

PART 4

6.0 GENERAL PERFORMANCE CRITERIA

6.1 GENERAL HEIGHT CONTROL

1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.
2. This clause does not apply within Zone TCJ or to **education establishments** or **hospitals** within Zone CPJ.
3. The height of any point of a building is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
4. Unless expressly provided by this Town Plan, the height of any part of a building is not to exceed 8.5m above the ground, unless it is:
 - (a) a flag pole, aerial or antenna; or
 - (b) for the housing of equipment relating to the operation of a lift.

Clause 7.1 controls the height of **dwelling**s in Zones RJ and CJ.

A topographical survey may be required to accurately determine ground level

6.2 PLOT RATIOS

1. The purpose of this clause is to provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.
2. Development of **sites** within Zones CJ, SCJ or TCJ should not exceed a **plot ratio** of 1.
3. Sub-clause 2 does not apply to a **residential building** development other than a **hostel**.

Clause 7.1 controls the height of **dwelling**s in Zones RJ and CJ.

6.3 VEHICLE PARKING

6.3.1 Parking Requirements

1. The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a **site**.
2. Subject to clause 6.3.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of **car parking spaces** (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2.
3. If a proposed use or development which is not listed in the table to this clause requires **consent**, the number of **car parking spaces** required for that use or development is to be determined by the consent authority.
4. A **car parking area** is to be designed in accordance with clause 6.3.3 except where the car parking is required in association with a **single dwelling** and an **independent unit**.

NT building legislation may require compliance with the Building Code of Australia for the provision of disabled car parks

TABLE TO CLAUSE 6.3.1	
COLUMN 1	COLUMN 2
Use or Development	Minimum Number of Car Parking Spaces Required
caravan park	1.1 for every caravan , cabin, mobile home or tent site
caretaker's residence	1
child care centre	1 for every employee <u>plus</u> 1 for every 20 children
community centre	5 for every 100m ² of net floor area
education establishment	For a primary or secondary school: 1 for every classroom <u>plus</u> 2 additional spaces <u>plus</u> an area for setting down and picking up passengers For a tertiary education establishment : 1 for every classroom <u>plus</u> 1 for every 6 students <u>plus</u> 2 additional spaces For a kindergarten: see child care centre For other education establishments : 2 for every 100m ² of net floor area
home based visitor accommodation	1 for every guest room <u>plus</u> 2 for the dwelling
hospital	1 for every 4 patient beds <u>plus</u> 4 for every 100m ² of floor area used for administrative purposes <u>plus</u> for a medical clinic 4 for every consulting room
hostel	1 for every 5 persons <u>plus</u> 1 for every staff member <u>plus</u> 1
hotel	16 for every 100m ² of floor area used as a lounge bar or beer garden <u>plus</u> 50 for every 100m ² of floor area used as a bar <u>plus</u> 10 for a drive-in bottle shop (if any) for cars being served or awaiting service <u>plus</u> 1 for every guest suite or bedroom <u>plus</u> 3 for every 100m ² used for dining
independent unit	1 per bedroom to a maximum of 2

TABLE TO CLAUSE 6.3.1	
COLUMN 1	COLUMN 2
Use or Development	Minimum Number of Car Parking Spaces Required
leisure and recreation	Indoor spectator facilities including cinema or theatre 1 for every 4 seats Racquet court games 4 for every court <u>plus</u> For indoor spectator facilities (if any) 1 for every 4 seats Lawn bowls 20 spaces per green Golf course 4 per hole <u>plus</u> 5 for every 100m ² of floor area used as a club house otherwise than specified above, 10 for every 100m of floor area <u>plus</u> requirement for indoor spectator facilities (if any) 1 for every 4 seats
licensed club	10 for every 100m ² of floor area used as a lounge area or beer garden <u>plus</u> 20 for every 100m ² of floor area used as a bar <u>plus</u> 3 for every 100m ² of floor area used for dining
light industry	2 for every 100m ² of floor area other than offices <u>plus</u> 4 for every 100m ² of floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage
medical clinic	4 for every consulting room
medical consulting rooms	3 for every consulting room <u>plus</u> 1 additional space (in addition to the 2 spaces required for the dwelling)
motel	1 for every guest suite or bedroom <u>plus</u> 16 for every 100m ² of floor area used as a lounge bar or beer garden <u>plus</u> 3 for every 100m ² of floor area used for dining
motor body works	6 for every 100m ² of floor area
motor repair station	6 for every 100m ² of floor area
multiple dwellings	2 per dwelling
office (not elsewhere referred to in this table)	2.5 for every 100m ² of net floor area
passenger terminal	5 for every 100m ² of net floor area or as many car spaces as can be provided on 25% of the site area whichever results in the greater number of spaces (calculated exclusive of areas used for taxi stands or bus loading purposes)
place of worship	5 for every 100m ² of net floor area
recycling depot	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage

TABLE TO CLAUSE 6.3.1	
COLUMN 1	COLUMN 2
Use or Development	Minimum Number of Car Parking Spaces Required
restaurant	6 for every 100m ² of net floor area and any alfresco dining areas <u>plus</u> 10 for drive-through (if any) for cars being served or awaiting service
service station	2 for every 100m ² of net floor area or 5 whichever is the greater (not including parking serving bowsters)
serviced apartments	1 for every dwelling <u>plus</u> 3 for every 100m ² of net floor area not within a dwelling
shop	6 for every 100m ² of net floor area
showroom sales	4 for every 100m ² of net floor area <u>plus</u> 1 for every 250m ² used as outdoor storage
single dwelling	2
supporting accommodation	1 for every 4 beds <u>plus</u> 4 for every 100m ² of net floor area used for administrative purposes
transport terminal	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 200m ² used as outdoor storage
vehicle sales and hire	4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 200m ² used for vehicle display
veterinary clinic	4 for every 100m ² of net floor area
warehouse	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage

6.3.2 Reduction in Parking Requirements

1. The purpose of this clause is to provide for a use or development with fewer **car parking spaces** than required by clause 6.3.1.
2. The consent authority may approve a use or development with fewer **car parking spaces** than required by clause 6.3.1 if it is satisfied that a reduction is appropriate for the use or development, having considered all the following matters:
 - (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; or
 - (b) the provision of **car parking spaces** in the vicinity of the land.

