

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);
 - (b) specifically to an identified location (Location Specific Development Requirements); and
 - (c) 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 heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a **telecommunications facility**;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift; or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not **consent** to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not **consent** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
 - (a) the heights of other buildings in the immediate vicinity; and
 - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The **building height** of a development in the Municipality of Alice Springs is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table A to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The **building height** in all other areas is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table B to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Table A to clause 5.2.1: Height control in Alice Springs		
Zone	Use	Maximum building height above ground level
MR, C, SC and TC	All uses	3 storeys to a maximum of 14m
CB	All uses	8 storeys to a maximum of 34m
CP	Education establishment, hospital or exhibition centre and ancillary uses	No height limit
All zones other than CP	Education establishment	3 storeys to a maximum of 14m

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

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: <ul style="list-style-type: none"> within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys
HR	All uses	8 storeys
C	Mixed use development that consists of one or more residential buildings	4 storeys
	All other uses	No height limit
CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- (1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- (2) Basements that protrude less than 1m from ground level are not considered as a *storey* for the purposes of this clause.
- (3) 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 Omitted

5.2.3 Omitted

5.2.4 Car Parking

5.2.4.1 Car Parking Spaces

Purpose

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

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of **car parking spaces** is appropriate with regard to:
 - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
 - (b) the provision of **car parking spaces** in the vicinity of the land;
 - (c) the availability of public transport in the vicinity of the land; and
 - (d) the potential impact on the surrounding road network and the **amenity** of the locality and adjoining property;or if the use or development relates to a **heritage place** and the Minister responsible for the administration of the *Heritage Act 2011* supports the

reduced provision of **car parking spaces** in the interest of preserving the significance of the **heritage place**.

- 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.

Requirements

- Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).

Editor’s Note: Clause 5.2.4.4 provides for the design and layout of a car parking area.

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Abattoir	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office
Animal boarding	1 for every employee <u>Plus</u> 4
Bar-public	16 for every 100m ² of net floor area used as a lounge bar or beer garden <u>Plus</u> 50 for every 100m ² of net floor area used as a bar <u>Plus</u> 10 for a drive-in bottle shop
Bar-small	6 for every 100m ² of net floor area used as a bar
Caravan park	1.1 for every caravan, cabin, mobile home or tent site
Car wash	3 for every 100m ² of net floor area used for administrative purposes <u>Plus</u> 1 waiting bay for each car wash / vacuum bay
Child care centre	1 for every employee <u>Plus</u> 1 for every 20 children

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Club	10 for every 100m ² of net floor area used as a lounge bar or beer garden <u>Plus</u> 20 for every 100m ² of net floor area used as a bar <u>Plus</u> 3 for every 100m ² of net floor area used for dining <u>Plus</u> Otherwise than specified above, 2.5 for every 100m ² of net floor area unless for the use of a club licenced under the <i>Liquor Act 2019</i>
Community centre	5 for every 100m ² of net floor area
Dwelling-caretakers	1
Dwelling-community residence	1 for every 4 beds <u>Plus</u> 4 for every 100m ² of net floor area used for administrative purposes
Dwelling-group	2 per dwelling
Dwelling-independent	1 per bedroom to a maximum of 2
Dwelling-multiple	2 per dwelling
Dwelling-single	2
Emergency services facility	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Education establishment	For a primary or secondary school: 1 for every classroom <u>Plus</u> 1 additional spaces <u>plus</u> an area for setting down and picking up passengers For a tertiary education establishment: 1 for every classroom <u>Plus</u> 1 for every 6 students <u>Plus</u> 2 additional spaces For a kindergarten: see child care centre For other education establishments: 2 for every 100m ² of net floor area

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Exhibition centre	6 for every 100m ² of net floor area
Food premises (all)	6 for every 100m ² of net floor area and any alfresco dining areas <u>Plus</u> 10 for drive-through (if any) for cars being served or awaiting service * No more than 50% of the car parking spaces required for a fast food outlet may be accommodated within the associated drive-through
Hospital	1 for every 4 patient beds <u>Plus</u> 4 for every 100m ² of net floor area used for administrative purposes <u>Plus</u> For a medical clinic 4 for every consulting room
Hotel/Motel	1 for every guest suite or bedroom <u>Plus</u> 3 for every 100m ² used for dining
Industry-general	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Industry-light	2 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Industry-primary	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage

Table to Clause 5.2.4.1: Minimum number of required parking spaces

Use or Development	Minimum Number of Car Parking Spaces Required
Leisure and recreation	Indoor spectator facilities including cinema or theatre: 1 for every 4 seats Racquet court games: 4 for every court <u>Plus</u> For indoor spectator facilities (if any) 1 for every 4 seats Lawn bowls: 20 spaces per green Golf course: 4 per hole <u>Plus</u> 5 for every 100m ² of net floor area used as a club house Otherwise than specified above, 10 for every 100m ² of net floor area <u>Plus</u> Requirement for indoor spectator facilities (if any) 1 for every 4 seats
Market	1.5 per maximum number of stalls (may be existing car parking spaces in the vicinity of the market site)
Medical clinic	4 for every consulting room
Motor body works	6 for every 100m ² of net floor area
Motor repair station	6 for every 100m ² of net floor area
Nightclub entertainment venue	16 for every 100m ² of net floor area
Office (not elsewhere referred to in this table)	2.5 for every 100m ² of net floor area
Passenger terminal	5 for every 100m ² of net floor area or as many car spaces as can be provided on 25% of the site area, whichever results in the greater number of spaces (calculated exclusive of areas used for taxi stands or bus loading purposes)
Place of assembly	5 for every 100m ² of net floor area
Place of worship	5 for every 100m ² of net floor area
Plant nursery	2 for every 100m ² of net floor area <u>Plus</u> 1 for every 250m ² used as outdoor nursery
Recycling depot	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Renewable energy facility	1 <u>Plus</u> 4 for every 100m ² of net floor area of office

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Residential care facility	1 for every 4 beds <u>Plus</u> 4 for every 100m ² of net floor area used for administrative purposes
Rooming accommodation	1 for every 5 persons <u>Plus</u> 1 for every staff member <u>Plus</u> 1
Serviced apartment	1 for every dwelling <u>Plus</u> 3 for every 100m ² of net floor area not within a <i>dwelling</i>
Service station	2 for every 100m ² of net floor area or 5 whichever is greater (not including parking serving bowzers)
Sex services-commercial premises	2.5 for every 100m ² of net floor area
Shop	6 for every 100m ² of net floor area
Shopping centre	6 for every 100m ² of net floor area
Showroom sales	4 for every 100m ² of net floor area <u>Plus</u> 1 for every 250m ² used as outdoor storage
Stables	1 for every stall
Transport terminal	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Vehicle sales and hire	4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 200m ² used for vehicle display
Veterinary clinic	4 for every 100m ² of net floor area
Warehouse	1 for every 100m ² of net floor area other than offices <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage
Any other uses (including undefined uses)	Minimum number of car parking spaces to be determined by the consent authority.

5.2.4.2 Omitted

5.2.4.3 Omitted

5.2.4.4 Layout of car parking areas

Purpose

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

Administration

1. 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**.
2. A **car parking area** may be used for the purpose of a **market** if:
 - (a) a market is Permitted in the zone; and
 - (b) the market operates outside of the operating hours of the use for which the car parking area is established.
3. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the **amenity** of the surrounding locality.
4. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.
5. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

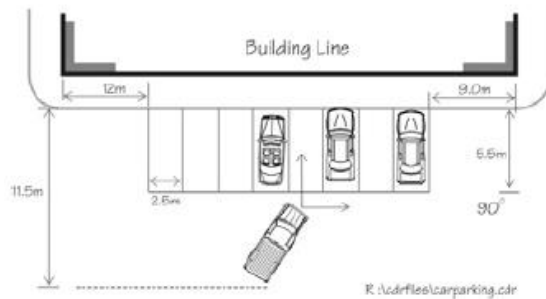
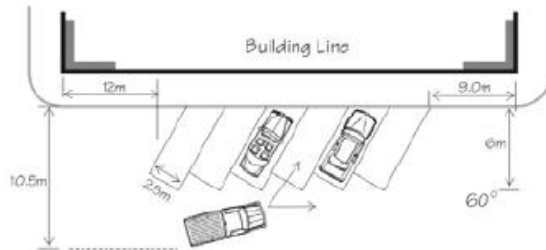
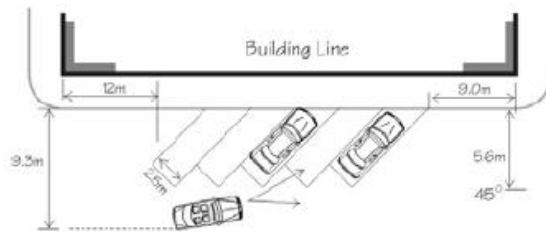
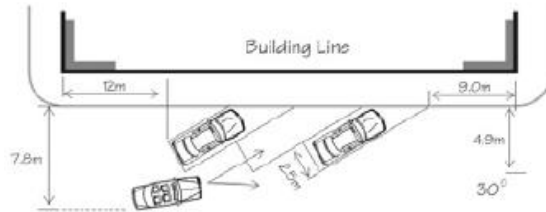
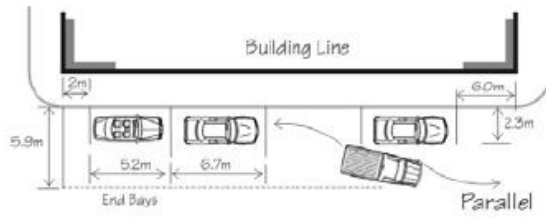
Requirements

6. A **car parking area** is to:
 - (a) be not less than 3m from any lot boundary abutting a road; and

- (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the **car parking area** when viewed from the road.
7. A **car parking area** is to be constructed and maintained to be:
- (a) of a suitable gradient for safe and convenient parking; and
 - (b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.
8. The layout of a **car parking area** is to:
- (a) be functional and provide separate access to every car parking space;
 - (b) allow a vehicle to enter from and exit to a road in a forward gear;
 - (c) be in accordance with the dimensions set out in the diagram to this clause; and
 - (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.
9. The number of **access** points to the road is to be limited, and **access** points to **car parking areas** are to:
- (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
 - (b) maximise sight lines for drivers entering or exiting the car parking area.

Diagram to Clause 5.2.4.4: Parking Layout

Carparking



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

Purpose

Ensure that vehicle **access** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m² and not less than 300m² do not unduly reduce the **amenity** of a public road or the availability of kerbside vehicle parking in the public road.

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.

Requirements

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.

Table to Clause 5.2.4.5: Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m² but not less than 300m²	
Range of Lot Size	Vehicle Access Driveways
300m ² to less than 450m ²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 13m
450m ² to less than 600m ²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 15m

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 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
 - (a) the scale of the use and development on the **site**;
 - (b) any potential adverse impacts on the local road network; and
 - (c) any agreements for off-site loading and unloading of vehicles, such as shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.

2. For the purposes of this clause, where an **exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).

4. A **loading bay** is to:
 - (a) provide areas wholly within the **site** for loading and unloading of vehicles;
 - (b) be at least 7.5m by 3.5m;
 - (c) have a clearance of at least 4m; and
 - (d) have access that is adequate for its purpose.

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
Bar-public	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Club	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
	1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Emergency services facility	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; And 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Exhibition centre	1 loading bay for every 2000m ² of the total net floor area , or part thereof
Food premises—fast food outlet	1 loading bay for every 2000m ² of the total net floor area , or part thereof
Food premises-restaurant	1 loading bay for every 2000m ² of the total net floor area , or part thereof
Hospital	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Hotel/Motel	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-general	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-light	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Nightclub entertainment venue	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Office	1 loading bay for every 2000m ² of the total net floor area , or part thereof
Place of assembly	1 loading bay for every 2000m ² of the total net floor area , or part thereof

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
Shop	1 loading bay for every 2000m ² of the total net floor area , or part thereof
Shopping centre	1 loading bay for every 2000m ² of the total net floor area , or part there of
Showroom sales	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Transport terminal	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Warehouse	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
All other uses	No loading bays required

5.2.6 Landscaping

5.2.6.1 Landscaping in Zones other than Zone CB

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 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the **site** having regard to the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.

