

PART 4

6.0 GENERAL PERFORMANCE CRITERIA

6.1 GENERAL HEIGHT CONTROL

Amendment No. 22 gazetted 11.07.2007 amends paragraph 2 to include reference to Zone TC.

Amendment No. 87 gazetted 09.09.2009 amends clause 6.1 to remove the height limit for **education establishments** in Zones CP and CL

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes sub-clause 2

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.

Clause 6.2 limits the height of buildings within the Municipality of Alice Springs.

Clause 6.3 controls the height of buildings in central Darwin.

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

Clause 7.1 controls the height of **dwelling**s in some zones.

The NT Defence (Areas Control) Regulations restrict building height for land in the vicinity of RAAF Base Darwin.

6.2 BUILDING HEIGHTS IN ALICE SPRINGS

6.2.1 General Height Controls

Amendment No. 97 gazetted 14.10.2009 omits and substitutes clause 6.2

Amendment No. 432 published in the Centralian Advocate on 19.02.2016 omits and substitutes clause 6.2 and introduces clause 6.2.1, clause 6.2.2 and clause 6.2.3

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes sub-clauses 2 and 4

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.

Clause 6.1 controls building heights generally.

Clause 7.1 controls the height of **dwelling**s in some zones.

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

Structures below ground level should consider the impact on and from the Alice Springs Town Basin aquifer.

TABLE TO CLAUSE 6.2.1

Zone	Maximum Building Height
CB	8 storeys to a maximum of 34m
C, SC, TC and MR	3 storeys to a maximum of 14m
All other zones	2 storeys to a maximum of 8.5m

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 viewscales and significant viewlines.
4. The consent authority must not **consent** to development that is not in accordance with this clause.

Refer to "Guidance Notes" for significant viewlines

Refer to "Guidance Notes" for format required for lodgement of 3D electronic files

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.

Refer to "Guidance Notes" for significant viewlines

Refer to "Guidance Notes" for format required for lodgement of 3D electronic files

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.

Design guidance is provided for Significant viewlines in the referenced document *Design Guidance for Development in Zone CB (Central Business) in Alice Springs*, refer Clause 2.8

3D electronic files are to be provided in accordance with the referenced document *Design Guidance for Development in Zone CB (Central Business) in Alice Springs*, refer Clause 2.8

