PART 5 - DEVELOPMENT REQUIREMENTS

5.1 Preliminary

1. Development Requirements establish guidance and criteria for assessing development that is *Permitted, Merit or Impact Assessable*. Development requirements may apply:
   (a) generally to a broad range of uses (General Development Requirements); and
   (b) specifically to one or a small set of related uses (Specific Development Requirements).

2. Each Development Requirement identifies:
   (a) the purpose of the requirement;
   (b) how the requirement is administered; and
   (c) the details of the requirement.

3. The identification of the purpose and administration of the requirements are intended to:
   (a) meaningfully inform the exercise of discretion by the consent authority;
   (b) provide clarity around the application of the requirement; and
   (c) establish the basis for decisions.
5.2 General Development Requirements

5.2.1 General Height Control

**Purpose**
Ensure that the height of buildings in a zone is consistent with development provided for by that zone.

**Administration**
1. This clause does not apply:
   (a) within Zones CB or DV or TC; or
   (b) to education establishments or hospitals within zones CL or CP or, subject to clause 5.4.2, Zone C; or
   (c) where a height is specified elsewhere in this Planning Scheme.

2. 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.

3. The consent authority may consent to a development that is not in accordance with sub-clause 4 if it considers the height of the building or structure achieves the zone purpose, having regard to such matters as its location, nature, scale and potential impact on adjoining property.

**Requirements**
4. The height of any part of a building is not to exceed 8.5m above the *ground level*, unless it is:
   (a) a flag pole, aerial or antenna; or
   (b) for the housing of equipment relating to the operation of a lift; or
   (c) a telecommunications facility.

**Editor’s Note:** Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the *Airports Act 1996 (Cth)*, *Airports (Protection of Airspace) Regulations 1996 (Cth)*, and *Defence Regulation 2016 (Cth)*. More information is available on NT.GOV.AU.

5.2.2 Building Heights in Alice Springs

5.2.2.1 General Height Controls in Alice Springs

**Purpose**
Recognise the low-rise character of Alice Springs, but allow for buildings up to 8 storeys within Zone CB.
Administration
1. 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.

2. This clause does not apply to an education establishment or hospital in Zone CP.

3. The consent authority must not consent to development that is not in accordance with sub-clauses 4 and 5.

Requirements
4. The height of a building within the Municipality of Alice Springs is not to exceed the height specified in the table to this clause.

5. The height of any building or structure forming part of an education establishment is not to exceed 3 storeys or 14m above ground level.

Table to Clause 5.2.2.1: Building Heights in Alice Springs

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>CB</td>
<td>8 storeys to a maximum of 34m</td>
</tr>
<tr>
<td>C, SC, TC and MR</td>
<td>3 storeys to a maximum of 14m</td>
</tr>
<tr>
<td>All other zones</td>
<td>2 storeys to a maximum of 8.5m</td>
</tr>
</tbody>
</table>

Editor’s Note: Structures below ground level should consider the impact on and from the Alice Springs Town Basin aquifer.

5.2.2.2 Design for Buildings above 3 storeys within Zone CB in Alice Springs

Purpose
Allow buildings above 3 storeys while preserving significant views and vistas from and to surrounding areas.

Administration
1. The consent authority must not consent to development that is not in accordance with sub-clauses 2 and 3.

Requirements
2. All buildings above 3 storeys within Zone CB in Alice Springs must meet the following criteria:
   (a) the site has a combined area equal to or greater than 2000m²; and
   (b) no building obstructs identified view lines.
3. Development above 3 storeys or 14m shall provide suitable 3D imaging demonstrating how the building responds to the identified viewscapes and significant view lines.
5.2.2.3 Building Design Requirements within Zone CB in Alice Springs

Purpose
Promote exemplary building design within Central Alice Springs which responds sympathetically to local climatic and environmental characteristics, declared heritage places, and registered and recorded sacred sites.

Administration
1. The consent authority must not consent to a development that is not in accordance with sub-clause 4.

2. The consent authority may consent to a development that is not in accordance with sub-clauses 5, 6, 7 and 8 only if it is satisfied that compliance would be impractical or the application can demonstrate that an alternative solution would more effectively meet the requirements.

3. The consent authority is to have regard to any information provided through sub-clause 9.

Requirements
4. All buildings must comply with the Diagram and Table to this clause.

5. The design of buildings in Central Alice Springs are to provide 75% of the length of the site boundary at ground level as active street frontage through such treatments as:
   (a) frequent, operational and legible entrances that are directly accessible from the public footpath;
   (b) clear glass windows with views to and from the street;
   (c) open space incorporating active street frontages, landscaping and retention of significant existing landscaping;
   (d) areas that are attractive, safe and functional for pedestrians within the development site;
   (e) areas that allow for alfresco dining;
   (f) limiting services at street level on building frontages to the following:
      i. fire egress;
      ii. single vehicle entry and exit point to and from the building except on larger sites where additional access points are supported by a Traffic Study for the site;
      iii. direct single point access to service equipment by all service authorities; and
      iv. fire booster connection points.

6. Buildings in Central Alice Springs are to provide awnings to streets for the full extent of the site frontage, that allow for the planting and growth of mature trees within the road reserve.
7. *Ground level car parking areas* are to be designed so that they are not visible from the street or public spaces.

8. New development should respond sympathetically to the historic context provided by adjoining declared *heritage places* and registered and recorded sacred *sites*.

9. An application for development in Alice Springs Zone CB should include an acknowledgement in writing, from the agency responsible for power and water, the agency responsible for fire rescue services, and Alice Springs Town Council that the requirement for service provisions has been discussed with a view to minimise their impact on *active street frontages*.

Diagram to Clause 5.2.2.3: Building Design Requirements within Zone CB in Alice Springs
### Table to Clause 5.2.2.3: Building Design Requirements within Zone CB in Alice Springs

<table>
<thead>
<tr>
<th>Level</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Level (GL)</td>
<td><strong>Height:</strong> Building height is to be measured from the highest point of the <strong>site</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Floor Area:</strong> Up to 100% of the <strong>site</strong> area</td>
</tr>
<tr>
<td></td>
<td><strong>Setbacks:</strong> Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining <strong>site</strong> boundaries other than to a street or public open space</td>
</tr>
<tr>
<td>Up to 14m AGL</td>
<td><strong>Height:</strong> Maximum, exclusive of any plant or equipment, aerials or lightning rods</td>
</tr>
<tr>
<td></td>
<td><strong>Floor Area:</strong> Up to 100% of the <strong>site</strong> area</td>
</tr>
<tr>
<td></td>
<td><strong>Setbacks:</strong> Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining <strong>site</strong> boundaries other than to a street or public open space</td>
</tr>
<tr>
<td>14m to 34m AGL</td>
<td><strong>Height:</strong> Maximum, exclusive of any plant or equipment, aerials or lightning rods</td>
</tr>
<tr>
<td></td>
<td><strong>Setbacks:</strong> Minimum 5m from any street boundary. Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining <strong>site</strong> boundaries other than to a street or public open space</td>
</tr>
</tbody>
</table>

**Editor’s Notes:**

1. For the purpose of this clause accommodation means rooms designed for being slept in, for domestic living and dining purposes and food preparation areas but does not include bathrooms, toilets, reception and foyer areas and conference rooms.

2. Design guidance is provide for significant view lines in the referenced document *Design Guidance for Development in Zone CB (Central Business) in Alice Springs*. 3D electronic files are to be provided in accordance with the Design Guidance.
5.2.3 Buildings in Central Darwin

5.2.3.1 Building Heights in the Esplanade Character Area

**Purpose**
Ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views and deliver high quality built form outcomes appropriate for development which fronts Bicentennial Park and the Darwin Harbour.

**Administration**

1. The consent authority may **consent** to a development in the Esplanade Character Area that is not in accordance with the requirements of sub-clause 5, only if it is satisfied that the design of the development provides an equivalent or higher standard of urban **amenity** through an exemplary response to building bulk, scale, street interface and on-site landscaping.

2. The information required by sub-clause 6 is to be to the satisfaction of the consent authority.

3. For the purposes of this clause, the height of any point of a building is to be measured from the highest natural point on the **site** boundary.

**Requirements**

4. All buildings within the Esplanade Character Area are to have a maximum height of 55m Above Ground Level (AGL).

5. Despite sub-clause 5, a building in the Esplanade Character Area (as shown in the diagram to this clause) may have a **building height** greater than 55m Above Ground Level (AGL) if the development:
   (a) provides podiums to a reduced height of 15m, or 4 **storeys** (i.e. lower than the maximum permitted height of 25m);
   (b) provides tower elements which promote the visual separation between buildings, i.e. slender tower forms;
   (c) provides activated facades and/or **habitable rooms** to podiums which front a street(s);
   (d) does not provide ground floor car parking or a **car parking area** that is visible from the street;
   (e) does not provide impermeable fencing within the front setback;
   (f) provides deep soil planting zone(s) and generous landscaping within a setback area(s).

6. An application for a development under sub-clause 5 must include a **site** analysis and urban design study prepared by appropriately qualified professionals that demonstrate that the proposed development responds to the attributes of the **site** and the surrounding neighbourhoods.
Diagram to Clause 5.2.3.1: Building Heights in the Esplanade Character Area and the Geographical Extent of Central Darwin
5.2.3.2 Volumetric Control in Central Darwin

Purpose
Ensure the siting and mass of buildings within Central Darwin promotes:
(a) a built form that maximises the potential for view corridors to Darwin Harbour;
(b) the penetration of daylight and breeze circulation between buildings;
(c) privacy for residents of adjoining properties; and
(d) a built form that reasonably anticipates the future development of adjoining sites.

Administration
1. This clause applies to land within Zone CB (Central Business) in Central Darwin, with exception to land subject to Focus Area B: Darwin Waterfront, of the Darwin Central Area Plan.

2. The consent authority may consent to a development that is not in accordance with sub-clause 3 only if it is satisfied it is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.

Requirements
3. Development in Central Darwin is to be designed in accordance with the diagram to this clause.
Diagram to Clause 5.2.3.2: Volumetric Control in Central Darwin

**Site**
- High Point on Boundary
- Site Area
- Site Boundary

**Measurement:** Building height is to be measured from the highest point on the site boundary.

**Tier 1 (Podium)**
- **Height:** Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials, or lightning rods.
- **Floor Area:** Up to 100% of the site area.
- **Setbacks:** Verandahs, balconies or windows to rooms designed for accommodation are to be setback a minimum of 6m from adjoining site boundaries other than to a street or public open space.
- **Note:** For the purpose of this clause accommodation means room designed for being slept in, for domestic living and dining purposes and food preparation areas but does not include bathrooms, toilets, reception and foyer areas and conference rooms.

**Tier 2 (Tower)**
- **Height:** Subject to clause 6.3.1, maximum 55m AGL in the Esplanade Character Area only, inclusive of any plant or equipment or aerials. This requirement does not apply to lightning rods.
- **Floor Area:** Up to 56% of the site area and up to a maximum of 1200m² in any single tower.
- **Setbacks:** Minimum 6m from the site boundary.
- **Dimensions:** Minimum 12m between towers on the same site.
- **Note:** The maximum length of each side of Tier 2 is to be no more than 75% of the length of the adjacent boundary.
5.2.3.3 Urban Design Requirements in Central Darwin

Purpose
Promote exemplary urban design in Central Darwin that:
(a) responds to the local environment;
(b) provides a high amenity pedestrian environment; and
(c) contributes to the interest and activity at street level.

Administration
1. This clause applies to land within Zone CB (Central Business) in Central Darwin.

2. The consent authority may consent to a development that is not in accordance with sub-clause 5 only if it is satisfied that compliance would be impractical.

3. The consent authority may consent to a development that is not in accordance with sub-clauses 6, 7 and 8 only if it is satisfied it is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.

4. The consent authority is to have regard to any information provided through sub-clause 9.

Requirements
5. The design of buildings in Central Darwin are to provide 75% of the length of the site boundary at ground level as active street frontage through such treatments as:
(a) frequent, operational and legible entrances that are directly accessible from the public footpath;
(b) clear glass windows with views to and from the street;
(c) open space incorporating active street frontages, landscaping and retention of significant existing landscaping;
(d) areas that are attractive, safe and functional for pedestrians within the development site;
(e) areas that allow for alfresco dining;
(f) limiting services at street level on building frontages to the following:
   i. fire egress;
   ii. single vehicle entry and exit point to and from the building except on larger sites where additional access points are supported by a Traffic Study for the site;
   iii. direct single point access to service equipment by all service authorities; and
   iv. fire booster connection points.
6. Buildings in Central Darwin are to:
   (a) provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve;
   (b) provide mid-block pedestrian linkages (arcades) at ground level from one street to the other buildings that have dual frontages;
   (c) have facades that have a clearly articulated base, middle and top; and
   (d) integrate plant rooms and service equipment on roof tops.

7. Ground level car parking areas in buildings are limited only to the number of car parking spaces required for ground level retail tenancies.

8. All car parking spaces are to be screened so that they are not visible from the street or public spaces.

9. An application for a development in Central Darwin should include an acknowledgement in writing from the agency responsible for power and water, the agency responsible for fire rescue services and City of Darwin Council that the requirement for service provisions has been discussed with a view to minimise their impact on active street frontages.

