PART 4

6.0 GENERAL PERFORMANCE CRITERIA

6.1 GENERAL HEIGHT CONTROL

1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.

2. This clause does not apply within Zones CB or DV or TC or to education establishments or hospitals within zones CL or CP or, subject to clause 7.1, Zone C.

3. The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.

4. Unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5m above the ground level, unless it is:
   (a) a flag pole, aerial or antenna; or
   (b) for the housing of equipment relating to the operation of a lift.

6.2 BUILDING HEIGHTS IN ALICE SPRINGS

6.2.1 General Height Controls

1. The purpose of this clause is to recognise the low-rise character of Alice Springs, but allow for buildings up to 8 storeys within Zone CB.

2. Despite anything to the contrary in this Planning Scheme, the height of a building within the Municipality of Alice Springs is not to exceed the height specified in the table to this clause except for education establishments or hospitals in Zone CP.

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

4. The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.

5. The consent authority must not consent to development that is not in accordance with this clause.

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

1. The purpose of this clause is to allow taller buildings while preserving significant views and vistas from and to surrounding areas.

2. All buildings above 3 storeys within Zone CB in Alice Springs must meet the following criteria:
   (a) the site has a combined area equal to or greater than 2000m²; and
   (b) no building obstructs identified significant viewlines.

3. Development above 3 storeys or 14m shall provide suitable 3D imaging demonstrating how the building responds to the identified viewscapes and significant viewlines.

4. The consent authority must not consent to development that is not in accordance with this clause.

6.2.3 Building Design Requirements within Zone CB in Alice Springs

1. The purpose of this clause is to promote exemplary building design within Central Alice Springs which responds sympathetically to local climatic and environmental characteristics and declared heritage places and registered and recorded sacred site.

2. Setbacks for all buildings must comply with the Diagram and Table to 6.2.3.

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

5. Ground level car parking areas are to be designed so that they are not visible from the street or public spaces.

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

7. The consent authority may consent to an application that is not in accordance with sub-clauses 3, 4, 5 and 6 only if it is satisfied that compliance would be impractical or the application can demonstrate that an alternative solution would more effectively meet the requirements.

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

**Diagram to Clause 6.2.3**
<table>
<thead>
<tr>
<th>Level</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Level (GL)</td>
<td>Building height is to be measured from the highest point of the site</td>
</tr>
<tr>
<td>Up to 14m AGL Height:</td>
<td>Maximum, exclusive of any plant or equipment, aerials or lightning rods.</td>
</tr>
<tr>
<td>Floor Area:</td>
<td>Up to 100% of the site area.</td>
</tr>
<tr>
<td>Setbacks:</td>
<td>Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining site boundaries other than to a street or public open space.</td>
</tr>
<tr>
<td>14m to 34m AGL Height:</td>
<td>Maximum, inclusive of any plant or equipment, aerials or lightning rods.</td>
</tr>
<tr>
<td>Setbacks:</td>
<td>Minimum 5m from any street boundary. Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining site boundaries other than to a street or public open space.</td>
</tr>
<tr>
<td>Note:</td>
<td>For the purpose of this clause accommodation means rooms designed for being slept in, for domestic living and dining purposes and food preparation areas but does not include bathrooms, toilets, reception and foyer areas and conference rooms.</td>
</tr>
</tbody>
</table>
6.3 BUILDINGS IN CENTRAL DARWIN

6.3.1 Building Heights in Central Darwin

1. The purpose of this clause is to ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views and deliver high quality built form outcomes appropriate for development which fronts Bicentennial Park and the Darwin Harbour.

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

3. Despite sub-clause 2, the consent authority may consent to a building in the Esplanade Character Area (as shown in the diagram to this clause) having a building height greater than 55m Above Ground Level (AGL) if the development:
   (a) provides podiums to a reduced height of 15m, or 4 storeys (i.e. lower than the maximum permitted height of 25m);
   (b) provides tower elements which promote the visual separation between buildings i.e. slender tower forms;
   (c) provides activated facades and/or habitable rooms to podiums which front a street(s);
   (d) does not provide ground floor car parking or a car parking area that is visible from the street;
   (e) does not provide impermeable fencing within the front setback; and
   (f) provides deep soil planting zone(s) and generous landscaping within a setback area(s).

4. An application for a development under sub-clause 3 must include a site analysis and urban design study prepared by appropriately qualified professionals that demonstrate, to the satisfaction of the consent authority, that the proposed development responds to the attributes of the site and the surroundings neighbourhoods.

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

6. The consent authority may consent to a development in the Esplanade Character Area that is not in accordance with the requirements of sub-clause 3. In doing so, the consent authority must be satisfied that the design of the development provides an equivalent or higher standard of urban amenity through an exemplary response to building bulk, scale, street interface and on-site landscaping.
Building Heights within the Esplanade Character Area and the Geographical Extent of Central Darwin
6.3.2 Volumetric Control in Central Darwin

1. The purpose of this clause is to ensure the siting and mass of buildings within Central Darwin promotes:
   (a) a built form that maximises the potential for view corridors to Darwin harbour;
   (b) the penetration of daylight and breeze circulation between buildings;
   (c) privacy for residents of adjoining properties; and
   (d) a built form that reasonably anticipates the future development of adjoining sites.

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

3. Development in Central Darwin is to be designed in accordance with the diagram to this clause.

6.3.3 Urban Design Requirements in Central Darwin

1. The purpose of this clause is to promote exemplary urban design in Central Darwin.

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

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

5. Ground level **car parking areas** in building are limited only to the number of **car parking spaces** required for ground level retail tenancy customers.

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

7. The consent authority may **consent** to an application that is not in accordance with sub-clause 3 only if it is satisfied that compliance would be impractical.

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

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

### Tier 1 (Podium)

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

### Tier 2 (Tower)

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

6.4.1 Plot Ratios

1. The purpose of this clause is to provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

2. Development of sites within:
   - Zone TC other than in the Municipality Darwin; or
   - Zone C; or
   - Zone SC;
   should not exceed a plot ratio of 1.

3. Sub-clause 2 does not apply to a residential building development other than a hostel.

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

6.5 Vehicle Parking

6.5.1 Parking Requirements

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

2. Subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of car parking spaces (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within Zone CB in Darwin, column 3.