DIAGRAM TO CLAUSE 6.2.3

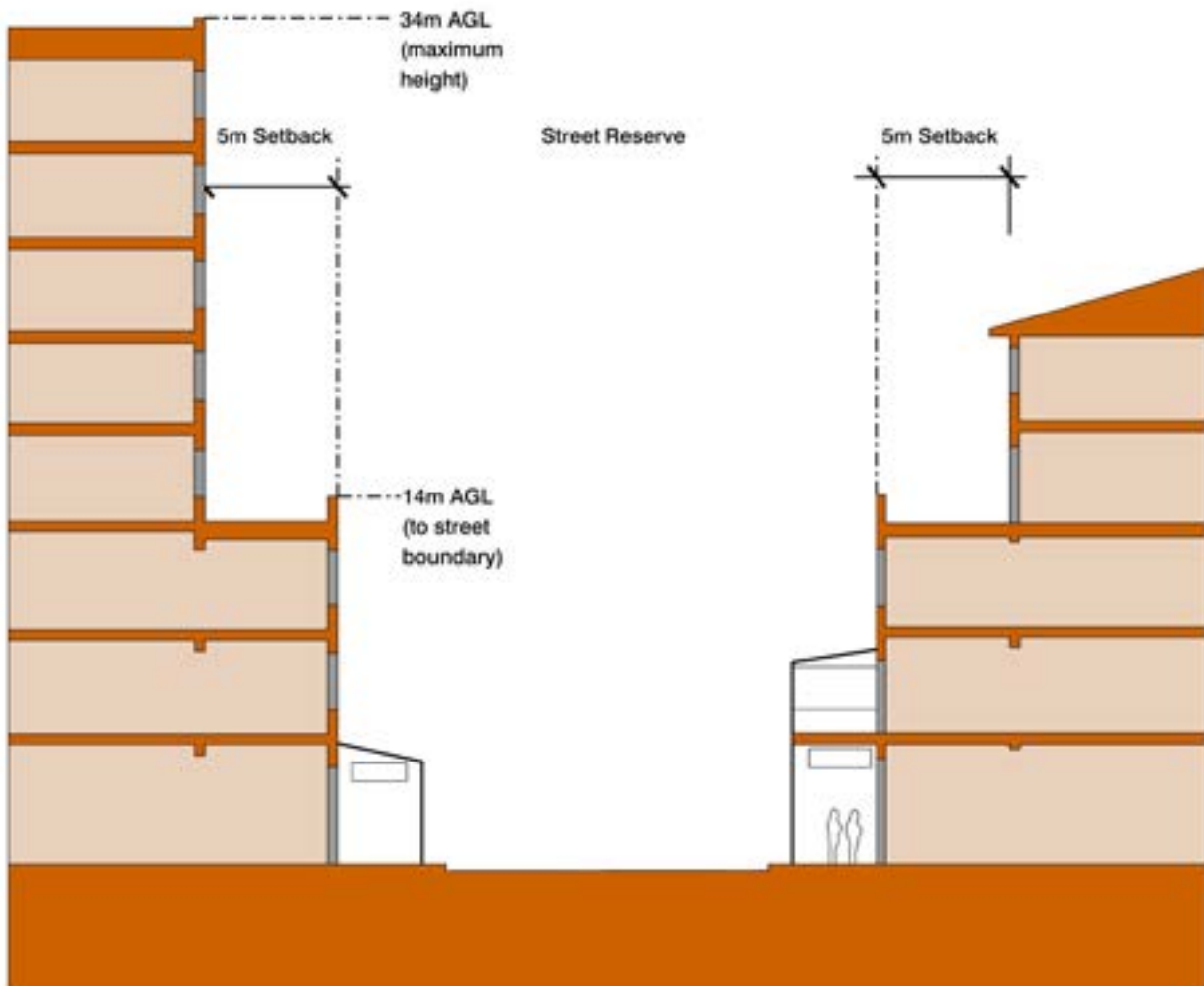


TABLE TO CLAUSE 6.2.3

Level	Controls
Ground Level (GL)	Building height is to be measured from the highest point of the site
<u>Up to 14m AGL</u> Height:	Maximum, 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 set back a minimum of 6m from adjoining site boundaries other than to a street or public open space.
<u>14m to 34m AGL</u> Height:	Maximum, inclusive of any plant or equipment, aerials or lightning rods.
Setbacks:	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.
Note:	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.

6.3 BUILDINGS IN CENTRAL DARWIN

6.3.1 Building Heights in Central Darwin

Amendment No. 44
gazetted 18.12.2009
omits and substitutes
clause 6.3

Amendment No. 124
gazetted 12.05.2010
omits and substitutes
clause 6.3

Amendment No. 377
published in the NT
News on 17.07.2015
omits and substitutes
clause 6.3.1

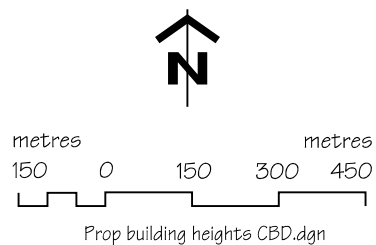
1. The purpose of this clause is to limit the height of buildings within Central Darwin to achieve a city form with the highest buildings and structures at the centre of the peninsula, stepping down towards the perimeter optimising opportunities for harbour views.
2. All buildings within the Central Darwin Perimeter Area and the Central Darwin Core Area are to be in accordance with the diagram to this clause.
3. Despite sub-clause 2, the consent authority may **consent** to a building in the Perimeter Area to a maximum height of 55m Above Ground Level (AGL) if the development meets the following criteria:
 - (a) the **site** has a combined area equal to or greater than 3500m²;
 - (b) in addition to any communal and private open space required elsewhere by the Planning Scheme, include a minimum 15% of the **site** area as publicly accessible open space within the **site**, that provides **amenity** for adjacent streets and is attractive, interesting, comfortable, safe and functional for pedestrians; and
 - (c) it is demonstrated that the building will achieve an energy efficiency outcome greater than that required under the Building Code of Australia.
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 enhances the surrounding neighbourhood without adversely impacting on the existing and future **amenity**.
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 must not **consent** to a development in the Core Area that is not in accordance with this clause.
7. The consent authority must not **consent** to a development in the Perimeter Area that is not in accordance with the requirements of sub-clauses 3(a) and 3(c).

Clauses 7.5 & 7.6
refer to private and
communal open space.



Legend

- Central Darwin Perimeter Area
Maximum height 36m Above Ground Level
- Central Darwin Core Area
Maximum height 90m above Ground Level



Building Heights within Central Darwin

6.3.2 Volumetric Control in Central Darwin

Amendment No. 377 published in the NT News on 17.07.2015 omits and substitutes clause 6.3.2

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 clause 14.1.1 - Darwin City Waterfront Planning Principles and Area Plan.
3. Development in Central Darwin is to be designed in accordance with the diagram to this clause.

Fact Sheet - Building Heights in the Darwin City Centre provides information about the regulation of building heights in Central Darwin.

