

PLANNING REFORM PHASE 2

STAGE 1 REFORMS

INCORPORATING ECONOMIC RECOVERY
ACTIONS AND DESIGNING BETTER
EXPLANATORY DOCUMENT

*Building Confidence through Better
Planning for the Northern Territory*

1. Background

Proposed Planning Scheme Amendment PA2021/0254 was initially exhibited from 21 January to 6 March 2022. The amendment consolidated work being undertaken by the Department of Infrastructure, Planning and Logistics responding to the Territory Economic Reconstruction Commission's report, and the NT Planning Commission's Designing Better project.

The amendment sought to:

- introduce an overlay to Part 3 to guide development of gateway locations in central Darwin, Palmerston and Alice Springs;
- amend components of Parts 3, 4 and 5 to implement revised assessment categories and development requirements; and
- amend Schedule 2.2 (General Definitions) to support the changes in Part 5.

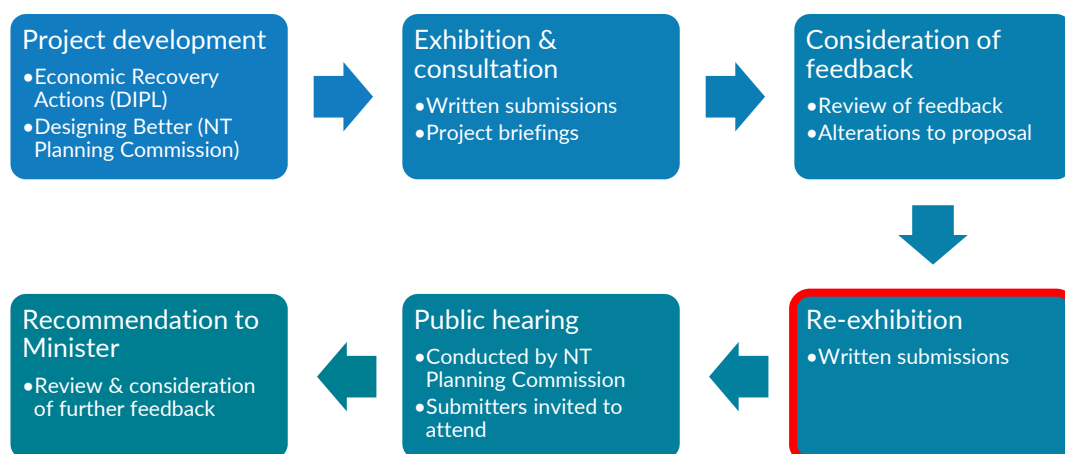
The objective of these changes was to:

- incorporate local design responses from area plans into location specific development requirements, to more succinctly inform design and decision making about developments in strategic locations;
- respond to the NT Planning Commission's Designing Better project to provide flexibility to respond to local context and climate and encourage best practice design solutions;
- increase the number of low-risk uses that can be interchanged in commercial zones without the need for a development permit; and
- move some uses to permitted or simpler assessment categories.

During the exhibition period, the project team met with a wide variety of stakeholders, including members of the public, planning and development consultants, building certifiers, local councils, and service authorities. The feedback received from the submissions and individual conversations identified areas where the proposal could be improved so as to more fully achieve the project objectives.

Planners in the Department's Development Assessment Services team have also been providing ongoing feedback to the project team. This has come from the real time assessment of current development applications against the proposed amendment as required by the *Planning Act 1999*.

In reviewing and working through all the feedback received, it was acknowledged that the extent of changes may be of interest to some members of the public and industry, noting that the overall nature of the proposal and its objectives remain unchanged. As a result, the Minister for Infrastructure, Planning and Logistics has decided to re-exhibit the proposal.



2. Key alterations

Some key alterations to the proposal include:

Changes to assessment categories

The following changes have been made to the proposed changes in assessment categories:

- Dwelling-group in Zone LMR has been reverted back to the existing assessment categories of dwellings-group (2) being permitted without consent, and dwellings-group (3+) being merit assessable and requiring consent.
- Dwellings-multiple in Zone C has been reverted back to the existing assessment category of merit assessable.
- The distinction in office has been reduced to 1 storey, and 2+ storeys, such that in Zone CB office (up to 1 storey above ground) is proposed to be permitted without consent, and 2 storeys or more above ground will remain as merit assessable. In Zone C, office (up to 1 storey above ground) continues to be proposed as permitted without consent, and 2 storeys or more above ground has been reverted back to the existing assessment category of merit assessable.

The zoning matrix in the Integrated Schedule of Amendments (altered) shows all other proposed changes to assessment categories that are being carried through from the initial proposed amendment.

Changes to development requirements

Some of the development requirements within Part 5 have been redrafted into a more prescriptive format to accommodate the new permitted uses previously exhibited. These changes will ensure that development requirements are easily interpreted by building certifiers and other practitioners who are responsible for determining whether planning provisions are met.

To balance this more prescriptive approach, greater guidance has been included in the administration clauses. This will provide the consent authority with more discretion when considering a development that does not meet the relevant requirements. The new administration clauses encourage performance based outcomes when the prescriptive measure cannot be achieved. The new residential plot ratio clause provides an example of this approach.

Proposed development requirements originating from the Designing Better project have also been further refined. These alterations do not introduce any new policy initiatives, and instead focus on minor changes that have been identified through Development Assessment Services assessing recent development applications against the proposed requirements. The identified alterations to Clause 5.5.16 (Active Street Frontages) that refine the requirements to only apply outside of the larger municipalities is an example of this.

Other minor alterations

A suite of minor changes are proposed, which mostly relate to removing duplication between provisions. This duplication predominately occurred when transitioning the pseudo development requirements from the area plans into the Scheme for the previous stage of exhibition. As a result, some requirements have been deleted from the Local Specific Development Requirements. Some structural changes have also been made to certain provisions to ensure they are able to function as intended.

3. Guide to the proposed Planning Scheme Amendment

A schedule of proposed alterations has been prepared to identify the alterations that have been made to the original Integrated Schedule of Amendments, exhibited in early 2022. In all other respects, the original Integrated Schedule Amendments remains unchanged and continues to form part of this proposed amendment.

An index identifies which components have been altered from the original proposal. The schedule of proposed alterations identifies the alterations that have been made, and provides short explanations to some of the more key or extensive alterations (ie change in policy). For readability, where there may be several alterations within a requirement, these have been consolidated into a single track change. The proposed amendment does not show administrative alterations, such as where numbers have been changed or language updated for consistency. Figure 1 below is an excerpt of the schedule of proposed alterations, with the track changes showing proposed alterations to the text, and the speech bubbles providing an explanation to those changes.

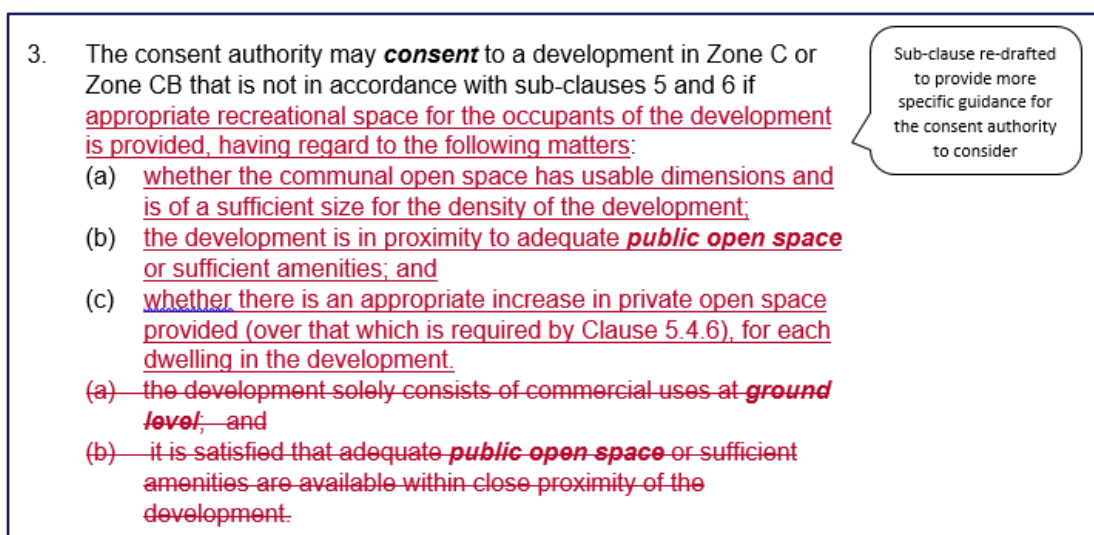


Figure 1: Excerpt of proposed alterations

The original exhibition documents continue to be available on Have Your Say and the Planning Reform website, as well as a detailed background to the project. The guidance notes included in the original exhibition package also continue to be available on these websites; however, they have not been included in the current material as they do not form part of the statutory amendment.

4. Further Information

4.1. Be involved

1. Read the documents

Read this Explanatory Document in conjunction with the Schedule of Proposed Alterations. The original Integrated Schedule of Amendments may also be of assistance.

Documents are available on Have Your Say, the Planning Reform website, and Planning Notices Online.

2. Write a submission

You may make a written submission to the proposed amendment during the exhibition period through the following means:

Online: <https://www.ntlis.nt.gov.au/planning-notices-online/notices#/index>

Email: planning.ntg@nt.gov.au

Post: NT Planning Commission, GPO Box 1680, DARWIN NT 0801

Hand delivered: Level 1, Energy House, 18-20 Cavenagh Street, DARWIN NT 0800

All submissions must include the name, contact details and signature of the person making the submission to be considered valid.

4.2. Contact details

For further information on the details of this proposed planning scheme amendment, please contact Lands Planning, Department of Infrastructure, Planning and Logistics.

Phone: 08 8999 8963

Email: planning.ntg@nt.gov.au

Please quote application number PA2021/0254 to be directed to one of the project team.

PART 3 - OVERLAYS

Table to Clause 3.1: Planning Scheme Overlays	
Overlay	
<u>Clearing of Native Vegetation</u>	
<u>Restricted Clearing of Native Vegetation</u>	
<u>Coastal Reclamation</u>	
<u>Land in Proximity to Airports</u>	
<u>Land Subject to Flooding</u>	
<u>Land Subject to Storm Surge</u>	
<u>Land Adjacent to a Designated Road</u>	
<u>Darwin Harbour Dredging</u>	
<u>Residential Development in Major Remote Towns</u>	
<u>Rapid Creek Flood Response</u>	

The highlighted
Overlays contain
changes as part of
this amendment

3.6 LSF – Land Subject to Flooding

Purpose

Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Administration

1. Land subject to this Overlay is to be used or developed only with **consent**.
2. This Overlay does not apply to:
 - (a) **outbuildings** and extensions to existing **dwelling**s;
 - (b) extensions to existing commercial or industrial buildings; or
 - (c) [any use that complies with Clause 5.5.1 \(Interchangeable Use and Development in Specific Zones\)](#);which, but for this Overlay, would not require **consent**.
3. This overlay does not apply to the use and development of land for **dwelling**s-group or **dwelling**s-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
4. In this Overlay:
 - (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 1992*;
 - (b) “AEP” means Annual Exceedance 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 as defined on mapping produced by the NT Government;
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.

Reference included to clarify that an interchangeable use or development does not have to comply with this clause

Requirements

6. 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.

