

# Appendix C

Supplementary Information

PA2021/0254

## How to use this document

This document provides supplementary information that is intended to assist in the interpretation of the new requirements included in the proposed planning scheme amendment.

These do not form part of the planning scheme amendment, and will be published on the planning website for reference if the planning scheme amendment is approved.

Additional documents available:

- Summary Paper: A high level overview and introduction to the proposed planning scheme amendment
- Detailed Information Paper: An in-depth explanation of the proposed changes to support interpretation of the Integrated Schedule of Amendments
- Integrated Schedule of Amendments: A consolidated version of all the proposed changes
- Appendix A: Individual Project Amendments – Economic Recovery Actions
- Appendix B: Individual Project Amendments – Designing Better

# Establishing a Permitted Use

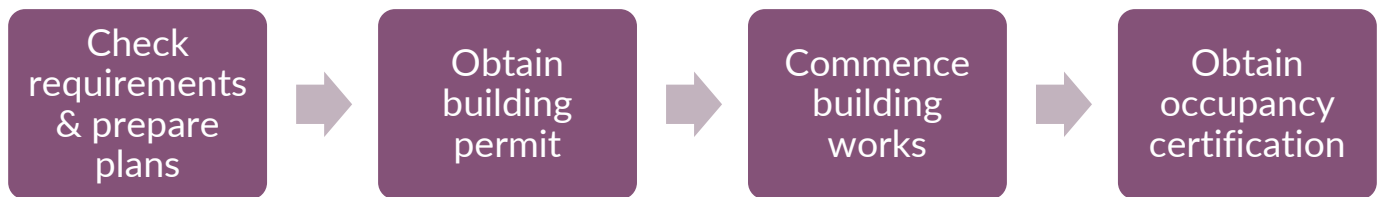
A permitted use under the NT Planning Scheme 2020 may not require a development permit.

However, if property is within a building control area, building certification may be required.

You don't need a development permit for a permitted use if the development:

- meets all planning requirements, and
- does not require consent because of an overlay.

The steps below summarise how planning compliance for a permitted use is determined within the building approval process.



## Step 1. Check requirements and prepare plans

In designing and preparing plans for your project, as an owner, you should engage early with relevant authorities to understand their requirements and avoid unnecessary delays in the process.

Depending on your project, relevant authorities may include:

- Building Advisory Services
- NT Fire and Rescue Services
- NT Health
- Power and Water
- planning (Development Assessment Services or a planning consultant)
- the relevant authority for roads
- local council

## Planning requirements

You can engage a planning professional to help you identify and meet the relevant requirements, or follow the steps below to find your planning requirements.

Getting professional planning advice early in the process will avoid unnecessary delays at the building approval stage.

## Finding planning requirements

### Step 1. Check the definition of your development

Defined uses can be found in [schedule 2.1 of the NT Planning Scheme](#).

If you are unsure which definition to use, [contact a planner](#) from Development Assessment Services

### Step 2. Find your zone

You can find this information by:

- using [NT Atlas](#) or
- [contacting a planner](#) from Development Assessment Services.

### Step 3. Look at the assessment table for the zone

The assessment table for a zone in [Part 4 of the NT Planning Scheme](#) will list:

- the assessment category for each defined use and
- all clauses that may be applicable to the use in that zone.

## Step 2. Obtain building permit

To obtain building approval you must engage a [registered building certifier](#).

Before a building permit is granted, a building certifier must comply with Section 59 of the [Building Act 1993](#), which requires you to obtain all required reports or consents from relevant reporting authorities under Regulation 8 of the [Building Regulations 1993](#).

Sufficient detailed drawings and other information should demonstrate compliance with relevant reporting authority requirements.

Building works cannot commence until a building permit has been granted under Section 55 of the [Building Act 1993](#).

## Planning compliance

Even if the use is permitted, your building certifier will need to be satisfied that proposed building works comply with all requirements in the NT Planning Scheme.

Depending on the complexity of the proposal, a building certifier may be able to confirm planning compliance themselves, or may seek confirmation from:

- an independent planning professional, or
- a government planner through a [compliance check](#).

If your plans don't meet planning requirements you may change them to be compliant, or you may [apply for a development permit](#).

## Step 3. Obtain occupancy certification

A building certifier may only grant occupancy certification when satisfied that completed building works are consistent with approved building permit documentation.

In the event a development permit was required, any conditions on the development permit must be met prior to obtaining the occupancy certification.

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# Active Street Frontage in Zone CB and C

The interaction between commercial buildings and the street is an important factor when considering the viability and amenity of commercial centres.

Well-designed frontages facilitate interactions between pedestrians and places, which in turn provides for a vibrant pedestrian environment.

## Objectives of Active Street Frontage

- to facilitate transactions between buildings and the street;
- to encourage passive surveillance at street level; and
- ensure that commercial buildings contribute positively to the public realm.

## Scheme Requirements

Clause 5.5.16 of the Scheme specifies that 60% of the street frontage in developments within Zones CB and C are to contain 'active street frontage', which is defined as ground level frontage of a commercial building that simulates interest or activity on the adjacent street, or to a public space.

