze penetration, and a conflict of interest with the Cullen Bay Management Corporation and Committee. Response and recommendation from DAS to DCA is provided below.

In relation to the Cullen Bay Setback Plan (Policy No.3) DAS acknowledge that incorrect advice was provided regarding its status under the NTPS2020. DAS confirm that the policy setback plan does not apply in this instance, instead the standard setback requirements apply. For context, the previous planning policy for the Cullen Bay Estate was the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000. This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020. A number

of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy.

Detailed consideration of the proposed setbacks and compatibility with the streetscape, impacts of building massing, overlooking and breeze penetration impacts are provided at section (a) of this report.

In relation to concerns that the proposed development is a dual occupancy, it is noted that although the proposed addition has a substantial floor area and contains multiple bedrooms and living spaces, it is physically and functionally integrated with the existing dwelling, relies on shared structures and services, and does not contain independent facilities required for separate occupation. Accordingly, it remains an extension of the existing single dwelling rather than a new or additional dwelling.

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

In relation to traffic and parking impacts, the proposal complies with Clause 5.2.4.1 (Car Parking Spaces) of the NTPS 2020, which requires a minimum of 2 on-site car parking spaces. In addition, based on the standard parking bay dimensions of 2.5m by 5.5m under the NTPS 2020, the proposed garage measuring 7.2m by 12.5m is likely to provide sufficient space to accommodate at least 4 vehicles.

In relation to landscaping, proposed landscaping is provided along the Cullen Bay Crescent street frontage and the western side boundary. The inclusion of screening vegetation will assist in achieving passive surveillance, support privacy requirements for private open space, enhance the streetscape, and provide shading for residents. The use of native species is appropriate, as they are generally resilient to the local warm climate. Stormwater from roofed areas will be collected and managed within the site and will not adversely impact adjoining properties. Maintenance of the landscaping will be listed as a condition on the development permit.

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

Concerns raised regarding land capacity are addressed at section (j) of this report.

Concerns raised regarding the solar battery system are not planning matters for consideration under the Planning Act 1999 and are outside the scope of the application.

Procedural and conflict of interest concerns raised regarding the Cullen Bay Management Corporation and Committee are not planning matters for consideration under the Planning Act 1999 and are outside the scope of the application.

In relation to concerns regarding setting a precedence, there are no specific provisions within the Planning Act 1999 or NTPS 2007 that allow the Authority to consider planning precedence when assessing an application. Each application is considered on its own merits, and in the context of its site and zoning.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to

support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is capable of supporting the proposed development. Dwelling-single is a permitted form of development within Zone LR. Regarding servicing requirements, the application was circulated to the relevant authorities, and the comments received have been addressed through conditions and advisory notes on the development permit. Additionally, the Land Resources Division - Department of Lands, Planning and Environment did not identify or raise any issues of concern in relation to land capability.

5. 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.

   The proposal complies with the purpose and outcomes of Zone LR and is compatible with the character of the locality, where alterations and additions to existing dwellings are common in residential developments. Detailed consideration of the amenity impacts of western side setback is provided at section 2 of these reasons.

AUTHORISED: Lingyi Kong

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PLANNER - DARWIN
DEVELOPMENT ASSESSMENT SERVICES

Map created Fri Mar 27 16:11:56 ACST 2026



Created by LIKON

Bottom Left: -12° 27' 12", 130° 49' 11" Top Right: -12° 27' 07", 130° 49' 20" Approximate Scale: 1:1,400 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia


NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 10/04/2026
APPLICATION REF: PA2026/0094
APPLICANT: Sheridan Planning and Development
ADDRESS: Lot 5818 Town of Darwin (96 Cullen Bay Crescent, Larrakeyah)
ZONE(S): LR (Low Density Residential)
PROPOSAL: Additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries
VIEW THE APPLICATION AND LODGE A SUBMISSION:
ONLINE:
www.ntlis.nt.gov.au/planning
EMAIL: das.ntg@nt.gov.au
DARWIN
PHONE: 8999 6046
POST: GPO Box 1680
Darwin NT 0801
Indicative image only


96

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 52

DEVELOPMENT PERMIT

DP95/0464

DESCRIPTION OF LAND THE SUBJECT OF THIS PERMIT

Lot No:	LOT 5818
Town/Hundred:	TOWN OF DARWIN
Street Address:	96 CULLEN BAY CRESCENT

The Planning Authority at its meeting of 5 September 1995 resolved, in pursuance of section 52(1)(a)(i) of the *Planning Act*, to grant consent to the application for the purpose of a detached dwelling subject to the conditions set out in the Schedule and for the reasons set out in the attached statement of reasons.

Dated this 18th day of September 1995

J M ROBERTSON
Chairman
Northern Territory
Planning Authority

SCHEDULE OF CONDITIONS

DEVELOPMENT PERMIT

DP95/0464

1. Works carried out under this permit shall be in accordance with drawing number DB715-1 and endorsed as forming part of this permit.

Base Period of Permit

As provided for under section 55 of the Act and subject to the provisions of sections 56 and 57, this permit will lapse two years from the date of issue.

J M ROBERTSON
Chairman
Northern Territory
Planning Authority

18 / 9 /1995

STATEMENT OF REASONS FOR DETERMINATION

DEVELOPMENT PERMIT

DP95/0464

Reason

A variation to clause 22.5 (Building Height) is considered unlikely to negatively affect the privacy of neighbouring properties.

Variations Given

Clause 22.5 (Building Height) of the Darwin Town Plan 1990 (as amended).

Right of Appeal

The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 99 of the *Planning Act.* Within 28 days of receiving this Permit an appeal may be lodged with the Planning Appeals Tribunal. Address for lodgement is:

POSTAL ADDRESS

The Registrar
Planning Appeals Tribunal
PO Box 40246
CASUARINA NT 0811

Telephone: 99 8477
Facsimile: 99 8486

LOCATION

The Registrar
Planning Appeals Tribunal
2nd Floor, A Wing
Sturt House
CASUARINA NT 0810

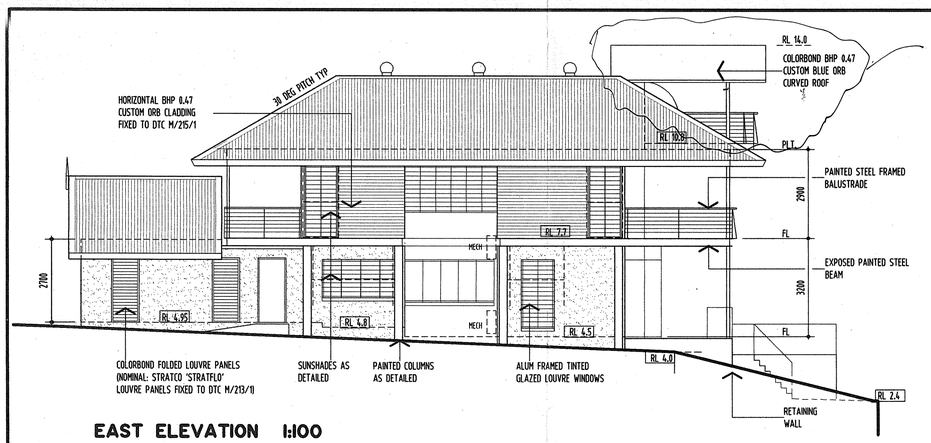
J M ROBERTSON
Chairman
Northern Territory
Planning Authority

18 / 9 /1995

NOTE: REDEVELOPMENT CHARGES

You are advised that the proposed redevelopment may incur charges under sections 12A and 13B of the *Water Supply and Sewerage Amendment Act 1994* which was gazetted on 15 March 1995.

Information regarding these charges can be obtained by calling 82 5310 or 82 5514.



NOT INCLUDED IN THIS APPROVAL

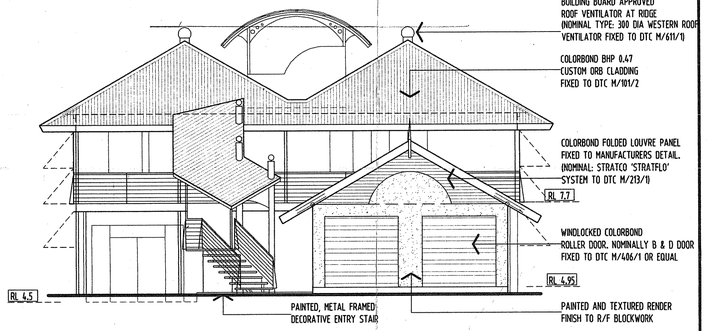
EAST ELEVATION 1:100



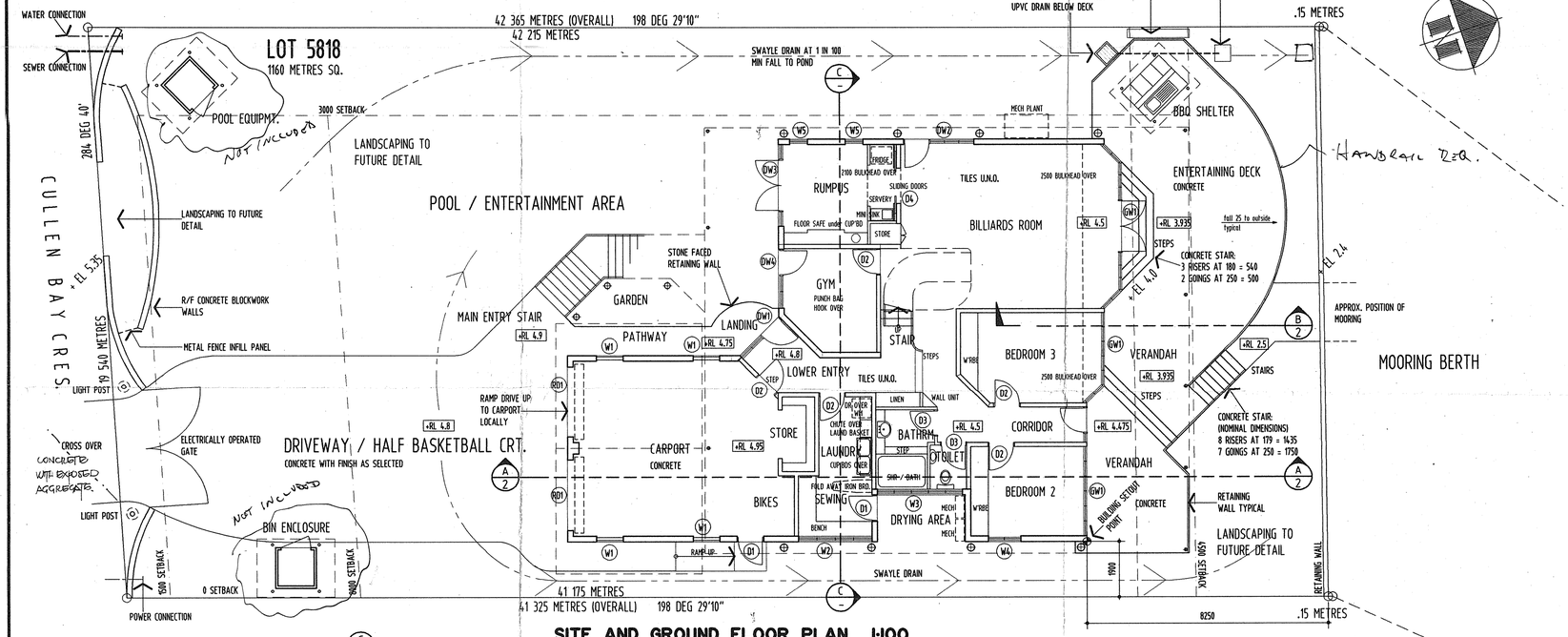
WEST ELEVATION 1:100

This is the drawing referred to in Development Permit No. DP05/1464 issued by the Northern Territory Planning Authority on 10th April 1995

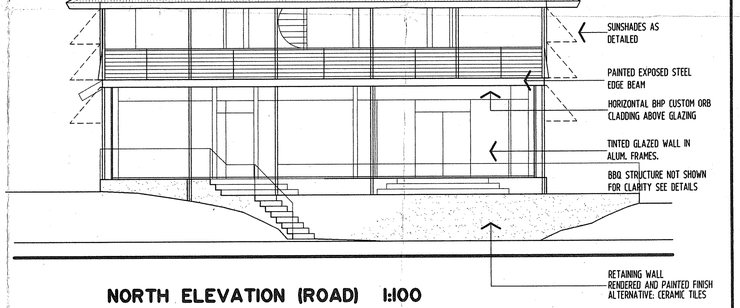
U. M. ROBERTSON
Chairman



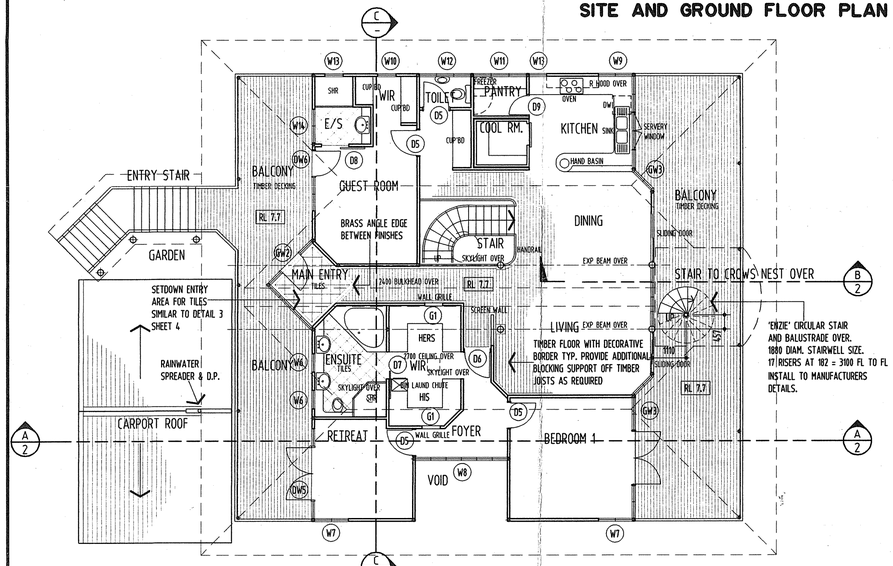
SOUTH ELEVATION (ROAD) 1:100



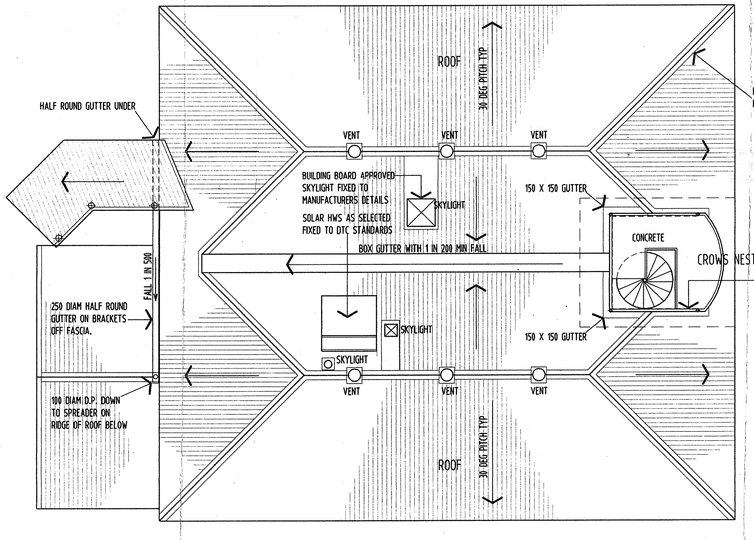
SITE AND GROUND FLOOR PLAN 1:100



NORTH ELEVATION (ROAD) 1:100



FIRST FLOOR PLAN 1:100



SECOND LEVEL / ROOF PLAN

DRAWING SCHEDULE

DB715-1	PLANS AND ELEVATIONS.
DB715-2	NOTES, SECTIONS, SCHEDULES.
DB715-3	DIMENSIONED SETOUT
DB715-4	GROUND AND FIRST STRUCTURE
DB715-5	ROOF STRUCTURE
DB715-6	MISCELLANEOUS DETAILS.
DB715-7	SANITARY DRAINAGE
715-8	ELECTRICAL LAYOUTS

- ISSUED FOR TENDER 7/6/95

bennett design
TEL: 814 222
FAX: 811 071
34 McLACHLAN STREET.
DARWIN, N.T.
P.O. BOX 1156, DARWIN 0801.

PROPOSED RESIDENCE
Lot 5818, Cullen bay cres.,
Cullen bay, Darwin.
Glennis Wood & Kevin Blacker

PLANS AND ELEVATIONS

© Copyright DO NOT SCALE OFF THIS DRAWING check all dimensions prior to commencing any site work

Scale AS SHOWN Sheet 1 OF 7
Drawn DAVID BENNETT JOB No. Amend.
Date APRIL '95 DB715-1

C:\DWG\DB715\DB715-1 Wed Jun 7 17:01:59 1995

DEVELOPMENT CONSENT AUTHORITY

MUNICIPALITY OF DARWIN

POLICY NO 3

SETBACK REQUIREMENTS FOR R1, R2 AND B2 ZONED LOTS IN THE CULLEN BAY ESTATE

With the consent of the Authority, setback variations for developments on R1, R2 and B2 zoned lots in Cullen Bay will be determined in accordance with drawing number CBED003 SB1 Revision A which forms part of this Code, and in accordance with the following tables, also part of the Code.

The Policy identifies common building boundaries as shown on the drawing, being one side boundary for R1 lots and both side boundaries for R2 lots.

The typical layout for R1 lots will be:

Front	4.5 metres but car parking structures allowed up to 1.5 metres from front boundary and no more than 8 metres
Side	0 metre ie zero lot line one side only
Side	3 metres
Rear	4.5 metres from water line

The typical layout for R2 lots will be:

Front	4.5 metres but car parking structures 1.5 metres from front and not more than 6.5 metres wide (combined width of 13 metres for two carports on adjacent lots)
Both Sides	0 metre
Rear	4.5 metres from water line

Note: If the zero lot line is not used in the development then standard setback requirements of the Darwin Town Plan will prevail.

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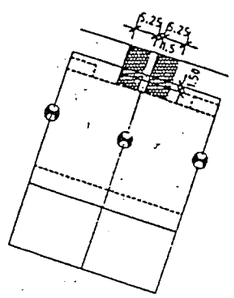
FRED FINCH
Chairman

ADOPTED: 10 October 2000

REVISION	DESCRIPTION	DATE	SIGN
a	Setbacks added to Commercial zone and Lot 5614	3/11/93	JC
b	Driveways shown to all Lots	25/11/93	gw
c	Setback to lot 5990 deleted	28/2/94	gw
d	Setback to Road between Lot 6378 & 6387 amended	2/3/94	gw
e	Setback to Lot 6382 & 5980 amended	8/3/94	PC

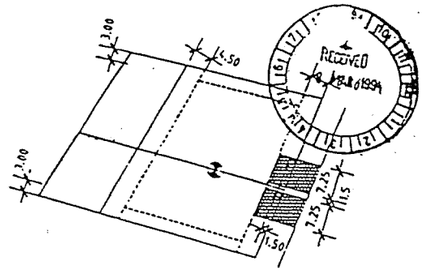
CULLEN BAY SETBACK PLAN

REFER TO POLICY NO 5.3



TYPICAL SETOUT R2 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE



TYPICAL SETOUT R1 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE

DRIVEWAY FAVING ALL ROUND END OF CUL-DE-SAC

NORTH

WOODHEAD AUSTRALIA

ARCHITECTS
PLANNING
INTERIOR
DESIGN

LEGEND

● DENOTES COMMON BOUNDARY

LOT 5647

TOWN OF DARWIN

SETBACKS DRAWING

Scale 1:1500

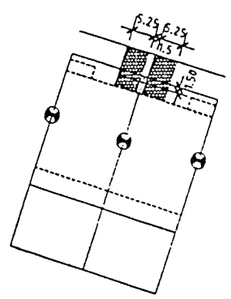
Date 08.03.93

Dwg. No.CBED003 SB1 Rev A

REVISION	DESCRIPTION	DATE	SIGN
e	Setbacks added to Commercial zone and Lot 5814	3/11/93	JE
b	Driveways shown to all Lots	25/11/93	gw
c	Setback to lot 5900 deleted	28/2/94	gw
d	Setback to Road between Lot 6378 & 6387 amended	2/3/94	gw
A	Setback to Lot 6383 & 5900 amended	8/3/94	PC

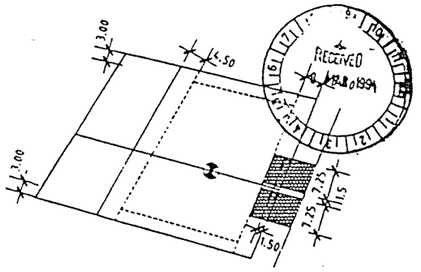
CULLEN BAY SETBACK PLAN

REFER TO POLICY NO 5.



TYPICAL SETOUT R2 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE



TYPICAL SETOUT R1 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE

DRIVEWAY FAVING ALL ROUND END OF CUL-DE-SAC

NORTH

WOODHEAD AUSTRALIA

ARCHITECTS
PLANNING
INTERIOR
DESIGN

LEGEND

⊖ DENOTES COMMON BOUNDARY

LOT 5647

TOWN OF DARWIN

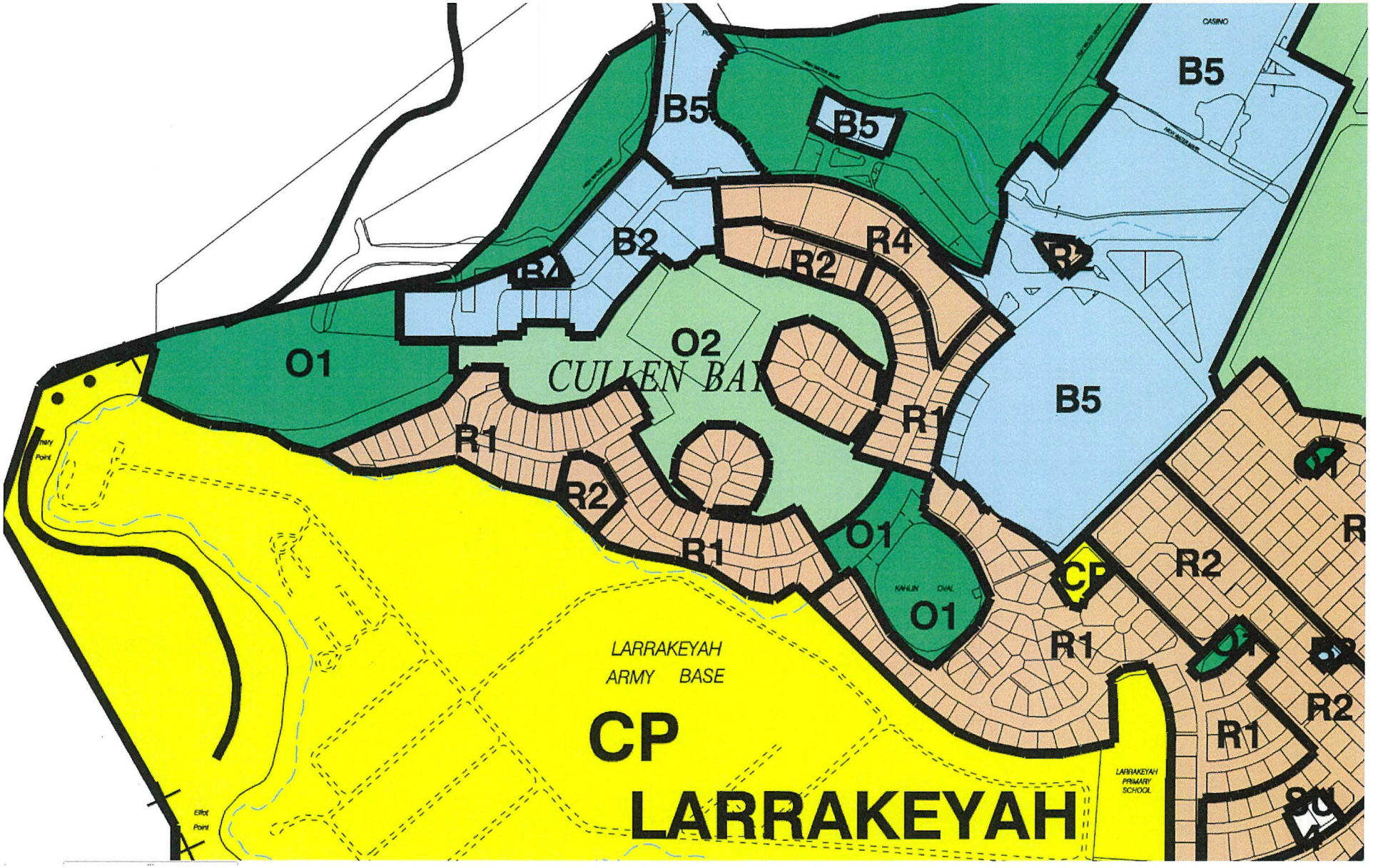
SETBACKS DRAWING

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Dwg. No.CBED003 SB1 Rev A

DARWIN TOWN PLAN 1990 AS AT 1.12.2005



sheridan
PLANNING & DEVELOPMENT CONSULTANTS

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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Application Details s46(3)(aa) of the Act	
Proposed Development	Alterations & additions to an existing **dwelling-single** with reduced side and front setbacks
Lot/Parcel	Lot 5818 Town of Darwin
Street address	96 Cullen Bay Crescent, Larrakeyah.
Site area	1,160m^2
Easements	Nil.
Applicant	Sheridan Consulting
Landowner	Vanessa Marie Farmer
Beneficiaries	Mr John Da Costa
Other interests	Nil.
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 • Central Darwin Area Plan
Overlays	Nil.
Zone	LR (Low Density Residential)
Assessment Category	*Merit Assessable* pursuant to NTPS Clause 1.8(1)(b)(ii)(2)
NTPS Variations sought	• Clause 5.4.3 (Building Setbacks of Residential Buildings & Ancillary Structures)
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 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:

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

2.0 Locality & Site Description

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^2 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

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 Crecent

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:

- 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*[1] and the *Central Darwin Area Plan 2019*[2]. 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.

[1] Darwin Regional Land Use Plan 2015
[2] 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	
Primary Street (Cullen Bay Crescent)	• 4.5m to building line • 1.5m to car parking structures including garages	• 4.5m to 1st floor Family room & 3m-3.5m to front eave • ~1.45m to new GF garage • ~0.5m to GF entry/roofline	Variation requested (garage/gate house)
Rear (north)	• 4.5m from water line	• No change to existing	Complies
Side (east)	• 0m per R1 setback plan	• 0m for 12.5m length of GF garage wall • 0m for 7.729m length of 1st floor family room • 0m for 4.749m length of 1st floor bedroom length	Complies
Side (west)	• 3m per R1 setback plan	• 0.2m for the GF Arbor for 8m • 1.5m to GF structures (outdoor kitchen/ensuite in entertainment area) • 1.5m to 1st floor building wall • 0.7m to 1st floor roofline/slats	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 5m2, 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 5m2 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^2 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	**Area A:** 50m^2, open vertically to the sky, with no dimension less than 1.5m **Area B:** 36m^2 all or partly covered, with no dimension less than 6m	Area A (front & rear)	~4.5m wide & m^2 (permeable + >5m^2 for planting)	>36m^2 in the front garden area near pool >18m^2 rear garden area >All open to the sky, permeable & include 5m^2 for deep soil planting
		Area B	6m wide	> 20m^2 for rear GF veranda > 15m^2 first floor balcony area (not shown in plans) > GF pool area excluding front garden is >35m^2

5.0 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 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

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.

End

Date Registered: 14/07/2025 **Volume** 896 **Folio** 422
Duplicate Certificate as to Title issued? No

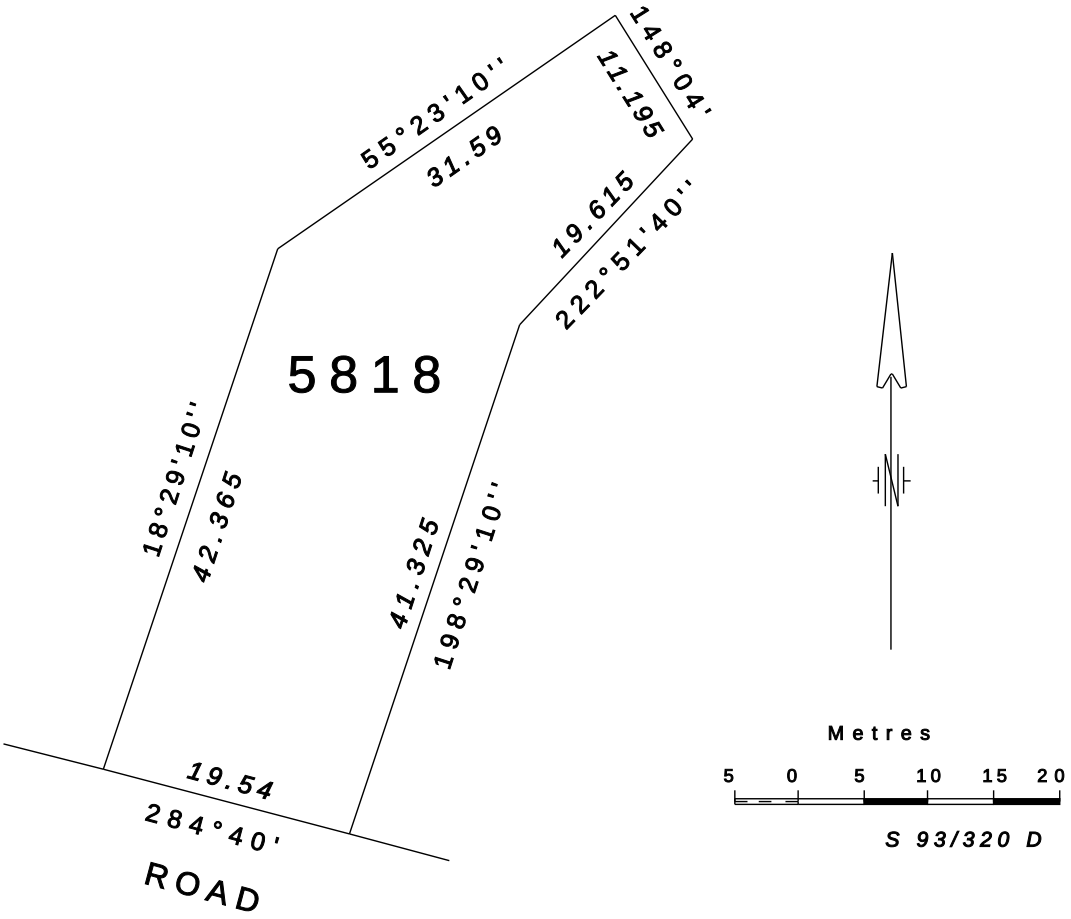
SEARCH CERTIFICATE

Lot 5818 Town of Darwin from plan(s) S 93/320D
Area under title is 1160 square metres

Owner:
Vanessa Marie Farmer
of GPO Box 1658, Darwin NT 0801

Registered Date	Dealing Number	Description
		Previous title is **Volume** 687 **Folio** 987
25/03/1994	305739	Encumbrance Cullen Bay Marina Management Corporation
27/01/1994	301864	Easement of Support - section 13A of The Cullen Bay Marina Act
28/01/1994	301794	Caution Notice - Land Fill Site
20/01/1994	301459	Lot entitlement for Lot 5818 Town of Darwin is 72 of 9999 for the purpose of the Cullen Bay Marina Act
01/04/1992	262382	Encumbrance Commonwealth of Australia part of the land Plan S93/320D

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 05818 Town of Darwin plan(s) S 93/320D

(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 896 422 (order 1)

Tenure Type
ESTATE IN FEE SIMPLE

Tenure Status
Current

Area Under Title
1160 square metres

Owners
Vanessa Marie Farmer
GPO Box 1658, Darwin NT 0801

Easements
(none found)

Scheme Name
(none found)

Scheme Body Corporate Name
(none found)

Reserved Name(s)
(none found)

Unit Entitlements
(none found)

Transfers
27/06/2005 for Order
27/06/2005 for $1,500,000
25/03/1994 for $330,000

Tenure Comments
(none found)

Historic Titles
CUFT 687 987 (order 1)
CUFT 687 986 (order 1)
CUFT 355 140 (order 1)
CUFT 346 051 (order 1)
Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5346)

Address
96 CULLEN BAY CRES, LARRAKEYAH

Survey Plan
S 93/320D

Survey Status
Approved

Parcel Status
CURRENT

Parcel Area
1160 square metres

Map Reference
Code 200 Scale 2500 Sheet 28.22

Parent Parcels
(none found)

Parcel Comments
(none found)

Survey Comments
SUBDIVISION OF LOT 5647 - CULLEN BAY.

Proposed Easements
(none found)

Local Government Area
DARWIN MUNICIPALITY

Region
DARWIN

Custodian - Valuer General (+61 8 8995 5375)

Owner's Last Known Address
Farmer,Vanessa Marie, GPO BOX 1658, DARWIN NT 0801

Parcels in Valuation
Lot 05818 Town of Darwin

Unimproved Capital Value
$1,300,000 on 01/07/2023
$1,125,000 on 01/07/2020
$1,200,000 on 01/07/2017
$1,250,000 on 01/07/2014
$1,250,000 on 01/07/2011
$1,250,000 on 01/07/2008
$645,000 on 01/07/2005
$360,000 on 01/07/2002
$342,000 on 01/07/1999
$321,000 on 01/07/1996
$330,000 on 01/07/1993
$300,000 on 01/01/1991

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:	4 of 5
Description:	Re-cladding of Existing Building.
Number of Residential Units:	1
Australian Bureau of Statistics Type:	Separate House
Building Class:	Single Dwelling
Area:	0 square metres
Certification:	Single Dwelling - Occupancy Permit - *issued on* 23/10/2023

Application Number:	1 of 5
Description:	HOUSE
Number of Residential Units:	1
Australian Bureau of Statistics Type:	Separate House
Building Class:	Single Dwelling
Area:	430 square metres
Certification:	Single Dwelling - Full Code - *issued on* 13/09/1996

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

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

Planning Scheme Zone
LR (Low Density Residential)

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
Varied Setback Requirements (NTPA Darwin Policy No. 5 applies). Contact Lands Planning on 8999 6046.

Planning Applications

File Number
PA1995/0566

Type
Development

Date Received
17/07/1995

Application Purpose
DETACHED DWELLING - HEIGHT WAIVER TO BE EXHIBITED FROM THE 21/7/95 - 4/8/95

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
18/09/1995

Instrument Number
DP95/0464

Instrument Issued
Signed

Instrument Status

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	3
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
Pool Certified to Non-standard Safety Provision (MAS-NSSP)

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



S93/320D

JOINS PLAN S93/320H

JOINS PLAN S93/320C

6393

5822

5821 1040m²

5820 1110m²

5819 1030m²

5818 1160m²

5817 1750m²

5816 3920m²

5836

5835 880m²

5834 879m²

5833 880m²

5832 880m²

5831 880m²

CRESCENT

CULLEN BAY (PUBLIC ROAD 15 WIDE)

EMERY COURT (ROAD VARIABLE WIDTH)

5815 1190m²

5814 1120m²

5813 1090m²

5812 1040m²

5811 976m²

5810 2820m²

5647
S87/2788

5239
S86/194

Supersedes Part of Plan S87/278B

NOTE
The reference marks(drill holes) that are located on the rear boundary of Lot 5647 to the more ones should be used with caution as the wall may be subject to movement due to possible land fill settlement

ORIGINAL BOUNDARY FORMER LOT 5555

Electricity Supply Easement

Drainage

Supply Easement

Electricity

Easement

CRM S93307.14

CRM S93307.15

N 15.224

LOTS 5810 TO 5821 AND 5831 TO 5835
SUBDIVISION OF LOT 5647
TOWN OF DARWIN

SCALE 1: 500
10 0 10 20 30
metres

S93/320D
SHEET 4 OF 8

LEGEND
Concrete Post
Concrete Block
Peg or Wooden Post
Reference Mark
Lockspit
Fence Post

Grid Bearings

AZIMUTH
Assumed from S87/2788
Observed at

Field Book
S93/320

Drawn
Egri James & Assoc
(1728) 9412 93

Examined

Map Reference
Darwin 2500
Sheet 29-22

Note
Area to be surrendered from CLT 1090 (Lot 5647) is 2.67ha.
All lots are subject to the Easement of Support as described in Section 13A of the Cullen Bay Marina Act.
The rear boundaries of Lots 5816 to 5821 are calculated.
Reference marks are drill holes unless otherwise shown.
Drainage Easement is in favour of the Territory.
Electricity Supply Easements are in favour of the Power and Water Authority.
Lots 5810 to 5812, 5831 to 5835 and those parts of Lots 5813 to 5821 being part of former Lot 5555 are subject to a restrictive covenant (vide LTO Instrument No 262382) in favor of the Commonwealth of Australia.

AMENDMENTS

Details	Reference	Approved	Date
Connections to CRMs S93307.14 and S93307.15 amended. Addition of note regarding reference marks located on rear boundary and Vide Field book S93/320 folios 3,6. Survey approved as amended.	File S93/320 folios 50,51		

I, Kevin Dodd ... hereby certify that the survey represented on this plan was carried out by me or under my immediate supervision and was completed on 15th DEC 1993 and that this survey has been executed in accordance with the Licensed Surveyors Act and the Directions thereunder.

Licensed Surveyor ... Date 15th DEC 1993

SURVEY APPROVED

Surveyor-General ... Date 24.1.95

Department of Lands and Housing
Northern Territory

WARNING - Damaged or creased plan will be rejected.

NR MAPS

Attachment C - Site Aerial (Lot 5818 Town of Darwin)

sheridan
PLANNING & DEVELOPMENT CONSULTANTS



Legend

Subject Site

N

Metres 20 40 60

nrmaps.nt.gov.au

Geospatial Services Unit

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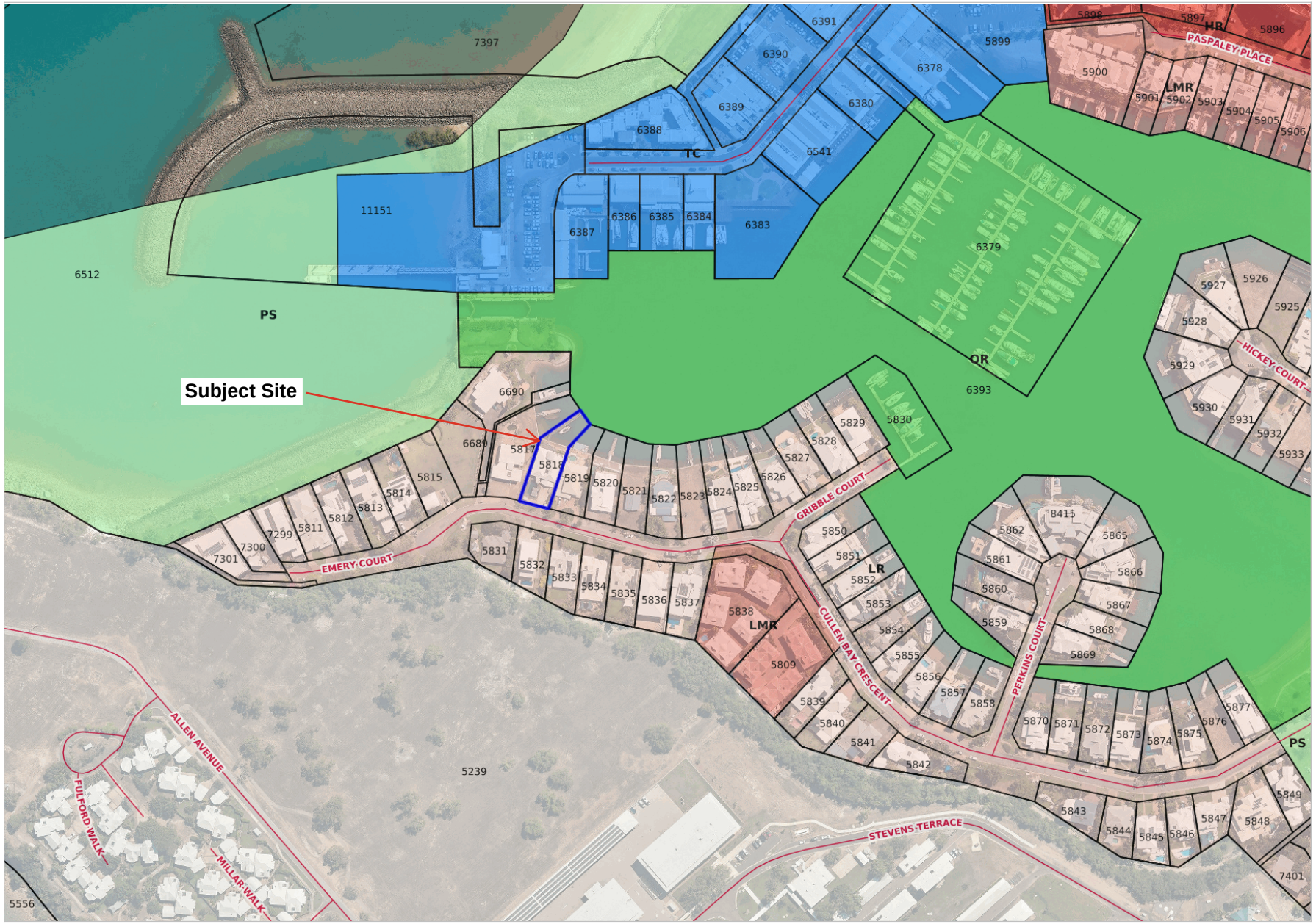
Created by anonymous, 05 Mar 2026

NORTHERN TERRITORY GOVERNMENT

NR MAPS

Attachment D - Zoning & Locality Plan (Lot 5818 Town of Darwin)

sheridan
PLANNING & DEVELOPMENT CONSULTANTS



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

nrmaps.nt.gov.au

Geospatial Services Unit

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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

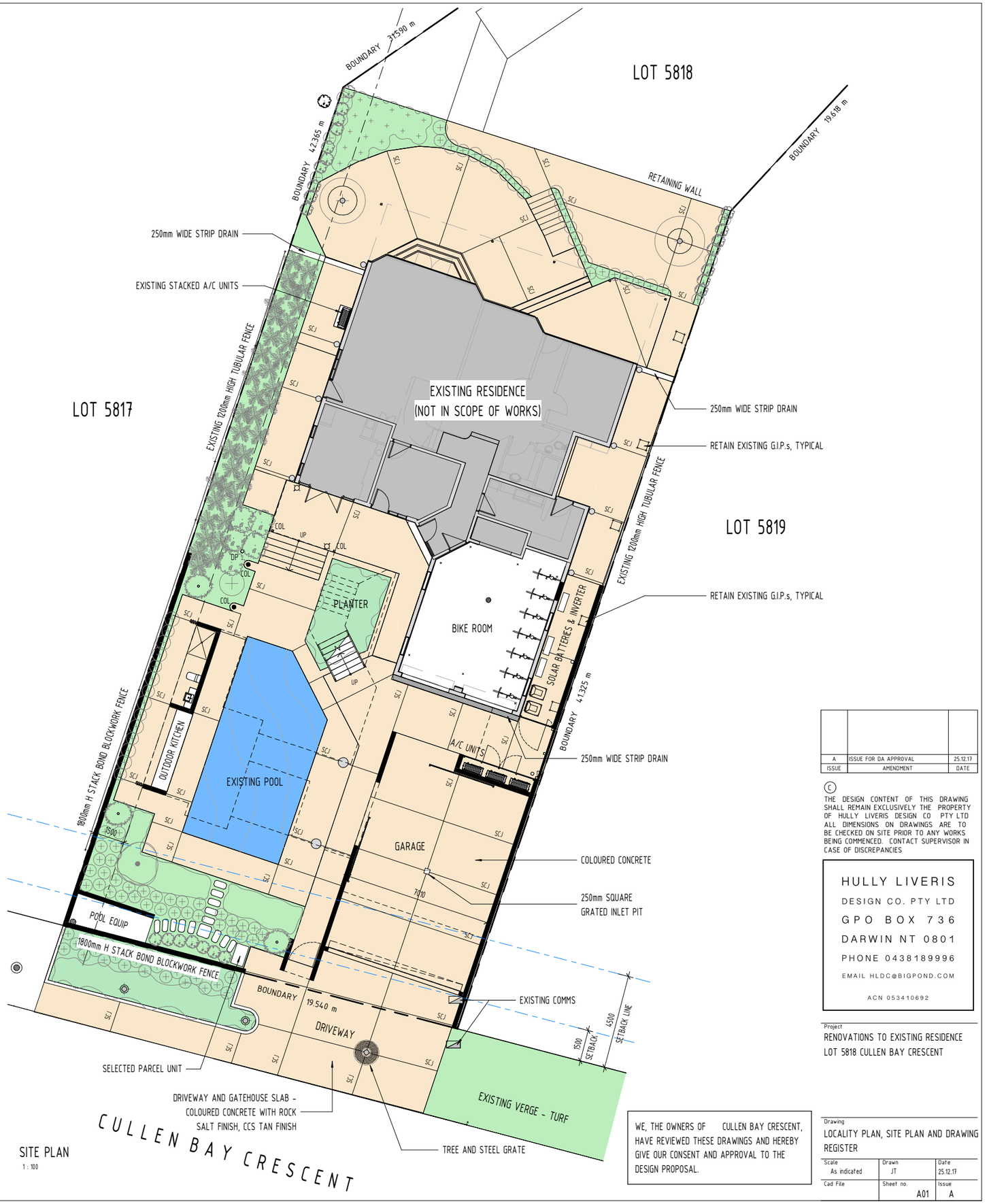
ARCHITECTURAL

A00	COVER SHEET
A01	LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER
A03	LANDSCAPING PLANS
A04	GROUND FLOOR REFERENCE PLAN
A05	FIRST FLOOR REFERENCE PLAN
A06	GROUND FLOOR SET OUT PLAN
A07	FIRST FLOOR SET OUT PLAN
A10	ROOF PLAN
A11	SOUTH AND WEST ELEVATIONS
A12	EAST ELEVATION
A13	SECTIONS
A14	SECTIONS
A15	SECTIONS
A16	3D VIEWS
A17	3D VIEWS
A18	3D VIEWS



LOCALITY PLAN
NTS

NORTH



SITE PLAN
1 : 100

A	ISSUE FOR DA APPROVAL	25.12.17
ISSUE	AMENDMENT	DATE

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HULLY LIVERIS
DESIGN CO. PTY LTD
GPO BOX 736
DARWIN NT 0801
PHONE 0438189996
EMAIL HLDC@BIGPOND.COM
ACN 053410692

Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

WE, THE OWNERS OF CULLEN BAY CRESCENT, HAVE REVIEWED THESE DRAWINGS AND HEREBY GIVE OUR CONSENT AND APPROVAL TO THE DESIGN PROPOSAL.