3. If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.

4. A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit.
<table>
<thead>
<tr>
<th>Use or Development</th>
<th>Minimum Number of Car Parking Spaces Required</th>
<th>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</th>
</tr>
</thead>
<tbody>
<tr>
<td>abattoir</td>
<td>1 for every 100m² of net floor area other than offices plus, 4 for every 100m² of net floor area of office</td>
<td></td>
</tr>
<tr>
<td>animal boarding</td>
<td>1 for every employee plus 4</td>
<td></td>
</tr>
<tr>
<td>home based visitor</td>
<td>1 for every guest room plus 2 for the dwelling</td>
<td>1 for every guest room plus 2 for the dwelling</td>
</tr>
<tr>
<td>accommodation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>caravan park</td>
<td>1.1 for every caravan, cabin, mobile home or tent site</td>
<td></td>
</tr>
<tr>
<td>caretaker’s residence</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>child care centre</td>
<td>1 for every employee plus 1 for every 20 children</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>community centre</td>
<td>5 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>education establishment</td>
<td>For a primary or secondary school: 1 for every classroom plus 2 additional spaces plus an area for setting down and picking up passengers For a tertiary education establishment: 1 for every classroom plus 1 for every 6 students plus 2 additional spaces For a kindergarten: see child care centre For other education establishments: 2 for every 100m² of net floor area 1 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 250m² used as outdoor storage</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>general industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COLUMN 1</td>
<td>COLUMN 2</td>
<td>COLUMN 3</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Use or Development</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required</strong></td>
<td><strong>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</strong></td>
</tr>
<tr>
<td>home based child care centre</td>
<td>1 for every non-resident employee in addition to those spaces required for the dwelling</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>hospital</td>
<td>1 for every 4 patient beds plus 4 for every 100m² of net floor area used for administrative purposes plus for a medical clinic 4 for every consulting room</td>
<td>1 for every 4 patient beds plus 4 for every 100m² of net floor area used for administrative purposes plus for a medical clinic 4 for every consulting room</td>
</tr>
<tr>
<td>hostel</td>
<td>1 for every 5 persons plus 1 for every staff member plus 1</td>
<td>1 for every 10 persons plus 1 for every staff member plus 1</td>
</tr>
<tr>
<td>hotel</td>
<td>16 for every 100m² of net floor area used as a lounge bar or beer garden plus 50 for every 100m² of net floor area used as a bar plus 10 for a drive-in bottle shop (if any) for cars being served or awaiting service plus 1 for every guest suite or bedroom plus 3 for every 100m² used for dining</td>
<td>16 for every 100m² of net floor area plus 0.4 for every guest suite or bedroom</td>
</tr>
<tr>
<td>independent unit</td>
<td>1 per bedroom to a maximum of 2</td>
<td>1 per bedroom to a maximum of 2</td>
</tr>
<tr>
<td>leisure and recreation</td>
<td>Indoor spectator facilities including cinema or theatre 1 for every 4 seats Racquet court games 4 for every court plus For indoor spectator facilities (if any) 1 for every 4 seats Lawn bowls 20 spaces per green Golf course 4 per hole plus 5 for every 100m² of net floor area used as a club house otherwise than specified above, 10 for every 100m² of net floor area plus requirement for indoor spectator facilities (if any) 1 for every 4 seats</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td>Use or Development</td>
<td>COLUMN 1</td>
<td>COLUMN 2</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>licensed club</td>
<td>10 for every 100m² of net floor area used as a lounge area or beer garden plus 20 for every 100m² of net floor area used as a bar plus 3 for every 100m² of net floor area used for dining</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>light industry</td>
<td>2 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>medical clinic</td>
<td>4 for every consulting room</td>
<td>4 for every consulting room</td>
</tr>
<tr>
<td>medical consulting rooms</td>
<td>3 for every consulting room plus 1 additional space (in addition to the 2 spaces required for the dwelling)</td>
<td>3 for every consulting room plus 1 additional space (in addition to the 2 spaces required for the dwelling)</td>
</tr>
<tr>
<td>motel</td>
<td>1 for every guest suite or bedroom plus 16 for every 100m² of net floor area used as a lounge bar or beer garden plus 3 for every 100m² of net floor area used for dining</td>
<td>0.4 for every guest suite or bedroom plus 3 for every 100m² of net floor area of all other areas</td>
</tr>
<tr>
<td>motor body works</td>
<td>6 for every 100m² of net floor area</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td>motor repair station</td>
<td>6 for every 100m² of net floor area</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td>multiple dwellings</td>
<td>2 per dwelling</td>
<td>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</td>
</tr>
<tr>
<td>office (not elsewhere referred to in this table)</td>
<td>2.5 for every 100m² of net floor area</td>
<td>3 for every 100m² of net floor area</td>
</tr>
</tbody>
</table>

Amendment No. 166 gazetted 16.03.2010 alters the car parking requirements for multiple dwellings within Zone CB in Darwin.
<table>
<thead>
<tr>
<th>Use or Development</th>
<th>Minimum Number of Car Parking Spaces Required</th>
<th>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</th>
</tr>
</thead>
<tbody>
<tr>
<td>passenger terminal</td>
<td>5 for every 100m² 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)</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td>place of worship</td>
<td>5 for every 100m² of net floor area</td>
<td>2 for every 100m² of net floor area</td>
</tr>
<tr>
<td>plant nursery</td>
<td>2 for every 100m² of net floor area plus 1 for every 250m² used as outdoor nursery</td>
<td>2 for every 100m² of net floor area plus 1 for every 250m² used as outdoor nursery</td>
</tr>
<tr>
<td>recycling depot</td>
<td>1 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>restaurant</td>
<td>6 for every 100m² of net floor area and any alfresco dining areas plus 10 for drive-through (if any) for cars being served or awaiting service</td>
<td>3 for every 100m² of net floor area and any alfresco dining areas</td>
</tr>
<tr>
<td>rural industry</td>
<td>1 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 250m² used as outdoor storage</td>
<td></td>
</tr>
<tr>
<td>service station</td>
<td>2 for every 100m² of net floor area or 5 whichever is the greater (not including parking serving bowsers)</td>
<td>2 for every 100m² of net floor area or 5 whichever is the greater (not including parking serving bowsers)</td>
</tr>
<tr>
<td>serviced apartments</td>
<td>1 for every dwelling plus 3 for every 100m² of net floor area not within a dwelling</td>
<td>1 for every dwelling plus 3 for every 100m² of net floor area not within a dwelling</td>
</tr>
<tr>
<td>shop</td>
<td>6 for every 100m² of net floor area</td>
<td>3 for every 100m² of net floor area</td>
</tr>
<tr>
<td>showroom sales</td>
<td>4 for every 100m² of net floor area plus 1 for every 250m² used as outdoor storage</td>
<td>4 for every 100m² of net floor area plus 1 for every 250m² used as outdoor storage</td>
</tr>
<tr>
<td>Use or Development</td>
<td>Minimum Number of Car Parking Spaces Required</td>
<td>Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>single dwelling</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>stables</td>
<td>1 for every stall</td>
<td>2</td>
</tr>
<tr>
<td>supporting accommodation</td>
<td>1 for every 4 beds plus 4 for every 100m² of net floor area used for administrative purposes</td>
<td>1 for every 4 beds plus 4 for every 100m² of net floor area used for administrative purposes</td>
</tr>
<tr>
<td>transport terminal</td>
<td>1 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 200m² used as outdoor storage</td>
<td>4 for every 100m² of net floor area of office plus 1 for every 200m² used for vehicle display</td>
</tr>
<tr>
<td>vehicle sales and hire</td>
<td>4 for every 100m² of net floor area of office plus 1 for every 200m² used for vehicle display</td>
<td>4 for every 100m² of net floor area of office plus 1 for every 200m² used for vehicle display</td>
</tr>
<tr>
<td>veterinary clinic</td>
<td>4 for every 100m² of net floor area</td>
<td>4 for every 100m² of net floor area</td>
</tr>
<tr>
<td>warehouse</td>
<td>1 for every 100m² of net floor area other than offices plus 4 for every 100m² of net floor area of office plus 1 for every 250m² used as outdoor storage</td>
<td>3 for every 100m² of net floor area</td>
</tr>
</tbody>
</table>
6.5.2 Reduction in Parking Requirements

1. The purpose of this clause is to provide for a use or development with fewer car parking spaces than required by clause 6.5.1.

2. The consent authority may approve a use or development with fewer car parking spaces than required by clause 6.5.1 if it is satisfied that a reduction is appropriate for the use or development, having considered all the following matters:
   (a) the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
   (b) the provision of car parking spaces in the vicinity of the land; and
   (c) the availability of public transport in the vicinity of the land; or
   (d) the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

In lieu of the provision of car parking spaces, a monetary contribution may be required under section 70 of the Planning Act.

6.5.3 Parking Layout

1. The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

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

3. A car parking area is to:
   (a) be of a suitable gradient for safe and convenient parking;
   (b) be sealed and well drained;
   (c) be functional and provide separate access to every car parking space;
   (d) limit the number of access points to the road;
   (e) allow a vehicle to enter from and exit to a road in a forward gear;
   (f) maximise sight lines for drivers entering or exiting the car parking area;
   (g) be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;
   (h) be in accordance with the dimensions set out in the diagram to this clause;
   (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one way traffic flow; and
   (j) be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.

In non-urban locations dust suppression may be an acceptable alternative to sealed surfaces.

A car parking space for disable people required under the Building Code of Australia is of a different width.

Clause 6.12 refers to landscaping.
Diagram to Clause 6.5.3
6.5.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to ensure that vehicle access driveways and on-site parking spaces for single dwellings on lots less than 600m² and not less than 300m² do not unduly reduce the amenity of a public road or the availability of kerbside vehicle parking in the public road.

2. The on-site parking and its vehicle access from the public road shall be located to ensure that the lot’s street frontage has a minimum continuous length of 6.5 metres without on-site parking or vehicle access within that length.