5.2.4 Vehicle Parking

5.2.4.1 Parking Requirements

Purpose
Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Administration
1. The consent authority may consent to a use or development that is not in accordance with the table to this clause only if it is satisfied the use or development is appropriate to the site having regard to the purpose of this clause and the potential impact on the surrounding road network and the amenity of the locality and adjoining property.

2. 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.

3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.
4. Despite anything to the contrary in this clause, on land within an area depicted as ‘Activated Frontages’ within the ‘Residential and Mixed Use Map’ of the Central Darwin Area Plan, an alfresco dining area that results in the loss of up to 25 ground level car parking spaces associated with any existing development is exempt from providing replacement car parking spaces ordinarily required by this clause.

5. A change of use from an alfresco dining area (including the provision of air conditioning) will result in the new use being subject to full car parking requirements of this clause.

Requirements
6. A use or development specified in column 1 of the table to this clause is to provide the number of car parking spaces (rounded up to the next whole number) required for that development and is to be calculated in accordance with the formula specified opposite in column 2 or, if the development is within Zone CB in Darwin, column 3.

Editor’s Notes:
(1) Clauses 5.2.4.2 and 5.2.4.3 provide for the reduction in parking requirements
(2) Clause 5.2.4.4 provides for the design of a car parking area

Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use or Development</td>
<td>Minimum Number of Car Parking Spaces Required</td>
<td>Minimum Number of Car Parking Spaces Required</td>
</tr>
<tr>
<td></td>
<td>within Zone CB in Darwin</td>
<td></td>
</tr>
</tbody>
</table>
| Abattoir                  | 1 for every 100m² of net floor area other than offices  
                           | Plus 4 for every 100m² of net floor area of office |                                               |
| Animal boarding           | 1 for every employee  
                           | Plus 4 |                                               |
| Bar-public                | 16 for every 100m² of net floor area used as a lounge bar or beer garden  
                           | Plus 50 for every 100m² of net floor area used as a bar  
                           | Plus 10 for a drive-in bottle shop | 2 for every 100m² of net floor area, excluding alfresco dining areas |
### Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use or Development</td>
<td>Minimum Number of Car Parking Spaces Required</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>Bar-small</td>
<td>6 for every 100m$^2$ of <em>net floor area</em> used as a bar</td>
<td>2 for every 100m$^2$ of <em>net floor area</em>, excluding <em>alfresco dining areas</em></td>
</tr>
<tr>
<td>Caravan park</td>
<td>1.1 for every <em>caravan</em>, cabin, mobile home or tent site</td>
<td></td>
</tr>
</tbody>
</table>
| Car wash | 3 for every 100m$^2$ of *net floor area* used for administrative purposes  
Plus 1 waiting bay for each car wash / vacuum bay | 2 for every 100m$^2$ of *net floor area* used for administrative purposes or 5 whichever is greater  
Plus 1 waiting bay for each car wash / vacuum bay |
| Child care centre | 1 for every employee  
Plus 1 for every 20 children | 2 for every 100m$^2$ of *net floor area* |
| Club | 10 for every 100m$^2$ of *net floor area* used as a lounge bar or beer garden  
Plus 20 for every 100m$^2$ of *net floor area* used as a bar  
Plus 3 for every 100m$^2$ of *net floor area* used for dining | 2 for every 100m$^2$ of *net floor area*  
*Only 1 car parking space where a building has a *net floor area* of up to 500m$^2$. |
| Community centre | 5 for every 100m$^2$ of *net floor area* | 2 for every 100m$^2$ of *net floor area* |
| Dwelling-caretakers | 1 | 1 |
| Dwelling-community residence | 1 for every 4 beds  
Plus 4 for every 100m$^2$ of *net floor area* used for administrative purposes | 1 for every 4 beds  
Plus 2 for every 100m$^2$ of *net floor area* used for administrative purposes |
| Dwelling-group | 2 per *dwelling* | 1 per one bedroom *dwelling*  
1.5 per two bedroom *dwelling*  
1.7 per three bedroom *dwelling*  
2 per *dwelling* with four or more bedrooms |
| Dwelling-independent | 1 per bedroom to a maximum of 2 | 1 per bedroom to a maximum of 2 |
### Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use or Development</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</strong></td>
</tr>
<tr>
<td>Dwelling-multiple</td>
<td>2 per <em>dwelling</em></td>
<td>1 per bed-sitter and one bedroom <em>dwelling</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5 per two bedroom <em>dwelling</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.7 per three bedroom <em>dwelling</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 per <em>dwelling</em> with four or more bedrooms</td>
</tr>
<tr>
<td>Dwelling-single</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Emergency services</td>
<td>1 for every 100m² of <em>net floor area</em> other than <em>offices</em></td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td>facility</td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 for every 100m² of <em>net floor area</em> of <em>office</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Education establishment</td>
<td>For a primary or secondary school:</td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td></td>
<td>1 for every classroom</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 additional spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>an area for setting down and picking up passengers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For a tertiary education establishment:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 for every classroom</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 for every 6 students</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 additional spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For a kindergarten: see child care centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For other education establishments:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 for every 100m² of <em>net floor area</em></td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>6 for every 100m² of <em>net floor area</em></td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td>Use or Development</td>
<td>COLUMN 1</td>
<td>COLUMN 2</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Minimum Number of Car Parking Spaces Required</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>Food premises (all)</td>
<td>6 for every 100m$^2$ of net floor area and any alfresco dining areas</td>
<td>2 for every 100m$^2$ of net floor area*</td>
</tr>
<tr>
<td></td>
<td>Plus 10 for drive-through (if any) for cars being served or awaiting service</td>
<td>*Only 1 car parking space where a building has a net floor area of up to 500m$^2$.</td>
</tr>
<tr>
<td></td>
<td>* No more than 50% of the car parking spaces required for a fast food outlet may be accommodated within the associated drive-through</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1 for every 4 patient beds</td>
<td>1 for every 4 patient beds</td>
</tr>
<tr>
<td></td>
<td>Plus 4 for every 100m$^2$ of net floor area used for administrative purposes</td>
<td>Plus 2 for every 100m$^2$ of net floor area used for administrative purposes</td>
</tr>
<tr>
<td></td>
<td>Plus For a medical clinic 4 for every consulting room</td>
<td>Plus For a medical clinic 2.5 for every consulting room</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1 for every guest suite or bedroom</td>
<td>0.4 for every guest suite or bedroom</td>
</tr>
<tr>
<td></td>
<td>Plus 3 for every 100m$^2$ used for dining</td>
<td>Plus 2 for every 100m$^2$ of net floor area of all other areas</td>
</tr>
<tr>
<td>Industry-general</td>
<td>1 for every 100m$^2$ of net floor area other than offices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus 4 for every 100m$^2$ of net floor area of office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus 1 for every 250m$^2$ used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Industry-light</td>
<td>2 for every 100m$^2$ of net floor area other than offices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus 4 for every 100m$^2$ of net floor area of office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus 1 for every 250m$^2$ used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Use or Development</td>
<td>COLUMN 2</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Industry-primary</td>
<td>1 for every 100m² of net floor area other than offices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 for every 100m² of net floor area of office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Indoor spectator facilities including cinema or theatre: 1 for every 4 seats</td>
<td>2 for every 100m² of net floor area*</td>
</tr>
<tr>
<td></td>
<td>Racquet court games: 4 for every court</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For indoor spectator facilities (if any) 1 for every 4 seats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lawn bowls: 20 spaces per green</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Golf course: 4 per hole</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 for every 100m² of net floor area used as a club house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Otherwise than specified above, 10 for every 100m² of net floor area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Requirement for indoor spectator facilities (if any) 1 for every 4 seats</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td>1.5 per maximum number of stalls (may be existing car parking spaces in the vicinity of the market site)</td>
<td>1.5 per maximum number of stalls (may be existing car parking spaces in the vicinity of the market site)</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>4 for every consulting room</td>
<td>2.5 for every consulting room</td>
</tr>
<tr>
<td>Motor body works</td>
<td>6 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Motor repair station</td>
<td>6 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Nightclub entertainment venue</td>
<td>16 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
</tbody>
</table>

*Only 1 car parking space where a building has a net floor area of up to 500m².
## Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use or Development</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</strong></td>
</tr>
<tr>
<td>Office (not elsewhere referred to in this table)</td>
<td>2.5 for every 100m² of <em>net floor area</em></td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>Only 1 car parking space where a building has a <em>net floor area</em> of up to 500m².</em></td>
</tr>
<tr>
<td>Passenger terminal</td>
<td>5 for every 100m² of <em>net floor area</em> 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)</td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td>Place of assembly</td>
<td>5 for every 100m² of <em>net floor area</em></td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td>Place of worship</td>
<td>5 for every 100m² of <em>net floor area</em></td>
<td>2 for every 100m² of <em>net floor area</em></td>
</tr>
<tr>
<td>Plant nursery</td>
<td>2 for every 100m² of <em>net floor area</em> Plus 1 for every 250m² used as outdoor nursery</td>
<td>2 for every 100m² of <em>net floor area</em> Plus 1 for every 250m² used as outdoor nursery</td>
</tr>
<tr>
<td>Recycling depot</td>
<td>1 for every 100m² of <em>net floor area</em> other than offices Plus 4 for every 100m² of <em>net floor area</em> of office Plus 1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td>1 Plus 4 for every 100m² of <em>net floor area</em> of office</td>
<td></td>
</tr>
<tr>
<td>Residential care facility</td>
<td>1 for every 4 beds Plus 4 for every 100m² of <em>net floor area</em> used for administrative purposes</td>
<td>1 for every 4 beds Plus 2 for every 100m² of <em>net floor area</em> used for administrative purposes</td>
</tr>
</tbody>
</table>
### Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use or Development</td>
<td>Minimum Number of Car Parking Spaces Required</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>Rooming accommodation</td>
<td>1 for every 5 persons</td>
<td>1 for every 15 persons</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>1 for every staff member</td>
<td>1 for every staff member</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Serviced apartment</td>
<td>1 for every dwelling</td>
<td>1 for every dwelling</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>3 for every 100m² of net floor area</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>not within a dwelling</td>
<td>not within a dwelling</td>
</tr>
<tr>
<td>Service station</td>
<td>2 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>or 5 whichever is greater</td>
<td>or 5 whichever is greater</td>
</tr>
<tr>
<td></td>
<td>(not including parking serving bowsers)</td>
<td>(not including parking serving bowsers)</td>
</tr>
<tr>
<td>Sex services-commercial premises</td>
<td>2.5 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*Only 1 car parking space required where a building has a net floor area of up to 500m².</td>
</tr>
<tr>
<td>Shop</td>
<td>6 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Shopping centre</td>
<td>6 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Showroom sales</td>
<td>4 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>1 for every 250m² used as outdoor storage</td>
<td>1 for every 250m² used as outdoor storage</td>
</tr>
<tr>
<td>Stables</td>
<td>1 for every stall</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>1 for every 100m² of net floor area</td>
<td>1 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>other than offices</td>
<td>other than offices</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>4 for every 100m² of net floor area</td>
<td>4 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>of office</td>
<td>of office</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>1 for every 250m² used as outdoor storage</td>
<td>1 for every 250m² used as outdoor storage</td>
</tr>
</tbody>
</table>
### Table to Clause 5.2.4.1: Parking Requirements

<table>
<thead>
<tr>
<th>COLUMN 1: Use or Development</th>
<th>COLUMN 2: Minimum Number of Car Parking Spaces Required</th>
<th>COLUMN 3: Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle sales and hire</td>
<td>4 for every 100m² of net floor area of office</td>
<td>2 for every 100m² of net floor area of office</td>
</tr>
<tr>
<td></td>
<td>Plus 1 for every 200m² used for vehicle display</td>
<td>Plus 1 for every 200m² used for vehicle display</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>4 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 for every 100m² of net floor area other than offices</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td></td>
<td>Plus 4 for every 100m² of net floor area of office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plus 1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
</tbody>
</table>

#### 5.2.4.2 Reduction in Parking Requirements outside of Zone CB in Darwin

**Purpose**

Provide for a use or development with fewer *car parking spaces* than required by clause 5.2.4.1 outside of Zone CB in Darwin.

**Administration**

1. The consent authority may *consent* to a use or development with fewer *car parking spaces* than required by column 2 of the table to clause 5.2.4.1 (Parking Requirements) if it is satisfied that a reduction is appropriate for the use or development, having considered all the matters at sub-clause 2.

**Requirements**

2. An application to reduce the number of *car parking spaces* is to demonstrate the reduction 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; and
   
   (c) the availability of public transport in the vicinity of the land; or
(d) 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**.

5.2.4.3 Reduction in Parking Requirements within Zone CB in Darwin

**Purpose**
Provide for a use or development with fewer **car parking spaces** than required by clause 5.2.4.1 (Parking Requirements) within Zone CB in Darwin.

**Administration**
1. The consent authority may **consent** to a use or development with fewer **car parking spaces** than required by column 3 of the table to clause 5.2.4.1 (Parking Requirements) in accordance with the table to this clause.