The *Building Act* controls setbacks of buildings.

6.3.3 Urban Design Requirements in Central Darwin

Amendment No. 248 gazetted 29.08.2012 omits and substitutes clause 6.3.3

Amendment No. 377 published in the NT News on 17.07.2015 omits and substitutes clause 6.3.2

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, with exception to land subject to clause 14.1.1 - Darwin City Waterfront Planning Principles and Area Plan.
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.

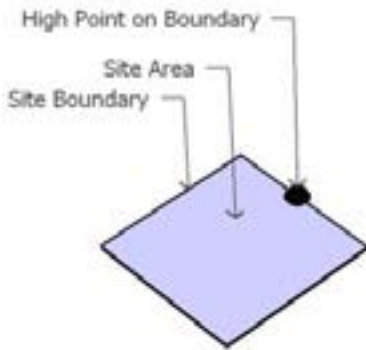
Clause 6.12 refers to landscaping

Refer to "Design guidance to active street frontages and provide for services" for advice to achieve active street frontages in relation to service authority requirements

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.

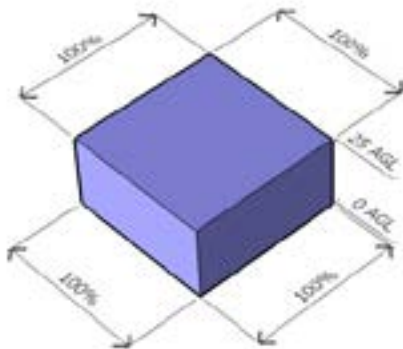
DIAGRAM TO CLAUSE 6.3.2

Site



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

Tier 1 (Podium)



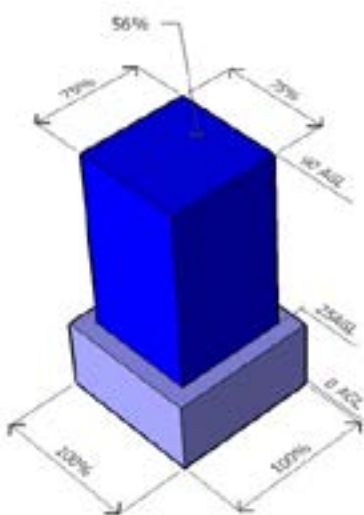
Height: Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials or lightning rods.

Floor Area: Up to 100% of the **site** area.

Setbacks: Verandahs, balconies or windows to rooms designed for accommodation are to be set back 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 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.

Tier 2 (Tower)



Height: Maximum 90m AGL in the Core Area only, inclusive of any plant equipment, aerials or lightning rods.

Subject to clause 6.3.1, maximum 55m AGL in the Perimeter Area only, inclusive of any plant or equipment, aerials or 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

Amendment No. 22
gazetted 11.07.2007
alters clause 6.4

Amendment No. 122
gazetted 31.03.2010
omits and substitutes
clause 6.4

Amendment No. 483
published in the NT
News on 06.10.2017
omits and substitutes
the title to clause 6.4

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.

Clause 6.2 limits the height of buildings within the Municipality of Alice Springs.

Clause 7.1 limits the height of **residential buildings** in some zones.

Amendment No. 452
published in the NT
News on 29.07.2016
includes clause 6.4.2
(Plot Ratios and Site Coverage)

Amendment No. 483
published in the NT
News on 06.10.2017
omits clause 6.4.2

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**.

For many uses the Building Code of Australia requires the provision of parking for disabled people.

Car parking areas for more than 50 vehicles should install oil/ water separator units.

Amendment No. 341
gazetted 27.06.2014
amends sub-clause 4.

TABLE TO CLAUSE 6.5.1		
COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
abattoir	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office	
animal boarding	1 for every employee <u>plus</u> 4	
home based visitor accommodation	1 for every guest room <u>plus</u> 2 for the dwelling	1 for every guest room <u>plus</u> 2 for the dwelling
caravan park	1.1 for every caravan , cabin, mobile home or tent site	
caretaker's residence	1	1
child care centre	1 for every employee <u>plus</u> 1 for every 20 children	2 for every 100m ² of net floor area
community centre	5 for every 100m ² of net floor area	2 for every 100m ² of net floor area
education establishment	For a primary or secondary school: 1 for every classroom <u>plus</u> 2 additional spaces <u>plus</u> an area for setting down and picking up passengers For a tertiary education establishment : 1 for every classroom <u>plus</u> 1 for every 6 students <u>plus</u> 2 additional spaces For a kindergarten: see child care centre For other education establishments : 2 for every 100m ² of net floor area	2 for every 100m ² of net floor area
general industry	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage	