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

### Table to Clause 6.5.4

<table>
<thead>
<tr>
<th>Range of Lot Size</th>
<th>Vehicle Access Driveways</th>
</tr>
</thead>
<tbody>
<tr>
<td>300m² to less than 450m²</td>
<td>Vehicle access shall be via a single driveway where the boundary to the public road is less than <strong>13m</strong>.</td>
</tr>
<tr>
<td>450m² to less than 600m²</td>
<td>Vehicle access shall be via a single driveway where the boundary to the public road is less than <strong>15m</strong>.</td>
</tr>
</tbody>
</table>

Clause 7.3.3 allows a reduced setback for single dwellings on lots less than 600m².

Clause 11.2.4 refers to subdivision applications and frontage widths for lots less than 600m².
1. The purpose of this clause is to encourage the establishment of alfresco dining areas that contribute positively to the amenity, attractiveness, safety and activity of streets in Zone CB - Central Darwin.

2. This clause only applies to land within Zone CB - Central Darwin, as defined by the diagram to clause 6.3.1.

3. For the purpose of this Clause only, an alfresco dining area means an open air dining area (which may be capable of being enclosed and/or secured), which may include a roofed area on roof tops of towers/ podiums, balconies, ground level car parking areas, and any other vacant ground level space within a private property boundary that is not air-conditioned, and is primarily used for the provision of tables and chairs as a seating space for the consumption of food and/or beverages. An alfresco dining area that is an exception pursuant to Clause 1.3(ad) is not subject to this clause.

4. An ‘alfresco dining area’ in Zone CB in Central Darwin is exempt from providing additional car parking spaces ordinarily required by clause 6.5.1 of this Planning Scheme.

5. On land within the Activated Frontages Zone depicted in the ‘Residential and Mixed Use Map’ of the Central Darwin Area Plan, an alfresco dining area that results in a loss of up to 25 ground level car parking bays associated with an existing development is exempt from providing additional car parking spaces ordinarily required by clause 6.5.1 of this Planning Scheme.

6. Amendments to the use or function of an ‘enclosed open air dining area’ such as the provision of air-conditioning will result in the use being subject to full car parking requirements of the NT Planning Scheme.

7. The design of an ‘open air dining area” located adjacent to a dwelling is to take account and reasonably mitigate noise and privacy impacts.
### 6.6 Loading Bays

1. The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.

2. A general industry, hospital, hotel, licensed club, light industry, motel, office, restaurant, shop, showroom sales, transport terminal or warehouse use or development on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of:
   
   - (a) if for a general industry, hospital, hotel, licensed club, light industry, motel, showroom sales, transport terminal or warehouse use or development:
     
     - i. 1 loading bay for a single occupation of a net floor area of 10 000m² or less; and
     
     - ii. 1 loading bay for every 5 000m² of net floor area or part thereof in excess of 10 000m²; or
   
   - (b) if for an office, restaurant or shop use or development, 1 loading bay for every 2 000m² of the total net floor area.

3. A loading bay is to:
   
   - (a) be at least 7.5m by 3.5m;
   
   - (b) have a clearance of at least 4m; and
   
   - (c) have access that is adequate for its purpose.
6.7 Signs

1. The purpose of this clause is to ensure that business signs and promotion signs on zoned land are of a size and location that minimises detriment to the amenity of the area.

2. This clause does not apply in the municipalities of Alice Springs, Darwin, Palmerston, Katherine or Tennant Creek.

3. For the purposes of this clause, business signs and promotion signs include but are not limited to:
   (a) signs on a wall or façia;
   (b) signs erected on poles or pylons that are not part of a building or other structure;
   (c) illuminated signs; and
   (d) signs attached to and protruding from a building.

4. The total area of business signs or promotion signs on a site in a zone specified in column 1 of the table to this clause is not to exceed the areas specified opposite in column 2 or if the sign is illuminated, column 3.

5. Illuminated signs are to be no closer than 30m to any residential zone.

6. Signs attached to and protruding from a building are to be at least 2.7m above the ground and are not to extend past the edge of any awning adjacent to a road.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Maximum area of signs on a site</td>
<td>Maximum area of illuminated signs on a site</td>
</tr>
<tr>
<td>SD, MD, MR, HR, HT</td>
<td>1m²</td>
<td>Prohibited</td>
</tr>
<tr>
<td>CL</td>
<td>1.5m²</td>
<td>Prohibited</td>
</tr>
<tr>
<td>CB, C, SC, TC</td>
<td>The lesser of 25% of any one façade or 20m²</td>
<td>3m²</td>
</tr>
<tr>
<td>LI, GI, DV</td>
<td>The lesser of 25% of any one façade or 30m²</td>
<td>5m²</td>
</tr>
<tr>
<td>PS, OR, CN, CP, CV</td>
<td>5m²</td>
<td>Prohibited</td>
</tr>
<tr>
<td>RR, RL, RD</td>
<td>1.5m²</td>
<td>Prohibited</td>
</tr>
<tr>
<td>R, H, A, FD, WM</td>
<td>3m²</td>
<td>Prohibited</td>
</tr>
<tr>
<td>T</td>
<td>3m²</td>
<td>3m²</td>
</tr>
</tbody>
</table>
6.8 **Demountable Structures**

1. The purpose of this clause is to ensure that demountable structures do not detract from the visual amenity of an area.

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

3. 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 9.1.1 (Industrial Setbacks).

4. Subject to sub-clause 5 the consent authority may only consent to the placement of a demountable structure on land if it is satisfied that:
   
   (a) there will be landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; and

   (b) the demountable structure will be visually consistent with adjoining or nearby development.

5. If the consent authority is satisfied that, because of the proposed use and location of a demountable structure, it is not necessary that sub-clause 4(a) and (b) apply to the demountable structure the consent authority may consent to the placement of it on land without being satisfied as to the matters set out in those paragraphs.
### Table to Clause 6.8 Minimum Building Setbacks for Demountable Structures

<table>
<thead>
<tr>
<th>Lot Boundary</th>
<th>In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV</th>
<th>In zones H, A, RR, R and RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street frontage</td>
<td>6m</td>
<td>10m or 7.5m in Zones RR and RL for lots with areas less than 1ha</td>
</tr>
<tr>
<td>Secondary street frontage</td>
<td>2.5m</td>
<td>10m or 5m in Zones RR and RL for lots with areas less than 1ha</td>
</tr>
<tr>
<td>Side and rear lot boundaries</td>
<td>1.5m</td>
<td>10m or 5m in Zones RR and RL for lots with areas less than 1ha</td>
</tr>
</tbody>
</table>

**Building setback** is measured from all boundaries to:

- the wall of a demountable structure; and
- where there is no wall, to the outer surface of any support column of the structure.

No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks from the lot boundaries described in the Table to clause 6.8.
6.9 **LAND IN PROXIMITY TO AIRPORTS**

1. The purpose of this clause is to:
   (a) minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;
   (b) prevent any new use or intensification of development on land that would prejudice the safety or efficiency of an airport; and
   (c) retain the non-urban character of the land.

2. Despite anything to the contrary in this Planning Scheme, in Zones A, RL, R, CP, CN, RD, WM and FD, the use or development of land near an airport that is subject to the Australian Noise Exposure Forecast (ANEF) 20 unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence (as in force from time to time), requires consent.

3. In determining an application for the use or development of land subject to the ANEF 20 unit value contour line or greater, the consent authority is to have regard to the Building Site Acceptability Table (Table 2.1) based on ANEF Zones taken from AS 2021 – 2000 as a guide to the type of use or development it may consent to.

4. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.

5. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.
6.10 Heritage Places and Development

1. The purpose of this clause is to ensure that a use or development is not adverse to the significance of a heritage place or heritage object in Zone HT.

2. 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.

3. 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 with particular reference to:
   (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) if the development is for subdivision whether the subdivision design adversely impacts on a heritage place or heritage object.

6.11 Omitted

Amendment No. 451
published in the NT News on 29.07.2016
omits clause 6.11
(Garages and Sheds)
6.12 **LANDSCAPING**

1. The purpose of this clause is to ensure that landscaping on a site complements and enhances the streetscape, is attractive, water efficient and contributes to a safe environment.
2. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
3. Landscaping should be designed so that:
   (a) planting is focussed on the area within the street frontage setbacks and communal open space areas and uncovered car parking areas;
   (b) it maximises efficient use of water and is appropriate to the local climate;
   (c) 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 should be maintained for the life of the development.