2. The consent authority may also **consent** to:
   (a) a reduction of 1 **car parking space** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) **car parking spaces** required by clause 5.2.4.1 (Parking Requirements); and
   (b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 **car parking space** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of **car parking spaces** required by clause 5.2.4.1 (Parking Requirements).

3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

**Requirements**
4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
   (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
   (b) the suitability of the plants to be used in the landscaping;
   (c) sufficient soil depth to accommodate the proposed types of plants;
   (d) how the landscaping will be practically maintained for the lifetime of the development; and
   (e) suitable management of drainage.
| Table to Clause 5.2.4.3: Reduction in Parking Requirements within Zone CB in Darwin |
|---------------------------------|-------------------------------------|
| **Category**                    | **Reduction permitted**             |
| **1**                           |                                     |
| **Access to alternative transport options** |                                 |
| (a) The development is located within 200m walking distance of a public bus stop that provides *access* to: | 15% |
| i. five or more bus routes; or |                                     |
| ii. a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday. |                                     |
| (b) The development is located within 400m walking distance of a public bus stop that provides *access* to: | 10% |
| i. five or more bus routes; or |                                     |
| ii. a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday. |                                     |
| (c) The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane. | 5% |
| **2**                           |                                     |
| **Use of shared parking areas / proximity to public car parking** |                                 |
| (a) The development consists of two or more uses that have different day / night peak parking times and these uses share a *car parking area* on the *site*. | 10% |
| (b) The development is within 200m walking distance of an existing, publicly accessible *car park* with a combined total of 100 *car parking spaces* or more. | 10% |
| (c) The development is within 400m walking distance of an existing, publicly accessible *car park* with a combined total of 100 *car parking spaces* or more. | 5% |
| **3**                           |                                     |
| **Inclusion of vertical landscaping** |                                 |
| (a) Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 75% or more of the *site* area. | 25% |
| (b) Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 50-75% of the *site* area. | 20% |
| (c) Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 25-50% of the *site* area. | 15% |
| (d) Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the *site* area. | 10% |
| **4**                           |                                     |
| **Improved car parking design outcomes** |                                 |
| (a) All car parking on the *site* is provided in an underground parking area | 20% |
5 Preservation of a heritage place

| (a) | the use or development relates to a **heritage place** and the Minister responsible for the administration of the **Heritage Act 2011** supports the reduced provision of car parking spaces in the interest of preserving the significance of the **heritage place**. | As determined by the consent authority, taking into account advice received from the Minister responsible for the administration of the **Heritage Act 2011**. |

5.2.4.4 Parking Layout

**Purpose**

Ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.

**Administration**

1. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 4 if it is satisfied that the non-compliance will not:
   (a) result in adverse impacts on the local road network or internal functionality of the **car parking area**; and
   (b) unreasonably impact on the **amenity** of the surrounding locality.

2. This clause does not apply to a **car parking area** where the car parking is required in association with a **dwelling-single**, **dwelling-independent** or a **home based business**.

**Requirements**

3. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.

4. 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 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; and
(j) be designed so that parking spaces at the end of and perpendicular to a driveway be 3.5m wide or so that the driveway projects 1m beyond the last parking space.

5. Despite sub-clause 4, dust suppression may be an acceptable alternative to sealed surfaces in non-urban areas.
Diagram to Clause 5.2.4.4: Parking Layout
5.2.4.5 Vehicle Access and On-site Parking for **Dwellings-Single** on Lots Less than 600m\(^2\) but not less than 300m\(^2\)

**Purpose**

Ensure that vehicle **access** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m\(^2\) and not less than 300m\(^2\) do not unduly reduce the **amenity** of a public road or the availability of kerbside vehicle parking in the public road.

**Administration**

1. The consent authority may **consent** to a use or development that is not in accordance with sub clauses 2 and 3 if it is satisfied that the non-compliance will not:
   (a) result in adverse impacts on the local road network; and
   (b) unreasonably impact on the **amenity** of the surrounding locality; and
   (c) the authority responsible for the local road network approves the alteration.

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 6.5m without on-site parking or vehicle **access** within that length.

3. Vehicular **access** shall be via a single driveway, no wider than 3.5m, where required by the table to this clause.

**Requirements**

**Table to Clause 5.2.4.4:**

<table>
<thead>
<tr>
<th>Range of Lot Size</th>
<th>Vehicle Access Driveways</th>
</tr>
</thead>
<tbody>
<tr>
<td>300m(^2) to less than 450m(^2)</td>
<td>Vehicle <strong>access</strong> shall be via a single driveway where the boundary to the public road is less than 13m</td>
</tr>
<tr>
<td>450m(^2) to less than 600m(^2)</td>
<td>Vehicle <strong>access</strong> shall be via a single driveway where the boundary to the public road is less than 15m</td>
</tr>
</tbody>
</table>
5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and that the non-compliance will not result in adverse impacts on the local road network nor the number or availability of car parking spaces.

Requirements
2. Bar-public, club, emergency services facility, exhibition centre, food premises (fast food outlet and restaurant), hospital, hotel/motel, industry-general, industry-light, nightclub entertainment venue, office, place of assembly, shop, shopping centre, 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 bar-public, club, emergency services facility, hospital, hotel/motel, industry-general, industry-light, nightclub entertainment venue, showroom sales, transport terminal or warehouse development:
      i. 1 loading bay for a single occupation of a net floor area of 10 000m$^2$ or less; and
      ii. 1 loading bay for every 5000m$^2$ of net floor area or part thereof in excess of 10 000m$^2$; or
   (b) if for an exhibition centre, food premises (fast food outlet and restaurant) office, place of assembly, shop or shopping centre development, 1 loading bay for every 2000m$^2$ 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.
5.2.6 Landscaping

Purpose
Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration
1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.

2. The consent authority may consent to landscaping that is not in accordance with sub-clauses 4 and 5, 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. 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.

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

6. The quality and extent of the landscaping consented to must be maintained for the life of the development.
5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose
Protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

Administration
1. The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:
   (a) the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or
   (b) the development is for the purpose of a child care centre.

Requirements
2. A use or development or a proposed use or development that is:
   (a) not a residential building;
   (b) on land that is in a zone other than Zones LR, LMR, MR or HR; and
   (c) abuts land in any of those zones;
   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 to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR 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 Zones LR, LMR, MR or HR.
5.3 General Development Requirements in Specific Zones

5.3.1 Heritage Places and Development in Zone HT

Purpose
Ensure that development is not adverse to the significance of a heritage place or heritage object in Zone HT.

Administration
1. Despite anything to the contrary in this Planning Scheme, where land is Zoned HT, consent is required for:
   (a) the demolition, removal or modification of a building;
   (b) the construction of a building;
   (c) the external alteration of a building by structural work, rendering, sandblasting or in any other way;
   (d) the construction or display of a sign; or
   (e) any other construction works on the site.

2. In determining an application for use or development the consent authority must have regard to the views of the Minister responsible for the administration of the Heritage Act 2011, with particular reference to the matters in sub-clause 3.

Requirements
3. An application for use or development in Zone HT must demonstrate consideration of:
   (a) any applicable heritage study and any applicable heritage policy;
   (b) whether the location, bulk, form or appearance of any proposed building may have an adverse impact on the character and appearance of adjacent heritage places or heritage objects;
   (c) whether demolition, removal, external alteration or any other works will adversely impact on the significance of the heritage place or heritage object; and
   (d) whether the subdivision design (if applicable) adversely impacts on a heritage place or heritage object.
5.3.2 Development in Zone WM

Purpose
Ensure that any use or development of land within Zone WM does not contaminate the public water supply, and is consistent with the requirements of the relevant service authority and the Agency responsible for the relevant water source and the public water supply.

Administration
1. The consent authority must receive and have regard a report from any Agency with responsibility for the relevant water source and/or the public water supply on whether the proposed use or development will be in accordance with sub-clause 4.

2. The consent authority must not consent to the use or development if it is not supported by any Agency with responsibility for the relevant water source and/or the public water supply.

3. The consent authority may consent to a use or development that is not in accordance with sub-clause 4, only if it is satisfied the development is consistent with the purpose of this clause.

Requirements
4. Use and development of land within Zone WM should:
   (a) be of a nature or intensity which does not risk contamination of the surface or ground water supply;
   (b) take account of drainage of the land during both the construction and operational stages;
   (c) provide appropriate facilities for effluent disposal; and
   (d) provide appropriate facilities for on-site waste collection and disposal.
5.3.3 Development in Zone RW

Purpose
Ensure that the use and development of land in Zone RW does not constrain the safe and efficient operation of the railway.

Administration
1. The consent authority must not consent to a use or development that is not in accordance with sub-clause 3.

2. In this clause, “corridor” and “additional land” have the meaning they have in the AustralAsia Railway (Special Provisions) Act 1999.

Requirements
3. The use and development of the corridor and additional land is to be in accordance with section 8 of the AustralAsia Railway (Special Provisions) Act 1999.

5.3.4 Development in Zone FD

Purpose
Provide for the use and development of land in Zone FD (which would typically be urban development) consistent with the intended future use or development of the land.

Administration
1. Where a development permit has been issued for subdivision of land in Zone FD, the consent authority may permit the use and development of that land only in accordance with sub-clauses 2, 3 and 4.

Requirements
2. The use or development is consistent with any Area Plan in Part 2 applicable in the circumstances.

3. The use or development is consistent with the intended ultimate zoning.

4. Services (in particular reticulated services including water and sewerage) are, or can be, made available to that land.
5.3.5 Development in Zones M and PM

Purpose
Ensure the use and development of land in Zones M and PM does not prejudice:
(a) the future development, operation, expansion or maintenance of a main road or proposed main road;
(b) traffic safety; or
(c) the amenity of a main road corridor;

Administration
1. The consent authority must not consent to a use or development that is not in accordance with sub-clause 2.

Requirements
2. The use and development of land is only to be in accordance with the requirements of the agency responsible for the care, control and maintenance of the main road or proposed main road.

5.3.6 Development in Zone U

Purpose
Ensure the use and development of land in Zone U does not prejudice the future development, operation or maintenance of the utility.

Administration
1. A utility may include trunk sewers, sewerage ponds, trunk water mains, water storage facilities, electricity transmission and substation facilities, gas pipelines and the like.
2. The consent authority must not consent to a use or development that is not in accordance with sub-clause 3.

Requirements
3. The use and development of land is only to be in accordance with the requirements of the agency, service authority or company responsible for the utility on the land.
5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

Purpose
Ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

Administration
1. The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:
   (a) there are alternative end of trip facilities (on or off the site), where:
   i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
   ii. access to the alternative end of trip facilities is safe and convenient for users;
   iii. the alternative end of trip facilities are sheltered and secure; and
   iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or
   (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
   (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

Requirements
2. All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).

3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:
   (a) be located in a convenient and safe location with adequate security for the storage of bicycles;
   (b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;
   (c) where secure parking is provided, provide e-bike charging facilities, as necessary;
   (d) not require access via steps;
   (e) be protected from the weather;
(f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;
(g) be located outside pedestrian movement paths;
(h) be easily accessible from the road;
(i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;
(j) be protected from manoeuvring motor vehicles and opening car doors;
(k) be as close as possible the cyclist’s ultimate destination;
(l) be well lit by appropriate existing or new lighting; and
(m) be sympathetic in design, material and colour to compliment the surrounding environment.