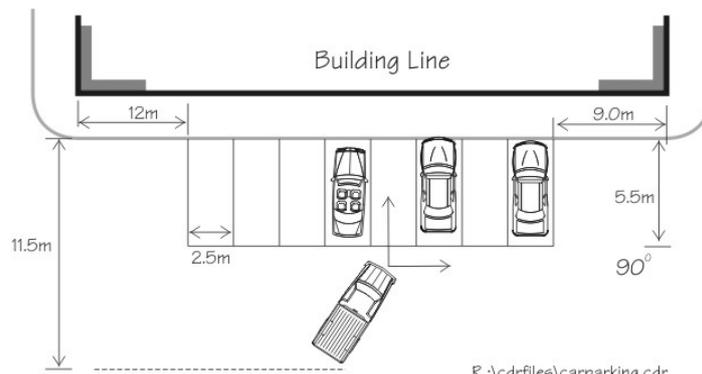
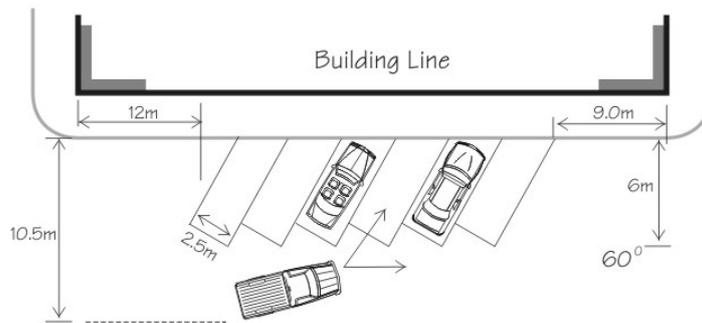
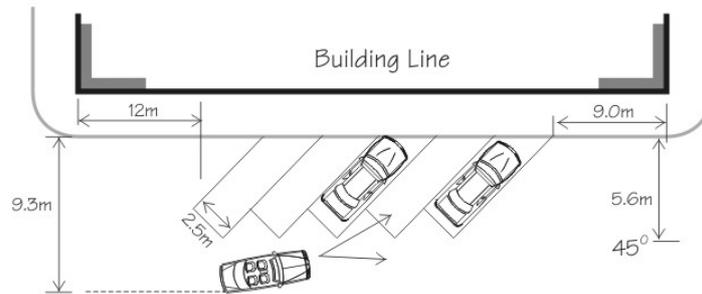
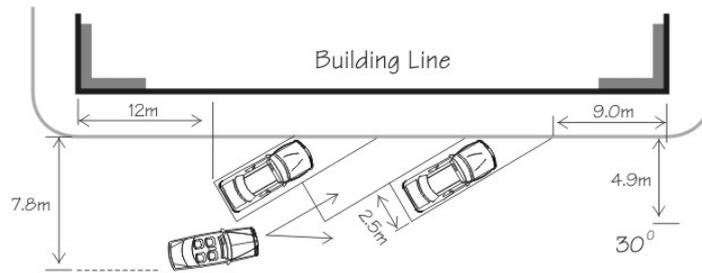
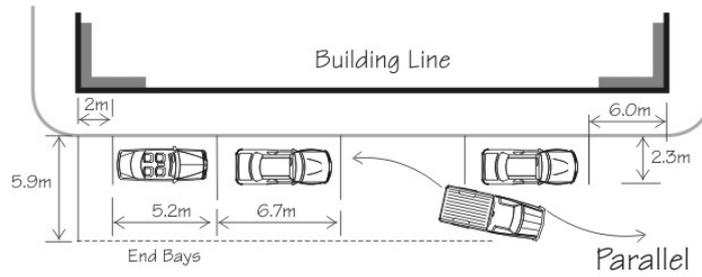
6.3.3 Parking Layout

1. The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.
2. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.
3. A **car parking area** is to:
 - (a) be of a suitable gradient for safe and convenient parking;
 - (b) be sealed and well drained;
 - (c) be functional and provide separate access to every **car parking space**;
 - (d) limit the number of access points to the road;
 - (e) allow a vehicle to enter from and exit to a road in a forward gear;
 - (f) maximise sight lines for drivers entering or exiting the **car parking area**;
 - (g) be not less than 3m from a road, and the area between the **car parking area** and the road is to be landscaped with **approved plant species** designed to lessen the visual impact of the **car parking area**;
 - (h) be in accordance with the dimensions set out in the diagram to this clause;
 - (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one way traffic flow;
 - (j) be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space; and
 - (k) incorporate oil/ water separator units where the **car parking area** has a designed capacity of 50 or more vehicles.

NT building legislation may require compliance with the Building Code of Australia for the provision of disabled car parks.

Clause 6.7 refers to landscaping and plant related use and development.

Carparking



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6.3.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to ensure that vehicle access driveways and on-site parking spaces for **single dwellings** on lots less than 600m² and not less than 300m² do not unduly reduce the amenity of a public road or the availability of kerbside vehicle parking in the public road.
2. The on-site parking and its vehicle access from the public road shall be located to ensure that the lot's street frontage has a minimum continuous length of 6.5 metres without on-site parking or vehicle access within that length.
3. Vehicle access shall be via a single driveway, no wider than 3.5 metres, where required by the table to this clause.

Clause 7.2.3 allows a reduced setback for **single dwellings** on lots less than 600m²

TABLE TO CLAUSE 6.3.4	
Range of Lot Size	Vehicle Access Driveways
300m² to less than 450m²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 13m.
450m² to less than 600m²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 15m.

Clause 10.2.4 refers to subdivision applications and frontage widths for lots less than 600m².

6.4 LOADING BAYS

1. The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.
2. A **general industry, hospital, hotel, licensed club, light industry, motel, office, restaurant, shop, showroom sales, transport terminal or warehouse** use or development on a **site** must provide areas wholly within the **site** for loading and unloading of vehicles at the ratio of:
 - (a) if for a **general industry, hospital, hotel, licensed club, light industry, motel, showroom sales, transport terminal or warehouse** use or development:
 - i. 1 loading bay for a single occupation of a **net floor area** of 10 000m² or less; and
 - ii. 1 loading bay for every 5 000m² of **net floor area** or part thereof in excess of 10 000m²; or
 - (b) if for an **office, restaurant or shop** use or development, 1 loading bay for every 2 000m² of the total **net floor area**.
3. A loading bay is to:
 - (a) be at least 7.5m by 3.5m;
 - (b) have a clearance of at least 4m; and
 - (c) have access that is adequate for its purpose.