Drawing
LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER

Scale	Drawn	Date
As indicated	JT	25.12.17
Cad File	Sheet no.	Issue
	A01	A



GROUND FLOOR LANDSCAPING PLAN
1 : 100

FIRST FLOOR LANDSCAPING PLAN
1 : 100

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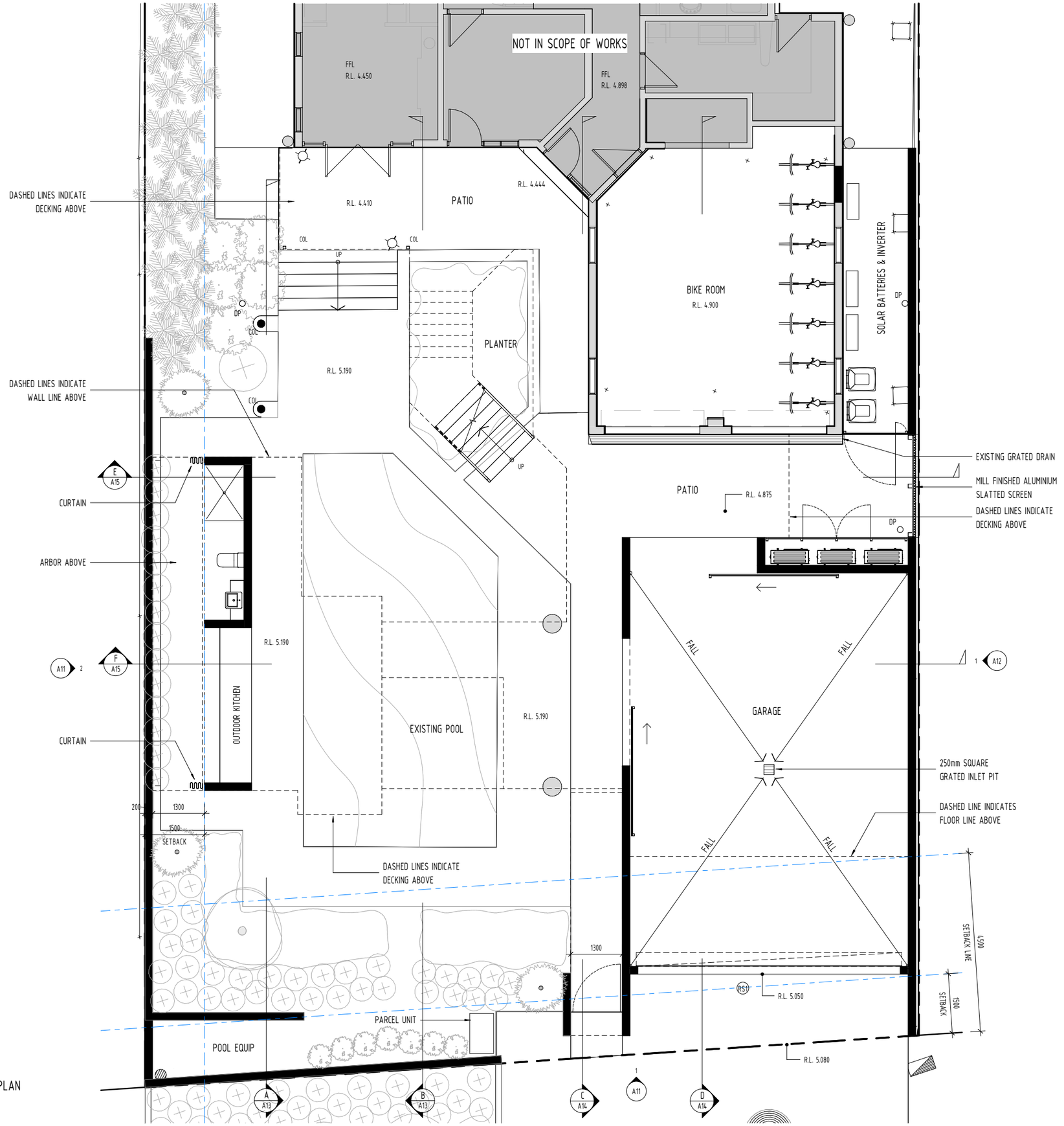
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Drawing
LANDSCAPING PLANS

Scale	Drawn	Date
1 : 100	JT	25.12.17
Cad File	Sheet no.	Issue
	A03	A



GROUND FLOOR PLAN

1 : 50

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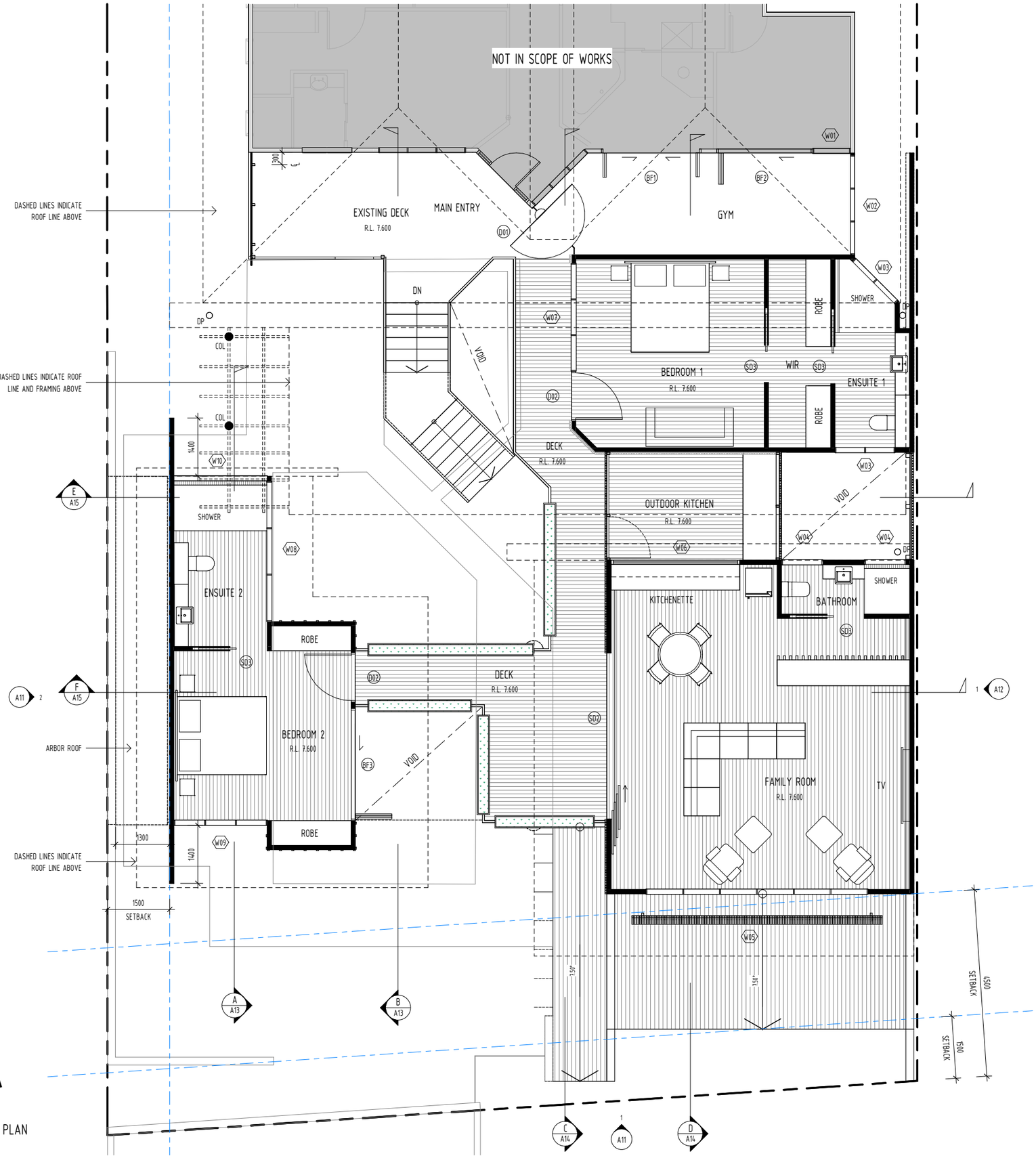
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Drawing
GROUND FLOOR REFERENCE PLAN

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Cad File	Sheet no.	Issue
	A04	A



FIRST FLOOR PLAN

1 : 50

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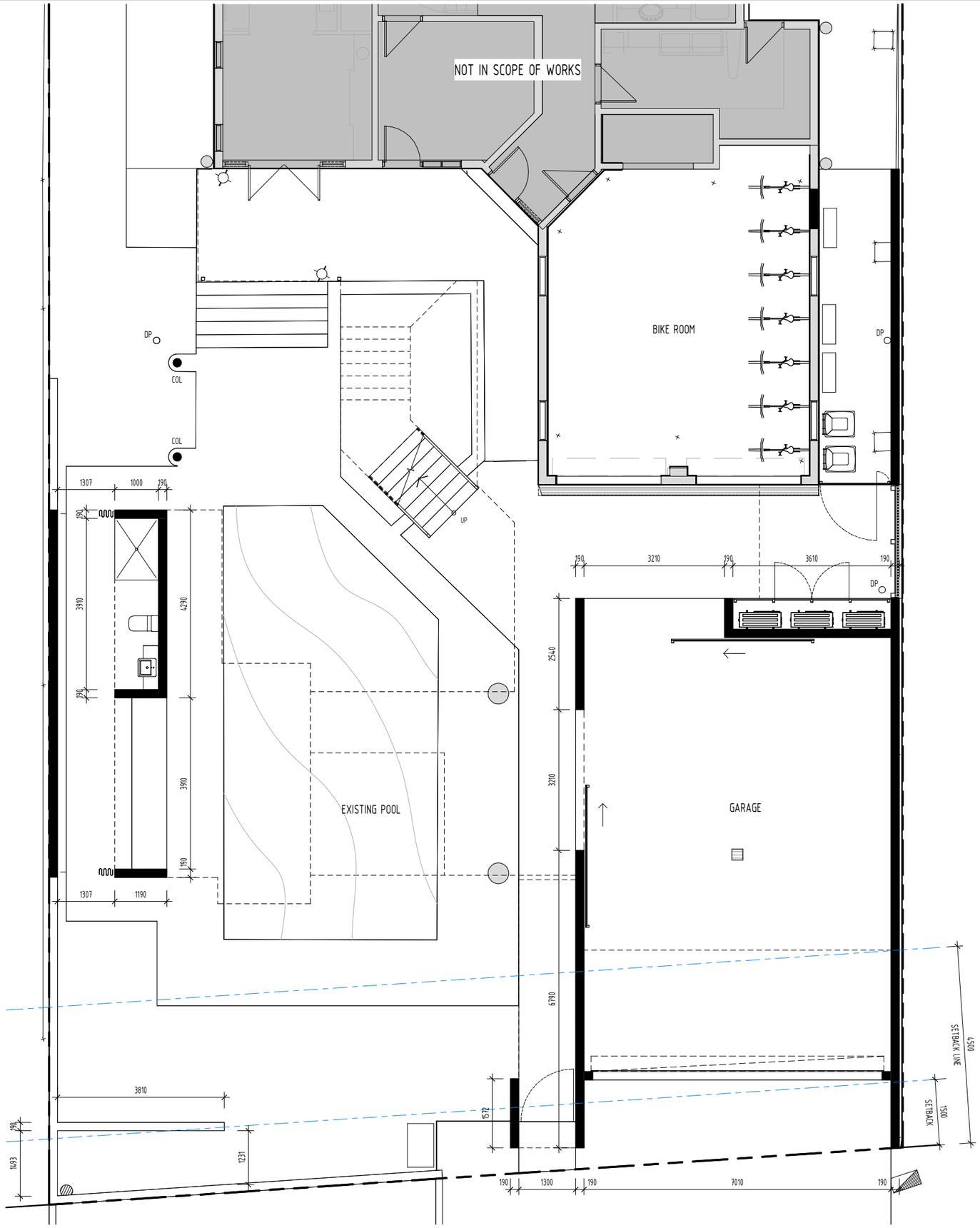
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Drawing
FIRST FLOOR REFERENCE PLAN

Scale	Drawn	Date
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Cad File	Sheet no.	Issue
	A05	A



NORTH

GROUND FLOOR SET OUT PLAN

1 : 50

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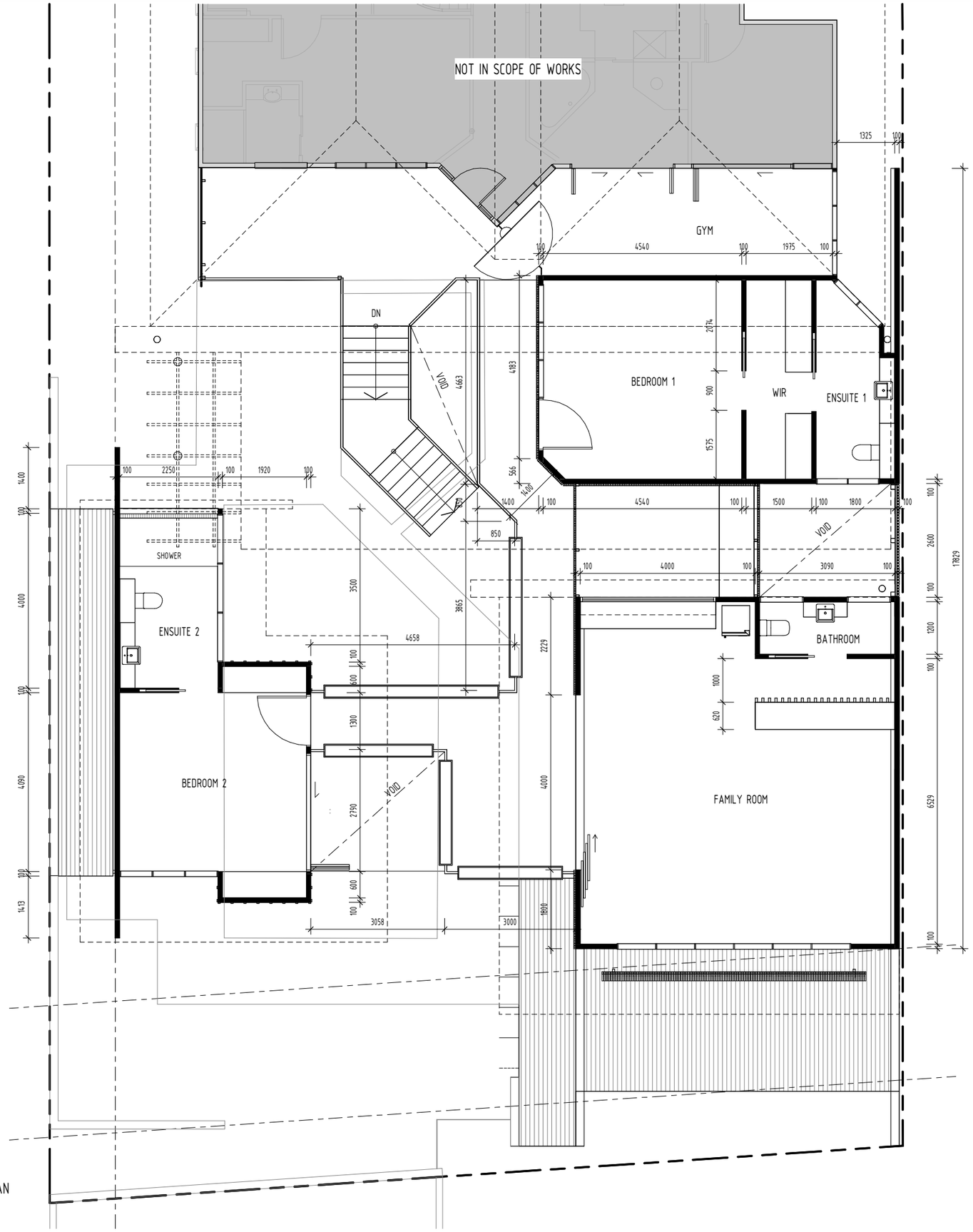
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Drawing
GROUND FLOOR SET OUT PLAN

Scale	Drawn	Date
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Cad File	Sheet no.	Issue
	A06	A



NORTH

FIRST FLOOR SET OUT PLAN

1 : 50

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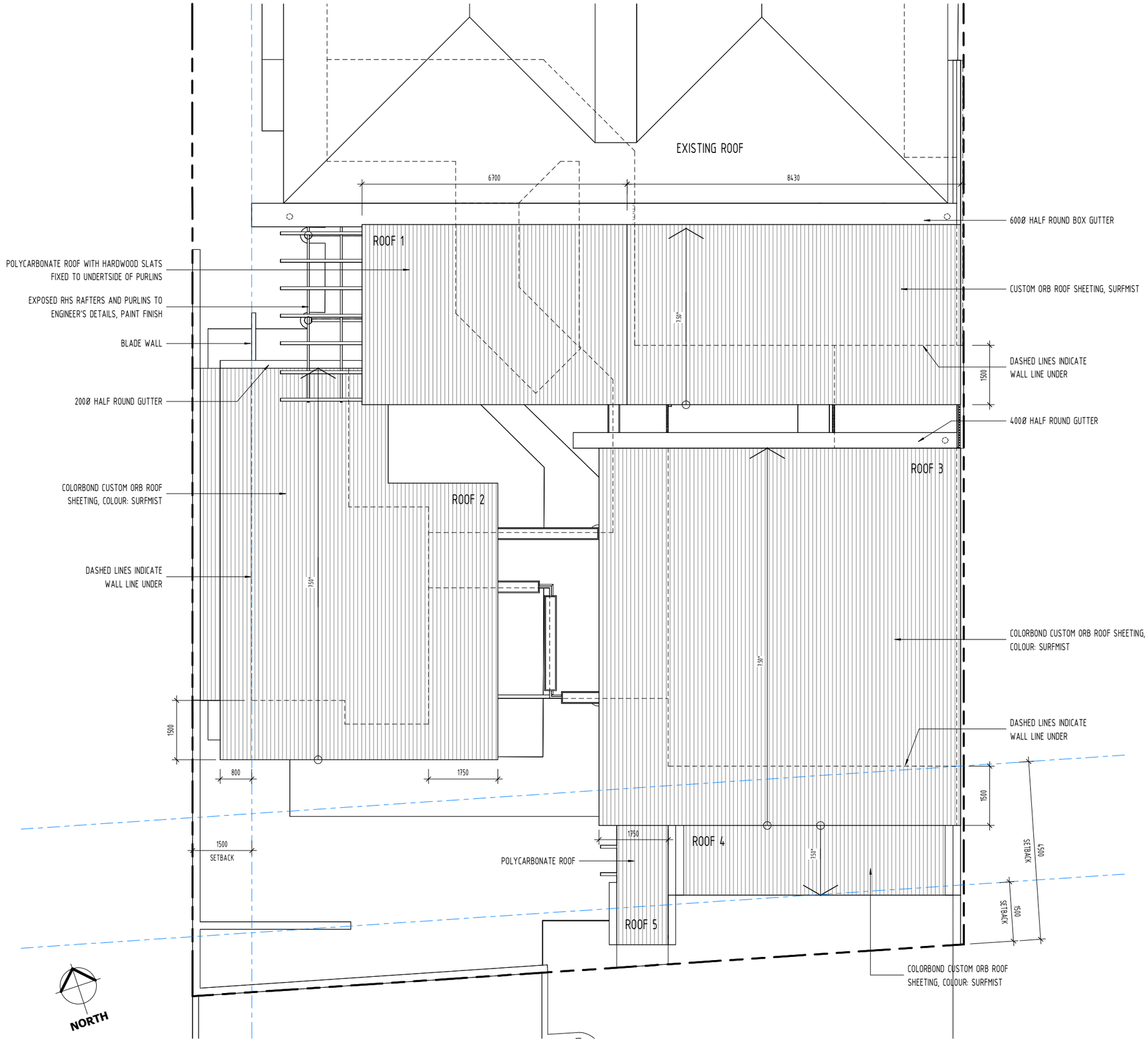
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Drawing
FIRST FLOOR SET OUT PLAN

Scale	Drawn	Date
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Cad File	Sheet no.	Issue
	A07	A



ROOF PLAN
1 : 50

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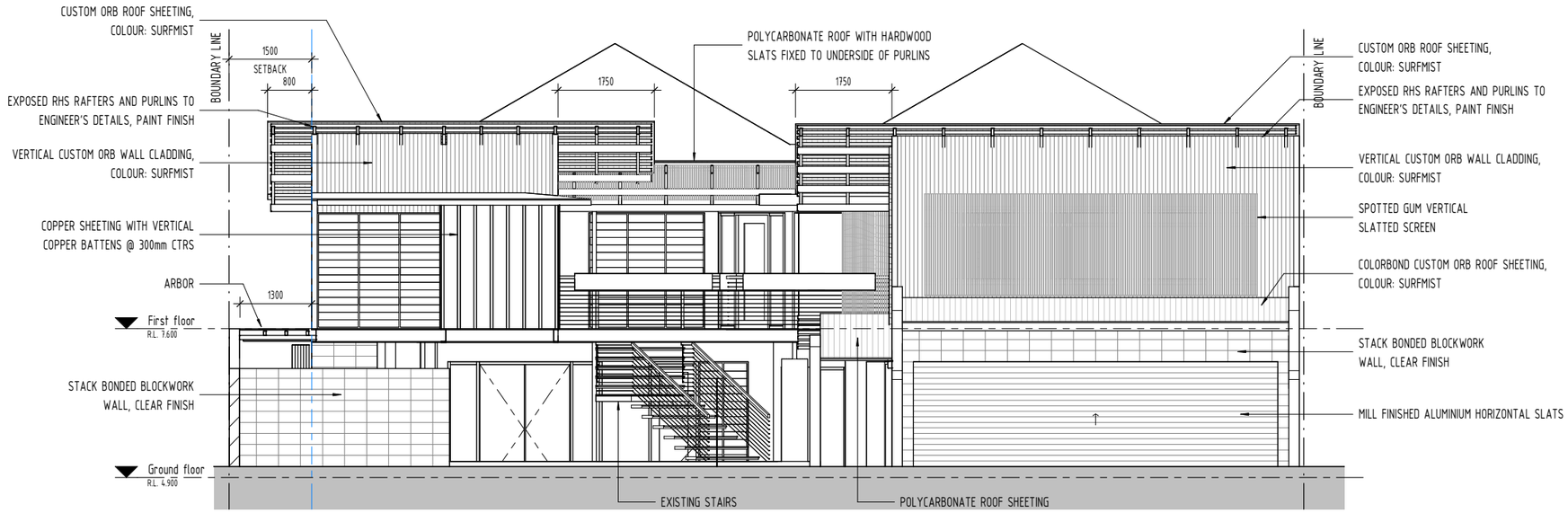
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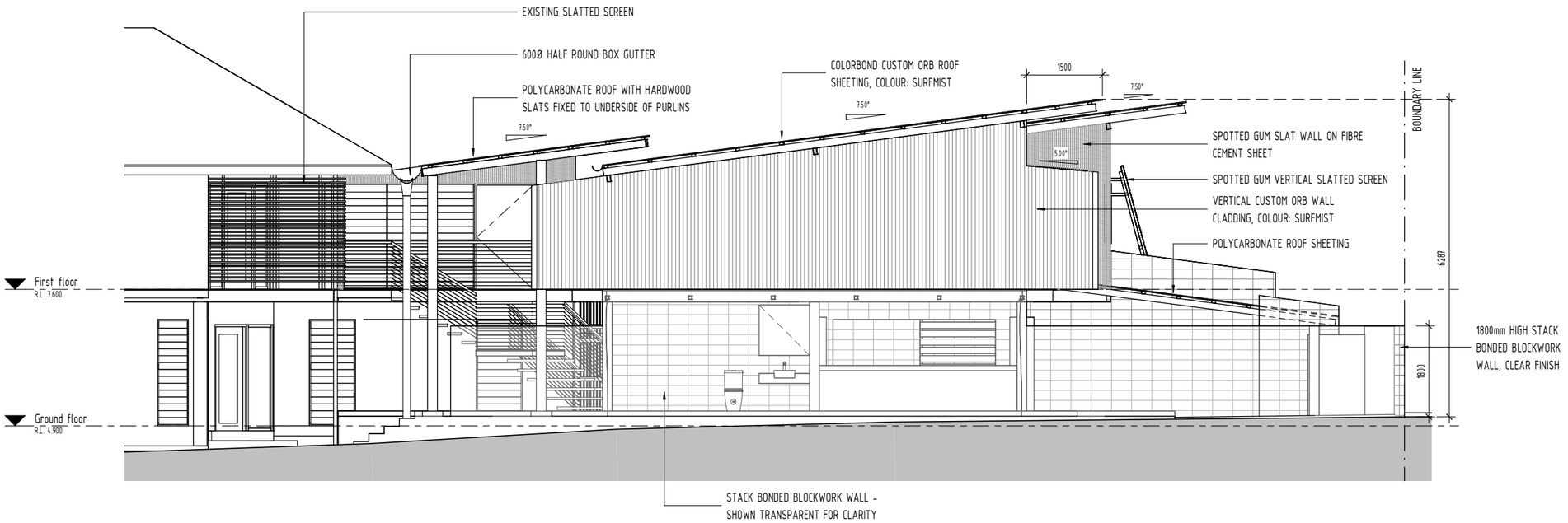
Drawing
ROOF PLAN

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A10	Issue A



SOUTH ELEVATION

1 : 50



WEST ELEVATION

1 : 50

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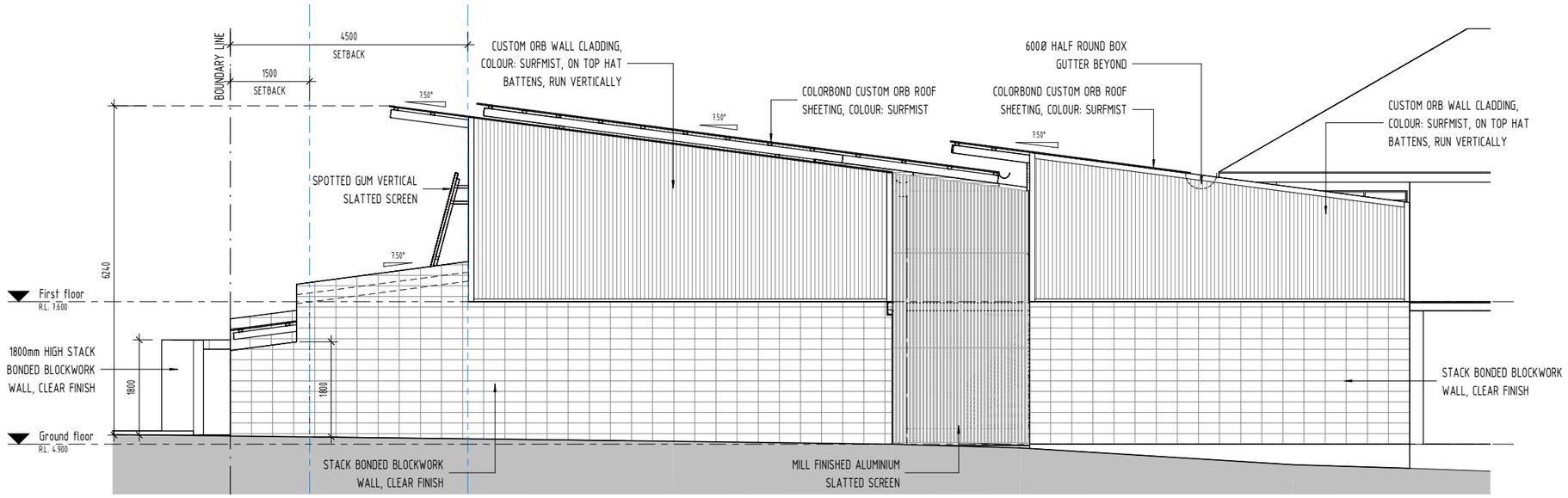
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LOT 5818 CULLEN BAY CRESCENT

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Drawing
SOUTH AND WEST ELEVATIONS

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A11	Issue A



EAST ELEVATION

1 : 50

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ISSUE	AMENDMENT	DATE

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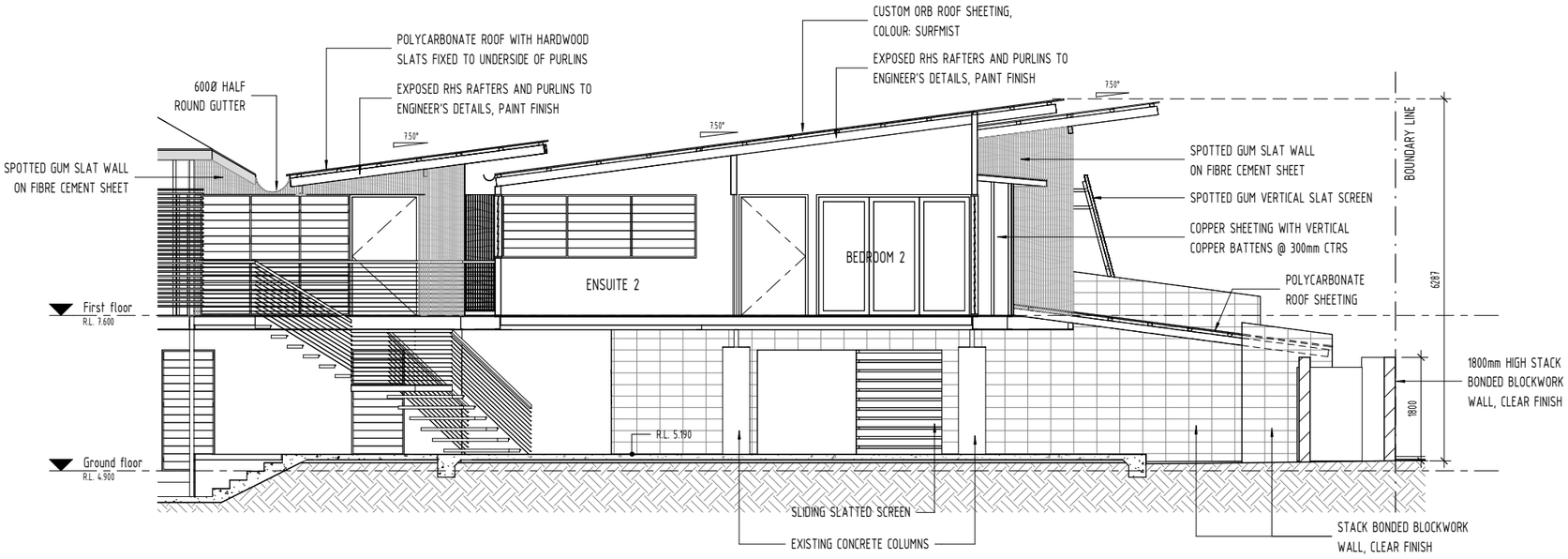
HULLY LIVERIS
DESIGN CO. PTY LTD
GPO BOX 736
DARWIN NT 0801
PHONE 0438189996
EMAIL HLDC@BIGPOND.COM
ACN 053410692

Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

WE, THE OWNERS OF CULLEN BAY CRESCENT, HAVE REVIEWED THESE DRAWINGS AND HEREBY GIVE OUR CONSENT AND APPROVAL TO THE DESIGN PROPOSAL.

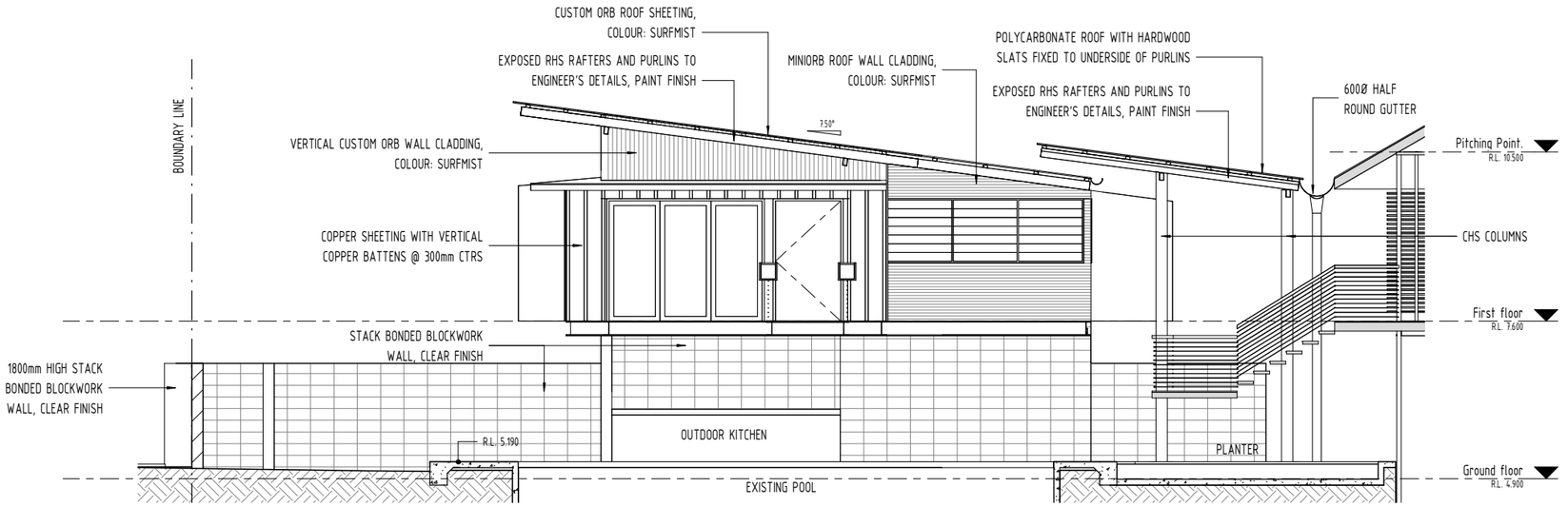
Drawing
EAST ELEVATION

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A12	Issue A



SECTION A

1 : 50



SECTION B

1 : 50

A	ISSUE FOR DA APPROVAL	25.12.17
ISSUE	AMENDMENT	DATE

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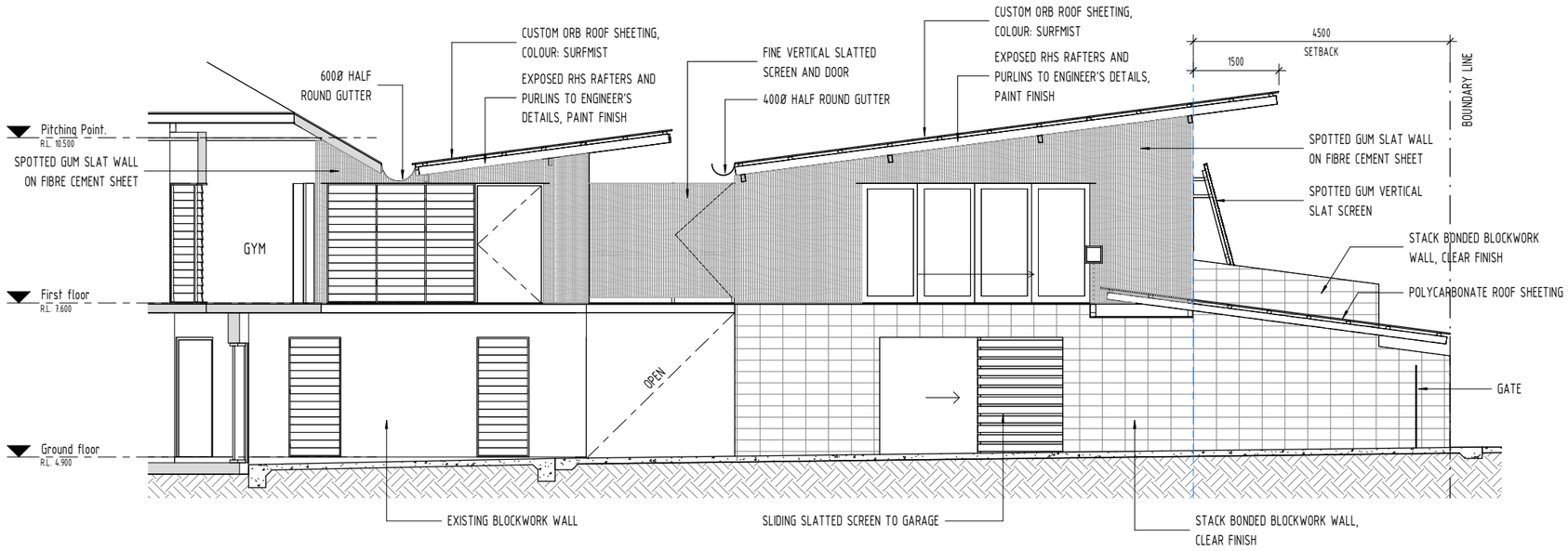
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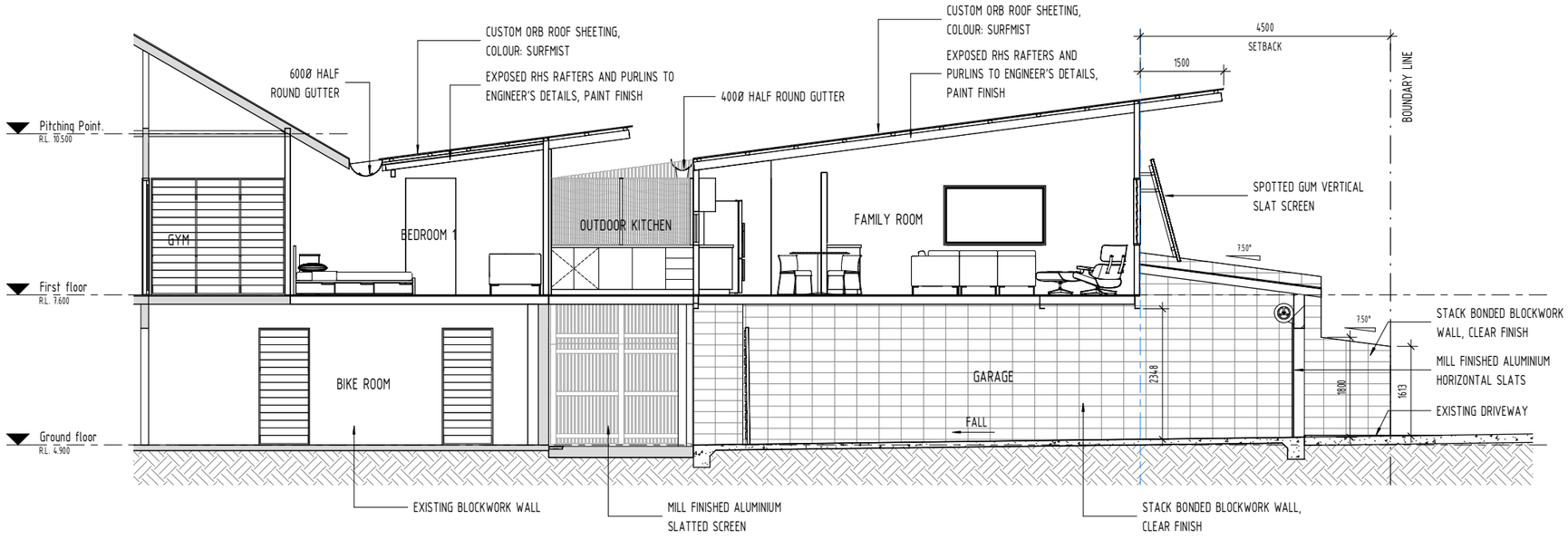
Drawing
SECTIONS

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A13	Issue A



SECTION C

1 : 50



SECTION D

1 : 50

A	ISSUE FOR DA APPROVAL	25.12.17
ISSUE	AMENDMENT	DATE

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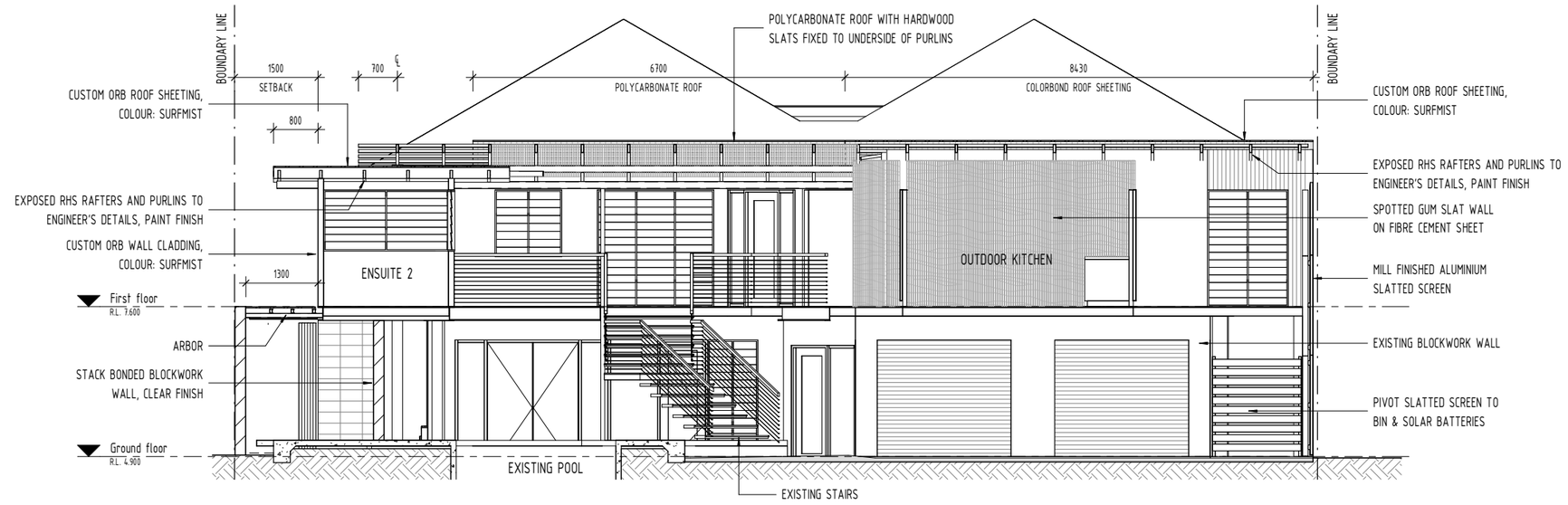
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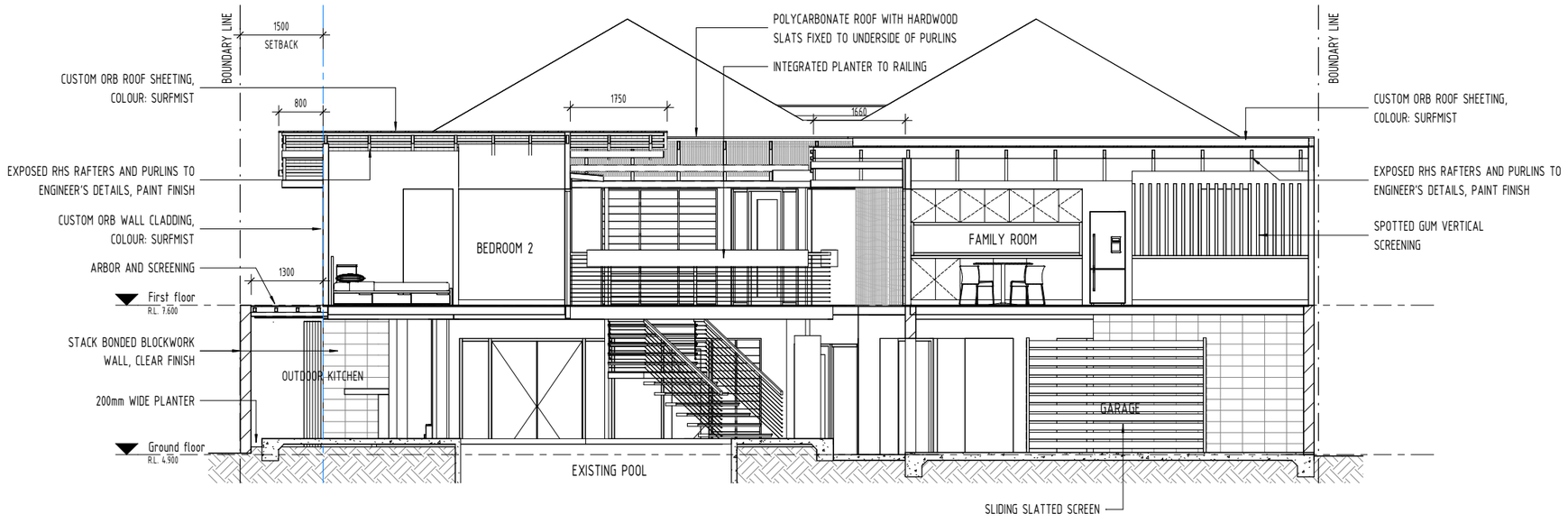
Drawing
SECTIONS