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

5. All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.

6. Shower and changing facilities must be secure facilities capable of being locked, and should:
   (a) be located as close as practical to the associated bicycle parking facilities;
   (b) provide one change space per shower; and
   (c) Provide for separate male and female facilities where more than one shower is provided.
### Table to Clause 5.3.7: End of trip facilities in Zones HR, CB, C, SC, and TC

<table>
<thead>
<tr>
<th>Use or Development</th>
<th>Minimum number of bicycle parking spaces</th>
<th>Minimum number of showers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings-multiple</td>
<td>1 space for every 3 dwellings</td>
<td></td>
</tr>
<tr>
<td>Hotel/motel, rooming accommodation</td>
<td>1 space for every 3 guest rooms</td>
<td>1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.</td>
</tr>
<tr>
<td>Non-residential buildings (except as identified in this table)</td>
<td>1 space per 300m$^2$ net floor area</td>
<td>1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per 300m$^2$ net floor area</td>
<td>1 shower for up to 1500m$^2$ net floor area, plus 1 additional shower for up to every 1500m$^2$ thereafter.</td>
</tr>
<tr>
<td>Serviced apartments</td>
<td>1 space for every 3 dwellings</td>
<td>1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.</td>
</tr>
<tr>
<td>Shop (including shopping centres)</td>
<td>1 space per 300m$^2$ net floor area up to 5000m$^2$ net floor area, plus 1 space per 600m$^2$ net floor area above every 5000m$^2$ net floor area thereafter.</td>
<td>1 shower for up to 5000m$^2$ net floor area, plus 1 additional shower for up to every 5000m$^2$ thereafter.</td>
</tr>
</tbody>
</table>
5.4 Residential Specific Development Requirements

5.4.1 Residential Density Limitations

Purpose
Ensure that the development of *residential buildings* is:

(a) of a density compatible with adjoining or nearby existing development or development reasonably anticipated

(b) of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and

(c) 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 tables A, B, C, D and E (as the case requires) to this clause.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dwelling Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR, RR, RL, R and for a <em>dwelling-single</em> in CL, CV and T</td>
<td>1 <em>dwelling-single</em> per lot</td>
</tr>
<tr>
<td>LMR and for <em>dwellings-group</em> in CL and T and <em>dwellings-multiple</em> in T</td>
<td>1 per 300m²</td>
</tr>
<tr>
<td>A and H</td>
<td>2 per lot</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of storeys above ground level</th>
<th>1 or 2 bedrooms</th>
<th>3 bedrooms</th>
<th>4 bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>155m²</td>
<td>180m²</td>
<td>215m²</td>
</tr>
<tr>
<td>2</td>
<td>125m²</td>
<td>170m²</td>
<td>210m²</td>
</tr>
<tr>
<td>3</td>
<td>95m²</td>
<td>130m²</td>
<td>180m²</td>
</tr>
<tr>
<td>4 (maximum)</td>
<td>85m²</td>
<td>130m²</td>
<td>140m²</td>
</tr>
<tr>
<td>Table C to Clause 5.4.1: Dwelling Density in Zones MR and TC in Alice Springs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of storeys above ground level</td>
<td>Dwelling Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>400m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>200m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 (maximum)</td>
<td>133m²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table D to Clause 5.4.1: Dwelling Density in Zone HR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of storeys above ground level</td>
</tr>
<tr>
<td>--------------------------------------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8+</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table E to Clause 5.4.1: Dwelling Density in Zone C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of storeys above ground level</td>
</tr>
<tr>
<td>--------------------------------------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

### 5.4.2 Residential Height Limitations

**Purpose**
To ensure that the development of *residential buildings* 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.

**Administration**
1. 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.
2. The consent authority may *consent* to a *residential building* that is not in accordance with sub-clause 5 only if:
(a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
(b) additional height is provided for by an applicable Area Plan.

3. The consent authority must not consent to a residential building in Zone MR that abuts land in Zone LR that:
   (a) exceeds a height of 3 storeys above ground level; or
   (b) subject to clause 5.2.2, in any other circumstance exceeds 4 storeys above ground level.

4. The consent authority may consent to a residential building that exceeds 8 storeys in height in Zone HR only if:
   (a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
   (b) it is provided for within an applicable Area Plan.

Requirements
5. Subject to clause 5.2.2, the height of a residential building that may be constructed on a site is to be determined in accordance with the table to this clause.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Number of Storeys and Maximum Dwelling Height above Ground Level for Residential Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR and for a dwelling-single in Zones CL, CV and T</td>
<td>2 – to a maximum height of 8.5m</td>
</tr>
<tr>
<td>LMR and for dwellings-group in Zones CL, T and for dwellings-multiple in Zone T</td>
<td>2 – to a maximum height of 8.5m</td>
</tr>
<tr>
<td>MR other than in Alice Springs</td>
<td>4 maximum</td>
</tr>
<tr>
<td>MR and TC in Alice Springs</td>
<td>3 maximum</td>
</tr>
<tr>
<td>HR</td>
<td>8+</td>
</tr>
<tr>
<td>RR, RL and R</td>
<td>2 – to a maximum height of 8.5m</td>
</tr>
<tr>
<td>C</td>
<td>3</td>
</tr>
</tbody>
</table>
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, C, 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) 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 authority, 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-clauses 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, noting that 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; 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.

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.

<table>
<thead>
<tr>
<th>Lot Boundary</th>
<th>Minimum Setback for 1 or 2 storey buildings</th>
<th>Minimum Setback for buildings over 2 storeys</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street frontage</td>
<td>6m for residential buildings, and ancillary structures with external walls and 4.5m for ancillary structures without external walls or 3m for shade sails, to a maximum height of 2.5m at the minimum setback</td>
<td>7.5m for residential buildings, and ancillary structures with external walls and 4.5m for ancillary structures without external walls</td>
</tr>
<tr>
<td>Secondary street frontage</td>
<td>2.5m for residential buildings and 1.5m for ancillary structures or 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback</td>
<td>2.5m for residential buildings and ancillary structures with external walls and 1.5m for ancillary structures without external walls</td>
</tr>
</tbody>
</table>
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

3m for **residential buildings** with
- **habitable rooms** with windows or doors facing the subject boundary; and
- verandahs and/or balconies facing the subject boundary; and
- shade sails

or 1.5m for **residential buildings** where the subject wall only includes:
- non-habitable rooms;
- **habitable rooms** without windows and/or doors facing the boundary; and
- **ancillary** structures, whether with or without external walls excluding, verandahs, balconies or shade sails

<table>
<thead>
<tr>
<th>Lot Boundary</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street frontage</td>
<td>10m or 7.5m for lots less than 1ha in Zones RR and RL</td>
</tr>
<tr>
<td>Secondary street frontage</td>
<td>10m or 5m for lots less than 1ha in Zones RR and RL</td>
</tr>
<tr>
<td>Side and rear lot boundaries</td>
<td>10m or 5m for lots less than 1ha in Zones RR and RL</td>
</tr>
</tbody>
</table>

**Editor's Notes:**

(1) **Clause 5.2.7** provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.

(2) **Clause 5.4.3.3** provides reduced setback requirements in certain circumstances for dwellings-single.

(3) **Clause 5.8.7 Demountable Structures** includes specific setback requirements.

(4) Setbacks relate to lot boundaries and not unit title boundaries.
5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height

Purpose
Ensure that *residential buildings* respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

Administration
1. The consent authority may *consent* to a development that is not in accordance with sub-clause 3 if it is satisfied it is consistent with the purpose of this clause and 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 3.

2. The length of the building excludes verandahs, balconies, carports and porticos integrated into the *residential building* design and fully open to affected boundaries.

Requirements
3. For *residential buildings*, except *dwellings-single*, that are longer than 18m or taller than 4 *storeys*, additional setback requirements apply to those outlined in the tables to clause 5.4.3 as follows:
   (a) for each additional 3m or part thereof in building length over 18m, an additional *building setback* to the affected boundary of 0.5m; and
   (b) for each additional *storey* over four *storeys* above *ground level*, an additional *building setback* to that *storey* of 1.5m from all boundaries.

4. No part of a *residential building* is required to exceed a *building setback* of 10.5m from any boundary.

5.4.3.2 Distance Between Residential Buildings on one Site

Purpose
Ensure *residential buildings* provide a sympathetic interface with the streetscape and surrounding development, minimise adverse effects of building massing, and avoid undue overlooking of adjoining *residential buildings* and private open space.

Administration
1. The consent authority may *consent* to a development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and privacy and overlooking impacts that may arise from non-conformity with sub-clauses 2 and 3.
Requirements

2. Where more than one building comprising one or two storey residential buildings is located on a site the distance between the buildings is to be calculated in accordance with Table A to Clause 5.4.3 as if there was a lot 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.

4. For each storey over four storeys, the distance between buildings referred to in sub-clause 3 is measured from a straight line that is half the average distance between the walls of the buildings.
5.4.3.3 Reduced Setbacks for Dwellings-Single

Purpose
Provide flexibility for the design and siting of dwellings-single that adopt specified reduced setbacks in a manner that responds to the streetscape and surrounding development.

Administration
1. This clause does not apply if a building setback plan in Schedule 9 applies to the land and establishes specific boundary setbacks.

2. The consent authority must not consent to a dwelling-single subject to this clause that does not comply with sub-clauses 4, 5 and 6.

Requirements
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 Table A to clause 5.4.3, a dwelling-single on a lot less than 600m² but not less than 300m² 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 Planning Scheme (Amendment No. 320, introduced on 26 March 2014).

5. Despite Table A to clause 5.4.3 a dwelling-single on a lot less than 600m² but not less than 300m² 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 5.4.6;
   (b) that any garages or carports have a front setback no less than 6m; and
   (c) a landscaped area is included along the front boundary that will provide visual amenity to the public road.

6. Despite Table A to clause 5.4.3, a dwelling-single on a lot greater than 600m² may, in accordance with the table to this clause, have a reduced front setback to habitable rooms only, 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.
### Table to Clause 5.4.3.3: Reduced building setbacks for dwellings-single

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Minimum Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>300m² to less than 450m²</td>
<td>Zero setback is permitted to no more than one side boundary of the lot. 3m to the <strong>primary street</strong> frontage.</td>
</tr>
<tr>
<td>450m² to less than 600m²</td>
<td>Zero setback is permitted to one side boundary of the lot only where a 3m setback is provided to the other side boundary. 3m to the <strong>primary street</strong> frontage.</td>
</tr>
<tr>
<td>600m² or greater</td>
<td>4.5m to the <strong>primary street</strong> frontage.</td>
</tr>
</tbody>
</table>

#### 5.4.4 Extensions and Ancillary Structures to a Dwelling-group or Dwelling-multiple Development

**Purpose**
Ensure an extension or **ancillary** structure that is **ancillary** to an existing **dwelling-group** or **dwelling-multiple** responds to the streetscape and surrounding development.

**Administration**
1. An extension to an existing **dwelling-group** or **dwelling-multiple**, or addition of an **ancillary** structure, is **Permitted** without **consent** if it complies with sub-clause 2.

**Requirements**
2. An extension or **ancillary** structure to a **dwelling-group** or **dwelling-multiple** is:
   (a) to comply with the requirements of Parts 5 and 6 of the Planning Scheme;
   (b) to be contained wholly within the respective unit title and not on or over a registered easement;
   (c) to be of a scale and design compatible with the existing **dwellings** and the streetscape and surrounding development including **residential buildings** on the same **site**;
   (d) not to result in:
      i. the creation of a habitable area capable of separate occupancy;
      ii. an additional **storey**; or
      iii. an increase in the maximum height of the development; and
   (e) to include adequate measures to prevent the discharge of concentrated stormwater onto an adjacent lot or unit title.
5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR

**Purpose**
Minimise the visual and acoustic impact of **dwellings-group**, **dwellings-multiple** and **residential care facilities** in Zone MR where that land is adjacent to land in Zone LR.

**Administration**
1. This clause applies to land in Zone MR that abuts land in Zone LR.
2. The consent authority must not **consent** to development that is not in accordance with sub-clause 4.

**Requirements**
3. Provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone LR.
4. Provide a **building setback** of not less than 3m to the boundary that abuts land in Zone LR, which is to be landscaped and is to provide a visual screen to the adjacent land in Zone LR.

5.4.6 Private Open Space

**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 4 and 5 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.
2. If a **dwelling** within a **dwelling-multiple** development has no direct **access** at **ground level** to private open space, and where on-site communal open space is provided, compliance with purpose provisions (c) and (d), and sub-clauses 4(d), (e) and (f) is not required.
3. The consent authority may consent to dwellings-multiple comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 4 and 5 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

Requirements

4. Private open space for a dwelling-single, dwelling-group, dwelling-multiple or dwelling-independent 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.

5. Where the private open space is at ground level and other than for a dwelling-single, or a dwelling-single and associated dwelling-independent 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 within two years of planting.
### Table to Clause 5.4.6: Minimum Areas of Private Open Space

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling-multiple without direct ground level access</td>
<td>12m² with no dimension less than 2.8m</td>
</tr>
</tbody>
</table>

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.
- A least half of Area A must be permeable, and may include the 5m² 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**.

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling-group and dwelling-multiple with direct ground level access</td>
<td>A. 45m², open vertically to the sky, with no dimension less than 1.5m; and</td>
</tr>
<tr>
<td>Dwelling-single on a lot less than 450m²</td>
<td>B. 24m², all or partly covered, with no dimension less than 4m.</td>
</tr>
<tr>
<td>Dwelling-independent in addition to the private open space requirement for the dwelling - single</td>
<td></td>
</tr>
<tr>
<td>Dwelling-single on a lot not less than 450m²</td>
<td>A. 50m², open vertically to the sky, with no dimension less than 1.5m; and</td>
</tr>
<tr>
<td></td>
<td>B. 36m², all or any part covered, with no dimension less than 6m.</td>
</tr>
</tbody>
</table>

### 5.4.7 Communal Open Space

**Purpose**
Ensure that suitable areas for communal open space are provided for *dwellings-group, dwellings-multiple, residential care facilities* and *rooming accommodation*.

**Administration**
1. This clause does not apply to *dwelling-group* or *dwelling-multiple* where each *dwelling* has direct and independent *access* to private open space at *ground level*.

2. The consent authority may *consent* to a *dwelling-multiple* comprising *serviced apartments* in Zone TC that is not in accordance with sub-clause 3 only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each *dwelling* provides appropriate opportunities for outdoor activities.
Requirements
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 address:
   (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 to be provided for;
   (e) the projected needs of children for outdoor play;
   (f) the provision of landscaping and shade;
   (g) safety issues including lighting and informal surveillance;
   (h) on-site traffic circulation; and
   (i) future maintenance and management requirements.