TABLE TO CLAUSE 6.5.1		
COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
home based child care centre	1 for every non-resident employee in addition to those spaces required for the dwelling	2 for every 100m ² of net floor area
hospital	1 for every 4 patient beds <u>plus</u> 4 for every 100m ² of net floor area used for administrative purposes <u>plus</u> for a medical clinic 4 for every consulting room	1 for every 4 patient beds <u>plus</u> 4 for every 100m ² of net floor area used for administrative purposes <u>plus</u> for a medical clinic 4 for every consulting room
hostel	1 for every 5 persons <u>plus</u> 1 for every staff member <u>plus</u> 1	1 for every 10 persons <u>plus</u> 1 for every staff member <u>plus</u> 1
hotel	16 for every 100m ² of net floor area used as a lounge bar or beer garden <u>plus</u> 50 for every 100m ² of net floor area used as a bar <u>plus</u> 10 for a drive-in bottle shop (if any) for cars being served or awaiting service <u>plus</u> 1 for every guest suite or bedroom <u>plus</u> 3 for every 100m ² used for dining	16 for every 100m ² of net floor area <u>plus</u> 0.4 for every guest suite or bedroom
independent unit	1 per bedroom to a maximum of 2	1 per bedroom to a maximum of 2
leisure and recreation	Indoor spectator facilities including cinema or theatre 1 for every 4 seats Racquet court games 4 for every court <u>plus</u> For indoor spectator facilities (if any) 1 for every 4 seats Lawn bowls 20 spaces per green Golf course 4 per hole <u>plus</u> 5 for every 100m ² of net floor area used as a club house otherwise than specified above, 10 for every 100m ² of net floor area <u>plus</u> requirement for indoor spectator facilities (if any) 1 for every 4 seats	3 for every 100m ² of net floor area

TABLE TO CLAUSE 6.5.1		
COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
licensed club	10 for every 100m ² of net floor area used as a lounge area or beer garden <u>plus</u> 20 for every 100m ² of net floor area used as a bar <u>plus</u> 3 for every 100m ² of net floor area used for dining	3 for every 100m ² of net floor area
light industry	2 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage	
medical clinic	4 for every consulting room	4 for every consulting room
medical consulting rooms	3 for every consulting room <u>plus</u> 1 additional space (in addition to the 2 spaces required for the dwelling)	3 for every consulting room <u>plus</u> 1 additional space (in addition to the 2 spaces required for the dwelling)
motel	1 for every guest suite or bedroom <u>plus</u> 16 for every 100m ² of net floor area used as a lounge bar or beer garden <u>plus</u> 3 for every 100m ² of net floor area used for dining	0.4 for every guest suite or bedroom <u>plus</u> 3 for every 100m ² of net floor area of all other areas
motor body works	6 for every 100m ² of net floor area	3 for every 100m ² of net floor area
motor repair station	6 for every 100m ² of net floor area	3 for every 100m ² of net floor area
multiple dwellings	2 per dwelling	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
office (not elsewhere referred to in this table)	2.5 for every 100m ² of net floor area	3 for every 100m ² of net floor area

Amendment No. 166 gazetted 16.03.2010 alters the car parking requirements for multiple dwellings within Zone CB in Darwin.

TABLE TO CLAUSE 6.5.1		
COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
passenger terminal	5 for every 100m ² of net floor area or as many car spaces as can be provided on 25% of the site area whichever results in the greater number of spaces (calculated exclusive of areas used for taxi stands or bus loading purposes)	3 for every 100m ² of net floor area
place of worship	5 for every 100m ² of net floor area	2 for every 100m ² of net floor area
plant nursery	2 for every 100m ² of net floor area <u>plus</u> 1 for every 250m ² used as outdoor nursery	2 for every 100m ² of net floor area <u>plus</u> 1 for every 250m ² used as outdoor nursery
recycling depot	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage	
restaurant	6 for every 100m ² of net floor area and any alfresco dining areas <u>plus</u> 10 for drive-through (if any) for cars being served or awaiting service	3 for every 100m ² of net floor area and any alfresco dining areas
rural industry	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage	
service station	2 for every 100m ² of net floor area or 5 whichever is the greater (not including parking serving bowsers)	2 for every 100m ² of net floor area or 5 whichever is the greater (not including parking serving bowsers)
serviced apartments	1 for every dwelling <u>plus</u> 3 for every 100m ² of net floor area not within a dwelling	1 for every dwelling <u>plus</u> 3 for every 100m ² of net floor area not within a dwelling
shop	6 for every 100m ² of net floor area	3 for every 100m ² of net floor area
showroom sales	4 for every 100m ² of net floor area <u>plus</u> 1 for every 250m ² used as outdoor storage	4 for every 100m ² of net floor area <u>plus</u> 1 for every 250m ² used as outdoor storage