Requirements

3. Where landscaping is required by this Scheme it should be designed so that:
 - (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered **car parking areas**;
 - (b) it maximises efficient use of water and is appropriate to the local climate;
 - (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
 - (d) significant trees and vegetation that contribute to the character and **amenity** of the **site** and the streetscape are retained;
 - (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
 - (f) the layout and choice of plants permits surveillance of public and communal areas; and
 - (g) it facilitates on-site infiltration of stormwater run-off.
4. The quality and extent of the landscaping consented to must be maintained for the life of the development.
5. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a **site** that is used for **rooming accommodation, dwellings-group, dwellings-multiple** and **residential care facility** is to be landscaped.

6. In Zones LI, GI and DV all street frontages, except **access** driveways or footpaths, are to be landscaped to a minimum depth of 3m.
7. In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.

5.2.6.2 Landscaping in Zone CB

Purpose

Ensure developments within central business districts minimise heat capture and enhance the visual **amenity** of the area when viewed from the street or from surrounding buildings.

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if:
 - (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
 - (b) the development provides an alternative response to achieve the purpose of this clause.
2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).

Requirements

3. Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the **site** area.

Editor's Notes:

- (1) **Any vertical landscaping provided to meet subclause 3 may also contribute to a reduction of car parking under Clause 5.9.2.12**
- (2) **Refer to [Design Guidance: Landscaping in Zone CB](#) for guidance on interpreting requirement 3.**

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

5.4 Residential Specific Development Requirements

5.4.1 Residential Density

Purpose

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

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

Administration

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

Requirements

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

Table A to Clause 5.4.1: Dwelling Density in Certain Zones	
Zone	Dwelling Density
LR, RR, RL, R and for a dwelling-single in CL, CV and T	1 dwelling-single per lot
LMR and for dwelling s-group in CL and T and dwelling s-multiple in T	1 per 300m ²
A and H	2 per lot

Table B to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zone MR other than in Alice Springs			
Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	155m ²	180m ²	215m ²
2	125m ²	170m ²	210m ²

Table C to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zones MR and TC in Alice Springs	
Number of storeys above ground level	Dwelling Density
1	400m ²
2	200m ²

Table D to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zone HR			
Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	125m ²	170m ²	210m ²
2	95m ²	130m ²	160m ²

5.4.2 Omitted

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Purpose

Ensure that **residential buildings** and **ancillary** structures are located in a manner that:

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

Administration

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

3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
 - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - (b) has a cumulative **floor area** of 15m² or less;
 - (c) is 2.5m or less in height;
 - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
 - (e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:
 - (a) the relevant table to this clause; or
 - (b) any setbacks established in a building setback plan that is included in Schedule 9.
7. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.
8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries.

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 A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A

Lot Boundary	Minimum Setback for 1 or 2 storey buildings	Minimum Setback for buildings over 2 storeys
Primary street frontage	<p>6m for residential buildings, and ancillary structures with external walls</p> <p><u>and</u></p> <p>4.5m for ancillary structures and balconies without external walls</p> <p><u>or</u></p> <p>3m for shade sails, to a maximum height of 2.5m at the minimum setback</p>	<p>7.5m for residential buildings, and ancillary structures with external walls</p> <p><u>and</u></p> <p>4.5m for ancillary structures without external walls</p>
Secondary street frontage	<p>2.5m for residential buildings</p> <p><u>and</u></p> <p>1.5m for ancillary structures and balconies without external walls.</p> <p><u>or</u></p> <p>0.9m for shade sails, to a maximum height of 2.5m at the minimum setback</p>	<p>2.5m for residential buildings and ancillary structures with external walls</p> <p><u>and</u></p> <p>1.5m for ancillary structures without external walls</p>
Side and rear lot boundaries	<p>1.5m for residential buildings and ancillary structures <u>or</u></p> <p>1m, provided that the subject wall:</p> <ul style="list-style-type: none"> • only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater; • does not extend beyond a maximum height of 3.5m; and • does not extend beyond a maximum length of 9m <p><u>except</u></p> <p>shade sails which may be setback 0.9m to a maximum height of 2.5m at minimum setback</p>	<p>3m for residential buildings with</p> <ul style="list-style-type: none"> • habitable rooms <u>with</u> windows or doors facing the subject boundary; and • verandahs and/ or balconies facing the subject boundary; and • shade sails <p><u>or</u></p> <p>1.5m for residential buildings where the subject wall only includes:</p> <ul style="list-style-type: none"> • non-habitable rooms; • habitable rooms <u>without</u> windows and/ or doors facing the boundary; and • ancillary structures, whether with or without external walls excluding, verandahs, balconies or shade sails

Table B to Clauses 5.4.3: Minimum building setbacks for residential buildings, ancillary structures and balconies in Zones MR and HR

Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum Setback above first four storeys above ground level	Minimum setback for roofline
Primary street frontage	6m for residential buildings and ancillary structures 3m for balconies	9m for residential buildings 6m for balconies	2.1m - provided that no supporting member is located within 6m of the boundary
Secondary street frontage	4.5 m for residential buildings and ancillary structures 1.5m for balconies	7.5m for residential buildings 4.5m for balconies	2.1m - provided that no supporting member is located within 4.5m of the boundary
Side and rear lot boundaries	3m for residential buildings, ancillary structures and balconies	6m for residential buildings 4.5m for balconies	2.1m

Table C to Clauses 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zone C

Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum setback for roofline
Primary street frontage	3m for residential buildings 0m for balconies	Nil
Secondary street frontage		
Side and rear lot boundaries abutting Zone C	0m for walls with no openings 3m for walls with openings or balconies	Nil – for walls with no openings 2.1m for walls with openings or balconies
Side and rear lot boundaries abutting all other Zones	5m for residential buildings	4.1m

Table D to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zones RR, RL, R, H and A

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

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) Refer to *Design Guidance: Setbacks in Zones MR and HR* for guidance on interpreting Table B.
- (6) Balconies and rooflines in Zone C may extend into the road reserve with approval of the relevant local government council.

5.4.3.1 Omitted

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	
Lot Size	Minimum Building Setbacks
300m ² to less than 450m ²	Zero setback is permitted to no more than one side boundary of the lot. 3m to the primary street frontage.
450m ² to less than 600m ²	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 primary street frontage.
600m ² or greater	4.5m to the primary street frontage.

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 Omitted

5.4.6 Private Open Space

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Purpose

Extend the function of a **dwelling** and enhance the residential environment by ensuring that each **dwelling** has private open space that is:

- (a) of an adequate size to provide for domestic purposes;
- (b) appropriately sited to provide outlook for the **dwelling**;
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the **site**; and
- (d) inclusive of areas for landscaping and tree planting.

Administration

1. The consent authority may **consent** to private open space that is not in accordance with sub-clauses 2 and 3 only if 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. Private open space should:
 - (a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
 - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
 - (c) be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwellings**;
 - (d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
 - (e) include at least one area of at least 5m², with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
 - (f) allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.

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

Table to Clause 5.4.6.1: Minimum Areas of Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

<p>For clarity, in this table:</p> <p>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.</p> <p>A least half of Area A must be permeable, and may include the 5m² required for deep soil planting.</p> <p>Area B is the minimum dimensioned space that extends the function of the dwelling and may be covered or open to the sky.</p> <p>Any part of Area B that is open to the sky may form part of Area A.</p>	
Type of Dwelling	Private Open Space Area
Dwelling-group	<p>A. 45m², open vertically to the sky, with no dimension less than 1.5m; and</p> <p>B. 24m², all or partly covered, with no dimension less than 4m.</p>
Dwelling-single on a lot less than 450m ²	
Dwelling-independent in addition to the private open space requirement for the dwelling - single	
Dwelling-single on a lot not less than 450m ²	<p>A. 50m², open vertically to the sky, with no dimension less than 1.5m; and</p> <p>B. 36m², all or any part covered, with no dimension less than 6m.</p>

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose

Ensure **dwelling**s include private open space that enhances the function of the **dwelling** and are:

- (a) of an adequate size to provide for outdoor living; and
- (b) appropriately sited to provide outlook for the **dwelling**.

Administration

1. The consent authority may **consent** to **dwelling**s-multiple comprising of **serviced apartments** in Zone TC that is not in accordance with sub-clauses 3-5 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

2. The consent authority may **consent** to **dwelling-multiple**, other than **dwelling-multiple** comprising of **serviced apartments** in Zone TC, that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.

Requirements

3. Each **dwelling-multiple** is to have at least one area of private open space that:
 - (a) is a minimum area of 12m² with no dimensions less than 2.8m;
 - (b) is directly accessible from the main living area or dining area of the **dwelling** to enable an extension of the function of the **dwelling**;
 - (c) is located to provide views from the **dwelling** to open space and natural features of the **site** or locality.
4. Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.
5. Where the private open space is at **ground level** and not adjacent to communal open space, it should be:
 - (a) fenced to a maximum height of 1.8m providing a visual barrier to adjoining **dwelling**s; or
 - (b) planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining to adjoining **dwelling**s within two years of planting.

Editor's Note: Refer to [Design Guidance: Private Open Space for Dwelling-multiple](#) for guidance on interpreting this clause.

5.4.7 Communal Open Space

Purpose

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

Administration

1. This clause does not apply to **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-clauses 5 and 6 only 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.

3. The consent authority may **consent** to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:
 - (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;
 - (b) the development is in proximity to adequate public open space or sufficient amenities; and
 - (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.
4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may **consent** to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

Requirements

5. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
6. Communal open space is to be designed to:
 - (a) be clearly delineated from private and **public open space**;
 - (b) maintain reasonable privacy of nearby **dwellings**;
 - (c) provide recreational facilities for occupants; address the projected needs of children;
 - (d) include landscaping and shade where located outdoors;
 - (e) minimise safety issues, including through lighting and passive surveillance;
 - (f) minimise the effects of any on-site traffic circulation and **car parking areas**; and
 - (g) be capable of efficient maintenance and management.

5.4.8 Residential Building Design

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

Purpose

Promote site-responsive designs for **dwelling-group, 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 **dwelling**s form the **dwelling**-**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 **dwelling**s.
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.
12. Allow breeze penetration and circulation.
13. Minimise use of reflective surfaces.
14. Provide internal drainage of balconies and coving on the edge of balconies.

5.4.8.2 Building Design for Dwelling-multiple

Purpose

Promote site-responsive design of **dwelling-multiple** that provides a sympathetic interface with the streetscape and surrounding **dwelling**s, is climatically appropriate and provides a pleasant living environment for the occupants.

Administration

1. A development application must, in addition to the matters described in sub-clauses 8-15, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 8-9 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 10 if it is satisfied that the development facilitates safe and convenient pedestrian movement through the **site**.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 11 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 12 if it is satisfied that **car parking areas**, services and utilities, and bin storage areas are appropriately concealed or integrated into the development to minimise visual impacts.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 13 and 14 if it is satisfied that the balcony design allows for sufficient breeze penetration and limits the appearance of building massing when viewed from the public domain.
7. The consent authority may **consent** to a development that is not in accordance with sub-clauses 15 if it is satisfied the development prevents run-off from balconies to adjoining private open space, communal open space and **dwelling**s below.

Requirements

8. Doors and openable windows are to provide natural cross ventilation opportunities to **habitable rooms**.

9. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.
10. Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the **site**.
11. Development is to minimise the transmission of noise and exhaust from services by:
 - (a) locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and
 - (b) locating air conditioner plants away from openings in **habitable rooms**.
12. Development is to include screening to:
 - (a) **car parking areas** at or above **ground level** (excluding access points) to the public domain, using materials that have a maximum visual permeability of 50%;
 - (b) services and utilities (such as servicing ducts and air conditioning units) to the public domain and neighbouring properties, using materials that have a maximum visual permeability of 50%; and
 - (c) bin storage areas to the public domain, using solid materials and/or landscaping.
13. Balconies are to provide at least:
 - (a) One side without an external wall; and
 - (b) One side without an external wall for more than 50% of the length of that side.
14. Full-height privacy screening on balconies is not to exceed 25% of the length the balcony that faces a street.
15. Buildings are to provide internal drainage of balconies.

Editor's Note: Privacy screening that promotes breeze penetration and balustrades do not constitute a wall.