6.5 SIGNS

1. The purpose of this clause is to ensure that **business signs** and **promotion signs** on zoned land are of a size and location that minimises detriment to the **amenity** of the area.
2. For the purposes of this clause, **business signs** and **promotion signs** include but are not limited to:
 - (a) signs on a wall or façade;
 - (b) signs erected on poles or pylons that are not part of a building or other structure;
 - (c) illuminated signs; and
 - (d) signs attached to and protruding from a building.
3. The total area of **business signs** or **promotion signs** on a **site** in a zone specified in column 1 of the table to this clause is not to exceed the areas specified opposite in column 2 or if the sign is illuminated, column 3.
4. Illuminated signs are to be no closer than 30m to any residential zone.
5. Signs attached to and protruding from a building are to be at least 2.7m above the ground and are not to extend past the edge of any awning adjacent to a road.

Clause 1.3 1(d) exempts some signs from control under the Town Plan.

TABLE TO CLAUSE 6.5

Column 1	Column 2	Column 3
Zone	Maximum area of signs on a site	Maximum area of illuminated signs on a site
RJ	1m ²	Prohibited
CJ, SCJ, TCJ	The lesser of 25% of any one façade or 20m ²	3m ²
IJ	The lesser of 25% of any one façade or 30m ²	5m ²
PSJ, ORJ, CPJ	5m ²	Prohibited
FDJ	3m ²	Prohibited

6.6 DEMOUNTABLE STRUCTURES

1. The purpose of this clause is to ensure that **demountable structures** do not detract from the visual **amenity** of an area.
2. Placement of a **demountable structure** on:
 - (a) zoned land requires **consent**; and
 - (b) land in Zone SCJ, IJ, PSJ, ORJ and CPJ does not require **consent** if there are no more than two **demountable structures** on the land.
3. **Demountable structures** in:
 - (a) zones other than Zone IJ are to be set back from lot boundaries in accordance with the table to this clause; and
 - (b) Zone IJ are to be set back from lot boundaries in accordance with the table to clause 9.1.1 (Industrial Setbacks).
4. Subject to sub-clause 5, the consent authority may only **consent** to the placement of a **demountable structure** on land if it is satisfied that:
 - (a) there will be landscaping with **approved plant species** or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (b) the **demountable structure** will be visually consistent with adjoining or nearby development.
5. If the consent authority is satisfied that, because of the proposed use and location of a **demountable structure**, it is not necessary that sub-clause 3(a) and (b) apply to the **demountable structure** the consent authority may **consent** to the placement of it on land without being satisfied as to the matters set out in those paragraphs.

Clause 6.7 refers to landscaping and plant related use and development.

TABLE TO CLAUSE 6.6 MINIMUM BUILDING SETBACKS FOR DEMOUNTABLE STRUCTURES

Lot Boundary	In zones other than IJ
Primary street frontage	6m
Secondary street frontage	2.5m
Side and rear lot boundaries	1.5m

6.7 LANDSCAPING AND PLANT RELATED USE AND DEVELOPMENT

1. The purpose of this clause is to ensure that landscaping on a **site** complements and enhances the streetscape, is attractive, water efficient and contributes to a safe environment.
2. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
3. Landscaping should be designed so that:
 - (a) planting is focussed on the area within the street frontage setbacks and communal open space areas and uncovered **car parking areas**;
 - (b) it maximises efficient use of water and is appropriate to the local climate;
 - (c) species used are, wherever possible, native species of local provenance, and in all instances, **approved plant species**;
 - (d) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
 - (e) significant trees and vegetation that contribute to the character and **amenity** of the **site** and the streetscape are retained;
 - (f) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
 - (g) the layout and choice of plants permits surveillance of public and communal areas; and
 - (h) it facilitates on-**site** infiltration of stormwater run-off.
4. The quality and extent of the landscaping **consented** to should be maintained for the life of the development.
5. All landscaping must only use **approved plant species** and otherwise be consistent with the **Commonwealth environmental law**.
6. All use or development on a **site** for a purpose involving the use or cultivation of a plant, including **plant nursery** and **horticulture**, must only use **approved plant species** and otherwise be consistent with the **Commonwealth environmental law**.

The environmental and cultural values of **Kakadu National Park** are specified in, and protected under, the **Commonwealth environmental law**.

An authorisation may be required under the **Commonwealth environmental law** for the bringing of rock, soil, sand, mulch, potting-mix or similar material into **Kakadu National Park**.

The **Commonwealth environmental law** restricts the taking of plants and firewood into, and cultivation of plants within, **Kakadu National Park**.

6.8 RESTRICTIONS ON DEVELOPMENT OF LAND ZONED FDJ

1. The purpose of this clause is to provide for the development and use of land in Zone FDJ (which would typically be urban development) consistent with the intended future use or development of the land pursuant to the approved **Masterplan**.
2. Despite anything to the contrary in this Town Plan, where a development permit has been issued for subdivision of land in Zone FDJ, the consent authority may permit development of that land only if:
 - (a) the development is consistent with the intended ultimate zoning; and
 - (b) services (in particular reticulated services including water and sewerage) are, or can be, made available to that land.

Refer Clause 2.6

Clause 5.9 specifies the FDJ zone purpose and table.

Clauses 6.1 and 7.1 refer to building heights and **dwelling** densities.

Clause 10.1.1 refers to minimum lot sizes in various zones.

Clause 10.1.3 refers to subdivision within Zone FDJ.

6.9 EXCAVATION AND FILL

1. The purpose of this clause is to ensure that the excavation or filling of land:
 - (a) does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas; and
 - (b) is suited to the intended future use of the **site**.
2. The excavation or filling of land, other than that normally required in association with the construction of a building, domestic swimming pool, ornamental pond or the like, requires **consent**.
3. An application for **consent** to excavate or fill land should:
 - (a) demonstrate the suitability of the **site** for the proposed future use;
 - (b) include a hydrological assessment of potential upstream and downstream impacts of the excavation or filling;
 - (c) specify a plan of management to control erosion and sedimentation, particularly of creeks and riparian areas;
 - (d) specify measures to prevent the creation of mosquito breeding areas; and
 - (e) any fill material from outside of **Kakadu National Park** must be consistent with the **Commonwealth environmental law**.

The environmental and cultural values of **Kakadu National Park** are specified in, and protected under, the **Commonwealth environmental law**.

An authorisation may be required under the **Commonwealth environmental law** for the bringing of rock, soil, sand, mulch, potting-mix or similar material into **Kakadu National Park**.