6.13 **RESTRICTIONS ON DEVELOPMENT OF LAND ZONED FD**

1. The purpose of this clause is to provide for the development and use of land in Zone FD (which would typically be urban development) consistent with the intended future use or development of the land.
2. Despite anything to the contrary in this Planning Scheme, where a development permit has been issued for subdivision of land in Zone FD, the consent authority may permit development of that land only if:
   (a) the development is consistent with any Area Plan in Part 8 applicable in the circumstances;
   (b) the development is consistent with the intended ultimate zoning; and
   (c) services (in particular reticulated services including water and sewerage) are, or can be, made available to that land.
### 6.14 Land Subject to Flooding and Storm Surge

1. The purpose of this clause is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge.

2. This clause does not apply to:
   - (a) carports, garages, garden sheds, gazebos, pergolas and extensions to existing dwellings; and
   - (b) extensions to existing commercial or industrial buildings; which, but for this clause, would not require consent.

3. In this clause:
   - (a) “flood level” means the water level associated with a 1.0% AEP flood event or where that level cannot be determined, the level determined by the Controller of Water Resources within the meaning of the Water Act;
   - (b) “AEP” means Annual Exceedence Probability, which is the likelihood, in percentage terms, of a flood of a given size occurring in a specified area in any one year;
   - (c) “DFE” means Defined Flood Event, which:
     - i. in an area subject to a floodplain management plan that defines a flood event, is as specified in that plan; or
     - ii. if there is no floodplain management plan that defines a flood event for an area, is the 1% AEP flood event;
   - (d) “DFA” means Defined Flood Area, which is the area that is inundated by the DFE;
   - (e) “PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge;
   - (f) “SSSA” means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge; and
   - (g) “storm surge” means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone’s intensity and wind stress build-up.

4. Despite anything to the contrary in this Planning Scheme and subject to sub-clause 2, zoned land that is within a DFA or a PSSA is to be used or developed only with consent.

5. In a DFA:
   - (a) the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided;
   - (b) the minimum floor level of habitable rooms should be 300mm above the flood level for the site; and
   - (c) the use of fill to achieve required floor levels should be avoided.
6. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.

7. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.

8. Residential uses, strategic and community services (such as power generation, defence installations, schools, hospitals, public shelters and major transport links) should be avoided in the PSSA and the SSSA.

6.15 **Coastal Landfill**

1. The purpose of this clause is to ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

2. The placement of fill material below the level of the highest astronomical tide requires consent.

3. The nature and placement of the fill material must:
   (a) suit the future use of the reclaimed land;
   (b) minimise the impact of fill works on adjoining land and waters;
   (c) provide appropriate edge treatment of the fill in order to prevent future erosion and siltation of adjacent waters;
   (d) prevent the formation of acid sulphate leachates; and
   (e) be consistent with the provisions of “Environmental Guidelines for Reclamation in Coastal Areas” (as amended from time to time) produced by the Department of Natural Resources, Environment, The Arts and Sport.

See clause 2.8.
**6.16 Excavation and Fill**

1. The purpose of this clause is to 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.

2. The excavation or filling of land, other than that normally required in association with the construction of a building, swimming pool, ornamental pond or the like, requires consent.

3. An application for consent to excavate or fill land should:
   (a) demonstrate the suitability of the site for the proposed future use;
   (b) include a hydrological assessment of potential upstream and downstream impacts of the excavation or filling;
   (c) specify a plan of management to control erosion and sedimentation, particularly of creeks and riparian areas; and
   (d) specify measures to prevent the creation of mosquito breeding areas.

**6.17 Dredging within Darwin Harbour**

1. The purpose of this clause is to ensure dredging within Darwin Harbour does not degrade the environmental value of the harbour waters.

2. Dredging of the seabed within Darwin Harbour (being the waters south of a straight line between Charles Point and Gunn Point) requires consent.
7.0 RESIDENTIAL DEVELOPMENT PERFORMANCE CRITERIA

7.1 RESIDENTIAL DENSITY AND HEIGHT LIMITATIONS

7.1.1 Residential Density Limitations

1. The purpose of this clause is to ensure that residential development is:
   (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
   (b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

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

3. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.

4. Multiple dwellings may be developed on a lot in Zones H (Horticulture) and A (Agriculture) provided there will be no more than two dwellings on the lot.

### TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dwelling Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD, RR, RL, R and for a single dwelling in CL, CV and T</td>
<td>1 <strong>single dwelling</strong> per lot and may include an independent unit</td>
</tr>
<tr>
<td>MD and for multiple dwellings in CL and T</td>
<td>1 per 300m²</td>
</tr>
</tbody>
</table>

**Clause 6.1** limits the height of buildings generally.

**Clause 6.2** limits the height of buildings in Alice Springs.

Independent units are not to form part of the density calculation for the purposes of the tables to clause 7.1.1. For clarification on independent units, refer to clause 7.10.4 (Independent Units).

**Clause 11.1.2** allows for provision of higher densities of single dwellings within Zone SD in greenfield areas.

**Clause 11.1** refers to minimum lot sizes and other associated requirements.

### TABLE B TO CLAUSE 7.1.1 – DWELLING DENSITY IN ZONE MR OTHER THAN IN ALICE SPRINGS

<table>
<thead>
<tr>
<th>Number of Storeys Above Ground Level</th>
<th>1 or 2 Bedrooms</th>
<th>3 Bedrooms</th>
<th>4 Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>155m²</td>
<td>180m²</td>
<td>215m²</td>
</tr>
<tr>
<td>2</td>
<td>125m²</td>
<td>170m²</td>
<td>210m²</td>
</tr>
<tr>
<td>3</td>
<td>95m²</td>
<td>130m²</td>
<td>180m²</td>
</tr>
<tr>
<td>4 (maximum)</td>
<td>85m²</td>
<td>130m²</td>
<td>140m²</td>
</tr>
</tbody>
</table>
### Table C to Clause 7.1.1 – Dwelling Density in Zones MR and TC in Alice Springs

<table>
<thead>
<tr>
<th>Number of Storeys Above Ground Level</th>
<th>Dwelling Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>400m²</td>
</tr>
<tr>
<td>2</td>
<td>200m²</td>
</tr>
<tr>
<td>3 (maximum)</td>
<td>133m²</td>
</tr>
</tbody>
</table>

### Table D to Clause 7.1.1 – Dwelling Density in Zone HR

<table>
<thead>
<tr>
<th>Number of Storeys Above Ground Level</th>
<th>1 or 2 Bedrooms</th>
<th>3 Bedrooms</th>
<th>4 Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>125m²</td>
<td>170m²</td>
<td>210m²</td>
</tr>
<tr>
<td>2</td>
<td>95m²</td>
<td>130m²</td>
<td>160m²</td>
</tr>
<tr>
<td>3</td>
<td>85m²</td>
<td>130m²</td>
<td>160m²</td>
</tr>
<tr>
<td>4</td>
<td>80m²</td>
<td>110m²</td>
<td>130m²</td>
</tr>
<tr>
<td>5</td>
<td>75m²</td>
<td>105m²</td>
<td>130m²</td>
</tr>
<tr>
<td>6</td>
<td>75m²</td>
<td>100m²</td>
<td>125m²</td>
</tr>
<tr>
<td>7</td>
<td>70m²</td>
<td>100m²</td>
<td>120m²</td>
</tr>
<tr>
<td>8+</td>
<td>70m²</td>
<td>95m²</td>
<td>120m²</td>
</tr>
</tbody>
</table>

### Table E to Clause 7.1.1 – Dwelling Density in Zone C for Residential Buildings

<table>
<thead>
<tr>
<th>Number of Storeys Above Ground Level for Residential Buildings</th>
<th>Dwelling Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 storey</td>
<td>1 per 400m²</td>
</tr>
<tr>
<td>2 storeys</td>
<td>1 per 200m²</td>
</tr>
<tr>
<td>3 storeys</td>
<td>1 per 133m²</td>
</tr>
</tbody>
</table>

Clause 6.2 limits building heights in Alice Springs.