5.4.8 Building Design for Dwelling-group, Dwelling-multiple, Rooming Accommodation and Residential Care Facility

Purpose
Promote site-responsive designs for dwelling-group, dwelling-multiple, rooming accommodation and residential care facility, which provide a pleasant living environment for the occupants and a sympathetic interface with adjoining lots, to minimise unreasonable impacts on the privacy and amenity of surrounding residents.

Administration
1. This clause does not apply when only two dwellings form the dwellings-group.

2. The consent authority should take into account how the building design has addressed sub-clauses 3-14.

Requirements
3. Locate development on the site for correct solar orientation.

4. Minimise expanses of walls by varying building heights, building setbacks and façades.

5. Locate air conditioners where they are accessible for servicing.

6. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.
7. Avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent **sites**.

8. Locate bedrooms and private open spaces away from noise sources.

9. Control its own noise sources and minimise the transmission of noise between **dwellings**.

10. Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.

11. Balance the achievement of visual and acoustic privacy with passive climate control features.


14. Provide internal drainage of balconies and coving on the edge of balconies.

### 5.4.9 Residential Development in Zone C

**Purpose**

Ensure residential development on a **site** in Zone C does not prejudice the use or development of the **site** for commercial or retail activity in accordance with the purpose of the zone.

**Administration**

1. The consent authority must not **consent** to a use or development that is not in accordance with sub-clause 2.

**Requirements**

2. A **site** in Zone C 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**.
5.4.10 Home Based Businesses

5.4.10.1 Home Based Business

Purpose
Ensure that a home based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that:
(a) is appropriate to the amenity of the locality and the primary purpose of the zone in which the home based business is established;
(b) protects the amenity of adjoining premises;
(c) can be supported by the existing utilities infrastructure provided in the locality; and
(d) limits the traffic impacts to that which might reasonably be expected in the locality.

Administration
1. The consent authority may consent to a home based business that is not in accordance with sub-clauses 4 and 5 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, nature, scale and impact on surrounding amenity.
2. Notwithstanding sub-clause 1, the consent authority must not consent to a home based business (temporary visitor accommodation) where the combined total number of residents and guests exceeds twelve people.
3. More than one home based business may operate on a site provided that individually and collectively the home based businesses accord with sub-clauses 4 and 5, and provided that there will not be more than one home based business of each category operating on the site;

Requirements
4. A home based business will comply with the purpose of this clause if:
(a) it is carried out by a person residing in the dwelling;
(b) it operates in a manner that is ancillary to the use of the dwelling as a private residence at all times;
(c) it is compatible with the character of the local area and does not unreasonably impact upon the amenity of adjoining or nearby residential uses;
(d) no greater demand or load is imposed on the existing reticulated services than that which is ordinarily required in the locality;
(e) if reticulated services are not available:
   i. development does not impose unsustainable demands on surface water and groundwater; and
ii. the land is suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters;

(f) no more than 1 sign is erected on the site of a home based business, and is not more than 0.5m² in area; and

(g) it demonstrates that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.

5. The requirements applicable for each category of home based business are as follows:

(a) family day care for no more than 7 children may be established where the operation and use of the dwelling is approved by Quality Education and Care NT (QECNT) under the National Quality Framework for early childhood education and care, and it is conducted in a way to minimise potential conflict with surrounding residential development;

(b) the storage of materials and vehicles as part of a home based business is acceptable in Zones RL, R, H, A or FD where:
   i. the total area of the site that is used (including areas used temporarily) does not exceed 200m²;
   ii. no goods or equipment are visible from outside the site; and
   iii. not more than three vehicles kept on the site are associated with the home based business;
   iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;

(c) the storage of materials and vehicles is acceptable in any other zone where:
   i. the total area of the site that is used (including areas used temporarily) does not exceed 30m²;
   ii. no goods or equipment are visible from outside the site; and
   iii. not more than one vehicle kept on the site is associated with the home based business.
   iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;

(d) a dwelling may be used for the purpose of an occupation or profession where:
   i. the total of the floor area of the dwelling plus the other areas of the site that are used (including areas used temporarily) does not exceed 30m²;
   ii. no more than 2 customers or clients are present at any one time;
   iii. it does not involve more than 1 person who is a non-resident of the dwelling;
iv. it does not involve any materials, equipment or processes that cause nuisance or emissions that adversely impact on the amenity of the locality;

v. a maximum of one vehicle associated with the occupation or profession is kept on the site;

vi. the public display of goods from the premises does not occur outside of a building, and is not visible from the street or another public place;

vii. commercial deliveries or collections are limited to a vehicle no larger than a Light Rigid vehicle up to 8 tonnes, and no more than 2 deliveries or collections per day;

viii. loading or unloading activity is undertaken entirely within the site; and

ix. sufficient car parking each occupation is provided for, on or off street, in a manner that does not unreasonably impact the safe operation of the local road network or the residential amenity of the locality;

(e) temporary visitor accommodation (bed and breakfast type accommodation) is acceptable where:

i. the number of guests at any time on the premises does not exceed 6

ii. the driveway to the accommodation does not gain access from a road that is in Zone M (Main Road) unless consent is obtained from the responsible authority;

iii. the premises to be used is not a dwelling-multiple or dwelling-group;

iv. it is located on a lot with an area of at least 600m²; and

v. one car parking space is provided for each guest room, in addition to the car parking spaces required for the dwelling.

Editor’s Notes:

(1) Any part of a dwelling used for temporary visitor accommodation needs to meet the requirements of the National Construction Code as Class 1b.

(2) A ‘vehicle” is as defined by the Motor Vehicle Registry
5.4.10.2 Sex Services-Home Based Business

Purpose
Ensure that a sex services-home based business is ancillary to the dwelling on the site, and is compatible with and conducted in a manner that:
(a) is appropriate to the amenity of the locality and primary purpose of the zone
(b) protects the amenity of adjoining premises;
(c) can be supported by the existing utilities infrastructure provided in the locality; and
(d) limits the traffic impacts to that which might reasonably be expected in the locality.

Administration
1. The consent authority may consent to a sex services-home based business that is not in accordance with sub-clauses 4-9 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, nature, scale and impact on surrounding amenity.

2. The consent authority must not consent to a sex services-home based business that is not in accordance with sub-clauses 10-13.

3. Sub-clause 13(a) does not prevent a pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a place of worship from establishing on land which abuts or is directly opposite existing premises used for sex work, nor does the establishment of one of these uses require an abutting or directly opposite premises used for sex work to cease operating.

Requirements
4. The sex services-home based business operates in a manner that is ancillary to the use of the dwelling as a private residence at all times.

5. The sex services-home based business is compatible with the character of the local area and does not unreasonably impact upon the amenity of adjoining or nearby residential uses.

6. No greater demand or load is imposed on the existing reticulated services than that which is ordinarily required in the locality.

7. If reticulated services are not available:
   (a) development does not impose unsustainable demands on surface water and groundwater; and
(b) the land is suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.

8. The total of the floor area of the dwelling plus the other areas of the site that are used for the sex services-home based business (including areas used temporarily) does not exceed 30m² (excluding the area used by the support staff engaged by the sex services-home based business).

9. A maximum of one vehicle associated with the sex services-home based business is kept on the site.

10. The dwelling may be used for sex work by up to two sex workers, and each sex worker is to be a resident in the dwelling.

11. No more than one support staff is on the site of the dwelling associated with the sex workers.

12. No signs, other devices or markings indicate that the premises is used for the purpose of engaging in sex work.

13. The dwelling may be used for sex work by the resident/s provided the lot on which the dwelling is situated:
   (a) does not abut a lot with an established pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a place of worship; or
   (b) is not directly opposite a lot on the other side of a public road with a reserve of 18m or less in width with an established pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a place of worship.
5.4.11 Caravan Accommodation

**Purpose**
Limit the use of a *caravan* for accommodation purposes to reduce potential adverse impacts on the *amenity* of adjoining and nearby property.

**Administration**
1. The consent authority may *consent* to *caravan accommodation* that is not in accordance with sub-clause 3 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 the potential impact of the *caravan* on the residential *amenity* of adjoining and nearby property.

2. The consent authority must not *consent* to *caravan accommodation* in Zones CV or CB.

**Requirements**
3. The *caravan* is the only *caravan* used for accommodation on the *site* and is used:
   (a) as a temporary residence by the owner/occupier of the *site*;
   (b) by a dependant of a person occupying a *dwelling-single* on the *site*;
   (c) by a bona fide visitor for a period not exceeding 6 months; or
   (d) by a bona fide caretaker of *non-residential land*.

5.4.12 Dwelling-Caretakers

**Purpose**
That *dwellings-caretakers* are only established where necessary to support the *primary use* of non-residential land, in a manner that does not prejudice the use of the *site* or adjoining land in accordance with its zoning.

**Administration**
1. The consent authority may *consent* to a *dwelling-caretakers* that is not in accordance with sub-clauses 3 and 4 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.

2. The establishment of a *dwelling-caretakers* must not compromise or constrain the operation or viability of the *primary use* of the *site* or adjoining land.
Requirements
3. The *floor area* of the *dwelling-caretakers* does not or will not exceed 50m².

4. There is or will be only one *dwelling-caretakers* on the *site*.

5.4.13 Dwelling-Independent

**Purpose**
Ensure a *dwelling-independent* provides for increased housing choice while remaining *ancillary* to the *dwelling-single* on a *site*, and is developed in a manner that:
(a) avoids significant impact on the *amenity* of adjoining and nearby property;
(b) does not detrimentally impact on the natural environment; and
(c) does not adversely impact the local road network;

**Administration**
1. The consent authority must not *consent* to a *dwelling-independent* that is not in accordance with sub-clauses 4, 8 and 9.

2. The consent authority may *consent* to a *dwelling-independent* that is not in accordance with sub-clause 5 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 surrounding *amenity*.

3. The consent authority must not *consent* to a *dwelling-independent* that is not in accordance with sub-clause 7 unless:
   (a) documentary evidence that an existing wastewater management system does not comply or will not comply with the requirements of the Code of Practice for Wastewater Management as a result of the proposed dwelling-independent, is provided by:
      i. a registered certifying plumber and drainer or certifying engineer (hydraulic) (for locations within declared building control areas under the provisions of the *Building Act 1993*); or
      ii. a licenced plumber and drainer or hydraulic consultant (for locations where the *Building Act 1993* does not apply);
   and
   (b) it can be demonstrated by a site and soil evaluation report completed by an appropriately qualified site-and-soil evaluator that a wastewater management system complying with the requirements of the Code of Practice for Wastewater Management can be installed for the proposed development.

**Editor's Note:** The *Code of Practice for Wastewater Management* provides further guidance on the requirements of a site-and-soil evaluator.
Requirements
4. There will be no more than one dwelling-independent on a site.

5. The maximum floor area of the dwelling-independent in:
   (a) Zones H, A, RL and R shall not exceed 80m$^2$; and
   (b) in all other zones shall not exceed 50m$^2$.

6. There is only one shared vehicle access point to the road, unless the relevant authority has approved a second access.

7. Both dwellings will be serviced by a common effluent disposal system or connected to reticulated sewerage.

8. Both dwellings will be serviced by either a single bore or a single connection to a reticulated water supply.

9. Both dwellings will be serviced by a single connection to a reticulated power supply.

5.4.14 Dwelling-Community Residence

Purpose
Ensure that the scale and operation of a dwelling-community residence is:
   (a) consistent with the residential amenity of the zone;
   (b) commensurate with the scale of utilities infrastructure provided in the locality;
   (c) limits the traffic impacts of the dwelling-community residence to that which might reasonably be expected in a residential location; and
   (d) does not detrimentally impact on the natural environment.

Administration
1. The consent authority may consent to a dwelling-community residence that is not in accordance with sub-clauses 2-5 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, nature, scale and impact on surrounding amenity.

Requirements
2. The dwelling is to be suitable for the use.

3. The scale and day to day operation is compatible with the residential character and amenity of zone.
4. 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.

5. There are no more than 12 persons resident in the **dwelling-community residence**.

6. If serviced by an on-site effluent disposal system, that it is capable of accepting the increased load.

### 5.4.15 Residential Care Facility

**Purpose**

Ensure that a **residential care facility** is established in an appropriate location to meet the needs of its residents and is operated in a manner that:

(a) adequately supports persons in care, staff and visitors;

(b) does not unreasonably impact on the **amenity** of adjoining and nearby property; and

(c) is commensurate with the scale of utilities and transport infrastructure provided in the locality.

**Administration**

1. The consent authority may approve an application for a **residential care facility** that is not in accordance with sub-clauses 2-4 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, nature, scale and impact on surrounding **amenity**.

**Requirements**

2. The facility provides rehabilitation, social, health and recreational facilities on-site or is located to ensure residents have convenient **access** to such facilities and the public transport network.

3. The scale and day to day operation is compatible with the character and **amenity** of the zone.

4. 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.
5.4.16 Helicopter Landing Sites

Purpose
Ensure that a helicopter land site (HLS) is established and operated in a manner that does not detrimentally impact on the amenity of adjoining property and remains ancillary to the dwelling-single on a site.

Administration
1. A HLS requires consent where proposed as an ancillary development when the primary development of land is permitted without consent.