7.0 RESIDENTIAL DEVELOPMENT PERFORMANCE CRITERIA

7.1 RESIDENTIAL DENSITY AND HEIGHT LIMITATIONS

7.1.1 Residential Density Limitations

1. The purpose of this clause is to ensure that residential development is:
 - (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
 - (b) 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.
2. The maximum number of **dwelling**s that may be constructed on a **site** is to be determined in accordance with the tables to this clause.
3. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Town Plan indicates that the density of development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.

Independent units are not to form part of the density calculation for the purposes of Table to Clause 7.1. For clarification on independent units, refer to clause 7.8.4 (Independent Units)

TABLE A TO CLAUSE 7.1 – DWELLING DENSITY IN ZONES RJ AND FDJ	
Zone	Dwelling Density
RJ & FDJ	1 single dwelling per lot and may include an independent unit 1 multiple dwelling per 300m ²

Clause 10.1.2 allows for provision of higher densities of single dwellings within Zone RDJ in green field areas.

Clause 10.1 refers to minimum lot sizes and other associated requirements.

TABLE B TO CLAUSE 7.1 – DWELLING DENSITY IN ZONES CJ & TCJ	
Number of Storeys above Ground Level	Dwelling Density
1	1 per 400m ²
2	1 per 200m ²
3 (maximum)	1 per 133m ²

Clause 7.7 limits residential development at the ground floor level in Zone CJ

7.1.2 Residential Height Limitations

1. The purpose of this clause is to ensure that residential development is of a height that:
 - (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
 - (b) does not unduly overlook adjoining properties.
2. The height of any point of a **residential building** is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
3. The height of a **residential building** that may be constructed on a **site** within zones RJ, TCJ, FDJ and CJ is to be determined in accordance with the table to this clause.

Clause 6.1 limits the height of buildings generally.

A topographical survey may be required to accurately determine ground level.

TABLE TO CLAUSE 7.1.2 – DWELLING HEIGHT AND MAXIMUM NUMBER OF STOREYS IN CERTAIN ZONES

Zone	Maximum Number of Storeys and Maximum Dwelling Height above Ground Level for Residential Buildings
RJ & FDJ	2 – to a maximum height of 8.5m
CJ & TCJ	3 maximum

Clause 7.7 limits residential development on the ground floor in Zone CJ.

7.2 BUILDING SETBACKS OF RESIDENTIAL BUILDINGS AND ANCILLARY STRUCTURES

7.2.1 Building Setbacks of Residential Buildings and Ancillary Structures

1. The purpose of this clause is to ensure **residential buildings** and ancillary structures are located so:
 - they are compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
 - as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
 - as to avoid undue overlooking of adjoining properties; and
 - as to encourage breeze penetration through and between buildings.
2. In this clause, an ancillary structure includes a carport, garage, **pergola**, portico, shed and shade sail, and may or may not include external walls.
3. Buildings in Zone IJ are to be sited in accordance with table to clause 9.1.1 (Industrial Setbacks).
4. **Residential buildings** and ancillary structures are to be set back from lot boundaries in accordance with the relevant table to this clause, and:
 - (a) No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** from the lot boundaries; and
 - (b) Where a lot has a boundary with a public street from which vehicular access to the lot is prohibited, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.

Residential buildings include caretaker's residence, dependant unit, group home, hostel, hotel, motel, multiple dwellings, single dwelling and supporting accommodation.

Clause 10.1.2 relates to common building boundaries in integrated residential developments.

NT building legislation may require compliance with the Building Code of Australia for **building setbacks**.

TABLE A TO CLAUSE 7.2 – MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED STRUCTURES IN ZONES OTHER THAN ZONE CJ

Lot Boundary	Minimum Setback
<p>Primary street frontage for 1 and 2 storey buildings</p>	<p>6m for residential buildings <u>and</u> 4.5m for verandahs, balconies and structures without external walls <u>or</u> 3m for shade sails, to a maximum height of 2.5m at the minimum setback.</p>
<p>Secondary street frontage for 1 and 2 storey buildings</p>	<p>2.5m for residential buildings <u>and</u> 1.5m for verandahs, balconies and structures without external walls <u>or</u> 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback</p>
<p>Side and rear lot boundaries for 1 and 2 storey buildings</p>	<p>1.5m, including ancillary structures <u>or</u> 1m, provided that the subject wall:</p> <ul style="list-style-type: none"> • 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. <p>and</p> <p>0.9m for shade sails, to a maximum height of 2.5m at the minimum setback.</p>

Clause 2.3 describes the circumstances when the setback requirements of clause 7.2 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

A structure without external walls includes a carport, **pergola**, portico and shade sail.

TABLE B TO CLAUSE 7.2 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS OVER TWO STOREYS IN HEIGHT AND ASSOCIATED STRUCTURES IN ZONE TCJ

Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	7.5m for residential buildings including verandahs, balconies and ancillary structures with external walls <u>and</u> 4.5m for structures without external walls
Secondary street frontage for 1 and 2 storey buildings	2.5m for residential buildings including verandahs, balconies and ancillary structures with external walls <u>and</u> 1.5m for ancillary structures without external walls
Side and rear lot boundaries for 3 storey buildings	1.5m for: <ul style="list-style-type: none"> • Non-habitable rooms; • Habitable rooms <u>without</u> windows and/ or doors facing the subject boundary; • Verandahs and/ or balconies where the side of the verandah or balcony is fully screened to the subject boundary; • Residential buildings that share a boundary with land in Zone PSJ (Public Open Space); and • Ancillary structures, whether with or without external walls, including shade sails. 3m for: <ul style="list-style-type: none"> • Habitable rooms <u>with</u> windows and/ or doors facing the subject boundary; and • Verandahs and/ or balconies facing the subject boundary.

Clause 2.3 describes the circumstances when the setback requirements of clause 7.2 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

A structure without external walls includes a carport, **pergola**, portico and shade sail.

7.2.2 Additional Setback Requirements for Residential Buildings longer than 18m

<ol style="list-style-type: none"> 1. The purpose of this clause is to ensure residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the 2. For residential buildings other than single dwellings, that are longer than 18m, there are setback requirements additional to those outlined in the tables to Clause 7.2 as follows: For each additional 3m or part thereof in building length over 18m, an additional building setback to the affected boundary of 0.5m. 3. The length of the building excludes verandahs, balconies, carports and porticos that are integrated in to the residential building design and are fully open to affected boundaries.
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Setbacks relate to lot boundaries and not unit title boundaries.

4. No part of a **residential building** is required to exceed a **building setback** of 10.5m from any boundary.
5. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 2.