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A14	Issue A



SECTION E

1 : 50



SECTION F

1 : 50

A	ISSUE FOR DA APPROVAL	25.12.17
ISSUE	AMENDMENT	DATE

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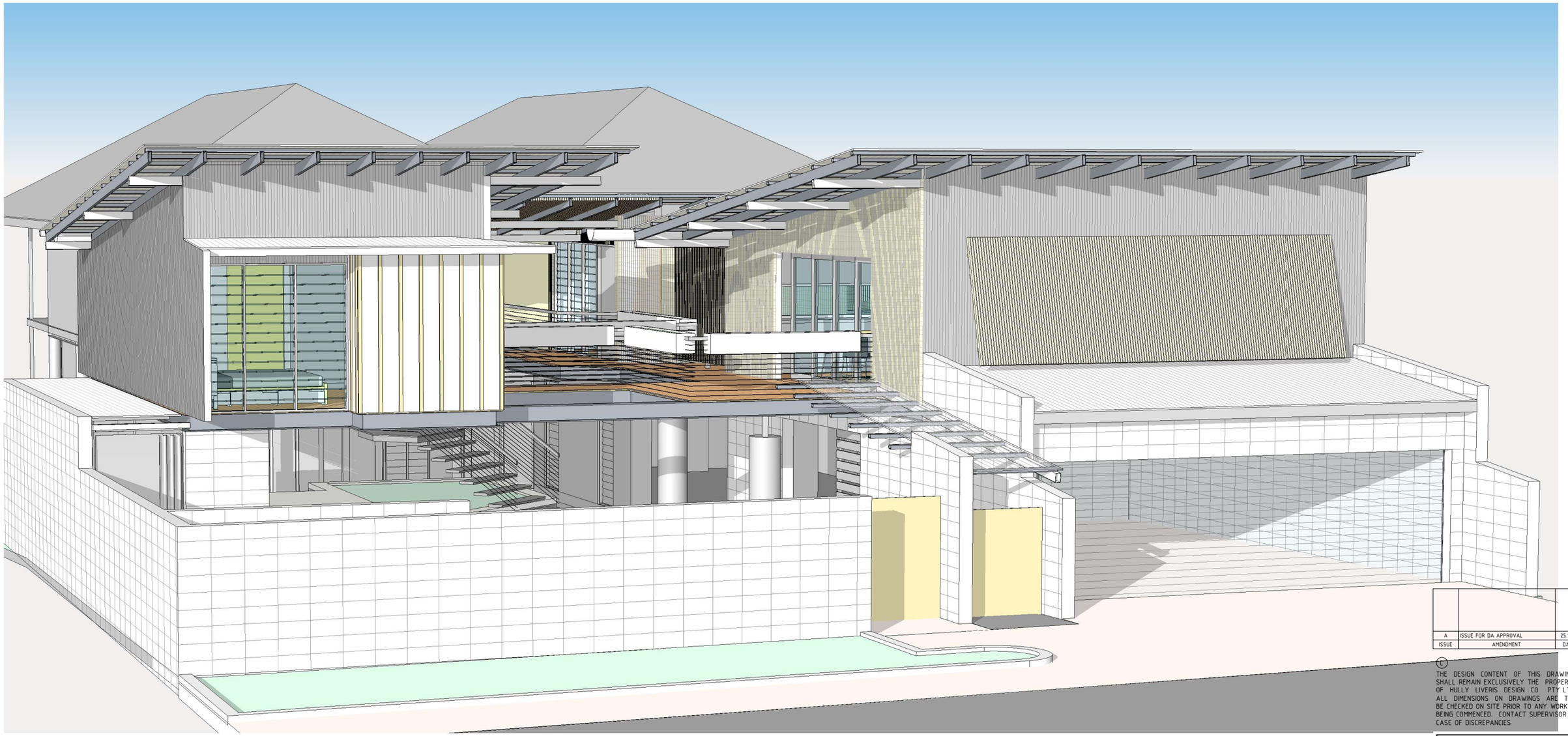
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Drawing
SECTIONS

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no. A15	Issue A



PERSPECTIVE VIEW

ISSUE	AMENDMENT	DATE
A	ISSUE FOR DA APPROVAL	25.12.17

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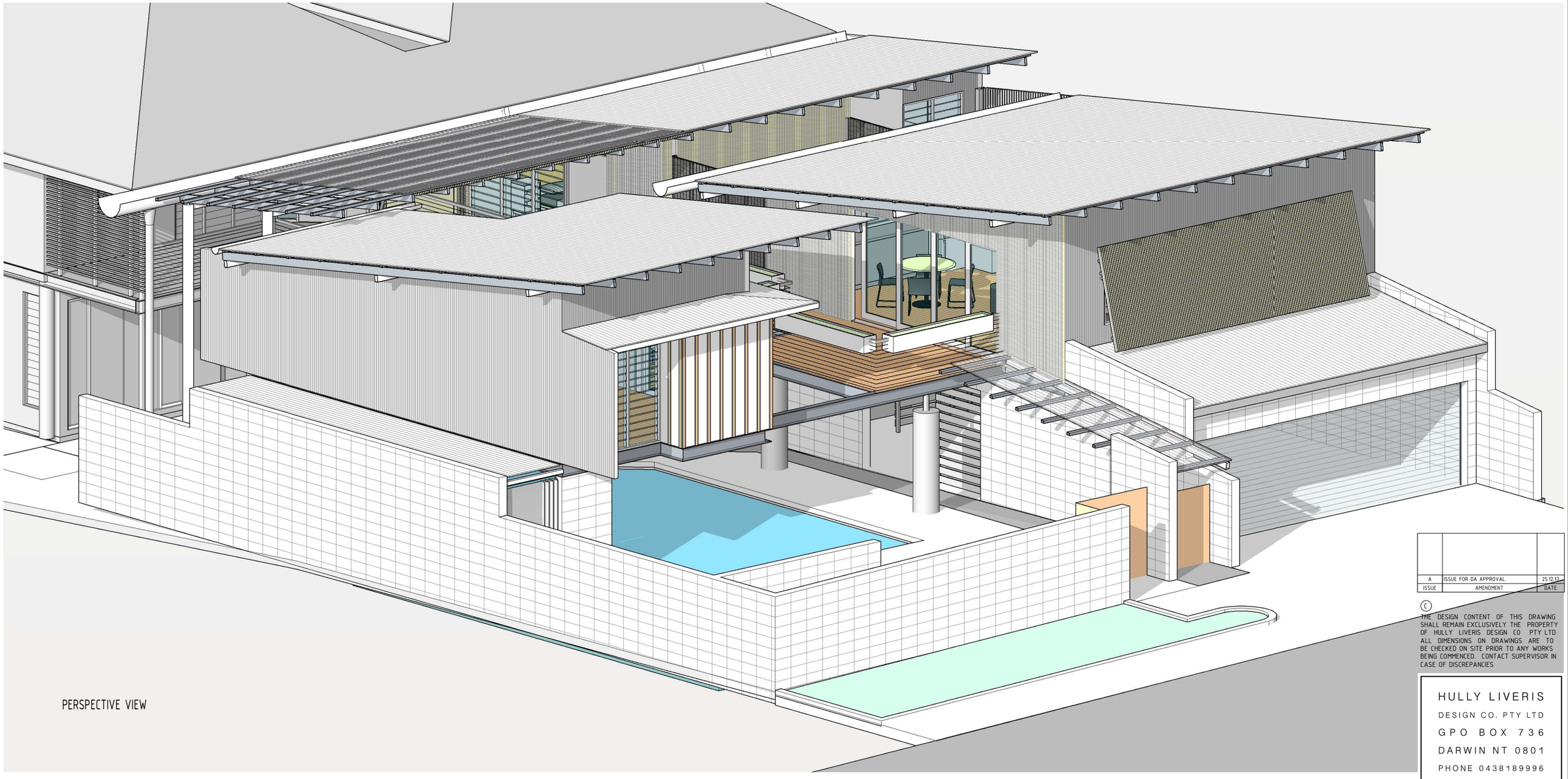
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Drawing
3D VIEWS

Scale	Drawn	Date
	JT	25.12.17
Cad File	Sheet no.	Issue
	A16	A



PERSPECTIVE VIEW

A	ISSUE FOR DA APPROVAL	25.12.17
ISSUE	AMENDMENT	DATE

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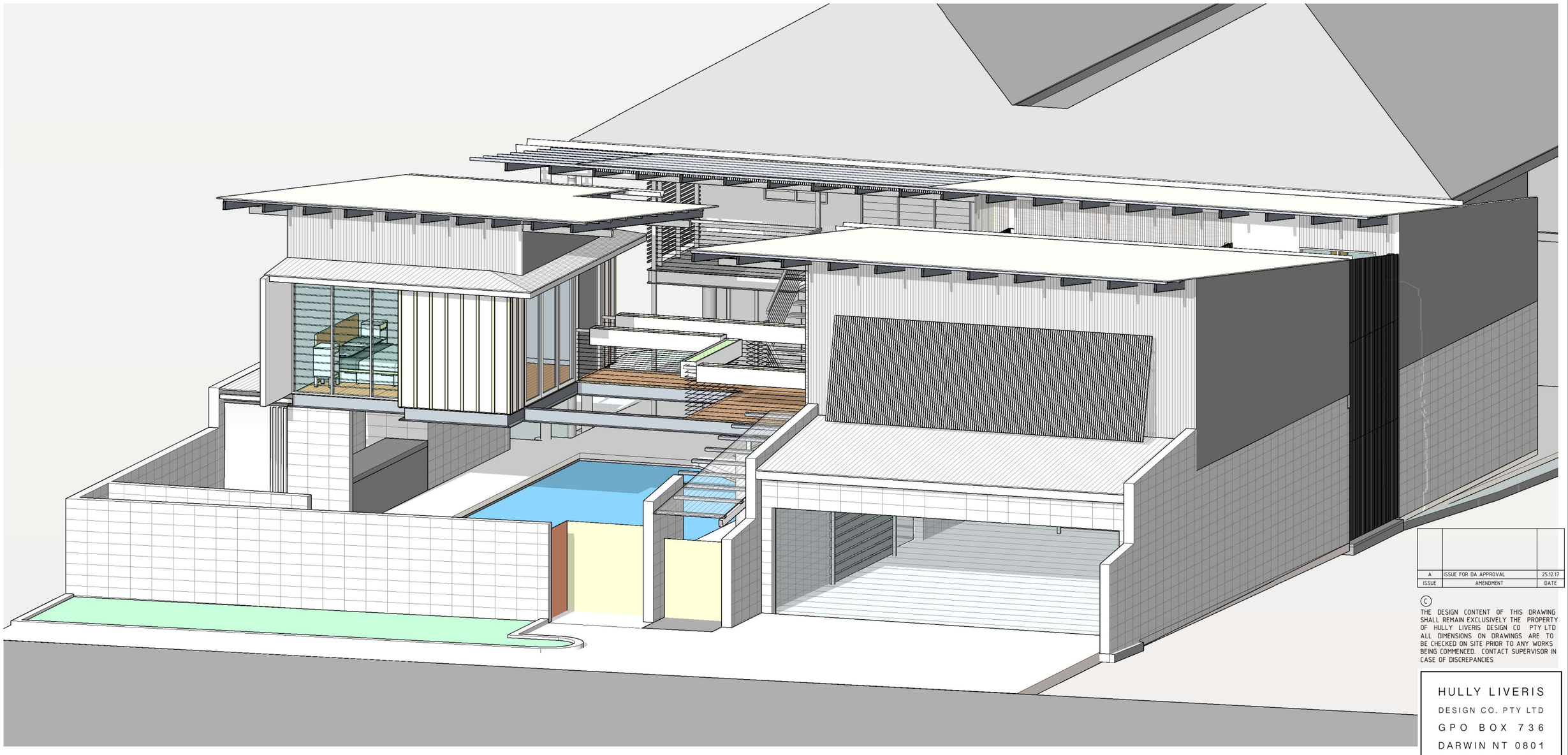
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Drawing
3D VIEWS

Scale	Drawn	Date
	JT	25.12.17
Cad File	Sheet no.	Issue
	A17	A



PERSPECTIVE VIEW

ISSUE	AMENDMENT	DATE
A	ISSUE FOR DA APPROVAL	25.12.17

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Drawing
3D VIEWS

Scale	Drawn	Date
	JT	25.12.17
Cad File	Sheet no.	Issue
	A18	A

DEVELOPMENT CONSENT AUTHORITY

MUNICIPALITY OF DARWIN

POLICY NO 3

SETBACK REQUIREMENTS FOR R1, R2 AND B2 ZONED LOTS IN THE CULLEN BAY ESTATE

With the consent of the Authority, setback variations for developments on R1, R2 and B2 zoned lots in Cullen Bay will be determined in accordance with drawing number CBED003 SB1 Revision A which forms part of this Code, and in accordance with the following tables, also part of the Code.

The Policy identifies common building boundaries as shown on the drawing, being one side boundary for R1 lots and both side boundaries for R2 lots.

The typical layout for R1 lots will be:

Front	4.5 metres but car parking structures allowed up to 1.5 metres from front boundary and no more than 8 metres
Side	0 metre ie zero lot line one side only
Side	3 metres
Rear	4.5 metres from water line

The typical layout for R2 lots will be:

Front	4.5 metres but car parking structures 1.5 metres from front and not more than 6.5 metres wide (combined width of 13 metres for two carports on adjacent lots)
Both Sides	0 metre
Rear	4.5 metres from water line

Note: If the zero lot line is not used in the development then standard setback requirements of the Darwin Town Plan will prevail.

.....

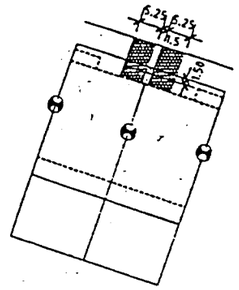
FRED FINCH
Chairman

ADOPTED: 10 October 2000

REVISION	DESCRIPTION	DATE	SIGN
a	Setbacks added to Commercial zone and Lot 5814	3/11/93	JE
b	Driveways shown to all Lots	25/11/93	gw
c	Setback to lot 5900 deleted	28/2/94	gw
d	Setback to Road between Lot 6378 & 6387 amended	2/3/94	gw
e	Setback to Lot 6382 & 5900 amended	8/3/94	pc

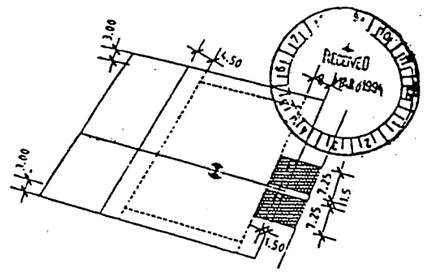
CULLEN BAY SETBACK PLAN

REFER TO POLICY NO 5.3



TYPICAL SETOUT R2 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE



TYPICAL SETOUT R1 LOTS

BUILDING SETBACKS UNLESS NOTED OTHERWISE

DRIVEWAY PAVING ALL ROUND END OF CUL-DE-SAC

NORTH

WOODHEAD AUSTRALIA

ARCHITECTS
PLANNING
INTERIOR
DESIGN

LEGEND

● DENOTES COMMON BOUNDARY

LOT 5647

TOWN OF DARWIN

SETBACKS DRAWING

Scale 1:1500

Date 08.03.93

Dwg. No.CBED003 S81 Rev A

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 52

DEVELOPMENT PERMIT

DP95/0464

DESCRIPTION OF LAND THE SUBJECT OF THIS PERMIT

Lot No:	LOT 5818
Town/Hundred:	TOWN OF DARWIN
Street Address:	96 CULLEN BAY CRESCENT

The Planning Authority at its meeting of 5 September 1995 resolved, in pursuance of section 52(1)(a)(i) of the *Planning Act*, to grant consent to the application for the purpose of a detached dwelling subject to the conditions set out in the Schedule and for the reasons set out in the attached statement of reasons.

Dated this 18th day of September 1995

J M ROBERTSON
Chairman
Northern Territory
Planning Authority

SCHEDULE OF CONDITIONS

DEVELOPMENT PERMIT

DP95/0464

1. Works carried out under this permit shall be in accordance with drawing number DB715-1 and endorsed as forming part of this permit.

Base Period of Permit

As provided for under section 55 of the Act and subject to the provisions of sections 56 and 57, this permit will lapse two years from the date of issue.

J M ROBERTSON
Chairman
Northern Territory
Planning Authority

18 / 9 /1995

STATEMENT OF REASONS FOR DETERMINATION

DEVELOPMENT PERMIT

DP95/0464

Reason

A variation to clause 22.5 (Building Height) is considered unlikely to negatively affect the privacy of neighbouring properties.

Variations Given

Clause 22.5 (Building Height) of the Darwin Town Plan 1990 (as amended).

Right of Appeal

The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 99 of the *Planning Act.* Within 28 days of receiving this Permit an appeal may be lodged with the Planning Appeals Tribunal. Address for lodgement is:

POSTAL ADDRESS

The Registrar
Planning Appeals Tribunal
PO Box 40246
CASUARINA NT 0811

Telephone: 99 8477
Facsimile: 99 8486

LOCATION

The Registrar
Planning Appeals Tribunal
2nd Floor, A Wing
Sturt House
CASUARINA NT 0810

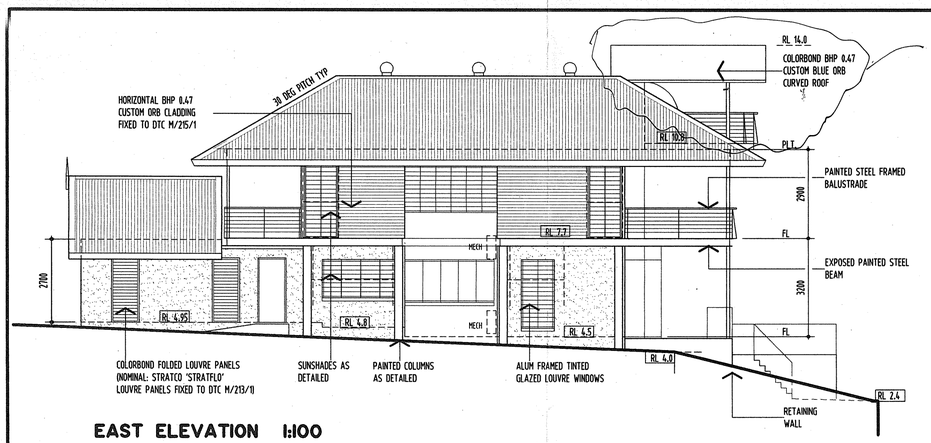
J M ROBERTSON
Chairman
Northern Territory
Planning Authority

18 / 9 /1995

NOTE: REDEVELOPMENT CHARGES

You are advised that the proposed redevelopment may incur charges under sections 12A and 13B of the *Water Supply and Sewerage Amendment Act 1994* which was gazetted on 15 March 1995.

Information regarding these charges can be obtained by calling 82 5310 or 82 5514.



NOT INCLUDED IN THIS APPROVAL

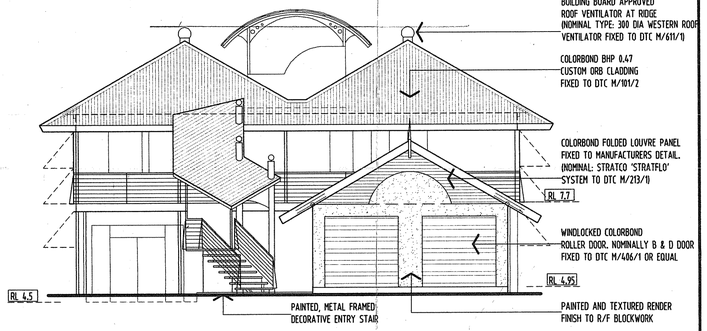
EAST ELEVATION 1:100



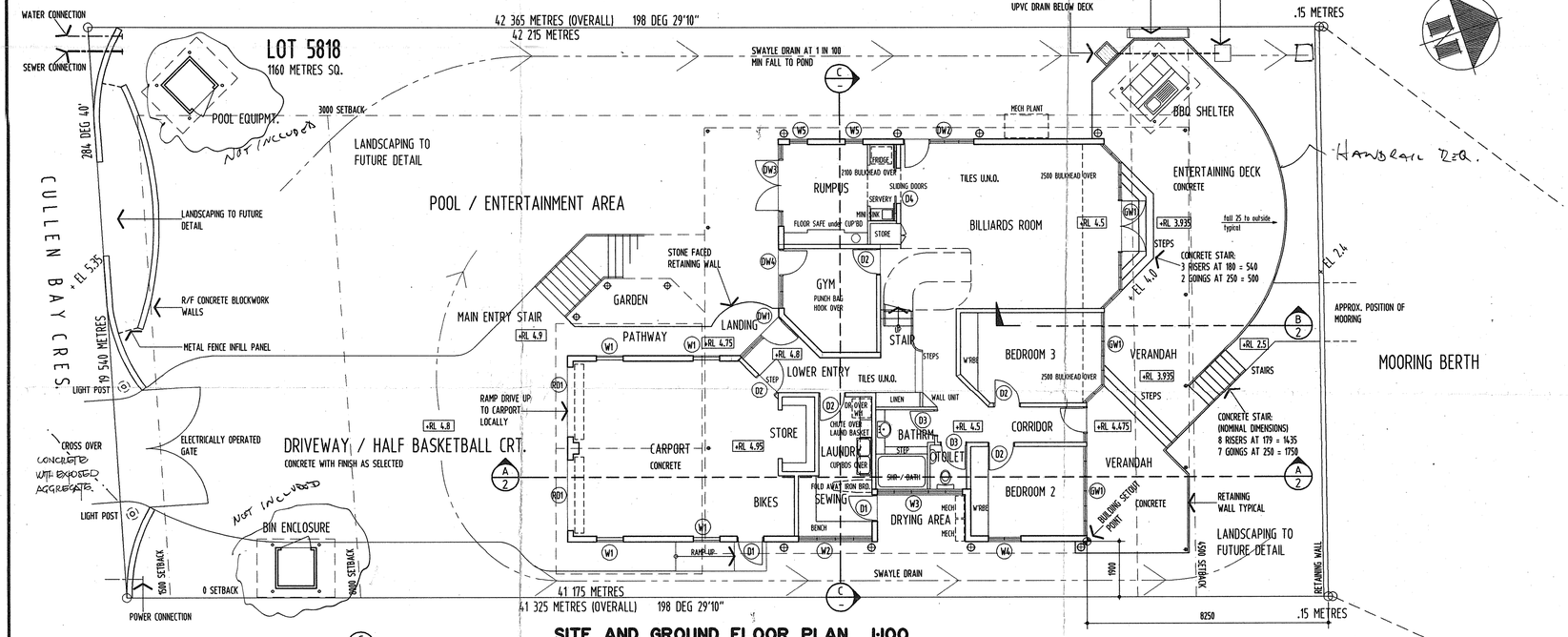
WEST ELEVATION 1:100

This is the drawing referred to in Development Permit No. DP05/1464 issued by the Northern Territory Planning Authority on 10th April 1995

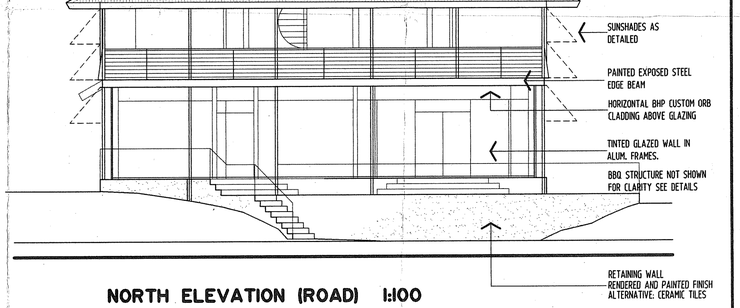
U. M. ROBERTSON
Chairman



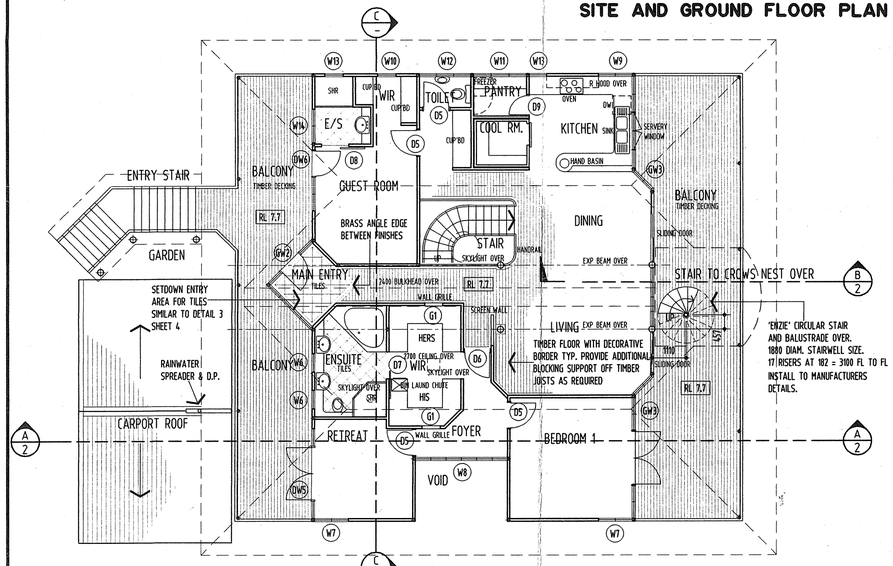
SOUTH ELEVATION (ROAD) 1:100



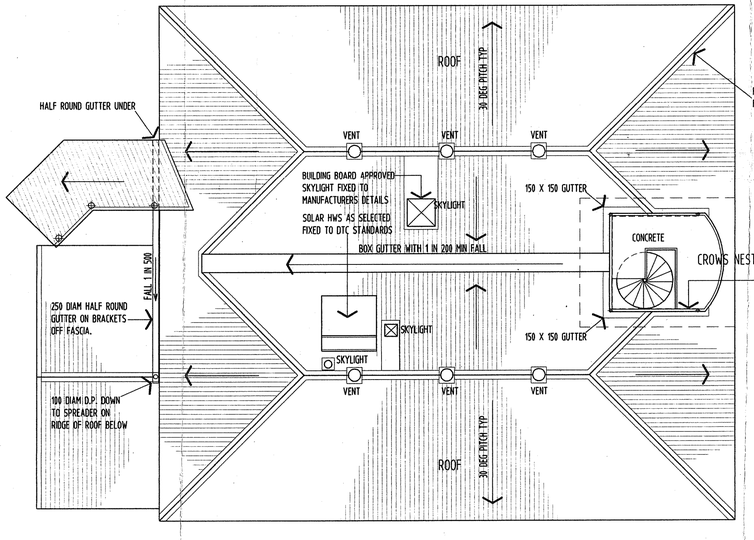
SITE AND GROUND FLOOR PLAN 1:100



NORTH ELEVATION (ROAD) 1:100



FIRST FLOOR PLAN 1:100



SECOND LEVEL / ROOF PLAN

DRAWING SCHEDULE

DB715-1	PLANS AND ELEVATIONS.
DB715-2	NOTES, SECTIONS, SCHEDULES.
DB715-3	DIMENSIONED SETOUT
DB715-4	GROUND AND FIRST STRUCTURE
DB715-5	ROOF STRUCTURE
DB715-6	MISCELLANEOUS DETAILS.
DB715-7	SANITARY DRAINAGE
715-8	ELECTRICAL LAYOUTS

- ISSUED FOR TENDER 7/6/95

bennett design
TEL: 814 222
FAX: 811 071
34 McLACHLAN STREET.
DARWIN, N.T.
P.O. BOX 1156, DARWIN 0801.

PROPOSED RESIDENCE
Lot 5818, Cullen bay cres.,
Cullen bay, Darwin.
Glennis Wood & Kevin Blacker

PLANS AND ELEVATIONS

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Scale AS SHOWN Sheet 1 OF 7
Drawn DAVID BENNETT JOB No. Amend.
Date APRIL '95 DB715-1

C:\DWG\DB715\DB715-1 Wed Jun 7 17:01:59 1995

CULLEN BAY
MARINA

Cullen Bay Marina Management Corporation
PO Box 143, Darwin NT 0801
Phone: 08 8942 0400

Vanessa Farmer
96 Cullen Bay Crescent
Larrakeyah, Darwin 0820
Email: vanessa.farmer@withnalls.com
Cc: hldc1997@gmail.com

17th March 2026

RE UPDATED LETTER for APPROVAL of PLAN LOT 05818

Dear Vanessa,

I am writing on behalf of the Corporation's management committee to provide you with advice on the outcome of your application for a covenant review of plans for building works at Lot 05818, Town of Darwin Plan(s) S 93/320D, 96 Cullen Bay Crescent, Larrakeyah NT 0800, SK01 B to SK 13 B inclusive and dated January 2024.

On the 12th February 2024, the Committee considered your application, your plans and a report from a technical advisor and agreed to support your application. This decision is still relevant and has been recorded in the meeting minutes.

Yours Sincerely

Clay Fredericks
CEO
Cullen Bay Marina Management Corporation
Ph: 8942 0400

CULLEN BAY MARINA

Cullen Bay Marina Management Corporation
PO Box 143, Darwin NT 0801
Phone: 08 8942 0400

Vanessa Farmer
96 Cullen Bay Crescent
Larrakeyah NT 0800
Email: vanessa.farmer@withnalls.com
Cc: hldc1997@gmail.com

25th March 2024

I am writing on behalf of the Corporation's management committee to provide you with advice on the outcome of your application for a covenant review of plans for building works at Lot 05818, Town of Darwin Plan(s) S 93/320D, 96 Cullen Bay Crescent, Larrakeyah NT 0800, SK01 B to SK 13 B inclusive and dated January 2024.

At their meeting on 12th February 2024, the Committee considered your application, your plans and a report from our technical advisor and agreed to support your application.

Some areas of non-compliance were noted, but were considered insufficient to withhold approval.

The minutes of that meeting record that you declared a conflict of interest, left the Committee Meeting prior to the decision, and had no involvement in the decision.



CULLEN BAY

Mike van der Ley
General Manager
manager@cullenbaymarina.com.au
08 8942 0400
19/56 Marina Blvd, Larrakeyah NT 0820
www.cullenbaymarina.com.au

RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

ARCHITECTURAL

A00	COVER SHEET
A01	LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER
A03	LANDSCAPING PLANS
A04	GROUND FLOOR REFERENCE PLAN
A05	FIRST FLOOR REFERENCE PLAN
A06	GROUND FLOOR SET OUT PLAN
A07	FIRST FLOOR SET OUT PLAN
A10	ROOF PLAN
A11	SOUTH AND WEST ELEVATIONS
A12	EAST ELEVATION
A13	SECTIONS
A14	SECTIONS
A15	SECTIONS
A16	3D VIEWS
A17	3D VIEWS
A18	3D VIEWS

I, Tara Reddy, am the legal owner of
98 Cullen Bay Cres, Larrakeyah NT 0820

4/2/2026



NORTH

LOCALITY PLAN
NTS



SITE PLAN
1 : 100

ISSUE	AMENDMENT	DATE
A	ISSUE FOR DA APPROVAL	25.12.17

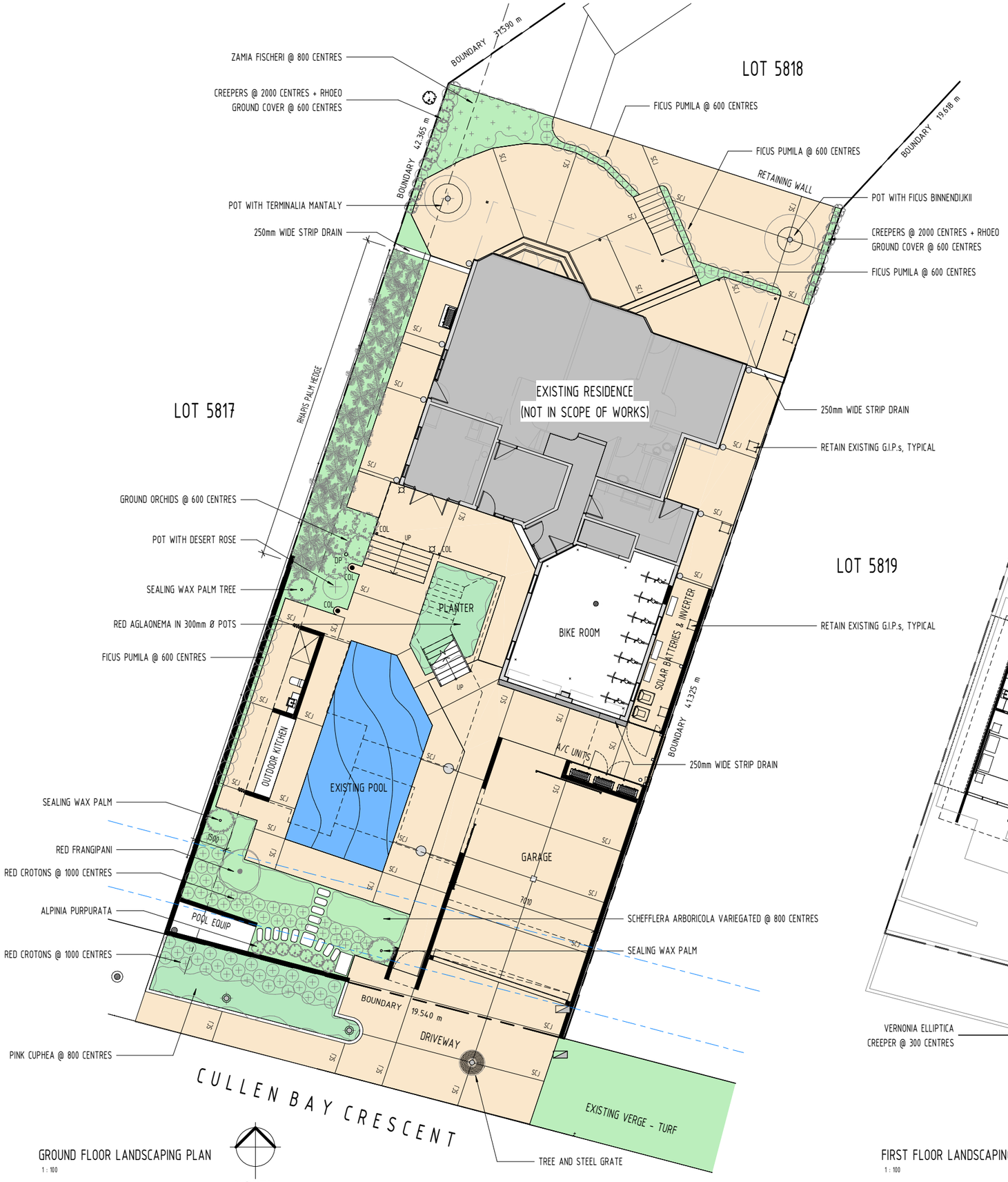
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Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER

Scale	Drawn	Date
As indicated	JT	25.12.17
Cad File	Sheet no. A01	Issue A



GROUND FLOOR LANDSCAPING PLAN

1 : 100



FIRST FLOOR LANDSCAPING PLAN

1 : 100

4/2/2026

A	ISSUE FOR DA APPROVAL	25.12.17
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Project

RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing

LANDSCAPING PLANS

Scale	Drawn	Date
1 : 100	JT	25.12.17
Cad File	Sheet no.	Issue
	A03	A

4/2/2026

NOT IN SCOPE OF WORKS

FFL R.L. 4.450

FFL R.L. 4.898

R.L. 4.444

R.L. 4.410

PATIO

DASHED LINES INDICATE DECKING ABOVE

COL

UP

DP

BIKE ROOM R.L. 4.900

SOLAR BATTERIES & INVERTER

PLANTER

R.L. 5.190

DASHED LINES INDICATE WALL LINE ABOVE

EXISTING GRATED DRAIN

MILL FINISHED ALUMINIUM SLATTED SCREEN

DASHED LINES INDICATE DECKING ABOVE

PATIO

R.L. 4.875

E A15

CURTAIN

ARBOR ABOVE

F A15

A11 2

OUTDOOR KITCHEN

R.L. 5.190

EXISTING POOL

R.L. 5.190

1 A12

FALL

GARAGE

250mm SQUARE GRATED INLET PIT

DASHED LINE INDICATES FLOOR LINE ABOVE

CURTAIN

200

1300

1500 SETBACK

DASHED LINES INDICATE DECKING ABOVE

1300

RS1

R.L. 5.050

SETBACK LINE

4500

1500 SETBACK

PARCEL UNIT

POOL EQUIP

R.L. 5.080

A A13

B A13

C A14

1 A11

D A14

NORTH

GROUND FLOOR PLAN

1 : 50

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ISSUE	AMENDMENT	DATE

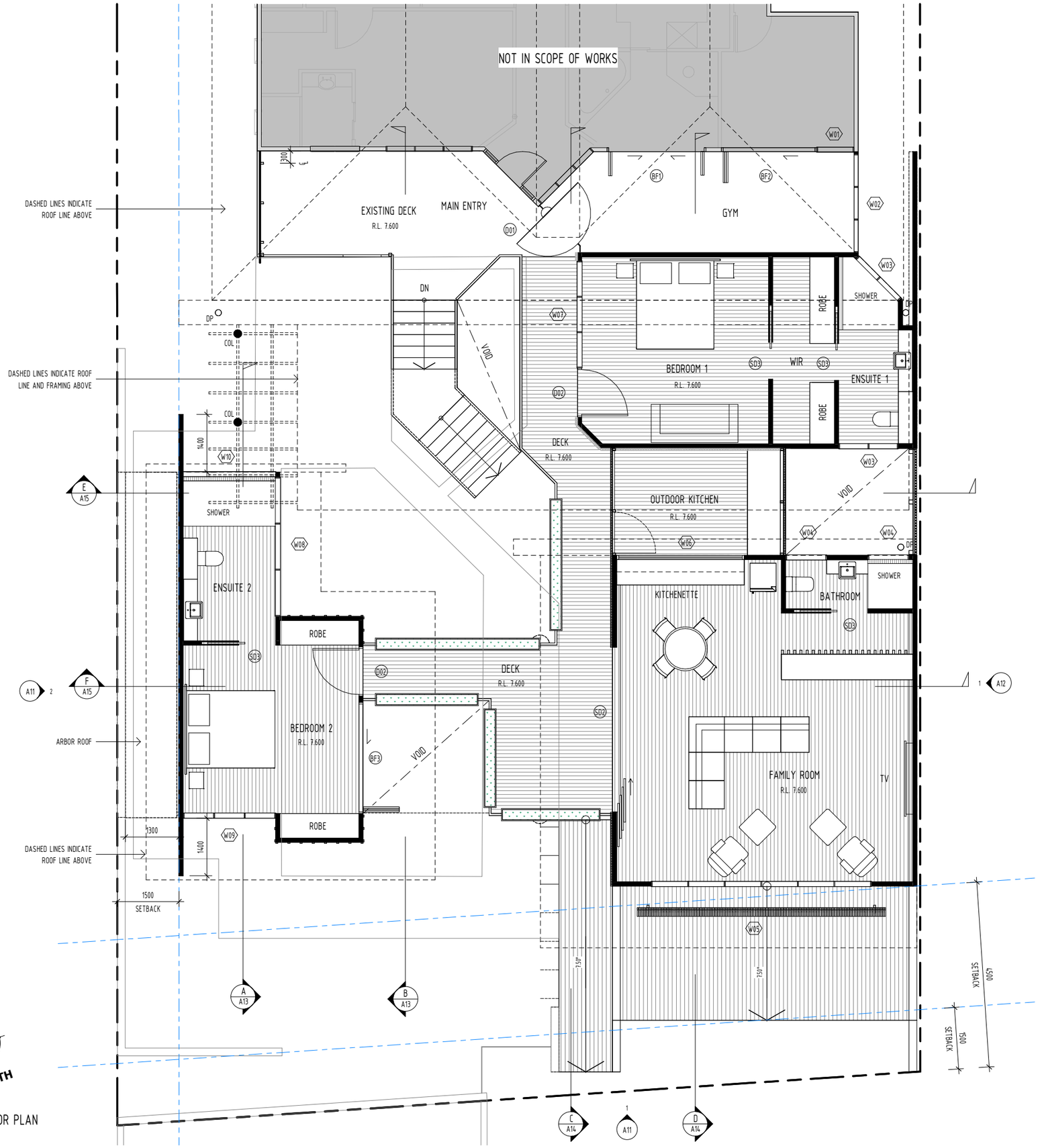
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GPO BOX 736
DARWIN NT 0801
PHONE 0438189996
EMAIL HLDC@BIGPOND.COM
ACN 053410692

Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
GROUND FLOOR REFERENCE PLAN

Scale	Drawn	Date
1 : 50	JT	25.12.17
Cad File	Sheet no.	Issue
	A04	A



FIRST FLOOR PLAN

1 : 50

4/2/2026

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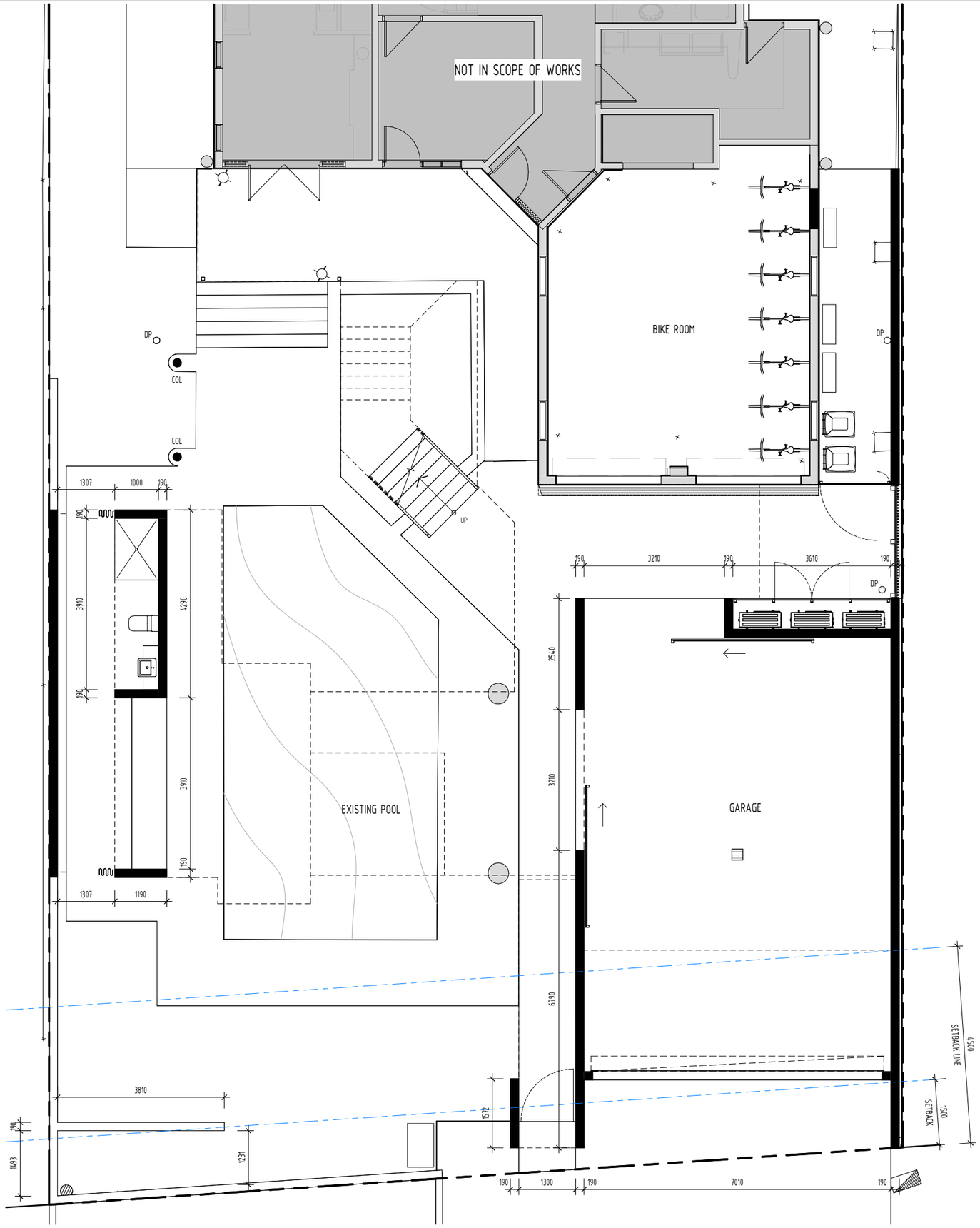
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EMAIL HLDC@BIGPOND.COM
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
FIRST FLOOR REFERENCE PLAN

Scale	Drawn	Date
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Cad File	Sheet no.	Issue
	A05	A



NORTH

GROUND FLOOR SET OUT PLAN

1 : 50

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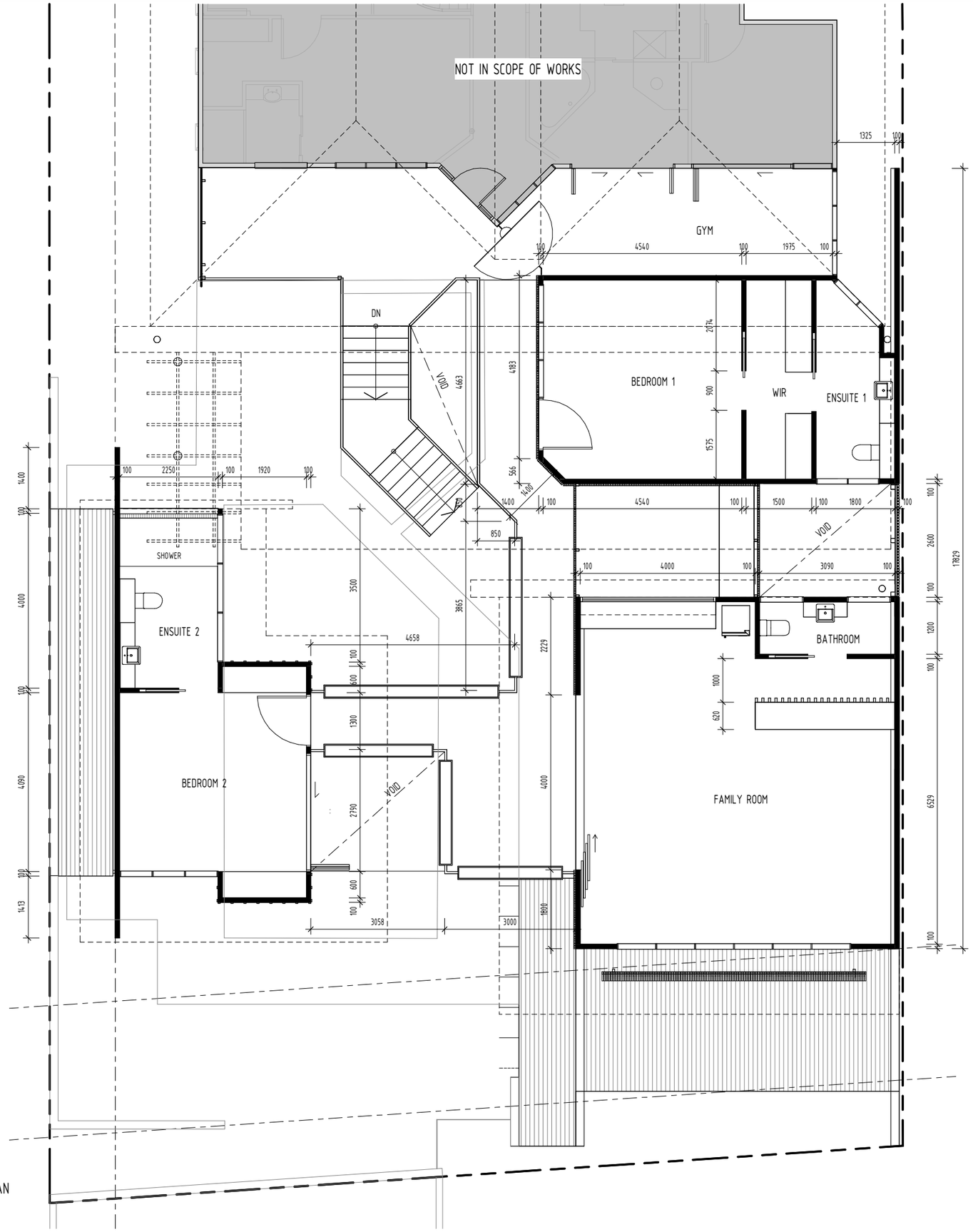
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DARWIN NT 0801
PHONE 0438189996
EMAIL HLDC@BIGPOND.COM
ACN 053410692