3.7 LSSS – Land Subject to Storm Surge

Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated risk to people, damage to property and costs to the general community caused by storm surge.

Administration

1. This Overlay applies to land subject to the PSSA and/or the SSSA.
2. This Overlay does not apply to:
 - (a) **outbuildings** and extensions to existing **dwelling**s;
 - (b) extensions to existing commercial or industrial buildings;
 - (c) a use or development within the SSSA that would otherwise be *Permitted*, and complies with the requirements of Part 5; or
 - (d) [any use or development within a PSSA or SSSA that would otherwise be *Permitted* under Clause 5.5.1 \(Interchangeable Use and Development in Specific Zones\).](#)
3. This overlay does not apply to the use and development of land for **dwelling**s-group or **dwelling**s-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
4. In this Overlay:
 - (a) “AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;
 - (b) “PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;
 - (c) “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 as defined on mapping produced by the NT Government; and
 - (d) “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.
5. Land within the PSSA is to be used or developed only with **consent**.
6. The consent authority may **consent** to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.

Reference included to clarify that an interchangeable use or development within a PSSA or SSSA does not have to comply with this clause.

7. The use or development of land within the SSSA should have regard to sub-clauses 9 and 10.

Requirements

8. 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.
9. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.
10. 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.

PART 4 - ZONES & ASSESSMENT TABLES

Table to Clause 4.1: Index of Zones	
Residential Zones	
LR	<u>Low Density Residential</u>
LMR	<u>Low-Medium Density Residential</u>
MR	<u>Medium Density Residential</u>
HR	<u>High Density Residential</u>
RR	<u>Rural Residential</u>
RL	<u>Rural Living</u>
CV	<u>Caravan Parks</u>
CL	<u>Community Living</u>
Commercial Zones	
CB	<u>Central Business</u>
C	<u>Commercial</u>
SC	<u>Service Commercial</u>
TC	<u>Tourist Commercial</u>
Industrial Zones	
LI	<u>Light Industry</u>
GI	<u>General Industry</u>
DV	<u>Development</u>
Recreational Zones	
PS	<u>Public Open Space</u>
OR	<u>Organised Recreation</u>
Rural Zones	
H	<u>Horticulture</u>
A	<u>Agriculture</u>
R	<u>Rural</u>
Other Zones	
CP	<u>Community Purpose</u>
CN	<u>Conservation</u>
HT	<u>Heritage</u>
RD	<u>Restricted Development</u>
WM	<u>Water Management</u>
FD	<u>Future Development</u>

The highlighted zones contain changes as part of this amendment

Table to Clause 4.1: Index of Zones

T	<u>Township</u>
Infrastructure Zones	
M	<u>Main Road</u>
PM	<u>Proposed Main Road</u>
RW	<u>Railway</u>
U	<u>Utilities</u>
Specific Use Zones	
<u>Refer to Schedule 4</u>	

Altered Zoning Matrix

Text highlighted in **yellow** signifies where changes have been made since the previous stage of exhibition.

P = Permitted

M = Merit Assessable

I = Impact Assessable

x = Prohibited

Defined Use	LMR	CB	C	TC
Abattoir	x	x	x	x
Agriculture	x	x	x	x
Animal boarding	x	x	x	x
Bar-public	x	M	I	M
Bar-small	x	P	M	M
Caravan accommodation	P	x	P	P
Caravan park	x	x	x	M
Car park	x	M	M	M
Car wash	x	I	I	I
Child care centre	x	M	M	M
Club	x	M	M	M
Community centre	I	M	M	I
Demountable structure	M	I	M	P
Dwelling-caretakers	x	P	P	P
Dwelling-community residence	P	P	x	x
Dwelling-group (2) *	P	I	x	I
Dwelling-group (3+) *	M	I	x	I
Dwelling-independent	P	M	x	P
Dwelling-multiple	P	M	M	I
Dwelling-single	P	x	x	I
Education establishment	x	M	I	I
Emergency services facility	x	I	x	x
Excavation and fill	I	I	I	I
Exhibition centre	x	M	M	M
Food premises-café/takeaway	x	P	P	P
Food premises-fast food outlet	x	I	I	I
Food premises-restaurant	x	P	P	M
Fuel depot	x	x	x	x
Helicopter landing site	x	x	x	x
Home based business	P	P	P	P
Horticulture	x	x	x	x
Hospital	x	x	x	x
Hotel/motel	x	M	I	M
Industry-general	x	x	x	x
Industry-light	x	I	x	x
Industry-primary	x	x	x	x
Intensive animal husbandry	x	x	x	x
Leisure and recreation	x	M	M	M
Market	x	P	P	x

Dwelling-group in Zone LMR was previously exhibited as permitted up to 4 dwellings

Dwelling-multiple In Zone C has reverted back to merit assessable

Defined Use	LMR	CB	C	TC
Medical clinic	x	M	M	I
Motor body works	x	I	x	x
Motor repair station	x	I	I	x
Nightclub entertainment venue	x	M	I	I
Office (Up to 1 storey above ground level) *		P	P	I
Office (2 storeys or more above ground level) *		M	M	I
Passenger terminal	x	I	x	I
Place of assembly	x	M	I	I
Place of worship	x	M	I	I
Plant nursery	x	I	I	I
Recycling depot	x	x	x	x
Renewable energy facility	x	x	x	x
Residential care facility	I	M	I	x
Retail agricultural stall	x	x	x	x
Rooming accommodation	x	M	I	M
Service station	x	I	I	I
Sex Services-Commercial Premises	x	I	x	x
Sex Services-Home Based Business	P	P	P	P
Shop	x	P	P	M
Shopping centre	x	I	I	x
Showroom sales	x	M	I	x
Stables	x	x	x	x
Telecommunications facility	I	I	I	I
Transport terminal	x	x	x	x
Vehicle sales and hire	x	I	I	I
Veterinary clinic	x	I	I	x
Warehouse	x	x	x	x

Offices in Zone CB and C were previously exhibited as permitted up to 3 storeys

4.3 Zone LMR – Low-Medium Density Residential

Zone Purpose

Provide a range of low rise housing options that contribute to the streetscape and residential **amenity** in locations supported by community services and facilities, and where full reticulated services are available.

Zone Outcomes

1. A blend of **dwelling-single**, associated **dwelling-independent**, **dwelling-group** and **dwelling-multiple** predominantly of two **storeys** or less, on a range of lot sizes that respond to changing community needs.
2. **Home based businesses** and **dwelling-community residence** are conducted in a manner consistent with residential **amenity**.
3. **Residential care facilities** are of a scale and conducted in a way that maintains the residential character and **amenity** of the zone.
4. Non-residential activities are limited to **community centres** that:
 - (a) support the needs of the immediate residential community;
 - (b) are of a scale and intensity compatible with the residential character and **amenity** of the area;
 - (c) wherever possible, are co-located with other non-residential activities in the locality;
 - (d) avoid adverse impacts on the local road network; and
 - (e) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.
5. Building design, **site** layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.
6. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks, and with reasonable **access** to open space and community facilities.

ASSESSMENT TABLE – ZONE LMR – LOW-MEDIUM DENSITY RESIDENTIAL

Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Group (2) (4)	Permitted	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.6 Landscaping 5.2.7		5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development
		3.8 LADR – Land Adjacent to a Designated Road	5.2.8 Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation
Dwelling-Group (3+) (5+)	Merit assessable	3.10 MRT – Residential Development in Major Remote Towns			5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation

The limit for dwelling-group as a permitted use has reverted back to two dwellings in response to feedback received relating to the provision of services and infrastructure.

4.4 Zone MR – Medium Density Residential

Zone Purpose

Provide for a range of mid-rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development.

Zone Outcomes

1. Predominantly medium density residential developments generally not exceeding four **storeys**.
2. **Home based businesses** and **dwelling-community residence** are operated in a manner consistent with residential **amenity**.
3. **Residential care facilities** are of a scale and operated in a way that is compatible with the character and **amenity** associated with medium density residential development.
4. Non-residential activities, such as **child care centre** and **community centre**:
 - (a) support the needs of the immediate residential community;
 - (b) are of a scale and intensity compatible with the residential character and **amenity** of the area;
 - (c) wherever possible, are co-located with other non-residential activities in the locality;
 - (d) avoid adverse impacts on the surrounding road network; and
 - (e) are managed to minimise unreasonable impacts on the **amenity** of surrounding residents.
5. Building design, **site** layout and landscaping provide a sympathetic interface to the adjoining public spaces and to adjoining lots, and provides privacy and attractive outdoor spaces.
6. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.

ASSESSMENT TABLE – ZONE MR – MEDIUM DENSITY RESIDENTIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height control 5.2.4 Vehicle Parking 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.18 Fencing 5.4.20 Residential Plot Ratio

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

4.5 Zone HR – High Density Residential

Zone Purpose

Provide for a range of high rise housing options close to activity centres, public transport, open space and community facilities, where reticulated services can support high density residential development.

Zone Outcomes

1. High density residential developments generally not exceeding eight **storeys** in height that maximise the utilisation of the reticulated services and the development potential of the **site**.
2. **Home based businesses** and **dwelling-community residence** are conducted in a manner consistent with residential **amenity**.
3. **Hotel/motels, residential care facilities** and **rooming accommodation** are operated in a manner that is compatible with the **amenity** associated with high density residential development.
4. Non-residential activities, such as **education establishment, leisure and recreation, medical clinic, place of worship, and restaurant**:
 - (a) are integrated with residential uses;
 - (b) avoid adverse impacts on the local road networks;
 - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents; and
 - (d) are of a scale, intensity and nature that reflects the predominantly residential character of the zone.
5. Development integrates with walking, cycling and public transport networks to promote accessibility and use.
6. Innovative building design, **site** layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
7. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.

ASSESSMENT TABLE – ZONE HR – HIGH DENSITY RESIDENTIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.18 Fencing 5.4.20 Residential Plot Ratio
Hotel/Motel	Impact assessable				5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.18 Fencing 5.5.3 General Building and Site Design

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

Clause 5.4.3 added to the zoning table to ensure that built form outcomes are consistent with other uses in the zone

4.10 Zone CB – Central Business

Zone Purpose

Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.
2. Residential developments that cater for residents and tourists, including **dwelling-multiple, serviced apartment, rooming accommodation, residential care facility**, and **hotel/motel**, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.
3. **Dwelling-community residence** and **home based business** are designed and operated in a manner consistent with the residential **amenity** of the building or surrounding precinct.
4. Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops** and **sex services-commercial premises**:
 - (a) encourage diversity and contribute to day and night activity within the zone; and
 - (b) are designed and operated in a manner that is considerate of the character and **amenity** of surrounding uses, having regard to the mixed use nature of the zone.
5. Cultural and community focused activities such as **child care centre, community centre, exhibition centre, medical clinic, place of assembly** and **place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.
6. Developments such as **veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment**, and **passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.