7.2.3 Distance Between Residential Buildings on One Site

1. The purpose of this clause is to ensure **residential buildings** are located:
 - (a) So they are compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
 - (b) To minimise any adverse effects of building massing when viewed from adjoining **residential buildings**, associated private open space and the street; and
 - (c) To avoid undue overlooking of adjoining **residential buildings** and associated private open space.
2. Where more than one building comprising one or two **storey** residential buildings is located on a **site** the distance between buildings is to be calculated in accordance with Table A to Clause 7.2 as if there was a boundary between the buildings;
3. Where more than one building comprising residential buildings that exceeds two **storeys** in height is located on a **site** the distance between buildings is to be a minimum of:
 - (a) 3m for walls to non-habitable rooms and **habitable** rooms without windows or doors; and
 - (b) 4.5m for walls with windows or doors to **habitable** rooms or to a verandah or balcony.

7.2.4 Reduced Setbacks for Single Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to allow **single dwellings** on lots less than 600m² but not less than 300m² to maximise design opportunities without unduly impacting on adjacent development.
2. Despite the Table to Clause 7.2, a **single dwelling** subject to this clause may, in accordance with the table to this clause, have a zero building setback to a side boundary, providing:
 - (a) That boundary is internal to the subdivision that created the lot; and
 - (b) That lot was created after the inclusion of this clause to the Town Plan.
3. Any part of a dwelling utilising a zero building setback shall have its external wall erected to the boundary with no gap.
4. Despite the Table to Clause 7.2, a **single dwelling** on a lot subject to this clause may, in accordance with the table to this clause, have a reduced front setback to **habitable rooms** only, providing:
 - (a) The area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with clause 7.3;
 - (b) That any non-habitable structure, such as a garage or carport, shall have a front setback no less than 6m; and
 - (c) A landscaped area using **approved plant species** is included along the front boundary that will provide visual amenity to the public road.

Clause 6.3.4 refers to on-site parking and vehicular access for lots less than 600m² in some circumstances.

Clause 6.7 refers to landscaping and plant related use and development

TABLE TO CLAUSE 7.2.3	
Lot Size	Building Setbacks
300m ² to less than 450m ²	A zero building setback is permitted to no more than one side boundary of the lot. The front building setback may be reduced to no less than 3m subject to the provisions of sub-clause 4.
450m ² to less than 600m ²	A zero building setback is permitted to one side boundary of the lot where a 3m setback is provided to the other side boundary. The front building setback may be reduced to no less than 3m subject to the provisions of sub-clause 4.

Clause 6.3.4 refers to on-site parking and vehicular access for lots less than 600m²

7.2.5 Reduced Setbacks for Single Dwellings on lots of 600m² or Greater

1. The purpose of this clause is to allow **single dwellings** on lots of 600m² or greater in a residential zone to respond to site constraints and to provide an articulated built form when viewed from the street.
2. Despite Table A to Clause 7.2, a **single dwelling** subject to this clause may have **habitable rooms** with a **primary street** setback reduced to no less than 4.5m providing:
 - (a) The area of reduced setback is offset by an equal area with an increased setback;
 - (b) The setback increase is equal in dimension to the setback reduction; and
 - (c) The area of increased setback is at least 3m from the nearest side or **secondary street** boundary.

7.3 PRIVATE OPEN SPACE

1. 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;
 - (b) appropriately sited, permeable and open to the sky; and
 - (c) inclusive of areas of deep soil for shade street planting.
2. Private open space areas 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**;
 - (c) be permeable and open to the sky.
3. Private open space on lots that are 600m² should:
 - (a) be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
 - (b) include at least one area of approximately 5m² for the deep soil planting of shade trees comprising **approved plant species**; and
 - (c) allow for landscaping using **approved plant species** at the property frontage to complement the visual amenity of the streetscape.
4. Where the private open space is at ground level and other than for a **single dwelling**, or a **single dwelling** and associated **independent unit**, 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

Clause 6.7 refers to landscaping and plant related use and development

Clause 7.4 refers to communal open space.

- (b) fenced to a height of at least 1.8m and planted with dense vegetation comprising **approved plant species** which will provide a visual barrier within two years of planting.
5. The location of private open space should take in to account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings.
 6. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, compliance with sub-clauses 2(c) and 3 is not required providing the **multiple dwelling** development incorporates communal open space.
 7. The consent authority may approve an application for a **multiple dwelling** development comprising **serviced apartments** in Zone TCJ that is not in accordance with sub-clauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

TABLE TO CLAUSE 7.3 MINIMUM AREAS OF PRIVATE OPEN SPACE

Type of Dwelling	Private Open Space Areas (exclusive of driveways and parking areas)
Single dwellings on a lot of less than 600m ²	50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m
independent unit	For the single dwelling 50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m; And For the independent unit 45m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m;
multiple dwellings (for each dwelling <u>with</u> direct ground level access)	45m ² (exclusive of driveways and car parking areas) but inclusive of an area with minimum dimensions of 5m x 5m
multiple dwellings (for each dwelling <u>without</u> direct ground level access)	12m ² inclusive of an area with minimum dimensions of 2.8m x 4m

7.4 COMMUNAL OPEN SPACE

1. The purpose of this clause is to ensure that suitable areas for communal open space are provided for **hostels, multiple dwellings** and **supporting accommodation**.
2. This clause does not apply to **multiple dwelling** developments in which each **dwelling** has direct and independent access to private open space at ground level.
3. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
4. The design of the communal open space should consider:
 - (a) the overall **dwelling** density proposed for the **site**;
 - (b) the proximity and quality of alternative private or public open space;
 - (c) the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby **dwellings**;
 - (d) the type of activities provided for;
 - (e) the projected needs of children for outdoor play;
 - (f) the provision of landscaping using **approved plant species** and shade;
 - (g) safety issues including lighting and informal surveillance;
 - (h) on-**site** traffic circulation; and
 - (i) future maintenance and management requirements.
5. The consent authority may approve an application for a **multiple dwelling** development comprising **serviced apartments** in Zone TCJ that is not in accordance with sub-clause 3 only if it is satisfied that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.

Clause 7.5 refers to landscaping for **multiple dwellings, hostels and supporting accommodation**.

Clause 6.7 refers to landscaping and plant related use and development.

7.5 LANDSCAPING FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION

1. The purpose of this clause is to ensure that landscaping for **hostels, multiple dwellings, and supporting accommodation** complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment.
2. Other than in Zones CJ and TCJ, not less than 30% (which may include communal open space) of a **site** that is used for **hostels, multiple dwellings and supporting accommodation** is to be landscaped using **approved plant species**.

