

PART 4

6.0 GENERAL PERFORMANCE CRITERIA

6.1 GENERAL HEIGHT CONTROL

Amendment 22 gazetted 11.07.2007 amends paragraph 2 to include reference to Zone TC.

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, 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, 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.

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

1. The purpose of this clause is to maintain the low-rise character of development in Alice Springs.
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.
3. The height of a building is to be determined as in sub-clause 6.1.
4. 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.

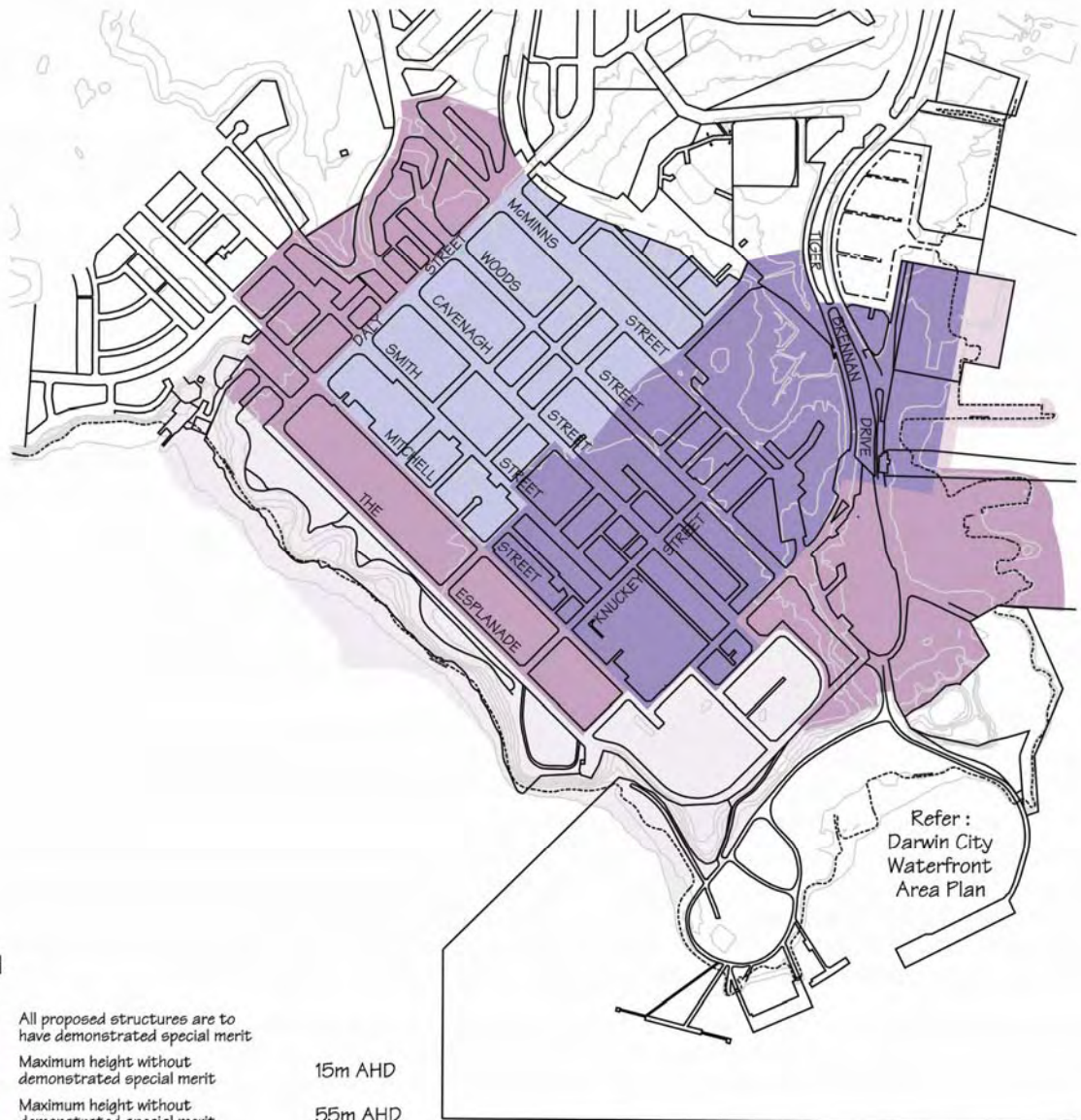
TABLE TO CLAUSE 6.2

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







6.3 BUILDING HEIGHTS IN CENTRAL DARWIN

1. The purpose of this clause is to provide for:
 - (a) buildings of a size and scale consistent with any area plans applicable to the central Darwin area; and
 - (b) a city form with the highest buildings and structures concentrated at the centre of the peninsula, stepping down towards the perimeter optimising opportunities for harbour views.
2. The height of buildings within the area indicated on the diagram to this clause is to be in accordance with the legend and explanatory notes of the diagram.

DIAGRAM TO CLAUSE 6.3



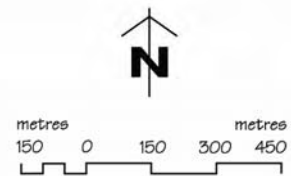
Legend

	All proposed structures are to have demonstrated special merit	
	Maximum height without demonstrated special merit	15m AHD
	Maximum height without demonstrated special merit	55m AHD
	Maximum height without demonstrated special merit	90m AHD
	Maximum height without demonstrated special merit	120m AHD
	Australian Height Datum (AHD) contours	

Explanatory Note

The broad principles adopted for this guide are listed below.

- The nominated heights shown are not targets to be met in proposed development and sometimes lower structures will be appropriate.
- The nominated heights shown are not absolute limits, but proposed structures can only exceed the limits if development applications demonstrate special merit in terms of the whole planning scheme.
- The nominated heights shown are expressed in metres related to the Australian Height Datum (AHD), not from ground level at any point, as topographic levels vary across the subject area (see AHD contours).



Central Darwin: Guide to Heights of Buildings and Structures

6.4 PLOT RATIOS

Amendment 22 gazetted 11.07.2007 alters clause 6.4 by omitting paragraph 2 and 3 and substitutes paragraphs 2, 3 and 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 Zones C or 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 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.

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.

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.

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 Conservation 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*.

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	
bed and breakfast 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
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 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 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	2 per dwelling
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
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

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
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 bowzers)	2 for every 100m ² of net floor area or 5 whichever is the greater (not including parking serving bowzers)
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
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

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
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