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 for 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 a **dwelling-caretakers** is 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 80m²; and
 - (b) in all other zones shall not exceed 75m².
6. There is only one shared vehicle **access** point to the road, unless the relevant authority has approved a second **access**
7. Both **dwelling**s will be serviced by a common effluent disposal system or connected to reticulated sewerage.
8. Both **dwelling**s will be serviced by either a single bore or a single connection to a reticulated water supply.
9. Both **dwelling**s 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, **child care 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**
 - (d) **The National Airports Safeguarding Framework Guidelines F: 'Managing the Risk of Intrusion into the Protected Operational Airspace of Airports'.**

5.4.17 Building Articulation

Purpose

Ensure that **residential buildings** mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.

Administration

- 1. This clause applies to all sides of **residential buildings** that are

longer than 15m, except the ground floor of buildings in Zone CB.

2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.
3. The length of the building excludes verandahs, balconies, porches and carports integrated into the **residential building** design.

Requirements

4. A step or recess to the building line of no less than 1m by 1m is required for every 15m of building length, or part thereof.

Editor's Note: Refer to *Design Guidance: Articulation* for guidance on interpreting sub-clause 4.

5.4.18 Fencing

5.4.18.1 Fencing in Zones MR and HR

Purpose

Promote fencing in medium and high density areas that provides a positive interface with the public domain, while allowing necessary privacy for residents and neighboring properties.

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied the fence enhances the streetscape and allows for passive surveillance to the public domain. .
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied the fencing provides sufficient sightlines for pedestrian and cyclist safety.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied the development protects the privacy of adjacent lower density residential development.

Requirements

4. All fences adjacent to road boundaries or boundaries adjoining **public open space** are to be constructed so that:
 - (a) the maximum height is 2m above **ground level** measured at the relevant **site** boundary; and

- (b) the area of materials that is not **visually permeable** does not exceed an area equivalent to the length of the **site** boundary (excluding driveways) multiplied by 1.2m.
- 5. Fencing within 1.5m of driveways, pedestrian entries, and street corners is to be **visually permeable** above 0.6m (unless there is truncation provided within these areas to the same distance).
- 6. Where the development abuts land in Zones LR or LMR, development is to provide a solid screen fence to a minimum height of 1.8m to that boundary.

Editor's Note: Refer to [Design Guidance: Fencing](#) for guidance on interpreting this clause.

5.4.19 Residential Plot Ratio

Purpose

To encourage varied built form outcomes in higher density zones that are consistent with the anticipated character of the area.

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties, having regards to matters such as the articulation of the building and setbacks of the development.
2. The **residential plot ratio** in Table A does not apply to **dwellings** at **ground level** in Zones MR or HR.
3. This clause does not apply where an alternative **residential plot ratio** is established under Clause 5.9 (Location specific development requirements).

Requirements

4. The maximum **residential plot ratio** for development consisting of **dwellings-multiple** and/or **rooming accommodation** in Zones MR, HR and C is to be determined in accordance with Table A.
5. The maximum **residential plot ratio** for development consisting of **rooming accommodation** in Zone TC is to be determined in accordance with Table B.

Table A to Clause 5.4.20: Residential plot ratio for dwellings-multiple and/or rooming accommodation in Zones MR, HR and C

Zone	Residential Plot Ratio
MR within the municipality of Alice Springs	0.9:1
MR other than in the municipality of Alice Springs	1.3:1
HR	2.3:1
C	1.3:1

Table B to Clause 5.4.20: Residential plot ratio for rooming accommodation in Zone TC

Zone	Residential Plot Ratio
TC within the municipality of Alice Springs	0.9:1
TC within the municipality of Darwin	3:1
TC other than in the municipality of Darwin and Alice Springs	1:1

Editor's Notes: Refer to [Design Guidance: Residential Plot Ratio](#) for guidance on how to interpret this clause.

5.5 Commercial Specific Development Requirements

5.5.1 Interchangeable use and development

5.5.1.1 Interchangeable Use and Development in Zone CB

Purpose

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

Administration

1. The following uses are interchangeable in Zone CB:
 - **bar-small**
 - **club**
 - **education establishment**
 - **exhibition centre**
 - **food premises-café/takeaway**
 - **food premises-restaurant**
 - **leisure and recreation**
 - **medical clinic**
 - **office**
 - **shop**
 - **showroom sales**
2. A shift between the interchangeable uses listed in sub-clause 1 is *Permitted* without **consent** if the new use complies with sub-clauses 4-9.
3. Where the shift between uses listed in sub-clause 1 does not comply with subclauses 4-9, the use is subject to the assessment category and relevant development requirements as established in the assessment table for the zone.

Requirements

4. Where the **site** is located within Zone CB in the Darwin City Centre (as identified in the Diagram to Clause 5.9.2), the new use must not decrease the number of existing **car parking spaces** on the **site**.
5. Where the **site** is located outside of the Darwin City Centre, the new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking) and 5.2.4.4 (Layout of Car Parking Areas).
6. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.

7. 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).
8. Where the change of use is for an **education establishment**, the maximum **net floor area** of the use must not exceed 2000m².
9. Where the change of use is for a **bar-small, club, exhibition centre, food premises-café/take away** or **food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

5.5.1.2 Interchangeable Use and Development in Zone C

Purpose

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

Administration

1. The following uses are interchangeable in Zone C:
 - **education establishment**
 - **exhibition centre**
 - **food premises-café/takeaway**
 - **food premises-restaurant**
 - **medical clinic**
 - **office**
 - **shop**
 - **showroom sales**
2. A shift between the interchangeable uses listed in sub-clause 1 is *Permitted* without **consent** if the new use complies with sub-clauses 4-10.
3. Where the shift between uses listed in sub-clause 1 does not comply with subclauses 4-10, the use is subject to the assessment category and relevant development requirements as established in the assessment table for the zone.

Requirements

4. The new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking) or Clause 5.9 (Location specific development requirements), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas) and Clause 5.9 (Location specific development requirements).

5. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.
6. 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).
7. Where the change of use is for an **educational establishment**, the maximum **net floor area** of the use must not exceed 400m².
8. Where the change in use is for an **exhibition centre**, the **net floor area** of the use is not to exceed 400m².
9. Where the change of use is for a **medical clinic**, the use is not to include more than 4 consulting rooms.
10. Where the change of use is for an **exhibition centre, food premises-café/take away** or **food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

5.5.2 Commercial Plot Ratio

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 2 and 3 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. This clause does not apply where an alternative **commercial plot ratio** is established under Clause 5.9 (Location specific development requirements).

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 **commercial plot ratio** of 1.

4. Development of **sites** within Zone TC in the Municipality of Darwin should not exceed a **commercial plot ratio** of 3.

5.5.3 General Building and Site Design

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 allow 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.
9. Minimise use of reflective surfaces.
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 Omitted

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 the **site** and adjacent land;
- (c) incorporates appropriate **site** layout, building and landscape design to ensure that there are no unreasonable impacts on the anticipated **amenity** of land adjacent to the land on which the development is taking place;
- (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 bowzers 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 government council 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 80m².
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 75m² for each **caravan**, with a frontage of at least 7.5m to any internal **access** ways;
 - (d) are a minimum of 100m² 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.

5.5.15 Design in Commercial and Mixed Use Areas

Purpose

Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
 - (a) the development provides a considered response to the established character of the streetscape; and
 - (b) the development provides an alternative response for shading.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the **site**.
7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwelling**s below.
10. The consent authority may **consent** to a development that is not in

accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.

11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.
14. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.
15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.
16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.
17. Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which:
 - (a) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;
 - (b) covers the full width of the footpath or has a minimum width of 3m; and
 - (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:
 - (a) is direct and provides refuge from the sun and rain; and
 - (b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.

19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.
20. Development is to minimise the transmission of noise and exhaust from services by:
 - (a) locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and
 - (b) locating air conditioner plants away from openings in **habitable rooms**.
21. Buildings are to provide internal drainage of balconies.
22. Development with a **floor area** of 3500m² or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).
23. Development is to provide designated areas for rubbish collection.

Editors Notes:

- (1) **Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government council.**
- (2) **The relevant local government council should be contacted to determine refuse collection requirements and specifications.**

5.5.16 Active Street Frontage

Purpose

Provide a site-responsive interface between commercial buildings and the public domain that:

- (a) is attractive, safe and functional for pedestrians;
- (b) encourages activity within the streetscape; and
- (c) encourages passive surveillance of the public domain.

Administration

1. This clause does not apply where:
 - (a) alternative **active street frontage** requirements are established under Clause 5.9 (Location specific development requirements); or
 - (b) the land is within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).

2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5, 6 and 7 if:
 - (a) an alternative solution effectively meets the purpose of this clause;
 - (b) the **site** design reflects the established character of the area; or
 - (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.

3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it is comprised of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.

4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

5. Services on street level frontages are to be limited to:
 - (a) a 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**);
 - (b) a direct single point of **access** to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.

6. Buildings are to provide a minimum of 60% of the length of each **site** boundary that fronts a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/**public open space**; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.

7. Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls.

Editor's Notes:

- (1) Refer to *Design Guidance to provide for Services in Schedule 5* for more information on servicing requirements relating to requirement 5.
- (2) Refer to *Design Guidance: Active Street Frontage* for guidance on how to interpret sub-clause 6.

5.5.17 Building Frontage in Commercial and Mixed Use Areas

Purpose

Encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

Administration

1. This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek except where alternative **active street frontage** requirements are established under Clause 5.9 (Location specific development requirements).
2. The consent authority may consent to a development that is not in accordance with sub-clause 4 and 5 if satisfied that the building design allows for adequate passive surveillance and provides visual interest appropriate to the locality.
3. The consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.

Requirements

4. Services on primary building frontages are to be limited to:
 - (a) a direct single point of **access** to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.
5. Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m:
 - (a) windows with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress);

- (c) areas that are used for alfresco dining;
 - (d) spaces that allow for pedestrian movement and/or seating; or
 - (e) vertical landscaping for the full height of the frontage.
6. Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.

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 to Clause 5.6.1: Industrial Setbacks and Building Design Requirements	
Location/ Boundary	Minimum Building Setback
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

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. Facade treatment should 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 **amenity** of the locality.

Administration

1. The consent authority may **consent** to **animal boarding** or **stables** that is not in accordance with sub-clauses 3-6 only if it is satisfied it is appropriate to the **site** having regard to land capability and the potential impact on the **amenity** of the locality.

2. Sub-clauses 4 and 5 do not apply in Zones SC, LI, GI and DV.

Requirements

3. Premises for the keeping of animals for the purposes of **animal boarding** and **stables** are to be designed, sited 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 meet the 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 services 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 services 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 services 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 services 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, TC, 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. The consent authority may **consent** to a **demountable structure** that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the **demountable structure** make compliance unnecessary.
3. The consent authority may **consent** to a **demountable structure** that is not in accordance with the table to this clause 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.

Requirements

4. The placement of a **demountable structure** is to:
 - (a) include landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (b) be visually consistent with adjoining or nearby development.
5. **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 to Clause 5.8.7: Demountable Structures		
Lot Boundary	Minimum Setbacks	
	In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV	In zones H, A, RR, R and RL
Primary street frontage	6m	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	2.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	1.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
<p>Building setback is measured from all boundaries to:</p> <p>The wall of a demountable structure; and</p> <p>Where there is no wall, to the outer surface of any support column of the structure.</p> <p>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.</p>		

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 visual **amenity** of a locality whilst facilitating the provision of telecommunications infrastructure to meet community expectations and needs.

Administration

1. An application for a **telecommunications facility** is to include:
 - (a) information demonstrating how the visual **amenity** impacts of a proposal have been minimised using visual communications methods such as photographic images; and
 - (b) a statement and/or map indicating the extent to which the proposed facility addresses the network capacity for future demand and/or current gaps in service.
2. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clause 5 if it is satisfied the facility does not unreasonably impact on the visual **amenity** of the public domain.
3. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clause 6 if it is satisfied the facility is located and designed to be sympathetic to the heritage place and conserve its heritage value.
4. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clauses 7 if it is satisfied the facility does not unreasonable impact on the visual **amenity** of adjoining residential uses or the public domain.

Requirements

5. A **telecommunications facility** is to:
 - (a) use materials and colours that reduce its visual dominance in the landscape;
 - (b) use non-reflective finishes;
 - (c) be appropriately sited and located to minimise visual **amenity** impacts including impacts on surrounding residential uses and other sensitive land uses; and
 - (d) avoid unreasonable impacts on significant view lines and/or vistas.
6. A **telecommunications facility** is not to be located on or adjoining a **heritage place** declared under the *Heritage Act 2011*.