7. Developments such as **vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility**:
 - (a) are sited on the periphery of the CB area;
 - (b) are located with good **access** to the local road network; and
 - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.
8. Development incorporates innovative building design, **site** layout and landscaping that:
 - (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;
 - (b) minimises privacy and overlooking impacts on private spaces;
 - (c) maximises overlooking and passive surveillance of public spaces;
 - (d) maximises pedestrian activity along **primary street** frontages;
 - (e) reduces the appearance of building mass relative to its surroundings; and
 - (f) creates attractive outdoor spaces and enhances the streetscape.
9. Development contributes to the creation of an active, safe and legible public realm by:
 - (a) incorporating and responding to high quality **public open spaces** including town squares, civic plazas and forecourts where appropriate; and
 - (b) integrating with walking, cycling and public transport networks to promote accessibility and use.
10. Developments are designed and operated in a manner that avoids unreasonable loss of **amenity** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.
11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.
12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE CB – CENTRAL BUSINESS

Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Merit assessable	3.4 - CR Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 - LSSS Land Subject to Storm Surge 3.8 - LADR Land Adjacent to a Designated Road 3.12 - GL Gateway Locations	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.9.1 Alice Springs Town Centre 5.9.2 Darwin City Centre 5.9.3 Palmerston City Centre	5.4.4 Extensions and Structures Ancillary to a Dwelling–Group or Dwelling-Multiple Development 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas 5.5.15 Design in Commercial and Mixed Use Areas
Office (Up to 1 ³ storey above ground level)	Permitted				5.5.1 Interchangeable Use and Development in Specific Zones 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage
Office (2 ⁴ storeys or more above ground level)	Merit assessable				5.5.1 Interchangeable Use and Development in Specific Zones 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

The height limit for offices as a permitted use has been amended to one storey to reflect the potential amenity impacts associated with offices over one storey

ASSESSMENT TABLE – ZONE CB – CENTRAL BUSINESS					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming Accommodation	Merit assessable	3.4 - CR Coastal Reclamation	5.2.1 General Height Control	5.9.1 Alice Springs Town Centre	5.4.7 Communal Open Space
		3.6 LSF – Land Subject to Flooding	5.2.4 Vehicle Parking	5.9.2 Darwin City Centre	5.4.8 Residential Building Design
		3.7 - LSSS Land Subject to Storm Surge	5.2.5 Loading Bays	5.9.3 Palmerston City Centre	5.4.17 Building Articulation
		3.8 - LADR Land Adjacent to a Designated Road	5.2.6 Landscaping		5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
		3.12 - GL Gateway Locations	5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.5.15 Design in Commercial and Mixed Use Areas
			5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

4.11 Zone C – Commercial

Zone Purpose

Provide a mix of activities and services well connected to a surrounding community at varying scales including:

- (a) mixed use centres providing a wide range of retail, entertainment, community and business activities that serve the broader community;
- (b) smaller centres that cater for convenience needs of immediately surrounding communities;
- (c) small local centres predominantly focused on convenience retailing; and
- (d) residential development commensurate to the scale of the commercial precinct.

Zone Outcomes

1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:
 - (a) a mix of retail and business activities including **shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation**; and
 - (b) **child care centre, club, residential care facility**, and other community activities and support services.
2. **Dwelling-multiple** and **rooming accommodation** incorporate commercial activities within the ground floor occupancies in a manner that contributes to the activation of the commercial precinct, at an appropriate scale for the location.
3. Other development, such as **education establishment, exhibition centre, hotel/motel, nightclub entertainment venue, place of assembly, place of worship, car wash, service station, shopping centre, showroom sales, vehicle sales and hire and veterinary clinic** are located to support the function of the commercial precinct.
4. All development is to:
 - (a) avoid adverse impacts on the local road network;
 - (b) be managed to minimise unreasonable impacts to the **amenity** of surrounding residents;
 - (c) be of a scale, intensity and nature that reflects the mixed use character of the zone;
 - (d) provide variety and interest at street level;
 - (e) allow passive surveillance of public spaces; and
 - (f) have a scale and character appropriate to the commercial function of the locality.

5. Innovative building design, **site** layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.
7. Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.
8. Developments are operated in a manner to ensure that there is no unreasonable loss of **amenity** for surrounding premises, having regard to the mixed use nature of the zone.
9. Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.
10. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE C – COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Dwelling-Multiple	Permitted Merit Assessable	3.4 CR – Coastal Reclamation	5.2.1 General Height Control 5.2.4 Vehicle	5.9.1 Alice Springs Town Centre	5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures
		3.6 LSF – Land Subject to Flooding	5.2.5 Loading Bays		5.4.8 Residential Building Design
		3.7 LSSS – Land Subject to Storm Surge	5.2.6 Landscaping		5.4.9 Residential Development in Zone C
		3.8 LADR – Land Adjacent to a Designated Road	5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR		5.4.17 Building Articulation
		3.12 - GL Gateway Locations	5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas 5.4.20 Residential Plot Ratio 5.5.15 Design in Commercial and Mixed Use Areas
Office (Up to 1 storey above ground level)	Permitted				5.5.1 Interchangeable Use and Development in Specific Zones 5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage
Office (2 storeys or more above ground level)	Merit assessable				5.5.1 Interchangeable Use and Development
					Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontage

Reference to clause 5.4.1 removed as residential plot ratio requirements are contained within new clause 5.4.20

Dwelling-multiple has reverted back to merit assessable as the potential amenity impacts of this type of development justify further consideration by the community and the consent authority

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Design clause 5.4.8 has been replaced by 5.5.15, which is more appropriately tailored to the type of development envisioned

The height limit for offices as a permitted use has been amended to one storey to reflect the potential amenity impacts associated with offices over one storey

ASSESSMENT TABLE – ZONE C – COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Residential Care Facility	Impact assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.9.1 Alice Springs Town Centre	5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.9 Residential Development in Zone C 5.4.15 Residential Care Facility 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
Rooming Accommodation	Impact assessable	3.12 - GL Gateway Locations	5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.9 Residential Development in Zone C 5.4.17 Building Articulation 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas 5.4.20 Residential Plot Ratio 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Design clauses have been replaced by clause 5.5.15, which is more appropriately tailored to the type of development envisioned

New clause reference to 5.4.19 included to mirror the provisions within Zone CB

Clause reference to 5.5.2 removed and replaced with clause 5.4.20 as rooming accommodation is a residential use, not commercial

4.13 Zone TC – Tourist Commercial

Zone Purpose

Facilitate commercial and residential development that caters for the needs of visitors, supports tourism activities, and is of a scale and character compatible with surrounding development.

Zone Outcomes

1. A mix of uses focused on providing services to tourism comprising:
 - (a) **bar-small, bar-public, food premises (all), hotel/motel, serviced apartments, shop, rooming accommodation, caravan park**, resort complexes and short-term accommodation;
 - (b) entertainment and personal services for guests, residents and visitors, including **leisure and recreation** facilities; and
 - (c) a mix of other business activities including **club, passenger terminal, exhibition centre** and **leisure and recreation**.
2. Limited residential, commercial and community uses, such as **dwelling-multiple, child care centre** and **community centre**, where the nature of the activity does not compromise the **primary use** of the locality for tourist commercial activities.
3. The design, operation and layout of development:
 - (a) makes a positive contribution to the locality by incorporating a high quality of built form and landscape design;
 - (b) minimises unreasonable impacts to the **amenity** of surrounding premises;
 - (c) mitigates the potential for land use conflict with existing and intended surrounding development;
 - (d) avoids adverse impacts on the local road network;
 - (e) provides safe and convenient pedestrian and bicycle **access** within the development and strong connections to external transport networks; and
 - (f) allows passive surveillance of public spaces.
4. Development avoids or minimises adverse impacts on ecologically important areas through location, design, operation and management.
5. Development does not impose unsustainable demands on surface water and groundwater.
6. Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.

7. Subdivision and development is integrated as far as possible with reticulated electricity, water and sewerage (where available), stormwater drainage, and telecommunication infrastructure. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.
8. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

ASSESSMENT TABLE – ZONE TC – TOURIST COMMERCIAL					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming accommodation	Merit assessable	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.9.1 Alice Springs Town Centre	5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.20 Residential Plot Ratio 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.4.17 Building Articulation

Clause reference to 5.5.2 removed and replaced with clause 5.4.20 as rooming accommodation is a residential use, not commercial

PART 5 - DEVELOPMENT REQUIREMENTS

5.1 Preliminary

5.2 General Development Requirements

5.2.1 General Height Control

5.2.2 Omitted

5.2.3 Omitted

5.2.4 Car Parking

5.2.5 Loading Bays

5.2.6 Landscaping

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

The highlighted clauses contain changes as part of this amendment

5.3 General Development Requirements in Specific Zones

5.3.1 Heritage Places and Development in Zone HT

5.3.2 Development in Zone WM

5.3.3 Development in Zone RW

5.3.4 Development in Zone FD

5.3.5 Development in Zones M and PM

5.3.6 Development in Zone U

5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC

5.4 Residential Specific Development Requirements

5.4.1 Residential Density

5.4.2 Omitted

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

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

5.4.5 Omitted

5.4.6 Private Open Space

5.4.7 Communal Open Space

5.4.8 Residential Building Design

5.4.9 Residential Development in Zone C

5.4.10 Home Based Businesses

5.4.11 Caravan Accommodation

5.4.12 Dwelling-Caretakers

5.4.13 Dwelling-Independent

5.4.14 Dwelling-Community residence

5.4.15 Residential Care Facility

5.4.16 Helicopter Landing Site

5.4.17 Building Articulation

5.4.18 Fencing

- 5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas
- 5.4.20 Residential Plot Ratio (new clause)

5.5 Commercial Specific Development Requirements

- 5.5.1 Interchangeable Use and Development
- 5.5.2 Commercial Plot Ratio (previously Plot Ratio in Commercial Zones)
- 5.5.3 General Building and Site Design (previously Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)
- 5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC
- 5.5.5 Shops in Zones CV, CL, LI, CI, DV, OR and CN
- 5.5.6 Omitted
- 5.5.7 Child Care Centre
- 5.5.8 Service Station
- 5.5.9 Car Wash
- 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
- 5.5.11 Food Premises
- 5.5.12 Shopping Centre
- 5.5.13 Caravan Park
- 5.5.14 Sex Services-Commercial Premises
- 5.5.15 Design in Commercial and Mixed Use Areas
- 5.5.16 Active Street Frontage

5.6 Industrial Specific Development Requirements

- 5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV
- 5.6.2 Expansion of Existing Use or Development in Zones LI and GI
- 5.6.3 Motor Body Works and Motor Repair Station
- 5.7 Non-Urban Specific Development Requirements
- 5.7.1 Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry)
- 5.7.2 Animal Related Use (Animal Boarding and Stables)
- 5.7.3 Transport Terminals in Zones R and H
- 5.7.4 Industry-Primary in Zones RL, R and H
- 5.7.5 Retail Agricultural Stall
- 5.8 Miscellaneous Specific Development Requirements
- 5.8.1 Market
- 5.8.2 Education Establishment
- 5.8.3 Club
- 5.8.4 Exhibition Centre, Place of Assembly and Place of Worship
- 5.8.5 Leisure and Recreation

- 5.8.6 Emergency Service Facility
- 5.8.7 Demountable Structures
- 5.8.8 Renewable Energy Facility
- 5.8.9 Excavation and Fill
- 5.8.10 Telecommunications Facility

5.9 Location Specific Development Requirements

- 5.9.1 Alice Springs Town Centre
- 5.9.2 Darwin City Centre
- 5.9.3 Palmerston City Centre

5.2.1 General Height Control

Purpose

Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

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

Requirements

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

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

Table heading amended to clarify that basement level storeys do not contribute towards building height.

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

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

Height limit for mixed use development in Zone C increased in accordance with the limit for dwelling-multiple to recognise that other residential uses such as rooming accommodation may be contained within a mixed use development.

CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- (1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- (2) Basements that protrude less than 1m from ground level are not considered as a storey for the purposes of this clause.
- (3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the [Airports Act 1996 \(Cth\)](#), [Airports \(Protection of Airspace\) Regulations 1996 \(Cth\)](#), and [Defence Regulation 2016 \(Cth\)](#). More information is available on [NT.GOV.AU](#).

Editor's note included to provide assistance when determining building height

5.2.5 Loading Bays

Purpose

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

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
 - (a) the scale of the use and development on the **site**;
 - (b) any potential adverse impacts on the local road network; and
 - (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.
2. For the purposes of this clause, where an **exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

Administrative clause included to provide clarity of loading bay requirements for integrated developments

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A **loading bay** is to:
 - (a) provide areas wholly within the **site** for loading and unloading of vehicles;
 - (b) be at least 7.5m by 3.5m;
 - (c) have a clearance of at least 4m; and
 - (d) have access that is adequate for its purpose.

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

Table to Clause 5.2.5: Minimum number of loading bays

Use or development	Minimum number of loading bays
	and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Emergency services facility	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; And 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Exhibition centre	1 loading bay for every 2000m ² of the total net floor area, or part thereof
Food premises— fast food outlet (all)	1 loading bay for every 2000m ² of the total net floor area, or part thereof of a fast food outlet or restaurant
<u>Food premises-restaurant</u>	<u>1 loading bay for every 2000m² of the total net floor area, or part thereof</u>
Hospital	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Hotel/Motel	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-general	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Industry-light	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Nightclub entertainment venue	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Office	1 loading bay for every 2000m ² of the total net floor area, or part thereof

Table amended to clarify that a food-premises-café/takeaway does not require a loading bay

Reference included to table to clarify that a loading bay is required where a development is less than 2000m², noting that this is consistent with how the provisions have previously been interpreted

Table to Clause 5.2.5: Minimum number of loading bays

Use or development	Minimum number of loading bays
Place of assembly	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Shop	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Shopping centre	1 loading bay for every 2000m ² of the total net floor area , <u>or part thereof</u>
Showroom sales	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Transport terminal	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
Warehouse	1 loading bay for a single occupation of a net floor area of 10 000m ² or less; and 1 loading bay for every 5000m ² of net floor area or part thereof in excess of 10 000m ²
All other uses	No loading bays required

5.2.6 Landscaping

5.2.6.2 Landscaping in Zone CB

Purpose

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

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if:
 - (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
 - (b) the development provides an alternative response to achieve the purpose of this clause.
2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC) ~~or Clause 5.5.1 (Interchangeable Use and Development in Specific Zones).~~

Reference to interchangeable use and development removed as the requirements in clause 5.5.1 sufficiently allow for an interchangeable use or development to be established without assessment against this clause

Requirements

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

Editor's Notes:

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

5.4.1 Residential Density ~~and Residential Plot Ratio~~

Purpose

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

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.
- ~~(d) provide built form outcomes in higher density zones that are consistent with the anticipated scale of development, intended character and **amenity** of the zone.~~

References to residential plot ratio removed from this clause and contained within a new clause (5.4.20) as the provisions seek to achieve different outcomes

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
- ~~2. The residential **plot ratio** in Table E does not apply to **dwelling**s at **ground level**.~~
- ~~3. The consent authority must not **consent** to a development that is not in accordance with subclause 5.~~

Requirements

2. The maximum number of **dwelling**s that may be constructed on a **site** ~~(excluding **dwelling-multiple** development in Zones MR, HR or G)~~ is to be determined in accordance with Table A. B, C or D (as the case requires) to this clause.
- ~~3. The maximum **residential plot ratio** for **dwelling-multiple** in Zones MR, HR and C is to be determined in accordance with Table E.~~

Table A to Clause 5.4.1: Dwelling Density in Certain Zones

Zone	Dwelling Density
LR, RR, RL, R and for a dwelling-single in CL, CV and T	1 dwelling-single per lot
LMR and for dwelling-group in CL and T and dwelling-multiple in T	1 per 300m ²
A and H	2 per lot

Table B to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zone MR other than in Alice Springs

Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	155m ²	180m ²	215m ²
2	125m ²	170m ²	210m ²

Table C to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single in Zones MR and TC in Alice Springs

Number of storeys above ground level	Dwelling Density
1	400m ²
2	200m ²

Table D to Clause 5.4.1: Dwelling Density for dwelling-group and dwelling-single and rooming accommodation 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

Table E to Clause 5.4.1: Residential Plot Ratio for dwellings-multiple in Zones MR, HR and C

Zone	Plot Ratio
MR other than in Alice Springs	1.3:1
MR in Alice Springs	0.9:1
HR	2.3:1
C	1.3:1

5.4.6 Private Open Space

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose

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

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

Administration

1. The consent authority may **consent** to **dwelling**s-multiple comprising of **serviced apartments** in Zone TC that is not in accordance with sub-clauses 4, 5 and 6 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.
2. The consent authority may **consent** to **dwelling**s-multiple, other than **dwelling**s-multiple comprising of **serviced apartments** in Zone TC, that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.

~~3. The consent authority must not **consent** to a development that is not in accordance with sub-clause 6 except where fencing adjoins a road reserve or **public open space**. In this case, fencing must be in accordance with Clause 5.4.18.1 (Fencing in Zones MR and HR).~~

Sub-clause removed as reference to public spaces removed from the corresponding requirement

Requirements

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

Reference to public spaces removed to allow for passive surveillance of public spaces

barrier to 1.8m to adjoining to adjoining ***dwelling***s within two years of planting.

Editor's Note: Refer to ***Design Guidance: Private Open Space for Dwellings-multiple*** for guidance on interpreting this clause.

5.4.7 Communal Open Space

Purpose

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

Administration

1. This clause does not apply to **dwelling-group** or **dwelling-multiple** where each **dwelling** has direct and independent **access** to private open space at **ground level**.
2. The consent authority may **consent** to a **dwelling-multiple** comprising **serviced apartments** in Zone TC that is not in accordance with sub-clauses 5 and 6 only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each **dwelling** provides appropriate opportunities for outdoor activities.
3. The consent authority may **consent** to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:
 - (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;
 - (b) the development is in proximity to adequate **public open space** or sufficient amenities; and
 - (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.
 - ~~(a) the development solely consists of commercial uses at **ground level**; and~~
 - ~~(b) it is satisfied that adequate **public open space** or sufficient amenities are available within close proximity of the development.~~
4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may **consent** to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

Sub-clause re-drafted to provide more specific guidance for the consent authority to consider

Requirements

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

Requirement redrafted to remove duplication with sub-clauses 3 and 4, and provide more guidance for what is required

~~The design of the communal open space should address:~~

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

5.4.8 Residential Building Design

5.4.8.2 Building Design for Dwelling-multiple

Purpose

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

Administration

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

Administrative sub-clauses redrafted to provide further guidance for the consent authority

Requirements

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

Requirement 9
amended to mirror
wording in clause
5.5.15 (13)

Requirement 13
amended to reflect
the difficulties of
assessing
cantilevered
balconies

Editor's note
provides further
clarity to
requirement 13 and
14

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

5.4.18 Fencing

5.4.18.1 Fencing in Zones MR and HR

Purpose

Promote fencing in medium and high density areas that provides a positive interface with the public domain, while allowing necessary privacy for residents and neighboring properties ~~opportunities for passive surveillance to the public domain, is constructed to enhance the pedestrian experience, and provides visual privacy to lower density development.~~

Purpose statement amended to reflect the changes in the clause

Administration

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

Administrative sub-clauses redrafted to provide further guidance for the consent authority

Requirements

4. All fences adjacent to road boundaries or boundaries adjoining **public open space** are to be constructed so that:
 - (a) the maximum height is 2m above **ground level** measured at the relevant **site** boundary; and
 - (b) the area of materials that is not **visually permeable** does not exceed an area equivalent to the length of the **site** boundary (excluding driveways) multiplied by 1.2m.
5. Fencing within 1.5m of driveways, pedestrian entries, and street corners is to be **visually permeable** above 0.6m (unless there is truncation provided within these areas to the same distance).
6. Where the development abuts land in Zones LR or LMR, development is to provide a solid screen fence to a minimum height of 1.8m to that boundary. ~~or a visually permeable fence to a minimum height of 1.8m with dense vegetation planting which will provide a visual barrier within two years of planting.~~

Requirement 5 amended to allow truncation within the fence line to achieve the same outcome

Reference to visually permeable fencing removed as it cannot achieve the same acoustic performance outcome as a solid screen fence

5.4.19 Residential Street Frontage in Commercial and Mixed Use Areas

~~Street Frontage of Residential Buildings in Commercial Areas in Zone CB~~

Minor amendment to clause title to apply the clause in Zone C, as well as Zone CB

Purpose

Promote a **site** responsive design of residential buildings in commercial areas that recognise and respond to the commercial character of the zone and enhance the visual **amenity** of the streetscape.

Administration

1. This clause applies to residential buildings that do not include commercial uses on the ground floor.
2. A development application must, in addition to the matters described in sub-clauses 8-10, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
3. Every application should include a written acknowledgment from the agencies responsible for power and water, fire rescue to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on the street frontage.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 and 9 if it is satisfied that it is consistent with the purpose of the clause.
- ~~5. The consent authority may **consent** to a development that is not in accordance with sub-clause 10 if it is satisfied that:
(a) the development provides a considered response to the established character of the streetscape;
(b) the setback of the building makes it impractical to provide an awning;
(c) the development provides an alternative response to shading; or
(d) the relevant local government council identifies that an awning in accordance with sub-clause 10 is not required.~~

Sub-clause 5 removed as requirement 7 has been deleted

Requirements

5. Building frontages are to limit services at **ground level** to the following:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point access to service equipment for all service authorities;
 - (c) required fire egress; and
 - (d) required fire booster connection points.
6. Building design on the **primary** and **secondary street** frontage must provide visual interest at **ground level** through treatments such as:
 - (a) variations in color, material and/or texture that emphasise a human scale;
 - (b) clear and legible entrances that are directly accessible to the public domain;
 - (c) windows that maintain clear views to and from the street;
 - (d) well-designed spaces that allow for pedestrian movement and seating, such as plazas, communal open space etc;
 - (e) landscaping; or
 - (f) public art.
- ~~7. Buildings are to provide an awning or verandah to all street frontages that:
 - ~~(a) extends along the full length of the site boundary to provide continuous coverage for pedestrians;~~
 - ~~(b) covers the full width of the footpath or has a minimum width of 3m; and~~
 - ~~(c) allows for growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.~~~~
- ~~8. Car parking access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.~~

Requirement 7 removed as it is sufficiently covered by clause 5.5.15 (16)

Requirement 8 deleted as it adequately covered by clause 5.2.4.4 (9)

Editor's Notes: Refer to *Design Guidance to Achieve Active Frontages and provide for Services* within Schedule 5 for more information on servicing requirements relating to requirement 5.

5.4.20 Residential Plot Ratio

This is a new clause that specifically relates to residential plot ratio. With the exception of the purpose statement, sub-clause 1 and the minor change to sub-clause 3, the policy is the same as previously exhibited.