2. The consent authority must not consent to a HLS that is not in accordance with sub-clauses 3-6.

Requirements
3. A HLS may be developed on the site of a dwelling where:
   (a) the use of the HLS is by a resident of the dwelling;
   (b) the HLS is located on the site in accordance with the recommendations of the acoustic report required at sub-clause 5;
   (c) the HLS is more than 500m from a building used for a school, childcare centre or hospital;
   (d) use of the HLS is limited to helicopters of less than 2 tonne total weight;
   (e) helicopter operations do not take place before 7am or after sunset on a weekday, and helicopter operations do not take place before 8am or after sunset on a weekend;
   (f) the HLS is sealed and maintained, or is a watered grass area so that the dust generated by the operation is appropriately managed to prevent its escape beyond the perimeter of the property;
   (g) the property boundaries within 60m of the centre point of the HLS are landscaped to minimise the visual impacts on the existing and future amenity of adjacent areas;
   (h) not more than one helicopter is kept on the site; and
   (i) appropriate facilities are provided for the storage and handling of fuel, including:
      i. locating fuel storage units on hard stand, sealed areas; and
      ii. providing appropriate firefighting equipment and spill management kits within close proximity of the storage area.

4. An application to the consent authority for a HLS must include an acoustic report that assesses and addresses impacts on:
   (a) the residential amenity of nearby property, including areas set aside for the keeping of domestic livestock; and/or
   (b) areas of environmental or cultural sensitivity (including bird nesting areas); and/or
(c) facilities such as nursing homes, hospitals, child care centres or schools.

5. The acoustic report required at sub-clause 4 is to identify:
   (a) the separation distances required between the HLS and any adjoining residential use, areas set aside for keeping domestic livestock, environmentally sensitive areas or culturally sensitive areas; and
   (b) the most appropriate location for the HLS on the site, ensuring that it is sited to achieve the least impact on any existing, or any reasonably anticipated:
      i. adjoining residential use; and/or
      ii. area of environmental or cultural sensitivity; and/or
      iii. areas set aside for keeping domestic livestock.

6. In addition to the requirements of sub-clause 5(a), development of a HLS within Zone RL (Rural Living) is to provide a minimum separation distance of 100m from the centre point of the proposed HLS to any site boundary.

Editor’s Notes:
(1) Helicopter operations are to comply with any Department of Defence restricted airspace requirements.
(2) Fuel storage facilities are to comply with the relevant Australian Standard.
(3) It is the responsibility of the helicopter operator to comply with the following guidelines and principles:
   (a) The CASA Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites;
   (b) The principles within the NT EPA guideline Recommended Land Use Separation Distances;
   (c) The general environmental duty under Section 12 of the Waste Management and Pollution Control Act (WMPC) Act; and
5.5 **Commercial Specific Development Requirements**

5.5.1 **Interchangeable use and development in Zones CB and C**

**Purpose**
Facilitate changes between the nominated use or development of premises within Zone CB or Zone C.

**Administration**
1. If a change in use listed in sub-clauses 2 or 3 does not comply with the relevant requirements and requires *consent*, the level of assessment that applies is *Merit Assessable*.

**Requirements**
2. Where land is Zoned CB, premises that are lawfully used for the purposes of **club, leisure and recreation, office, food premises-café/take away, food premises-restaurant or shop** are *Permitted* without *consent* to shift between any of the aforementioned uses provided that the parking requirement under Clause 5.2.4 (Vehicle Parking) does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 5.2.4.1 (Parking Requirements) and Clause 5.2.4.4 (Parking Layout) to meet any increased requirement.

3. Where land is Zoned C, premises that are lawfully used for the purposes of **office, food premises-café/take away, food premises-restaurant, shop** or **showroom sales** are *Permitted* without *consent* to shift between any of the aforementioned uses provided that the parking requirement under Clause 5.2.4 (Vehicle Parking) does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 5.2.4.1 (Parking Requirements) and Clause 5.2.4.4 (Parking Layout) to meet any increased requirement.

4. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
5.5.2 Plot Ratios in Commercial Zones

Purpose
Provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied the development is appropriate to the site having regard to the purpose of this clause, the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.
2. Sub-clause 3 does not apply to a residential building development other than rooming accommodation.

Requirements
3. Development of sites within:
   (a) Zone TC other than in the Municipality of Darwin; or
   (b) Zone C; or
   (c) Zone SC;
   should not exceed a plot ratio of 1.
4. Development of sites within Zone TC in the Municipality of Darwin should not exceed a plot ratio of 3.

5.5.3 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

Purpose
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.

Administration
1. A development application must, in addition to the matters described in sub-clauses 2-16, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.

Requirements
2. Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.
3. Be sympathetic to the character of buildings in the immediate vicinity.
4. Minimise expanses of blank walls.

5. Add variety and interest at street level and low passive surveillance of public spaces.

6. Maximise energy efficiency through passive climate control measures.

7. Control on-site noise sources and minimise noise intrusion.

8. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.


10. Provide safe and convenient movement of vehicles and pedestrians to and from the *site*.

11. Provide convenient pedestrian links (incorporating *access* for the disabled) to other buildings and public spaces.

12. Provide protection for pedestrians from sun and rain.

13. Provide for loading and unloading of delivery vehicles and for refuse collection.

14. Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.

15. Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.

16. Provide bicycle *access*, storage facilities and shower facilities.
5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC

**Purpose**
Provide for the minor expansion of an existing use or development in Zones CB, C, SC and TC.

**Administration**
1. An expansion of an existing use or development in Zones CB, C, SC or TC is *Permitted* without consent only if it:
   (a) complies with sub-clause 3; and
   (b) complies with Parts 3, 5 and 6 of this Planning Scheme; and
   (c) is consistent with the zone purpose and outcomes.

2. Where the expansion does not comply with sub-clause 3, the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.

**Requirements**
3. An expansion of an existing use or development in Zone CB, C, SC or TC is to be:
   (a) is a maximum of 100m² or 15% of the site, whichever is greater;
   (b) designed to not increase the height of existing development on the site;
   (c) designed to enhance and increase the existing development’s active interface with the public domain;
   (d) not a demountable structure or residential building;
   (e) not located on or over a registered easement, road reserve or lot boundary; and
   (f) of a scale, location and design to facilitate vehicular access, parking and loading areas, including areas allocated for waste management and service vehicle access.

5.5.5 Shops in Zones CV, CL, LI, GI, DV, OR and CN

**Purpose**
Facilitate retailing of a nature and intensity servicing only the needs of the zones in which the shop is located.

**Administration**
1. The consent authority may *consent* to a shop 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 is appropriate to the site having regard to such matters as its scale and intensity, and that the development does not jeopardise the integrity of the zone.
Requirements
2. The net floor area of a shop is not to exceed 200m².

5.5.6 Al Fresco Dining Areas in Zone CB in Central Darwin

Purpose
Provide for the establishment of al fresco dining areas that contribute positively to the amenity, safety and activation of streets in the Darwin’s Central Business area.

Administration
1. This clause only applies to land within Zone CB in Central Darwin, as defined by the diagram to clause 5.2.3.1.

2. An al fresco dining area may be established without consent within Zone CB in Central Darwin if it complies with sub-clause 4.

3. Where the al fresco dining area does not comply with sub-clause 4, the use or development is subject to the assessment requirements set out in the relevant assessment table for the zone.

Requirements
4. An al fresco dining area may occur as a Permitted development only if it:
   (a) is located at ground level;
   (b) is permanently open along at least two sides;
   (c) has open sides that are at least of equal length to the sides bounded by a wall or the like;
   (d) is associated with a lawfully established use;
   (e) does not constrain the function or reduce the number of any on-site car parking spaces, loading bays or ancillary manoeuvring spaces; and
   (f) does not involve development adjacent to a tree within a road reserve or park, or has written agreement from the relevant authority to indicate that the development will not adversely impact on either the root system or branches of a tree within the road reserve.
5.5.7 Child Care Centre

Purpose
Ensure that a child care centre:
(a) is developed in a location that provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road, cycle and footpath network;
(b) incorporates appropriate site layout, building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby properties.

Administration
1. The consent authority may consent to a child care centre that is not in accordance with sub-clauses 2-6 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, nature, and scale, and impact on the amenity of the locality.

Requirements
2. Provide associated vehicle access, parking and maneuvering.

3. Provide landscaping and any necessary screening.

4. Be located:
   (a) adjacent to or within other community facilities such as shopping centres, schools and health services;
   (b) at or near the entrance to a residential suburb; or
   (c) in or near employment areas.

5. Have vehicular access from a road other than from an arterial road.

6. If a child care centre is located adjacent to land in Zones LR, LMR, MR or HR:
   (a) the development is to be set back 5m from all site boundaries and landscaped to a minimum depth of 3m to provide a visual screen;
   (b) a minimum 1.8m high solid acoustic screen fence is erected along the full length of all site boundaries adjoining land in Zones LR, LMR, MR or HR;
   (c) the design of the centre is to take account of the noise impact on any adjacent dwelling by either locating outdoor play space away from the common boundary or by including appropriate screening.

Editor’s Note: the Education and Care Services National Regulations apply to the requirements for the establishment and operation of child care centres.
5.5.8 Service Station

Purpose

Ensure that a service station:
(a) is developed in a location that provides convenient access and does not interfere with the safe and efficient operation of the local road, cycle and footpath network;
(b) does not, because of appearance or the emission of fumes, noise or light, unreasonably affect the use and enjoyment of adjacent land;
(c) incorporates appropriate site layout, building and landscape design to ensure that there are no unreasonable impacts on the anticipated amenity of adjacent land;
(d) incorporates best practice environmental management measures to prevent contamination of land, stormwater, groundwater and air; and
(e) responds to existing and anticipated development on the site and adjacent land.

Administration

1. The consent authority may consent to a service station that is not in accordance with sub-clauses 2-4 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, nature, scale and impact on surrounding amenity.

Requirements

2. Fuel bowsers associated with the service station are visually screened and are located at least:
   (a) 20m from any residential or other commercial development on the site; and
   (b) 20m from the boundary of any existing or potential residential or commercial development on adjoining land; and
   (c) are set back from the road reserve in accordance with Australian Standard AS1940:2017 – the storage and handling of flammable and combustible liquids.

3. The design of the site is such that:
   (a) vehicular access and egress does not create a traffic hazard on adjacent roads; and
   (b) vehicles are able to enter and exit to a road in a forward gear;
   (c) inlets to bulk fuel storage tanks are situated so that tankers discharging fuel stand wholly within the site.

4. Street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.
5. If the site is within a 1% AEP flood event or storm surge, the service station is designed to withstand the flood event or storm surge without risk of pollution.

5.5.9 Car Wash

Purpose

Ensure car wash facilities:
(a) are developed in locations with convenient access and do not interfere with the safe and efficient operation of the local road, cycle and footpath network;
(b) incorporate appropriate site layout, building and landscape design to ensure that there is no unreasonable loss of amenity for surrounding premises; and
(c) incorporate best practice environmental management measures to prevent contamination of land, stormwater, groundwater and air.

Administration

1. The consent authority may consent to a car wash that is not in accordance with sub-clauses 2-6 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, nature, scale and impact on surrounding amenity.

Requirements

2. Noise generating activities associated with the car wash facilities are located at least 20m from any residential development and are visually screened from that development.

3. The car wash does not, because of appearance or noise or light, unreasonably affect the use and enjoyment of adjacent land.

4. A landscaped area at least 3m wide is provided and maintained within the site along all street boundaries.

5. The design of the site is such that:
(a) the entrance to car wash bays is at least 8m from the road boundary;
(b) vehicular access and egress does not create a traffic hazard on adjacent roads;
(c) vehicles are able to enter and exit to a road in a forward gear;
(d) it can be demonstrated that facilities are located so that vehicles using or waiting to use the facilities are entirely within the site and do not restrict the movement of other vehicles on the site; and
(e) wastewater is to be captured on-site and facilities provided for the storage and treatment of waste products to the requirements of the...
agency or the local authority responsible for wastewater management, water supply and sewage.

6. If the site is within a 1% AEP flood event or storm surge, the car wash is designed to withstand the flood event or storm surge without risk of pollution.

5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small

Purpose
Ensure that the establishment and operation of a nightclub entertainment venue, bar-public and bar-small:
(a) Provides an active interface to the public domain and contributes to the interest and diversity of the locality;
(b) minimises unreasonable amenity impacts to surrounding properties, recognising that a reasonable level of ambient noise is associated with the convenience of proximity to central business, entertainment or mixed use precincts; and
(c) is designed for the safety of patrons.

Administration
1. An application for a nightclub entertainment venue or bar-public must include an acoustic report by a suitably qualified consultant to demonstrate how amenity impacts will be addressed, including an assessment of noise generation, the ability to comply with noise standards, and whether noise attenuation measures are required.

2. An application for a nightclub entertainment venue, bar-public or bar-small must include a Management Plan addressing:
(a) operational hours, details of estimated patronage, how amenity impacts on any residential or accommodation within 400m of the venue would be addressed, including the potential for cumulative impacts where there are existing late night venues in the locality;
(b) details of the management of waste collection, storage and disposal;
(c) proximity of or access to public transport and taxis; and
(d) if incorporating outdoor courtyards or areas, how these areas will be managed to limit late night noise generation.