7. Ground level equipment (i.e. mechanical plant, **ancillary** buildings and structures) is to be visually screened to the public domain and adjoining residential uses by landscaping or vegetation

Editor's Notes:

- (1) Exceptions for some telecommunications facilities are included in Schedule 3.**
- (2) Industry Code C564:2020 Mobile Phone Base Station Deployment requires carriers to prepare a summary of the sites considered, and the reasons for selection of the preferred site. A copy of the report can be requested from the carrier.**
- (3) Any proposed vehicle access and installation of services within a road reserve must be in accordance with the requirements of the relevant agency responsible for the management of the road.**
- (4) Any use or development of land that protrudes 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.**

5.9 Location Specific Development Requirements

5.9.1 Alice Springs Town Centre

1. This clause incorporates planning and design standards contained in the Central Alice Springs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.1 (Alice Springs City Centre) apply and key features referred to in the requirements.

Diagram to Clause 5.9.1: Alice Springs Town Centre Extent and Features



5.9.1.1 Building Design in Alice Springs Town Centre

Purpose

Promote buildings in the Alice Springs town centre that are designed to support a mix of land uses now and into the future, provide for a high level of accessibility within the town centre, and respond sympathetically to the cultural and heritage features of the area.

Administration

1. This clause applies to land in Zones CB, C and TC within the area included in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. A development application for land in Zone CB is to demonstrate consideration of, and the consent authority is to have regard to [Design Guidance for Development in Zone CB \(Central Business\) in Alice Springs](#) in Schedule 5.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of ground floor tenancies to adapt to different uses over time.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 8 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and public transport.
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that the design contributes to the functionality of the streetscape.
6. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10-12 if it is satisfied that compliance would be impractical having regard to the location, nature and scale of the use or development and surrounding built form

Requirements

7. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
8. Development is to contribute to the network of safe and pleasant public spaces by encouraging **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares where the size or location of the **site** warrants such connections.

9. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.
10. Development along Leichardt Terrace, particularly between Gregory Terrace and Parsons Street, is to focus al fresco dining and orient balconies towards the Todd River.
11. Development is to maintain and/or creates visual connections from development and public places to:
 - (a) Annie Myers Hill;
 - (b) Anzac Hill;
 - (c) Billy Goat Hill; and
 - (d) the Todd River.
12. New development is to respond sympathetically to the historic context provided by adjoining declared **heritage places** and registered and recorded sacred sites.

5.9.1.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings within the Alice Springs town centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:

- (a) preservation of significant view corridors and vistas;
- (b) penetration of daylight into **habitable rooms**; and
- (c) reasonable privacy for residents.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. The consent authority must not **consent** to a development that is not in accordance with sub-clauses 3-6.

Requirements

3. The podium of a development is to:
 - (a) have a maximum **building height** of 3 **storeys**, up to 14m; and
 - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or **public open space**.

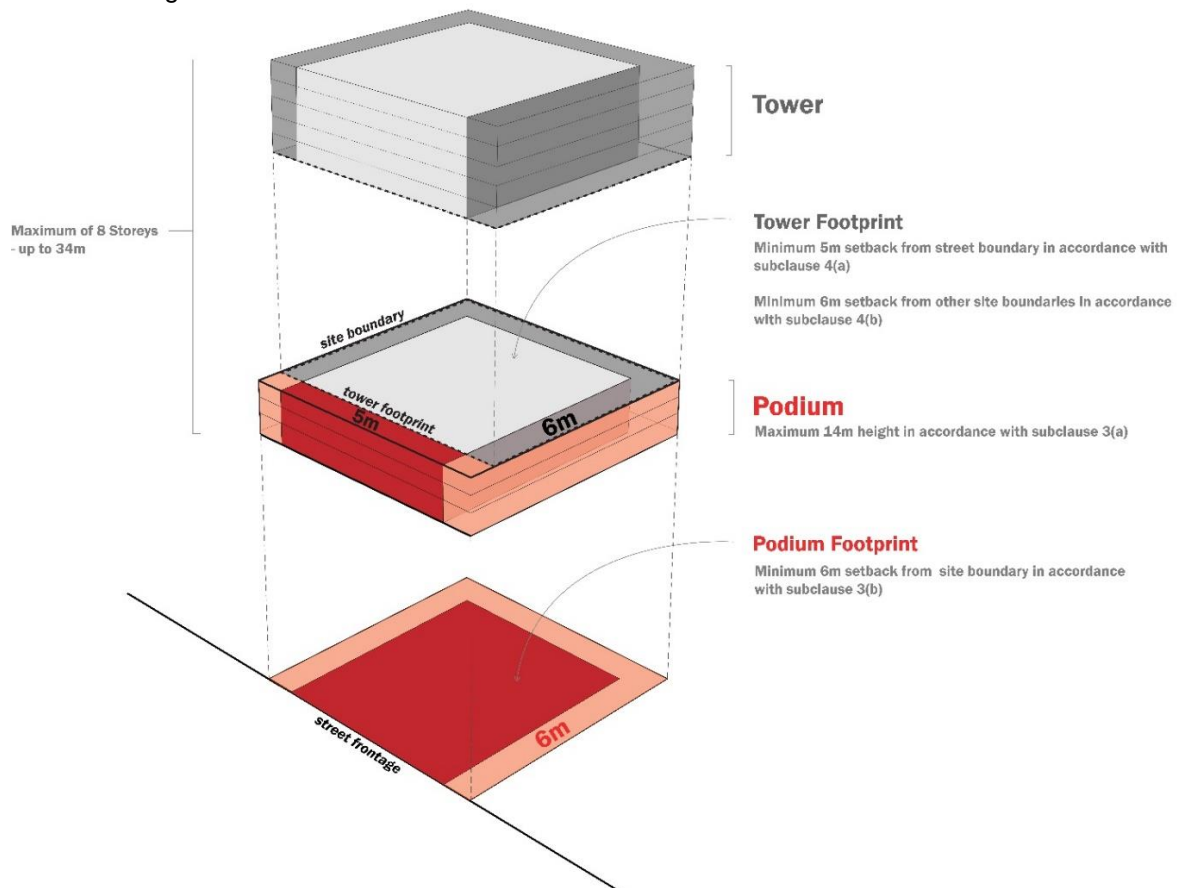
4. The tower of a development is to provide minimum setbacks of:
 - (a) 5m from any street boundary; and
 - (b) 6m from any **site** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or **public open space**.

5. Buildings above 3 **storeys** must:
 - (a) be located on a **site** with a combined area equal to or greater than 2000m²; and
 - (b) not obstruct significant view lines identified in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).

6. An application for development above 3 **storeys** or 14m must provide suitable 3D imaging demonstrating how the building responds to the identified view scapes and significant view lines in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).

Editor's Note: Design guidance is provided 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](#).

Diagram to Clause 5.9.1.2: Volumetric Control



5.9.1.3 Active Street Frontages in Alice Springs Town Centre

Purpose

Promote highly activated commercial frontages within the Alice Springs town centre that encourages pedestrian activity and strengthens the relationship between buildings and the public domain.

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4 and 5 if it is satisfied that:
 - (a) compliance would be impractical due to servicing requirements; or
 - (b) the **site** design reflects the established character of the area;and all reasonable effort has been made to minimise the visual impact of services.
2. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 5 if it is comprised of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
3. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

4. Services on street level frontages are to be limited to:
 - (a) a 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**);
 - (b) a direct single point of access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
5. Buildings are to provide a minimum of 75% of the length of the **site** boundary fronting a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:

- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
- (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;
- (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
- (d) well-designed spaces that allow for pedestrian movement and/or seating.

Editor's Notes:

- (1) Refer to ***Design Guidance to provide for Services*** in Schedule 5 for more information on servicing requirements relating to requirement 4.
- (2) Refer to ***Design Guidance: Active Street Frontage*** for guidance on how to interpret sub-clause 5.

5.9.1.4 Development in Gateway Locations

Purpose

Ensure that the design of development on prominent corner **sites**:

- (a) establishes a strong sense of arrival, and respects and enhances the unique characteristics of the locality;
- (b) contributes to the visual appeal of the streetscape; and
- (c) aids wayfinding.

Administration

- 1. This clause applies to any use or development fronting a Gateway Location identified on the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
- 2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.
- 3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height** of at least one **storey** compared to adjacent buildings, up to the limit prescribed by Clause 5.2.1 (General Height Control);
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.1.5 Design of car parking areas and vehicle access in Zone CB

Purpose

Promote design of car parking, vehicle access points and onsite movement that:

- (a) is easily adapted to meet changing demand;
- (b) minimises the visual impact to the street and other public areas, and
- (c) promotes safe pedestrian and cyclist movement through the town centre.

Administration

1. This clause applies to new buildings and the establishment of new **car parking areas** in Zone CB.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-5 if it is satisfied the use or development is consistent with the purpose of this clause, having regard to the impacts on the surrounding road network.

Requirements

3. Minimise impacts to key pedestrian and cyclist movements when locating driveways and loading bays.
4. **Ground level car parking areas** are to be designed so that they are not visible from the public domain.
5. Vehicle access and loading areas should be consolidated and **car parking areas** are to be located away from street frontages.

5.9.2 Darwin City Centre

1. This clause incorporates planning and design standards contained in the Central Darwin Area Plan.
2. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



5.9.2.1 Building Design in Darwin City Centre

Purpose

Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of **amenity** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual **amenity** of the public domain and neighbouring properties.
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).

Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
7. Building facades are to have a clearly distinguished base, middle and top.
8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.
9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.

10. Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at **ground level** to connect the two street frontages.

5.9.2.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:

- (a) potential for view corridors to Darwin Harbour;
- (b) breeze circulation between buildings;
- (c) penetration of daylight into **habitable rooms**; and
- (d) reasonable privacy for residents.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).
2. In this clause:
 - (a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and
 - (b) the podium and tower components of a building are illustrated in the diagram to this clause.
3. The consent authority may **consent** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development:
 - (a) is appropriate to the location considering the scale of the development and surrounding built form; and
 - (b) will not unreasonably restrict the future development of adjoining **sites**.
4. The consent authority may **consent** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:
 - (a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining **sites**;
 - (b) responds to the existing street front **building heights**; and
 - (c) provides an equivalent or better outcome to maintain a human scale at street level.

Requirements

5. The podium of a development is to:
 - (a) have a maximum height of 25m, excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades; and
 - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or **public open space**.

6. The tower of a development is to:
 - (a) have a footprint that covers a maximum of 56% of the **site** area, to a maximum of 1200m² in any single tower;
 - (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and
 - (c) provide minimum setbacks of:
 - i. 6m from any **site** boundary; and
 - ii. 12m between towers on the same **site**.