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LOT 5818 CULLEN BAY CRESCENT

Drawing
GROUND FLOOR SET OUT PLAN

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Cad File	Sheet no. A06	Issue A



FIRST FLOOR SET OUT PLAN

1 : 50

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DARWIN NT 0801
PHONE 0438189996
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LOT 5818 CULLEN BAY CRESCENT

Drawing
FIRST FLOOR SET OUT PLAN

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Cad File	Sheet no.	Issue
	A07	A

4/2/2026

EXISTING ROOF

6700

8430

ROOF 1

600Ø HALF ROUND BOX GUTTER

POLYCARBONATE ROOF WITH HARDWOOD SLATS FIXED TO UNDERTSIDE OF PURLINS

EXPOSED RHS RAFTERS AND PURLINS TO ENGINEER'S DETAILS, PAINT FINISH

CUSTOM ORB ROOF SHEETING, SURFMIST

BLADE WALL

DASHED LINES INDICATE WALL LINE UNDER

1500

200Ø HALF ROUND GUTTER

400Ø HALF ROUND GUTTER

ROOF 3

COLORBOND CUSTOM ORB ROOF SHEETING, COLOUR: SURFMIST

ROOF 2

DASHED LINES INDICATE WALL LINE UNDER

750

COLORBOND CUSTOM ORB ROOF SHEETING, COLOUR: SURFMIST

DASHED LINES INDICATE WALL LINE UNDER

1500

800

1750

1500 SETBACK

1750

ROOF 4

POLYCARBONATE ROOF

750

SETBACK 4500

SETBACK 1500

ROOF 5

COLORBOND CUSTOM ORB ROOF SHEETING, COLOUR: SURFMIST

NORTH

ROOF PLAN

1 : 50

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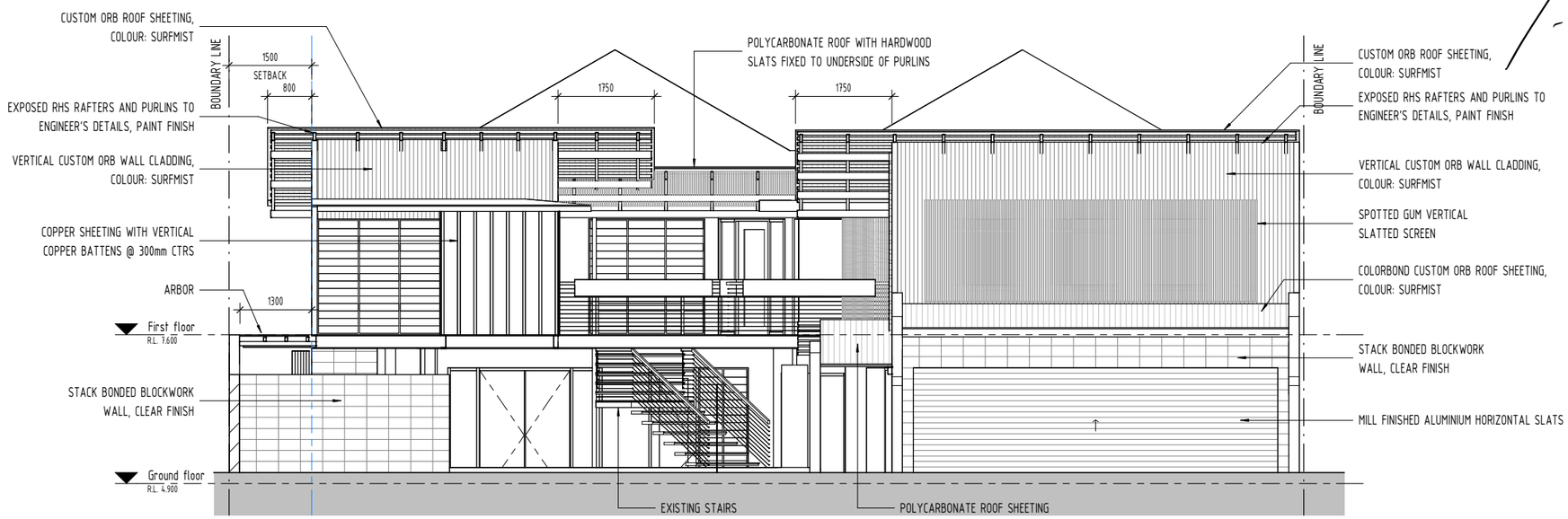
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
ROOF PLAN

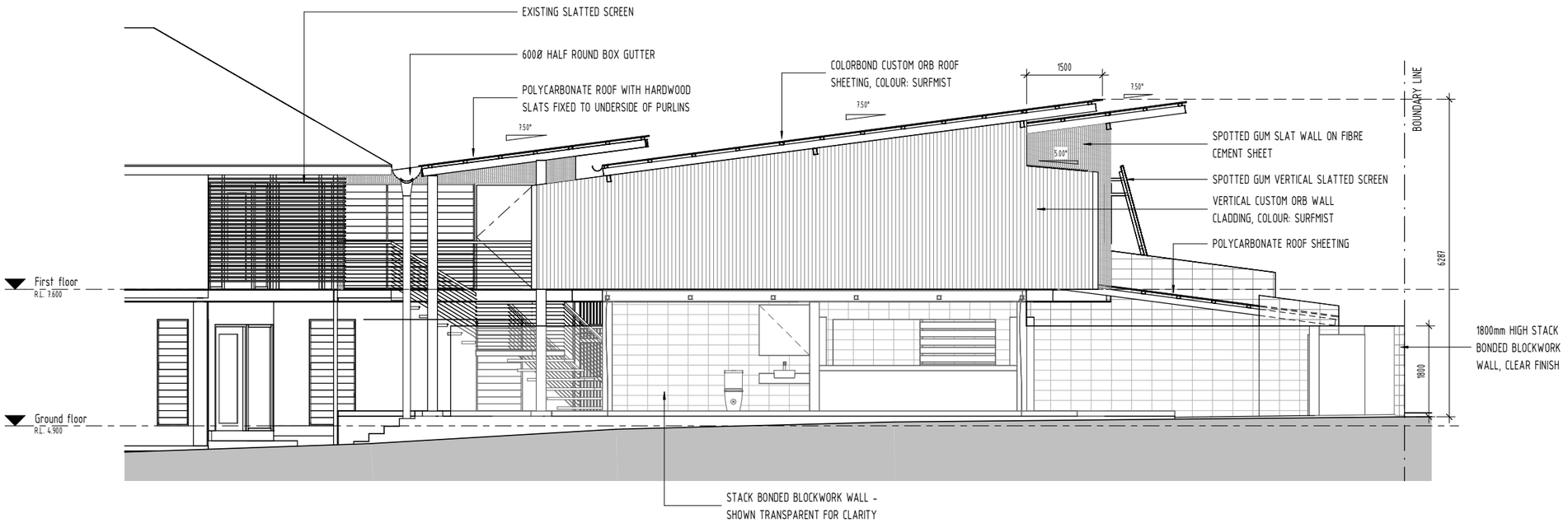
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SOUTH ELEVATION

1 : 50



WEST ELEVATION

1 : 50

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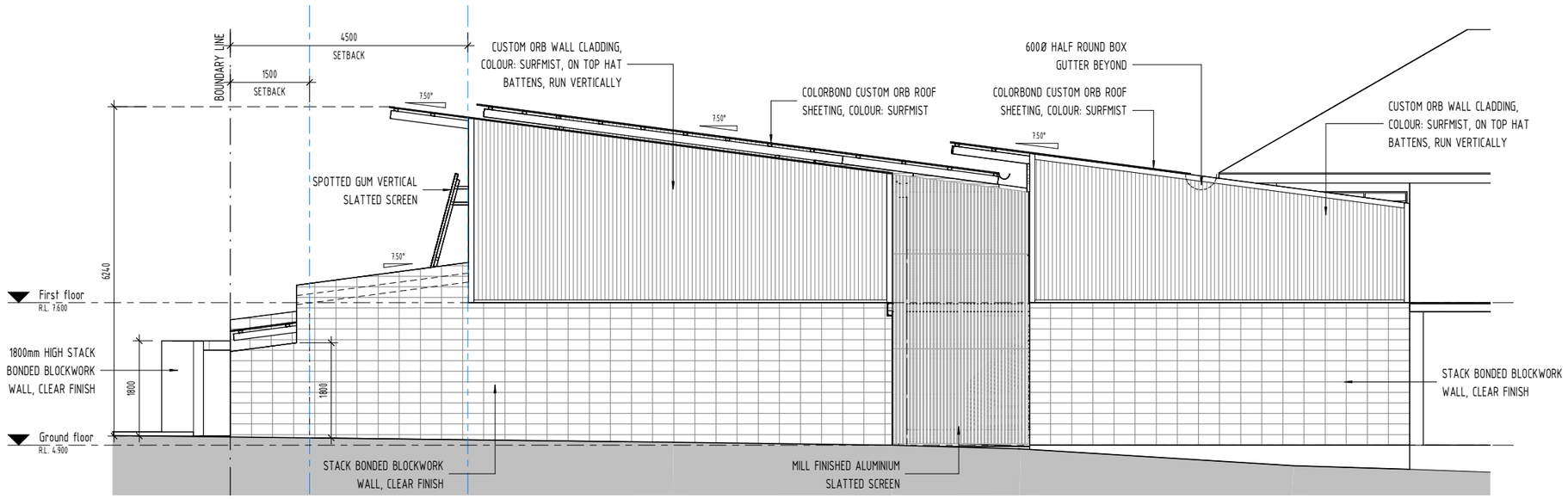
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing

SOUTH AND WEST ELEVATIONS

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1 : 50	JT	25.12.17
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EAST ELEVATION

1 : 50

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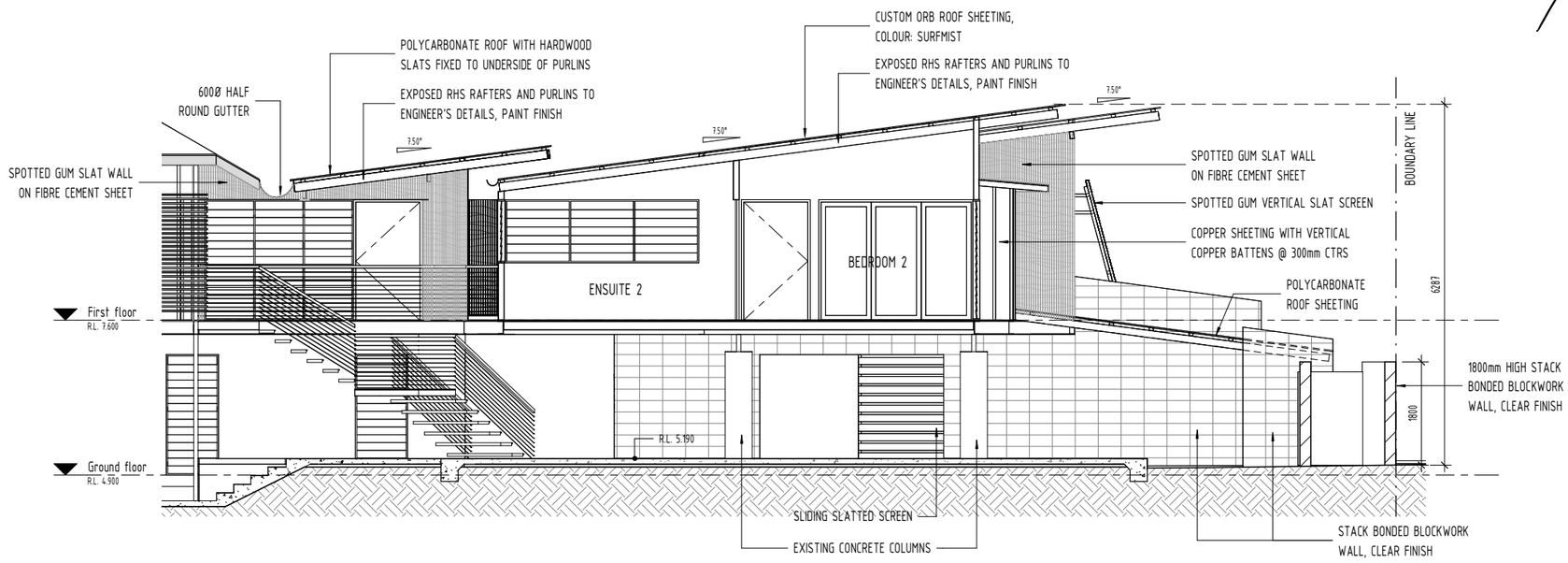
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Drawing
EAST ELEVATION

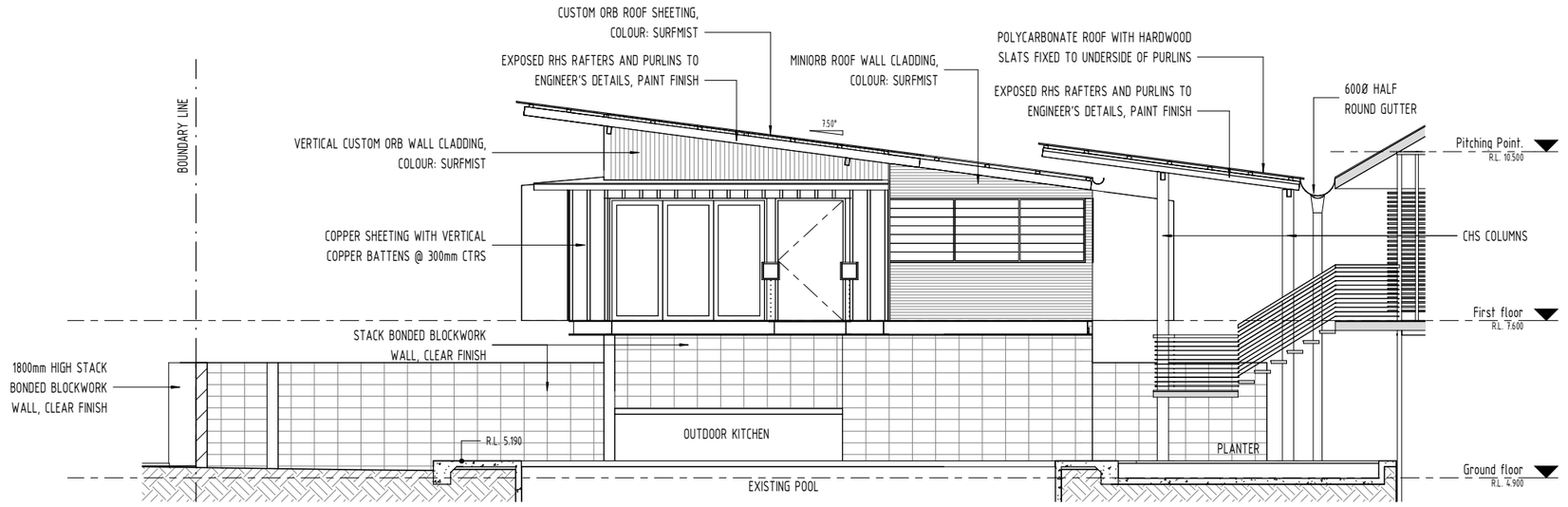
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Cad File	Sheet no. A12	Issue A

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SECTION A

1 : 50



SECTION B

1 : 50

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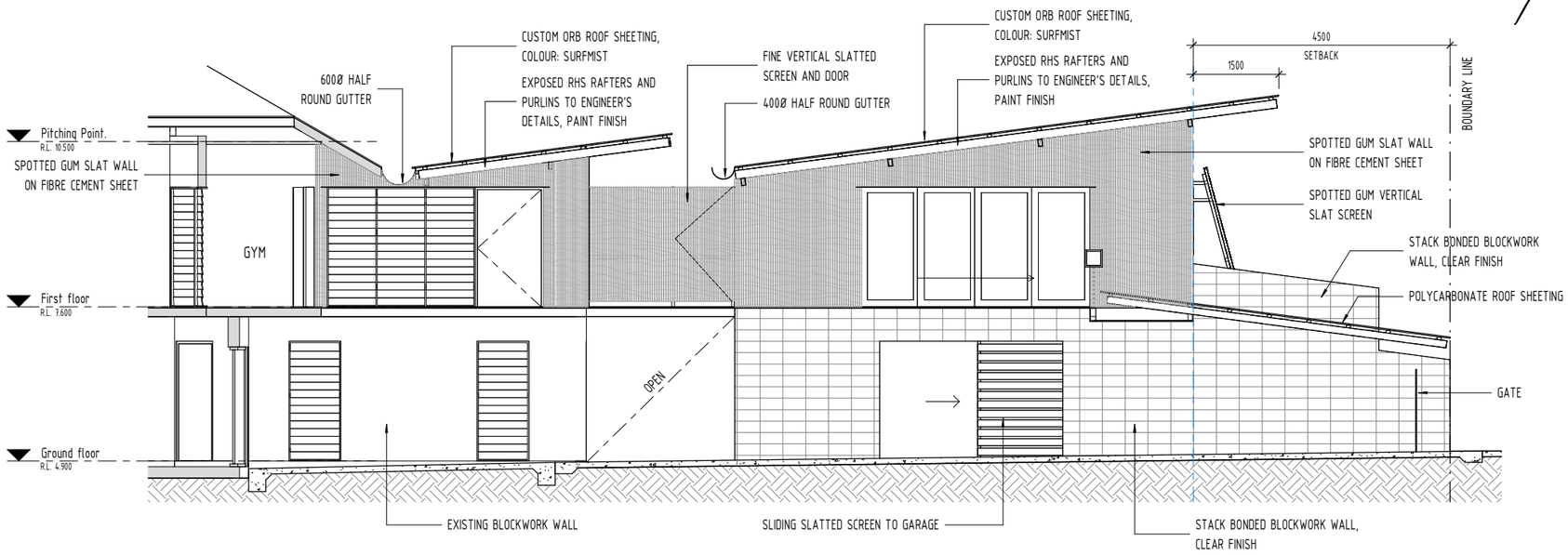
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LOT 5818 CULLEN BAY CRESCENT

Drawing
SECTIONS

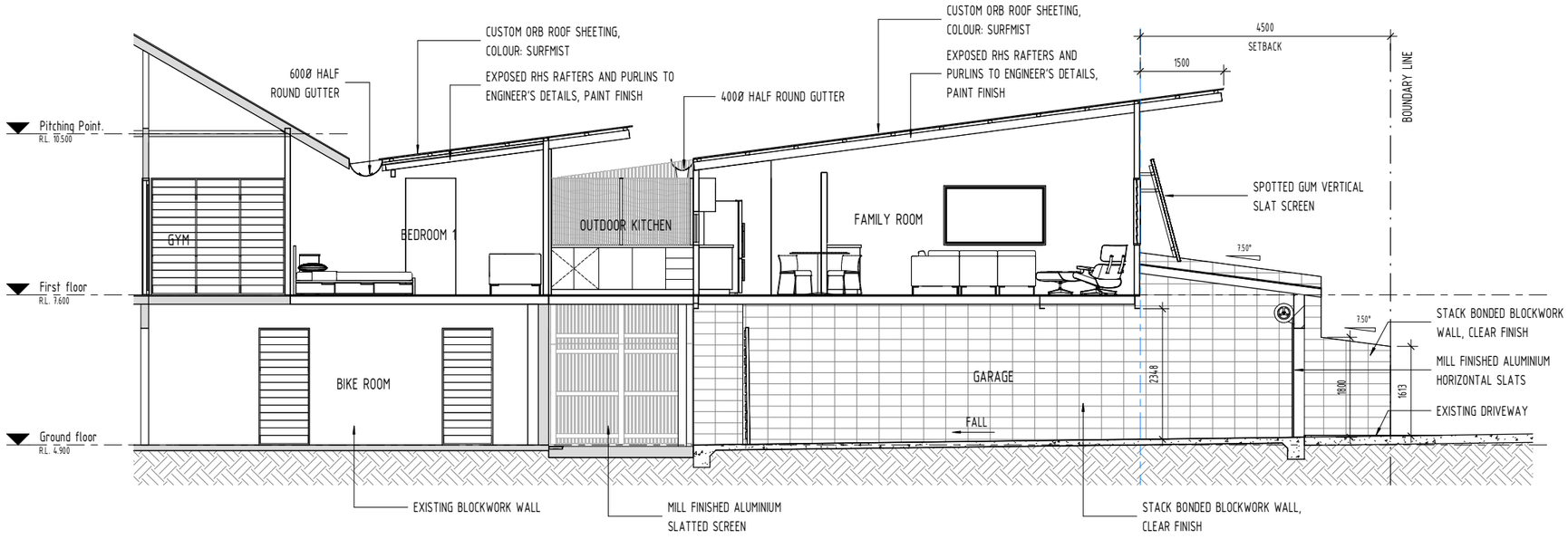
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SECTION C

1 : 50



SECTION D

1 : 50

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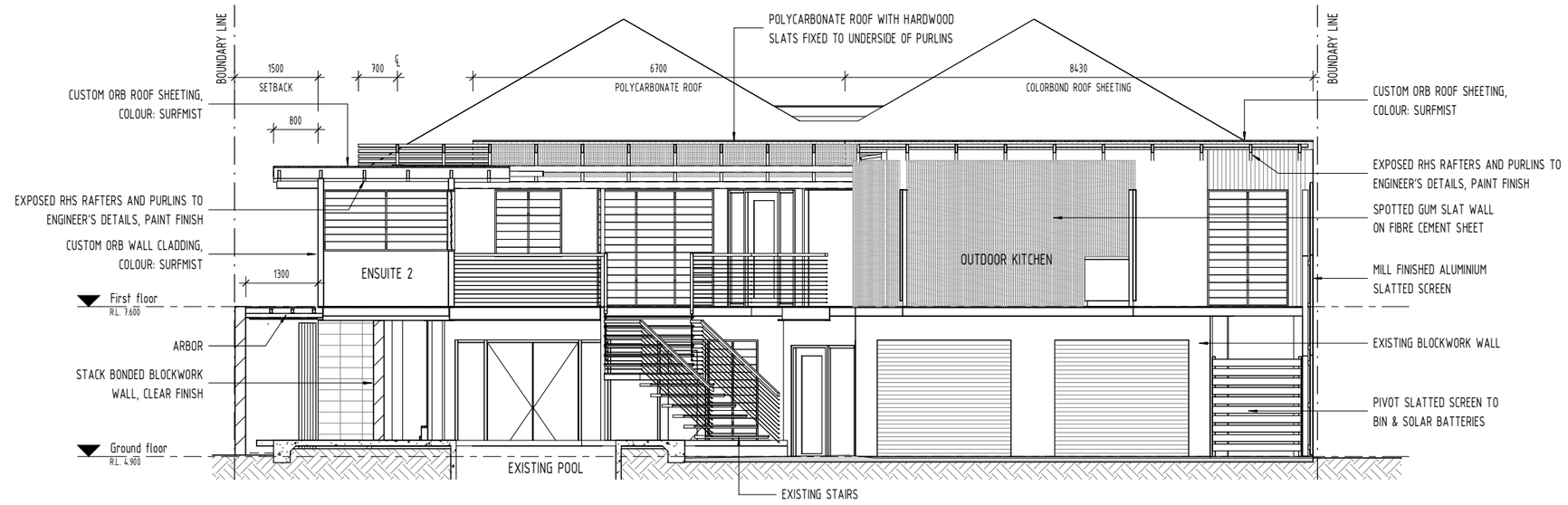
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Drawing
SECTIONS

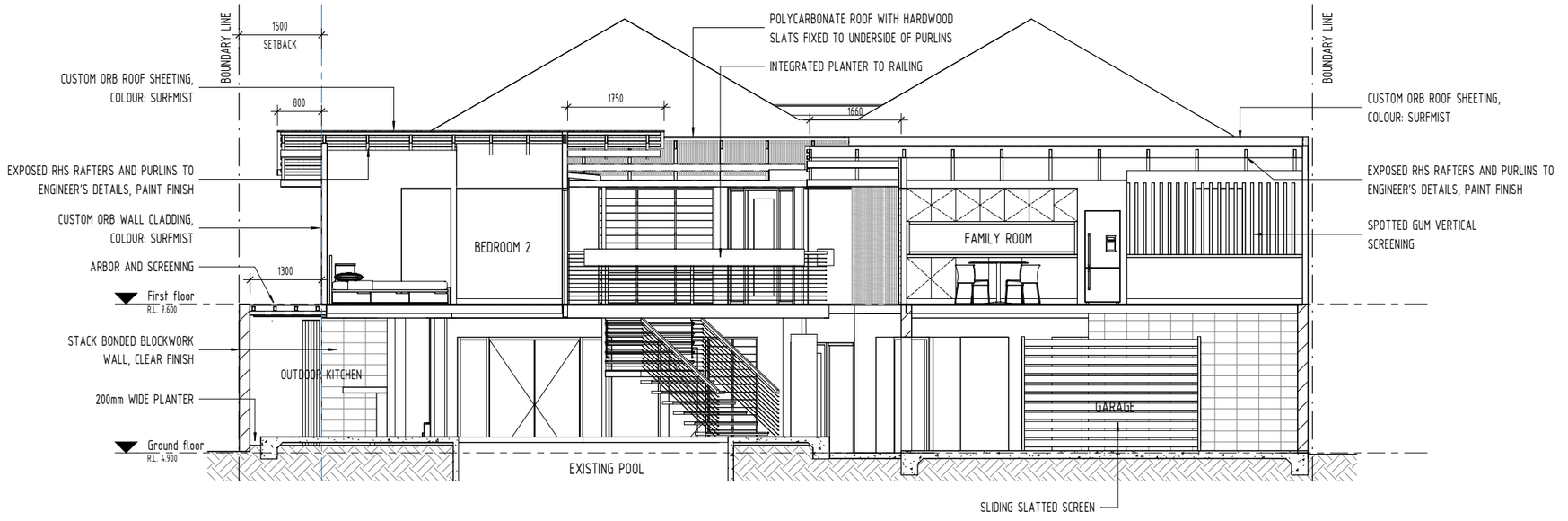
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SECTION E

1 : 50



SECTION F

1 : 50

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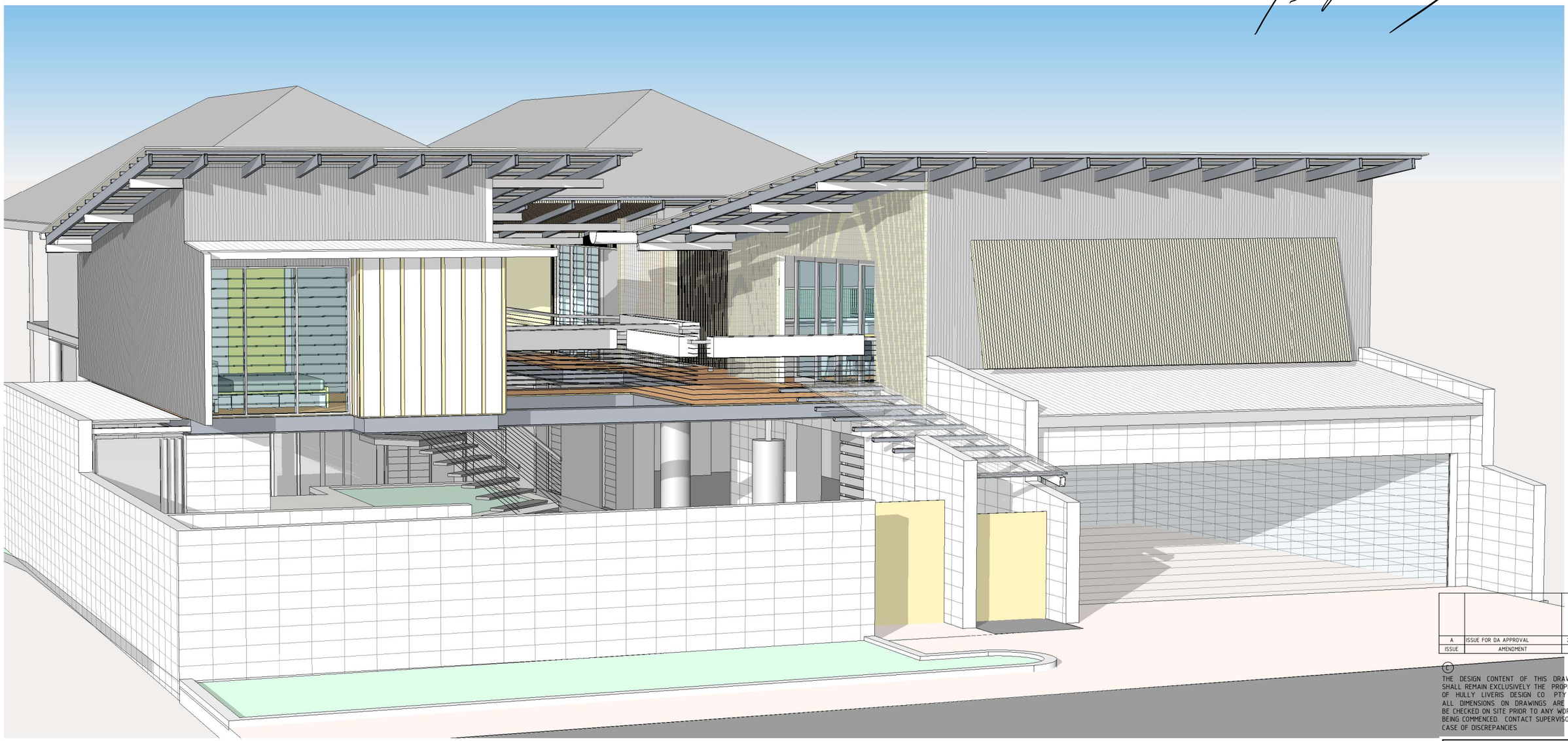
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
SECTIONS

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1 : 50	JT	25.12.17
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PERSPECTIVE VIEW

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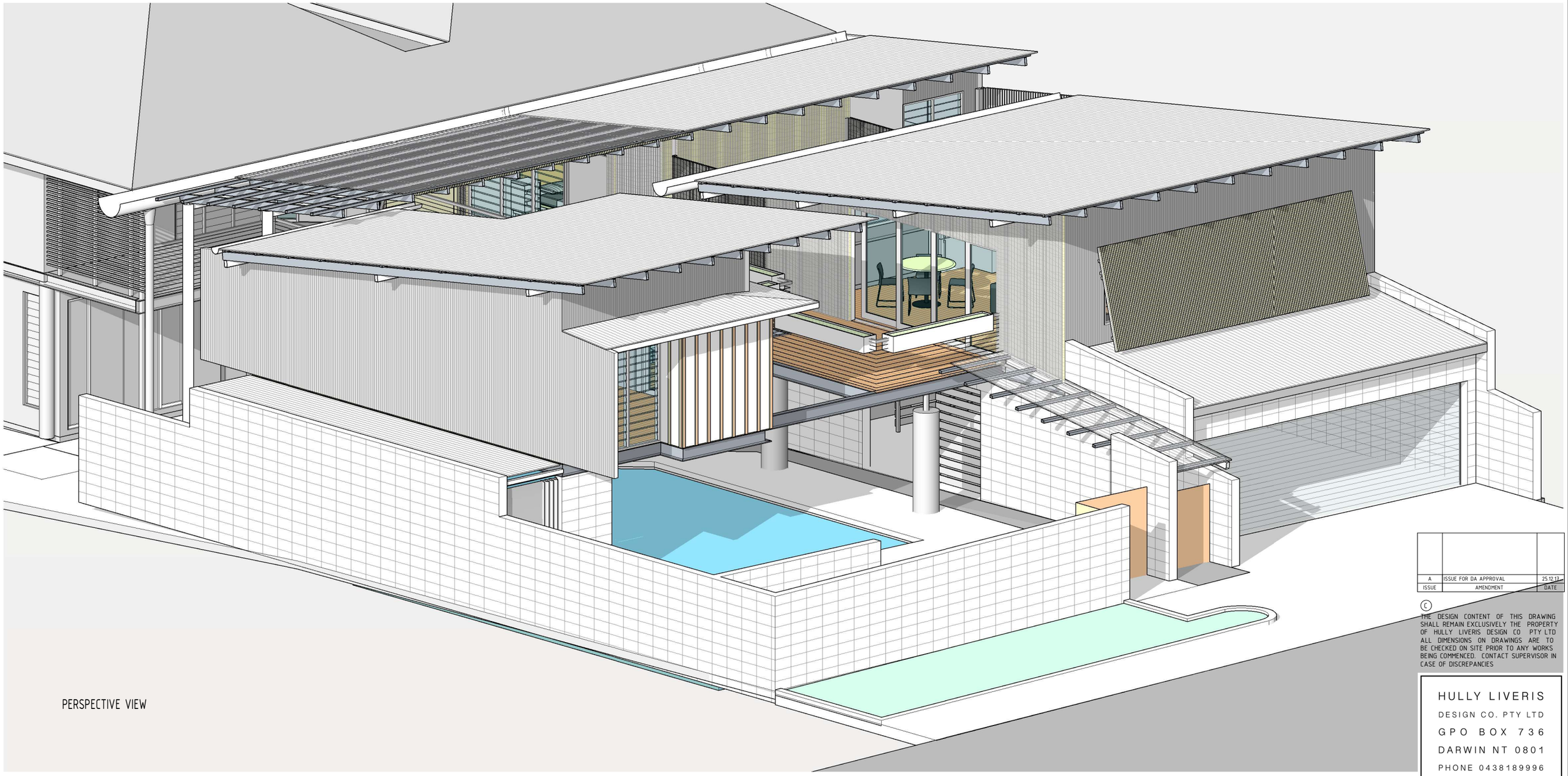
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Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
3D VIEWS

Scale	Drawn	Date
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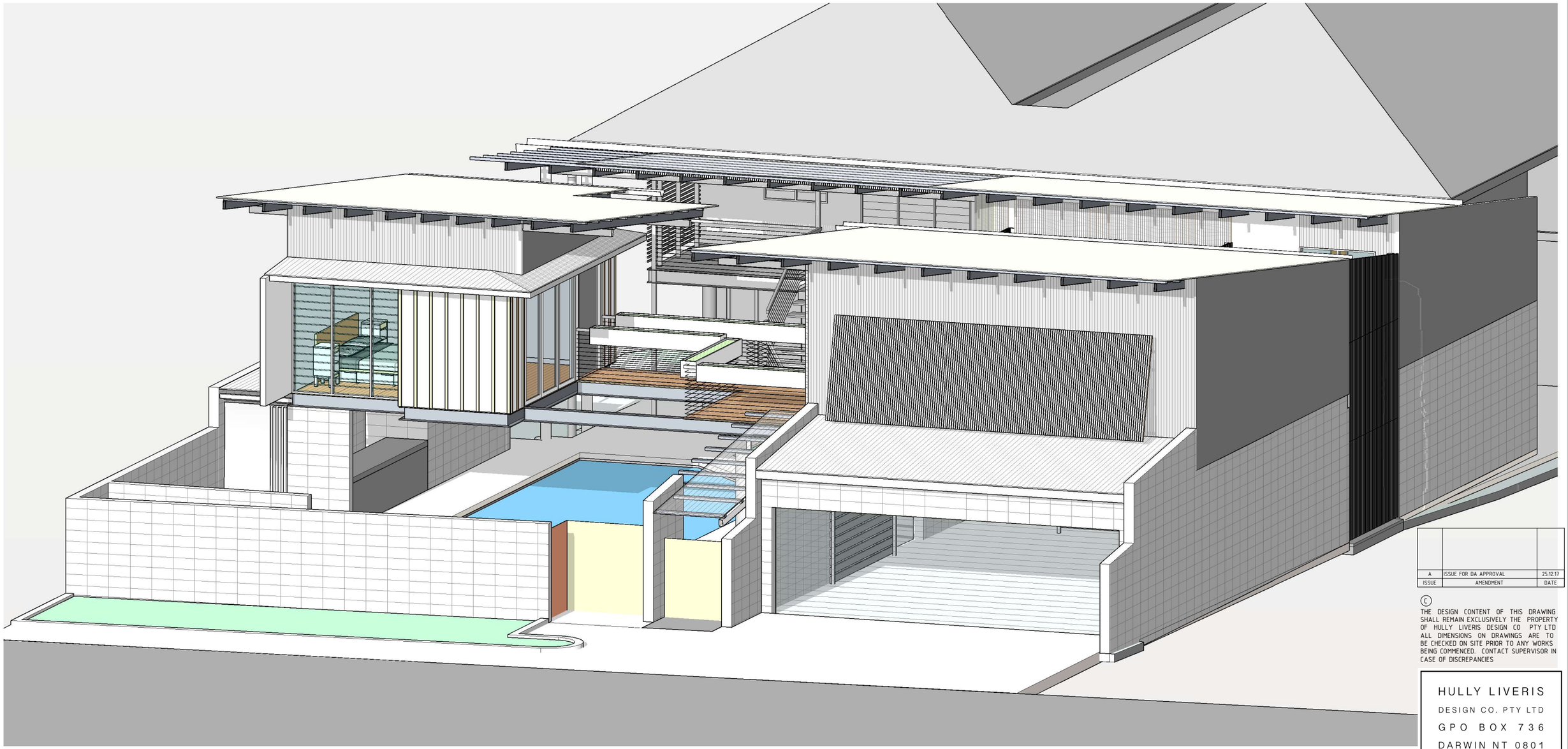
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

Drawing
3D VIEWS

Scale	Drawn	Date
	JT	25.12.17
Cad File	Sheet no.	Issue
	A17	A

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PERSPECTIVE VIEW

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RENOVATIONS TO EXISTING RESIDENCE
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Drawing
3D VIEWS

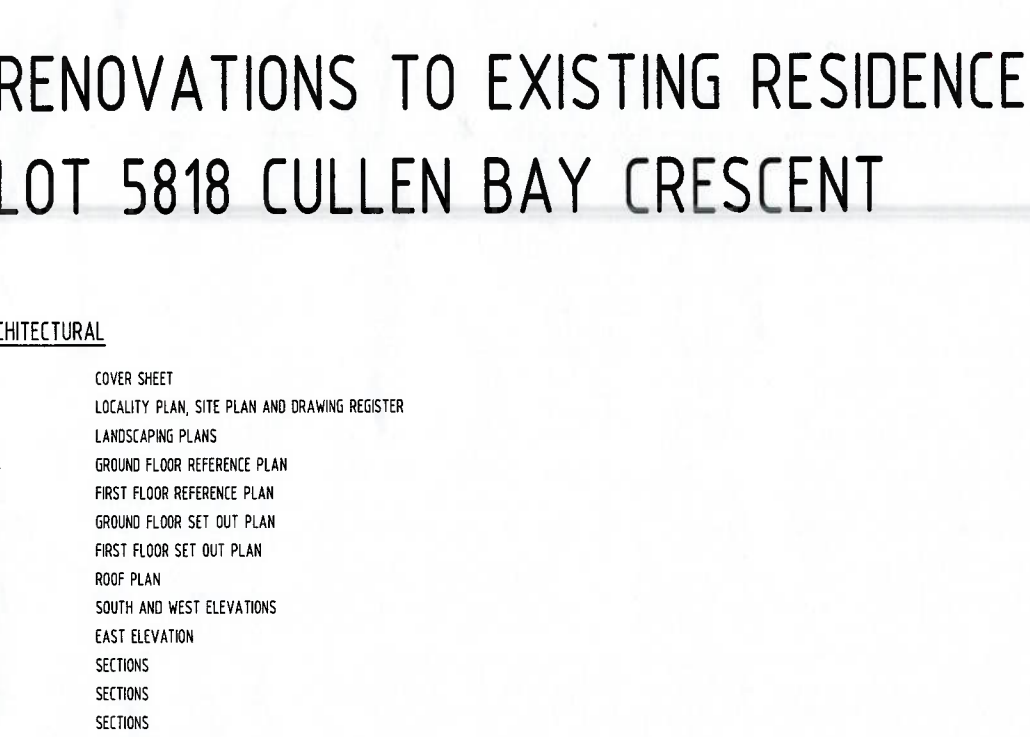
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Cad File	Sheet no.	Issue
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

95 Cullen Bay Cr

ARCHITECTURAL

A00	COVER SHEET
A01	LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER
A03	LANDSCAPING PLANS
A04	GROUND FLOOR REFERENCE PLAN
A05	FIRST FLOOR REFERENCE PLAN
A06	GROUND FLOOR SET OUT PLAN
A07	FIRST FLOOR SET OUT PLAN
A10	ROOF PLAN
A11	SOUTH AND WEST ELEVATIONS
A12	EAST ELEVATION
A13	SECTIONS
A14	SECTIONS
A15	SECTIONS
A16	3D VIEWS
A17	3D VIEWS
A18	3D VIEWS



NORTH

LOCALITY PLAN
NTS



SITE PLAN
1 100

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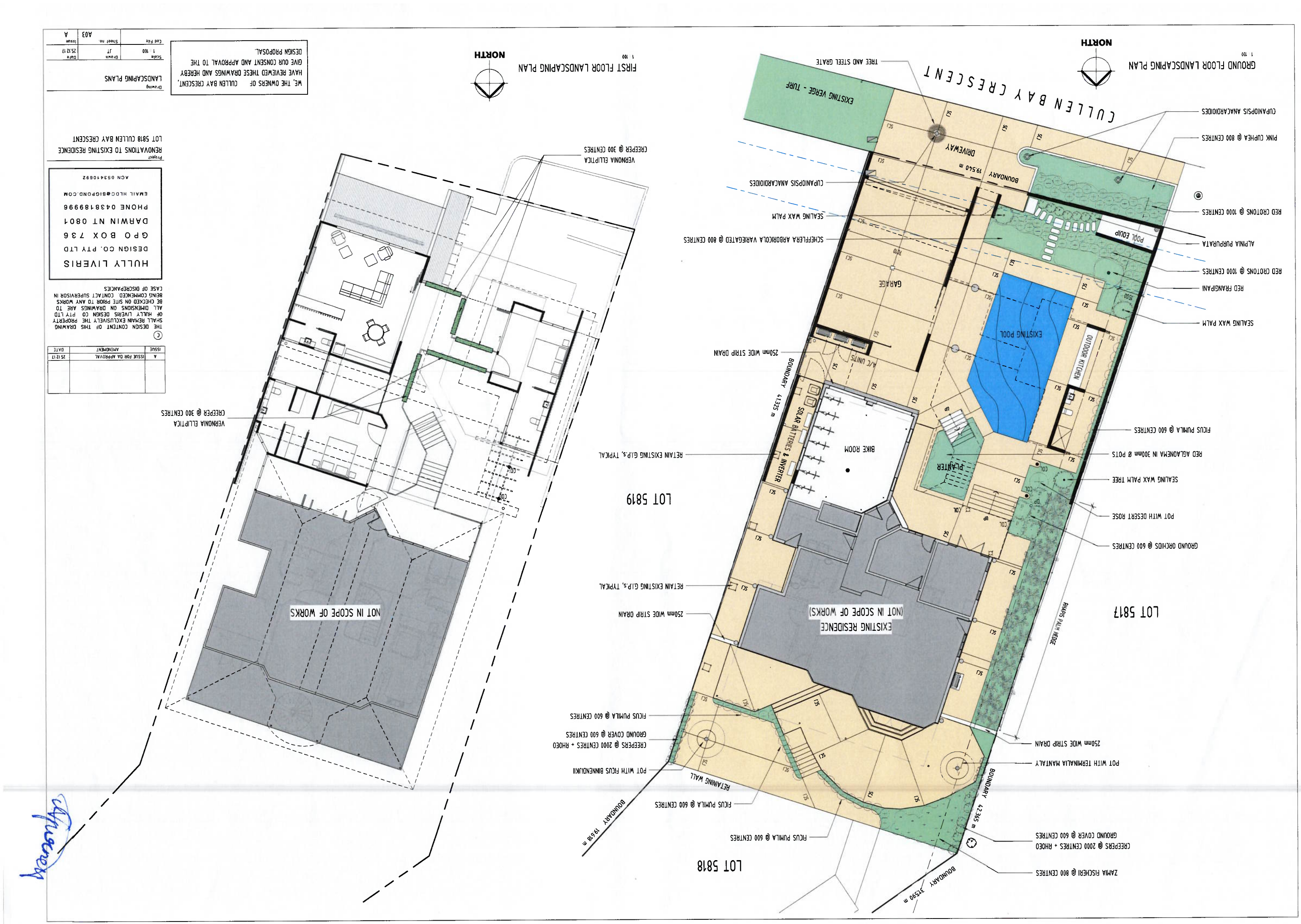
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RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

WE, THE OWNERS OF CULLEN BAY CRESCENT, HAVE REVIEWED THESE DRAWINGS AND HEREBY GIVE OUR CONSENT AND APPROVAL TO THE DESIGN PROPOSAL.

Drawing
LOCALITY PLAN, SITE PLAN AND DRAWING REGISTER

Scale	Drawn	Date
As indicated	JT	25.12.17
Cad File	Sheet no	Issue
	A01	A



WE, THE OWNERS OF CULLEN BAY CRESCENT, HAVE REVIEWED THESE DRAWINGS AND HEREBY GIVE OUR CONSENT AND APPROVAL TO THE DESIGN PROPOSAL.