Clause 7.9 limits residential development at the ground floor level in Zone C.
7.1.2 Residential Height Limitations

1. The purpose of this clause is to ensure that residential development is of a height that:
   (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
   (b) does not unduly overlook adjoining properties.

2. The height of any point of a residential building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.

3. Subject to clause 6.2, the height of residential buildings that may be constructed on a site is to be determined in accordance with the table to this clause.

4. A residential building in Zone MR that abuts land in Zone SD:
   (a) is not to exceed a height of 3 storeys above ground level; or
   (b) subject to clause 6.2, in any other circumstance 4 storeys above ground level.

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

Clause 6.1 limits the height of buildings generally.
Clause 6.2 limits the height of buildings in Alice Springs.
A topographical survey may be required to accurately determine ground level.
### Table: Clause 7.1.2—Dwelling Height and Maximum Number of Storeys in Certain Zones

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

* The consent authority may consent to a development application for a building that exceeds 8 storeys in height in Zone HR only if it is satisfied that special circumstances justify the giving of consent.

#### 7.2

No. 452 published in the NT News on 29.07.2016 omits clause 7.2 (Second Dwellings in Zones H and A).

No. 452 published in the NT News on 29.07.2016 introduces clause 7.2 (Street Accessibility for Multiple Dwellings in Zone SD).

Amendment No. 483 published in the NT News on 06.10.2017 omits clause 7.2 (Street Accessibility for Multiple Dwellings in Zone SD).

#### 5. OMITTED
7.3 Building Setbacks of Residential Buildings and Ancillary Structures

1. The purpose of this clause is to ensure residential buildings and ancillary structures are located so:
   - they are compatible with the streetscape and surrounding development including residential buildings on the same site;
   - as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
   - as to avoid undue overlooking of adjoining properties; and
   - as to encourage breeze penetration through and between buildings.

2. In this clause, an ancillary structure includes a carport, garage, pergola, portico, shed and shade sail, and may or may not include external walls.

3. Buildings in Zones LI, GI and DV are to be sited in accordance with the table to Clause 9.1.1 (Industrial Setbacks).

4. Subject to clause 7.4, residential buildings and ancillary structures are to be set back from lot boundaries in accordance with Table A or B or C (as the case requires) to this clause and:
   - (a) no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks (subject to the Building Code of Australia) from the lot boundaries; and
   - (b) where a lot has a boundary with a public street from which vehicular access to the lot is prohibited, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the building setback.

### Table A to Clause 7.3 – Minimum Building Setbacks for one and two-storey residential buildings and associated structures in zones other than CB, C, H, A, RR, RL and R

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

1.5m, including ancillary structures or 1m, provided that the subject wall:
- only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater;
- does not extend beyond a maximum height of 3.5m; and
- does not extend beyond a maximum length of 9m.

and

0.9m for shade sails, to a maximum height of 2.5m at the minimum setback.

| Table B to Clause 7.3 – Minimum Building Setbacks for Residential Buildings over two storeys in height and associated structures in zones other than CB, C, H, A, RR, RL and R |
|-------------------------------|----------------------------------------------------------------------------------|
| Lot Boundary                  | Minimum Setback                                                                 |
| Primary street frontage for buildings over two storeys in height | 7.5m for residential buildings including verandahs, balconies and ancillary structures with external walls and 4.5m for ancillary structures without external walls or |
| Secondary street frontage for buildings over two storeys in height | 2.5m for residential buildings including verandahs, balconies and ancillary structures with external walls and 1.5m for ancillary structures without external walls |
| Side and rear lot boundaries for buildings over two storeys in height | 1.5m for:  
  - non-habitable rooms;  
  - habitable rooms without windows and/or doors facing the subject boundary; and  
  - verandahs and/or balconies where the side of the verandah or balcony is fully screened to the subject boundary; and  
  - ancillary structures, whether with or without external walls, excluding shade sails.  
  3m for  
  - habitable rooms with windows and/or doors facing the subject boundary; and  
  - verandahs and/or balconies facing the subject boundary; and  
  - shade sails. |
**Table C to Clause 7.3 – Minimum Building Setbacks for Residential Buildings and associated structures in zones H, A, R, RL and RR**

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

7.3.1 Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height

1. The purpose of this clause is to ensure that **residential buildings** respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

2. For residential buildings, other than **single dwellings**, that are longer than 18m or taller than 4 storeys, there are setback requirements additional to those outlined in the tables to clause 7.3 as follows:
   
   (a) for each additional 3m or part thereof in building length over 18m, an additional **building setback** to the affected boundary of 0.5m; and
   
   (b) for each additional **storey** over four storeys above ground level, an additional **building setback** to that **storey** of 1.5m from all boundaries.

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

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

5. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 2.
7.3.2 Distance between Residential Buildings on One Site

1. The purpose of this clause is to ensure residential buildings are located:
   (a) so they are compatible with the streetscape and surrounding development including residential buildings on the same site;
   (b) to minimise any adverse effects of building massing when viewed from adjoining residential buildings, associated private open space and the street; and
   (c) to avoid undue overlooking of adjoining residential buildings and associated private open space.

2. Where more than one building comprising one or two storey residential buildings is located on a site the distance between the buildings is to be calculated in accordance with Table A to Clause 7.3 as if there was a boundary between the buildings;

3. Where more than one building comprising residential buildings that exceeds two storeys in height is located on a site, the distance between buildings is to be a minimum of:
   (a) 3m for walls to non-habitable rooms and habitable rooms without windows or doors; and
   (b) 4.5m for walls with windows or doors to habitable rooms or to a verandah or balcony.

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

1. The purpose of this clause is to allow single dwellings on lots less than 600m² but not less than 300m² to maximise design opportunities without unduly impacting on adjacent development.

2. Despite Table A to clause 7.3, a single dwelling subject to this clause may, in accordance with the table to this clause, have a zero building setback to a side boundary, providing:
   (a) that boundary is internal to the subdivision that created the lot; and
   (b) that lot was created after the inclusion of this clause to the Planning Scheme.

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 7.3, a single dwelling on a lot subject to this clause may, in accordance with the table to this clause, have a reduced front setback to habitable rooms only, providing:
   (a) the area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with clause 7.5;
   (b) that any non-habitable structure, such as a garage or carport, shall have a front setback no less than 6m; and
   (c) a landscaped area is included along the front boundary that will provide visual amenity to the public road.

**Table to Clause 7.3.3**

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>300m² to less than 450m²</td>
<td>A zero building setback is permitted to no more than one side boundary of the lot. The front building setback may be reduced to no less than 3m subject to the provisions of subclause 4.</td>
</tr>
<tr>
<td>450m² to less than 600m²</td>
<td>A zero building setback is permitted to one side boundary of the lot where a 3m setback is provided to the other side boundary. The front building setback may be reduced to no less than 3m subject to the provisions of subclause 4.</td>
</tr>
</tbody>
</table>
7.3.4 Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater

1. The purpose of this clause is to allow single dwellings on lots of 600m² or greater in residential zones to respond to site constraints and to provide an articulated built form when viewed from the street.

2. Despite Table A to clause 7.3, a single dwelling subject to this clause may have habitable rooms with a primary street setback reduced to no less than 4.5m providing:
   (a) the area of reduced setback is offset by an equal area with an increased setback;
   (b) the setback increase is equal in dimension to the setback reduction; and
   (c) the area of increased setback is at least 3m from the nearest side or secondary street boundary.

7.4 BUILDING SETBACKS AND FENCING OF MULTIPLE DWELLINGS AND SUPPORTING ACcommodation IN Zone MR

1. The purpose of this clause is to minimise the visual and acoustic impact of multiple dwellings and supporting accommodation in Zone MR where that land is adjacent to land in Zone SD.

2. This clause applies to land in Zone MR that abuts land in Zone SD.

3. Multiple dwellings and supporting accommodation are to provide:
   (a) a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone SD; and
   (b) a building setback of not less than 3m to the boundary that abuts land in Zone SD, which is to be landscaped and is to provide a visual screen to the adjacent land in Zone SD.