Purpose

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

New purpose statement to reflect the details in the clause

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties, having regards to matters such as the articulation of the building and setbacks of the development.
~~The consent authority must not **consent** to a development not in accordance with sub-clauses 3.~~
2. The **residential plot ratio** in Table A does not apply to **dwelling**s at **ground level** in Zones MR or HR.

Sub-clause 1 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

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

Plot ratio provisions for rooming accommodation have been relocated into this clause (where previously located in clause 5.5.3) as rooming accommodation is a residential use, not commercial

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

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

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

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

Editor's Notes: Refer to *Design Guidance: Residential Plot Ratio for Dwellings-multiple and Rooming Accommodation* for guidance of how to interpret residential plot ratio.

5.5.1 Interchangeable Use and Development

5.5.1.1 Interchangeable Use and Development in Zone CB

Purpose

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

Administration

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

Requirements

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

Car parking requirements for interchangeable uses have been split to recognise that car parking rates in Darwin CBD are different to elsewhere

Requirement 5 clarifies development must not result in a greater demand of car parking for the use to be interchangeable

7. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
8. Where the change of use is for an **education establishment**, the maximum **net floor area** of the use must not exceed 2000m².
9. Where the change of use is for a bar-small, club, exhibition centre, food premises-café/take away or food premises-restaurant, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

New requirement added to reflect the provisions in clauses 5.5.10, 5.5.11 and 5.8.4

5.5.1.2 Interchangeable Use and Development in Zone C

Purpose

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

Administration

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

Requirements

4. The new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking) or Clause 5.9 (Location specific development requirements), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas) and Clause 5.9 (Location specific development requirements).
~~The new use must not decrease the number of existing car parking spaces on the site.~~
5. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.
6. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
7. Where the change of use is for an **educational establishment**, the maximum **net floor area** of the use must not exceed 400m².
8. Where the change in use is for an **exhibition centre**, the **net floor area** of the use is not to exceed 400m².
9. Where the change of use is for a **medical clinic**, the use is not to include more than 4 consulting rooms.
10. Where the change of use is for an **exhibition centre, food premises-café/take away** or **food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

This requirement clarifies development must not result a greater demand of car parking for the use to be interchangeable

New requirement added reflect the provisions in clauses 5.5.10, 5.5.11 and 5.8.4

5.5.2 Commercial Plot Ratio ~~Plot Ratios in Commercial Zones~~

Purpose

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

Clause title amended to provide consistency in language with clause 5.4.20

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied the development is appropriate to the **site** having regard to the purpose of this clause, the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.

- ~~2. Sub-clause 3 does not apply to a **residential building** development other than **rooming accommodation**.~~

Reference to rooming accommodation has been shifted to clause 5.4.20 as it is a residential use, not commercial.

Requirements

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

5.5.3 General Building and Site Design

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

Clause title amended
to clearly distinguish
between clause
5.5.15

Purpose

Promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

Administration

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

Requirements

2. Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.
3. Be sympathetic to the character of buildings in the immediate vicinity.
4. Minimise expanses of blank walls.
5. Add variety and interest at street level and low passive surveillance of public spaces.
6. Maximise energy efficiency through passive climate control measures.
7. Control on-site noise sources and minimise noise intrusion.
8. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.
9. Minimise use of reflective surfaces.
10. Provide safe and convenient movement of vehicles and pedestrians to and from the **site**.
11. Provide convenient pedestrian links (incorporating **access** for the disabled) to other buildings and public spaces.
12. Provide protection for pedestrians from sun and rain.
13. Provide for loading and unloading of delivery vehicles and for refuse collection.

14. Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.
15. Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.
16. Provide bicycle **access**, storage facilities and shower facilities.

5.5.15 Design in Commercial and Mixed Use Areas ~~Design of Commercial and Mixed Use Development~~

Minor amendment to the title of the clause for consistency with other design clauses

Purpose

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

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact.~~if satisfied that the design of the building provides an equivalent or better contribution to the amenity of the locality having regards to the purpose of this clause.~~
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
~~The consent authority must not **consent** to a development that is not in accordance with sub-clause 15.~~
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
 - (a) the development provides a considered response to the established character of the streetscape;
 - (b) the setback of the building makes it impractical to provide an awning; or
 - (c) the development provides an alternative response to shading.
 - ~~(d) the relevant local authority identifies that an awning in accordance with sub-clause 11 is not required.~~

Sub-clause 15 redrafted to provide more specific guidance for the consent authority

Sub-clause redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Reference to local authority relocated to requirement 16 to allow the relevant local government council or controlling agency to identify where awnings are not required, without the need for variation to the requirement

6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and convenient pedestrian ~~and cyclist~~ movement through the **site**.
7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwellings** below.
10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for child-minding/parenting, having regards to the nature and scale of the development.
11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.
~~The consent authority must not **consent** to a development that is not in accordance with sub-clauses 23.~~

Sub-clause 8 and 9 translated from clause 5.4.8.2

Sub-clause 10 included to provide the consent authority discretion for sub-clause 22

Sub-clause 11 redrafted to allow the consent authority discretion when considering a development not in accordance with the

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate. ~~including built form and dwelling design that:~~
~~(a) incorporates natural light;~~
~~(b) captures prevailing breezes; and~~
~~(c) maximizes passive cooling and heating, as appropriate.~~
14. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could

Requirement 13 amended to broaden the potential design outcomes

cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.

15. Services and utilities (such as [bin storage areas](#), service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain [and neighbouring properties](#).
16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.
17. [Unless advised otherwise by the relevant local government council or controlling agency for roads \(whichever is applicable\)](#), buildings are to provide an awning or verandah to all street frontages that [adjoin a footpath, which](#):
 - (a) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;
 - (b) covers the full width of the footpath or has a minimum width of 3m; and
 - (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
18. Development is to provide [pathways](#) ~~walking and cycle routes~~ through the **site**, to other buildings and public pathways that:
 - (a) are convenient and provide [refuge](#) ~~protection~~ from the sun and rain; and
 - (b) avoid potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.
19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.
20. [Development is to minimise the transmission of noise and exhaust from services by](#):
 - (a) [locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and](#)
 - (b) [locating air conditioner plants away from openings in **habitable rooms**.](#)

Requirement 15 amended to capture bin storage areas in accordance with the provisions in 5.4.8.2, and clarify that services are to be screened to neighbouring properties as well.

Requirement 17 redrafted to clarify that an awning is only required where there is a footpath

Requirement 18 amended to clarify that development is to only provide a single pathway (not two separate pathways for both pedestrians and cyclists), and to clarify that only refuge areas need to be provided

Requirements 20 and 21 translated from clause 5.4.8.2 as it no longer applies in Zones CB and C

21. Buildings are to provide internal drainage of balconies.

22. Development is to provide a dedicated space for child minding and/or parenting rooms.

23. Development is to provide designated areas for rubbish collection.
~~Development is to provide for refuse collection to the satisfaction of the local government council.~~

~~24. Car parking access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.~~

Requirement 22 translated from clause 5.5.3 to ensure that child-minding /parenting facilities are provided for

Requirement 23 redrafted to provide clarity that areas need to be set aside for the provision of rubbish collection

Editors Notes:

(1) **Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government authority.**

(2) The relevant local government council should be contacted to determine refuse collection requirements and specifications.

Requirement 24 deleted as it adequately covered in clause 5.2.4.4 (9)

Editor's note included to assist applicants

5.5.16 Active Street Frontage ~~of Commercial and Mixed Use Buildings~~

Purpose

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

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

Minor amendment to the title of clause as the zoning tables will direct readers to the applicable clause

Administration

1. [This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek.](#)
2. [This clause does not apply to land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 \(Darwin Waterfront Building Heights and View Lines\).](#)
3. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6, 7 and 8 if:
 - (a) an alternative solution effectively meets the purpose of this clause;
 - (b) [the **site** design reflects the established character of the area; or](#)
 - (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 6.
4. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 7 if it is comprised of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
5. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

New sub-clauses inserted to reflect areas where active street frontages are envisioned

Sub-clause redrafted to provide the consent authority discretion where the nature of the area does not warrant an active street frontage

Requirements

6. Services on street level frontages are to be limited to:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point of **access** to service equipment for all service authorities;

- (c) required fire egress; and
 - (d) required fire booster connection points.
7. Buildings are to provide a minimum of 60% of the length of each **site** boundary that fronts a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/public open space; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Building frontage that is outside the requirements of sub-clause 7, excluding areas for access, are to limit the scale and visual presentation of blank walls.

Requirement amended to clarify that alfresco dining areas are to provide visual interaction with the street (and cannot be closed off with solid screening) to comply with this clause

Editor's Notes:

- (1) Refer to *Design Guidance: Active Street Frontages in Zone CB and C* for further guidance when interpreting this clause.
- (2) Refer to *Design Guidance to Achieve Active Frontages and provide for Services* in Schedule 5 for more information on servicing requirements relating to requirement 6.

5.9 Location Specific Development Requirements

5.9.1 Alice Springs Town Centre

1. The diagram to this clause identifies the land to which the requirements of 5.9.1 (Alice Springs City Centre) apply and key features referred to in the requirements.

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



5.9.1.1 ~~General~~ Building Design in Alice Springs Town Centre

Minor amendment to clause title to provide clarity between other design clauses

Purpose

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

Administration

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

Sub-clause redrafted to reflect the intent of the provision within the area plan

Requirements

7. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
8. Development is to contribute to the network of safe and pleasant public spaces by encouraging **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares where the size or location of the **site** warrants such connections.
 - ~~(a) facilitating public surveillance and responding to the role and function of adjacent public spaces;~~
 - ~~(b) creating or maintaining pedestrian and cycle connections to adjacent sites and public transport;~~
 - ~~(c) prioritising legibility and connectivity by incorporating wayfinding to areas and places of interest into building and landscaping design.~~
9. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.
10. Development along Leichardt Terrace, particularly between Gregory Terrace and Parsons Street, is to focus al fresco dining and orient balconies towards the Todd River.
11. Development is to maintain and/or creates visual connections from development and public places to:
 - (a) Annie Myers Hill;
 - (b) Anzac Hill;
 - (c) Billy Goat Hill; and
 - (d) the Todd River.
12. New development is to respond sympathetically to the historic context provided by adjoining declared **heritage places** and registered and recorded sacred sites.