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Cad File	Sheet no.	Issue
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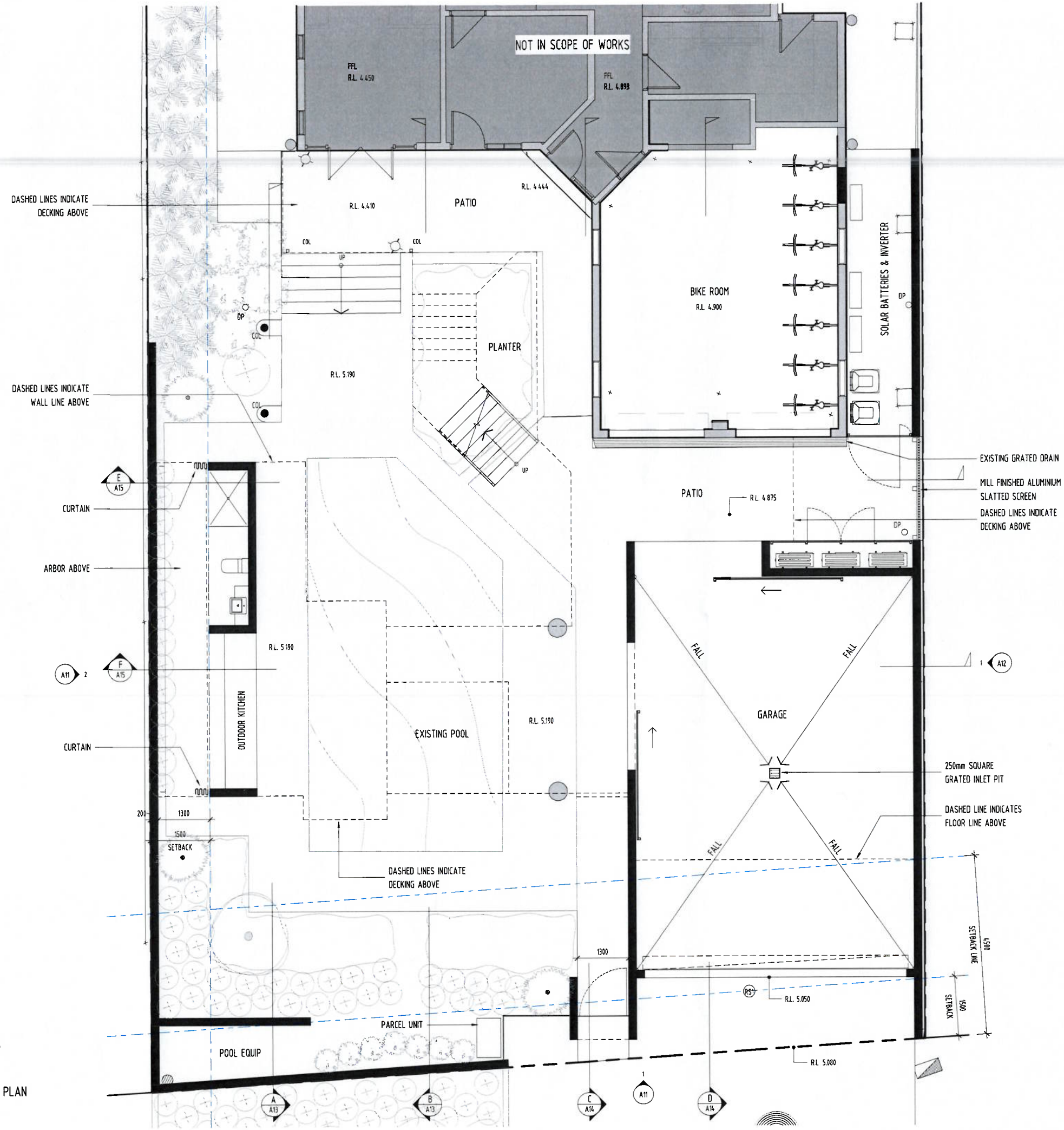
Drawing
LANDSCAPING PLANS

Project
RENOVATIONS TO EXISTING RESIDENCE
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GROUND FLOOR PLAN
1 50

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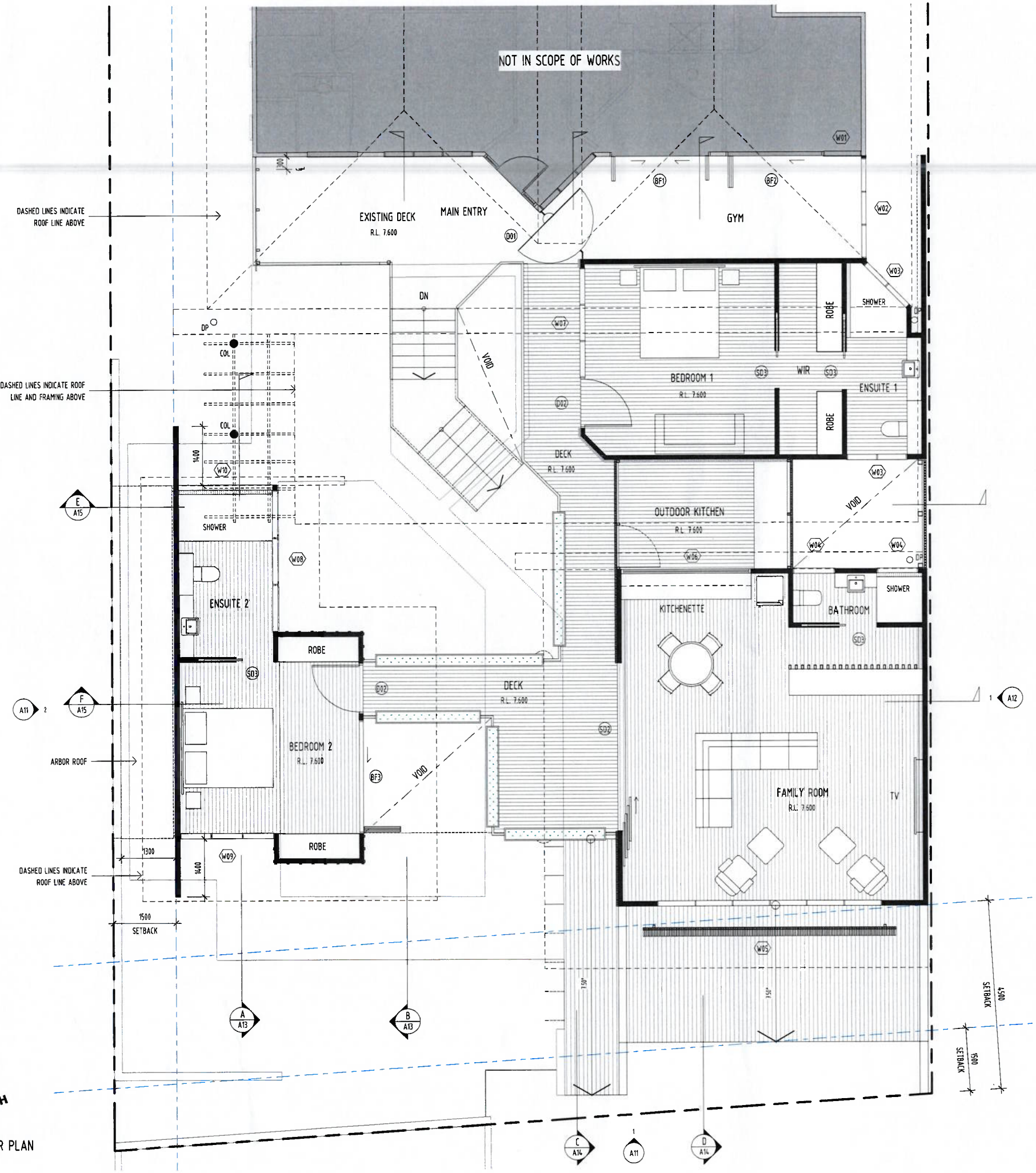
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Drawing
GROUND FLOOR REFERENCE PLAN

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FIRST FLOOR PLAN
1 50

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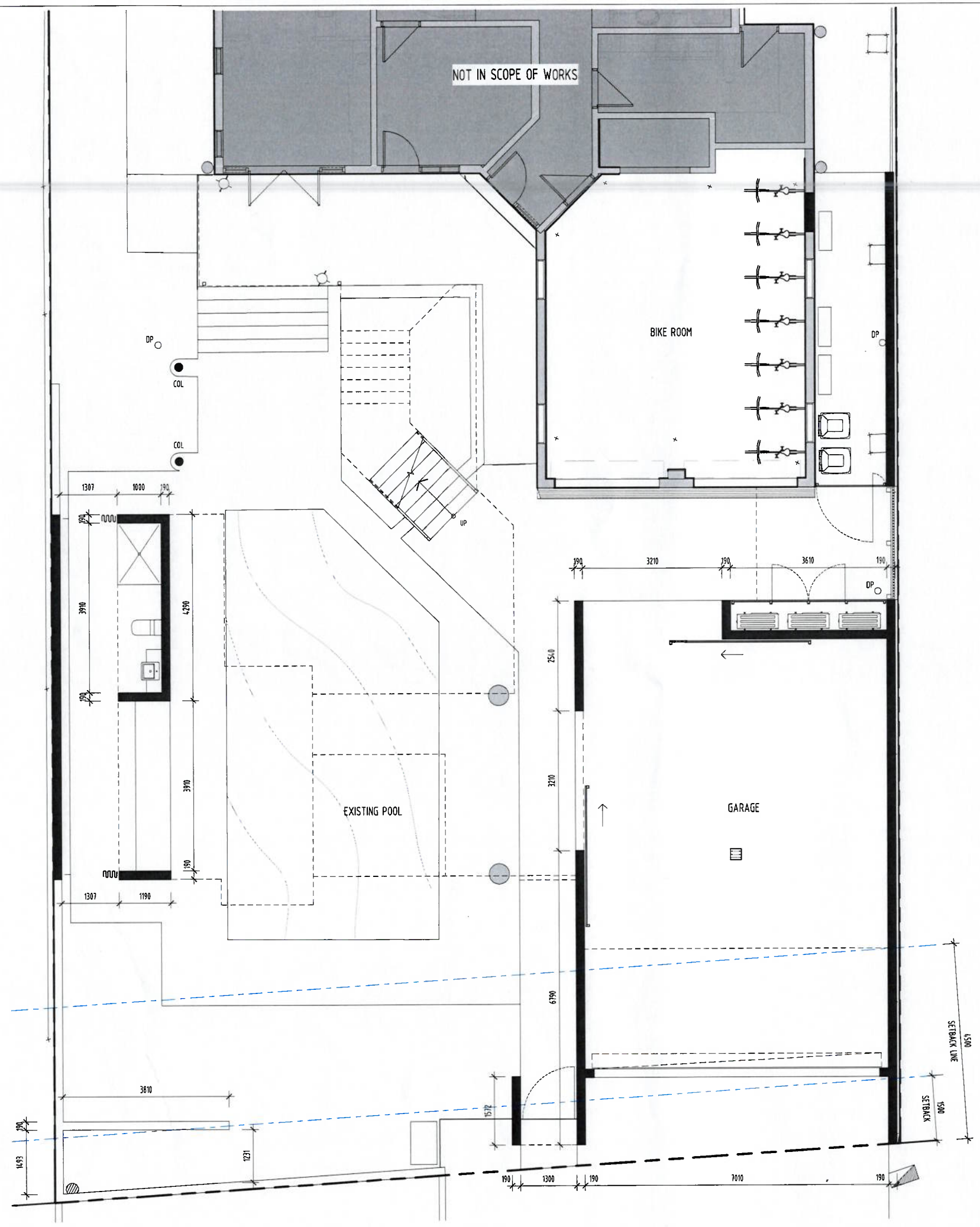
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DARWIN NT 0801
PHONE 0438189996
EMAIL HLDC@BIGPOND.COM
ACN 053410692

Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

WE, THE OWNERS OF CULLEN BAY CRESCENT, HAVE REVIEWED THESE DRAWINGS AND HEREBY GIVE OUR CONSENT AND APPROVAL TO THE DESIGN PROPOSAL.

Drawing
FIRST FLOOR REFERENCE PLAN

Scale	Drawn	Date
1 50	JT	25.12.17
Cad File	Sheet no.	Issue
	A05	A



NORTH

GROUND FLOOR SET OUT PLAN

1 : 50

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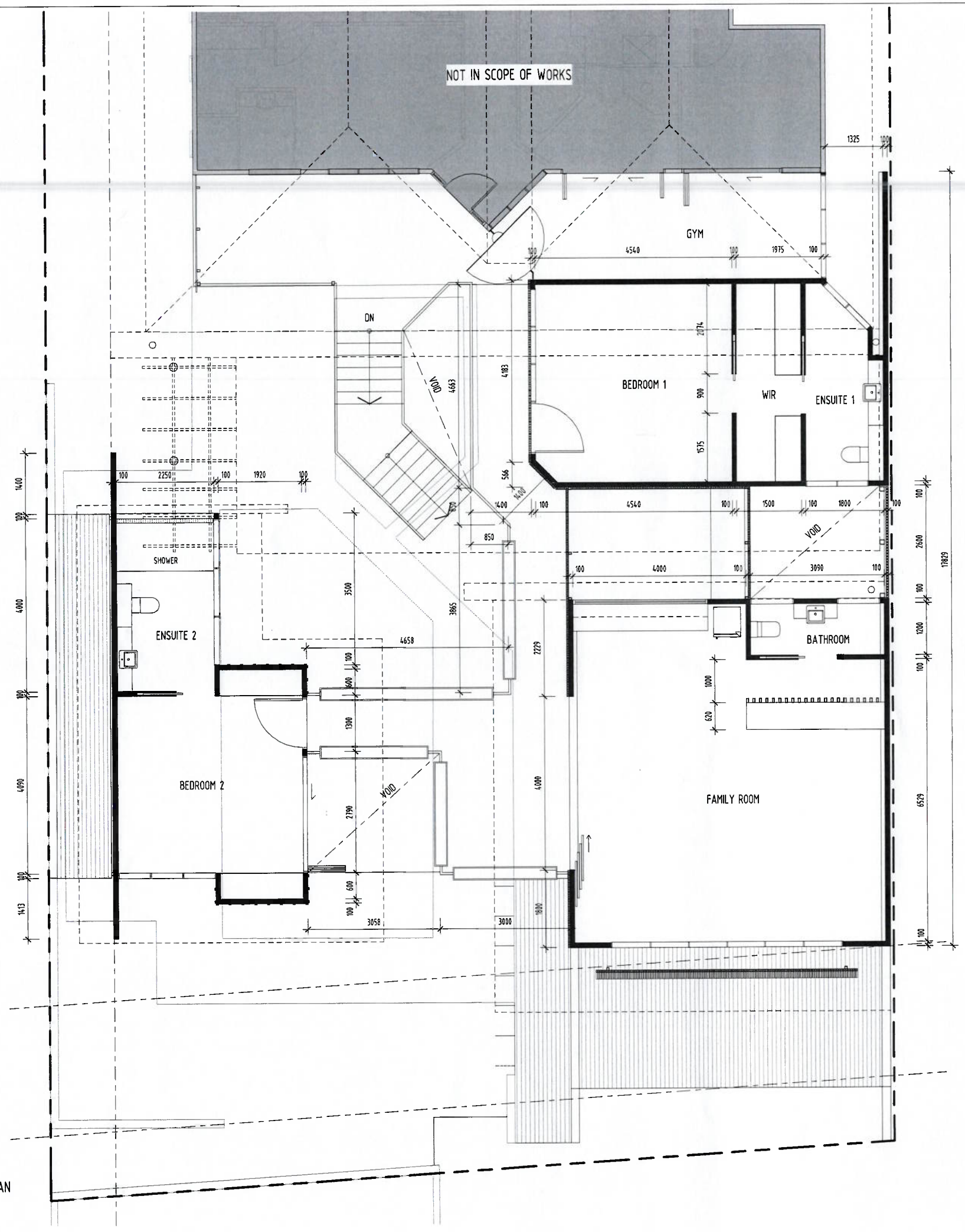
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NORTH

FIRST FLOOR SET OUT PLAN
1 50

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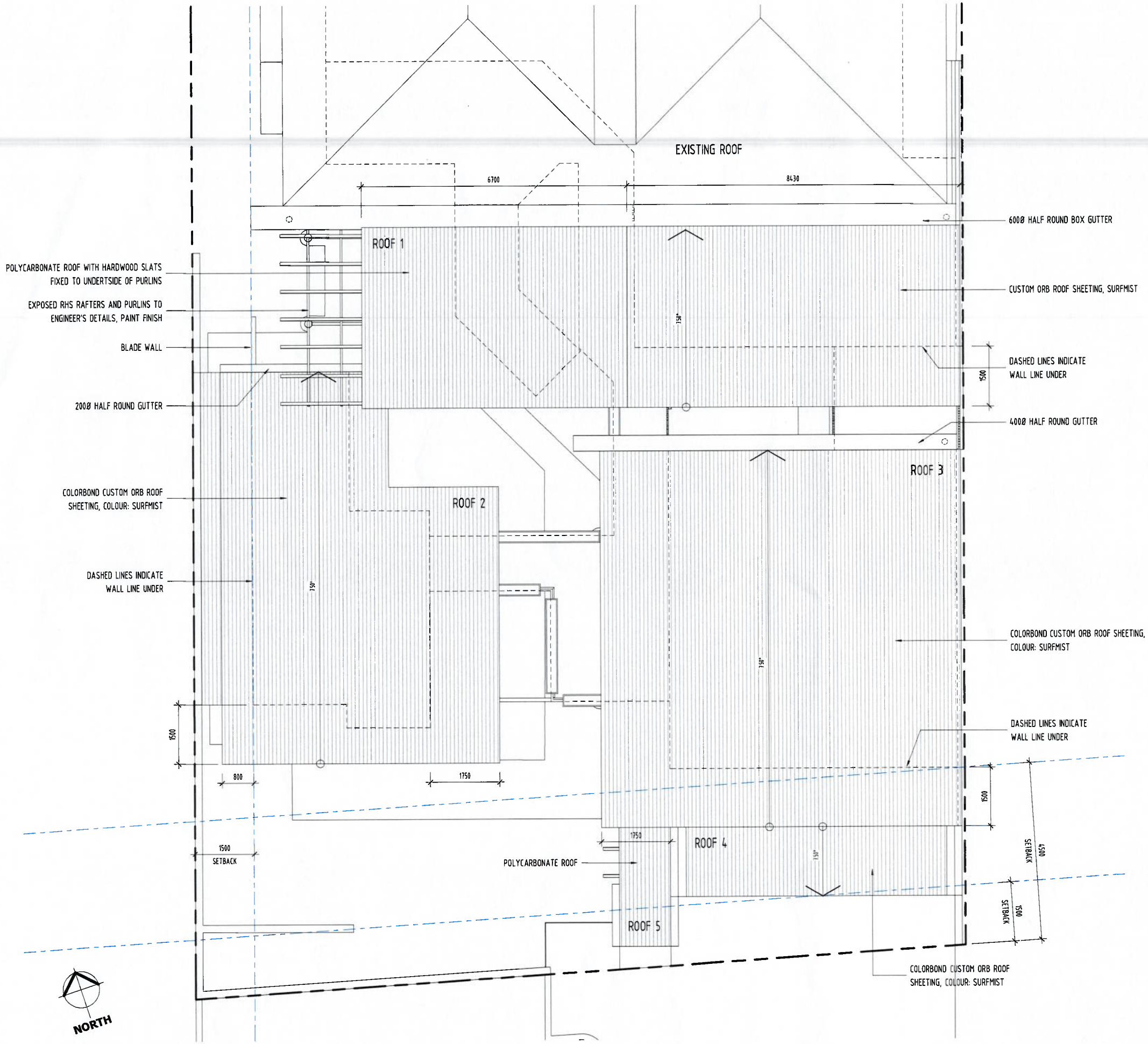
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FIRST FLOOR SET OUT PLAN

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ROOF PLAN
1 : 50

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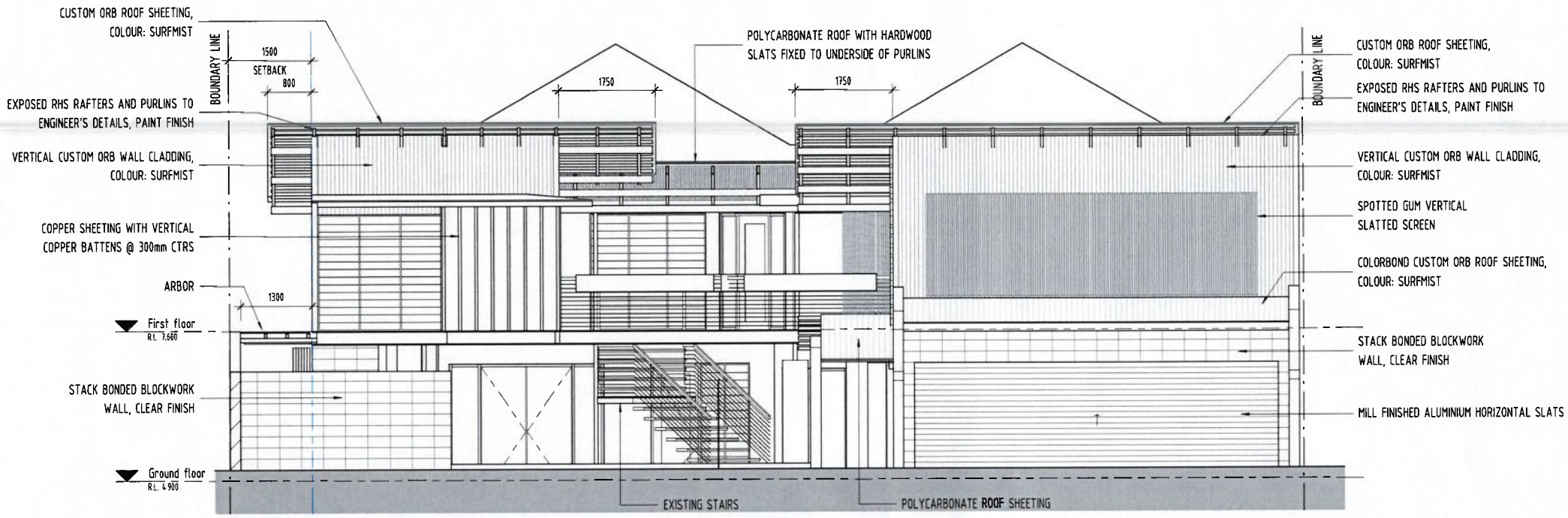
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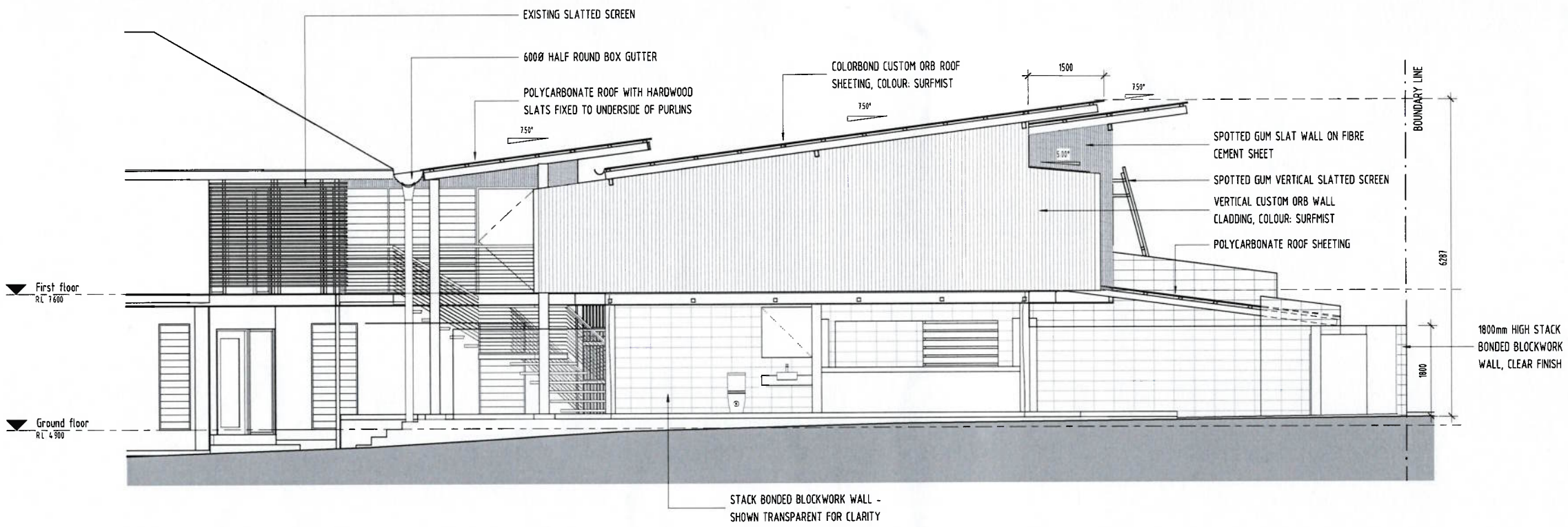
Drawing
ROOF PLAN

Scale	Drawn	Date
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Cad File	Sheet no.	Issue
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SOUTH ELEVATION

1 : 50



WEST ELEVATION

1 : 50

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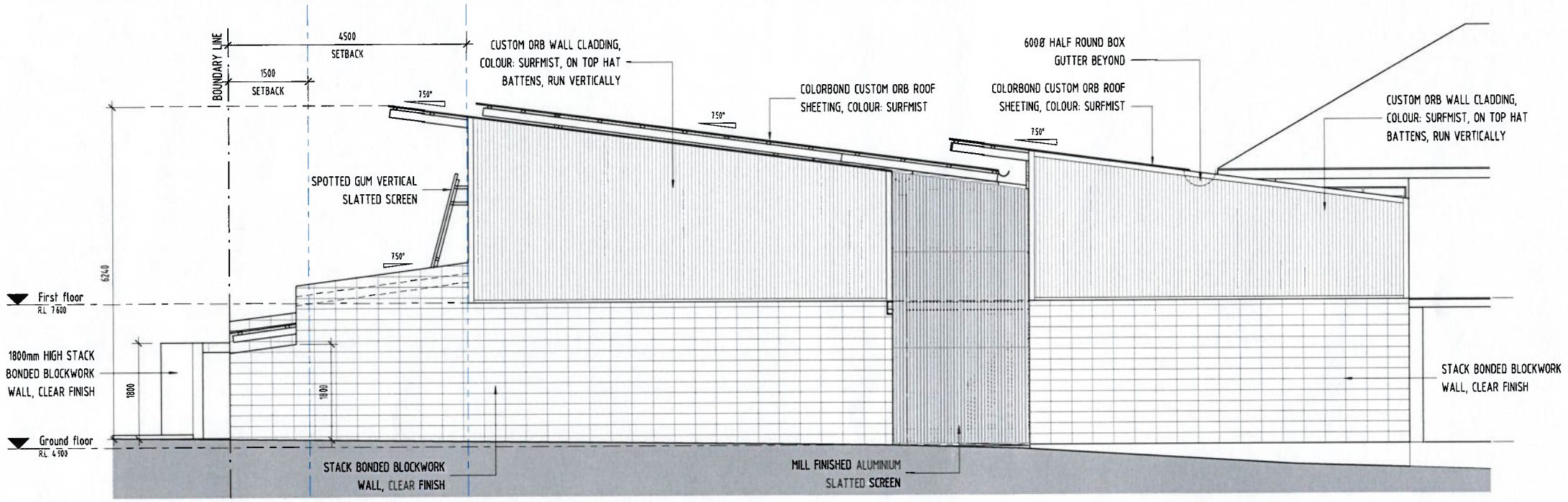
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Drawing
SOUTH AND WEST ELEVATIONS

Scale	Drawn	Date
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EAST ELEVATION

1 50

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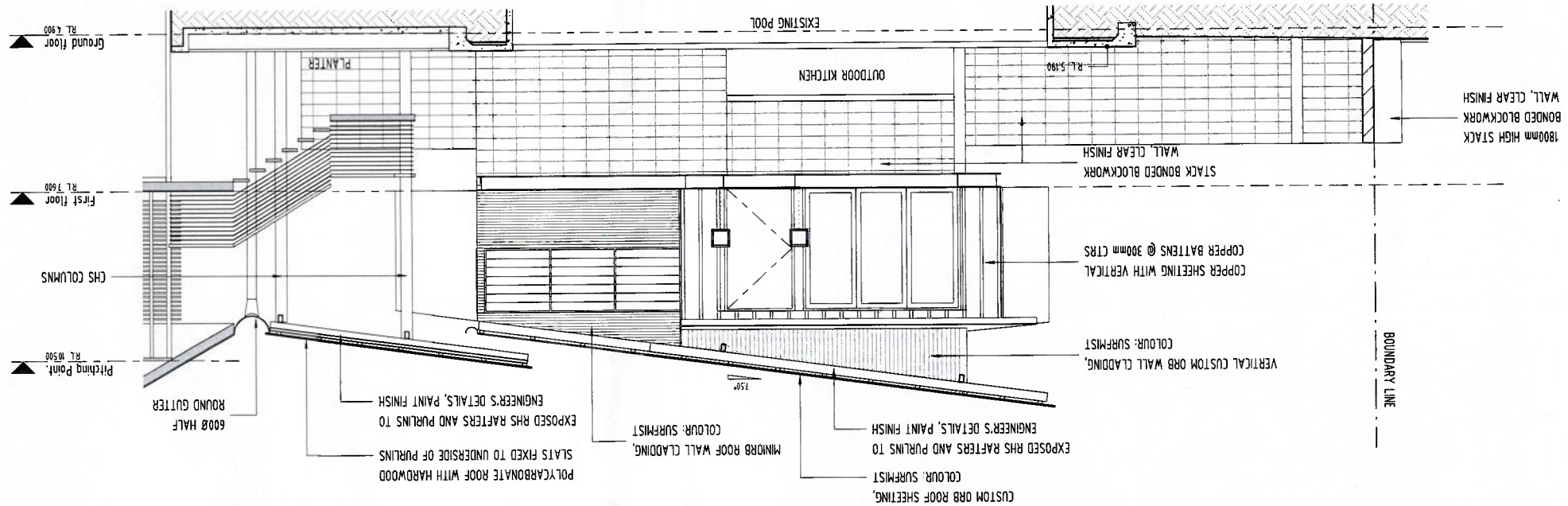
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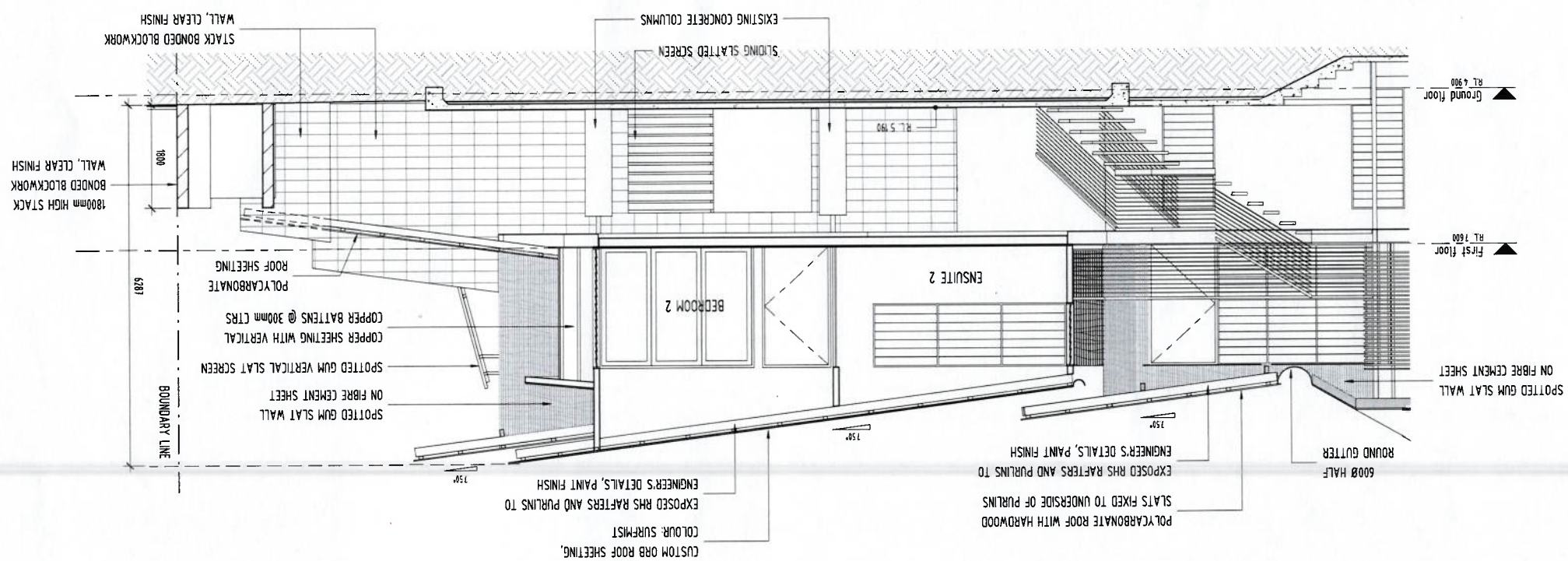
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LOT 5818 CULLEN BAY CRESCENT

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Drawing
EAST ELEVATION

Scale	Drawn	Date
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	A12	A





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Scale	Drawn	Date
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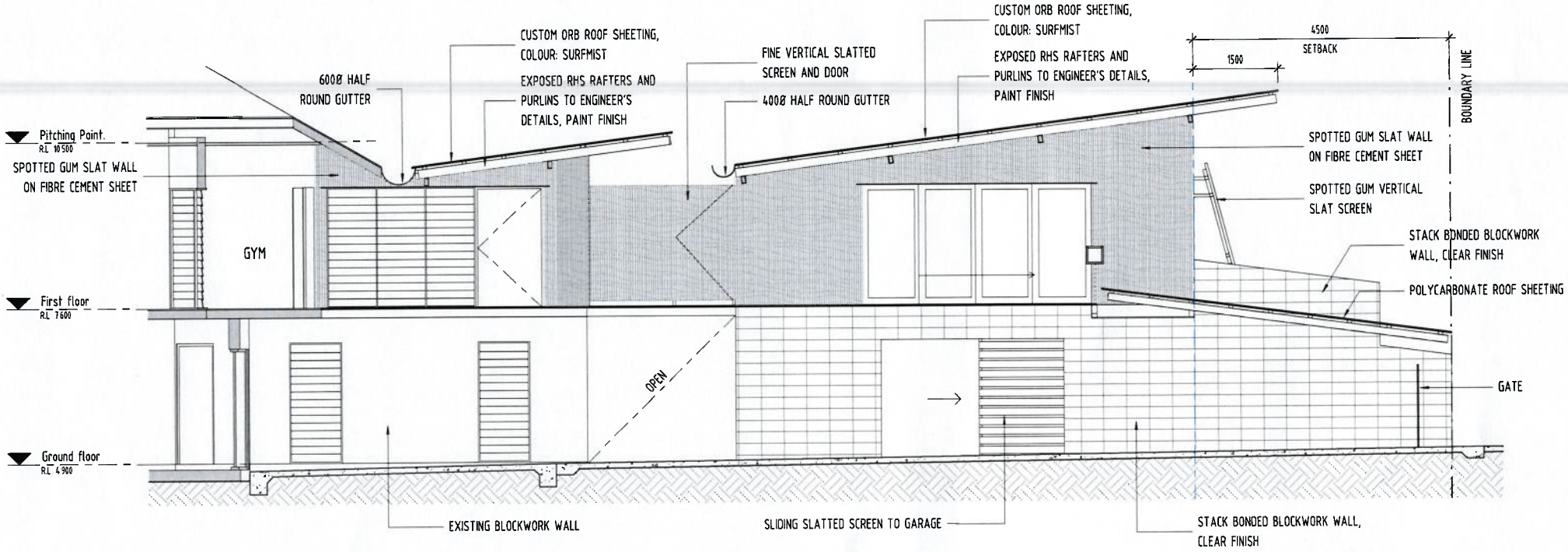
Drawing
SECTIONS

Project
RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

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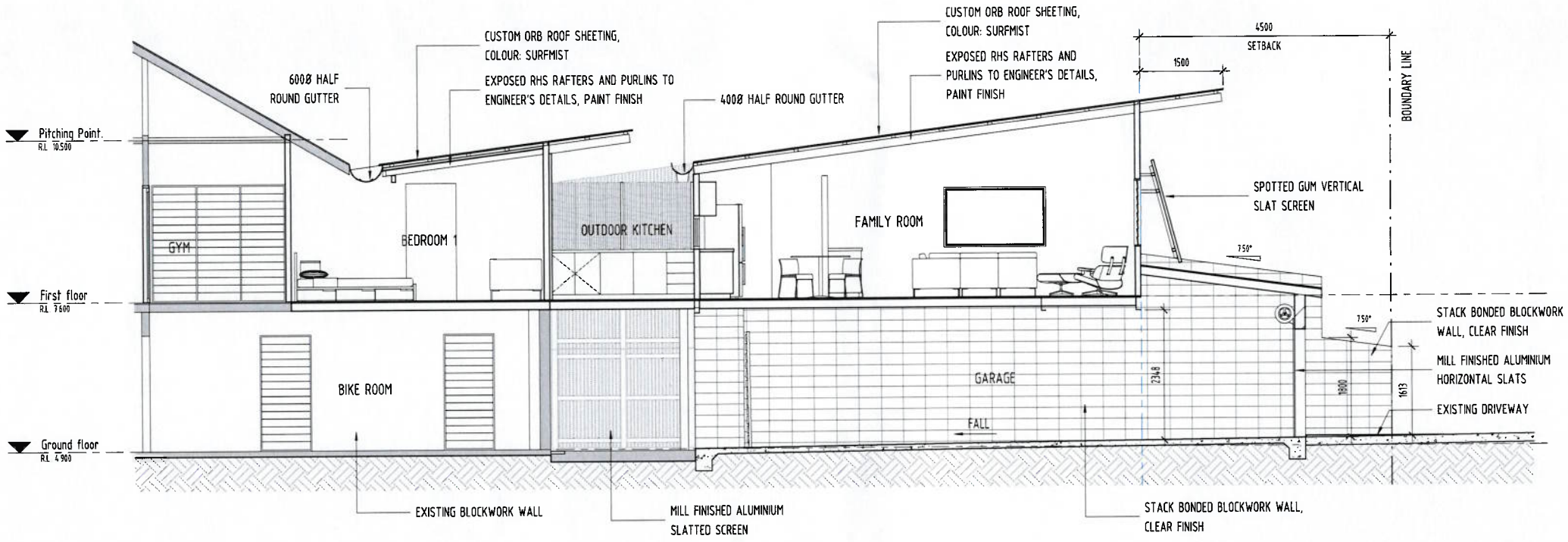
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SECTION C

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SECTION D

1 : 50

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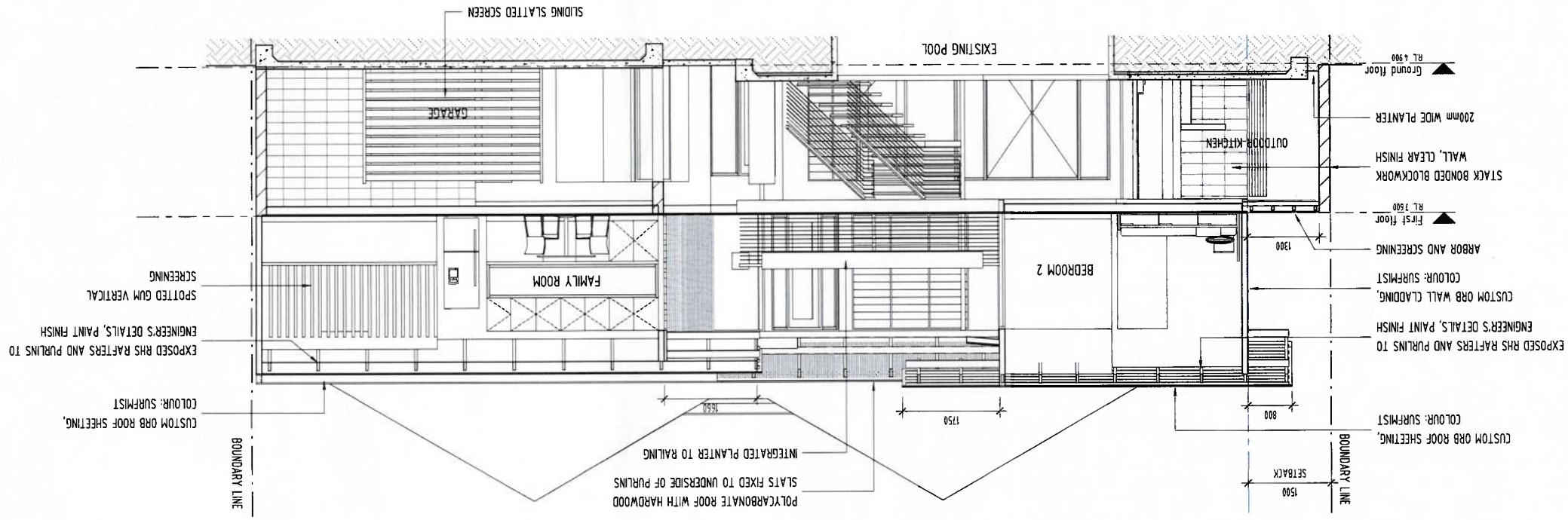
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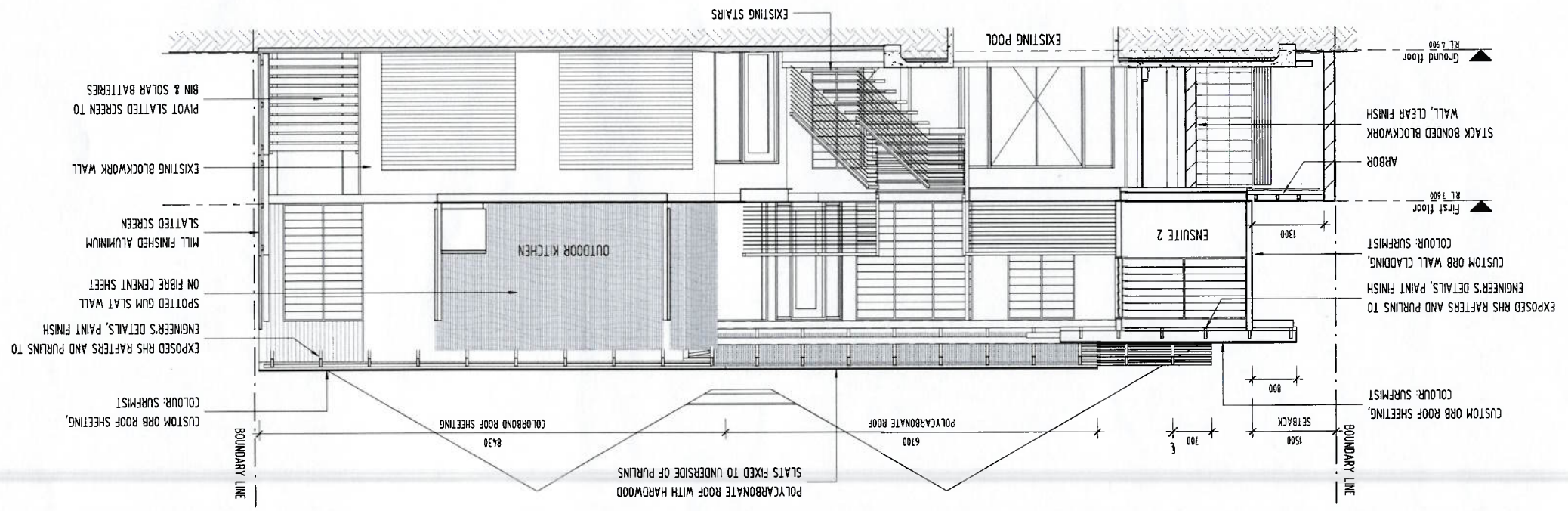
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Drawing
SECTIONS

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Drawing: SECTIONS

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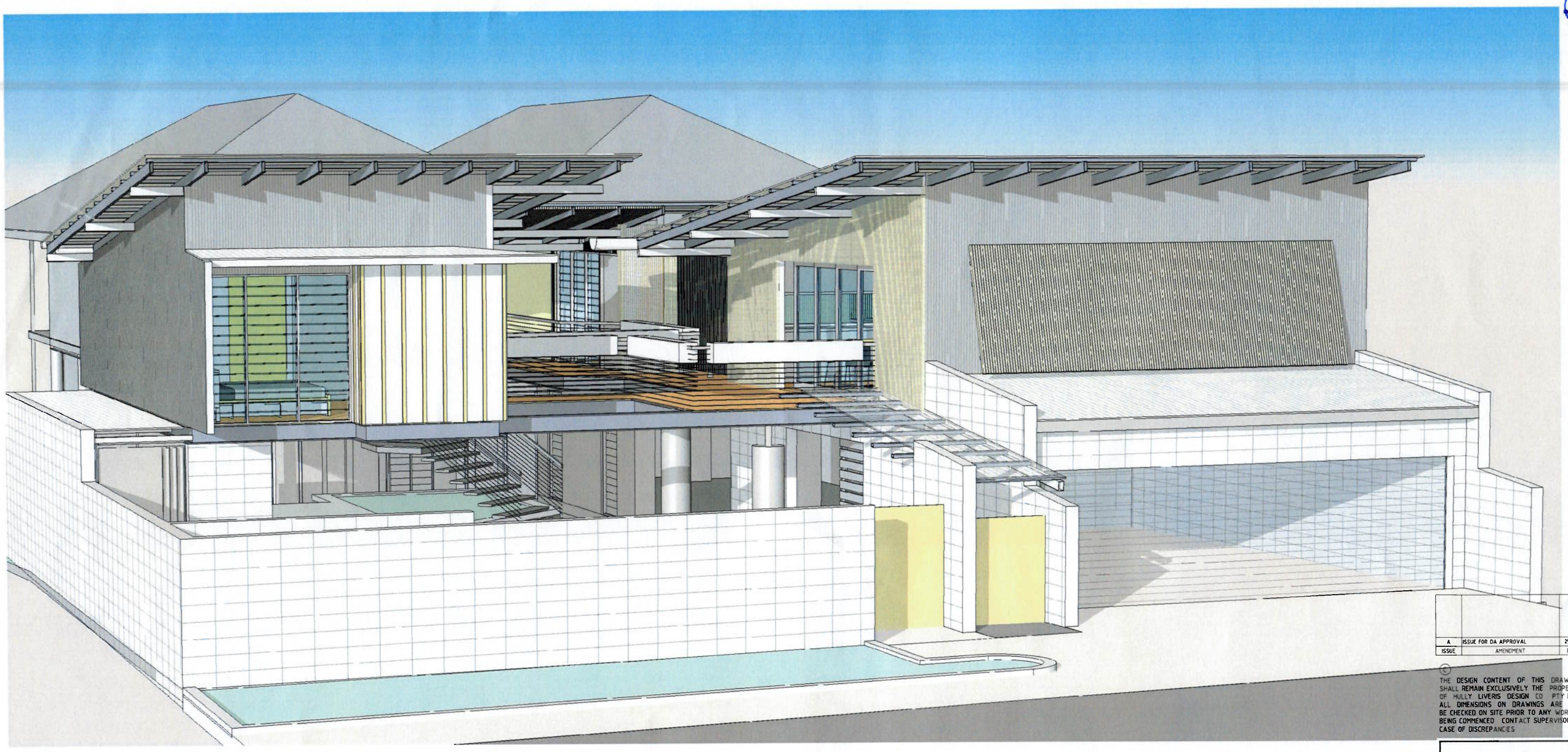
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Project: RENOVATIONS TO EXISTING RESIDENCE
LOT 5818 CULLEN BAY CRESCENT