4. A consent authority must not consent to development that is not in accordance with sub-clause 3(b).
7.5 **PRIVATE OPEN SPACE**

1. The purpose of this clause is to extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:

   (a) of an adequate size to provide for domestic purposes;
   (b) appropriately sited 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.

2. Private open space for a single dwelling, multiple dwelling or independent unit should:

   (a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
   (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling;
   (c) be 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. If a dwelling within a multiple dwelling development has no direct access at ground level to private open space, and where on-site communal open space is provided, compliance with subclauses 1(c) and (d), 2(d) (e) and (f) is not required.

4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:

   (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
   (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.

5. The consent authority may approve an application for a multiple dwelling development comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.
## Table to Clause 7.5 Minimum Areas of Private Open Space

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

For clarity, in this table:

- **Area A** is the minimum area, for each dwelling, that must be open vertically to the sky and have no dimension less than 1.5m.
- At least half of Area A must be permeable, and may include the 5m² required for deep soil planting.
- **Area B** is the minimum dimensioned space that extends the function of the dwelling and may be covered or open to the sky. Any part that is open to the sky may form part of Area A.

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>multiple dwelling</strong> with direct ground level access.</td>
<td>A. 45m², open vertically to the sky, with no dimension less than 1.5m; and</td>
</tr>
<tr>
<td><strong>single dwelling</strong> on a lot less than 450m².</td>
<td>B. 24m², all or partly covered, with no dimension less than 4m.</td>
</tr>
<tr>
<td><strong>independent unit</strong> in addition to the private open space requirement for the <strong>single dwelling</strong>.</td>
<td>Any of area B that is vertically open to the sky may form part of area A.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>single dwelling</strong> on a lot not less than 450m².</td>
<td>A. 50m², open vertically to the sky, with no dimension less than 1.5m; and</td>
</tr>
<tr>
<td></td>
<td>B. 36m², all or any part covered, with no dimension less than 6m.</td>
</tr>
<tr>
<td></td>
<td>Any of area B that is vertically open to the sky may form part of area A.</td>
</tr>
</tbody>
</table>
7.6 **COMMUNAL OPEN SPACE**

1. The purpose of this clause is to ensure that suitable areas for communal open space are provided for **hostels, multiple dwellings** and **supporting accommodation**.

2. This clause does not apply to **multiple dwelling** developments in which each **dwelling** has direct and independent access to private open space at ground level.

3. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.

4. The design of the communal open space should consider:
   
   (a) the overall **dwelling** density proposed for the **site**;
   
   (b) the proximity and quality of alternative private or public open space;
   
   (c) the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby **dwellings**;
   
   (d) the type of activities provided for;
   
   (e) the projected needs of children for outdoor play;
   
   (f) the provision of landscaping and shade;
   
   (g) safety issues including lighting and informal surveillance;
   
   (h) on-site traffic circulation; and
   
   (i) future maintenance and management requirements.

5. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with sub-clause 3 only if it is satisfied that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.

7.7 **LANDSCAPING FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION**

1. The purpose of this clause is to ensure that landscaping for **hostels, multiple dwellings**, and **supporting accommodation** complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment.

2. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a **site** that is used for **hostels, multiple dwellings** and **supporting accommodation** is to be landscaped.
7.8 **BUILDING DESIGN FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION**

1. The purpose of this clause is to promote site-responsive designs for hostels, multiple dwellings and supporting accommodation which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.

2. Building design should:
   - (a) locate development on the site for correct solar orientation;
   - (b) minimise expanses of walls by varying building heights, building setbacks and façades;
   - (c) locate air conditioners where they are accessible for servicing;
   - (d) conceal service ducts, pipes, air conditioners, air conditioning plants etc;
   - (e) avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites;
   - (f) locate bedrooms and private open spaces away from noise sources;
   - (g) control its own noise sources and minimise the transmission of noise between dwellings;
   - (h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;
   - (i) balance the achievement of visual and acoustic privacy with passive climate control features;
   - (j) allow breeze penetration and circulation;
   - (k) minimise use of reflective surfaces; and
   - (l) provide internal drainage of balconies and coving on the edge of balconies.

7.9 **RESIDENTIAL DEVELOPMENT IN ZONE C**

1. The purpose of this clause is to 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.

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.

3. The consent authority must not consent to development that is not in accordance with this clause.
7.10 ASSOCIATED RESIDENTIAL USES

7.10.1 Home Based Visitor Accommodation

1. The purpose of this clause is to ensure that home based visitor accommodation does not detract from the amenity of the locality and primary purpose of the zone in which the use is established.

2. Home based visitor accommodation must:
   (a) meet the requirements of sub-clauses 3 and 4; and
   (b) not gain access from a road that is in Zone M (Main Road); in order to be permitted with self assessment.

3. Home based visitor accommodation:
   (a) is provided on the premises of a dwelling;
   (b) may not operate if the dwelling is a multiple dwelling;
   (c) may only operate on a lot with an area of at least 600m²;
   (d) may not accommodate more than six guests at a time on the premises;
   (e) may only occur if the person or persons operating the use reside on the premises;
   (f) may only display a business sign that is not more than 0.5m² in area;
   (g) must provide all car parking spaces on-site; and
   (h) must provide one car parking space for every guest room and two car parking spaces for the residents of the dwelling.

4. Despite anything to the contrary in this Planning Scheme, a car parking area provided for home based visitor accommodation should be designed to:
   (a) be of a suitable gradient for safe and convenient parking;
   (b) be sealed and well drained; and
   (c) be functional in design to allow for safe traffic movement and may include tandem parking where one car parks behind another.

5. Despite anything to the contrary in this Planning Scheme, the consent authority may consent to an illuminated business sign for home based visitor accommodation in Zones H, A, RL and R as long as the sign is not more than 0.5m² in area and only if the consent authority is satisfied that the level of illumination is appropriate to the site having regard to the potential impact on the residential amenity of adjoining and nearby properties.

6. The consent authority may approve an application for home based visitor accommodation that accommodates more than six guests only if it is satisfied the use is appropriate to the site having regard to the potential impact of the use on the residential amenity of adjoining and nearby property and where the combined total number of residents and guests is no more than twelve.
7. The consent authority may approve an application for home based visitor accommodation that is not in accordance with sub-clauses 3(e), 3(f), 3(g), 3(h) and 4, only if it is satisfied the proposed home based visitor accommodation is appropriate to the site having regard to the amenity of the streetscape, the effect of vehicle parking on the amenity and character of the street and the potential impact of the use on the residential amenity of adjoining and nearby property.

7.10.2 Caravans

1. The purpose of this clause is to restrict the use of caravans on land other than land Zoned CV, TC, A, WM, FD or T.

2. Other than in Zones CV, TC, A, WM, FD or T, land may be used to provide accommodation in a caravan where the caravan is the only caravan used as a residence on the site and is used:
   (a) as a temporary residence by the owner of the site;
   (b) by a dependant of a person occupying a single dwelling on the site;
   (c) temporarily by a bona fide visitor;
   (d) by a bona fide caretaker of the land.

3. In this clause, “caravan” includes a tent.

4. The consent authority may approve an application for a caravan that is not in accordance with sub-clause 2 only if it is satisfied the proposed caravan is appropriate to the site having regard to the potential impact of the caravan on the residential amenity of adjoining and nearby property.

7.10.3 Caretaker’s Residence

1. The purpose of this clause is to ensure that:
   (a) a caretaker’s residence is not the primary use of the land; and
   (b) the caretaker’s residential use does not prejudice the use of the site or adjoining land in accordance with its zoning.

2. A building or part of a building may be used, constructed or modified for use as a caretaker’s residence where:
   (a) the floor area of the caretaker’s residence does not or will not exceed 50m²; and
   (b) there is or will be only one caretaker’s residence on the site.