Clause 6.7 refers to landscaping and plant related use and development.

Clause 7.4 refers to communal open space.

7.6 BUILDING DESIGN FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION

1. The purpose of this clause is to promote **site**-responsive designs for **hostels, multiple dwellings and supporting accommodation** which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.
2. Building design should:
 - (a) locate development on the **site** for correct solar orientation;
 - (b) minimise expanses of walls by varying building heights, **building setbacks** and façades;
 - (c) locate air conditioners where they are accessible for servicing;
 - (d) conceal service ducts, pipes, air conditioners, air conditioning plants etc.;
 - (e) avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent **sites**;
 - (f) locate bedrooms and private open spaces away from noise sources;
 - (g) control its own noise sources and minimise the transmission of noise between **dwellings**;
 - (h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;
 - (i) balance the achievement of visual and acoustic privacy with passive climate control features;
 - (j) allow breeze penetration and circulation;
 - (k) minimise use of reflective surfaces; and
 - (l) provide internal drainage of balconies and coving on the edge of balconies.

7.7 RESIDENTIAL DEVELOPMENT IN ZONE CJ

1. The purpose of this clause is to ensure residential development on a **site** in Zone CJ does not prejudice the use or development of the **site** for commercial or retail activity in accordance with the purpose of the zone.
2. A **site** in Zone CJ is only to be used or developed for a **residential building** where the development includes, on the ground floor, occupancies for commercial activity of a **floor area** that is consistent with the service function of the **site**.
3. The consent authority must not **consent** to development that is not in accordance with this clause.

7.8 ASSOCIATED RESIDENTIAL USES

7.8.1 Home Based Visitor Accommodation

1. The purpose of this clause is to ensure that **home based visitor accommodation** does not detract from the **amenity** of the locality and primary purpose of the zone in which the use is established.
2. **Home based visitor accommodation:**
 - (a) Is provided on the premises of a **dwelling**;
 - (b) May not operate if the **dwelling** is a **multiple dwelling**;
 - (c) May only operate on a lot with an area of at least 600m²;
 - (d) May not accommodate more than six guests at a time on the premises;
 - (e) May only occur if the person or persons operating the use reside on the premises;
 - (f) May only display a **business sign** that is not more than 0.5m² in area;
 - (g) Must provide all car parking spaces on-site; and
 - (h) Must provide one **car parking space** for every guest room and two car parking spaces for the residents of the **dwelling**.
3. Despite anything to the contrary in this Town Plan, a **car parking area** provided for **home based visitor accommodation** should be designed to:
 - (a) Be of a suitable gradient for safe and convenient parking;
 - (b) Be sealed and well drained; and
 - (c) Be functional in design to allow for safe traffic movement and may include tandem parking where one car parks behind another.
4. The consent authority may approve an application for **home based visitor accommodation** that accommodates more than six guests only if it is satisfied the use is appropriate to the **site** having regard to the potential impact of the use on the residential **amenity** of adjoining and nearby property and where the combined total number of residents and guests is no more than twelve.
5. The consent authority may approve an application for **home based visitor accommodation** that is not in accordance with sub-clauses 3(e), 3(f), 3(g), 3(h) and 4, only if it is satisfied the proposed **home based visitor accommodation** is appropriate to the **site** having regard to the **amenity** and character of the street and the potential impact of the use on the residential **amenity** of adjoining and nearby property.

NT building legislation may require compliance under the Building Code of Australia for the types of suitable buildings for **home based visitor accommodation**.

7.8.2 Caravans

1. The purpose of this clause is to restrict the use of **caravans** on land other than land zoned TCJ or FDJ.
2. Other than in Zones TCJ or FDJ land may be used to provide accommodation in a **caravan** where the **caravan** is the only **caravan** used as a residence on the **site** and is used:
 - (a) as a temporary residence by the owner of the **site**;
 - (b) by a dependent of a person occupying a **single dwelling** on the **site**;
 - (c) temporarily by a bona fide visitor; or
 - (d) by a bona fide caretaker of the land.
3. In this clause, "**caravan**" includes a tent.
4. The consent authority may approve an application for a **caravan** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **caravan** is appropriate to the **site** having regard to the potential impact of the **caravan** on the residential **amenity** of adjoining and nearby property.

7.8.3 Caretaker's Residence

1. The purpose of this clause is to ensure that:
 - (a) a **caretaker's residence** is not the primary use of the land; and
 - (b) the caretaker's residential use does not prejudice the use of the **site** or adjoining land in accordance with its zoning.
2. A building or part of a building may be used, constructed or modified for use as a **caretaker's residence** where:
 - (a) the **floor area** of the **caretaker's residence** does not or will not exceed 50m²; and
 - (b) there is or will be only one **caretaker's residence** on the **site**.
3. The consent authority may approve an application for a **caretaker's residence** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **caretaker's residence** is appropriate to the **site** having regard to the potential impact of the **caretaker's residence** on adjoining and nearby property.

7.8.4 Independent Units

1. The purpose of this clause is to ensure than an **independent unit** does not detrimentally impact on the **amenity** of adjoining and nearby property and remains ancillary to the **single dwelling** on a **site**.
2. An **independent unit** may be developed on a **site** provided:
 - (a) There will be no more than two **dwellings** on the **site**;
 - (b) The maximum **floor area** of the **independent unit** does not exceed 50m²;
 - (c) There is only one vehicle access point to the road, unless the relevant authority has approved a second access;
 - (d) Both **dwellings** will be connected to reticulated sewerage;
 - (e) Both **dwellings** will be connected to a reticulated water supply; and
 - (f) Both **dwellings** will be serviced by a single connection to a reticulated power supply.
3. The consent authority must not **consent** to an **independent unit** that is not in accordance with sub-clauses 2(a), 2(d), 2(e) and 2(f).
4. The consent authority may approve an application for an **independent unit** that is not in accordance with sub-clause 2(b) only if it is satisfied the proposed **independent unit** is appropriate to the **site** having regard to the potential impact of the **independent unit** on the **amenity** of adjoining and nearby properties.