6.5.3 Parking Layout

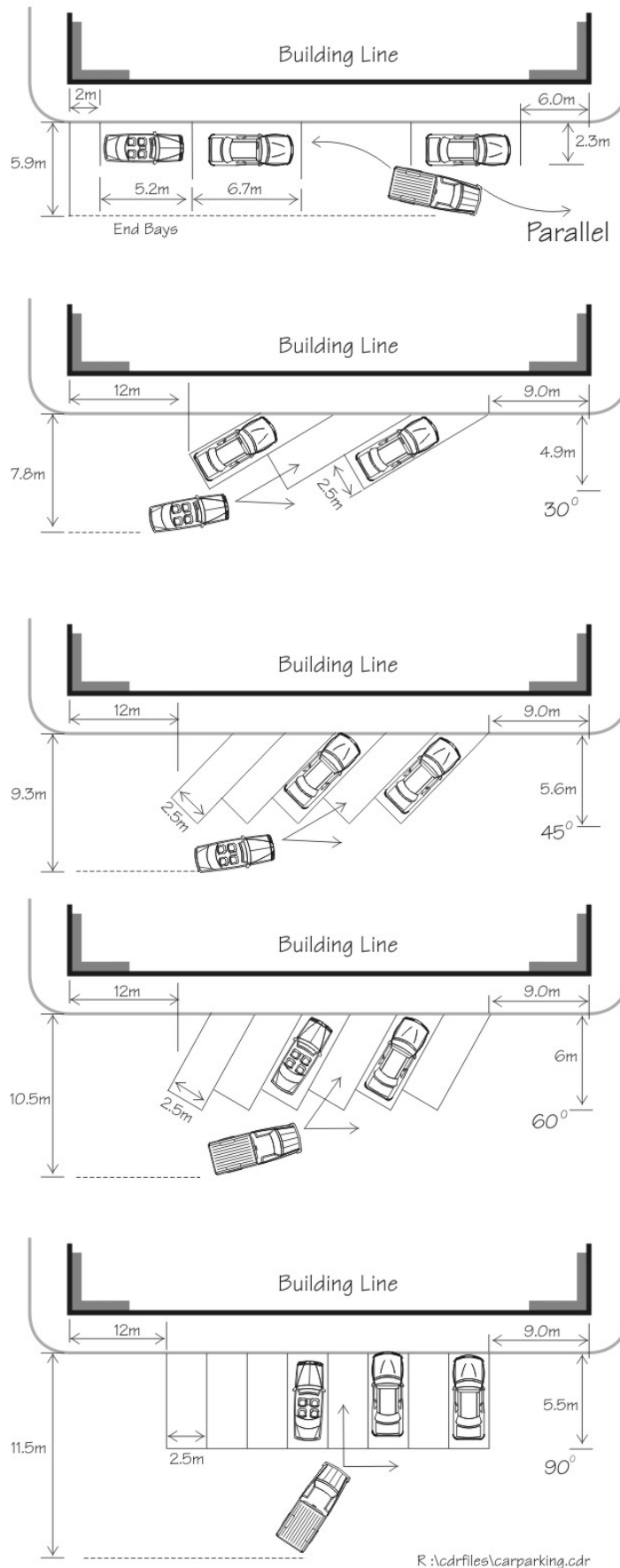
1. The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.
2. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.
3. A **car parking area** is to:
 - (a) be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



6.6 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 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 Planning and Infrastructure 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

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 zoned land requires **consent**.
3. Subject to sub-clause 4, 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.
4. If the consent authority is satisfied that, because of the proposed use and location of a **demountable structure**, it is not necessary that sub-clause 3(a) and (b) apply to the **demountable structure** the consent authority may **consent** to the placement of it on land without being satisfied as to the matters set out in those paragraphs.

6.9 LAND IN PROXIMITY TO AIRPORTS

1. The purpose of this clause is to:
 - (a) minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;
 - (b) prevent any new use or intensification of development on land that would prejudice the safety or efficiency of an airport; and
 - (c) retain the non-urban character of the land.
2. Despite anything to the contrary in this Planning Scheme, in Zones A, RL, R, CP, CN, RD, WM and FD, the use or development of land near an airport that is subject to the Australian Noise Exposure Forecast (ANEF) 20 unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence (as in force from time to time), requires **consent**.
3. In determining an application for the use or development of land subject to the ANEF 20 unit value contour line or greater, the consent authority is to have regard to the Building Site Acceptability Table (Table 2.1) based on ANEF Zones taken from AS 2021 – 2000 as a guide to the type of use or development it may **consent** to.
4. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
5. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

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 Conservation 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 Conservation Act*.

6.11 SHEDS

1. The purpose of this clause is to ensure that sheds in Zones RR, RL, R, A and H are sited so they do not detract from the streetscape or the **amenity** of adjoining land.
2. A shed on a lot Zoned RR, RL, R, A or H that is proposed to be located within 10m of any lot boundary requires **consent**.
3. In this clause a shed includes a roofed area, whether or not it is enclosed by walls, but does not include a verandah, balcony, carport or the like.

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;
 - (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.

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 and the Arts.

See clause 2.8.