3. The consent authority may approve an application for a caretaker’s residence that is not in accordance with sub-clause 2 only if it is satisfied the proposed caretaker’s residence is appropriate to the site having regard to the potential impact of the caretaker’s residence on adjoining and nearby property.
7.10.4 Independent Units

1. The primary purpose of this clause is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

2. An independent unit may be developed on a site provided:
   (a) there will be no more than two dwellings on the site;
   (b) the maximum floor area of the independent unit in:
      i. Zones SD, MD, MR, HR, CV, CL, T, WM, FD and RR shall not exceed 50m²;
      ii. Zones R, RL, H and A shall not exceed 80m².
   (c) there is only one vehicle access point to the road, unless the relevant authority has approved a second access;
   (d) both dwellings will be serviced by a common effluent disposal system or connected to reticulated sewerage;
   (e) both dwellings will be serviced by a single bore or a single connection to a reticulated water supply; and
   (f) both dwellings will be serviced by a single connection to a reticulated power supply.

3. The consent authority must not consent to an independent unit that is not in accordance with sub-clauses 2 (a), (e) and (f).

4. The consent authority must not consent to an independent unit that is not in accordance with sub-clause 2 (d) unless:
   (a) a licenced certifying plumber and drainer provides documentary evidence that an existing effluent disposal system is incapable of accepting the increased load; and
   (b) documentary evidence is provided by:
      i. the Department of Health that a proposed AWTS (Aerated Wastewater Treatment System); or
      ii. a licensed certifying plumber and drainer that a proposed onsite wastewater treatment system is appropriate for the proposed development.
   (c) it can be demonstrated that the location of existing bores, wells and notional existing on-site effluent systems allow for effluent disposal systems to be sited at least 50m up slope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point.

5. The consent authority may approve an application for an independent unit that is not in accordance with sub-clause 2 (b) only if it is satisfied the proposed independent unit is appropriate to the site having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties.
7.10.5 Group Homes

1. The purpose of this clause is to ensure group homes are appropriately located and the number of occupants is unlikely to cause detriment to the residential amenity of the locality.

2. A group home may be established where:
   (a) the dwelling is suitable for the use;
   (b) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality; and
   (c) there are no more than 12 persons resident in the group home.

3. The consent authority may approve an application for a group home that is not in accordance with sub-clause 2 only if it is satisfied the proposed group home is appropriate to the site having regard to the potential impact of the group home on the residential amenity of adjoining and nearby property.

7.10.6 Home Based Child Care Centres

1. The purpose of this clause is to ensure that a home based child care centre does not detract from the residential amenity of the locality.

2. A home based child care centre may be established where:
   (a) the dwelling is suitable for the use;
   (b) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality; and
   (c) no sign is displayed, other than a business sign that is not more than 0.5m² in area.

3. The consent authority may approve an application for a home based child care centre that is not in accordance with sub-clause 2 only if it is satisfied the proposed home based child care centre is appropriate to the site having regard to the potential impact of the home based child care centre on the residential amenity of adjoining and nearby property.
7.10.7 Home Occupation

1. The purpose of this clause is to ensure that home occupations are established and operated in a manner that does not detract from the residential amenity of the locality.

2. A dwelling may be used for the purpose of a home occupation where:

   (a) the occupation or profession is carried out only by persons residing in the dwelling;

   (b) the total of the floor area of the dwelling plus the other areas of the site that are used for the home occupation (including areas used temporarily) does not exceed 30m²;

   (c) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;

   (d) no sign is displayed, other than a business sign that is not more than 0.5m² in area;

   (e) no goods or equipment are visible from outside the site; and

   (f) not more than one vehicle kept on the site is used for the purpose of the home occupation.

3. The consent authority may approve an application for a home occupation that is not in accordance with sub-clause 2 only if it is satisfied the proposed home occupation is appropriate to the site having regard to the potential impact of the home occupation on the residential amenity of adjoining and nearby property.
7.10.8 Home Based Contracting

1. The purpose of this clause is to ensure that **home based contracting** is established and operated in a manner that does not detract from the **amenity** of the locality.

2. A **site** of a **dwelling** may be used for the purpose of **home based contracting**:

   (a) in Zones RL, R, H, A or FD where:

   i. the total area of the **site** that is used for the **home based contracting** (including areas used temporarily) does not exceed 200m²;

   ii. no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;

   iii. no sign is displayed, other than a **business sign** that is not more than 0.5m² in area;

   iv. no goods or equipment are visible from outside the **site**; and

   v. not more than three vehicles kept on the **site** are used for the purpose of the **home based contracting**; or

   (b) in any other zone:

   i. the total area of the **site** that is used for the **home based contracting** (including areas used temporarily) does not exceed 30m²;

   ii. no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;

   iii. no sign is displayed, other than a **business sign** that is not more than 0.5m² in area;

   iv. no goods or equipment are visible from outside the **site**; and

   v. not more than one vehicle kept on the **site** is used for the purpose of the **home based contracting**.

3. The consent authority may approve an application for a **home based contracting** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **home based contracting** is appropriate to the **site** having regard to the potential impact of the **home based contracting** on the residential amenity of adjoining and nearby property.
7.10.9 Medical Consulting Rooms

1. The purpose of this clause is to ensure that medical consulting rooms are established and operated in a manner that does not detract from the amenity of the locality.

2. Medical consulting rooms may be established and operated where:
   (a) the service is carried out only by persons residing in the dwelling and not more than one person who does not reside in the dwelling;
   (b) the total area used for the medical consulting rooms (including areas used temporarily) does not exceed 30m²;
   (c) no greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality; and
   (d) no sign is displayed, other than a business sign that is not more than 0.5m² in area.

3. The consent authority may approve an application for a medical consulting rooms that is not in accordance with sub-clause 2 only if it is satisfied the proposed medical consulting rooms is appropriate to the site having regard to the potential impact of the medical consulting rooms on the residential amenity of adjoining and nearby property.

7.10.10 Helicopter Landing Site

1. The purpose of this clause is to ensure that a helicopter landing site (HLS) is established and operated in a manner that does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

2. A HLS requires consent where proposed as an ancillary use or development when the primary use or development of the land is permitted without consent.

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 4;
   (c) HLS is more than 500 metres 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 tonnes 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 dust generated by the operation is appropriately managed to prevent its escape beyond the perimeter of the property;

It is the responsibility of the helicopter operator to comply with the following guidelines and principles:

- the CASA Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites;
- the principles within the NT EPA guideline Recommended Land Use Separation Distances;
- the general environmental duty under Section 12 of the Waste Management and Pollution Control Act (WMPC Act); and
- the National Airports Safeguarding Framework Guidelines F: ‘Managing the Risk of Intrusion into the Protected Operational Airspace of Airports.'
(g) the property boundaries within 60 metres 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 100 metres from the centre point of the proposed HLS to any site boundary.
8.0 COMMERCIAL USE AND DEVELOPMENT PERFORMANCE CRITERIA

8.1 COMMERCIAL USES

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

1. The purpose of this clause is to facilitate retailing of a nature and intensity servicing only the needs of the zones in which the shop is located.
2. In Zones CV, CL, LI, GI, DV, OR and CN the net floor area of a shop is not to exceed 200m².

8.1.2 Interchangeable Use Rights in Zones CB and C

1. The purpose of this clause is to permit the change between the nominated uses of premises within Zone CB or Zone C without consent.
2. Where land is Zoned CB, premises that are lawfully used for the purposes of leisure and recreation, licensed club, office, restaurant or shop may shift between any of the aforementioned uses without further consent provided that the parking requirement under Clause 6.5 does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 6.5.1 and Clause 6.5.3 to meet any increased requirement.
3. Where land is Zoned C, premises that are lawfully used for the purposes of office, restaurant, shop or showroom sales may shift between any of the aforementioned uses without further consent provided that the parking requirement under Clause 6.5 does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 6.5.1 and Clause 6.5.3 to meet any increased requirement.

8.1.3 Uses Requiring Consent in Zone CV

1. The purpose of this clause is to ensure the specified uses remain subsidiary to the primary use of the land as a caravan park.
2. Uses requiring consent in this zone may be established only in association with the primary use as a caravan park.
3. The consent authority must not consent to an application that is not in accordance with this clause.
8.1.4 Service Stations

1. The purpose of this clause is to ensure that service stations do not, because of appearance or the emission of fumes or noise, unreasonably affect the use and enjoyment of adjacent land.