TABLE TO CLAUSE 6.5.1		
COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
single dwelling	2	2
stables	1 for every stall	
supporting accommodation	1 for every 4 beds <u>plus</u> 4 for every 100m ² of net floor area used for administrative purposes	1 for every 4 beds <u>plus</u> 4 for every 100m ² of net floor area used for administrative purposes
transport terminal	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 200m ² used as outdoor storage	
vehicle sales and hire	4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 200m ² used for vehicle display	4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 200m ² used for vehicle display
veterinary clinic	4 for every 100m ² of net floor area	4 for every 100m ² of net floor area
warehouse	1 for every 100m ² of net floor area other than offices <u>plus</u> 4 for every 100m ² of net floor area of office <u>plus</u> 1 for every 250m ² used as outdoor storage	3 for every 100m ² of net floor area

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

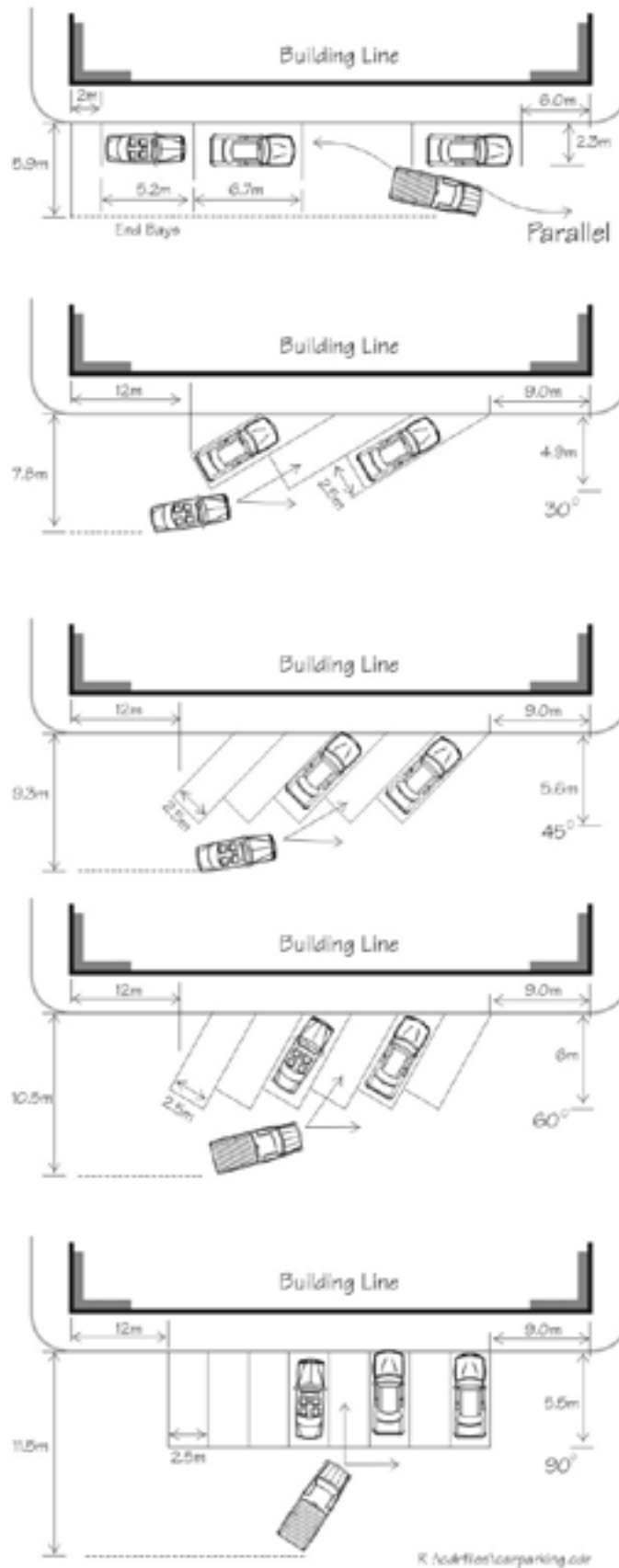
1. The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.
2. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.
3. A **car parking area** is to:
 - (a) be 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.

Carparking



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

Amendment No. 320 gazetted 26.03.2014 introduces clause 6.5.4.

Amendment No. 415 published in the NT News on 18.09.2015 omits and substitutes clause 6.5.4.

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.

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

Amendment No. 415 published in the NT News on 18.09.2015 introduces the table to clause 6.5.4.

TABLE TO CLAUSE 6.5.4	
Range of Lot Size	Vehicle Access Driveways
300m ² to less than 450m ²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 13m .
450m ² to less than 600m ²	Vehicle access shall be via a single driveway where the boundary to the public road is less than 15m .