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PERSPECTIVE VIEW

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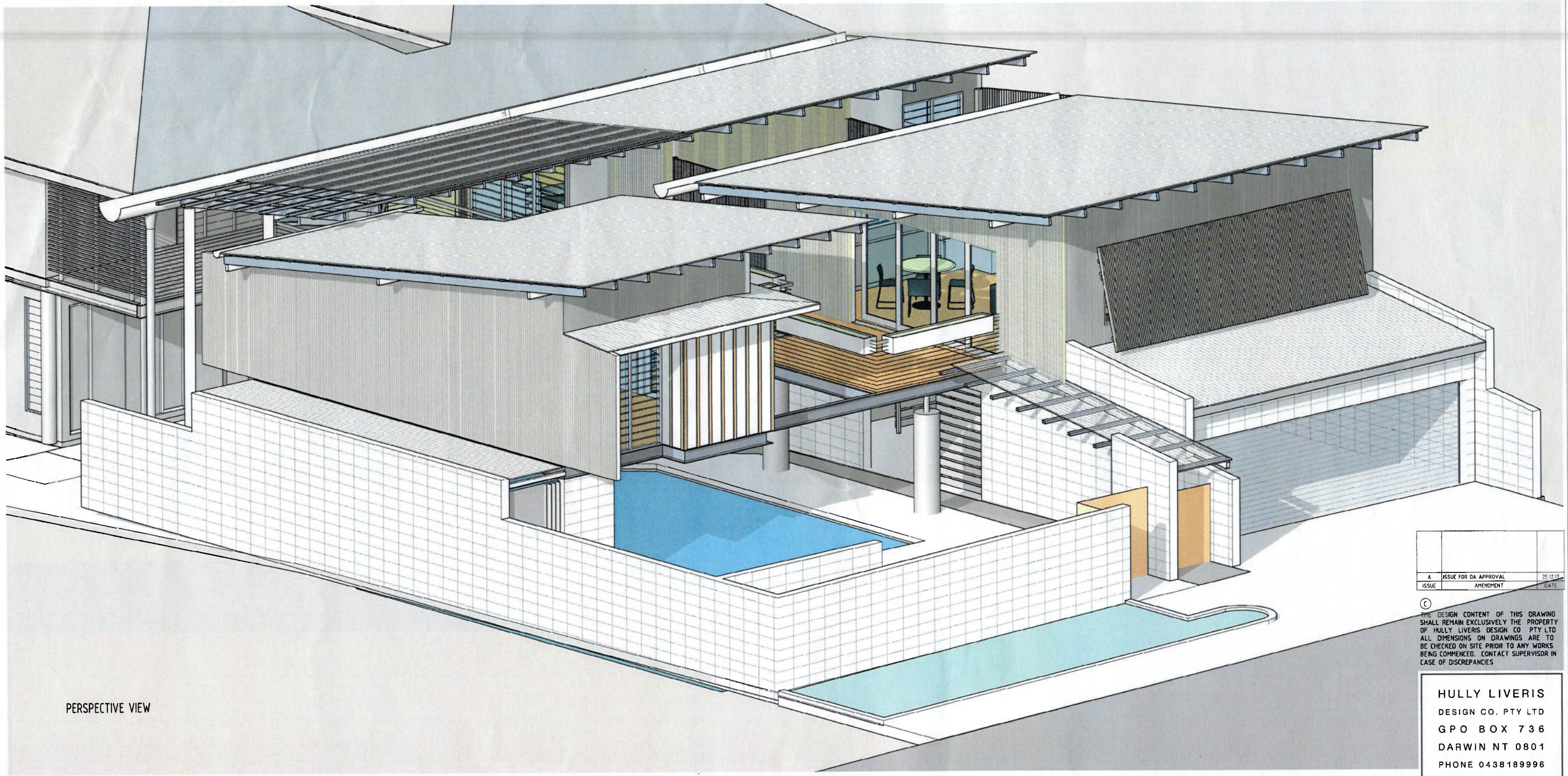
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Drawing
3D VIEWS

Scale	Drawn	Date
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PERSPECTIVE VIEW

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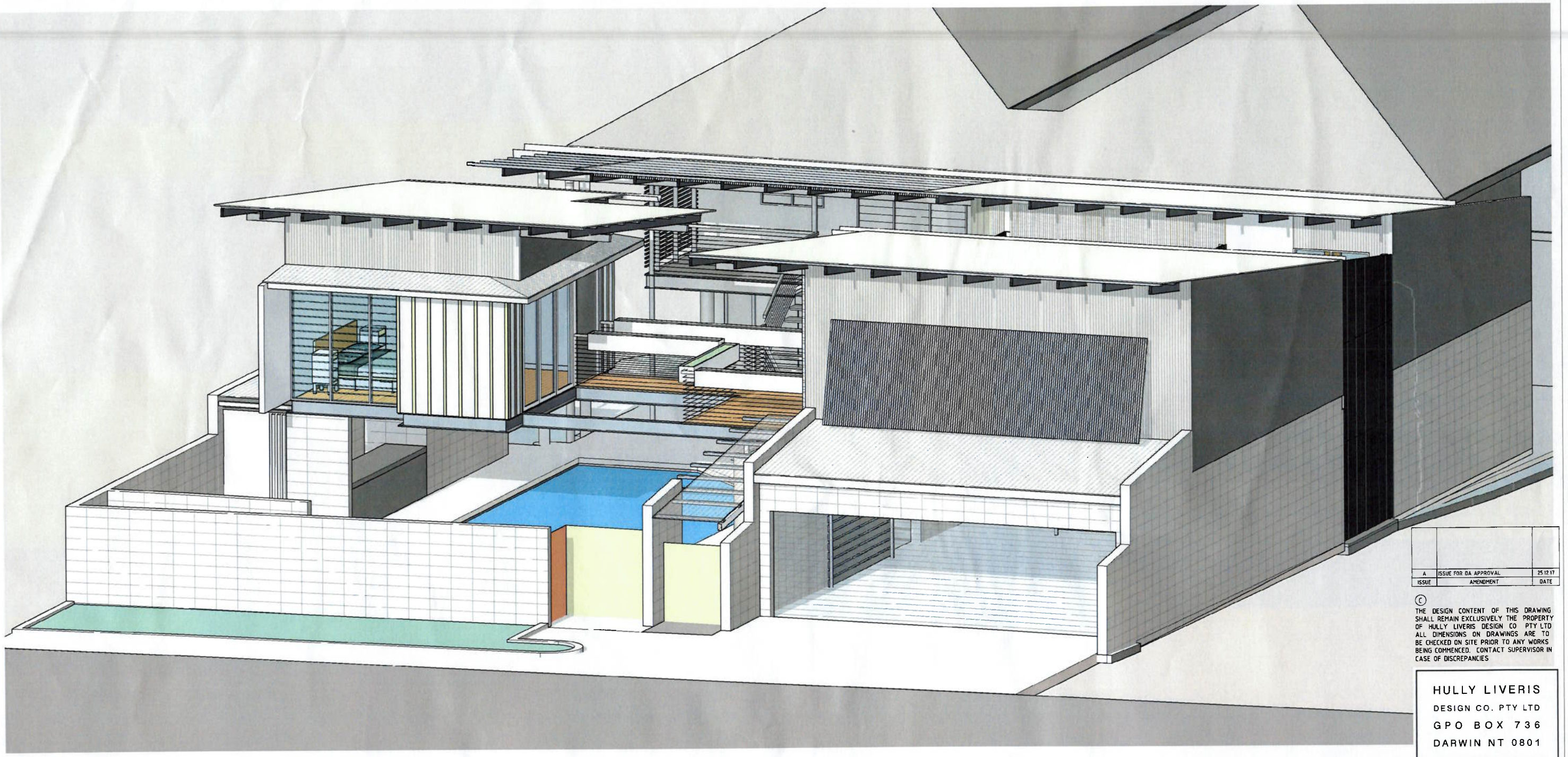
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3D VIEWS

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PERSPECTIVE VIEW

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3D VIEWS

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Cad File	Sheet no.	Issue
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Land owner/s authorisation to lodge a development application

The Planning Act 1999

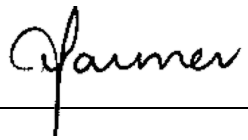
Before you fill in the form

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:	Vanessa Marie Farmer		
Address	GPO Box 1658, Darwin NT 0801		
Phone	0418843234	**Email**	"Vanessa.farmer@aflwithnalls.com.au
The applicant is hereby authorised to lodge a development application over the subject land described as:			
***Lot/NT portion**	5818		
***Location/town**	Darwin		
***Street address**	96 Cullen Bay Crescent, Larrakeyah.		

NORTHERN TERRITORY GOVERNMENT

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**	Vanessa Marie Farmer		
^Company name	N/A		
^Title *(e.g. director/authorised representative)*	Listed landowner		
Phone		**Email**	vanessa.farmer@aflwithnalls.com
***Signature**			
***Date**	18/03/2026		
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	John Da Costa		
^Company name	N/A		
^Title *(e.g. director/authorised representative)*	Spouse/Partner		
Phone	0419 847 358	**Email**	johndacosta@me.com
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.

Technical Assessment PA2026/0094

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No: PA2026/0094

Lot number: Lot 5818 (96) Cullen Bay Cres, Larrakeyah

Town/Hundred: Town of Darwin

Zone: LR (Low Density Residential)

Site Area: 1160m^2

Proposal: Additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries

Plans used for assessment: Attachment E - Development Plans.pdf dated 18 March 2026

Date assessment finalised: 28 April 2026

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the below table:

Zone LR (Low Density Residential)				
Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Specific Development Requirements**
Dwelling-Single	Permitted	N/A	5.2.1 General Height control 5.2.4 Car Parking 5.2.6 Landscaping	5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.6 Private Open Space

Clause 1.8(1)(b)(ii)(2)

(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:
ii. it is shown as Permitted on the relevant assessment table in Part 4 but:
(2) does not comply with the relevant development requirements set out in Part 5;

Clause 1.10 Exercise of Discretion by the Consent Authority

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.

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.

NORTHERN TERRITORY GOVERNMENT

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.*

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*
   - *(b) two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.*

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*

Assessment

The clause permits development to a maximum height of two storeys, not exceeding 8.5m.

The proposed additions to the existing dwelling-single result in a two-storey building with a maximum height of 6.287m, thereby complying with the clause.

COMPLIES

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 use or development that is not in accordance with sub-clause 5 if it is satisfied a reduction in 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;
   (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; and

   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 relevant table to this clause.*

4. *For the purposes of this clause:*
   (a) the reductions in Table B only apply to uses specifically referenced within Table A and apply to the base car parking rates established in Table A;
   (b) only one reduction percentage is permitted per category when applying Table B; and

(c) the reductions in Table B do not apply to one bedroom dwellings.

Requirements

5. Use and development is to include the minimum number of car parking spaces within the development site, as specified in the relevant table to this clause (rounded up to the next whole number).

Table A to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	***Minimum Number of Car Parking Spaces Required***
Dwelling-single	*2*

Table B to Clause 5.2.4.1: Reductions in car parking spaces for specific usses		
Category		***Reduction permitted***
1	***Access to alternative transport options***	
(a)	*The development is located wholly within 200m walking distance of a public bus stop that provides access to:* *five or more bus routes; or* *a minimum 15 minute bus frequency (using multiple routes) during morning and afternoon peak hours Monday to Friday.*	*15%*
(b)	*The development is located wholly within 400m walking distance of a public bus stop that provides access to:* *five or more bus routes; or* *a minimum 15 minute bus frequency (using multiple routes) during morning and afternoon peak hours Monday to Friday.*	*10%*
(c)	*The development is located wholly within 400m riding distance of a dedicated on-road bicycle lane or dedicated shared path (cycling and pedestrian).*	*5%*
2	***Proximity to commercial areas***	
(a)	*The development is located wholly within a commercial zone or 200m walking distance of a commercial zone.*	*15%*
(b)	*The development is located wholly within 400m walking distance of a commercial zone.*	*10%*
3	***Social housing***	
(a)	*The dwelling is for:* *community housing to be owned and/or managed by a registered provider under the National Regulatory System for Community Housing (NRSCH); or* *public housing owned and/or managed by the Northern Territory Government.*	*20%*

Assessment

2 car parking spaces are required for the proposed development. It is noted that the reductions in Table B to Clause 5.2.4.1 does not apply to the proposed development, as dwelling-single is not specifically referenced within Table A as required under subclause 4(a).

The proposed garage is measured 7m by 12.5m, provides adequate space to accommodate a minimum of 2 vehicles. Accordingly, the proposal satisfies the requirements of the clause.

COMPLIES

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Encourage landscaping that enhances local amenity by:
(a) contributing to safe and attractive public spaces and places;
(b) responding to the local climate and soil characteristics;
(c) supporting cooler internal and outdoor areas; and
(d) recognising the value of retaining existing plants and trees.

Administration
1. *Landscaping may include, where subordinate to areas for the planting and growing of plants, impervious and unplanted areas for;*
   (a) pedestrian access,
   (b) outdoor recreation, or
   (c) natural or ornamental features and the like.

2. *The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.*

Requirements
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;
   (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; and
   (g) it facilitates on-site infiltration of stormwater run-off.

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

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.*

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.*

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.

Assessment

Proposed landscaping is provided along the Cullen Bay Crescent street frontage and the western side boundary. The inclusion of screening vegetation will assist in achieving passive surveillance, support privacy requirements for private open space, enhance the streetscape, and provide shading for residents. The use of native species is appropriate, as they are generally resilient to the local warm climate. Stormwater from roofed areas will be collected and managed within the site and will not adversely impact adjoining properties.

Maintenance of the landscaping will be listed as a condition on the development permit.

Subclauses 5 to 7 do not apply to the proposed development.

COMPLIES

5.4.1 Residential Density

Purpose
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.

Administration

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

Requirements

2. The maximum number of dwellings that may be constructed on a site is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.

Table A to Clause 5.4.1: Dwelling Density in Certain Zones	
Zone	***Dwelling Density***
LR, RR, RL, R and CV	*1 dwelling-single per lot and may include a dwelling-independent*

Assessment
1 dwelling-single with 1 dwelling-independent per lot is permitted.

The proposal is for addition to the existing dwelling-single, where 1 dwelling-single is proposed on site, and complies with the requirements of this clause.

COMPLIES

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Purpose

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.

Administration

1. This clause does not apply in Zones CB, LI, GI and DV.

2. In this clause:
(a) an ancillary structure includes an outbuilding (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
(b) for all developments except dwellings-multiple in Zone MR or HR, where a lot has a boundary with a public street from which vehicular access to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the building setback.

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

4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, residential buildings and ancillary structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.

5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
(a) 6m or more from the primary street and 2.5m or more from a secondary street when measured to the wall of the shed or where there is no wall, the outer face of any column;
(b) has a cumulative floor area of 15m^2 or less;
(c) is 2.5m or less in height;
(d) has no openings in walls that are less than 1.5m from a lot or unit title; and
(e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

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; or
(b) any setbacks established in a building setback plan that is included in Schedule 9.

7. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.

8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks (subject to the Building Code of Australia) from the lot boundaries.

Table A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A	
Lot Boundary	***Minimum Setback for 1 or 2 storey buildings***
Primary street frontage	*6m for residential buildings, and ancillary structures with external walls* *and* *4.5m for ancillary structures and balconies without external walls* *or* *3m for shade sails, to a maximum height of 2.5m at the minimum setback*
Secondary street frontage	*2.5m for residential buildings* *and* *1.5m for ancillary structures and balconies without external walls.* *or* *0.9m for shade sails, to a maximum height of 2.5m at the minimum setback*
Side and rear lot boundaries	*1.5m for residential buildings and ancillary structures* *or* *1m, provided that the subject wall:* • *only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater;* • *does not extend beyond a maximum height of 3.5m; and* • *does not extend beyond a maximum length of 9m* *except* *shade sails which may be setback 0.9m to a maximum height of 2.5m at minimum setback*

Assessment

The proposed setbacks are assessed under the NTPS 2020 in the table below:

Lot Boundary	Requirements	Proposed Setback	Assessment
Primary Street (Cullen Bay Crescent)	6m	Blockwork Fence – 0m Gatehouse & Roof – 0.5m Garage – 1.5m Pool Equip Wall – 1.23m Outdoor Kitchen – 7.25m First Floor – 4.5m	Does Not Comply
Eastern Side	1.5m	Blockwork Fence – 0m Garage - 0m First Floor – 0m	Does Not Comply
Western Side	1.5m	Blockwork Fence – 0m Outdoor Kitchen – 1.5m First Floor – 1.5m	Does Not Comply
Rear Side	1.5m	No change proposed to existing rear setback approved under DP95/0464	Not Applicable

The previous planning policy for the Cullen Bay Estate was the Cullen Bay Setback Plan (Policy No. 3) approved on 10 October 2000. This policy was superseded by the Northern Territory Planning Scheme (NTPS) 2007 and allowed buildings with reduced setback requirements to those now prescribed under the NTPS 2020. A number of properties along Cullen Bay Crescent appear to have utilised relaxed building setbacks as applicable under the previous planning policy. If this proposal were to be assessed under the previous policy it would be largely compliant with the setback requirements.

DEVELOPMENT CONSENT AUTHORITY

MUNICIPALITY OF DARWIN

POLICY NO 3

SETBACK REQUIREMENTS FOR R1, R2 AND B2 ZONED LOTS IN THE CULLEN BAY ESTATE

With the consent of the Authority, setback variations for developments on R1, R2 and B2 zoned lots in Cullen Bay will be determined in accordance with drawing number CBED003 SB1 Revision A which forms part of this Code, and in accordance with the following tables, also part of the Code.

The Policy identifies common building boundaries as shown on the drawing, being one side boundary for R1 lots and both side boundaries for R2 lots.

The typical layout for R1 lots will be:

Front	4.5 metres but car parking structures allowed up to 1.5 metres from front boundary and no more than 8 metres
Side	0 metre ie zero lot line one side only
Side	3 metres
Rear	4.5 metres from water line

The subject site is located in Zone R1, where the proposed setbacks are assessed under the Cullen Bay Setback Plan (Policy No. 3) in the table below:

Lot Boundary	Requirements	Proposed Setback	Assessment
Primary Street (Cullen Bay Crescent)	4.5m but car parking structures allowed up to 1.5m from front boundary and no more than 8m	Blockwork Fence – 0m Gatehouse & Roof – 0.5m Pool Equip Wall – 1.23m Garage – 1.5m Outdoor Kitchen – 7.25m First Floor – 4.5m	Does Not Comply
Eastern Side	0m ie zero lot line one side only	Blockwork Fence – 0m Garage - 0m First Floor – 0m	Complies
Western Side	3m	Blockwork Fence – 0m Outdoor Kitchen – 1.5m First Floor – 1.5m	Does Not Comply
Rear Side	4.5m from water line	No change proposed to existing rear setback approved under DP95/0464	Not Applicable

Notwithstanding the proposal requires consideration under the current setback provisions.

DOES NOT COMPLY

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.

Administration

1. The consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

Requirements

2. Private open space should:
(a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
(b) be directly accessible from the dwelling and enable an extension of the function of the dwelling; and
(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;
(d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
(e) include at least one area of at least 5m^2, 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.

3. Where the private open space for a dwelling-group is at ground level, it should be:
(a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
(b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier at maturity.

Table to Clause 5.4.6.1: Minimum Areas of Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group	
For clarity, in this table: ***Area A** is the minimum area, for each dwelling, that 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^2 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.* *Any part of Area B that is open to the sky may form part of Area A.*	
Type of Dwelling	***Private Open Space Area***
Dwelling-single on a lot not less than 450m^2	***A.*** *50m^2, open vertically to the sky, with no dimension less than 1.5m; and* ***B.*** *36m^2, all or any part covered, with no dimension less than 6m.*

Assessment

The proposed private open space meet the requirements for minimum area, dimensions and open to the sky under this clause. Both Area A and Area B are directly accessible from the habitable rooms and enable an extension of the dwelling's function. Landscaping proposed within the private open space reduce overlooking from the public and neighbouring open space. An area of 63.5m^2, with no dimension less than 1.5m of the proposed private open space is permeable to allow stormwater infiltration and reduce stormwater runoff. Adequate space is provided for deep soil planting of trees and vegetation. Landscaping is provided at the property frontage to enhance the visual appeal of the streetscape.

Blockwork fencing with a height of at least 1.8m is proposed along the street frontage boundary and part of the western side boundary of the proposed addition, to create a visual barrier between public areas and neighbouring buildings. The remainder of the western side boundary is proposed to include dense landscaping and a 1.2m-high tubular fence, which does not comply with subclause 3(b) that requires fencing to be at least 1.8m in height (refer to Figure 1 below). However, as the 1.2m tubular fence is existing and has been approved under development permit DP95/0464, while dense landscaping is provided along the full length of the affected boundary, this is not considered a significant issue for the development.

The proposed open space meets the minimum area and dimension requirements as illustrated in table below:

Area	Requirements	Proposed Area	Minimum Dimension	Assessment
Area A	*50m^2, open vertically to the sky, with no dimension less than 1.5m*	63.5m^2	1.5m	Complies
Area B	*36m^2, all or any part covered, with no dimension less than 6m*	Approximately 322m^2 due to the irregular layout	6m	Complies

It is noted that the clause requires that at least half of Area A must be permeable, and may include the 5m2 required for deep soil planting. The proposed Area A has an area of 63.5 m² and is wholly permeable, making it suitable for deep soil planting. Refer to Figure 2 below.

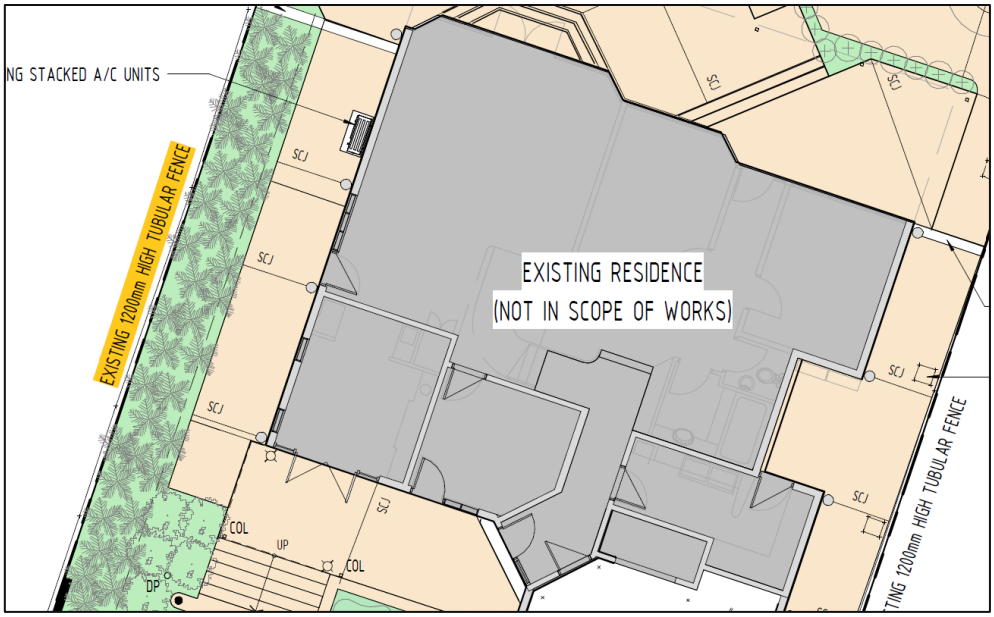


Figure 1: Location of the Existing 1.2m High Tubular Fence

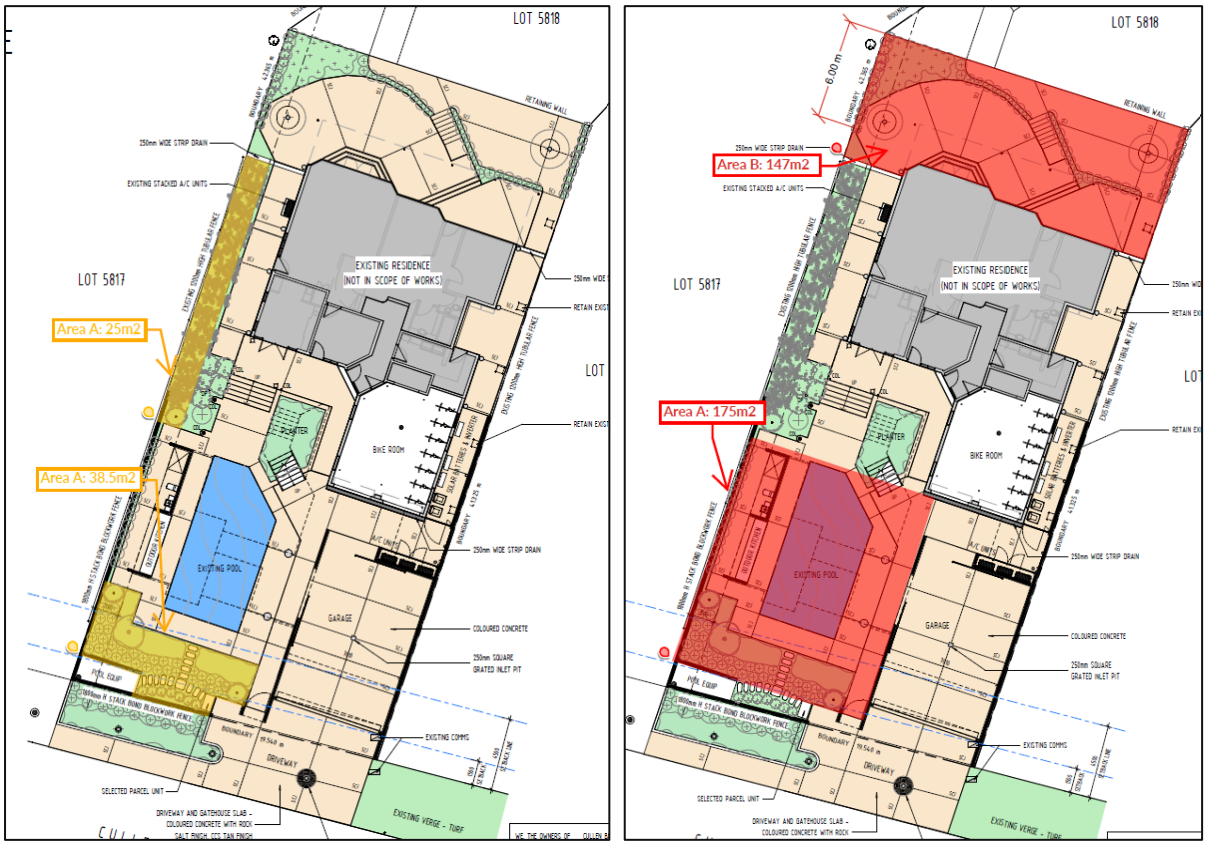


Figure 2: Area A and Area B of the private open space

DOES NOT COMPLY

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: PA2026/0094

10 April 2026

Dear Sir/Madam

Parcel Description: **Lot 05818 Town of Darwin**
96 Cullen Bay Crescent, Larrakeyah

Proposed Development: **Additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries**

Thank you for the development application referred to this office on 27 March 2026 concerning the above.

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.

City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:

CONDITIONS PRECEDENT

1. 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, particularly regarding the proposed crossover location on Cullen Bay Crescent and its impact on the existing SEP, to the satisfaction of the consent authority.

2. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.

3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

GENERAL CONDITIONS

- 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.

- Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.

- 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.

- 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 or proposed 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.

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
7274BE4F5562FB08

ALICE PERCY
GENERAL MANAGER INNOVATION

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record No: D2026/94994
Container No: NE200/5818

Your Ref: PA2026/0094

LINGYI Kong
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear LINGYI

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

In response to your letter of the above proposal for the purpose of additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with limited capacity power supply from the underground electricity reticulation pillar – P004CB on Cullen Bay Crescent.

2. The Proponent shall engage a licensed electrician to prepare a revised overall AS-3000 maximum power demand calculation for both existing and new structures and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.

3. The engaged licensed electrician shall carry out the customer's internal electricity reticulation upgrade works for the new accommodations in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 8924 5702.

Yours sincerely

Thanh Tang
Manager Distribution Development

31 March 2026

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD200/5818

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Lingyi Kong

RE: PA2026/0094 - Lot 05818 Town of Darwin - 96 Cullen Bay Crescent, Larrakeyah - Additions to an existing dwelling-single with a reduced building setback to the primary street and side boundaries

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. PWC are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. PWC strongly encourages you to visit the Living Water Smart website https://www.livingwatersmart.com.au/ to find out more on how to improve your developments landscaping and irrigation.

3. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service.

4. Any required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.

5. 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

Craig Thomas

Craig Thomas
Services Development

13 April 2026

cc: Joseph Sheridan
email: joe@sheridanconsulting.au

Submission to Development Consent Authority regarding PA2026/0094

Gordon (Gus) Withnall & Vivienne Withnall
94 Cullen Bay Crescent, Larrakeyah NT 0820

Thank you for approving our request under section 49(8) of the *Planning Act 1999* (NT) for an extension to make a submission under section 49(1) of the Act in relation to the abovenamed planning application.

Our submission is comprised of the following parts, which are enclosed herewith:

1. The submission written by Eric Withnall and lodged on our behalf on 10 April 2026 (with redactions of neighbours' details for privacy) (page 2-66)

2. An independent planning submission by Nick Kirlew, Planning Action Network dated 15 April 2026; and (page 67-68)

3. A supplementary submission written by Eric Withnall dated 17 April 2026. (page 69-71)

Yours sincerely

.....
Gordon Withnall

.....
Vivienne Withnall

17 April 2026

Public submission to PA2026/0094 – Eric Withnall

1. I make this submission in accordance with section 49(1) of the *Planning Act 1999*.

2. I am a long-term resident of 94 Cullen Bay Crescent, having lived there since 2006. I make this submission with the agreement and support of the owners of 94 Cullen Bay Crescent, who have endorsed it with their signatures – they have obtained an extension to make a further submission of their own once further technical advice is obtained, noting the occurrence of the Easter break during the exhibition period.

Relevant features of development area

3. As noted in paragraph 2.1 of the statement of effect, Cullen Bay is a driver of economic activity. Its appeal and ongoing viability is the result of an estate plan which provides for premium residential amenity in a low-density suburban area mostly comprised of dwellings-single on LR-zoned lots.

4. The *Darwin Marina Estate Draft Environmental Impact Statement* of June 1987 provided as follows in respect of the character of the residential areas of the subdivision:

> POPULATION - RESIDENTIAL PROFILE AND SOCIAL IMPACT ON LOCALITY
>
> The projected residential component of the Darwin Marina Estate can be depicted in 4 categories.
>
> Individual or semi-detached waterfront houses
> Luxury strata title home units
> Condominiums
> Tourist hotel
>
> For other social changes refer to 2.5.
>
> HOUSING
>
> The quality allotments provided within this development will determine the new permanent population which may be classified as mature age couples, senior business executives or retired citizens. These residents traditionally do not have a large proportion of school age children and in most cases do not maintain normal time tables in travel to and from business and would therefore not be conflicting with peak hour traffic flows. The expected vehicular movements are low and off peak. The projected traffic movements are covered in Figure 2.2.
>
> LUXURY STRATA TITLE HOME UNITS
>
> The market clearly identifies a need of business couples, well established people or retired citizens for these units. This type of living is not appealing or conducive to the traditional family life style and the impact on the established education system would be low.

5. A key feature of Cullen Bay Crescent is the corridors of private open space maintained at the front of most lots. This feature was part of the original vision of Cullen Bay and remains one of its key visual amenities, giving rise to a streetscape that is open and not cluttered by the massing of buildings, as shown in the EIS:

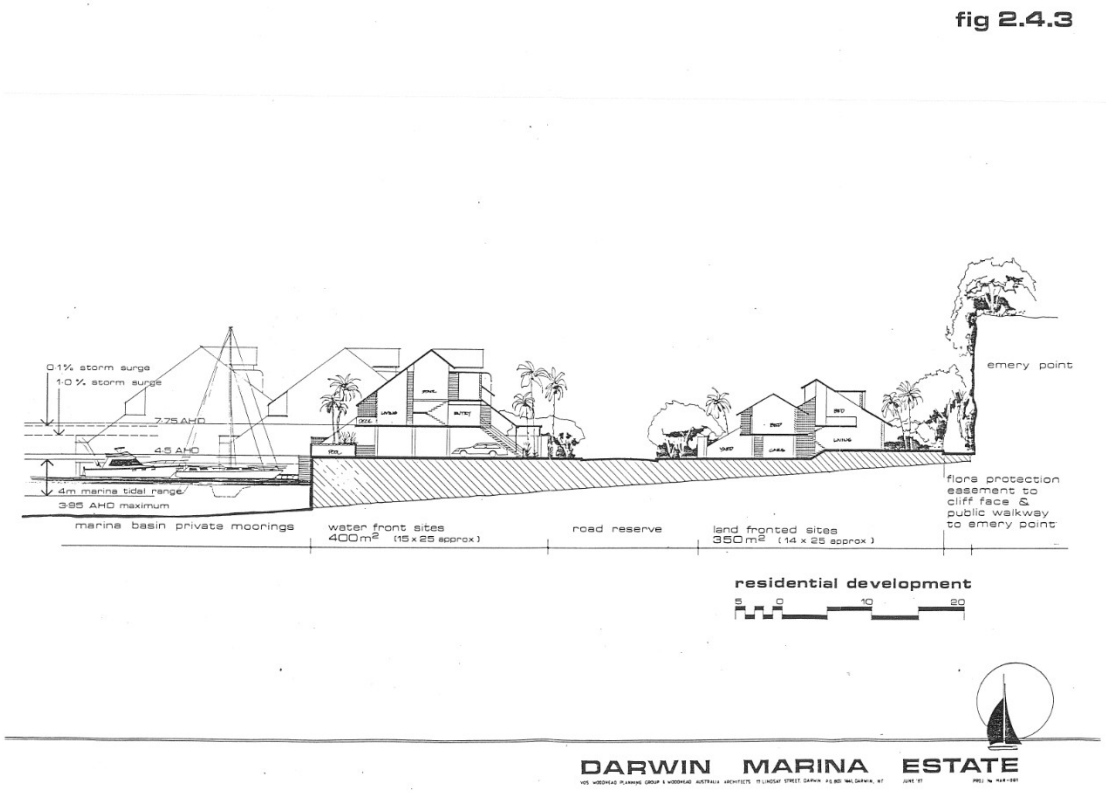


Figure 2.4.3 from the Darwin Marina Estate Draft Environmental Impact Statement of June 1987

Relevant features of the proposed works

6. The site of the proposed works is approximately 200m from the closed end of a 1.2km cul-de-sac with multiple branches and a single point of ingress. Traffic density and street parking is already a critical issue in Cullen Bay.

7. The proposed works consist of an additional structure at the front of the property consisting of 3 bedrooms[1] and an additional garage, along with the conversion of the existing garage into a 'bike room' which we say is readily convertible into a bedroom – resulting in the total addition of 4 bedrooms.

8. The proposed works will bring the residential plot ratio to approximately 0.95 – substantially higher than the standard residential plot ratio of 0.7 – 0.8 prevalent in the rest of the estate.

9. The proposal explicitly contemplates that the new structure will result in the creation of a habitable area capable of separate occupancy.

1 In accordance with Amendment 159, a room that combines sleeping and living areas or can be readily converted to a bedroom is taken to be a bedroom. The family room is readily convertible to a bedroom and features its own ensuite bathroom.

Dwelling-group vs dwelling-single with attached dwelling-independent

10. As a result of Amendment 159, an LR zoned lot may now have a dwelling-single with an attached dwelling-independent. Dwelling-independent is defined as follows:

> **dwelling-independent** means an **ancillary** dwelling that is constructed on the same site as a **dwelling-single**

11. Ancillary is defined as follows:

> **ancillary** means associated with, but auxiliary and subordinate to, the primary land use

12. It is respectfully submitted that the new structure is neither "auxilliary" nor "subordinate" (the terms used in Schedule 2, Clause 2.2 to define "ancillary") to the existing dwelling. If the new structure were constructed on an LR-zoned lot, it would amply constitute a dwelling-single. It is not a 'granny flat' or a mere addition to an existing structure – it is a second complete dwelling with multiple bedrooms, ensuite and common bathrooms, a living area, a kitchen and a downstairs garage. It is expressly designed to accommodate 6 people in a way that keeps them separated from the existing dwelling.

13. It is therefore inappropriate to characterise the proposed works as additions to an existing dwelling-single, "renovations", or the inclusion of a dwelling-independent within a dwelling-single as contemplated by Amendment 159. The proposed works are properly categorised as a change of use from dwelling-single to dwelling-group, and the application manifestly fails to meet the requirements of a dwelling-group in terms of parking.

Compliance with Australian Standard 5139 – solar battery scalable to 100kW+

14. The conversion of the existing garage to a gymnasium/bike room – whether it is readily convertible to a bedroom or not – makes it a living area or habitable room within the meaning of AS5139 and NT Worksafe guidance. AS5139 provides that a Battery Energy Storage System (BESS) may not be placed against an adjoining wall to a living area unless that wall meets certain fire safety requirements appropriate to the extreme heat and difficulty in extinguishing battery fires.

15. According to NT Worksafe, hazards associated with a malfunctioning BESS include: arc flashes, electric shocks, fires and/or explosions and leaks and exposure to hazardous chemicals.

16. There is nothing in the proposal to satisfy the authority that the adjoining wall between the battery and the living area is a fire protection wall that meets the requirements of AS5139, or that the infrastructure co-located with the batteries is appropriate.

Height control

17. The claim at 4.5.1 appears to be that, because zone LR is not listed in the table, the applicable height control at or near the street boundary is 8.5 metres.

18. This is a construction based on underlying assumptions which cannot be sustained.

Parking

19. The claim at paragraph 4.5.2 of the SoE cannot possibly be sustained in light of what is admitted earlier at paragraph 3.2 of the SoE, which is that the house regularly contains 8 adults and more than 10 during holiday periods.

20. Since the granting of provisional driver licenses to the balance of the household, there have regularly been a minimum of 6-8 driveable cars parked in and around the property, in addition to other semi-driveable or undriveable project cars – at the moment, up to 4 of them are able to park within the property as shown below with the others parked on the verge and on the adjacent block at 98 Cullen Bay Crescent.



Vehicles parked on verge in varying states of driveability - represents current overflow parking from interior of lot. Photo taken 9 April 2026 by Gordon Withnall.



View from west-facing window of south-west bedroom, showing 3 cars parked inside lot with room for 1 more – car parked on verge barely visible in background. This view will be completely obstructed. Photo taken by Eric Withnall on 10 April 2026

21. It is unclear from the drawings how many parking spaces are provided in the garage, and the statement of effect is silent on the number of spaces provided. If the garage only provides 2 parking spaces, then the number of spaces is clearly inadequate with reference to clause 5.2.4.1 and the proposed works will result in a net reduction in the number of parking spaces.

22. The number of vehicles also undermines the claim that the proposed works are properly classifiable as a dwelling-independent with reference to the purpose set out in the scheme, which requires that dwellings-independent not impact detrimentally on the traffic levels of the area.

Landscaping

23. The claims at 4.5.3 of the SoE cannot possibly be sustained in light of what is described in the proposed works. Anyone travelling west along Cullen Bay Crescent (the sole direction of ingress) will be greeted with a sheer wall completely blocking the contuinuous corridor of private open space which otherwise leads to the end of the street.

24. The purported contribution to streetscape posed by “graceful landscaping” viewable when standing directly opposite the development (i.e. on the front lawn of 95 Cullen Bay Crescent) will do nothing to alleviate the first impression made by the sheer wall reaching heights of 6.24 metres.



View from upstairs hallway window facing west-south-west. This view will be completely obstructed. Photo taken by Gordon Withnall on 9 April 2026

Setbacks

25. LR zoning (Zone Outcome 4) requires that dwellings and outbuildings are set back in a manner that is sympathetic to neighbours and the streetscape.

26. The overriding purpose of Clause 5.4.3 is to ensure that residential buildings are compatible with surrounding development. The nature of the overwhelming majority of the surrounding development is not compatible with the proposed works in in this respect. Breeze penetration and the capacity for street surveillance are substantially restricted by the proposed works.

27. Clause 5.4.3 (6) provides that residential buildings and ancillary structures are to be set back either in accordance with the relevant table to the clause (i.e. sub-clause 6(a)) or to a setback established in a building setback plan that is included in Schedule 9. This requirement is followed by an Editor's Note to the following effect:

> **Editor's Note: If a zero or 300mm setback identified within a building setback plan is not used, the requirements of sub-clause 6(a) apply.**

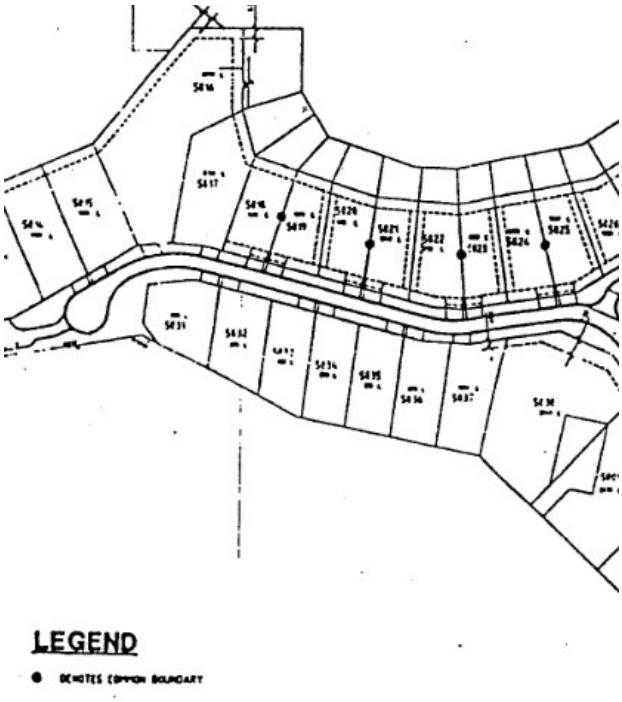
28. The setback scheme contained in *Policy No 3* does not appear in Schedule 9 of the NT Planning Scheme 2020. It was designed to be used prior to the development of the suburb – those who have not utilised it and respected normal setbacks have induced their neighbours to do so as well, and vice-versa.

29. The *Policy No 3* setback scheme also provides as follows:

> Note: If the zero lot line is not used in the development then standard setback requirements of the Darwin Town Plan will prevail.

30. The Editors Note and the note above make it abundantly clear that the setback scheme was only intended to apply to the approved developments and was only intended to apply <u>if used in those developments</u>.

31. The attached setback drawing to the *Policy No 3* setback scheme instrument (excerpted below) also makes it clear that a common intrusion into setback for 94 and 96 Cullen Bay was contemplated along their common boundary.



Extract from Policy No 3 Setback Drawing, legend reads:
- *DENOTES COMMON BOUNDARY*

32. With neither of the developments at 94 or 96 Cullen Bay Crescent utilising the setback scheme, the default requirements prevailed and continue to prevail, in accordance with what is written both in *Policy No 3* and the current Planning Scheme.

33. The submission that the setback scheme outlined in *Policy No 3* applies to the proposed works, unilaterally to the favour of the applicant for a new development, is profoundly misconcieved.

34. The necessity for emergency access to the 100kW solar battery (not to mention the enduring tenure of the applicant on the Cullen Bay Marina Management Committee) means that a corresponding intrusion into setback by 94 Cullen Bay Crescent will likely never be approved, despite what *Policy No 3* might once have allowed for.

35. The setback scheme is no longer available to the applicant, and it would cause the owners of 94 Cullen Bay Crescent real unfairness if the same benefits were made unilaterally available to the applicant in respect of a new development.

No precedent

36. Gribble Court does not operate as a precedent for a unilateral intrusion into setback – the structures at 1 & 2 Gribble Court were built abutting one another, as were the structures at 3 & 4 Gribble Court.

37. Gribble Court is a short cul de sac which only has houses on one side of the street, with open water on the other side and a public carpark at the end. No part of its structure interrupts a corridor of private open space. It is respectfully submitted that 3 Gribble Court is a *sui generis* case due to the incomparable streetscape of Gribble Court.

38. The garage at 18 Cullen Bay Crescent is only a single storey, and its first impression view when travelling west is from a raised elevation – accordingly, it does not unduly impact upon the streetscape or the corridor of private open space and does not establish any kind of precedent that would support this application.

Private open space

39. As referenced incidentally several times above, the most significant rejection of the planning scheme posed by this application is the exclusion of Clause 5.4.6 relating to private open space.

40. The Cullen Bay Estate is fundamentally characterised by its corridors of private open space, which were a requirement of the original development. The corridors are such that they can be easily identified from aerial photography.





Extracts from Google Earth taken 10 April 2026 showing clearly defined corridors of private open space.

Consent of neighbours

41. The weight given to the consent of Tara Reddy (the former owner of 98 Cullen Bay Crescent) should be given little to no weight on account of the fact that she is no longer the registered owner of the property – the registered owners are now [redacted] and [redacted]. The transfer occurred on 2 April 2026 – we only became aware late on 10 April 2026. The views of the current owners of the block are unknown and may well not have been sought – they may not even be aware of the application having just bought the property.

42. The weight given to the consent of the former owner of 98 Cullen Bay Crescent should also take into account that the house has been uninhabited since the departure of Ms [redacted] in May 2020, with the property's only active use since that time being to function as a parking lot for vehicles apparently belonging to the residents of 96 Cullen Bay Crescent and a fishing boat belonging to the agent who regularly sells the property situated at 98 Cullen Bay Crescent.

43. Additionally, the intrusion into the setback on the western boundary (affecting 98) is only at a height of 1.8 metres – the intrusion into the setback on the eastern boundary is as high as 6.24 metres.

Consent by authority

44. The *Cullen Bay Marina Act 1992* provides for the making of Regulations, and the *Cullen Bay Marina Regulations 1993* were duly made.