2. A site may be developed for a service station only where:
   
   (a) fuel bowsers and any motor repair station associated with the service station, are located at least 20m from any residential or commercial development and visually screened from that development;
   
   (b) fuel bowsers are not closer than 3m to the edge of a road reserve;
   
   (c) the design of the site is such that:
      
      i. vehicular access and egress does not create a traffic hazard on adjacent roads;
      
      ii. vehicular crossings of the footpath are not more than 9m wide, nor closer than 6m to another vehicular crossing and not closer than 15m to a road intersection; and
      
      iii. inlets to bulk fuel storage tanks are situated so that tankers discharging fuel stand wholly within the site.
   
   (d) 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.

Note Australian Standards:
AS 1940 The Storage and Handling of Flammable and Combustible Liquids;
AS/NZS 1596 The Storage and Handling of LP Gas;
AS 4332 The Storage and Handling of Gases in Cylinders; and HB 76 Dangerous Goods Initial Emergency Response Guide (Handbook); may apply to service station developments.
8.1.5 Child Care Centres

1. The purpose of this clause is to ensure that child care centres are appropriately and conveniently located, appropriately designed and do not detract from the amenity of the area.

2. A child care centre should:
   (a) be capable of accommodating:
      i. 7m² of outdoor play space for each child and 3.25m² of indoor play space for each child;
      ii. associated vehicle access, parking and manoeuvring; and
      iii. landscaping and any necessary screening;
   (b) be located:
      i. adjacent to or within other community facilities such as shopping centres, schools and health services;
      ii. at or near the entrance to a residential suburb; or
      iii. in or near employment areas; and
   (c) have vehicular access from a road other than from an arterial road.

3. If a child care centre is located adjacent to land in Zones SD, MD, MR or HR:
   (a) the development is to be set back and screened in accordance with the requirements of Clause 8.3; and
   (b) the design of the centre is to take account of the noise impact on an adjacent dwelling by either locating outdoor play space away from the common boundary or by including appropriate screening.
8.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

1. The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

2. The design of buildings in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T should:
   
   (a) preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;
   
   (b) be sympathetic to the character of buildings in the immediate vicinity;
   
   (c) minimise expanses of blank walls;
   
   (d) add variety and interest at street level and allow passive surveillance of public spaces;
   
   (e) maximise energy efficiency through passive climate control measures;
   
   (f) control on-site noise sources and minimise noise intrusion;
   
   (g) conceal service ducts, pipes, air conditioners, air conditioning plants etc;
   
   (h) minimise use of reflective surfaces;
   
   (i) provide safe and convenient movement of vehicles and pedestrians to and from the site;
   
   (j) provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces;
   
   (k) provide protection for pedestrians from sun and rain;
   
   (l) provide for loading and unloading of delivery vehicles and for refuse collection;
   
   (m) provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;
   
   (n) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and
   
   (o) provide bicycle access, storage facilities and shower facilities.

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

See clause 2.8.
8.3 SETBACKS FOR COMMERCIAL USES ADJACENT TO LAND IN ZONES SD, MD, MR OR HR

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

2. A use or development or proposed use or development that is
   (a) not a residential building;
   (b) on land that is in a zone other than Zones SD, MD, 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 SD, MD, 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 SD, MD, MR or HR.

5. 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 Clause 14.6 (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.

The setbacks of residential buildings are described in clauses 7.3 and 7.4.
9.0 INDUSTRIAL USE AND DEVELOPMENT PERFORMANCE CRITERIA

9.1 INDUSTRIAL USE

9.1.1 Industrial Setbacks

1. The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones.

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

3. All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.

4. The quality and extent of landscaping is to be maintained for the life of the development.

Clause 6.12 refers to landscaping.

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

Amendment No. 37 gazetted 09.01.2008 omits clause 9.1.2 Industrial Development on Middle Arm Peninsula

9.1.2 OMITTED
10.0 NON URBAN USE AND DEVELOPMENT PERFORMANCE CRITERIA

10.1 ANIMAL RELATED USE AND DEVELOPMENT

1. The purpose of this clause is to minimise the adverse effect of animal related activities on the environment and to ensure that those activities do not detract from the amenity of the locality.

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

3. Where the premises are for domestic livestock there is to be a minimum site area, unencumbered by any other use, of at least 1ha per animal.

4. Where climatic conditions permit, the site area described in sub-clause 3 is to be maintained with a ground cover of grass or other pasture species.
10.2 Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land

1. The purpose of this clause is to ensure that the clearing of native vegetation does not unreasonably contribute to environmental degradation of the locality.

2. This clause does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is for the purpose of:
   (a) a firebreak up to 5m wide along the boundary of a lot having an area of 8ha or less, unless otherwise specified by a Regional Fire Control Committee; or
   (b) a firebreak up to 10m wide along the boundary of a lot having an area greater than 8ha, unless otherwise specified by a Regional Fire Control Committee; or
   (c) an internal fence line up to 10m wide on a lot having an area greater than 8ha.

3. The clearing of native vegetation is to:
   (a) avoid impacts on environmentally significant or sensitive vegetation;
   (b) be based on land capability and suitability for the intended use;
   (c) avoid impacts on drainage areas, wetlands and waterways;
   (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
   (e) avoid impacts on highly erodible soils.

4. All clearing of native vegetation in Zone CN requires consent.

5. Subject to sub-clause 6, the clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) on unzoned land or in Zones H, A, RR, RL, R, CP, CN, RD or WM requires consent.

6. Despite sub-clause 5 the clearing of native vegetation on a lot identified on the zoning map as “Restricted Rural Residential” must not exceed that reasonably necessary for the construction of a dwelling and uses ancillary to that dwelling.

The consent authority must not consent to development that is not in accordance with this sub-clause.
10.3 CLEARING OF NATIVE VEGETATION – PERFORMANCE CRITERIA

1. The purpose of this clause is to specify the matters to be taken into account in assessing an application for the clearing of native vegetation.

2. An application for the clearing of native vegetation is to demonstrate consideration of the following:

   (a) the Land Clearing Guidelines (as amended from time to time) by the Department of Natural Resources, Environment and the Arts;

   (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act;

   (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;

   (d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act;

   (e) the impact of the clearing on regional biodiversity;

   (f) whether the clearing is necessary for the intended use;

   (g) whether there is sufficient water for the intended use;

   (h) whether the soils are suitable for the intended use;

   (i) whether the slope is suitable for the intended use;

   (j) the presence of permanent and seasonal water features such as billabongs and swamps;

   (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;

   (l) the retention of native vegetation buffers along boundaries;

   (m) the retention of native vegetation corridors between remnant native vegetation;

   (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act; and

   (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act.

See clause 2.8.
10.4 Development of Land in Zone WM

1. The purpose of this clause is to 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.

2. Consent is not to be granted to an application for subdivision or development of land in Zone WM unless the relevant service authority and the Agency responsible for the relevant water source and the public water supply has provided the consent authority with a report on whether the proposed subdivision or development will be in accordance with sub-clause 3.

3. Development 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.

10.5 Transport Terminals in Zones R and H

1. The purpose of this clause is to ensure that a transport terminal does not, because of appearance, operation and associated vehicle movements, cause detriment to the amenity of a locality or create a potential hazard to traffic on abutting roads.

2. A site within Zone R or H may be used for a transport terminal where:
   (a) the 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;
   (b) the boundary setbacks are landscaped to provide an effective visual and acoustic screen to minimise the potential impacts on the existing and future amenity of adjacent areas and on any public road; and
   (c) the transport vehicles associated with the use will not substantially:
      i. impact on the amenity of other uses in the locality; or
      ii. damage the road network.
10.6 Rural Industries in Zones RL, R and H

1. The purpose of this clause is to ensure that a rural industry does not, by reason of appearance, operation and associated vehicle movements, cause detriment to the amenity of a locality or create a potential hazard to traffic on abutting roads.

2. A site within Zones RL, R or H may be used for the purpose of a rural industry where:
   (a) the rural industry 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;
   (b) the boundary setbacks are landscaped to provide an effective visual and acoustic screen to minimise the potential impacts on the existing and future amenity of adjacent areas and on any public road; and
   (c) vehicles associated with the use will not substantially:
      i. impact on the amenity of other uses in the locality; or
      ii. damage the road network.