7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:
 - (a) the podium height is reduced below 25m; and
 - (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
 - (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

Diagram to Clause 5.9.2.2: Podium and Tower Components

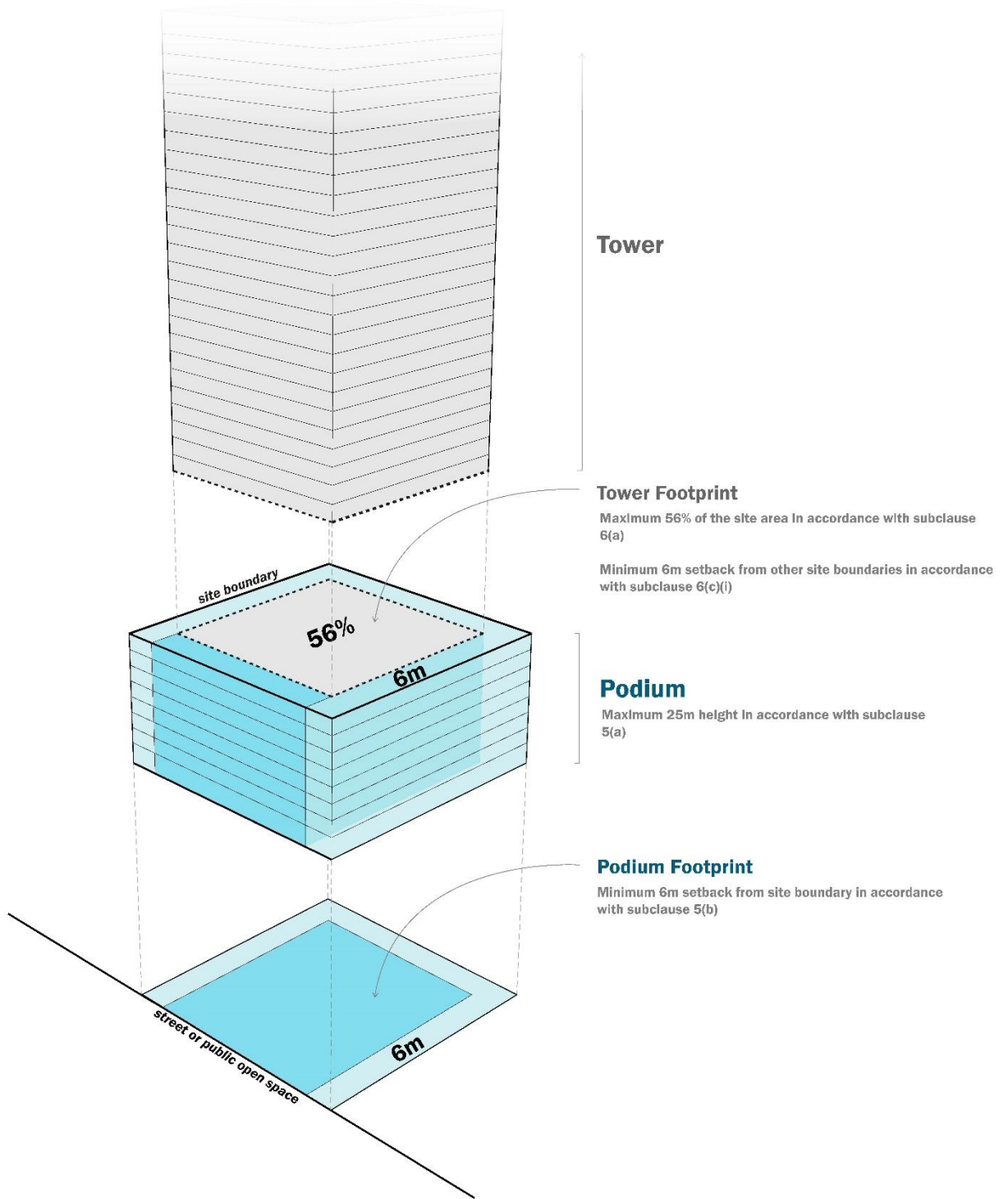
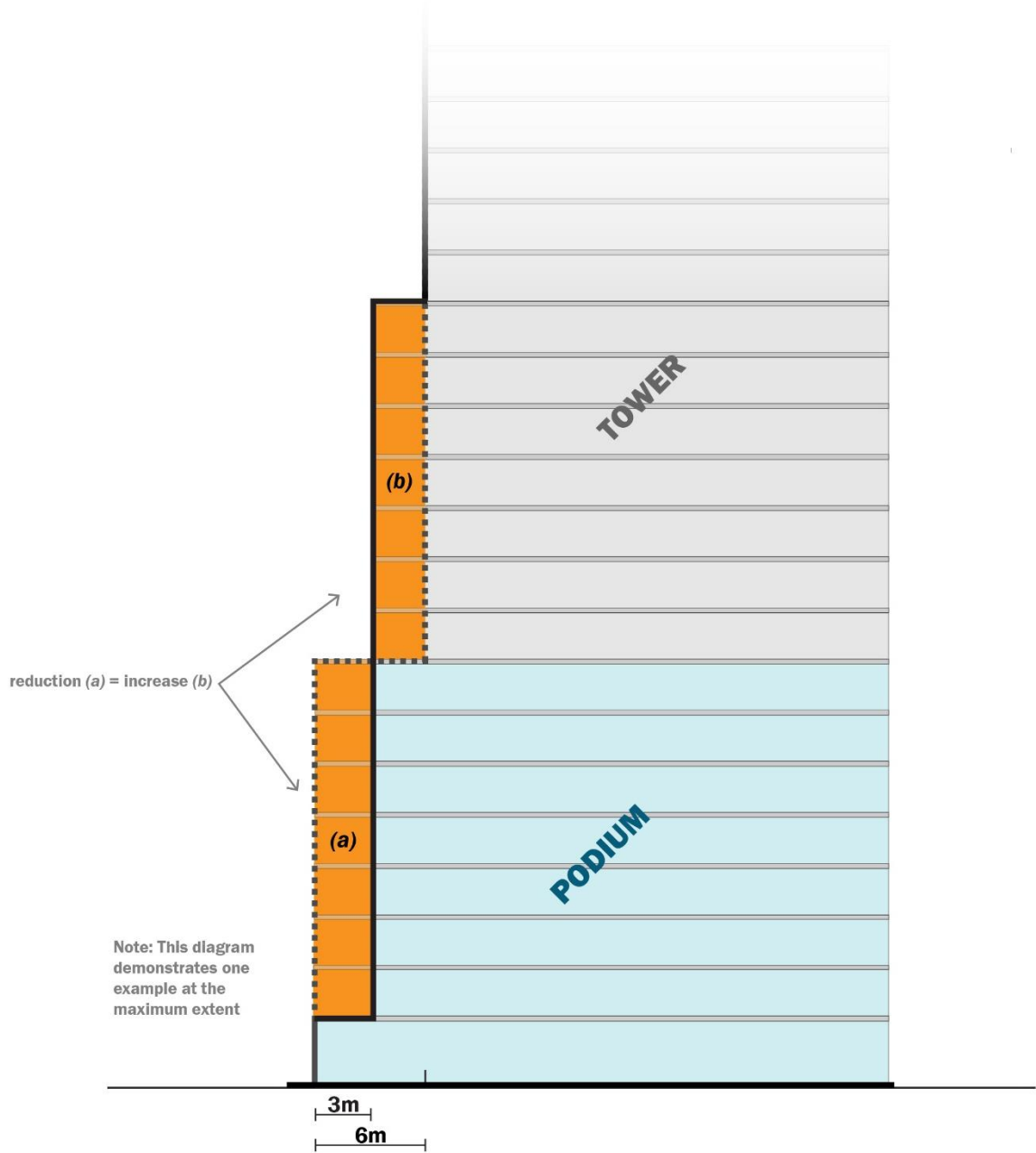


Diagram B to Clause 5.9.2.2: Volumetric Control - Smith Street Mall Alternative



5.9.2.3 Building Height 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 that fronts Bicentennial Park and the Darwin Harbour.

Administration

1. In this clause, the Esplanade Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features);
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4 or 5 if it is satisfied that the development demonstrates an exemplary response to building bulk, scale, street interface and on-site landscaping that provides an equivalent or higher standard of urban **amenity** than compliance with sub-clauses 5(a)-(f).
3. 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, to the satisfaction of the consent authority.

Requirements

4. A building within the Esplanade Character Area is to have a maximum **building height** of 55m, including any plant, equipment or aerials.
5. Despite sub-clause 4, development within the Esplanade Character Area may have a **building height** above 55m if designed so that 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 with street frontage;
 - (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; and
 - (f) provides deep soil planting zone(s) and generous landscaping within a setback area(s).

5.9.2.4 Development within the Darwin Waterfront

Purpose

Ensure that design and scale of development within the Darwin Waterfront responds to and respects the established role, character and constraints of the waterfront area and the surrounding escarpment.

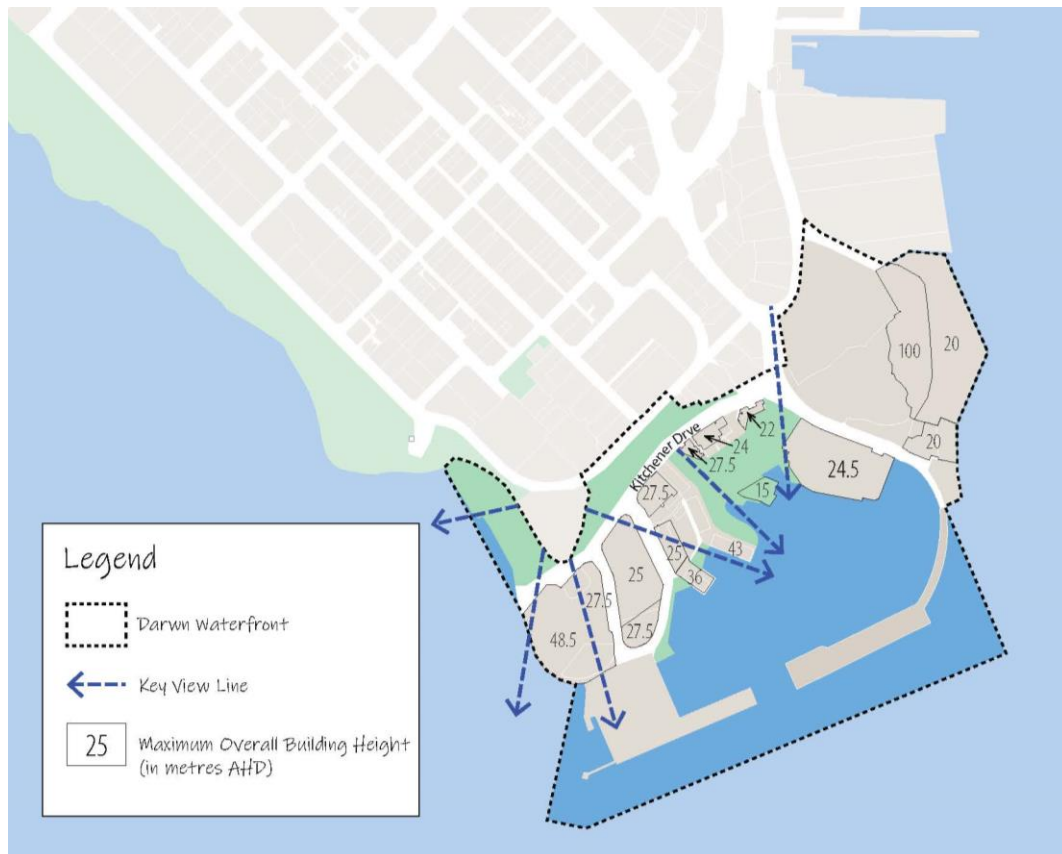
Administration

1. This clause applies to the use and development of land within the Darwin Waterfront identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it is satisfied the application demonstrates that there is no increased risk from storm surge to people and property, including adjoining property.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 5 and 6 if it is satisfied:
 - (a) the scale of the development is consistent with the intended built form and character of the waterfront area; and
 - (b) the development will not unreasonably restrict the future development of adjoining **sites**.

Requirements

4. The lowest floors (commercial and residential) within the development are to be sited at a minimum of 6.5m AHD.
5. Development does not obstruct view lines identified in the Diagram to this clause.
6. **Building height** does not exceed the height identified on the Diagram to this clause.

Diagram to Clause 5.9.2.4: Darwin Waterfront Building Heights and View Lines



5.9.2.5 Development along Priority Activated Frontages

Purpose

Prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impact of services.

3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it comprises of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

5. Services on street level frontages are to be limited to:
 - (a) a 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**);
 - (b) a direct single point of access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
6. Where a **site** boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.

Editor's Notes:

- (1) **Clause 5.5.16 provides information on active street frontage for sites not identified as 'priority active frontage'.**
- (2) **Refer to *Design Guidance to provide for Services in Schedule 5* for more information on servicing requirements relating to requirement 5.**
- (3) **Refer to *Design Guidance: Active Street Frontage* for guidance on how to interpret sub-clause 6.**

5.9.2.6 Development Fronting Laneways

Purpose

Ensure that new developments enhance the use of laneways as shared spaces, are functional for commercial loading and servicing requirements, are safe for pedestrians, and contribute to the visual **amenity** of the laneway.

Administration

1. This clause applies to any development with frontage to an existing laneway identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), or any development that proposes establishment of a new laneway.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-5 if it is satisfied that compliance would be impractical with regard to the scale, nature and location of the development.

Requirements

3. Windows and balconies are to be provided to levels above the ground floor that overlook laneways, excluding levels used as car parking which are designed to facilitate passive surveillance of the laneway.
4. Facades of buildings fronting laneways are to provide visual and architectural interest, through measures such as building **articulation**, material treatments or public art.
5. Where a new arcade is being provided, development is to facilitate pedestrian movement across the laneway by aligning entrances with existing arcades.