Clause 11.2.4 refers to subdivision applications and frontage widths for lots less than 600m².

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 façade;
 - (b) signs erected on poles or pylons that are not part of a building or other structure;
 - (c) illuminated signs; and
 - (d) signs attached to and protruding from a building.
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.

Clause 1.3 subclause 2(d) exempts some signs from control under the Planning Scheme.

Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils control the erection of signs.

On land within a road under the care and control of the Department of Transport the approval of that Department is also required.

Clause 6.10 refers to signs in Zone HT.

TABLE TO CLAUSE 6.7

COLUMN 1	COLUMN 2	COLUMN 3
Zone	Maximum area of signs on a site	Maximum area of illuminated signs on a site
SD, MD, MR, HR, HT	1m ²	Prohibited
CL	1.5m ²	Prohibited
CB, C, SC, TC	The lesser of 25% of any one façade or 20m ²	3m ²
LI, GI, DV	The lesser of 25% of any one façade or 30m ²	5m ²
PS, OR, CN, CP, CV	5m ²	Prohibited
RR, RL, RD	1.5m ²	Prohibited
R, H, A, FD, WM	3m ²	Prohibited
T	3m ²	3m ²

6.8 DEMOUNTABLE STRUCTURES

Amendment No. 116
gazetted 17.03.2010
omits and substitutes
clause 6.8

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

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

Setbacks relate to lot boundaries and not unit title boundaries.

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

Amendment No. 452 published in the NT News on 29.07.2016 adds sub-clause 4 to Clause 6.9

Amendment No. 483 published in the NT News on 06.10.2017 omits sub-clause 4 to clause 6.9

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.

The ANEF contour lines are indicated on the zoning maps for information only.

See clause 2.8.

AS 2021 – 2000 is Australian Standard Acoustics – Aircraft Noise Intrusion – Building Siting and Construction

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**.

See also clauses 2.3 and 6.5.2.

Any work carried out directly to a **heritage place** or **heritage object** requires approval under the *Heritage Act*.

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.

Clause 5.26 specifies the FD Zone purpose and table.

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

Clause 11.1.1 refers to minimum lot sizes in various zones.

Clause 11.1.3 refers to subdivision within Zone FD.

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 **dwelling**s; 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.

Flood proofing by using piers or split level/ two **storey** construction with garages, workshops, wet areas and recreation rooms at the lower level is preferred. Partial flood proofing could be achieved through the use of construction materials and/ or methods which will either:

(a) exclude floodwater up to the DFE from a building; or

(b) resist deterioration during inundation events up to the DFE, thereby limiting flood damage costs.

Amendment No. 452
published in the NT
News on 29.07.2016
adds sub-clause 9 to
Clause 6.14

Amendment No. 483
published in the NT
News on 06.10.2017
omits sub-clause 9 to
clause 6.14

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

Amendment No. 206
gazetted 18.01.2012
amends sub-clause
6.17

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

Amendment No. 176 gazetted 28.09.2011 clarifies building height and replacing the existing clause with clauses 7.1.1 and 7.1.2

Amendment No. 424 published in the NT News on 04.12.2015 clarifies land capability in sub-clause 1(b) introduces and sub-clause 3

Amendment No. 452 published in the NT News on 29.07.2016 adds sub-clause 4 to Clause 7.1.1

Amendment No. 452 published in the NT News on 29.07.2016 amends table A to clause 7.1.1

Amendment No. 483 published in the NT News on 06.10.2017 omits and substitutes table A to clause 7.1.14

1. The purpose of this clause is to ensure that residential development is:
 - (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
 - (b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.
2. The maximum number of **dwelling**s that may be constructed on a **site** is to be determined in accordance with 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 **dwelling**s on the lot.

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).

TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES

Zone	Dwelling Density
SD, RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit
MD and for multiple dwellings in CL and T	1 per 300m ²

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

Number of Storeys Above Ground Level	1 or 2 Bedrooms	3 Bedrooms	4 Bedrooms
1	155m ²	180m ²	215m ²
2	125m ²	170m ²	210m ²
3	95m ²	130m ²	180m ²
4 (maximum)	85m ²	130m ²	140m ²

Amendment No. 122 gazetted 31.03.2010 omits and substitutes Table C to clause 7.1

Amendment No. 176 gazetted 28.09.2011 clarifies building height and replacing the existing clause with clauses 7.1.1 and 7.1.2

TABLE C TO CLAUSE 7.1.1 – DWELLING DENSITY IN ZONES MR AND TC IN ALICE SPRINGS	
Number of Storeys Above Ground Level	Dwelling Density
1	400m ²
2	200m ²
3 (maximum)	133m ²

Clause 6.2 limits building heights in Alice Springs.