7.8.5 Group Homes

1. The purpose of this clause is to ensure **group homes** are appropriately located and the number of occupants is unlikely to cause detriment to the residential **amenity** of the locality.
2. A **group home** may be established where:
 - (a) the **dwelling** is suitable for the use;
 - (b) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality; and
 - (c) there are no more than 12 persons resident in the **group home**.
3. The consent authority may approve an application for a **group home** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **group home** is appropriate to the **site** having regard to the potential impact of the **group home** on the residential **amenity** of adjoining and nearby property.

7.8.6 Home Occupation

1. The purpose of this clause is to ensure that **home occupations** are established and operated in a manner that does not detract from the residential **amenity** of the locality.
2. A **dwelling** may be used for the purpose of a **home occupation** where:
 - (a) the occupation or profession is carried out only by persons residing in the **dwelling**;
 - (b) the total of the **floor area** of the **dwelling** plus the other areas of the **site** that are used for the **home occupation** (including areas used temporarily) does not exceed 30m²;
 - (c) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;
 - (d) no sign is displayed, other than a **business sign** that is not more than 0.5m² in area;
 - (e) no goods or equipment are visible from outside the **site**; and
 - (f) not more than one vehicle kept on the **site** is used for the purpose of the **home occupation**.
3. The consent authority may approve an application for a **home occupation** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **home occupation** is appropriate to the **site** having regard to the potential impact of the **home occupation** on the residential **amenity** of adjoining and nearby property.

7.8.7 Home Based Contracting

1. The purpose of this clause is to ensure that **home based contracting** is established and operated in a manner that does not detract from the **amenity** of the locality.
2. A **site** of a **dwelling** may be used for the purpose of **home based contracting**:
 - (a) in Zone FDJ where:
 - i. the total area of the **site** that is used for the **home based contracting** (including areas used temporarily) does not exceed 200m²;
 - ii. no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;
 - iii. no sign is displayed, other than a **business sign** that is not more than 0.5m² in area;
 - iv. no goods or equipment are visible from outside the **site**; and
 - v. not more than three vehicles kept on the **site** are used for the purpose of the **home based contracting**; or
 - (b) in any other zone:
 - i. the total area of the **site** that is used for the **home based contracting** (including areas used temporarily) does not exceed 30m²;
 - ii. no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;
 - iii. no sign is displayed, other than a **business sign** that is not more than 0.5m² in area;
 - iv. no goods or equipment are visible from outside the **site**; and
 - v. not more than one vehicle kept on the **site** is used for the purpose of the **home based contracting**.
3. The consent authority may approve an application for a **home based contracting** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **home based contracting** is appropriate to the **site** having regard to the potential impact of the **home based contracting** on the residential **amenity** of adjoining and nearby property.

7.8.8 Medical Consulting Rooms

1. The purpose of this clause is to ensure that **medical consulting rooms** are established and operated in a manner that does not detract from the **amenity** of the locality.
2. **Medical consulting rooms** may be established and operated where:
 - (a) the service is carried out only by persons residing in the **dwelling** and not more than one person who does not reside in the **dwelling**;
 - (b) the total area used for the **medical consulting rooms** (including areas used temporarily) does not exceed 30m²;
 - (c) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality; and
 - (d) no sign is displayed, other than a **business sign** that is not more than 0.5m² in area.
3. The consent authority may approve an application for **medical consulting rooms** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **medical consulting rooms** is appropriate to the **site** having regard to the potential impact of the **medical consulting rooms** on the residential **amenity** of adjoining and nearby property.

8.0 COMMERCIAL USE AND DEVELOPMENT PERFORMANCE CRITERIA

8.1 COMMERCIAL USES

8.1.1 Shops in Zones IJ and ORJ

1. The purpose of this clause is to facilitate retailing of a nature and intensity servicing only the needs of the zones in which the **shop** is located.
2. In Zones IJ and ORJ, the **net floor area** of a **shop** is not to exceed 200m².

8.1.2 Interchangeable Use Rights in Zone CJ

1. The purpose of this clause is to permit the change between the nominated uses of premises within Zone CJ without **consent**.
2. Where land is zoned CJ, premises that are lawfully used for the purposes of a **restaurant** or **shop**, may shift between any of these uses:
 - (a) **leisure and recreation**;
 - (b) **licensed club**;
 - (c) an **office**;
 - (d) **restaurant**; or
 - (e) **shop**without further consent provided that the parking requirement under Clause 6.3 does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 6.3.1 and Clause 6.3.3 to meet any increased requirement.

8.1.3 Fuel and Vehicle Repair Related Use and Development

1. The purpose of this clause is to ensure that fuel and vehicle repair related use and development does not unreasonably affect the use and enjoyment of adjacent land, or the environment, because of appearance, the emission of fumes or noise, or the leakage of hazardous substances.
2. This clause applies to the use and development of land for:
 - (a) **fuel depot**;
 - (b) **motor repair station**;
 - (c) **motor body works**;
 - (d) **service station**;
 - (e) **transport terminal**; and
 - (f) **vehicle sales and hire**.
3. The use or development of land subject to this clause must demonstrate the suitability of the **site** for the proposed future use, including:
 - (a) identification of potential impacts on watercourses and riparian areas;

The environmental and cultural values of **Kakadu National Park** are specified in, and protected under, the **Commonwealth environmental law**.

NT building legislation may require compliance with specific Australian Standards for the storage and handling of flammable and combustible liquids,

- (b) an assessment of the degree of groundwater vulnerability to contamination by hazardous substances, including the soil permeability, groundwater level and direction of ground and surface water flow at the **site**;
 - (c) appropriate management of hazardous substances; and
 - (d) that the use or development will not cause contamination or any other detrimental impact upon human health or the environmental values of **Kakadu National Park**.
4. A **site** may be developed for a **service station** or **fuel depot** only where:
- (a) fuel bowsers and any **motor repair station** associated with the **service station** or **fuel depot**, are located at least 20m from any residential or commercial development and visually screened from that development;
 - (b) fuel bowsers are not closer than 3m to the edge of a road reserve;
 - (c) the design of the **site** is such that:
 - i. vehicular access and egress does not create a traffic hazard on adjacent roads;
 - ii. vehicular crossings of the footpath are not more than 9m wide, nor closer than 6m to another vehicular crossing and not closer than 15m to a road intersection; and
 - iii. inlets to bulk fuel storage tanks are situated so that tankers discharging fuel stand wholly within the **site**.