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

Purpose

Encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.

Administration

1. This clause applies to any use or development fronting the priority pedestrian/cycle network identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).

2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied an alternative layout provides safe and convenient pedestrian and cyclist movement to and from the **site**.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied provision of lighting would be unnecessary or unreasonable, having regard to pedestrian and cyclist safety.
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied the use or development will not frustrate the ability to provide a future connection between the priority pedestrian cycle network and Frances Bay.

Requirements

5. Pedestrian and cycle links within a **site** are to be connected to the existing and future priority pedestrian/cycle network, identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
6. Any pedestrian or cycle links or facilities provided within a **site** are to be well lit.
7. Use or development is to preserve the opportunity for a future sky bridge and landing connecting the priority pedestrian cycle network and Frances Bay.

5.9.2.8 Development in Gateway Locations

Purpose

Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.

3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied that the development either:
 - (a) provides an alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height** of at least one **storey** compared to adjacent buildings;
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.2.9 Public Domain Contributions for Development on Large Sites

Purpose

Encourage development on large **sites** that supports the public domain by contributing to an integrated, high-quality network of public spaces, recreation facilities and places for wildlife.

Administration

1. This clause applies to the development or redevelopment of a **site** of 3500m² or more within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to development that is not in accordance with sub-clauses 3 and 4 if it is satisfied that:
 - (a) the development provides an alternative provision of publically accessible open space that is appropriate to the **site**, having regard to the locality and scale of the development; or
 - (b) the application provides an equivalent contribution to publically accessible open space outside of the subject **site**.

Requirements

3. A minimum of 10% of the **site** area is to be provided as publically accessible open space that is designed to:
 - (a) incorporate park furniture, display of art, lighting, shade structures and landscaping and interpretive information where appropriate; and
 - (b) support a variety of passive uses, active recreation and events.
4. The open space provided under sub-clause 3 is to integrate and connect with:
 - (a) existing and future cycle and pedestrian networks;
 - (b) **sites** of significant natural, cultural or heritage value; and
 - (c) habitats, wildlife corridors and public greenspaces from adjoining **sites**.

5.9.2.10 Alfresco Dining Areas

Purpose

Provide for the establishment of **alfresco dining areas** that contribute positively to the **amenity**, safety and activation of streets in the Darwin's Central Business area.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. An **alfresco dining area** may be established without **consent** if it complies with sub-clause 4.
3. Where the **alfresco 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 **alfresco 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 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.

5.9.2.11 Car parking spaces in Darwin City Centre

Purpose

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

Administration

1. This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).
3. An **alfresco dining area** on a **site** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 **ground level** car parking spaces associated with any existing development without requiring replacement **car parking spaces**. However, 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 space requirements of this clause.
4. 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.

Requirements

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

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Bar-public	2 for every 100m ² of net floor area , excluding alfresco dining areas
Bar-small	2 for every 100m ² of net floor area , excluding alfresco dining areas
Car wash	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	2 for every 100m ² of net floor area

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Club	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	2 for every 100m ² of net floor area
Dwelling-caretakers	1
Dwelling-community residence	1 for every 4 beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes
Dwelling-group	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
Dwelling-multiple	1 per bed-sitter and one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms
Dwelling-single	2
Emergency services facility	2 for every 100m ² of net floor area
Education establishment	2 for every 100m ² of net floor area
Exhibition centre	2 for every 100m ² of net floor area
Food premises (all)	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 .
Hospital	1 for every 4 patient beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes <u>Plus</u> For a medical clinic 2.5 for every consulting room
Hotel/Motel	0.4 for every guest suite or bedroom <u>Plus</u> 2 for every 100m ² of net floor area of all other areas

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Leisure and recreation	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 .
Market	1.5 per maximum number of stalls (may be existing car parking spaces in the vicinity of the market site)
Medical clinic	2.5 for every consulting room
Motor body works	2 for every 100m ² of net floor area
Motor repair station	2 for every 100m ² of net floor area
Nightclub entertainment venue	2 for every 100m ² of net floor area
Office (not elsewhere referred to in this table)	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 .
Passenger terminal	2 for every 100m ² of net floor area
Place of assembly	2 for every 100m ² of net floor area
Place of worship	2 for every 100m ² of net floor area
Plant nursery	2 for every 100m ² of net floor area Plus 1 for every 250m ² used as outdoor nursery
Residential care facility	1 for every 4 beds Plus 2 for every 100m ² of net floor area used for administrative purposes
Rooming accommodation	1 for every 15 persons Plus 1 for every staff member Plus 1
Serviced apartment	1 for every dwelling Plus 3 for every 100m ² of net floor area not within a dwelling
Service station	2 for every 100m ² of net floor area or 5 whichever is greater (not including parking serving bowsers)
Sex services-commercial premises	2 for every 100m ² of net floor area * *Only 1 car parking space required where a building has a net floor area of up to 500m ² .
Shop	2 for every 100m ² of net floor area

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Shopping centre	2 for every 100m ² of net floor area
Showroom sales	2 for every 100m ² of net floor area Plus 1 for every 250m ² used as outdoor storage
Telecommunications facility	1
Vehicle sales and hire	2 for every 100m ² of net floor area of office Plus 1 for every 200m ² used for vehicle display
Veterinary clinic	2 for every 100m ² of net floor area
Warehouse	2 for every 100m ² of net floor area
Any other uses	Minimum number of car parking spaces to be determined by the consent authority

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

Purpose

Provide for a use or development with fewer **car parking spaces** than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

Administration

1. The consent authority may **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 5.9.2.11 (Car parking spaces in Darwin City Centre); 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 5.9.2.11 (Car parking spaces in Darwin City Centre).
2. The consent authority may also **consent** to a use or development with fewer **car parking spaces** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.
3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

Editor’s Note: Where a reduction in car parking is sought across 2 or more categories, the reduction percentages are combined, and the reduction is calculatedly cumulatively across all categories.

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 5.9.2.12: Reduction in car parking spaces in Darwin City Centre		
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: five or more bus routes; or a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	15%
(b)	The development is located within 400m walking distance of a public bus stop that provides access to: five or more bus routes; or+ a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	10%
(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% This reduction applies to non-residential uses only.
(b)	The development is within 200m walking distance of an existing, publically 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, publically 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 <i>Heritage Act 2011</i> 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 <i>Heritage Act 2011</i> .

5.9.2.13 Design of Car Parking Areas and Vehicle Access

Purpose

Promote design of car parking, vehicle access points and onsite movement that:

- (a) is easily adapted to meet changing demand;
- (b) minimises visual impact to the street and other public areas; and
- (c) minimises impacts to pedestrian and cyclist movement.

Administration

1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Darwin City Centre.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-6 if it is satisfied the use or development is appropriate to the **site** having regard the potential impact on the surrounding road network and the **amenity** of the locality.

Requirements

3. **Ground level car parking areas** in buildings are limited to the number of **car parking spaces** required for **ground level** commercial tenancies.
4. All car parking spaces are to be screened so that they are not visible from the public domain.
5. Vehicle access and loading areas are to be consolidated and **car parking areas** are to be located away from street frontages.
6. Entry and access from a **car parking area** is to be from the lowest order vehicle access way. In order of priority, access should be from:
 - (a) a laneway;
 - (b) a **secondary street**, or
 - (c) a primary street only if no other access is possible.

5.9.3 Palmerston City Centre

1. This clause incorporates planning and design standards contained in the Central Palmerston Area Plan.
2. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.3 (Palmerston City Centre) apply and key features referred to in the requirements.

Diagram to Clause 5.9.3: Palmerston City Centre Extent and Features



5.9.3.1 Building Design in Palmerston City Centre

Purpose

Promote a built form in the Palmerston city centre that contributes to a high level of public **amenity** and enables convenient pedestrian and cyclist movement to and across the city centre.

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it is satisfied there are sufficient existing connections in the immediate locality.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 if it is satisfied the development minimises the visual impacts of car parking to the public domain.

Requirements

4. Development is to encourage **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares, where the size or location of the **site** warrants such connections.
5. All car parking spaces within new buildings are to be screened so that they are not visible from the public domain.

5.9.3.2 Volumetric Control

Purpose

Ensure the siting and mass of buildings in the Palmerston city centre promotes urban form that is of a scale appropriate to the locality and provides adequate separation to allow for:

- (a) breeze circulation between buildings;
- (b) penetration of daylight into **habitable rooms**; and
- (c) reasonable privacy for residents.

Administration

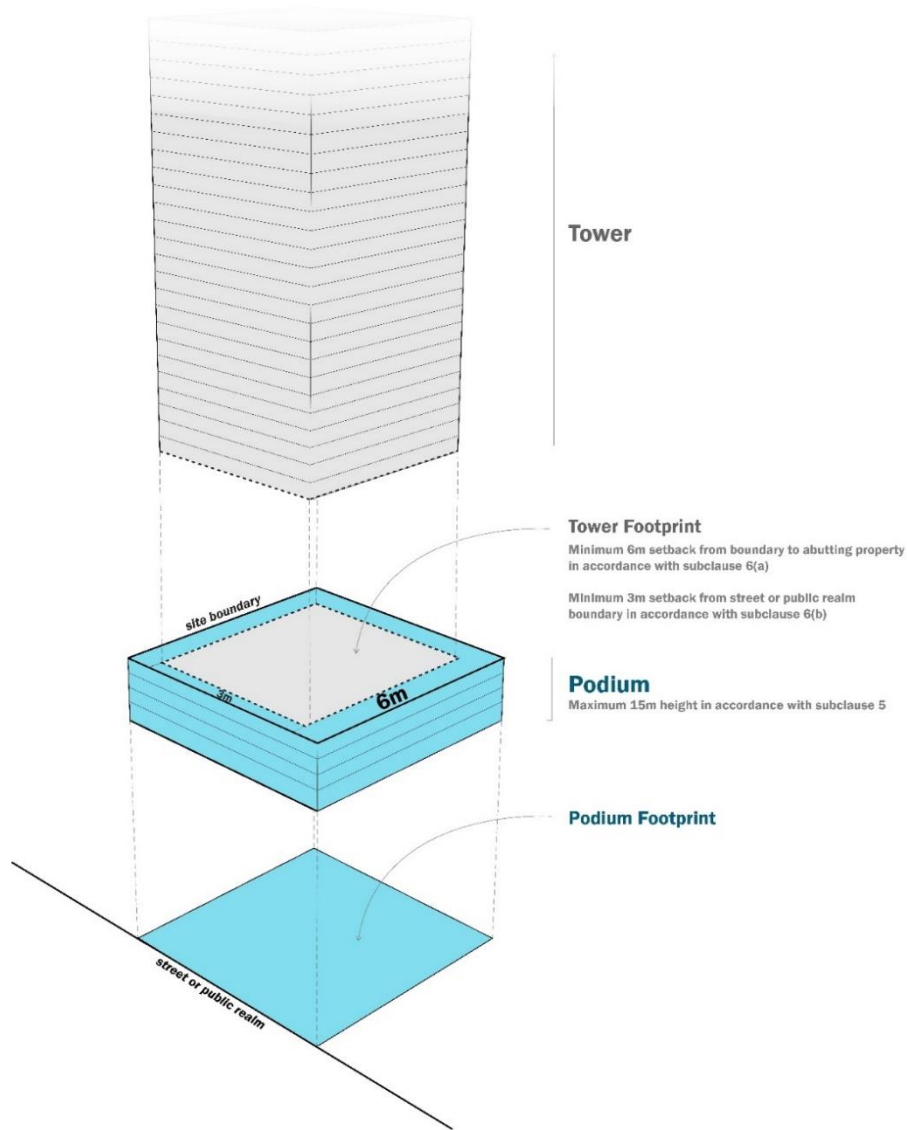
1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

2. In this clause:
 - (a) the Southern Interface Area is identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features); and
 - (b) the podium and tower components of a building are illustrated in the diagram to this clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5(i) if it is satisfied the development provides a transition in building form to reduce the visual impact to the adjacent low density residential area.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 5(ii), 6 and 7 if it is satisfied the development:
 - (a) is appropriate to the location having regard to the scale of the development and surrounding built form; and
 - (b) will not unreasonably restrict the future development of adjoining **sites**.