Components that contribute to activated frontage in clause 5.5.16 are:

- Windows that maintain clear views to and from the street;
- Operable and legible entrances that are directly accessible from a public space;
- Areas within the site that allow for alfresco dining; and
- Well-designed spaces that allow for pedestrian movement and/or seating.

Developments are encouraged to incorporate a mix of the above components to create a varied and interactive streetscape.

## Interpreting the Requirement

The requirement of 60% applies to all commercial frontages that face a primary or secondary street, or a public place, unless an alternative requirement is specified elsewhere in the Scheme.

The length of frontage that counts towards the requirement is calculated by measuring the cumulative distance of the active components and dividing that number by the total length of the frontage.

The maximum distance that active components can be spaced to remain within active frontage requirements is 1.5m. Where there is a greater spacing, that distance does not count towards the requirement. Window openings must meet a minimum dimension of 1.2m high x 0.9m wide to be considered as active frontage.

Note: Frosted glass, signage or glass covered with excessive imaging is considered non-active frontage.

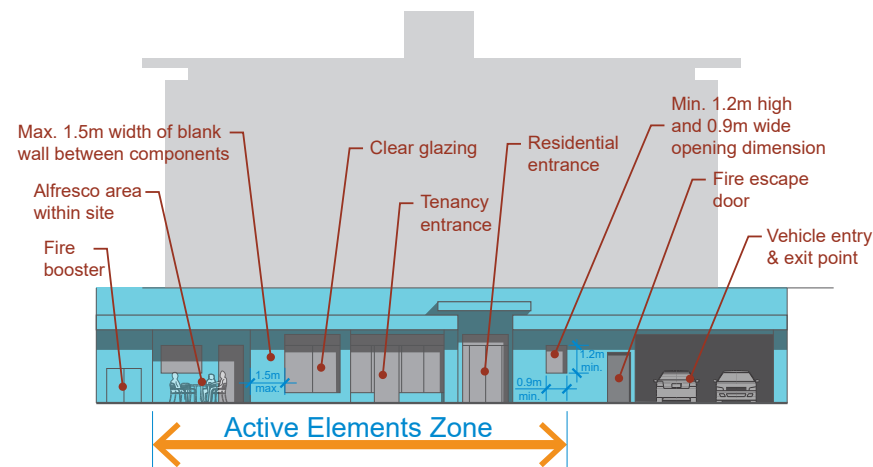


Fig 1: demonstrates how the minimum percentage of active frontage is calculated

# Active Street Frontage in Zone CB and C

## Design Suggestions

- Fire boosters and other services are encouraged to be strategically located, concealed and integrated into façade design to minimize their visual impact on the streetscape.
- Incorporating regular vertical elements (such as pilasters or columns) into the building façade at ground level helps to create a vertical rhythm to the streetscape, which in turn reduces the perception of long distances.
- Regular entrances and openings in a façade help facilitate interactions between the building and the public domain.
- Blank areas of facades such as columns or areas for servicing make ideal places for public art, poster boards, displays etc. that add an extra layer of interest to the streetscape.
- Non-active areas of façade are encouraged to include additional architectural embellishments and/or landscaping etc. to minimise the impacts of blank walls on the streetscape.

## Servicing Requirements

While it is recognised that servicing requirements are essential and often are required to be contained within building frontages, applicants are encouraged to consult with service providers prior to lodging an development application, with a view to limit their impact on the streetscape.

More information on servicing requirements can be found in 'Design Guidance to Provide for Services' which is referenced within Schedule 5 of the Planning Scheme.

Note: AI-fresco areas within the road reserve or footpath are subject to approval from the relevant local authority. Building frontage must still comply with the requirements of this clause.

Note: Street furniture and/or signage is subject to approval from the relevant local authority.



Fig 2: varied façade detailing creates interest at street level



Fig 3: Example of an al-fresco area within the site



Fig 4: Example of an al-fresco area in the road reserve



# Articulation

## For residential buildings longer than 15m

'Articulation' is the process of stepping and recessing external walls of a building in plan and in section. This process essentially creates more corners and edges to a building, which reduces the potential for the presentation of large expanses of blank walls.

The general approach to articulation is to express the building as a series of smaller components that step back and forward in the horizontal plane to create variation in the building line.

### Scheme Requirements

Clause 5.4.17 of the Scheme requires a minimum step in the building line of 1m by 1m, for every 15m of building length, or part thereof.

This requirement applies to all external sides of a building, except for common or party walls.

Dwellings-single and the ground level of residential buildings in Zone CB are exempt from this requirement.

### Objectives for Articulation

The objectives of articulation are to:

- assist with the breaking down of perceived bulk and visual massing of buildings;
- add visual interest to the outside of buildings; and
- provide opportunities for cross ventilation to habitable rooms by increasing the number of rooms with multiple aspects to potential windows and openings.