3. The consent authority must not consent to a bar-small that does not comply with sub-clause 5.

4. The consent authority may consent to a development that is not in accordance with sub-clauses 6-13 only if satisfied that 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
5. A bar-small must not exceed a maximum capacity of 100 patrons.

6. Incorporate appropriate building and landscape design to minimise the unreasonable loss of amenity for adjoining and nearby properties.

7. A minimum 1.8m high solid acoustic screen fence is erected along the full length of all site boundaries adjoining land in Zones LR, LMR, MR or HR.

8. The design of an alfresco dining area or outdoor entertainment space located adjacent to a dwelling is to take account of and reasonably mitigate noise and privacy impacts.

9. Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the amenity of any adjacent residents or cause a traffic hazard in the adjacent road network.

10. Adequate provision is made for the on-site collection, storage and disposal of waste, positioned to avoid nuisance to neighbours.

11. Service areas including loading, delivery and storage areas, are located away from public spaces and avoid adverse impacts on adjoining premises.

12. Hours of operation are consistent with reasonable community expectations for the use and do not impact on the amenity of nearby residential uses, especially where these are located outside of Zone CB areas.

13. Development must provide clear connections to public transport and/or taxi services.
5.5.11 Food Premises

Purpose
Ensure that the operation of a food premises:
(a) provides an active interface to the public domain and contributes to the interest and diversity of the locality;
(b) minimises adverse impacts on the amenity of the locality; and
(c) is designed for the safety of patrons.

Administration
1. This clause applies to food premises-café/take away, food premises-fast food outlet, and food premises-restaurant.
2. The consent authority may consent to a food premises that is not in accordance with sub-clauses 3-10, 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 surrounding amenity.

Requirements
3. Incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property.
4. A minimum 1.8m high solid acoustic screen fence is erected along the full length of all site boundaries adjoining land in Zones LR, LMR, MR or HR.
5. Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the amenity of any adjacent residents or cause a traffic hazard in the adjacent road network.
6. Manage noise emissions so that they will not have an unreasonable impact on the amenity of the locality.
7. The design of an alfresco dining area or outdoor entertainment space located adjacent to a dwelling is to take account of and reasonably mitigate noise and privacy impacts.
8. Adequate provision is made for the on-site collection, storage and disposal of waste, positioned to avoid nuisance to neighbours.
9. The maximum net floor area of a café/take away should be 80m$^2$.
10. If a fast food outlet is adjacent to land in Zones LR, LMR, MR or HR, the development is to be set back 5m from all side and rear boundaries and landscaped to a minimum depth of 3m to provide a visual screen.
5.5.12 Shopping Centre

Purpose
Ensure a shopping centre is an attractive, safe and accessible focal point of economic activity that:
(a) integrated with the surrounding neighbourhood;
(b) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining or nearby residential areas;
(c) is developed in a location that provides convenient access that does not interfere with the safe or efficient operation of the local road and footpath network; and
(d) is connected to public transport and local active transport networks.

Administration
1. The consent authority may consent to a shopping centre that is not in accordance with sub-clauses 2-8 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 surrounding amenity.

Requirements
2. Pedestrian and cycle connections between the street network and the shopping centre are clear, direct, safe and attractive links that are well lit, with good signage and meet access requirements.

3. Provide appropriate bicycle parking that is linked to and is easy to access from both the shopping centre and the surrounding active transport network.

4. Buildings incorporate active street frontages to facilitate natural surveillance of footpaths, bus stops and taxi ranks by avoiding long expanses of blank walls along street frontages or other public areas.

5. Service areas including loading, delivery and storage areas, are located away from public spaces and avoid adverse impacts on adjoining premises.

6. The design of the site is such that:
   (a) vehicular access and egress does not create a traffic hazard on adjacent roads; and
   (b) vehicles are able to enter and exit to a road in a forward gear;
   (c) trolley bays are located in appropriate and safe locations, and do not impact on traffic movement;
7. Incorporate landscaping, shade and shelter to open car park areas and perimeters.

8. A shopping centre is to be comprised of a minimum of 60% tenancies as shops.

9. Provide for a range of tenancy sizes, uses and activities, including commercial uses.

5.5.13 Caravan Park

**Purpose**
Ensure that the design, scale and operation of a caravan park provides a high level of amenity to residents and is appropriate to the site to minimise adverse impact on the amenity of adjoining or nearby residential areas and road network.

**Administration**
1. The consent authority may consent to a caravan park that is not in accordance with sub-clauses 3-14 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.

2. The consent authority in considering an application for a caravan park that contains any area of land subject to storm surge or flooding must have regard to the advice of the agencies responsible for the environment and natural resources, and police, fire and emergency services.

**Requirements**
3. Excluding any emergency access points, vehicle access is limited to 1 major entry/exit point on 1 road frontage.

4. Locate visitor parking with direct access to the entry driveway and ensure it is clearly sign-posted.

5. Provide a short term standing area with unrestricted access from the adjoining public road, with a minimum dimension of 4m by 20m either as a separate bay or as part of a one-way entrance road.

6. Vehicular access to each site is via shared internal access ways that are designed to provide safe, convenient and efficient movement of vehicles and pedestrians.

7. Design access ways to discourage vehicle speeds greater than 15km/hr.
8. Internal **access** ways are sealed or dust suppressed with a carriageway width not less than 6m for two-way traffic and not less than 4m for one-way traffic.

9. Provide a 1.8m high screen fence for the full length of any property boundary adjoining an existing residential use or land in a residential zone.

10. Provide a 3m wide landscape strip to all property boundaries of the **site**.

11. Pools or mechanical plant are not located on a boundary to a residential zone.

12. Individual **caravan**, cabin and camp sites;
   (a) are set back at least 1m from any external road frontage and 5m from any other property boundary;
   (b) are sited such that no part of any **caravan** or tent is within 3m of any other **caravan**, tent, cabin or building;
   (c) are a minimum of 75m\(^2\) for each **caravan**, with a frontage of at least 7.5m to any internal **access** ways;
   (d) are a minimum of 100m\(^2\) for each cabin, with a frontage of at least 10m to any internal **access** ways; and
   (e) are clearly delineated and separated from adjoining **sites** by trees or landscaping.

13. Provide a communal recreation building for the use of guests.

14. Except where private facilities are provided to each site, toilet, shower and laundry amenities are located:
   (a) within 100m of every **caravan**, tent or cabin site; and
   (b) not closer than 6m to any **caravan**, tent or cabin site.
   (c) laundry and clothes drying facilities are provided for guests.

### 5.5.14 Sex Services-Commercial Premises

**Purpose**

Ensure that **sex services-commercial premises** are established and operated in a manner that does not detract from the **amenity** of the locality.

**Administration**

1. The consent authority must not **consent** to a **sex services-commercial premises** that is not in accordance with sub-clauses 3 and 4.

2. Sub-clause 3(a) does not prevent a pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a **place of**
worship from establishing on land which abuts or is directly opposite existing premises used for sex work, nor does the establishment of one of these uses require an abutting or directly opposite premises used for sex work to cease operating.

Requirements
3. The sex services-commercial premises is developed on a lot that:
   (a) does not abut a lot with an established pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a place of worship; or
   (b) is not directly opposite a lot on the other side of a public road with a reserve of 18m or less in width with an established pre-school, primary school, secondary school (whether it be a middle, senior or combined secondary school), approved child care service, or premises used solely as a place of worship.

4. Any signage is limited to the name of the venue, hours of operation and contact details, with other devices and markings to be discreet.
5.6 Industrial Specific Development Requirements

5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV

Purpose
Ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

Administration
1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 2-6 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 the safety and **amenity** of the locality and adjoining property.

Requirements
2. Buildings, including **residential buildings**, in Zones LI, GI and DV are to be sited in accordance with the table to this clause.

<table>
<thead>
<tr>
<th>Location/ Boundary</th>
<th>Minimum Building Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive</td>
<td>9m</td>
</tr>
<tr>
<td>Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive</td>
<td>9m</td>
</tr>
<tr>
<td>Buildings having frontage to all other streets</td>
<td>3m</td>
</tr>
<tr>
<td>Minimum setback to at least one side boundary and to the rear boundary</td>
<td>5m</td>
</tr>
</tbody>
</table>

3. A clearly identifiable, dedicated pedestrian **access** is to be provided to the main entrance of the building from the street and customer **car parking areas**.

4. Front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following:
(a) setbacks or projections;
(b) changes in height to provide focal features and identify key locations (such as entrances);
(c) the use of a varied palette of materials, finishes and colours within the building design; and
(d) projecting features such as awnings or sun shades.
5. Buildings situated on corner lots in Zone LI should be designed to accentuate the corner location with architectural features that create a visual presence at the corner.

6. Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the primary street.

Editor’s Note: Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.

5.6.2 Expansion of Existing Use or Development in Zones LI and GI

Purpose
Provide for the expansion of an existing use or development in Zone LI or Zone GI.

Administration
1. An expansion of an existing use or development in Zone LI or Zone GI is Permitted without consent only if it:
   (a) complies with sub-clause 3;
   (b) complies with Parts 3 and 5 of this Planning Scheme; and
   (c) is consistent with the zone purpose and outcomes.

2. Where the expansion does not comply with sub-clause 3, the development is subject to the assessment requirements as established in the relevant assessment table for the zone.

Requirements
3. An expansion of an existing use in Zone LI or Zone GI is:
   (a) to be no greater than 200m² or 15% of the site area, whichever is greater;
   (b) not located on a lot adjacent to land in zones LR, LMR, MR, or HR;
   (c) not a demountable structure or residential building;
   (d) not located on or over a registered easement, road reserve or lot boundary; and
   (e) of a scale, location and design to facilitate vehicular access, parking and loading areas, including areas allocated for waste management and service vehicle access.
5.6.3 Motor Body Works and Motor Repair Station

Purpose
Ensure that the use or development:
(a) does not interfere with the safe or efficient operation of the local road and footpath network;
(b) does not, because of appearance or off-site emissions, unreasonably affect the use and enjoyment of adjacent land;
(c) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for surrounding premises; and
(d) incorporates best practice environmental management measures to prevent contamination of land, stormwater, groundwater and air.

Administration
1. The consent authority may consent to a motor body works or motor repair station that is not in accordance with sub-clauses 2 - 8 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, nature, scale and impact on surrounding amenity.

Requirements
2. Noise generating activities associated with the motor body works or motor repair station are located at least 20m from any residential development and are visually screened from that development.

3. The design of the site is such that:
   (a) vehicular access and egress does not create a traffic hazard on adjacent roads;
   (b) vehicles are able to enter and exit to a road in a forward gear;
   (c) it can be demonstrated that facilities are located so that vehicles using or waiting to use the facilities are entirely within the site and do not restrict the movement of other vehicles on the site.

4. Hazardous chemicals, waste oil and tyres must be appropriately stored and managed to minimise risk of environmental pollution and fire.

5. Any fuel bowsers associated with the development are visually screened and are located at least:
   (a) 20m from any residential or other commercial development on the site; and
   (b) 20m from the boundary of any existing or potential residential or commercial development on adjoining land; and
   (c) are set back from the road reserve in accordance with Australian Standard AS1940 – the storage and handling of flammable and combustible liquids.
6. The use or development is to mitigate potential nuisance arising from noise, dust, odour and other emissions or contaminants generated by the development.

7. A clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas.

8. Bin storage areas and any outdoor storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the primary street.
5.7 Non-Urban Specific Development Requirements

5.7.1 Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry)

Purpose
Ensure that use of the land for agriculture, horticulture and intensive animal husbandry is appropriate for the land capability and can be conducted in a sustainable manner without detrimental impacts on the environment or adjoining properties.

Administration
1. The consent authority must not consent to a use or development that is not in accordance with sub-clauses 2-4.

Requirements
2. Rural development must be located, designed and operated so as to mitigate the risk of:
   (a) pollution of ground and surface waters, including stormwater;
   (b) erosion of the site or other land;
   (c) nuisance to surrounding land arising from noise, dust, odour and other emissions or contaminants generated by the development;
   (d) be on a site of sufficient size to reasonably accommodate the development and mitigate potential nuisance arising from noise, dust, odour and other emissions or contaminants generated by the development;
   (e) the spread of infectious disease or other health risk;

3. The use or development must be located on land capable and suitable for the use or development.

4. The use or development must have a sustainable water supply that is sufficient for the use or development.
5.7.2 Animal Related Use (Animal Boarding and Stables)

Purpose
Minimise the adverse effect of animal related use on the environment and to ensure that those activities do not detract from the residential amenity of the locality.

Administration
1. The consent authority may consent to animal boarding or stables that is not in accordance with sub-clauses 3, 5 and 6 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 land capability and the potential impact on adjoining and nearby property.

2. The consent authority must not consent to animal boarding or stables that is not in accordance with sub-clause 4.

Requirements
3. Premises for the keeping of animals for the purposes of animal boarding and stables are to be designed and operated so as not to cause any of the following:
   (a) create risk of pollution of ground and surface waters;
   (b) contribute to the erosion of the site or other land;
   (c) cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or
   (d) constitute a risk of the spread of infectious disease or other health risk.