6.16 EXCAVATION AND FILL

1. The purpose of this clause is to ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the **site**.
2. The excavation or filling of land, other than that normally required in association with the construction of a building, swimming pool, ornamental pond or the like, requires **consent**.

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

6.17 DREDGING WITHIN DARWIN HARBOUR

1. The purpose of this clause is to ensure dredging within Darwin Harbour does not degrade the environmental value of the harbour waters.
2. Dredging of the seabed within Darwin Harbour (being the waters south of a straight line between Charles Point and Gunn Point) for a purpose other than dredging in association with navigation requires **consent**.

7.0 RESIDENTIAL DEVELOPMENT PERFORMANCE CRITERIA

7.1 RESIDENTIAL DENSITY AND HEIGHT LIMITATIONS

1. The purpose of this clause is to ensure that residential development is:
 - (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area;
 - (b) consistent with land capability; and
 - (c) of a height compatible with adjoining or nearby existing development or development reasonably anticipated.
2. The height of any point of a **residential building** is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
3. The maximum number of **dwellings** and, subject to clause 6.2, the height of **residential buildings** that may be constructed on a **site** are to be determined in accordance with tables A, B, C or D (as the case requires) to this clause.
4. A **residential building** in Zone MR that:
 - (a) abuts land in Zone SD; or
 - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in Zone SD;
 - (c) is not to exceed a height of 3 **storeys** above ground level; or
 - (d) 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.
5. **Single dwellings** in Zones SD, MD, CL, CV, RR, RL, FD and T are not to contain any space capable of being occupied in that part of the building that exceeds a height of 7m without **consent**.

Clause 6.1 limits the height of buildings generally.

Clause 6.2 limits the height of buildings in Alice Springs.

TABLE A TO CLAUSE 7.1 – DWELLING DENSITY IN CERTAIN ZONES

Zone	Dwelling Density	Maximum Number of Storeys Above Ground Level for Residential Buildings
SD and for a single dwelling in Zones CL, CV and T	1 single dwelling per lot and may include a dependant unit .	2 – to a maximum height of 8.5m
MD and for multiple dwellings in Zones CL, T	1 or 2 storeys 1 per 300m ²	2 – to a maximum height of 8.5m
RR	1 per 0.4ha <u>or</u> 1ha in Litchfield Shire	2 – to a maximum height of 8.5m
RL	1 per 2ha	2 – to a maximum height of 8.5m
R	1 per 8ha <u>or</u> 40ha in the Alice Springs and Tennant Creek municipalities.	2 – to a maximum height of 8.5m
C	1 storey 1 per 400m ² 2 storeys 1 per 200m ² 3 storeys 1 per 133m ²	3

Clause 11.1.2 allows for provision of higher densities of **single dwellings** as part of integrated residential developments in Zone SD.

Clause 11.4.5 refers to lot sizes in Zone RR.

TABLE B TO CLAUSE 7.1 – DWELLING DENSITY IN ZONE MR OTHER THAN IN ALICE SPRINGS

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

Clause 7.1(a) limits building heights in certain circumstances.

TABLE C TO CLAUSE 7.1 – DWELLING DENSITY IN ZONE MR IN ALICE SPRINGS

Number of Storeys	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 – DWELLING DENSITY IN ZONE HR

Number of Storeys	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

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

7.2 SECOND DWELLINGS IN ZONES H AND A

1. The purpose of this clause is to permit two **dwellings** on large lots used for agricultural and horticultural purposes.
2. **Multiple dwellings** may be developed on a lot in Zones H and A provided there will be no more than two **dwellings** on the lot.