TABLE D TO CLAUSE 7.1.1 – DWELLING DENSITY IN ZONE HR			
Number of Storeys Above Ground Level	1 or 2 Bedrooms	3 Bedrooms	4 Bedrooms
1	125m ²	170m ²	210m ²
2	95m ²	130m ²	160m ²
3	85m ²	130m ²	160m ²
4	80m ²	110m ²	130m ²
5	75m ²	105m ²	130m ²
6	75m ²	100m ²	125m ²
7	70m ²	100m ²	120m ²
8+	70m ²	95m ²	120m ²

TABLE E TO CLAUSE 7.1.1 – DWELLING DENSITY IN ZONE C FOR RESIDENTIAL BUILDINGS	
Number of Storeys Above Ground Level for Residential Buildings	Dwelling Density
1 storey	1 per 400m ²
2 storeys	1 per 200m ²
3 storeys	1 per 133m ²

Clause 7.9 limits residential development at the ground floor level in Zone C.

7.1.2 Residential Height Limitations

Amendment No.176
gazetted 28.09.2011
clarifies building height
and replacing the
existing clause with
clauses 7.1.1 and 7.1.2

Amendment No. 451
published in the NT
News on 29.07.2016
omits and substitutes
sub-clauses 3 and 4

Amendment No. 451
published in the NT
News on 29.07.2016
omits and substitutes
sub-clause 5

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

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

Clause 6.2 limits building heights in Alice Springs.

Clause 7.9 limits residential development on the ground floor in Zone C.

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

Amendment No. 106 gazetted 16.12.2009 omits and substitutes clause 7.3

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes sub-clauses 1, 2, 3 and 4

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**.

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

Clause 7.4 relates to setbacks and fencing for **multiple dwellings** and **supporting accommodation** in zone MR.

Clause 11.1.2 relates to **common building boundaries** in integrated residential developments.

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes Table A to clause 7.3

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

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

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

Side and rear lot boundaries for 1 and 2 storey buildings	<p>1.5m, including ancillary structures <u>or</u> 1m, provided that the subject wall:</p> <ul style="list-style-type: none"> only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater; does not extend beyond a maximum height of 3.5m; and does not extend beyond a maximum length of 9m. <p>and</p> <p>0.9m for shade sails, to a maximum height of 2.5m at the minimum setback</p>
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Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes Table B to clause 7.3

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

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

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 <u>and</u> 4.5m for ancillary structures without external walls <u>or</u>
Secondary street frontage for buildings over two storeys in height	2.5m for residential buildings including verandahs, balconies and ancillary structures with external walls <u>and</u> 1.5m for ancillary structures without external walls
Side and rear lot boundaries for buildings over two storeys in height	<p>1.5m for:</p> <ul style="list-style-type: none"> non-habitable rooms; habitable rooms <u>without</u> 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. <p>3m for</p> <ul style="list-style-type: none"> habitable rooms <u>with</u> windows and/ or doors facing the subject boundary; and verandahs and/ or balconies facing the subject boundary; and shade sails.

Setbacks relate to lot boundaries and not unit title boundaries.

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

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes Table C to clause 7.3

TABLE C TO CLAUSE 7.3 – MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS AND ASSOCIATED STRUCTURES IN ZONES H, A, R, RL AND RR	
Lot Boundary	Minimum Setback
Primary street frontage	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

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

If the *Bushfires Act* applies to the land that Act may require provision of a firebreak along the property boundary.

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

Amendment No. 298 gazetted 14.08.2013 omits and substitutes clause 7.3

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.

Setbacks relate to lot boundaries and not unit title boundaries.

Amendment No. 424 published in the NT News on 04.12.2015 omits and substitutes sub-clause 5

7.3.2 Distance between Residential Buildings on One Site

Amendment No. 452
published in the NT
News on 29.07.2016
omits and substitutes
clause 7.3.2

Amendment No. 483
published in the NT
News on 06.10.2017
omits and substitutes
sub-clause 2 of 7.3.2

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

Amendment No. 320 gazetted 26.03.2014 introduces clause 7.3.3.

Amendment No. 415 published in the NT News on 18.09.2015 omits and substitutes clause 7.3.3.

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.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m² in some circumstances.

TABLE TO CLAUSE 7.3.3

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

Amendment No. 415 published in the NT News on 18.09.2015 introduces the table to clause 7.3.3.

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes the table to clause 7.3.3

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m².