Requirements

5. The podium of a development is to be:
 - (a) up to 3 storeys in height, to a maximum height of 12m, as identified in the Southern Interface Area;
 - (b) up to 4 storeys in height, to a maximum height of 15m, outside of the Southern Interface Area;
excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades.
6. Where located at podium level, any verandah, balcony or rooms designed for accommodation with a window other than to a street or **public open space**, is to be set back a minimum of 6m from **site** boundaries.
7. The tower component of a development is to have setbacks that are a minimum of:
 - (a) 6m from any boundary to an abutting property; and
 - (b) 3m from any boundary to a street or **public open space**.

Diagram to Clause 5.9.3.2: Volumetric Control for Palmerston City Centre (outside of Southern Interface Area)



5.9.3.3 Development along Priority Activated Frontages

Purpose

Prioritise active frontage along key streets in the Palmerston city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6 and 7 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impacts of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 7 if it is comprised of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied the development provides an appropriate level of shading or public infrastructure that encourages pedestrian activity in Goyder Square.
5. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

6. Services on street level frontages are to be limited to:
 - (a) a 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**);
 - (b) a direct single point of access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
7. Where a **site boundary** is identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site boundary** as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;

- (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. New buildings fronting Goyder Square are to incorporate continuous awnings along the Goyder Square frontage.

Editor's Notes:

- (1) **Clause 5.5.16 provides information on active street frontage for sites not identified as 'priority active frontage'.**
- (2) **Refer to *Design Guidance to provide for Services in Schedule 5* for more information on servicing requirements relating to requirement 6.**
- (3) **Refer to *Design Guidance: Active Street Frontage* for guidance on how to interpret sub-clause 7.**

5.9.3.4 Development along Green Links

Purpose

Encourage pedestrian and cyclist connections between developments and identified green links to contribute to safe and convenient movement of people across the Palmerston city centre.

Administration

- 1. This clause applies to any development fronting a 'green link' identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
- 2. The consent authority may **consent** to development that is not in accordance with sub-clause 4 if it is satisfied the design sufficiently encourages users of the development to interact with the greens links.
- 3. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 if it is satisfied vehicle access from a green link is the best option for the **site**, having regard to advice from the local government council.

Requirements

4. New buildings are to provide convenient pedestrian access from building entrances to green links.
5. Development on corner lots is to avoid locating driveways and vehicle parking accesses along identified green links where alternative access options are possible.

5.9.3.5 Development in Gateway Locations

Purpose

Ensure buildings are designed to accentuate prominent corner locations to reinforce the role of and establish a strong sense of arrival into the Palmerston city centre

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to establish a strong sense of arrival through one or more of the following design elements:
 - (a) an increased **building height** of at least one **storey** compared to adjacent buildings;
 - (b) varied roof sections, raised parapets and spires;
 - (c) signage incorporated into the building design; or
 - (d) public art.

Editor's Note: Signage must be to the satisfaction of the relevant local government council.

5.9.3.6 Public Domain Contributions for Developments above 8 storeys

Purpose

Encourage larger scale development to contribute to the fabric of the Palmerston city centre by providing infrastructure of public benefit.

Administration

1. This clause applies to development of a building with a height above 8 storeys or 34m, and is within the area identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that the development provides alternative elements of public benefit that improve **site** permeability and foster shared spaces for the community, having regard to such matters as its location, nature, scale and impact on surrounding **amenity**.

Requirements

3. Development is to provide:
 - (a) publically accessible walkways and thoroughfares to improve permeability; and
 - (b) publically accessible parks or plazas, which:
 - i. are flexible and provide for a variety of uses and events including recreation, fitness, play, cultural and artistic functions in addition to ecological and stormwater management functions;
 - ii. contribute to an integrated, high quality network of public spaces;
 - iii. facilitate a range of active and passive recreation to meet the needs of the community; and
 - iv. allow for temporary uses such as street activities and special events including cultural, entertainment and artistic performances.

5.9.3.7 Future Road Networks

Purpose

Encourage permeability of large **sites** to facilitate car and active transport movement through the city.

Administration

1. This clause applies to any **site** that contains a 'possible future road', or a 'possible pedestrian/cycle link', as identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that the use or development will not frustrate the ability to establish future road and bike and pedestrian connections through the **site**.

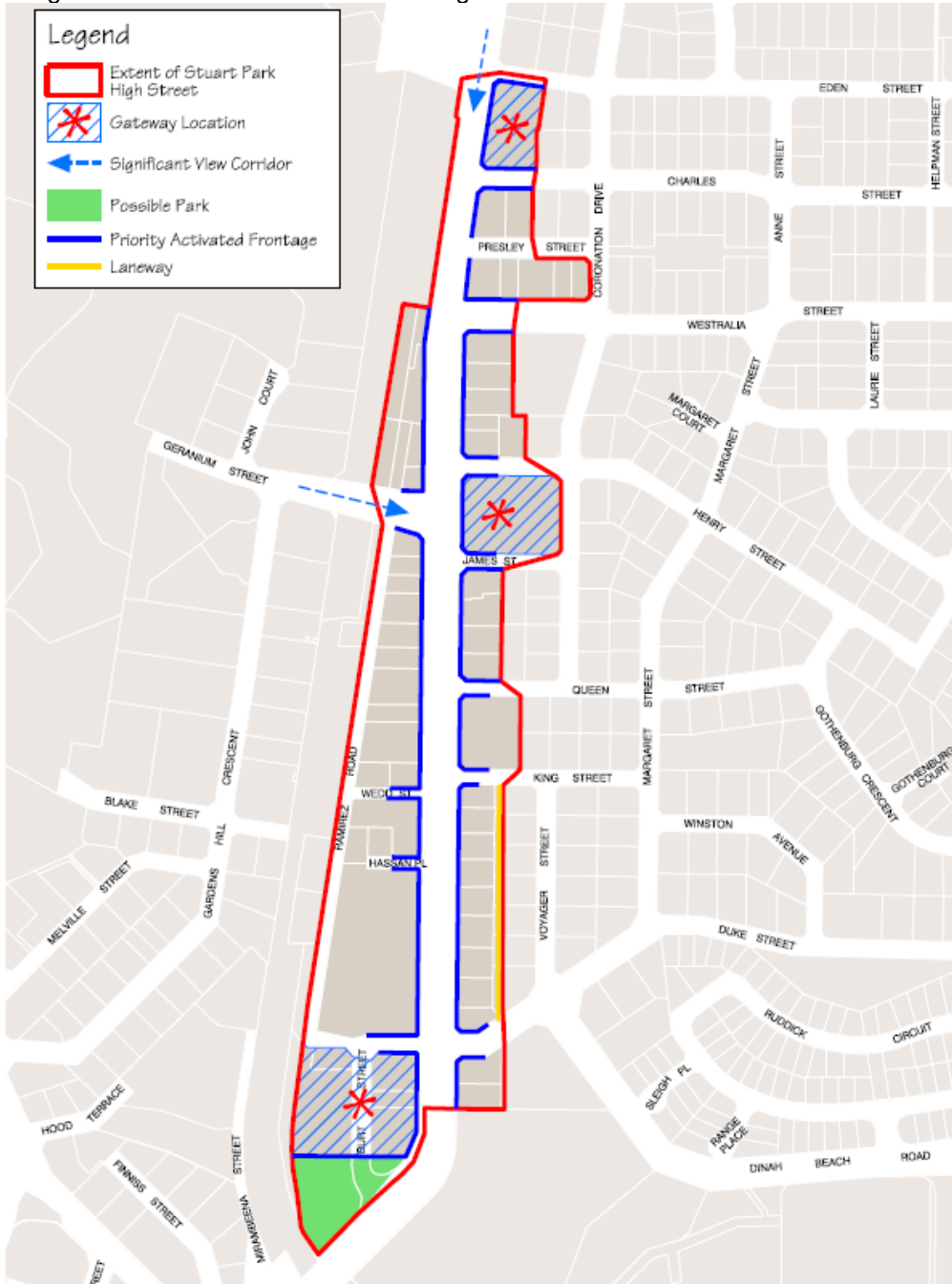
Requirements

3. Development is to preserve the opportunity, through **site** and building design, for future public road connections, and future bike and pedestrian corridors, to be established where identified on the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).

5.9.4 Stuart Park High Street

1. This clause incorporates planning and design standards contained in the Darwin Inner Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.4 (Stuart Park High Street) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.4: Stuart Park High Street Extent and Features



5.9.4.1 Building Height

Purpose

Promote **building height** that creates a high street character and contributes to a unique sense of place.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 4 if it is satisfied the development will contribute to the anticipated character of the area without unreasonably impacting on surrounding development.
3. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 5 if it is satisfied the development creates an entrance statement that includes accessible public spaces, and provides a building-height transition between the Darwin CBD and the Stuart Park High Street.

Requirements

4. The maximum **building height** for development in Zone C in areas shown on Diagram to Clause 5.9.4 (Stuart Park High Street) is 6 **storeys** up to a maximum **building height** of 26 metres above **ground level**.
5. The gateway site bounded by Ramirez Road/Burt Street, Stuart Highway and the old Railway Reserve may be developed up to 9 **storeys** to a maximum **building height** of 38 metres if land is made available for a park, as identified on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).

Editor's Note: Any future park established under sub-clause 5 is to be designed and constructed to the satisfaction of the City of Darwin.

5.9.4.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Stuart Park High Street locality.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development has been designed to meet the purpose of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied the development either:
 - (a) provides a better alternative that will contribute to the enhancement of, and mark the entry point to the Stuart Park High Street precinct; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to be oriented towards the significant view corridors identified in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features) and address the Stuart Highway interface through:
 - (a) additional articulation of building form, envelope and material expression; and
 - (b) variations in **building height** and/or roof sections.

5.9.4.3 Laneway access for mixed-use development

Purpose

Promote the provision of rear site access to development that fronts the Stuart Park High Street to mitigate potential conflicts between vehicles and pedestrians.

Administration

1. This clause applies to development in Zone C in the area bound by Duke Street, King Street and the Stuart Highway, as shown on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that development does not unreasonably impact pedestrian movement along the Stuart Highway or prevent the future development of a laneway.

Requirements

3. A public laneway for vehicle access is to be provided at the location shown on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features) in accordance with the requirements of the controlling agency for the relevant road.

5.9.4.4 Active Street Frontage

Purpose

Prioritise active frontage along the Stuart Park High Street to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a “priority activated frontage” identified in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that development is designed to facilitate pedestrian movement along the Stuart Highway.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority active frontage (as far as practicable).

Requirements

6. No new vehicle access is to be created from the Stuart Highway.
7. Where a **site** boundary is identified as a “priority activated frontage” buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Services on street level frontages are to be limited to:
 - (a) direct single point of access to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.

Editor’s Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.4.5 Plot ratio for commercial development

Purpose

Encourage commercial development that maintains pedestrian scale in the street.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the development is of a scale sympathetic to the intended high street character.