7.3 BUILDING SETBACKS OF RESIDENTIAL BUILDINGS AND PERGOLAS, CARPORTS AND THE LIKE

1. The purpose of this clause is to ensure **residential buildings**, pergolas, carports and the like are located so they are compatible with **building setbacks** of adjacent buildings and with the streetscape and surrounding development.
2. Subject to clauses 7.4 and 11.1.2 **residential buildings**, pergolas, carports and the like are to be set back from lot boundaries in accordance with table A or B (as the case requires) to this clause.
3. In the tables to this clause:
 - (a) "primary street" means the street with the wider carriageway or that which carries the greater volume of traffic; and
 - (b) "secondary street" means a street that is not a primary street.

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.

TABLE A TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS

Property Boundary	Other than Multiple Dwellings in Zones other than CB, C, RR, RL, R, A and H	Multiple Dwellings in Zones other than CB, C, RR, RL, R, A and H	Residential Buildings in Zones RR, RL, R, A and H
Street frontages:			
Primary street	7.5m OR in the municipality of Alice Springs – 6.0m for 1 storey OR 7.5m for 2 and 3 storeys	7.5m OR in the municipality of Alice Springs – 6.0m for 1 storey OR 7.5m for 2 and 3 storeys	10.0m
Secondary street	2.5m	2.5m	10.0m
Side and rear with windows or doors to habitable rooms or verandahs and/ or balconies	1.5m	3.0m	10.0m
Side and rear without windows or doors to habitable rooms or verandahs and/ or balconies	1.5m	1.5m OR in the municipality of Alice Springs – 2.5m	10.0m
<p>1. Plus (other than for a single dwelling):</p> <p>(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 plus</p> <p>(b) for each additional storey over three storeys above ground level, an additional building setback to that storey of 1.5m from all boundaries.</p> <p>2. No part of a residential building is required to exceed a building setback of 10.5m from any boundary.</p> <p>3. Where more than one building is located on a site the setback between buildings is to be a minimum of:</p> <p>(a) 3m for walls without windows to habitable rooms or a verandah or balcony;</p> <p>(b) 6m for walls with windows to habitable rooms or a verandah or balcony; or</p> <p>(c) 4.5m where one building contains windows to habitable rooms or a verandah or balcony and the other does not.</p> <p>4. The increased building setback for a storey over three storeys is measured from a straight line that is half the average distance between the buildings.</p>			

The *Building Act* controls setbacks of **residential buildings** in Zones CB and C.

5. The **building setback** to an open verandah or balcony is measured to the outer projection of the verandah or balcony.

**TABLE B TO CLAUSE 7.3
MINIMUM BUILDING SETBACKS FOR PERGOLAS, CARPORTS AND THE LIKE**

	Zones RR, RL, R, A And H	All Other Zones Except Zones CB And C
Street Frontages		
Primary street	5.0m	4.5m
Secondary street	5.0m	1.5m
Side and rear	5.0m	1.5m
The location of carports, pergolas and the like should be integrated with the design features of the associated dwelling and not diminish the attractiveness of the streetscape.		

7.4 BUILDING SETBACKS AND FENCING OF MULTIPLE DWELLINGS AND SUPPORTING ACCOMMODATION IN ZONE MR

1. The purpose of this clause is to minimise the visual and acoustic impact of **multiple dwellings** and **supporting accommodation** on land in Zone MR where that land is adjacent to land in Zone SD.
2. This clause applies to land in Zone MR that:
 - (a) abuts land in Zone SD; or
 - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is 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 and to each frontage of a street reserve not exceeding 18m in width on the opposite side of which is land in Zone SD.
4. The **building setback** described in sub-clause 3 is to be landscaped to provide a visual screen to the adjacent land Zoned SD for a minimum depth of 3m.

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

1. The purpose of this clause is to ensure that each **dwelling** has private open space that is:
 - (a) appropriately sited; and
 - (b) of an adequate size to provide for domestic purposes .
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause; and
 - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**.
3. Where the private open space is at ground level and other than for a **single dwelling** 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.
4. 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**.
5. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, the **multiple dwelling** development should incorporate communal open space.