45. Section 35 of the Regulations provides that a decision of the Committee which is a restricted matter is not a decision of the Corporation. Subsection 3(d) provides that a restricted matter includes "*a matter that seeks to alter the rights, privileges or obligations of members*".

46. No motion was proposed or recorded at the 2024 or 2025 AGMs of the Corporation to ratify the purported decision in relation to the Development Application.

47. Ms Farmer was a member of the Committee at the time of the approval, and is currently the Chair of the Committee.

48. Ms Farmer is a lawyer who, by her own admission at the 2025 AGM of the Corporation, provides "advice" to the Committee in relation to its affairs without charging for it. This arrangement was presumably in place at the time when the Committee considered Ms Farmer's application.

49. The Committee accepted, but did not meaningfully address, the conflict of interest arising from Ms Farmer's special and continuing role on the Committee.

50. The Committee did not adequately consider the detriment towards the applicants in terms of loss of amenity, nor did they adequately consider the best interests of the Corporation and the need to preserve the premium residential characteristics of the estate, which were relied upon for the estate's original planning approval in or around 1993.

51. The decision to approve the plans for proposed works at 96 Cullen Bay Crescent on behalf of the Corporation was:

    a. ultra vires (on account of being a decision about a restricted matter which was not subsequently ratified by the Corporation at a general meeting);

    b. unfair (on account of Ms Farmer's continuing role and the associated conflict of interest, and further on account of us being afforded no notice or opportunity to speak against the proposal); and

    c. unreasonable (on account of the failure to preserve the premium residential character of the estate for the benefit of all members).

52. The effect of section 35 of the Regulations is that the purported decision of the Committee to approve the proposed development is not a decision of the Corporation.

53. In any event, we consider that the Corporation should remain silent in situations where there is an unmanageable and unmitigable conflict of interest in relation to an applicant for development approval who happens to be advisor on whose directions the Corporation is accustomed to act, and who is currently the Chairperson of the Committee.

Conclusion

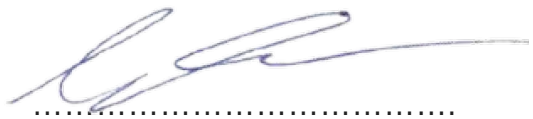
> "*Stand a little out of my sun.*"
>
> – Diogenes to Alexander the Great (Plutarch, 1919, Alexander 14.4)

54. Despite the claims that the proposed works are consistent with the streetscape and surrounding development, a simple drive down the street will confirm this not to be the case. The proposed works are a near-total depature from the NT Planning Scheme and the design standards observed by the other lot owners in the estate over the last 30 years – the design will be utterly incongruous and will damage the property value of 94 Cullen Bay Crescent and 98 Cullen Bay Crescent.

55. The proposed works will not even look like a house when travelling west along Cullen Bay Crescent – it looks like a compound or a commercial building.

56. If approved, this application would set a precedent capable of undermining the suburban amenity of any LR-zoned neighbourhood in Darwin. The Withnalls' only recourse to recover lost amenity and property value would be to construct a similar additional dwelling right up to one or both side boundaries. The residents of 92 Cullen Bay Crescent would be left to do the same – and so the disease will spread.

57. The cost of living is a burden borne with dignity by most Australians, and for most Australians it involves paying municipal rates for dwellings with four bedrooms or less. The applicant already has ample scope within the planning scheme to spare her adult children and their spouses from that burden without requiring further relief.



……
Eric Withnall
10 April 2026

Attachments:

1. Darwin Marina Estate Draft Environmental Impact Statement and Planning Study, Volume Three – June 1987.

2. Title search certificate for Lot 5817 Town of Darwin (98 Cullen Bay Crescent) retrieved 8:30pm on 10 April 2026.

*****

We, Gordon and Vivienne Withnall, the owners of 94 Cullen Bay Crescent Larrakeyah, endorse this submission and authorise its lodgement on our behalf:

.....
Gordon Withnall

10/4/26

.....
Vivienne Withnall

10 April 2026

ENVIRONMENT UNIT

DARWIN MARINA ESTATE

draft environmental impact statement and planning study

volume three - june 1987



87/0055M

ENVIRONMENT UNIT

ADDRESS OF ISSUES RAISED

FROM THE

ADVERTISED 18 FEBRUARY 1987

PUBLIC SUBMISSION INVITATIONS TO

VOLUME II

CULLEN COVE MARINA

DRAFT ENVIRONMENTAL IMPACT STATEMENT

VOL. III DRAFT ENVIRONMENTAL IMPACT STATEMENT

JUNE 1987

87/0055

2.1 POPULATION - RESIDENTIAL PROFILE AND SOCIAL IMPACT ON LOCALITY

The projected residential component of the Darwin Marina Estate can be depicted in 4 categories.

Individual or semi-detached waterfront houses
Luxury strata title home units
Condominiums
Tourist hotel

For other social changes refer to 2.5.

HOUSING

The quality allotments provided within this development will determine the new permanent population which may be classified as mature age couples, senior business executives or retired citizens. These residents traditionally do not have a large proportion of school age children and in most cases do not maintain normal time tables in travel to and from business and would therefore not be conflicting with peak hour traffic flows. The expected vehicular movements are low and off peak. The projected traffic movements are covered in Figure 2.2.

LUXURY STRATA TITLE HOME UNITS

The market clearly identifies a need of business couples, well established people or retired citizens for these units. This type of living is not appealing or conducive to the traditional family life style and the impact on the established education system would be low.

Vehicular movement and emergency service needs for these residents would be similar to other medium density developments in Darwin and the projected vehicular movements are described in Figures 2.2 6, 7 and 8.

CONDOMINIUMS

The majority of these units are two and three bedroom with a mix of studio apartments and being suitable for couples or family accommodation of individual ownership, permanent rental apartments, or short term rental units. The projected stay would be approximately 7-10 days and cater for up-market holiday and touring guests. Traffic movement, and impact on domestic services (schools, hospitals, shopping etc.) will be minimal and again planning solutions have been adopted to cover natural emergency access to the buildings.

TOURIST HOTEL

The trading style of this resort hotel is expected to produce guests stays of 3-5 days with 35% of guests are expected to have a vehicle parked on the premises. An occupancy rate of 68-72% have been assumed for the calculation of guests traffic movements and these figures are shown in in Figure 2.2.6, 7 and 8.

OVERALL OBSERVATION

In general, the inhabitants of the total complex will have all day to day living needs serviced internally with only a limited requirement placed on local health and education systems. The road system will see a small increase in flow at peak hours with the majority of traffic taking place at non peak times.

Larrakeyah Primary School is within the immediate area and the residents of Larrakeyah and Darwin Marina Estate who are of a mature and senior age as outlined earlier are not expected to have a great demand on the primary school system. It may well be said that any contributing increase in school age children by the Marina's residents would be desirable to maintain an economic and efficient education centre.

MARINA'S PROJECTED POPULATION

	No of units	Ratio	Total
HOUSING LOTS	83	2.4	199
LUXURY HOME UNITS	70	2	140
CONDOMINIUMS:			
2 BED ROOM	100	2.2	220
SINGLE BED ROOM	55	1.4	77
HOTEL	182	1.6	291
TOTAL RESIDENTIAL POPULATION			927

2.2 VEHICULAR MOVEMENT PROJECTIONS

The Marina traffic study has been prepared from the predicted build-up of permanent residents and commercial users of the development. We have outlined the volume, frequency and direction of traffic that would emanate from the Marina. Requests of present traffic volume numbers and the capacity of the Smith Street round-a-bout are not available from either the Darwin City Council or Department of Transport and Works. Also unknown are the impacts that natural growth, the university and the casino project might have on traffic volumes. The number of traffic movements emanating out of Darwin Marina Estate can therefore be introduced into future and long term planning models once all these factors are known.

There is no immediate problem envisaged with the road system which is quite adequate for present flows and it is also understood that the present Smith Street round-a-bout is working under full capacity.

Very little permanent traffic changes can be expected until 24 months after commencement of construction when the first of the resident start to take up occupancy.

Studies of other marina developments show that at no stage does a sudden or dramatic traffic change occur. Numbers would not increase until 1989 with a progressive increase until April 1991 when the majority of the buildings have been completed.

All traffic from Darwin Marina Estate will be dispersed to varying destinations dependant on the business, shopping or leisure needs of the inhabitants. Figure 2.2.8 indicates these projections.

As the planned extension of Mitchell Street to service the Marina is no longer possible, due to use of buildings originally set for demolition by the University, the Smith Street round-a-bout is now proposed as the principle point of entry for all traffic.

The predominance of the Marina's traffic will flow along the Myilly Point Road to the tourist hotel, marina and commercial area with a lesser flow servicing the southern residential section of the development.

Traffic generated can be considered in two categories:-

- Southern residential confinement
- Northern commercial mix, ferry terminal and marina

2.2 1. Southern Component

The residents would gain access by a 7 metre wide carriageway to the Southern housing area connecting to Smith Streets and Gilruth Avenue. This road is of adequate width to cater for required standards of the predicted traffic movements.

To cover emergency situations, a crash barrier system connecting the Southern road link with Larrakeyah Road system would be constructed. This brick paved and landscaped public walkway for pedestrians general use would connect the roads. Kahlin park would also provide adequate egress from the site if it were required in an emergency.

2.2 2. Northern Commercial Mix, Ferry Terminal and Marina

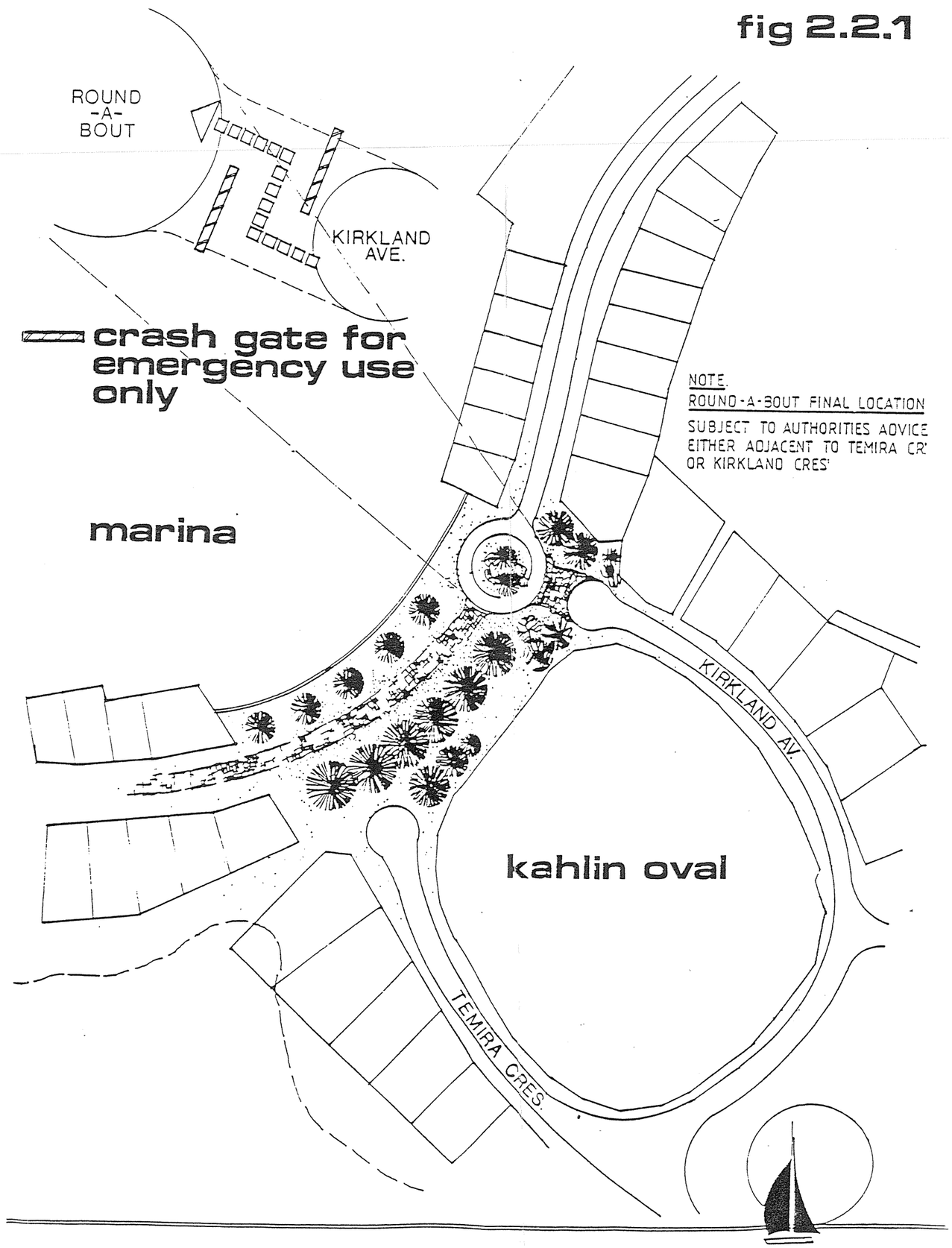
The road reserve and pavement width which connects the Commercial Marina Ferry Terminal and Hotel is of similar width as Mitchell Street West and will handle the expected traffic.

There is a diversity factor between the daytime activities of the Ferry Terminal to the after hours and night time peak operation of the hotel.

The 13 m carriageway to access the Marina will be constructed to the Standard requirements of the Department of Transport & Works. The peak loads for the Ferry Terminal would not coincide with normal commercial and commuter traffic. Hotels are finding a large user group that does not arrive in their own car. Corporate or holiday users would tend to utilize taxis. The Sheraton Hotel in Darwin did not consider on-site parking an essential facility and has shown that arrangements with the adjacent public parking station accommodates their guests habits and needs.

The condominiums have a number of accesses to the road system and these residential units will create a constant flow of traffic spread over the day. Studies at the Marrakai Centre of some 64 units and 10 visitor parking facilities with a single access on the main street (Smith Street) Darwin has not caused any significant traffic concern.

fig 2.2.1



DARWIN MARINA ESTATE

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET, DARWIN P.O. BOX 1441 DARWIN N.T. JUNE '87 PROJ No. MAR-001

a site development
b ferry terminal
c hotel
d commercial
e –
f
g condominiums
h
j –
k –residential lots
l –
m commercial berths
n private boat pens
p marina residents berths
q mooring area

MYILLY POINT

EMERY POINT

LARRAKEYAH

THE GARDENS

UNIVERSITY

casino

TENNIS COURTS

PALMERSTON PARK OVAL

GARDENS CEMETERY

RADIO STATION

RECREATION RESERVE

AMPHITHEATRE

GARDENS OVAL

KAHLIN OVAL

LARRAKEYAH PRIMARY AND PRE-SCHOOL

LARRAKEYAH DEFENCE AREA

YMCA

FIRE STATION

BASKET BALL COURTS

GREEK ORTHODOX CHURCH

HARRIET PARK

DOCTORS GULLY

GILRUTH AVENUE

TAMAR

DARWIN MARINA ESTATE

KOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 L NOSAT STREET DARWIN P.O. BOX 1641 DARWIN, NT

JUNE '87

PROJ No MAR-001

fig 2.2.8

PROJECTED VEHICULAR FLOW FROM DARWIN MARINA EST. & SMITH STREET ROUND·A·BOUT

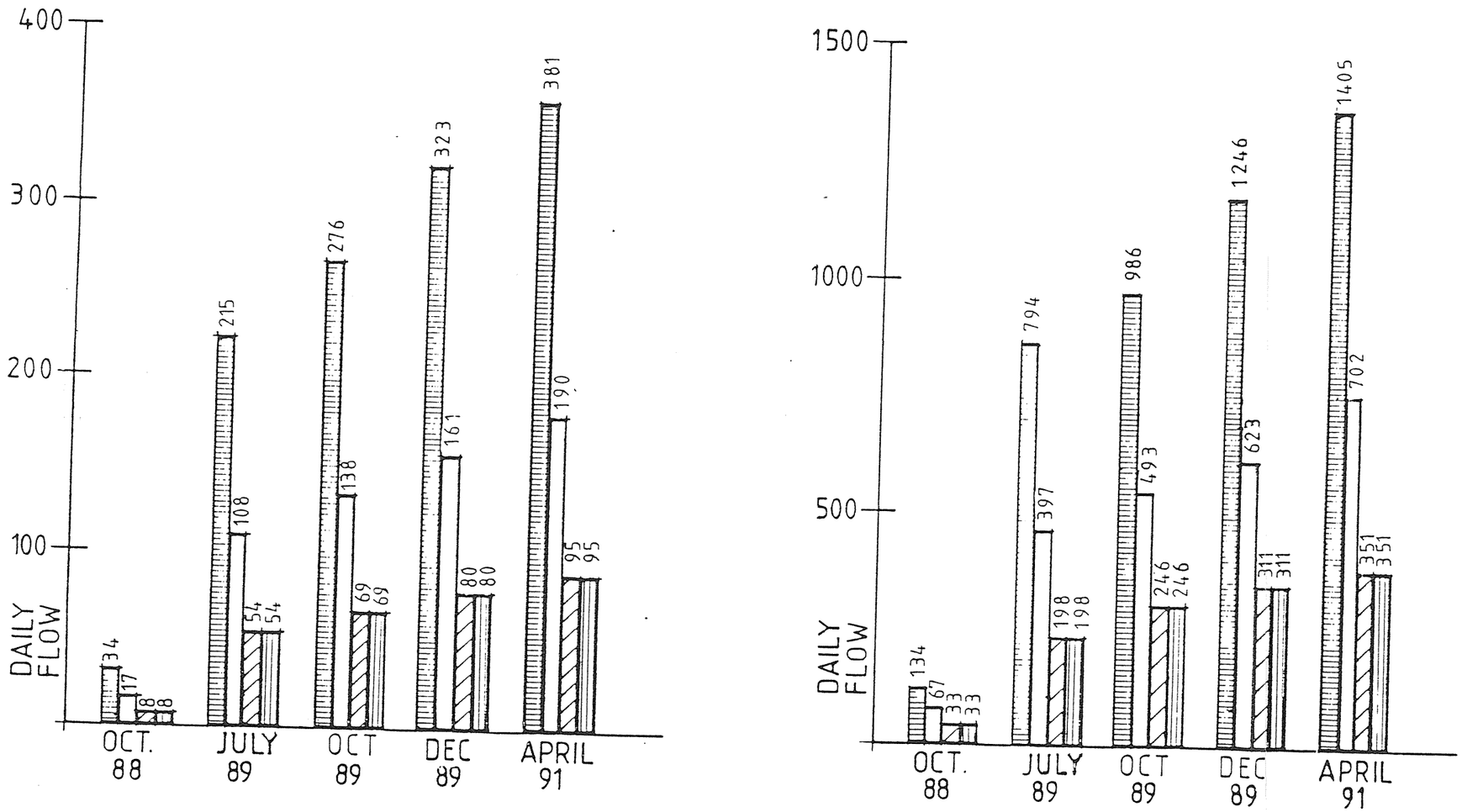


Table II Design flows of urban roads (based on Technical Memorandum 119/76 published by DOE)

Description		Urban motorway	All purpose road, no frontage access, no standing vehicles, negligible cross traffic	All purpose road, frontage development, side roads, pedestrian crossings, bus stops, waiting restrictions throughout day, loading restrictions at peak hours
Effective width of carriageway in metres (excluding refuges or central reservation)				
Carriageway with one lane in each direction:	*Peak hourly flow, veh/h, both directions of flow**			
6·1				1100
6·75				1400
7·3			2000	1700
9				2200
10			3000	2500
Undivided carriageways:				
2 lanes in each direction:	*Peak hourly flow, veh/h one direction of flow*			
12·3			2550	1700
13·5			2800	1900
14·6			3050	2100
3 lanes in each direction:				
18				2700
Dual carriageways:				
2 lanes in each direction:	*Peak hourly flow, veh/h one direction of flow*			
6·75 × 2			2950†	
7·3 × 2		3600	3200†	
3 lanes in each direction:				
11 × 2		5700	4800†	
One-way roads:				
6·1	*Peak hourly flow, veh/h*			1800
6·75			2950	2000
7·3			3200	2200
9				2850
10				3250
11			4800	3550

* 60/40 directional split can be assumed

† Includes division by line of refuges as well as central reservation

7m & 13m carriageway capacities

fig 2.2.5

fig 2.2.7

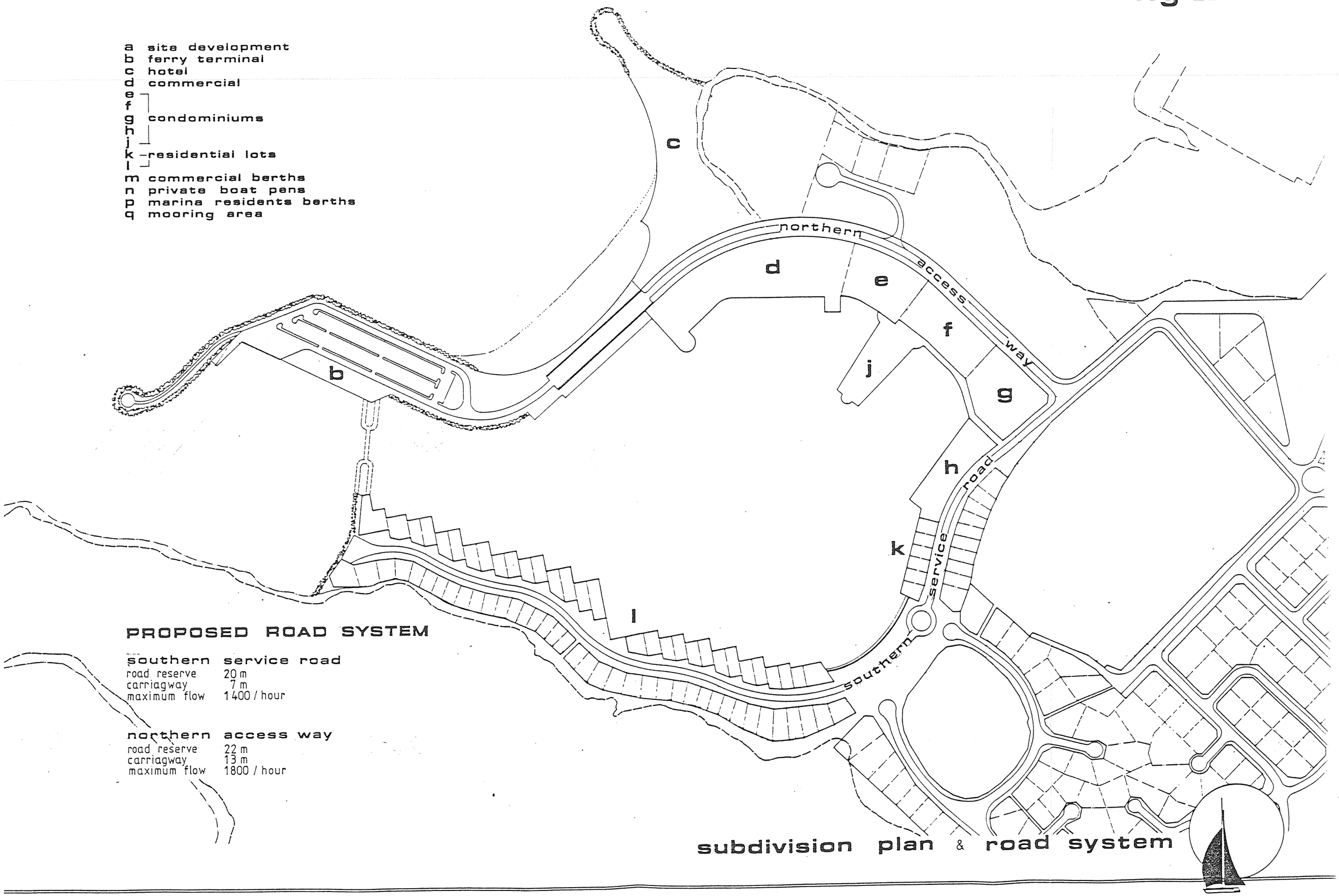
VEHICLE NUMBERS AND MOVEMENTS PER MARINA'S COMPONENT

			A	B	C	D	MONDAY-FRIDAY PEAK	N/PEAK	NIGHT	WEEK-END DAY-	NIGHT	EST'D FLOW DATE
HOTEL	182	ROOMS	1	182)		60	15	45	30	60	45	
	480 ~~m²~~	FOOD & BEV.	16/100	76)	64	76		30	76	30	76	Dec-89
	32	STAFF	-	-)		32	32		32	32	32	
CONDOMINIUMS	100	TWIN B/R	2	200	100	50	15	35	35	50	30	50% OCT 89
	55	SINGLE B/R	2	110	27	14	4	10	10	-	-	50% APRIL 91
	15	STAFF	-	-	-	15	15	-	-	15	-	
LUXURY HOME UNITS	70		2	140	105	105	40	60	30	70	50	Oct-89
WATERFRONT HOUSING	83		2	166	166	125	40	70	40	83	60	50% JULY 89 50% APRIL 91
OFFICE AREA	3000 m2		2.5/1000	75	-	120	120	30	-	-	-	Jul-89
SHOPPING & RESTAURANT	3500 m2		6/100	245	-	160	45	200	150	160	160	Jul-89
MARINA PENS			1	120	-	72	4	40	10	80	20	Oct-88
SERVICE VEHICLES							-	40	-	5	-	
FERRY TERMINAL & PUBLIC BEACH		PER 1984 GOV PROPOSAL		300	300	-	30	50		250		Oct-88
TOURIST COACHES							1	6	3	6	4	
VISITORS							20	50	50	100	100	
		TOTAL					381	666	466	941	577	

(A) REGULATION ZONING RATIO
(B) REGULATION PARKING BAYS
(C) PLANNED PARKING BAYS
(D) NUMBER OF VEHICLE PROJECTIONS

fig 2.2.4

a site development
b ferry terminal
c hotel
d commercial
e ┐
f │
g condominiums
h │
j ┘
k ─residential lots
l ┐
m commercial berths
n private boat pens
p marina residents berths
q mooring area



PROPOSED ROAD SYSTEM

southern service road

road reserve	20 m
carriagway	7 m
maximum flow	1400 / hour

northern access way

road reserve	22 m
carriagway	13 m
maximum flow	1800 / hour

subdivision plan & road system

DARWIN MARINA ESTATE

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET, DARWIN. P.O. BOX 1641, DARWIN, NT

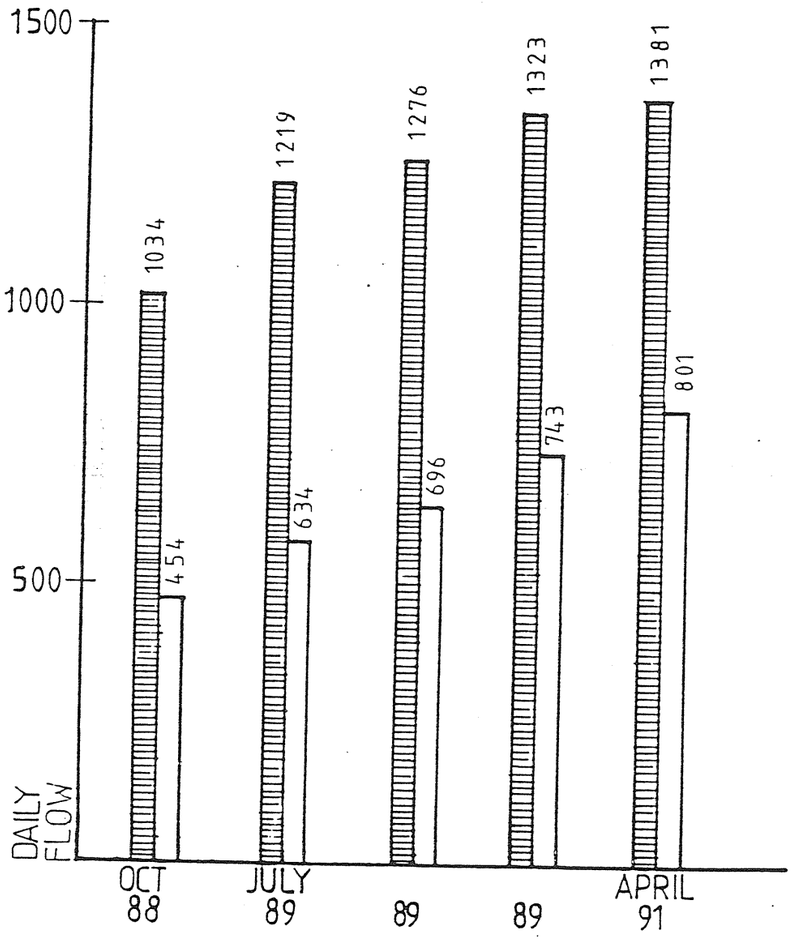
JUNE '87

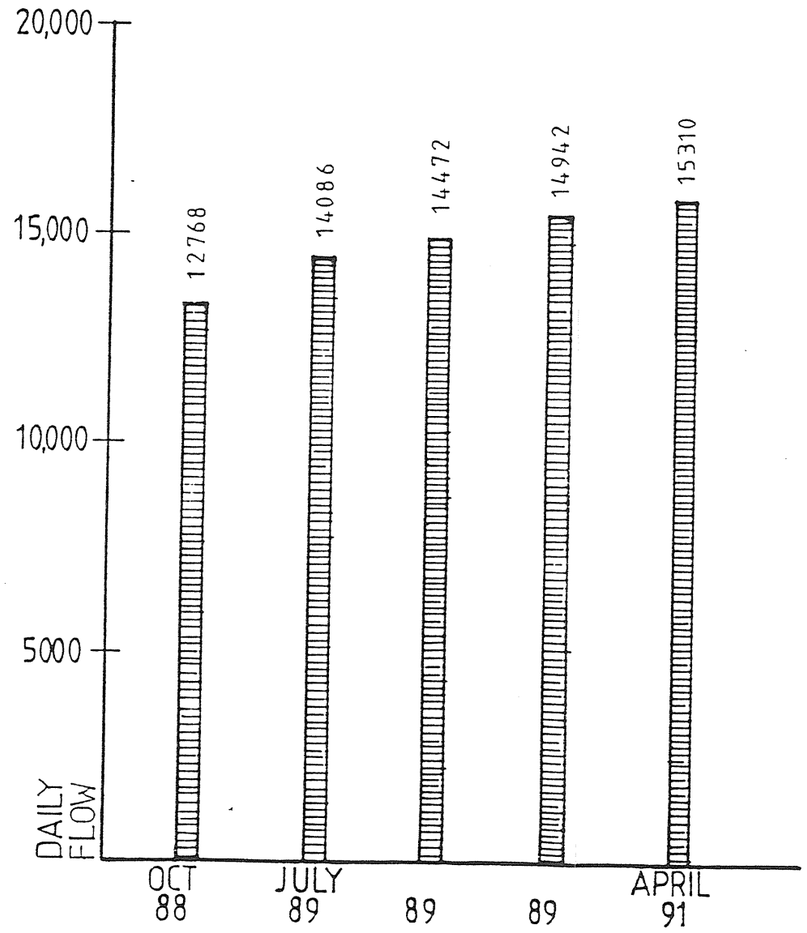
PROJ No 86A-081

fig 2.2. 9.2

PROJECTED VEHICULAR FLOW FROM GILRUTH AV. AND SMITH ST. ROUND-A-BOUT

(BASED ON MARINA USE AND 130,000 POPULATION)



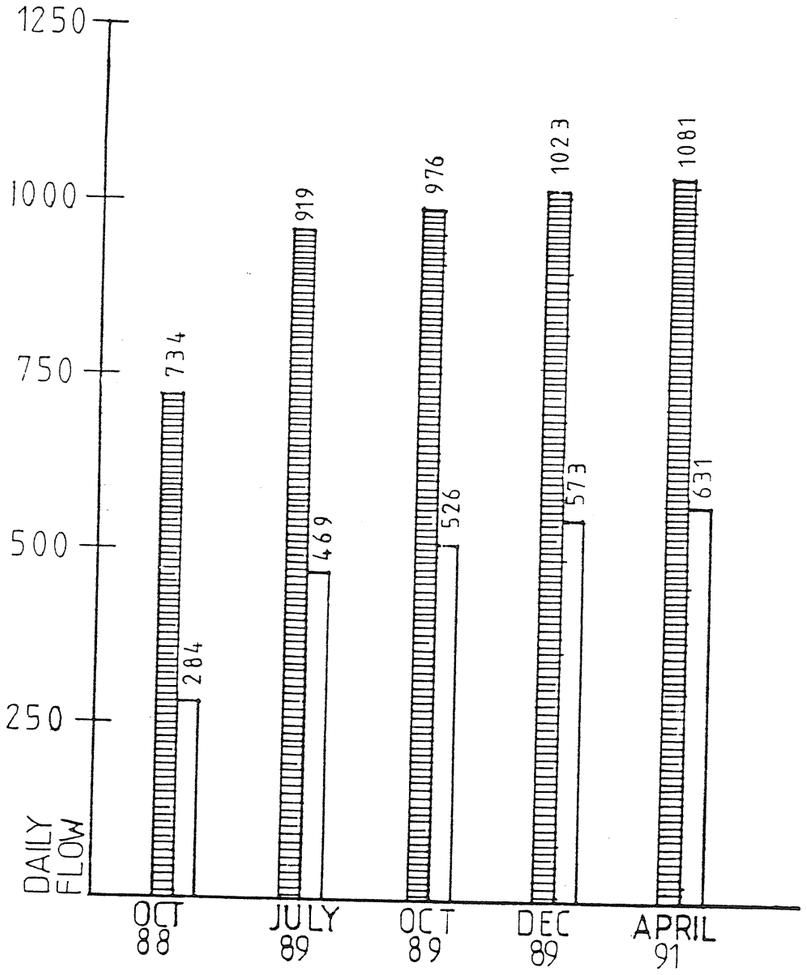


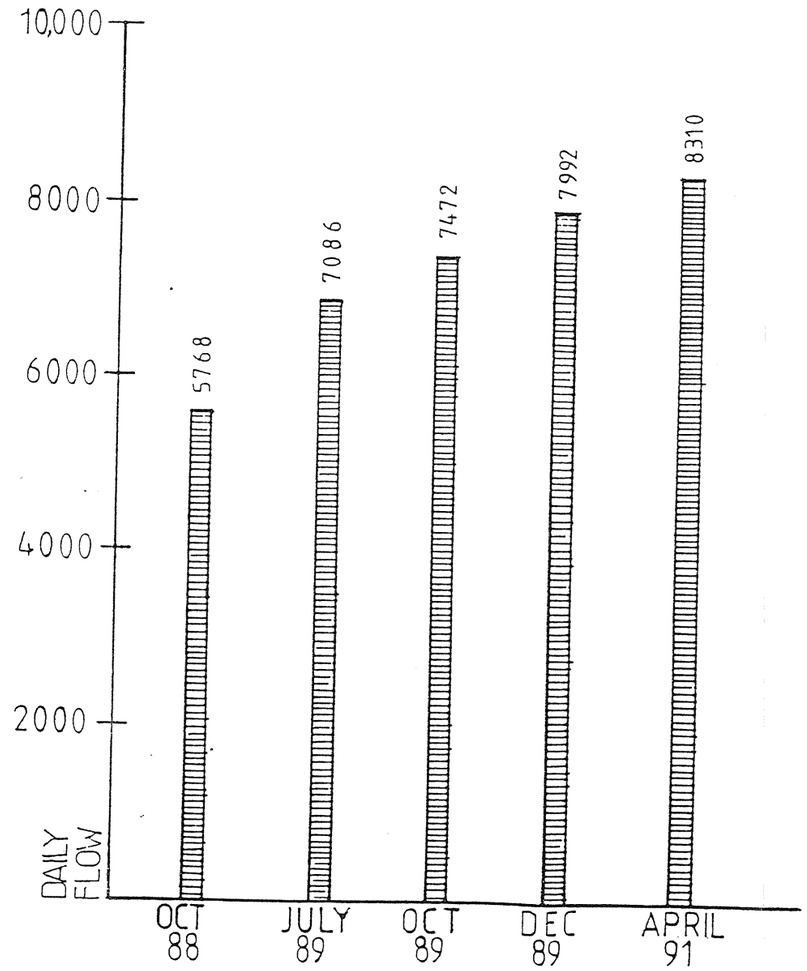
ESTIMATED PUBLISHED FIGURES AS PER PLANNING DIVISION (ROADS) DEPARTMENT OF TRANSPORT & WORKS

fig 2.2. 9.1

PROJECTED VEHICULAR FLOW FROM GILRUTH AV. AND SMITH ST. ROUND-A-BOUT

BASED ON MARINA USE AND 80,000 POPULATION





PEAK HOUR · IN

PEAK HOUR · OUT

TOTAL DAILY TRAFFIC

ESTIMATED PUBLISHED FIGURES AS PER PLANNING DIVISION (ROADS) DEPARTMENT OF TRANSPORT & WORKS

2.3 BOTANICAL STATEMENT

Figures 1.4 and 2.3 in the draft E.I.S. explain the existing landscape and species as well as the proposed landscape plan which had identified plant varieties. They have been provided at the scale to which the report has been produced and clearly indicate the areas of cliff face reclamation and seabed clearance and dredging. Research on behalf of the developers by Rolan Muench A.I.H. & A.I.L.A. of Woodhead Australia Landscape Architects has indicated plant life and vegetation to the region to be excavated is of a minor significant as similar growth is available in many like areas within the immediate close proximity. No rare species are in the effected area. Until detailed planning of all the components is completed a further and more detailed landscaping plan will not be prepared. This plan would be to the approval of the building and planning authorities.

The developers of Darwin Marina Estate have shown significant concern with their various projects undertaken in Darwin and Alice Springs. Similar concerns and standards will be followed in the development of Darwin Marina Estate

The ongoing maintenance would be as in all subdivisions the concern of the relevant owners.

In this case there would be three categories:-

1. Privately owned land which will be administered by the owner e.g. houses, Commercial Hotel.

2. Marina management group which will ensure that all foreshore areas used by the Marina will be suitably maintained.

3. Public areas such as the beach and the Ferry Terminal would be the responsibility of the Council.

2.4 PUBLIC RECREATIONAL SPACE

Recreational space has been significantly increased and improved. The complete water body, introduction of a deep water sailing club, a 350 metre long public beach usable at most tides and significant waterfront activity along the Marina shores has boosted the recreational space and utility of the area significantly. Most of the residents in the new Marina would concentrate their lifestyle and activities to the water.

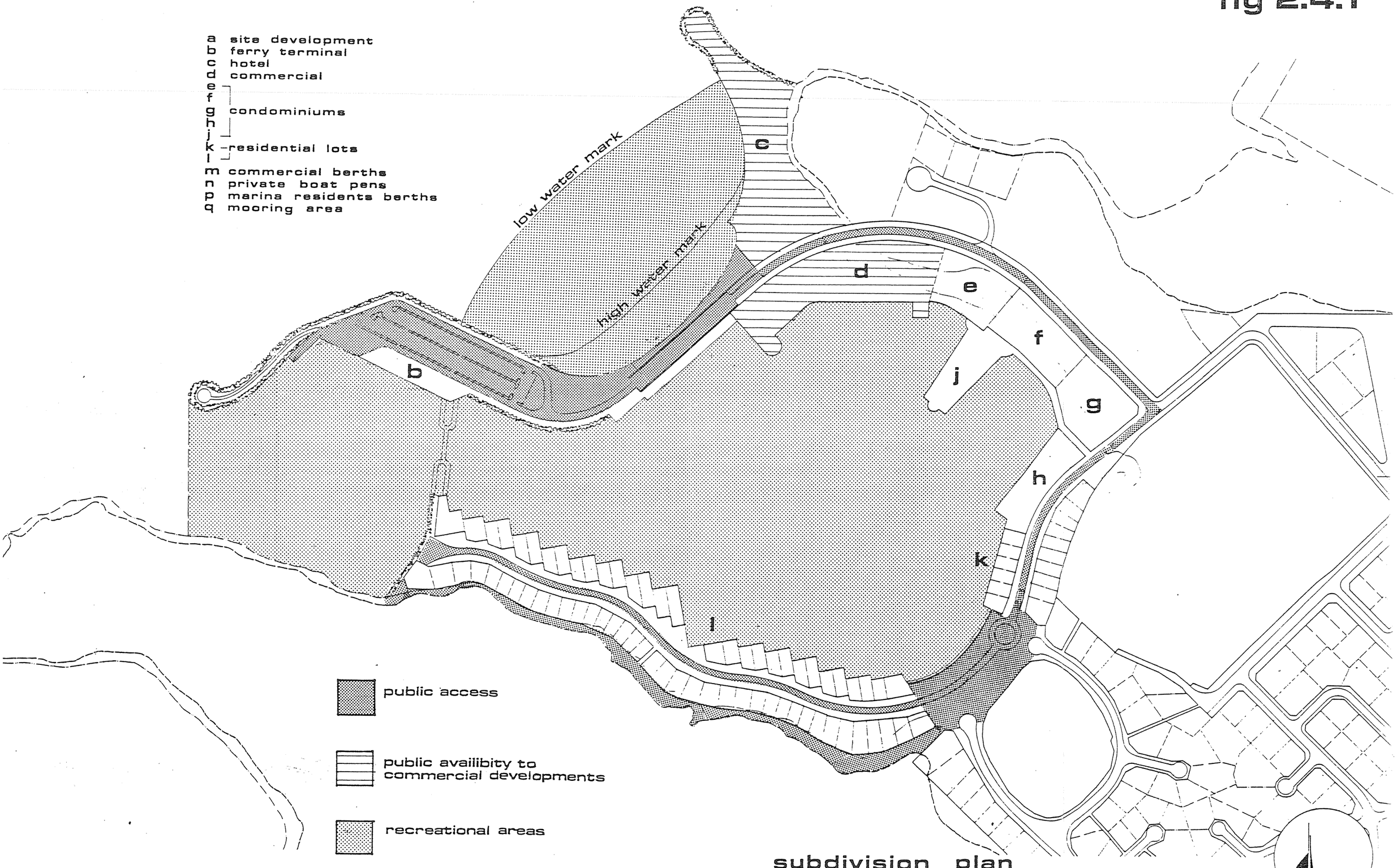
The existing areas of Kahlin oval will be developed along the foreshore and improvements will enhance the existing residents amenity of the area.

The development of Myilly Point park and the public beach both virtually non-existent would become available to be public.

The Marina residents would use the water as their principal recreational playground which is the main reason for their investment into the area.

A walkway behind the corridor of southern housing blocks from Kahlin oval to Emery Point will be open for public access. See Reference Figures 2.4.1, 2 and 3.

a site development
b ferry terminal
c hotel
d commercial
e, f, g, h, i — condominiums
k, l — residential lots
m commercial berths
n private boat pens
p marina residents berths
q mooring area



public access

public availibity to commercial developments

recreational areas

subdivision plan

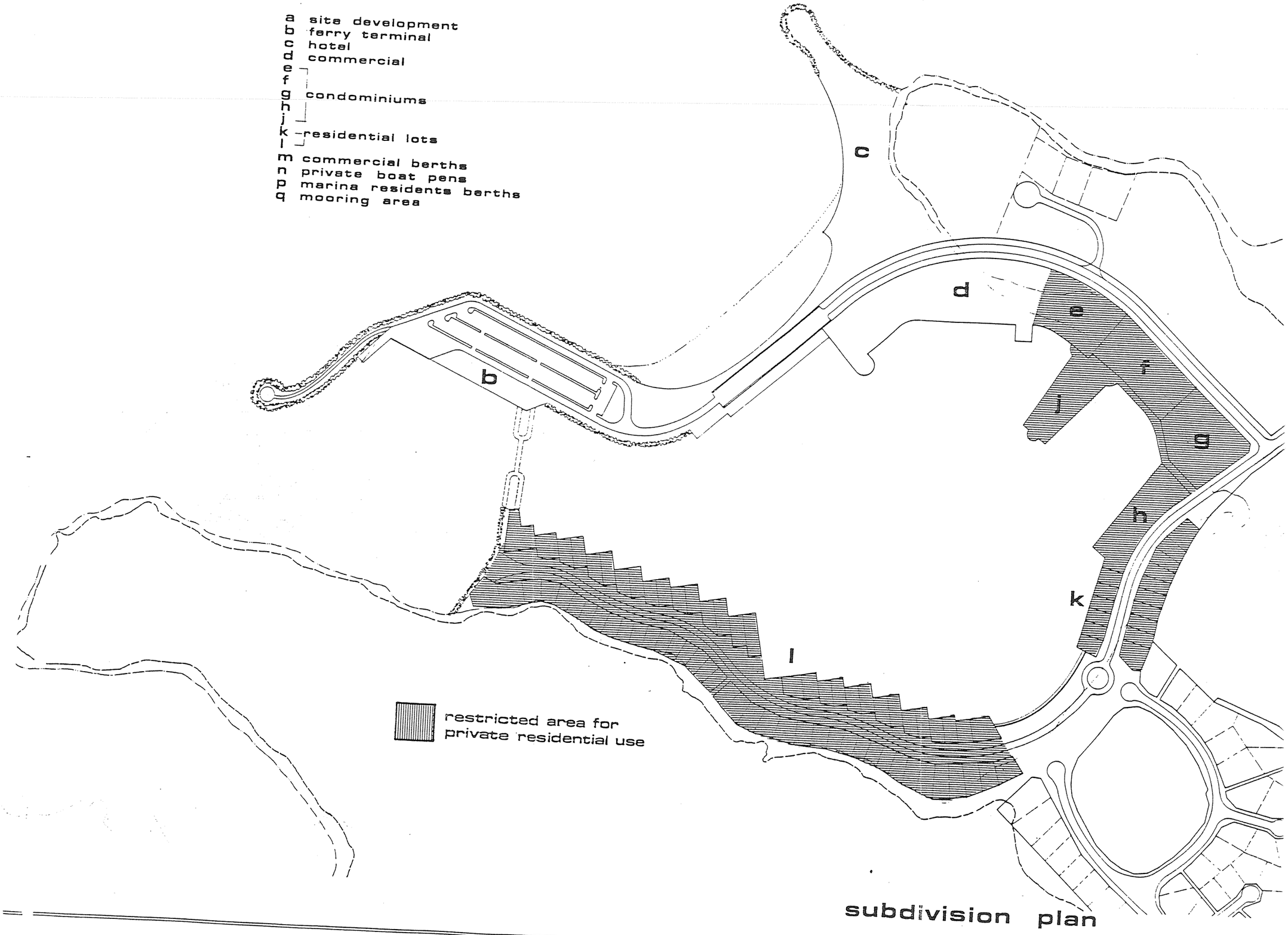
DARWIN MARINA ESTATE

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET DARWIN P.O. BOX 1641 DARWIN, NT

JUNE 87

PROJ No MAR-001

a site development
b ferry terminal
c hotel
d commercial
e
f
g condominiums
h
j
k residential lots
l
m commercial berths
n private boat pens
p marina residents berths
q mooring area

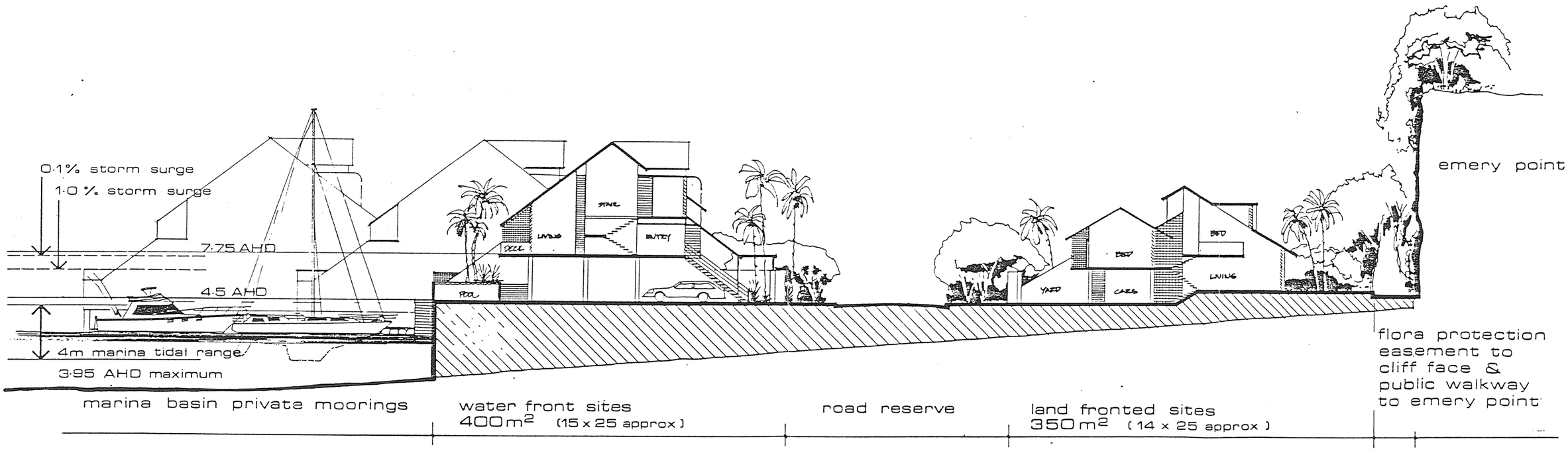


restricted area for
private residential use

subdivision plan

DARWIN MARINA

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET DARWIN P.O. BOX 1641, DARWIN, NT



residential development

5 0 10 20

DARWIN MARINA ESTATE

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET, DARWIN P.O. BOX 1661, DARWIN, NT

JUNE '87

PROJ No MAR-001

2.5 CHANGES TO SOCIAL STRUCTURE

There is no doubt that there will be changes to the social structure of the area. The University and future Casino's developments will produce further differences.