LP Gas, gasses and cylinders, and response guidelines and procedures, for the use and development of **service station, fuel depot, motor repair station, motor body works, transport terminal and/or vehicle sales and hire**

8.1.4 Child Care Centres

1. The purpose of this clause is to ensure that **child care centres** are appropriately and conveniently located, appropriately designed and do not detract from the **amenity** of the area.
2. A **child care centre** should:
 - (a) be capable of accommodating:
 - i. 7m² of outdoor play space for each child and 3.25m² of indoor play space for each child;
 - ii. associated vehicle access, parking and manoeuvring; and
 - iii. landscaping using **approved plant species** and any necessary screening;
 - (b) be located:
 - i. adjacent to or within other community facilities such as shopping centres, schools and health services;
 - ii. at or near the entrance to a residential suburb; or
 - iii. in or near employment areas; and
 - (c) have vehicular access from a road other than from an arterial road.
3. If a **child care centre** is located adjacent to residential land:
 - (a) the development is to be set back and screened in accordance with the requirements of Clause 8.3; and
 - (b) the design of the centre is to take account of the noise impact on an adjacent **dwelling** by either locating outdoor play space away from the common boundary or by including appropriate screening.

The *Education and Care Services (National Uniform Legislation) Act 2011* (NT) regulates the operation of **child care centres**.

Clause 6.7 refers to landscaping and plant related use and development.

8.1.5 Animal Related Use and Development

1. The purpose of this clause is to minimise the adverse effect of animal related activities on the environment and to ensure that those activities do not detract from the **amenity** of the locality.
2. Premises for the keeping of animals for the purposes of **animal boarding** and **veterinary clinic** should be designed and operated so as not to cause or allow any of the following:
 - (a) the creation of a risk of contamination of ground and surface waters;
 - (b) contribution to the erosion of the **site** or other land;
 - (c) detriment to the **amenity** of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise;
 - (d) the creation of a risk of the spread of infectious disease or other health risk; or
 - (e) interference with, or disturbance of, wildlife within **Kakadu National Park**, including by animals that may have escaped from the **site**.
3. All use or development on a **site** involving animals must be consistent with the requirements of the **Commonwealth environmental law**.

The environmental and cultural values of **Kakadu National Park** are specified in, and protected under, the **Commonwealth environmental law**.

The **Commonwealth environmental law** regulates the number and species of animals within the Town of Jabiru.

8.2 COMMERCIAL AND OTHER DEVELOPMENT IN ZONES CJ, SCJ, TCJ, ORJ, CPJ, AND FDJ

1. The purpose of this clause is to promote **site**-responsive designs of commercial, civic, community, recreational, tourist and mixed-use developments which are attractive and pleasant and contribute to a safe environment.
2. The design of buildings subject to this clause should:
 - (a) preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;
 - (b) be sympathetic to the character of buildings in the immediate vicinity;
 - (c) minimise expanses of blank walls;
 - (d) add variety and interest at street level and allow passive surveillance of public spaces;
 - (e) maximise energy efficiency through passive climate control measures;
 - (f) control on-**site** noise sources and minimise noise intrusion;
 - (g) conceal service ducts, pipes, air conditioners, air conditioning plants etc.;
 - (h) minimise use of reflective surfaces;
 - (i) provide safe and convenient movement of vehicles and pedestrians to and from the **site**;
 - (j) provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces;
 - (k) provide protection for pedestrians from sun and rain;
 - (l) provide for loading and unloading of delivery vehicles and for refuse collection;
 - (m) provide landscaping using **approved plant species** to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;
 - (n) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and
 - (o) provide bicycle access, storage facilities and shower facilities.
3. A development application must, in addition to the matters described in sub-clause 2, demonstrate consideration of, and the consent authority is to have regard to, the *Community Safety Design Guide* published as at the date this Town Plan comes into force. .

See clause 2.5

8.3 SETBACKS FOR COMMERCIAL USES ADJACENT TO LAND IN ZONE RJ

1. The purpose of this clause is to protect the visual and acoustic **amenity of residential buildings** where they are adjacent to non-residential uses.
2. A use or development or proposed use or development that is:
 - (a) not a **residential building**;
 - (b) on land that is in a zone other than Zone RJ; and
 - (c) abuts land in Zone RJ;must provide a setback to the boundary that abuts any of those zones of not less than 5m.
3. The setback described in sub-clause 2 is to be landscaped using **approved plant species** to provide a visual screen to the adjacent land Zoned RJ for a minimum depth of 3m.
4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone RJ.
5. The consent authority must not **consent** to a development that is not in accordance with sub-clause 3, except where the development is for the purpose of a **child care centre**.

The setbacks of **residential buildings** are described in clause 7.2

Clause 6.7 refers to landscaping and plant related use and development

9.0 INDUSTRIAL USE AND DEVELOPMENT PERFORMANCE CRITERIA

9.1 INDUSTRIAL USE

9.1.1 Industrial Setbacks

1. The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual **amenity** in industrial zones.
2. Buildings in Zone IJ are to be sited in accordance with the table to this clause.
3. All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.
4. The quality and extent of landscaping is to be maintained for the life of the development and use only **approved plant species**.

Clause 6.7 refers to landscaping and plant related use and development.

TABLE TO CLAUSE 9.1.1

Location/ Boundary	Minimum Building Setback
Minimum setback to streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

9.1.2 Biosecurity and Contamination Risks of Industrial Use and Development

1. The purpose of this clause is to ensure that **general industry, light industry and rural industry** use and development do not cause contamination, create a biosecurity threat, or contribute to any other detrimental impact on the environment.
2. The use or development of land for **general industry, light industry or rural industry** must demonstrate the suitability of the **site** for the proposed future use, including:
 - (a) identification of potential impacts on watercourses and riparian areas;
 - (b) an assessment of the degree of groundwater vulnerability to contamination by hazardous substances, including the soil permeability, groundwater level and direction of ground and surface water flow at the **site**;
 - (c) appropriate management of hazardous substances, machinery and plant material; and
 - (d) that the use or development will not cause contamination or any other detrimental impact upon human health or the environmental values of **Kakadu National Park**.

The environmental and cultural values of **Kakadu National Park** are specified in, and protected under, the **Commonwealth environmental law**.

NT building legislation may require compliance with specific Australian Standards for the storage and handling of flammable and combustible liquids, LP Gas, gasses and cylinders, and response guidelines and procedures, for the use and development of **general industry, light industry and/or rural industry**

The **Commonwealth environmental law** restricts the taking of plants and firewood into, and cultivation of plants within, **Kakadu National Park**.

An authorisation may be required under the **Commonwealth environmental law** for the bringing of rock, soil, sand, mulch, potting-mix or similar material into **Kakadu National Park**.