Requirement redrafted to provide further detail where pedestrian connections are needed, and remove duplication with clause 5.5.15

5.9.1.2 Volumetric Control

Purpose

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

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

Administration

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

Requirements

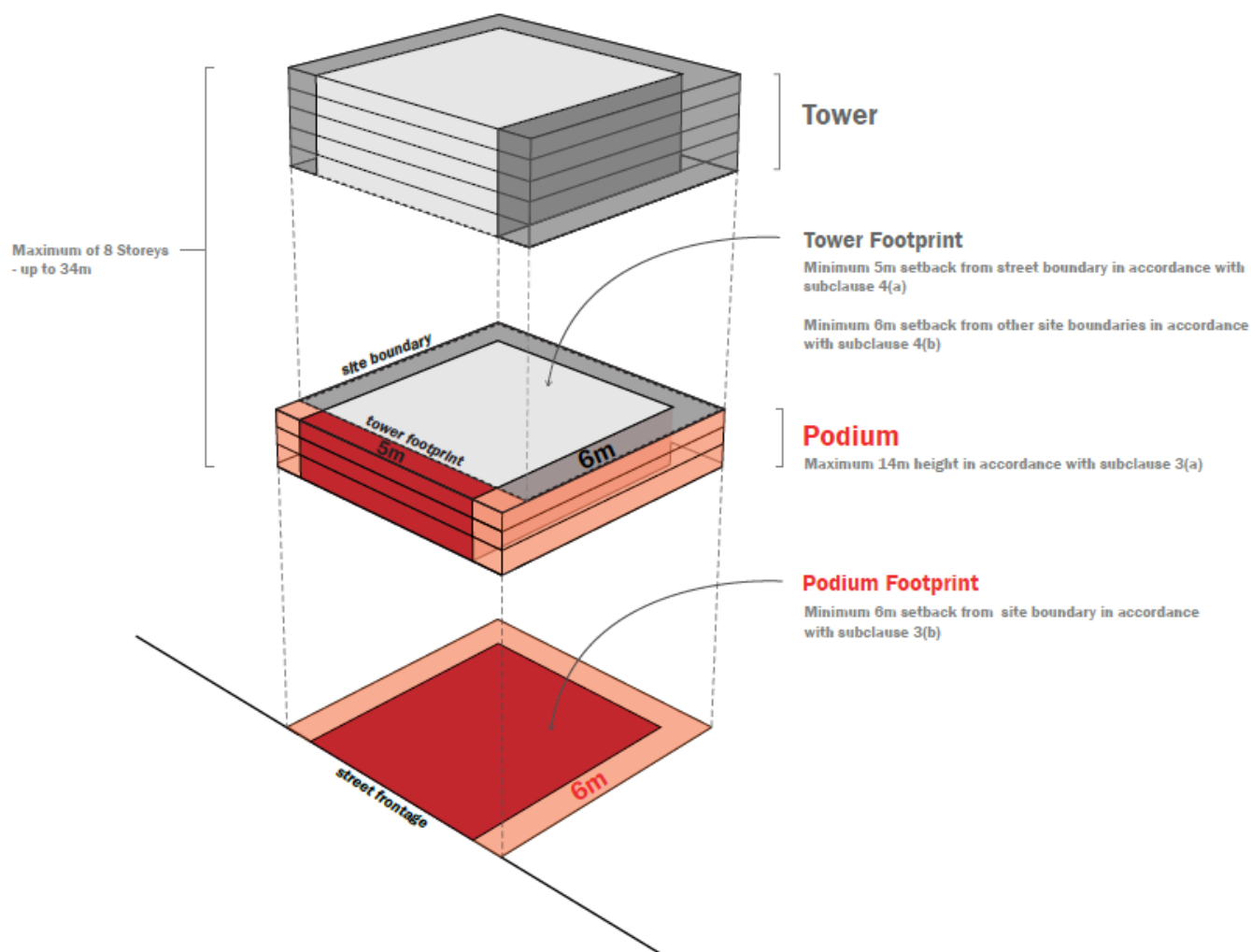
3. The podium of a development is to:
 - (a) have a maximum **building height** of 3 **storeys**, up to 14m; and
 - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or [room designed for accommodation](#) ~~habitable room~~ with a window other than to a street or **public open space**.
4. The tower of a development is to provide minimum setbacks of:
 - (a) 5m from any street boundary; and
 - (b) 6m from any **site** boundary, for any verandah, balcony or [room designed for accommodation](#) ~~habitable room~~ with a window other than to a street or **public open space**.
5. Buildings above 3 **storeys** must:
 - (a) be located on a **site** with a combined area equal to or greater than 2000m²; and
 - (b) not obstruct significant view lines identified in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
6. An application for development above 3 **storeys** or 14m must provide suitable 3D imaging demonstrating how the building responds to the identified view scapes and significant view lines in the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).

Requirements redrafted to reflect current Scheme provisions

Editor's Note: Design guidance is provided for significant view lines in the referenced document *Design Guidance for Development in*

Zone CB (Central Business) in Alice Springs. 3D electronic files are to be provided in accordance with the Design Guidance.

Diagram to Clause 5.9.1.2: Volumetric Control



5.9.1.3 Active Street Frontages in Alice Springs Town Centre

Purpose

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

Administration

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

Sub-clause redrafted to provide the consent authority discretion where the nature of the area does not warrant an active street frontage

Requirements

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

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

Editor's Note: Clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C) provides information on active street frontage for buildings in other areas.

5.9.1.4 Development in Gateway Locations

Purpose

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

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

Administration

1. This clause applies to any use or development fronting a Gateway Location identified on the Diagram to Clause 5.9.1 (Alice Springs Town Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

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

~~Varied roof sections, raised parapets, spires other architectural embellishments may be up to 1 storey above the limit prescribed by Clause 5.2.1 (General Height Control).~~

Requirement amended to provide detail of what the additional building height is measured against

Reference removed as the height controls in clause 5.2.1 state that the height limit cannot be varied

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

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

Purpose

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

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

Administration

1. This clause applies to new buildings and the establishment of new **car parking areas** in Zone CB.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4-6~~7~~ if it is satisfied the use or development is consistent with the purpose of this clause, having regard to the impacts on the surrounding road network.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.

New sub-clause included to provide the consent authority more detail when considering a variation

Requirements

4. Minimise impacts to key pedestrian and cyclist movements when locating driveways and loading bays.
5. **Ground level car parking areas** are to be designed so that they are not visible from the public domain.
6. Vehicle access, ~~parking~~ and loading areas should be consolidated and car parking areas are to be located away from street frontages.
7. Floors constructed as car parking in mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m. ~~ceiling heights that enable future conversion to commercial or residential use.~~
8. ~~Open, ground level car parking areas are to be designed to reduce heat island effects through measures such as tree planting and shade structures.~~

Requirement 6 redrafted to provide clarity that only car parking areas are required to be located away from street frontages

Requirement 7 redrafted to provide a tangible measure for uses to adapt to commercial and/or residential uses

Requirement removed as it is sufficiently covered by clause 5.5.15

5.9.2 Darwin City Centre

1. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



5.9.2.1 ~~General~~ Building Design in Darwin City Centre

Minor amendment to clause title to provide clarity between other design clauses

Purpose

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

Administration

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

Sub-clause 2 redrafted to ensure that the entire development can adapt to different uses over time, not just individual uses

Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
7. Building facades are to have a clearly distinguished base, middle and top.
8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.

9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain [and neighbouring properties](#) through planting or façade treatments.

Requirement 9 amended to accurately describe where roof top plant and equipment is to be screened to

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

- ~~11. Development is to contribute to the network of safe and pleasant public spaces by:~~
~~(a) facilitating public surveillance and responding to the role and function of adjacent public spaces; and~~
~~(b) prioritising legibility through the incorporation of wayfinding measures into building and landscaping design to places of interest.~~

Requirement 11 removed as it is covered by the provisions of clause 5.5.15

5.9.2.2 Volumetric Control

Purpose

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

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

Administration

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

Sub-clause 1
redrafted to exclude
the Darwin
Waterfront from
volumetric controls,
to reflect current
Scheme provisions

Requirements

5. The podium of a development is to:

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

Requirement 5
redrafted to reflect
current Scheme
provisions

6. The tower of a development is to:

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

7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:

- (a) the podium height is reduced below 25m; and
- (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
- (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

Diagram to Clause 5.9.2.2: Podium and Tower Components

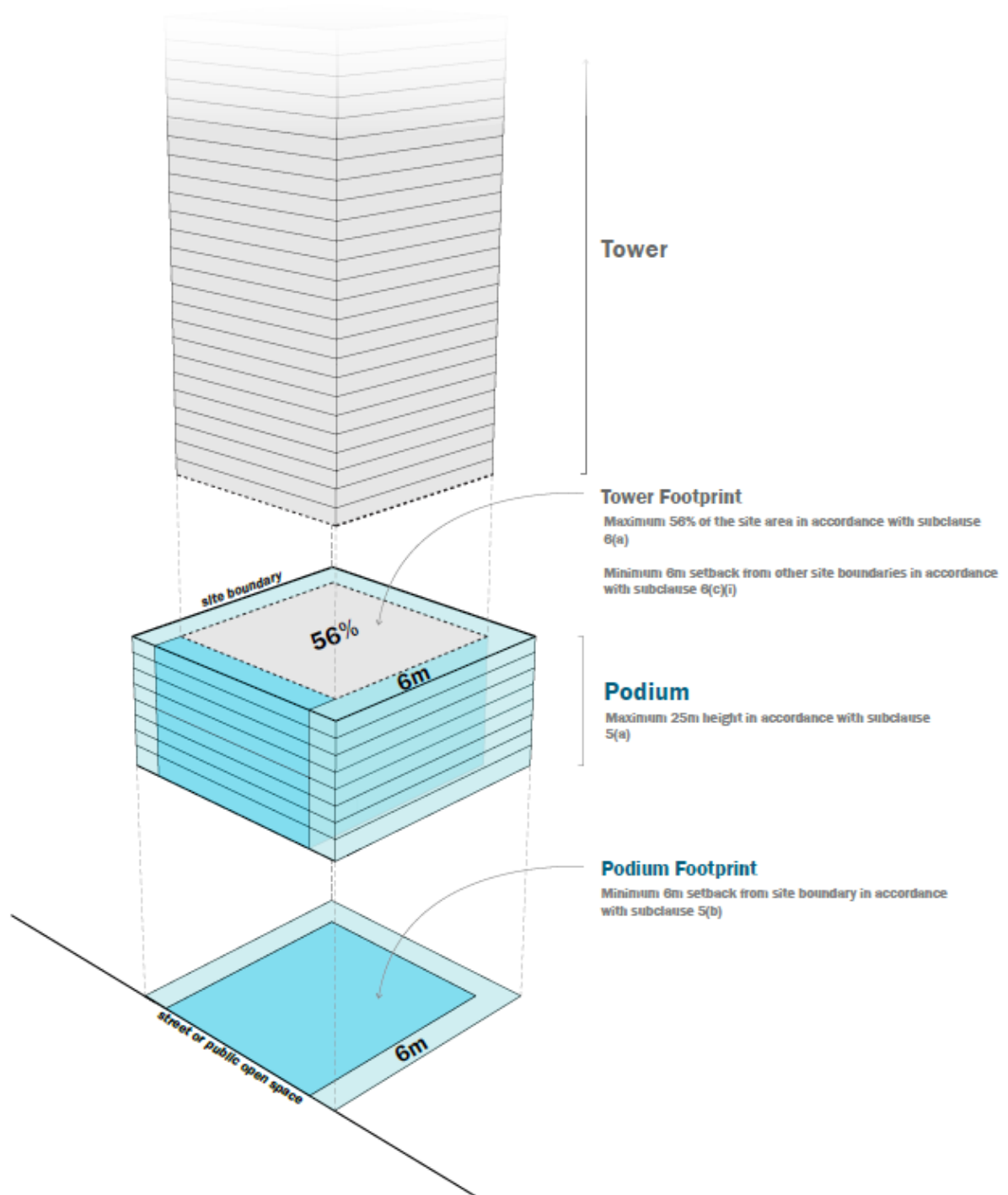
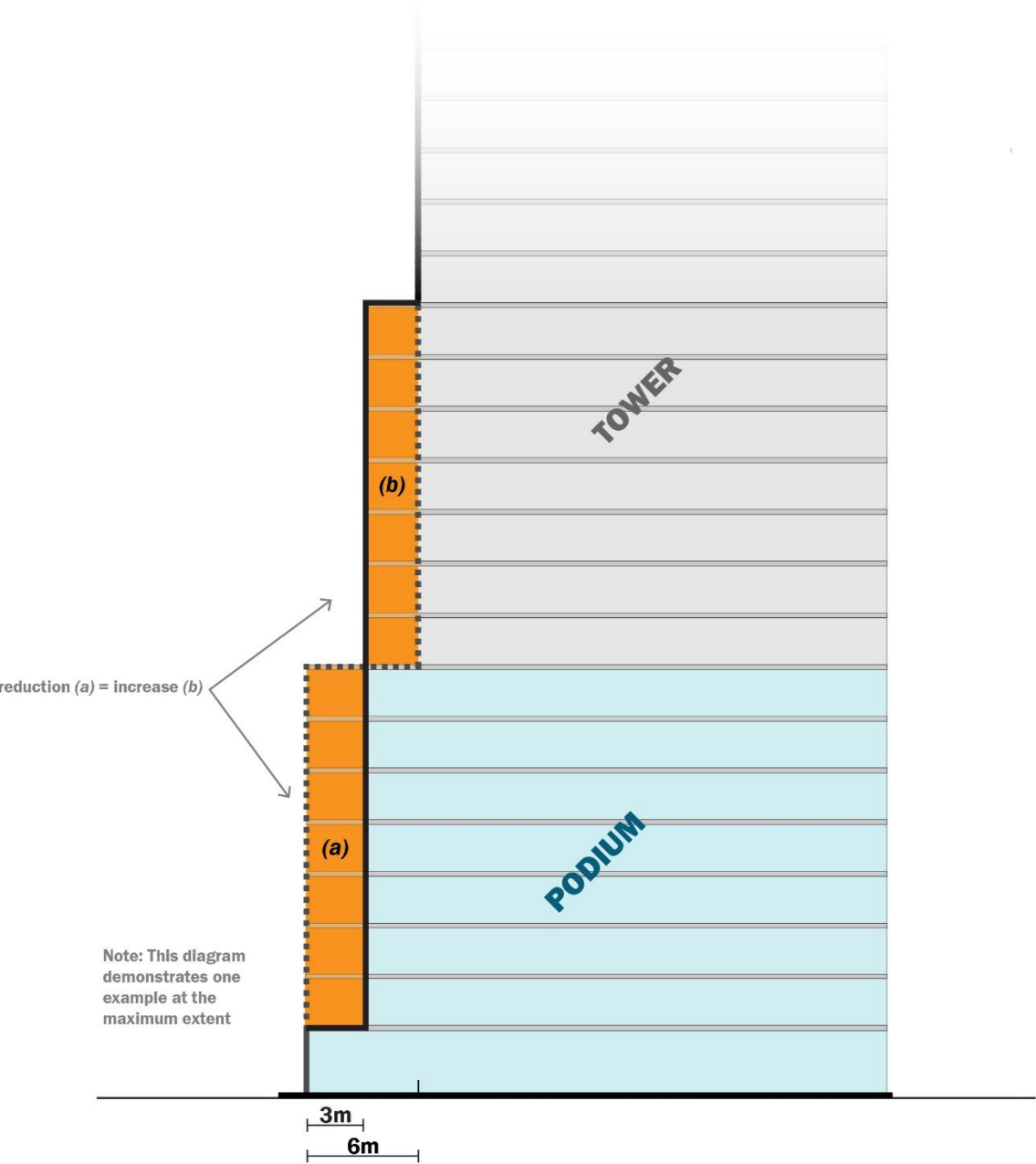