However, studies have shown that Marinas and sensitively developed waterfront areas enhance the social amenity and desirability of the area. In cities such as Sydney where waterfront land is prominent, desirability to live within or adjacent to these areas are well known.

Cullen Bay is the only such site available in the immediate Darwin area offering these amenities. It should also be noted that the principal component of the development on the North side is public and commercial and will therefore provide access to the activities of the Marina and Harbour to Darwin's total population.

2.6 CONSTRUCTION PHASE NOISE AND DISRUPTION

In order to minimize noise and dust population during construction strict standards will be set in accordance with regulations and acts. Specific times of machinery work, pile driving etc. will be established within the construction documentation.

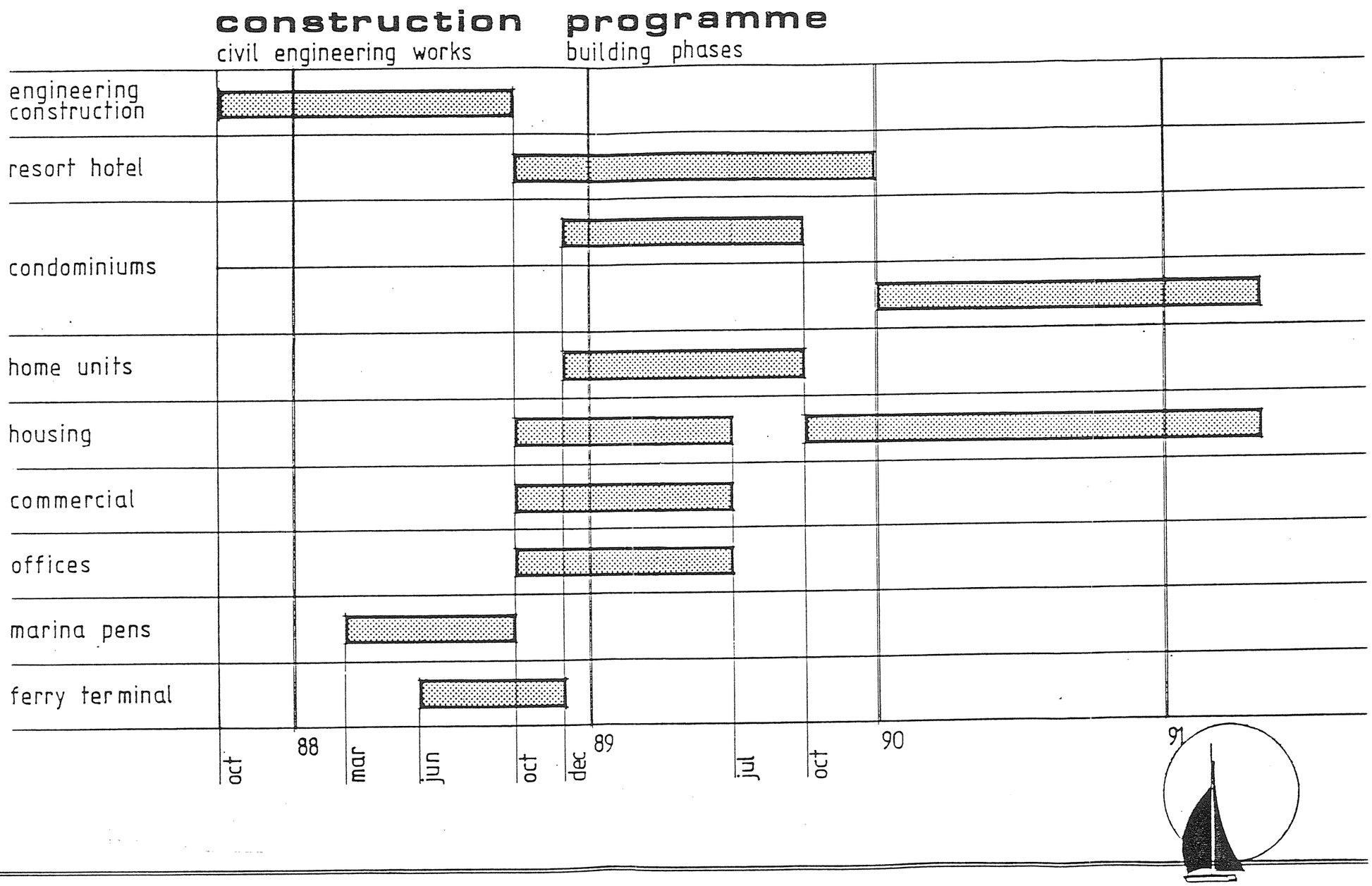
Darwin Marina Estate will be maintaining the standards established by statutory authorities and all claims of command for this responsibility should be handled through the developer.

To Control any inconvenience to nearby residents created by construction contractors an open door communication policy between the public and the developer will be adopted.

Refer to Figures 2.6.1 for details of construction programme and building phases.

ENVIRONMENT UNIT

fig 2.6.1

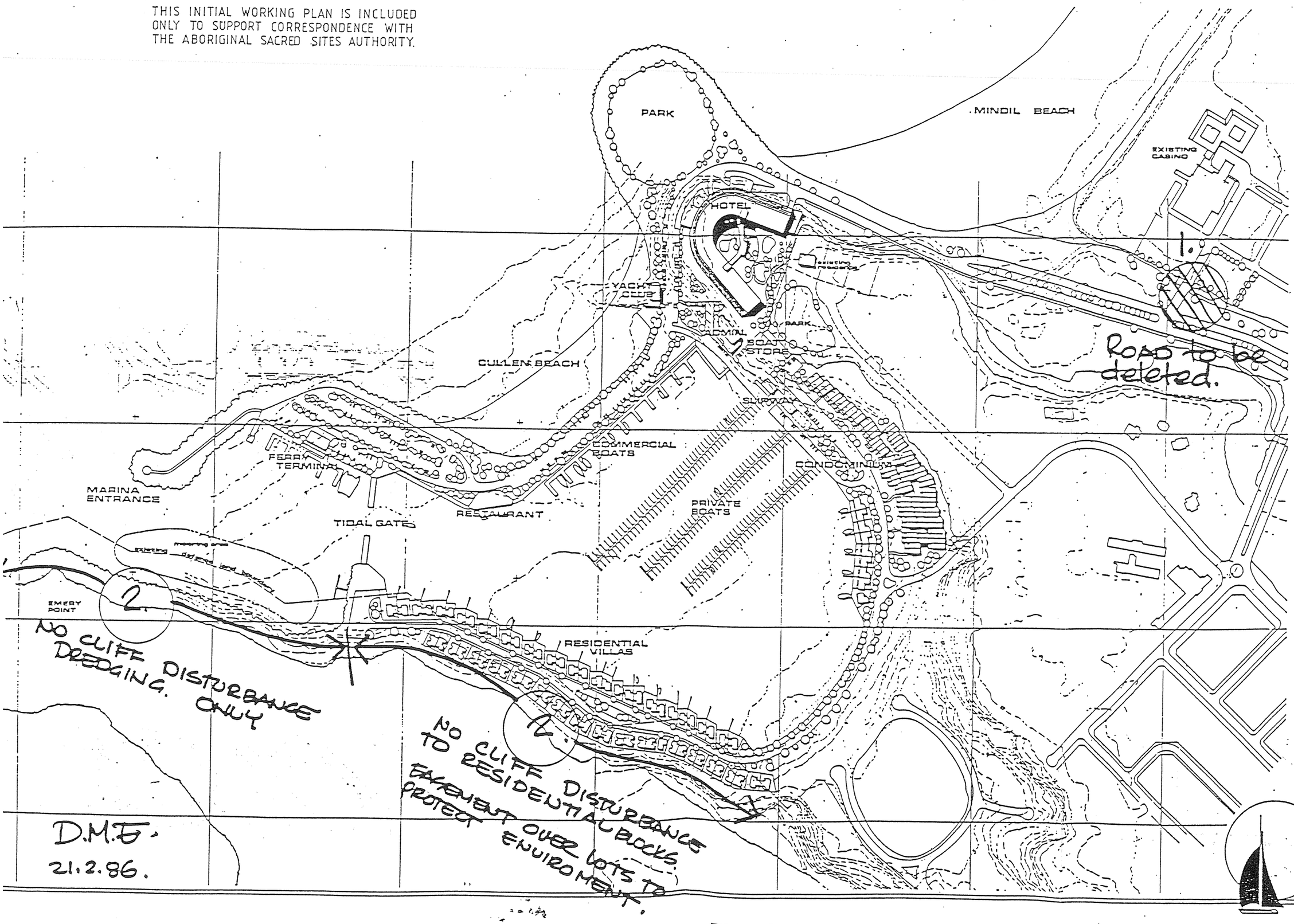


DARWIN MARINA ESTATE

VOS WOODHEAD PLANNING GROUP & WOODHEAD AUSTRALIA ARCHITECTS 17 LINDSAY STREET DARWIN P.O. BOX 1661, DARWIN, NT JUNE '87 PROJ No MAR-001

THIS INITIAL WORKING PLAN IS INCLUDED ONLY TO SUPPORT CORRESPONDENCE WITH THE ABORIGINAL SACRED SITES AUTHORITY.

proposed land use



DARWIN MARINA ESTATE

residential 3



residential development

5 0 10 20

DARWIN MARINA ESTATE

3.1 MANAGEMENT OF MARINA COMPLEX

Section 2.5.9 Vol. 1 of the Draft E.I.S. sets out the management responsibilities of the Harbour Master.

The term Harbour Master will be changed to MARINA MASTER so there is no confusion with the Darwin Harbour Master. He and his staff would be employed and administer the Marina. This management team would be remunerated by the Corporate Management body funded by the residents, commercial participants and boat users.

The Body Corporate and Marina Master would control standards of operation and maintenance of the Marina complex and moorings with the exception of the public areas, Ferry Terminal and beach.

Articles of Association of the Body Corporate are being prepared to suit local conditions from samples gathered from other such developments and form the basis of the management maintenance responsibilities.

Levies on Land and Marina owners would pay all matters concerning central and marine related functions and will also be responsible for acting on behalf of the Darwin Marina Estate residents and users.

Local and statutory authorities would take a normal role regarding health and safety matters.

3.2 DREDGING EFFECTS - SANDBAR AND CULLEN BAY

The dredging of the sand bar will be conducted using a cutter suction dredge delivering sand direct to the new beach development by pipeline. At least some of that pipeline will be submerged to allow boating traffic to continue to use the channel on the shore side of the bar.

Given to the relatively coarse nature of the sandbar material, the turbidity caused by dredging is expected to be very small. Sand will be pumped direct to the beach where it will be temporarily bunded to inhibit the loss of any fine material. Turbidity as a result of dredging will be monitored as part of the contractors responsibility to disallow public inconvenience or permanent damage and it should be significantly less than occurs naturally in Darwin harbour during the wet season.

The effectiveness of the sand bar as a barrier to cyclone wave attack is determined by its height and width. The material to be removed from the bar will be taken as a relatively thin slive from the seaward edge. The height of the bar will therefore be unaffected. The width of the bar remaining after dredging will still be approximately 1.5 times the wavelength of the cyclone waves. One wavelength is sufficient to cause the larger waves to break prior to reaching the development structures.

The new beach is to be placed by hydraulic means and so its initial relative density will be high. The beach will then be reshaped by mechanical means which will loosen the surface layer. With wave and tidal action that upper surface will quite quickly recompact.

There can be expected to be some redistribution of the beach as a result of wave action over the initial 12 months or so. An excess of fill will be placed on the beach in the first instance to allow for that natural reshaping. No replenishment is therefore expected to be required in the short term.

The public beach area would be vested in the local authority upon development completion for maintenance and control with any re-dredging needs being undertaken as per 3.5.

3.3 WATER QUALITY CRITERIA

Further to authorities recommendation, liaison between the developer and the Water Resources Group of the N.T. Water Authority has taken place. An initial 3 monthly sampling programme for the first year and subsequently 6 monthly samplings for required water valve standards will be established and documented as a part of the development lease agreement. Monitoring would be undertaken by the Darwin Marina Estate's Marina Master and analysis reporting by a commercial company such as Amdel-N.T. or a similar known and acceptable company recognized by the statutory authority.

3.4 COST TO N.T. GOVERNMENT

Initial Head Works

The project is considered as a normal subdivision requiring services of roads, telephone, sewerage, water reticulation, and electricity all to be provided and in place by the completion time of the Marina civil works estimated by October 1988 The Developer would provide all internal services whilst the N.T. Government would provide services up to the boundary of the site. Cost of services would be met in the established manner with the various authorities collecting rates and charges etc.

Ongoing marina maintenance and service costs as proposed in 3.1 would be a condition of purchase by individual land and unit holders and subject to the joint management fund of the Marina's Body Corporate. Internal reticulation services would be considered to be vested in the various authorities on developments completion after an agreed defects liability period.

3.5. DREDGING RETURN PERIOD

The extent of maintenance dredging which will be required is difficult to estimate, an attempt has been made by analysis of the samples taken during the study period.

Based on the analysis undertaken and confirmed by the historical evidence of two similar harbours in Darwin it is possible to be reasonably confident that siltation and maintenance dredging will not be a significant operational or financial problem.

It is recommended that the situation be monitored for a period following construction.

A schedule to cover possible dredging return or silting up responsibilities should be discussed and incorporated within the development lease setting out say:

To year 2	100%	Developers/Body Corporate Fund
Year 2 to 4	80%	Developers/Body Corporate
	20%	government
Year 4 to 6	50%	Developers/Body Corporate
	50%	government
Year 6 to 8	25%	Developers/Body Corporate
	75%	government
Year 8 onwards	100%	government

3.6 CULLEN BAY MARINE FAUNA

On the proponents research into the seabed fauna it was shown to be tidal mud flats of little significance. The immediate area close to Darwin has many such mud flats and the reconstruction of Cullen Bay was felt not to be a loss to the ecology of the region. The fauna replacement type would be different as Cullen Bay will no longer be subject to complete tidal movement and drying up.

3.7 EFFECTS OF MANGROVE REMOVAL

In this instance the 1.3 Ha area involved compared with Darwin Harbour's 26,000 Ha renders the Cullen Bay mangroves' contribution to productivity, atmospheric gas exchange and fish habitat insignificant in the regional context : the further important mangrove function of shore line stabilizer will have no relevance to the developed shore line of the final marina. It should be mentioned that one positive benefit, noted by the Department of Health, will be a reduction in the number of biting midges in the bay environs.

Refer to E.I.S. Vol. 2 Figure 1.4 to show the size and location of mangrove cluster.

(= fig 2.1 in Voss 87 doc)

3.8 BEACH REPLENISHMENT

The beach sand will be placed hydraulically and therefore will be well compacted at the time of placement. Apart from the surface which will have been re-worked there should be no "settling in" period required.

Beaches are by their nature dynamic. They can be expected to rotate during seasons as the predominant wave directions chance and sand will move offshore during storms and then gradually back onshore during periods of mild wave climate.

Traditionally the extent of changes in beach alignment in Darwin has been small and dominated generally by cyclonic events. The new beach will be contained between headlands to accommodate the seasonal rotations. Material may be lost from the beach when severe storms take sand offshore into the influence of the strong tidal streams which can then remove it from the system.

The beach will be designed to minimize such loss although it would be imprudent to assume that beach replenishment will not be required from time to time. All the evidence available suggests that replenishment will be small but it is not possible to quantify it, at this stage.

It is recommended that beach profiles be monitored over a period of years and beach replenishment be covered by the maintenance fund discussed in Section 3.5.

3.9 NAVIGATION AIDS

The proponents acknowledge that the provision of navigation aids to enter the Marina are the responsibility of the proponent. This would include their installation and maintenance.

Advice will be sought from the Port Authority on the type and positioning of all navigation aids and the following may be required:

- Entry Lights
- Lead Light
- Electronic Navigation Aids

4.1 CONSTRUCTION EFFECTS

Sea level rise as a result of the greenhouse effect is still very much an unknown quantity. There are two conferences planned in early December 1987 at which sea level rise will be discussed. One is sponsored by the CSIRO to be held in Melbourne and the other sponsored by the Institution of Engineers in Launceston.

Following those two conferences the Institution of Engineers' National Committee on Coastal and Ocean Engineering will be preparing a position statement on the matter. One of the Directors of Riedel & Byrne is on that committee and will be involved in its preparation. The developers have addressed the phenomenon as it is known today and planning to this point is for road and building blocks only. It must be noted any proposed residential construction will be subject to building codes on the day of issue.

In the event if the potential greenhouse phenomenon does occur, the high range of Darwin's tide and significant build-up of finished levels to reclaimed ground would reduce the return period.

The present statement that the sea level may rise between 200 mm and 1500 mm is a very broad and generally an unqualified expression.

Sea levels have risen some 200 mm over the past century and the accelerated rise in level over the next 30 to 50 years appear optimistic and debatable.

At this stage it is expected that allowance for such a sea level rise can be accommodated by the development.

4.2 ENGINEERING/GEOLOGICAL STUDIES

A detailed site investigation programme enclosed has been prepared and this will be initiated once project approval has be given. The programme has been designed to identify the different types of material and establish their properties.

A large quantity of fill is required for this project. At this stage it has been assumed that all material to be dredged will be able to be accommodated within the development, although in some areas it will need to be mixed with good quality engineering fill.

The following are the initial assumptions on fill/excavation requirements.

Material	Origin	Fill Location	Quantity m3
Sand/Silt/Mud	Marina	Reclamation	350,000
	Outer Harbour	Reclamation	130,000
	Channel	Reclamation	40,000
Phylite	Outer Harbour	Reclamation	130,000
	Channel	Reclamation	100,000
Fill	Imported	Reclamation	180,000
		Beach Station	100,000
Impermeable Core	Imported	Beach Section	100,000

It is anticipated that the final design will be modified as required following the detailed Engineering and Geological studies to accommodate all excavated material in the project and to minimize the quantities of imported fill.

Drilling and Sampling

We propose to sample the surface soils and underlying phyllite by drilling five boreholes from a support barge at the locations shown on Figure 1. The boreholes would be drilled to nominal depths of 10m (2) and 15m (3). Undisturbed sampling of the surface soils in the boreholes would be carried out at approximate intervals of 1.5m. Coring of the underlying phyllite material would be carried out using reverse circulation techniques and a triple tube core barrel.

Coring of the phyllite may be restricted to locations and periods of low tide when the support barge is sitting directly on the sea bed as only minor movement of the drillrig during coring operations could cause significant problems.

Probing

Probing in combination with in situ vane shear testing and possible sampling would be carried out at up to twelve locations as shown on Figure 1. These investigations would either be carried out from the barge or from the exposed sea bed at low tide. Probing would be carried out to define the depth of the loose/soft surface sediments and would supplement the dynamic cone penetrometer probes performed during the preliminary investigation. In situ vane shear tests would provide field shear strengths of any cohesive materials present and supplementary sampling for disturbed and undisturbed samples may also be carried out.

LABORATORY TESTING

Laboratory testing on the range of materials likely to be sampled would comprise classification tests to confirm visual classifications, and strength and consolidation testing of the surface soils and underlying clays for evaluation of the engineering properties of these materials. In addition, unconfined compressive strength tests would be carried out on the phyllite material to determine strength characteristics and variability.

4.4 CONSTRUCTION PHASE - TURBIDITY LEVELS

Ref: 3.2 for Monitoring and Action. The fine material to be dredged from the outer harbour will result in increased turbidity. It is not expected to be significantly more severe than occurs naturally during the wet season.

The current measurement programme undertaken for this project indicates that for both ebb and flood tides there is a flow out of Cullen and Fannie Bay between the sand bar and Emery Point. This means that under most conditions any material in suspension will flow out into the main channel and away from Mindil and Vesteys Beaches and East Point Reef. Refer to the current measurement at location 6 (outer harbour location) on Figure 2.4 in Volume 2 of the E.I.S.

4.6 CONSTRUCTION PHASE DISRUPTION

Significant material will be moved in the first 6-8 months. If construction can start in late 1987 the wet season would keep dust down.

After 12 months of construction the major civil component will be over.

It is also worth reiterating that all heavy construction machinery will be fixed on site as there is no need to operate off site.

The civil construction inconvenience level is therefore not much greater than 12 months. Beyond that time normal building construction would prevail.

Also at that time it would be expected that the Marina basin is in operation as well as the first stage of the Ferry Terminal.

Refer 2.6 Development Phases for projected construction times and residential public relations policy.

5.1 ABORIGINAL EFFECTS

Discussion with Directors of the Sacred Sites Council and letters outlining these negotiations are enclosed and self-explanatory.

ENVIRONMENT UNIT

ABORIGINAL SACRED SITES AUTHORITY

(089) 81 4700
G.P.O. BOX 1890, DARWIN 5794

80/24

28th February, 1986

Secretary
Northern Territory Planning Authority
G.P.O. Box 1680
DARWIN N.T. 5794

Dear Madam,

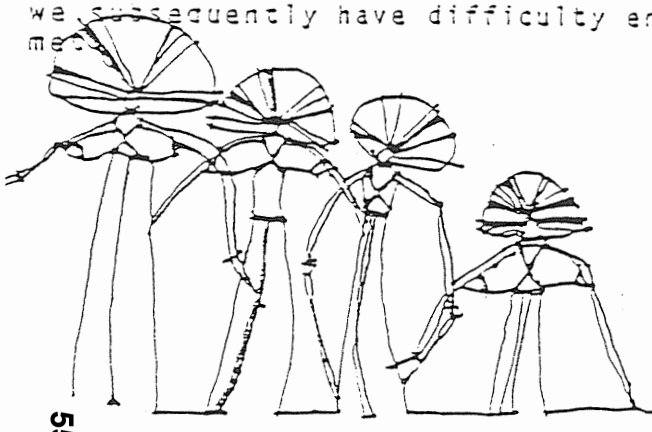
PROPOSED REZONING OF CULLEN BAY
HANS VOS PLANNING CONSULTANTS PTY LIMITED

Thank you for your letter of 27th February, 1986 inviting this Authority to be representated at a public hearing to be held at the Darwin City Council Chambers in Harry Chan Avenue at 9.30 am on 6th March, 1986.

I regret that I will not be able to attend this meeting as the timing conflicts with other commitments. Since writing to you with respect to my objections I have had the opportunity to discuss the proposed plans of Mr. Hans Vos in some detail with him.

I enclose for your information a letter received by this Authority from Mr. Vos relating to those discussions. I can advise that if the changes identified in Mr. Vos' letter are reflected by amendments to the Draft Planning Instruments D232 and D233 this Authority will have no objection to the proposed Marina and Condominium Development.

Until these matters are addressed and result in changes to the plans as currently before the Planning Authority however, our objections remain. It has been our experience in situations where developers have agreed to changes that unless those changes are actually recorded in the official documents of approval that we subsequently have difficulty ensuring that the commitments are met.



In this case it appears the applicant had failed to carry out the necessary priliminary investigations and negotiations prior to placing before the Planning Authority the applications for Draft Planning Instruments.

In the circumstances, therefore, I reiterate that this Authority would have no objection to the proposals once the amendments are effected in the draft plans and shown clearly as the actual applications made to the Planning Authority.

Yours faithfully,

R.W. ELLIS
Director

HANS VOS planning consultants pty ltd

JCV:GB:8527

21st February, 1986

G.P.O. Box 1641
Tel (089) 81 9222

The Director,
Aboriginal Sacred Sites Authority,
G.P.O. Box 1890,
DARWIN. N.T. 5794

Attention: Mr. Bob Ellis

Dear Sir,

RE: DARWIN MARINA ESTATE

Further to our discussions of 21st February, 1986, I would like to confirm the following.

1. The island identified in the existing creek and stormwater outfall between the Casino and Myilly Point shows a roadway across that site on our development drawings.

   The road link is now no longer required and will therefore be removed from any future documentation. It may be possible that a future pedestrian link is provided across the creek and if this occurs, we will consult with you to ensure that the location of such a road will not infringe on any sacred sites.

2. The area adjacent the Larrakeyah Military base will not be used or affected by the proposed development.

   All the intended development will be on reclaimed land.

   The face of the cliff will not be disturbed in any way either by removing of vegetation or mining of the face.

   It is the Developer's intention to create an easement along the cliff face which will be endorsed on the subsequent titles of the land prohibiting such disturbances.

   At the entrance to Larrakeyah point there will be some dredging of the sea bed to create a deeper harbour entrance. This again will not affect the cliff face and its vegetation.

I have enclosed a reduced copy of our drawing which identifies the areas raised in this letter.

I trust this is sufficient information for the Authority to consider its interests in this proposal.

Yours faithfully,

HANS VOS

OFFICES: Suite 6, 17 Lindsay Street, Darwin, N.T. 5790

6.1 GOVERNMENT RESPONSIBILITIES

An overview can be obtained from 3.1 and 3.4 in this response.

6.2 FUNDING AND COMPLETION OF PROJECT

The capital cost and risk is undertaken by the developers with Government outlay being on a progress payment/work related base. The funding method is to be the developer's prerogative.

6.3 ALTERNATIVE SITES

This matter has been previously addressed and it is understood that public and proponent acceptance is now in place for this site. The strength of demand and reaction from the people of Darwin regarding the quality of life style offered within the Marina development is such that all the residential blocks and a large percentage of boating facilities have commitment of purchases against them. The importance of this tourist facility adds a further range of services much needed to Darwin's infrastructure.

6.4 DRAINAGE OF KAHLIN OVAL

The proprietors will undertake to cover any standard local authority drainage requirements for Kahlin oval.

6.5 HOTEL REZONING

A formal application has been lodged with the respective authorities.

Date Registered: 02/04/2026 **Volume** 905 **Folio** 834

Duplicate Certificate as to Title issued? No

SEARCH CERTIFICATE

Lot 5817 Town of Darwin from plan(s) S 93/320D
Area under title is 1750 square metres



Registered Date	Dealing Number	Description
		Previous title is **Volume** 894 **Folio** 531
11/06/1998	400898	Light & air easement granted over Lot 6690
24/02/1994	303607	Encumbrance Cullen Bay Marina Management Corporation
27/01/1994	301864	Easement of Support - section 13A of The Cullen Bay Marina Act
28/01/1994	301794	Caution Notice - Land Fill Site
20/01/1994	301459	Lot entitlement for Lot 5817 Town of Darwin is 74 of 9999 for the purpose of the Cullen Bay Marina Act
01/04/1992	262382	Encumbrance Commonwealth of Australia part of the land Plan S93/320D

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 05817 Town of Darwin plan(s) S 93/320D

(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 905 834 (order 1)

Tenure Type
ESTATE IN FEE SIMPLE

Tenure Status
Current

Area Under Title
1750 square metres

Owners
[redacted]

Easements
(none found)

Scheme Name
(none found)

Scheme Body Corporate Name
(none found)

Reserved Name(s)
(none found)

Unit Entitlements
(none found)

Transfers
02/04/2026 for $2,300,000 (Nil GST)
06/11/2023 for $3,250,000 (Nil GST)
27/05/2020 for $1,850,000 (Nil GST)
28/11/2005 for $1,600,000
27/01/2005 for $1,200,000
24/02/1994 for $356,400

Tenure Comments
(none found)

Historic Titles
CUFT 894 531 (order 1)
CUFT 892 087 (order 1)
CUFT 877 028 (order 1)
CUFT 840 133 (order 1)
CUFT 839 468 (order 1)
CUFT 693 353 (order 1)
CUFT 693 352 (order 1)
CUFT 693 351 (order 1)
CUFT 683 021 (order 1)
CUFT 668 131 (order 1)
CUFT 591 165 (order 1)
CUFT 351 087 (order 1)
CUFT 346 050 (order 1)
Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5346)

Address
98 CULLEN BAY CRES, LARRAKEYAH

Survey Plan
S 93/320D

Survey Status
Approved

Parcel Status
CURRENT

Parcel Area
1750 square metres

Map Reference
Code 200 Scale 2500 Sheet 28.22

Parent Parcels
(none found)

Parcel Comments
(none found)

Survey Comments
SUBDIVISION OF LOT 5647 - CULLEN BAY.

Proposed Easements
(none found)

Local Government Area
DARWIN MUNICIPALITY

Region
DARWIN

Custodian - Valuer General (+61 8 8995 5375)

Owner's Last Known Address
[redacted]

Parcels in Valuation
Lot 05817 Town of Darwin

Unimproved Capital Value
$1,600,000 on 01/07/2023
$1,225,000 on 01/07/2020
$1,300,000 on 01/07/2017
$1,500,000 on 01/07/2014
$1,500,000 on 01/07/2011
$1,500,000 on 01/07/2008
$682,000 on 01/07/2005
$381,000 on 01/07/2002
$362,000 on 01/07/1999
$340,000 on 01/07/1996
$350,000 on 01/07/1993
$320,000 on 01/01/1991

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:	7 of 7
Description:	SHADE
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Non-habitable building
Area:	0 square metres
Certification:	Non-habitable building - Full Code - *issued on* 1998-06-12 00:00:00.0

Application Number:	6 of 7
Description:	SHADE
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Non-habitable building
Area:	0 square metres
Certification:	Non-habitable building - Full Code - *issued on* 1996-05-28 00:00:00.0

Application Number:	5 of 7
Description:	WALL
Number of Residential Units:	0
Australian Bureau of Statistics Type:	Semi-detached town house of two storeys
Building Class:	Single Dwelling
Area:	0 square metres
Certification:	Single Dwelling - Full Code - *issued on* 1996-11-20 00:00:00.0

Application Number:	4 of 7
Description:	RETAINING WALL
Number of Residential Units:	0
Australian Bureau of Statistics Type:	(none found)
Building Class:	Structure (Fence, Mast)
Area:	0 square metres
Certification:	Structure (Fence, Mast) - Full Code - *issued on* 1995-02-22 00:00:00.0

Application Number:	1 of 7
Description:	DWELLING
Number of Residential Units:	1
Australian Bureau of Statistics Type:	(none found)
Building Class:	Single Dwelling
Area:	250 square metres
Certification:	Single Dwelling - Full Code - *issued on* 1995-02-22 00:00:00.0

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

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

Planning Scheme Zone
LR (Low Density Residential)

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
Varied Setback Requirements (NTPA Darwin Policy No. 5 applies). Contact Lands Planning on 8999 6046.

Planning Applications

File Number
PA1994/0321

Type
Development

Date Received
09/05/1994

Application Purpose
SPLIT LEVEL DETACHED DWELLING OVER 7 METRES

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
10/06/1994

Instrument Number
DP94/0055

Instrument Issued
Signed

Instrument Status

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	3
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

Pool Certified to Modified Australian Standard (MAS)

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
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



Submission to the Development Consent Authority
Reference: PA2026/0094

Location: Lot 05818 (96) Cullen Bay Crescent, Larrakeyah

Objector: Planning Action Network Inc. (PLan)

1. PLan’s Opinion on Planning Merit vs. Personal Circumstance
It is PLan’s opinion that the applicant’s primary justification for the requested variations relies on a misinterpretation of "Planning Merit." The report cites the current "organic" living arrangements of a multi-generational family (eight to ten adults) as a driver for the design.

In PLan’s view, this represents a transient personal circumstance rather than a permanent planning merit. Decisions made by the DCA "run with the land"; it is PLan’s position that a reduction in setbacks should not be granted to accommodate a temporary peak in occupancy, as the resulting impact on streetscape and density will persist long after the current residency. Furthermore, PLan infers that emphasizing ten adults in a Zone LR setting may indicate an over-utilization of the site, likely leading to the adverse amenity impacts the Scheme is designed to prevent.

2. Statutory Hierarchy: The Status of "Policy 3"
Regarding the reliance on the Cullen Bay Management Authority (CBMA) "Policy 3," PLan’s interpretation of the statutory framework is as follows:
The CBMA is a management body established under the Cullen Bay Marina Act; it is not a statutory planning authority. PLan notes that the applicant explicitly acknowledges Policy 3 is not included in Schedule 9 of the NTPS 2020. Therefore, PLan infers that the "off-ramp" provided by sub-clause 6(b) is not legally available.

It is PLan’s opinion that any "understanding" with Development Assessment Services (DAS) lacks statutory weight if it is not reflected in the gazetted Scheme. PLan maintains that the DCA must prioritize the statutory protections of the NTPS 2020 over the internal preferences of a private corporation.

3. Self-Created Planning Hardship
It is PLan’s view that the proposed setback variations represent a "self-created" hardship. The applicant has chosen to decommission existing, compliant parking space for discretionary "hobby" use, which then creates the "necessity" for a new structure to encroach on the boundaries.

PLan infers that granting variations to facilitate the internal expansion of a dwelling at the expense of the public streetscape is inconsistent with sound planning principles. The need for the new garage only exists because of a private choice to reconfigure compliant infrastructure; PLan’s opinion is that this does not constitute a valid basis for a variation.

4. Risk of Intensification and "Ghost Bedrooms"
Based on the provided plans, PLan identifies a high risk of unauthorized intensification of use. With a household already exceeding ten adults, PLan infers

that the conversion of the garage into a "hobby/gym" space creates functional "ghost bedrooms."

Furthermore, PLan's opinion is that the reconfiguration of internal pedestrian circulation appears designed to facilitate a level of independent living inconsistent with a "Single Dwelling." PLan suggests the DCA should require a floor plan that demonstrates how the site will remain a single-family home and not a de facto boarding house.

5. Opinion on Local Precedent and Parking
PLan rejects the applicant's attempt to justify the proposal by documenting "similar setback variations" in the locality. It is PLan's position that previous planning variations or older builds do not constitute merit for a 2026 application under the NTPS 2020.

Regarding parking, PLan infers that the claim of "sufficient" parking (2 spaces for 10 adults) is a logical fallacy. It is PLan's opinion that decommissioning the original garage while maintaining high occupancy will inevitably displace vehicles onto the street, directly contradicting the purpose of Clause 5.2.4.1.

6. Subjective Mitigation and Public Interest
PLan infers that the applicant is attempting to substitute private agreements (neighbor consent) and temporary aesthetic treatments (creeping vines/paint) for statutory compliance. It is PLan's opinion that a neighbor's choice of wall color is not a valid planning consideration.

Finally, PLan views the claim that the development "stimulates economic activity" as a baseless planning argument. PLan maintains that the public interest is best served by upholding the integrity of the NTPS 2020, ensuring that the unique character of Cullen Bay is not eroded for the sake of private interest.

Closing Statement
This submission is made in good faith by the Planning Action Network Inc. (PLan) in accordance with its objects to promote transparency, community involvement, and adherence to the Northern Territory Planning Scheme. The opinions expressed herein are based on a review of the public application and the statutory documents currently in effect.

Supplementary submission in relation to Australian Standard AS5139:2019 – Installation of Battery Energy Storage Systems

Installation requirements (restricted locations)

1. Section 4.2.2.2 of the Standard requires that a pre-assembled integrated BESS shall not be installed:

   a. within 600 mm of any vertical side of–

      i. a window that ventilates a habitable room; or

      ii. building ventilation that ventilates a habitable room.

Figure 4.1C — Clearance from restricted locations — Front view

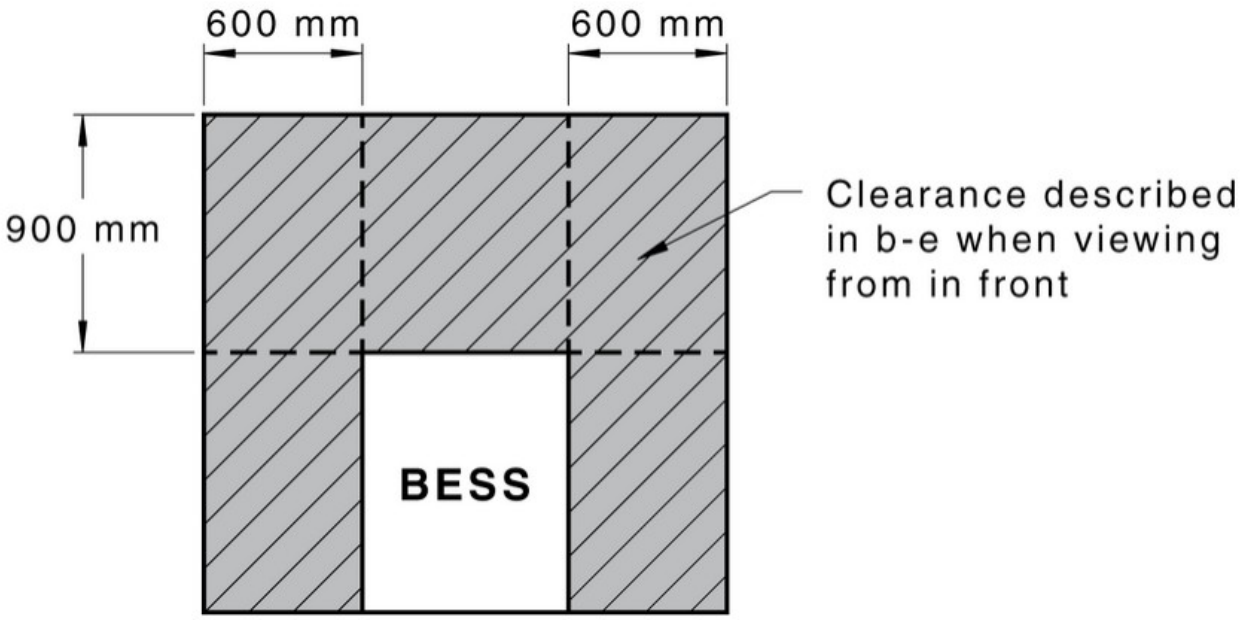


Diagram from section 4.2.2.2 of AS5139:2019

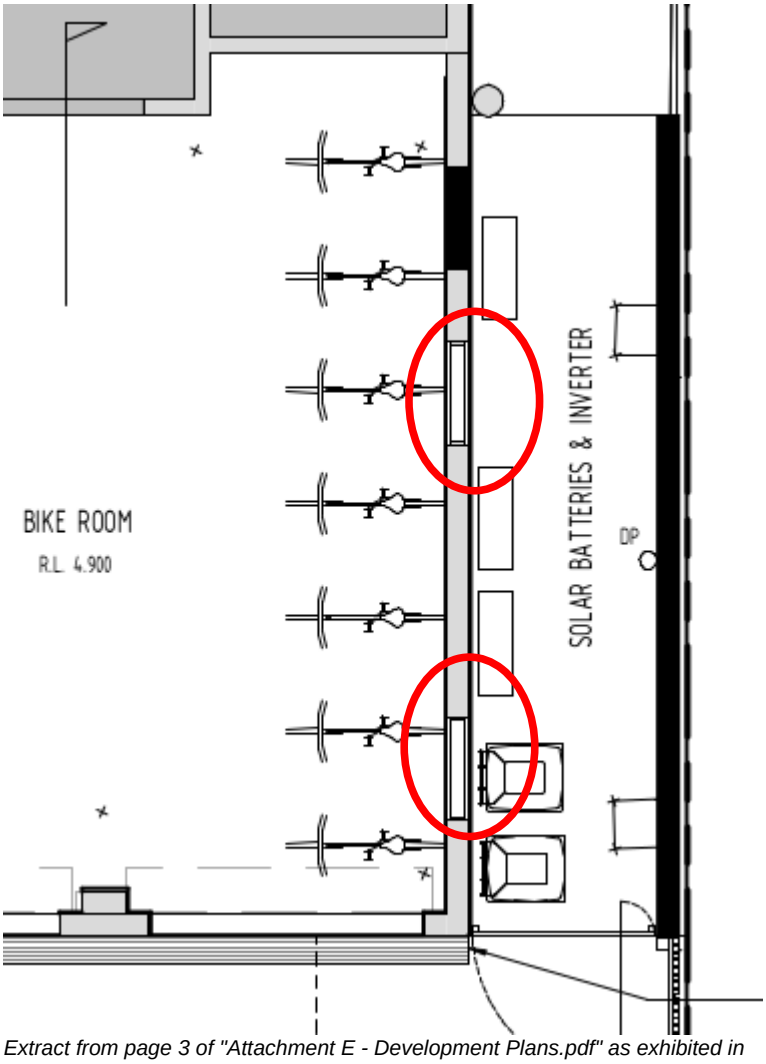
2. Section 1.3.42 of the Standard defines ‘habitable room’ as follows:

   room associated with a domestic or residential electrical installation used for normal living activities.

   Note 1 to entry: For example, a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom.

3. The bike room/gymnasium is a habitable room within the meaning of the Standard.

4. There are louvre banks located within approximately 170 mm of the two proposed BESS locations:



Extract from page 3 of "Attachment E - Development Plans.pdf" as exhibited in PA2026/0094 with disqualifying windows circled in red

Installation requirements (enviromental factors)

5. Section 4.2.1 requires that a risk assessment be carried out to identify all hazards prior to the installation of a pre-assembled integrated BESS, and section 4.2.2.1 requires that pre-assembled integrated BESSs shall be protected from mechanical damage, environmental and other external influences.

6. The proximity of the site to the saltwater basin of Cullen Bay Marina results in a heightened level of corrosion due to sodium chloride and other typical oceanwater salts present in the air.

7. The saltwater effect and the risk of fire propagation (e.g. in the event of a component failure due to corrosion or other environmental degredation) is only exacerbated by the increased wind pressure resulting from the sheer eastern face

of the proposed new structure, which will capture and funnel south-easterly winds along what was already a reduced aperture (i.e. ‘wind tunnel’).

8. Section 4.2.3.2 requires that a pre-assembled integrated BESS installed outside have a minimum ingress protection (IP) rating of IP23, or more if required by the environmental conditions.

9. The ingress protection (IP) rating of the proposed BESSs is unknown.

Protection against spread of fire

10. Section 4.2.4.2 requires that, where a pre-assembled integrated BESS is mounted on or placed against or near a surface of a wall or structure that has a habitable room on the other side:

    a. the wall or structure shall be a suitably non-combustible barrier; or

    b. a non-combustible barrier shall be placed between the pre-assembled integrated BESS and the surface of a wall or structure;

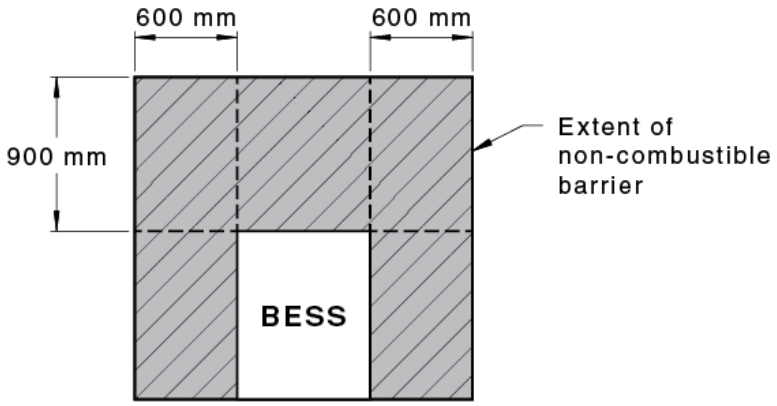
    and

    c. the barrier shall extend 600 mm beyond the vertical sides of the BESS;

    and

    d. the material shall have no vents or perforations within the zone required to be covered by the barrier.

Figure 4.2 — Barrier zones for pre-assembled integrated BESS installed on or near a habitable room facing wall



11. The combustibility of the barrier material between the proposed BESSs and the bike room/gymnasium is unknown.

12. The louvre banks are disqualifying perforations within the zone required to be covered by the barrier.

ERIC WITHNALL
17 April 2026

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Reference: PA2026/0094

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