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.
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

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

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 ZONES C AND TC

1. The purpose of this clause is to ensure residential development on a **site** in Zones C and TC 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 Zones C or TC 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 Bed and Breakfast Accommodation

1. The purpose of this clause is to ensure that **bed and breakfast accommodation** does not detract from the **amenity** of the locality in which the use is established.
2. A **dwelling** may be used for **bed and breakfast accommodation** where:
 - (a) the **dwelling** is suitable for the use;
 - (b) not more than five guests are accommodated at a time in the **dwelling**; 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 **bed and breakfast accommodation** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **bed and breakfast accommodation** is appropriate to the **site** having regard to the potential impact of the **bed and breakfast accommodation** 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 dependent of a person occupying a **single dwelling** on the **site**;
 - (c) temporarily by a bona fide visitor; or
 - (d) by a bona fide caretaker of the land.
3. In this clause, "**caravan**" includes a tent.
4. The consent authority may approve an application for a **caravan** that is not in accordance with sub-clause 2 only if it is satisfied the proposed **caravan** is appropriate to the **site** having regard to the potential impact of the **caravan** on the residential **amenity** of adjoining and nearby property.

7.10.3 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 Dependant Units

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

7.10.5 Group Homes

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

Amendment 19
gazetted 30.05.2007
amends sub-clause 2(c)
changing the maximum
number of residents from
10 to 12.

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.

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 Offices, Restaurants and Shops 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 and there is in place a developer contributions plan for car parking under the *Planning Act*, premises that are lawfully used for an **office, restaurant or shop** may be used without **consent** for any one of those uses if the **net floor area** and any other area occupied by the use does not increase.
3. Where land is Zoned C and there is in place a developer contributions plan for car parking under the *Planning Act*, premises that are lawfully used for a **restaurant or shop** may be used without **consent** for a **restaurant or shop** if the **net floor area** and any other area occupied by the use does not increase.

8.1.3 Uses Requiring Consent in Zone CV

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

8.1.4 Service Stations

1. The purpose of this clause is to ensure that **service stations** do not, because of appearance or the emission of fumes or noise, unreasonably affect the use and enjoyment of adjacent land.
2. A **site** may be developed for a **service station** only where:
 - (a) fuel bowsers and any **motor repair station** associated with the **service station**, are located at least 20m from any residential or commercial development and visually screened from that development;
 - (b) fuel bowsers are not closer than 3m to the edge of a road reserve;
 - (c) the design of the **site** is such that:
 - i. vehicular access and egress does not create a traffic hazard on adjacent roads;
 - ii. vehicular crossings of the footpath are not more than 9m wide, nor closer than 6m to another vehicular crossing and not closer than 15m to a road intersection; and
 - iii. inlets to bulk fuel storage tanks are situated so that tankers discharging fuel stand wholly within the **site**.
 - (d) if the **site** is within a 1% AEP flood event or storm surge, the **service station** is designed to withstand the flood event or storm surge without risk of pollution.

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

8.1.5 Child Care Centres

1. The purpose of this clause is to ensure that **child care centres** are appropriately and conveniently located, appropriately designed and do not detract from the **amenity** of the area.
2. A child care centre should:
 - (a) be capable of accommodating:
 - i. 14m² 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 residential land:
 - (a) the abutting boundary is to be screened to protect privacy; 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 Planning and Infrastructure.

See clause 2.8.

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

1. The purpose of this clause is to protect the visual and acoustic **amenity** of **residential buildings** where they are adjacent to non-residential uses.
2. A use or development or proposed use or development that is not a **residential building** and that is on land that is in a zone other than Zones SD, MD, MR or HR and that land either:
 - (a) abuts land in any of those zones; or
 - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in any of those zones;
 - (c) that use or development or proposed use or development 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.

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

9.1.2 OMITTED

Amendment 37
gazetted 09.01.2008
omits clause 9.1.2 Industrial
Development on Middle Arm
Peninsula

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 Conservation 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.