Diagram B to Clause 5.9.2.2: Volumetric Control - Smith Street Mall Alternative



5.9.2.3 Building Height in the Esplanade Character Area

Purpose

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

Administration

1. In this clause, the Esplanade Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features);
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 4 or 5 if it is satisfied that the development demonstrates an exemplary response to building bulk, scale, street interface and on-site landscaping that provides an equivalent or higher standard of urban **amenity** than compliance with sub-clauses 5(a)-(f).
3. An application for a development under sub-clause 5 must include a **site** analysis and urban design study prepared by appropriately qualified professionals that demonstrate that the proposed development responds to the attributes of the **site** and the surrounding neighbourhoods, to the satisfaction of the consent authority.

Requirements

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

5.9.2.4 Development within the Darwin Waterfront

Purpose

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

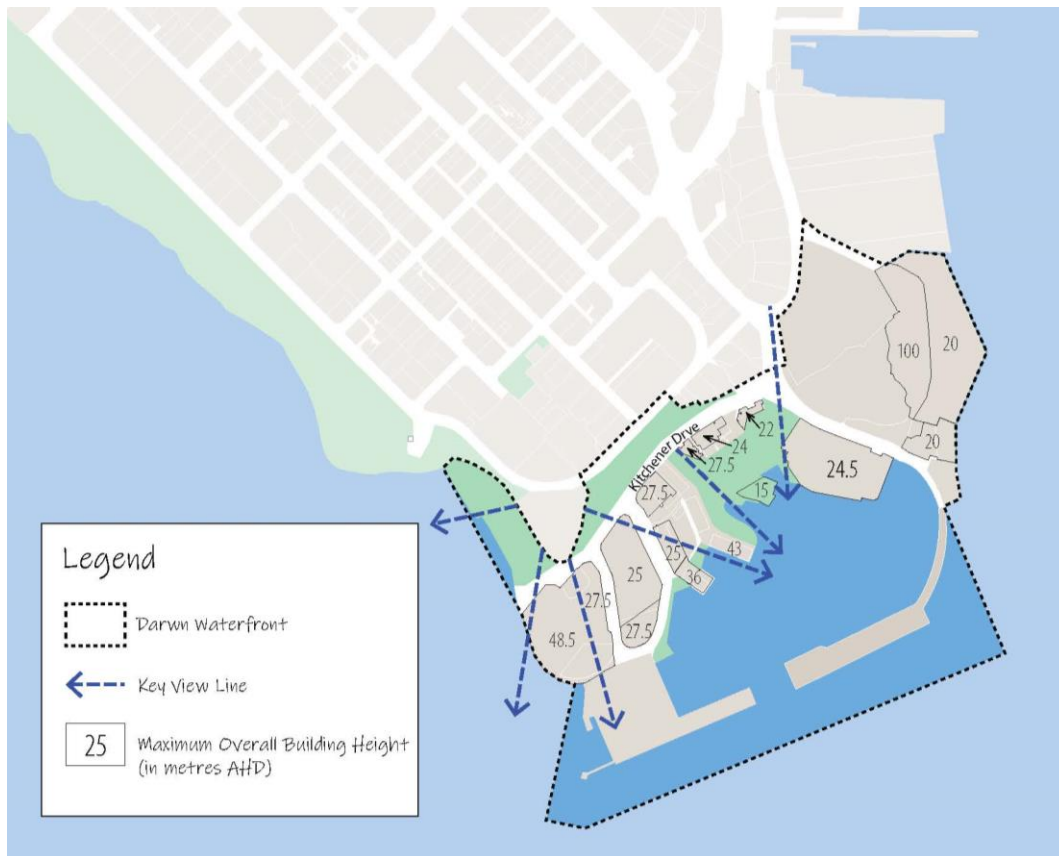
Administration

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

Requirements

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

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



5.9.2.5 Development along Priority Activated Frontages

Purpose

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

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impact of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it comprises of:
 - (a) significant existing vegetation; or
 - (b) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Requirements

5. Services on street level frontages are to be limited to:
 - (e) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (f) a direct single point of access to service equipment for all service authorities;
 - (g) required fire egress; and
 - (h) required fire booster connection points.
6. Where a **site** boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of

any combination of the following components, where the distance between individual components is no more than 1.5m:

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

Editor's Note: Clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C) provides requirements for buildings that are not identified as 'priority active frontage'.

5.9.2.6 Development Fronting Laneways

Purpose

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

Administration

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

Requirements

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

Requirement 4 redrafted to provide more detail of the types architectural detail needed to meet the provision

Requirement 5 redrafted to provide clarity of how to facilitate pedestrian movement

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

Purpose

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

Administration

1. This clause applies to any use or development fronting the priority pedestrian/cycle network identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied an alternative layout provides safe and convenient pedestrian and cyclist movement to and from the **site**.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 5.~~
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied provision of lighting would be unnecessary or unreasonable, having regard to pedestrian and cyclist safety.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 6.~~
4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied the use or development will not frustrate the ability to provide a future connection between the priority pedestrian cycle network and Frances Bay.
~~The consent authority must not **consent** to a use or development that is not in accordance with sub-clauses 7.~~

Sub-clauses 2, 3 & 4 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

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

Requirement 7 redrafted to clarify that development only needs to preserve the opportunity for a future sky bridge and that it does not have to physically provide it

~~Use or development is not to impede the future connection between the priority pedestrian cycle network and Frances Bay via a sky bridge.~~

5.9.2.8 Development in Gateway Locations

Purpose

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

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

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

Purpose redrafted to better reflect the objective from the area plan

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied that the development either:
 - (a) provides an alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

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

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

5.9.2.9 Public Domain Contributions for Development on Large Sites

Purpose

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

Administration

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

Requirements

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

Requirement 3 redrafted to provide more flexibility for possible outcomes. Reference to stormwater management removed as it is managed by the relevant service authority

5.9.2.10 Alfresco Dining Areas

Purpose

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

Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. An **alfresco dining area** may be established without **consent** if it complies with sub-clause 4.
3. Where the **alfresco dining area** does not comply with sub-clause 4, the use or development is subject to the assessment requirements set out in the relevant assessment table for the zone.

Requirements

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

5.9.2.11 Car parking spaces in Darwin City Centre

Purpose

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

Administration

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

Requirements

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

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin	
Use or development	Minimum number of required car parking spaces
Bar-public	2 for every 100m ² of net floor area , excluding alfresco dining areas
Bar-small	2 for every 100m ² of net floor area , excluding alfresco dining areas
Car wash	2 for every 100m ² of net floor area used for administrative purposes or 5 whichever is greater <u>Plus</u> 1 waiting bay for each car wash / vacuum bay
Child care centre	2 for every 100m ² of net floor area

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin

Use or development	Minimum number of required car parking spaces
Club	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Community centre	2 for every 100m ² of net floor area
Dwelling-caretakers	1
Dwelling-community residence	1 for every 4 beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes
Dwelling-group	1 per one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms
Dwelling-independent	1 per bedroom to a maximum of 2
Dwelling-multiple	1 per bed-sitter and one bedroom dwelling 1.5 per two bedroom dwelling 1.7 per three bedroom dwelling 2 per dwelling with four or more bedrooms
Dwelling-single	2
Emergency services facility	2 for every 100m ² of net floor area
Education establishment	2 for every 100m ² of net floor area
Exhibition centre	2 for every 100m ² of net floor area
Food premises (all)	2 for every 100m ² of net floor area * *Only 1 car parking space where a building has a net floor area of up to 500m ² .
Hospital	1 for every 4 patient beds <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes <u>Plus</u> For a medical clinic 2.5 for every consulting room
Hotel/Motel	0.4 for every guest suite or bedroom <u>Plus</u> 2 for every 100m ² of net floor area of all other areas

Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin

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

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

5.9.2.12 Reduction in car parking spaces in Darwin City Centre

Purpose

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

Administration

- The consent authority may **consent** to:
 - a reduction of 1 **car parking space** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) **car parking spaces** required by clause 5.2.4.1 (Parking Requirements); and
 - for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 **car parking space** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of **car parking spaces** required by clause 5.2.4.1 (Parking Requirements).
- The consent authority may also **consent** to a use or development with fewer **car parking spaces** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.