7.3.4 Reduced Setbacks for Single Dwellings on Lots of 600m² or Greater

Amendment No. 451 published in the NT News on 29.07.2016 introduces clause 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

Amendment No. 424 published in the NT News on 04.12.2015 omits and substitutes sub-clauses 2 and 3

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).

Clause 6.12 refers to landscaping.

7.5 PRIVATE OPEN SPACE

Amendment No.122 gazetted 31.03.2010 introduces sub-clause 6.

Amendment No.341 gazetted 27.06.2014 amends sub-clause 3.

Amendment No. 415 published in the NT News on 18.09.2015 omits and substitutes clause 7.5.

Amendment No. 483 published in the NT News on 06.10.2017 omits and substitutes sub-clause 3 of 7.5

1. The purpose of this clause is to ensure that each dwelling has private open space that is:
 - (a) of an adequate size to provide for domestic purposes;
 - (b) appropriately sited, permeable and open to the sky; and
 - (c) inclusive of areas of deep soil for shade tree planting.
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause;
 - (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling; and
 - (c) be permeable and open to the sky.
3. Private open space on lots less than 600m² should:
 - (a) be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
 - (b) include at least one area of approximately 5m² for the deep soil planting of shade trees; and
 - (c) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.
4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:
 - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - (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 location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings.
6. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, compliance with subclauses 2(c) and 3 is not required providing the **multiple dwelling** development incorporates communal open space.
7. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone 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.

Clause 7.6 refers to communal open space.

TABLE TO CLAUSE 7.5 MINIMUM AREAS OF PRIVATE OPEN SPACE	
Type of Dwelling	Private Open Space Area
single dwellings on a lot of less than 600m ²	50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m.
independent unit	for the single dwelling 50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m; and for the independent unit 45m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.
multiple dwellings (for each dwelling with direct ground level access).	45m ² (exclusive of driveways and car parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.
multiple dwellings (for each dwelling without direct ground level access).	12m ² inclusive of an area with minimum dimensions of 2.8m x 4m.

7.6 COMMUNAL OPEN SPACE

Amendment No. 452 published in the NT News on 29.07.2016 omits and substitutes sub-clause 2

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.

Amendment No.122 gazetted 31.03.2010 introduces sub-clause 4.

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.

Clause 6.12 refers to landscaping.

Clause 7.6 refers to communal open space.

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

Amendment No. 122
gazetted 31.03.2010
omits and substitutes
clause 7.9

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

Amendment No. 279
gazetted 08.05.2013
omits and substitutes
clause 7.10.1

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.

Clause 13.2 Land Adjacent to Main Roads requires approval to gain access from a main road.

Home based visitor accommodation needs to meet the requirements of the Building Code of Australia as Class 1b.

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; or
 - (d) by a bona fide caretaker of the land.
3. In this clause, "**caravan**" includes a tent.
4. The consent authority may approve an application for a **caravan** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **caravan** is appropriate to the **site** having regard to the potential impact of the **caravan** on the residential **amenity** of adjoining and nearby property.

7.10.3 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

Amendment No. 321
published in the
NT News on 14.05.2014
omits and substitutes
clause 7.10.4

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

Amendment No. 19
gazetted 30.05.2007
amends sub-clause
2(c) changing the
maximum number of
residents from 10 to 12.

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.'

Amendment No. 494 published in the NT News on 22.02.2019 introduces clause 7.10.10

- (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.

Clause 10.2 outlines requirements for the clearing of native vegetation in Zones RL, R, H and A, and should be consulted when constructed a HLS.

Helicopter operations are to comply with any Department of Defence restricted airspace requirements.

Fuel storage facilities are to comply with the relevant Australian Standard.

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.

Amendment No. 451
published in the NT
News on 29.07.2016
omits and substitutes
clause 8.1.2

Amendment No.482
published in the NT
News on 12.10.2018
omits and substitutes
clause 8.1.2

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

Amendment No.346
published in the NT
News on 06.07.2014
omits and replaces
clause 8.1.5.

Amendment No. 451
published in the NT
News on 29.07.2016
omits and substitutes
clause 8.1.5

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.

*The Community Welfare Act requires a licence to operate a **child care centre**. The Community Welfare (Child Care) Regulations states that a condition of every licence is that a **child care centre** is conducted in accordance with the Public Health Act and the Planning Act.*

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

Amendment No. 90 gazetted 19.08.2009 omits and replaces clause 8.3

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes clause 8.3

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 TO CLAUSE 9.1.1	
Location/ Boundary	Minimum Building Setback
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

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.

For example, the *Territory Parks and Wildlife Conservation Act*, the *Mining Act*, the *Pastoral Land Act*, and the *Environmental Protection and Biodiversity Conservation Act*.

Clause 10.3 details performance criteria for **clearing of native vegetation**.

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.