Requirements

3. Development is not to exceed a **commercial plot ratio** of 1.8:1.

5.9.4.6 Plot ratio for residential development

Purpose

Encourage mixed use development that provides varied built form that is consistent with the anticipated character of the area.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.6 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

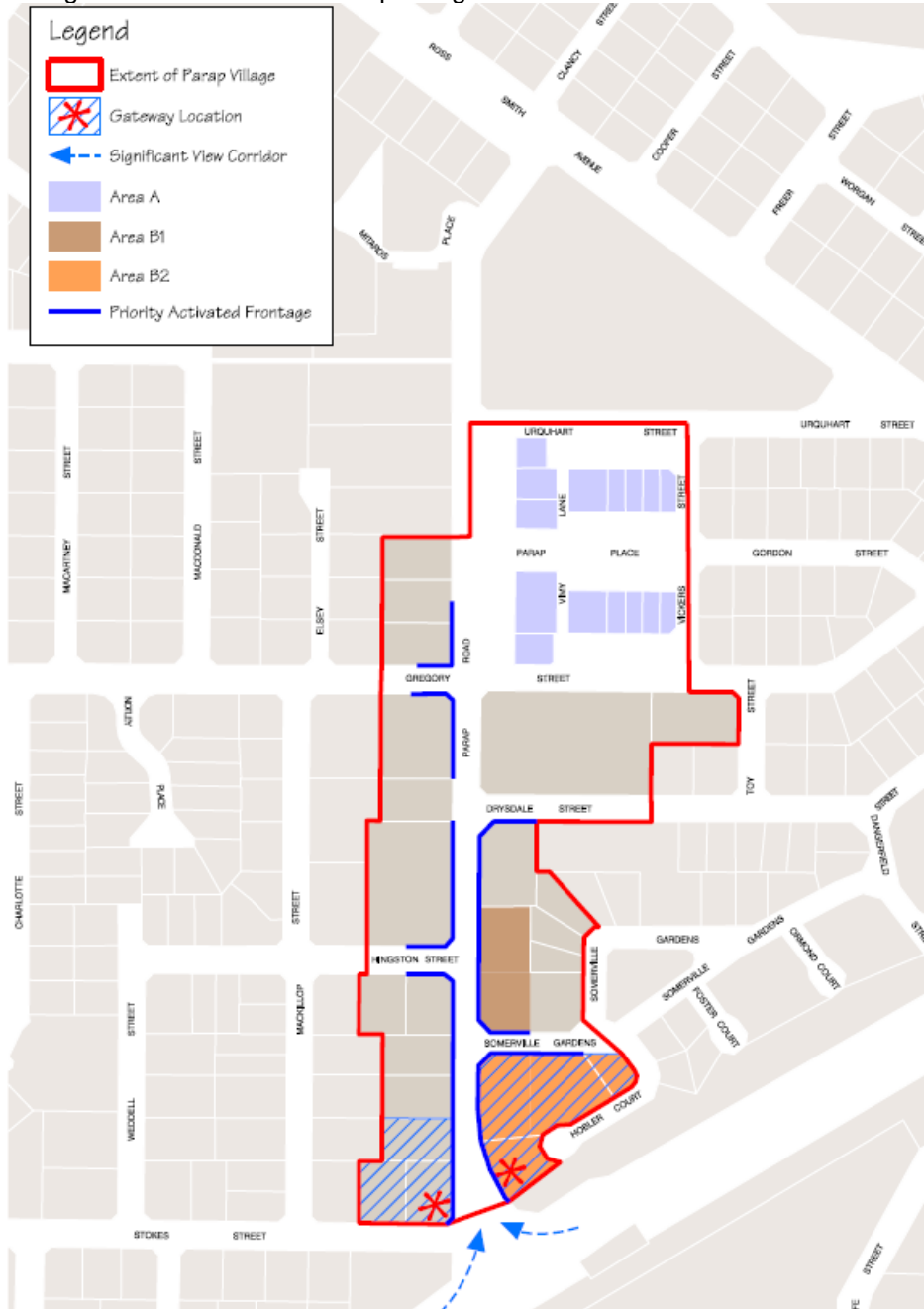
Requirements

3. Development is not to exceed a **residential plot ratio** of 2.5:1.

5.9.5 Parap Village

1. This clause incorporates planning and design standards contained in the Darwin Inner Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.5 (Parap Village) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.5: Parap Village Extent and Features



5.9.5.1 Building height

Purpose

Promote **building height** that is sympathetic to the village character of Parap.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 3 if satisfied that the development contributes to the anticipated character of the area without unreasonably impacting on surrounding development.

Requirements

3. The maximum **building height** for development in areas shown on Diagram to Clause 5.9.5 (Parap Village Extent and Features) is to be in accordance with the table to this clause.

Table A to Clause 5.9.5.1 Maximum building heights for mixed use development in Zone C	
Area	Maximum building height
A	3 storeys up to a maximum building height of 14 metres above ground level .
B1 and B2	5 storeys up to a maximum building height of 22 metres for B1 and 6 storeys up to a maximum building height of 26 metres for B2, if a new park is constructed that connects Somerville Gardens and Drysdale Street as identified in the Darwin Inner Suburbs Area Plan <u>or</u> 4 storeys up to a maximum building height of 18 metres above ground level .

Editor's Note: Building height for other sites are to be in accordance with Clause 5.2.1 (General Height Control).

5.9.5.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Parap Village precinct.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 4 if it is satisfied that the development either:
 - (a) provides a better alternative that will enhance and mark the entry point of the Parap Village precinct; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the gateway **site**.

Requirements

4. Development is to be oriented towards significant view corridors identified in the Diagram to Clause 5.9.5 (Parap Village Extent and Features) and address the Parap Road and Stuart Highway intersection through:
 - (a) additional articulation of building form, envelope and material expression;
 - (b) variations in **building height** and/or roof sections; and
 - (c) corner treatments that accentuate the gateway location.

5.9.5.3 Active Street Frontage

Purpose

Prioritise active frontage along key streets in Parap to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a 'priority activated frontage' identified in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).

2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to facilitate pedestrian movement along the Parap Road.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority **active street frontage** (as far as practicable).

Requirements

6. No new vehicle access is to be created from Parap Road.
7. Where a **site** boundary is identified as a 'priority activated frontage' buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Services on street level frontages are to be limited to:
 - (a) a direct single point of access to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.

Editor's Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.5.4 Plot ratio for residential development

Purpose

Encourage mixed use development on specific sites that provide varied built form that is consistent with the anticipated character of the area.

Administration

1. This clause applies to development in excess of 4 **storeys** in height in Areas B1 and B2 included in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

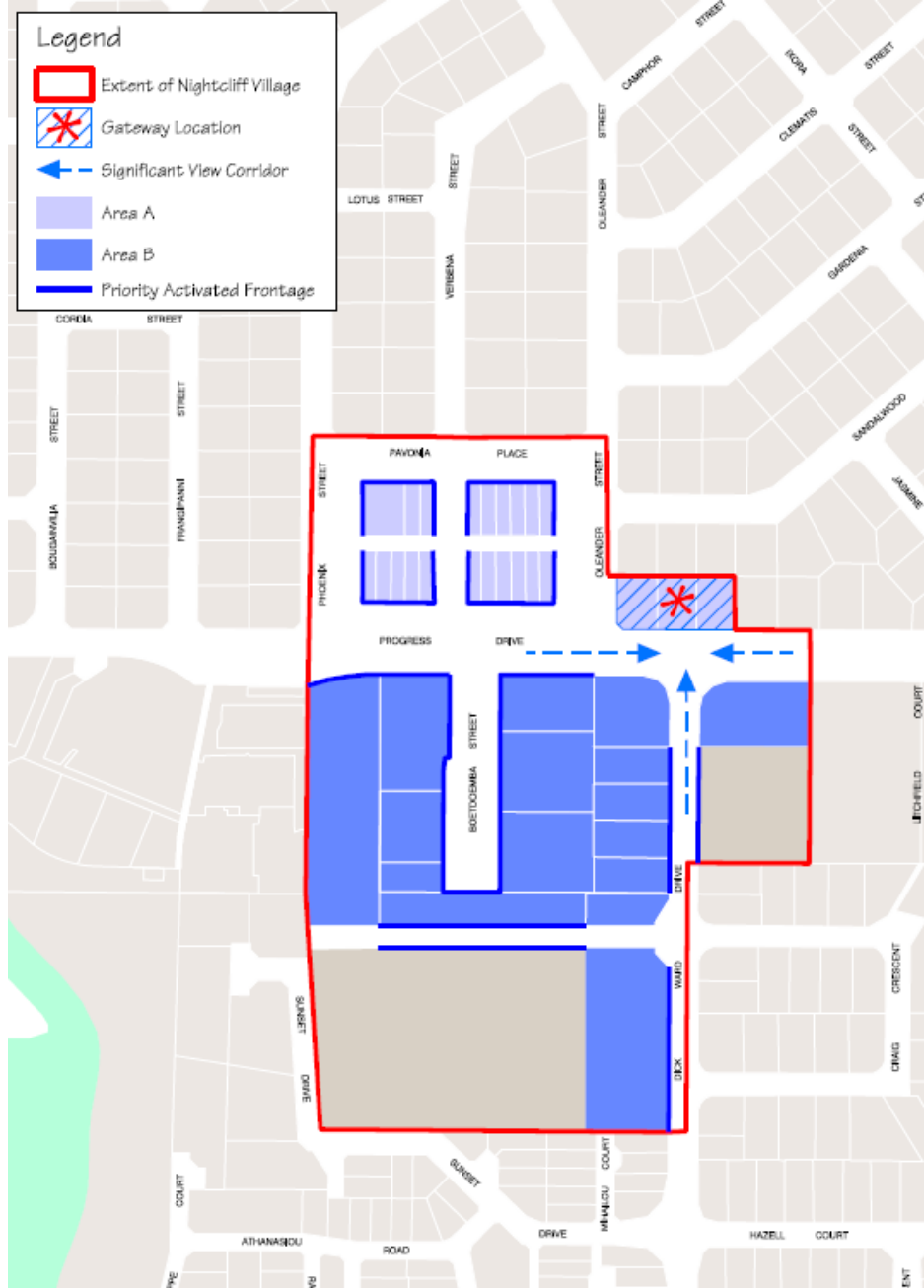
Requirements

3. Development is not to exceed a **residential plot ratio** of 2.5:1.

5.9.6 Nightcliff Village

1. This clause incorporates planning and design standards contained in the Darwin Mid Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.6 (Nightcliff Village) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.6: Parap Village Extent and Features



5.9.6.1 Building height

Purpose

Promote **building height** that is sympathetic to the Nightcliff Village character.

Administration

1. This clause applies to development on land in Zone C within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 3 if it is satisfied the development reflects the intended character of the area without unreasonably impacting on surrounding development.

Requirements

3. The maximum **building height** for mixed use development in areas shown on Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) is to be in accordance with the table to this clause.

Table A to Clause 5.9.6.1 Maximum building heights for mixed-use development in Zone C	
Area	Maximum building height
A	3 storeys up to a maximum building height of 14 metres above ground level
B	6 storeys up to a maximum building height of 26 metres above ground level .

5.9.6.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Nightcliff Village precinct.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional, demonstrating how the proposed development meets the purpose of this clause.

3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 4 if it is satisfied that the development either:
 - (a) provides a better alternative that will contribute to the enhancement of and mark the entry point to the Nightcliff Village precinct; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to be oriented towards the significant view corridor identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) and address the Dick Ward Drive and Progress Drive intersection through:
 - (a) additional articulation of building form, envelope and material expression; and
 - (b) variations in **building height** and/or roof sections.

5.9.6.3 Active Street Frontage

Purpose

Prioritise active frontage along key streets in Nightcliff to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a “priority activated frontage” identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to facilitate pedestrian movement along the Progress Drive or Dick Ward Drive.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.

5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority active frontage (as far as practicable).

Requirements

6. No new vehicle access is to be created from Progress Drive or Dick Ward Drive.
7. Where a **site** boundary is identified as a “priority activated frontage” buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Services on street level frontages are to be limited to:
 - (a) a direct single point of access to service equipment for all service authorities;
 - (b) required fire egress;
 - (c) required fire booster connection points.

Editor’s Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.6.4 Plot ratio for commercial development

Purpose

Ensure **building height**, massing and form maintains pedestrian scale in the street.

Administration

1. This clause applies to development in Zone C within Area B as shown on the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the development contributes to the pedestrian environment at street level and is appropriate to the scale of the locality.

Requirements

3. Development should not exceed a **commercial plot ratio** of 1.8:1.

5.9.6.5 Plot ratio for residential development

Purpose

To encourage mixed use development that provides varied built form and visual interest consistent with the anticipated character of the area.

Administration

1. This clause applies to development in Zone C in excess of 4 **storeys** within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

Requirements

3. Development should not exceed a **residential plot ratio** of 2.5:1.

5.9.7 Humpty Doo Village

1. This clause incorporates planning and design standards contained in the Humpty Doo Rural Activity Centre Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.7 (Humpty Doo Village) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.7: Humpty Doo Village Extent and Features



5.9.7.1 Building height

Purpose

Promote **building height** that is sympathetic to the rural character of Humpty Doo.

Administration

1. This clause applies to development on land within the area included in the Diagram to Clause 5.9.7 (Humpty Doo Village Extent and Features), except where development is for the purpose of:
 - (a) A **telecommunications facility**; or
 - (b) A chimney, flag pole, aerial, antenna or lightning rod.
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 3 if it is satisfied the development reflects the intended character of the area without unreasonably impacting on surrounding development.

Requirements

The maximum **building height** for development within the areas shown on Diagram to Clause 5.9.7 (Humpty Doo Village Extent and Features) is 8.5m.