4. Any stables or structures used for animal boarding are to be setback 50m from any road frontage and 15m from any side or rear boundary.

5. Minimum distance from a residential building on surrounding land to any stables or structures used for animal boarding is 100m.

6. Fencing is to be provided to all property boundaries to ensure all animals are effectively contained within the site.
5.7.3 Transport Terminals in Zones R and H

Purpose
Ensure that a transport terminal does not, because of appearance, operation and associated vehicle movements, cause unreasonable detriment to the amenity of a locality or create a potential hazard to traffic on abutting roads.

Administration
1. The consent authority may consent to a transport terminal 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 land capability and the potential impact on adjoining and nearby property and road network.

Requirements
2. A transport terminal, and any activity associated with it, is located at least 50m from the side and rear boundaries of the site and 100m from any public road.

3. The boundary setbacks are landscaped to provide an effective visual screen to minimise the potential impacts on the existing and future amenity of adjacent areas and any public road.

4. The transport vehicles associated with the use will not substantially:
   (a) impact on the amenity of other users in the locality; or
   (b) damage the road network.

5.7.4 Industry-Primary in Zones RL, R and H

Purpose
Ensure that an industry-primary does not, by reason of appearance, operation and associated vehicle movements, cause unreasonable detriment to the amenity of a locality or create a potential hazard to traffic on abutting roads.

Administration
1. The consent authority may consent to an industry-primary that is not in accordance with sub-clauses 2, 3 and 4 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.

Requirements
2. An industry-primary, and any activity associated with it, is located at least 50m from the side and rear boundaries of the site and 100m from any public road.
3. The boundary setbacks are landscaped to provide an effective visual screen to minimise the potential impacts on the existing and future amenity of adjacent areas and on any public road.

4. Vehicles associated with the industry-primary will not substantially:
   (a) impact on the amenity of other users in the locality; or
   (b) damage the road network.

5.7.5 Retail Agricultural Stall

Purpose
Ensure the use and development of a retail agricultural stall does not compromise the safe and efficient operation of the adjoining road network or the residential amenity of the locality.

Administration
1. The consent authority may consent to a retail agricultural stall that is not in accordance with sub-clauses 2-5 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 the impacts on surrounding amenity and the requirements of the Agency responsible for the care, control and maintenance of the adjoining road.

Requirements
2. Only one retail agricultural stall is established per site and operation is limited to daylight hours.

3. The retail agricultural stall may adjoin the front boundary only if does not exceed 10m² in area for the display of goods.

4. The retail agricultural stall is only for the sale of primary produce grown and harvested on the site.

5. Access from the road to the retail agricultural stall allows customers to park safely, maintains adequate sight lines along the road reserve, and is managed to minimise the generation of mud and dust.
5.8 Miscellaneous Specific Development Requirements

5.8.1 Market

Purpose
Ensure a market is appropriately located and operated to:
(a) meet the infrastructure and service needs of stallholders and customers;
(b) be safely accessible by vehicles, cyclists, pedestrians and public transport users; and
(c) minimise adverse impacts on the amenity of adjoining and surrounding residential development.

Administration
1. A market must have in place at all times a Management Plan that identifies the area in which the market operates and the maximum number of stalls, and demonstrates the requirements of sub-clauses 3-7.

2. The consent authority may consent to a market that is not in accordance with sub-clauses 3, 4, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and appropriate to the site having regard to the scale of the market, frequency of operation and potential impact on adjoining and nearby property.

Requirements
3. A market must provide and/or demonstrate adequate access to all of the following on or within 400m walking distance of the market area and commensurate with the estimated maximum patronage and stallholders:
(a) patron seating;
(b) public toilets;
(c) on and off street car parking spaces, including parking for equipment and vehicles associated with the operation of the market;
(d) bicycle parking facilities;
(e) waste disposal facilities; and
(f) public transport or active transport networks.

4. The layout of the market must provide:
(a) measures for the safety of pedestrians, stall holders and vehicles, particularly in shared traffic zones; and
(b) dedicated access for emergency service vehicles to the requirements of the relevant agencies.

5. Where a market is located on a road reserve or is likely to increase on-street parking during its operation, the market must meet the requirements of the agency responsible for the road.
6. The layout and operation of the market should encourage access by public transport and active transport modes by ensuring that the market:
   (a) does not block existing pedestrian and cycle routes; and
   (b) provides clear connections to the market from bus stops and surrounding active transport networks.

7. Wherever possible, the layout of the market should minimise adverse impacts to the amenity of adjoining and nearby residential development by:
   (a) locating waste disposal and any loading and unloading facilities away from residential properties; and
   (b) limiting hours of operation (including setup and pack up) to 6am to 9pm.

5.8.2 Education Establishment

Purpose

Ensure an education establishment:
(a) meets the needs of students and staff;
(b) contributes positively to amenity of the surrounding area;
(c) does not unreasonably interfere with the safe and efficient operation of the local road and pedestrian network; and
(d) promotes access via public transport and active transport networks.

Administration

1. The consent authority may consent to an education establishment that is not in accordance with sub-clauses 2-5 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, nature, scale and impact on surrounding amenity.

Requirements

2. Locate pre-school, primary and secondary school facilities to maximise access by public transport, safe walking and cycling routes, and are provided with safe vehicular drop-off zones.

3. Provide a designated student car park in secondary schools.

4. Locate tertiary education facilities in designated education precincts within or adjacent to activity centres that are connected to public transport.

5. Ensure mechanical plant and service areas are designed and screened to minimise adverse amenity impacts when viewed from adjoining streets and properties, and are not located where they adjoin an existing residential use.
5.8.3 Club

Purpose
Ensure the development and operation of a club is in a manner which is appropriate to the character of the area and considers the amenity of any surrounding or adjoining residential premises.

Administration
1. The consent authority may consent to a club that is not in accordance with sub-clauses 2-5 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, nature, scale and impact on surrounding amenity.

Requirements
2. The provision of food and drink is ancillary to the use of the club and only caters for members, visitors or staff.

3. Hours of operation are consistent with reasonable community expectations for the use and do not impact on the amenity of nearby residential uses.

4. The design of an alfresco dining area or outdoor entertainment space located adjacent to a dwelling is to take account and reasonably mitigate noise and privacy impacts.

5. The design and operation of a club adjoining land in a residential zone should provide:
   (a) a 1.8m high solid screen fence for the full length of any property boundary; and
   (b) a landscaped area at least 2m wide within the site along all street boundaries.
5.8.4 Exhibition Centre, Place of Assembly and Place of Worship

Purpose
Ensure that an exhibition centre, place of assembly or a place of worship:
(a) provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network;
(b) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property;
(c) is of a scale and intensity suitable to the site and is consistent with the prevailing and likely neighbourhood character in which the development is proposed; and
(d) is operated to be considerate of the amenity of adjoining and nearby property.

Administration
1. The consent authority may consent to an exhibition centre, place of assembly or place of worship that is not in accordance with sub-clauses 2 and 3 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, nature, scale and impact on surrounding amenity.

Requirements
2. If the use or development is located adjacent to land in Zones LR, LMR, MR or HR:
   (a) the use or development is to be set back 5m from all site boundaries and landscaped to a minimum depth of 3m to provide a visual screen;
   (b) a minimum 1.8m high solid acoustic screen fence is erected along the full length of all site boundaries adjoining land in Zones LR, LMR, MR or HR; and
   (c) the design of the use or development is to take account of the noise impact on any adjacent dwelling.

3. The operation of the use or development must take into account the amenity of the surrounding locality having regard to:
   (a) hours of operation;
   (b) number of events annually;
   (c) maximum capacity of patrons; and
   (d) any other relevant aspects of the day-to-day operations of the use or development.
5.8.5 Leisure and Recreation

Purpose
Ensure leisure and recreation use and development:
(a) is established in appropriate locations to the meet needs of users;
(b) provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network;
(c) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property; and
(d) is operated to be considerate of the amenity of adjoining and nearby property.

Administration
1. The consent authority may consent to a leisure and recreation use or development that is not in accordance with sub-clauses 2-6 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, nature, scale and impact on surrounding amenity.

Requirements
2. The use or development is suitable to meet the needs of users, having regard to the scale and nature of the use.

3. Any mechanical plant and equipment and storage areas associated with the use are designed and screened to minimise adverse amenity impacts when viewed from adjoining streets and on adjoining properties.

4. Any structure associated with the use does not result in a significant loss of amenity for surrounding development, having regard to:
   (a) the extent and duration of lighting and overshadowing;
   (b) privacy and overlooking impacts; and
   (c) the scale of the structure relative to its surroundings.

5. Demonstrate that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.

6. The operation of the use or development must take into account the amenity of the surrounding locality having regard to:
   (a) hours of operation;
   (b) maximum capacity of patrons; and
   (c) any other relevant aspects of the day-to-day operations of the use or development.
5.8.6 Emergency Service Facility

**Purpose**
Ensure that an **emergency service facility** is established in a location proximate to the community to which it is intended to serve and operated to avoid unreasonable impacts on the **amenity** of the locality.

**Administration**
1. The consent authority may **consent** to an **emergency service facility** that is not in accordance with sub-clauses 2-4 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, nature, scale and impact on surrounding **amenity**.

**Requirements**
2. Wherever possible, co-locate the **emergency service facility** with other **non-residential** activities in the locality.

3. Provide safe and convenient **access** to the major road network for emergency vehicles.

4. The **emergency service facility** is designed and managed so that the 24-hour operation of the facility avoids unreasonable impacts on neighbouring properties by having regard to the impact of lighting and vehicle movements.

5.8.7 Demountable Structures

**Purpose**
Ensure that **demountable structures** do not detract from the visual **amenity** of an area.

**Administration**
1. Placement of a **demountable structure** on:
   - (a) zoned land other than land in Zone GI and DV requires **consent**; and
   - (b) land in Zone CL, SC, LI, PS, OR, H, A, RL, R and CP does not require **consent** if there are no more than two **demountable structures** on the land.

2. Subject to sub-clause 3 the consent authority may **consent** to the placement of a **demountable structure** on land only if it is satisfied that:
   - (a) there will be landscaping 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.
3. 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 2(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.

Requirements
4. Demountable structures in:
   (a) zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and
   (b) zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.

<table>
<thead>
<tr>
<th>Lot Boundary</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV</td>
</tr>
<tr>
<td>Primary street frontage</td>
<td>6m</td>
</tr>
<tr>
<td>Secondary street frontage</td>
<td>2.5m</td>
</tr>
<tr>
<td>Side and rear lot boundaries</td>
<td>1.5m</td>
</tr>
</tbody>
</table>

Building setback is measured from all boundaries to:
The wall of a demountable structure; and
Where there is no wall, to the outer surface of any support column of the structure.

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 described in the Table to Clause 5.4.3.
5.8.8 **Renewable Energy Facility**

**Purpose**
Ensure that a renewable energy facility is located and operated in a manner that minimises adverse impacts on the amenity of the area and detrimental impacts on the environment.

**Administration**
1. The consent authority may consent to a renewable energy facility that is not in accordance with sub-clauses 2-7, 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, nature, scale and impact on surrounding amenity.

2. An application for a renewable energy facility is to include information demonstrating how the amenity impacts of a proposal have been minimised using visual communications methods such as photographic images etc.

**Requirements**
3. Avoid impact on significant views, including visual corridors and sightlines.

4. Minimise adverse impacts on the surrounding area in terms of noise, glint, light spill, vibration and electromagnetic interference.

5. Minimise amenity impacts through sensitive siting, use of non-reflective finishes and appropriate landscaping.

6. Minimise alteration or disturbance to areas of high conservation significance and riparian zones.

7. Minimise erosion hazards, sedimentation and pollution of watercourses.

5.8.9 **Excavation and Fill**

**Purpose**
Ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site.

**Administration**
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 2-5, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate the site.
Requirements
2. Demonstrate the suitability of the site for the proposed future use.

3. Provide a hydrological assessment of potential upstream and downstream impacts of the excavation or filling.

4. Provide a plan of management to control erosion and sedimentation, particularly of creeks and riparian areas.

5. Identify measures to prevent the creation of mosquito breeding areas.

5.8.10 Telecommunications Facility

Purpose
Ensure the development of a telecommunications facility does not unreasonably detract from the amenity of a locality whilst facilitating the provision of telecommunications infrastructure to meet community expectations and needs.

Administration
1. The inspection and maintenance of an established telecommunications facility is exempt from the requirements of this clause.

2. An application for a telecommunications facility is to include information demonstrating how the amenity impacts of a proposal have been minimised using visual communications methods such as photographic images etc.

Requirements
3. Provide a detailed feasibility assessment of at least three sites for the establishment of the facility and the rationale for the preferred site. Wherever possible, the facility should be co-located with existing telecommunications facilities.

4. The location and design of a telecommunications facility minimises amenity impacts through sensitive siting, use of non-reflective finishes and appropriate landscaping.

5. The amenity impacts of a proposal are appropriately minimised.