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

Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
 - (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
 - (b) the suitability of the plants to be used in the landscaping;
 - (c) sufficient soil depth to accommodate the proposed types of plants;
 - (d) how the landscaping will be practically maintained for the lifetime of the development; and
 - (e) suitable management of drainage.

Table to Clause 5.2.4.3: Reduction in Parking Requirements within Zone CB in Darwin		
Category		Reduction permitted
1	Access to alternative transport options	
(a)	The development is located within 200m walking distance of a public bus stop that provides access to: five or more bus routes; or a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	15%
(b)	The development is located within 400m walking distance of a public bus stop that provides access to: five or more bus routes; or+ a bus route with a minimum 15 minute frequency during morning and afternoon peak hours Monday to Friday.	10%
(c)	The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane.	5%
2	Use of shared parking areas / proximity to public car parking	
(a)	The development consists of two or more uses that have different day / night peak parking times and these uses share a car parking area on the site .	10% This reduction applies to non-residential uses only.
(b)	The development is within 200m walking distance of an existing, publically accessible car park with a combined total of 100 car parking spaces or more.	10%

(c)	The development is within 400m walking distance of an existing, publically accessible car park with a combined total of 100 car parking spaces or more.	5%
3	Inclusion of vertical landscaping	
(a)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 75% or more of the site area.	25%
(b)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 50-75% of the site area.	20%
(c)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 25-50% of the site area.	15%
(d)	Vertical landscaping that meets the criteria of sub-clause 4 covers an area of 10-25% of the site area.	10%
4	Improved car parking design outcomes	
(a)	All car parking on the site is provided in an underground parking area	20%
5	Preservation of a heritage place	
(a)	the use or development relates to a heritage place and the Minister responsible for the administration of the <i>Heritage Act 2011</i> supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place .	As determined by the consent authority, taking into account advice received from the Minister responsible for the administration of the <i>Heritage Act 2011</i> .

5.9.2.13 Design of Car Parking Areas and Vehicle Access

Purpose

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

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

Administration

- 1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Darwin City Centre.
- 2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-7 if it is satisfied the use or development is appropriate to the **site** having regard the potential impact on the surrounding road network and the **amenity** of the locality.

Requirements

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

~~8. The location and design of vehicle access, parking and loading areas on the site is to minimise the number and widths of crossovers.~~

Requirement 3 redrafted to ensure that single storey commercial developments without a retail component can provide car parking at ground level

Requirement 6 redrafted to provide clarity that only car parking areas are required to be located away from street frontages

Requirement 8 removed as it is sufficiently covered in clause 5.2.4.4

5.9.3 Palmerston City Centre

1. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.3 (Palmerston City Centre) apply and key features referred to in the requirements.

Diagram to Clause 5.9.3: Palmerston City Centre Extent and Features



5.9.3.1 ~~General~~ Building Design in Palmerston City Centre

Purpose

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

Minor amendment to clause title to provide clarity between other design clauses

Administration

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

Purpose statement redrafted to reflect the changes to the clause

2. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 if it is satisfied there are sufficient existing connections in the immediate locality.

3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the development minimises the visual impacts of car parking to the public domain ~~use or development is appropriate to the site.~~

Sub-clause 3 redrafted to provide more detailed guidance for the consent authority when considering a variation

4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.

~~4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it satisfied the development provides an alternative response that achieves an equivalent or better sustainable design outcome to:~~
~~(a) facilitate passive cooling;~~
~~(b) contribute to greening beyond the minimum landscaping requirements;~~
~~(c) reduce waste; and/or~~
~~(d) improve water and energy efficiency.~~

Sub-clause 4 removed as requirement 8 has been deleted

Requirements

5. Development is to encourage **site** permeability through the provision of arcades or other pedestrian connections to surrounding thoroughfares, where the size or location of the **site** warrants such connections.

Requirement 5 redrafted to provide more detail of where pedestrian connections are needed

~~Development is to create or maintain legible pedestrian and cycle connections to adjacent sites and public transport.~~

Requirement 6 redrafted to provide more detail of where pedestrian connections are needed

6. All car parking spaces within new buildings are to be screened so that they are not visible from the public domain.

7. Floors constructed as car parking in new mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m.

8. ~~New buildings are to incorporate and maintain heat mitigation strategies that reduce the 'urban heat island effect', through measures such as:~~
- ~~(a) minimising direct solar penetration to buildings through orientation and use of screens, awnings, eaves, louvres and the like;~~
 - ~~(b) providing climatically appropriate green roofs, canopy trees with dense foliage and shade trees that define spaces as comfortable outdoor rooms; and/or~~
 - ~~(c) incorporating cool roofs and/or cool pavements.~~

Requirement 8
removed as it is
sufficiently covered
through clause 5.5.15
(12)

5.9.3.2 Volumetric Control

Purpose

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

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

Administration

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

Requirements

5. The podium of a development is to be:
 - (a) up to 3 storeys in height, to a maximum height of 12m, as identified in the Southern Interface Area;
 - (b) up to 4 storeys in height, to a maximum height of 15m, outside of the Southern Interface Area;excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades.

Requirement 5 amended to include a measurable height requirement

New requirement included to provide setbacks at podium level consistent with Darwin and Alice Springs

5.9.3.3 Development along Priority Activated Frontages

Purpose

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

Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6 and 7 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
 - (a) maximise the **active street frontage** on 'priority activated frontages'; and
 - (b) minimise the visual impacts of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 7 if it is comprised of:
 - (g) significant existing vegetation; or
 - (h) vertical landscaping for the full height of the **ground level** street frontage;and the development still meets the purpose of the clause.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied the development provides an appropriate level of shading or public infrastructure that encourages pedestrian activity in Goyder Square. ~~an equivalent or better response to help frame Goyder Square and create a comfortable microclimate in the locality.~~
5. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

Sub-clause 4
redrafted in response
to the changes to the
corresponding
requirement

Requirements

6. Services on street level frontages are to be limited to:
 - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
 - (b) a direct single point of access to service equipment for all service authorities;

- (c) required fire egress; and
 - (d) required fire booster connection points.
7. Where a **site boundary** is identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site boundary** as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. New buildings fronting Goyder Square are to incorporate continuous awnings along the Goyder Square frontage. ~~and should provide:~~
- (a) ~~shade structures and shade trees;~~
 - (b) ~~new seating opportunities; or~~
 - (c) ~~private domain alfresco spaces.~~
9. ~~Where a **site boundary** is located on a street not identified as 'priority activated frontage', despite clause 5.5.16 (Active Street Frontage of Commercial and Mixed Use Buildings), the development may provide a minimum of 50% of the length of the **site boundary** at **ground level** as **active street frontage**.~~

Requirement 8
redrafted to place
emphasis on
development
providing an awning

Requirement 9
removed as clause
5.5.16 sets a higher
standard for
development

5.9.3.4 Development along Green Links

Purpose

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

Administration

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

Sub-clause 2 redrafted to allow the consent authority discretion when considering a development not in accordance with the requirements

Requirements

4. New buildings are to provide convenient pedestrian access from building entrances to green links. ~~Any new pedestrian or cycle links within a **site** are to connect with 'green links'.~~
5. Development on corner lots is to avoid locating driveways and vehicle parking accesses along identified green links where alternative access options are possible.

Requirement 4 redrafted to detail how development is to connect with green links

5.9.3.5 Development in Gateway Locations

Purpose

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

Purpose statement redrafted to better reflect the objective from the area plan

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

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

Administration

1. This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.3 (Palmerston City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 if it is satisfied that the development either:
 - (a) provides a better alternative; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

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

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

5.9.3.6 Public Domain Contributions for Developments above 8 storeys

Purpose

Encourage larger scale development to contribute ~~positive contributions to~~ the fabric of the Palmerston city centre by providing infrastructure of public benefit ~~that are designed to:~~

- ~~(a) — maximise strong and vibrant public realm outcomes;~~
- ~~(b) — foster shared spaces for a range of culturally and socially diverse groups;~~
- ~~(c) — be safe and welcoming; and~~
- ~~(d) — enhance quality of life for all community members.~~

Purpose statement redrafted to better describe the purpose of the requirements in the clause

Administration

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

Requirements

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

Requirement 3 redrafted as public parks or plazas will be privately owned

Reference to development providing public road connections removed as public road connections may not be required for every development that is over 8 storeys

5.9.3.7 Future Road Networks

Purpose

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

Administration

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

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

Requirements

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

This is a new clause that specifically relates to where future road connections, and future bicycle and pedestrian corridors, are identified within the Central Palmerston Area Plan

5.9.3.8 Design of Car Parking Areas and Vehicle Access

Purpose

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

- ~~(a) — minimise visual impact to the street and other public areas; and~~
- ~~(b) — is easily adapted to meet changing demand.~~

This clause has been removed as the requirements have been included within clause 5.9.3.1

Administration

- ~~1. — This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Zone CB.~~
- ~~2. — The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it is satisfied the use or development is appropriate to the **site**.~~
- ~~3. — The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied that the development is designed to support the ability of floors dedicated to car parking to adapt to different uses over time.~~

Requirements

- ~~4. — All car parking spaces are to be screened so that they are not visible from the street or public spaces.~~
- ~~5. — Floors constructed as car parking in mixed use buildings are to have level surfaces (excluding ramps) and a minimum floor to ceiling height of 3m.~~

Schedule 2: Definitions

The following definitions contain changes as part of this amendment

2.1 Defined Uses

dwelling-multiple means a **dwelling** or **serviced apartment** that is wholly or partially vertically over or under another **dwelling** on a **site** ~~and includes~~ or any **dwelling**s above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

Definition of dwelling-multiple has been amended to clarify that a dwelling does not have to be above another dwelling to constitute a dwelling-multiple

2.2 General Definitions

active street frontage means any ~~primary or secondary~~ **ground level** frontage of a commercial building that stimulates interest and activity on the adjacent street, or to a public space.

Reference to 'primary or secondary' frontage removed as the detail of where active street frontage is required is contained within the relevant clause

residential floor area is the floor space that can be used for residential living purposes within a development. This does not include:

- (a) shared spaces such as stair wells, hallways, corridors and lift shafts etc;
- (b) machinery, bin storage areas, and air conditioning or equipment rooms;
- (c) any **car parking areas** (including above, below and ground level parking);
- (d) any space, that is wholly below **ground level**;
- (e) storerooms contained outside of a **dwelling**;
- (f) any communal open space including but not limited to lobbies, courtyards, roof terraces, pool areas etc.

Definition amended to specify that car parking areas and communal open space are excluded from residential floor area

~~**residential floor area** is the floor space that can be used for residential purposes within a development. This does not include:~~

- ~~(a) residential uses at ground level;~~
- ~~(b) external walls;~~
- ~~(c) lift shafts;~~
- ~~(d) stair wells;~~
- ~~(e) machinery, air conditioning and equipment rooms;~~
- ~~(f) any space, including **car parking areas**, that is wholly below **ground level**;~~
- ~~(g) storerooms;~~
- ~~(h) lobbies, bin storage areas or common areas; or~~
- ~~(i) balconies, courtyards and roof terraces;~~