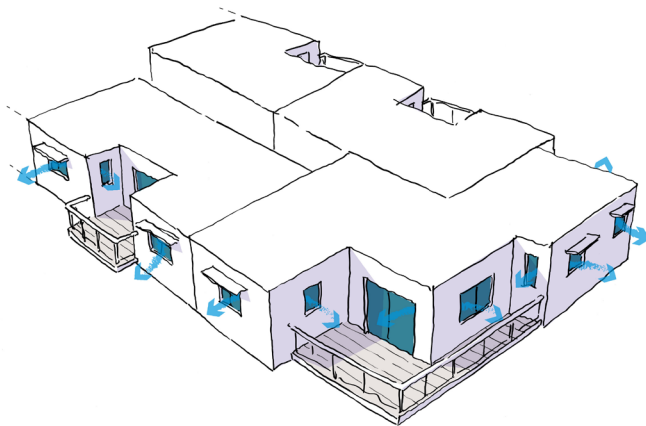


Fig 1: illustrates how articulated buildings can provide for cross-ventilation opportunities by creating spaces where rooms can have multiple aspects.

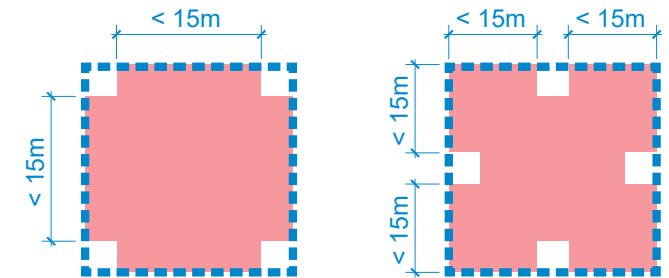


Fig 2 and 3: the articulation requirement can be used in a variety of ways provided the distance between components is less than 15m.

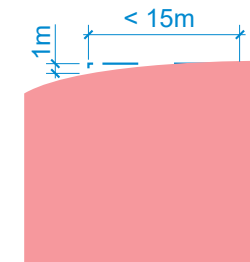


Fig 4: Curved walls meet the requirements of this clause if the curve is not less than 1m deep for every 15m of length.

# Articulation

## For residential buildings longer than 15m

### Design Suggestions

- The functional elements of a building (such as lift cores and stairways etc.) may be expressed / recessed as part of an overall articulation strategy.
- Articulation can be derived by elements of the particular floorplan (such as set back elements on corners, recessed or semi-recessed balconies).
- Stepped walls can assist with building articulation and may enable key views to be better shared to more rooms throughout the building.
- Building articulation works best when aligned with and supported by façade compositions that incorporate a range of architectural features and design approaches such as:
  - Changes in colour or materials that align with areas where buildings articulate. For example, a change in colour or material can be used to express a discernible step in the façade or wrap around a corner to align with a junction point between massing elements.
  - Varied and expressed architectural features such as blade walls, fins or solid balustrading.
  - Solar shading elements such as brise-soleils, awnings, screens and louvres.

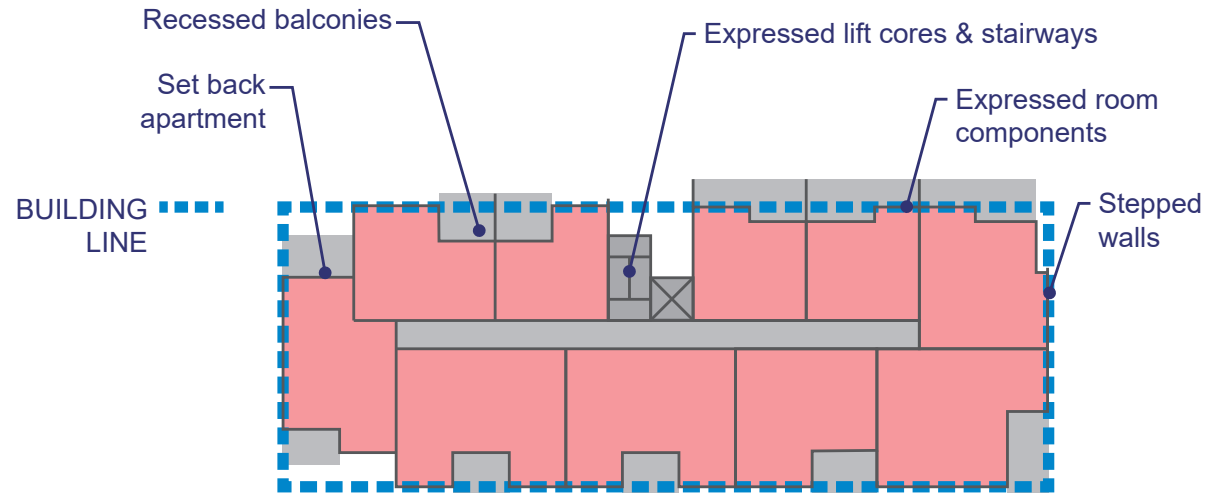


Fig 5: illustrates several ways in which a building can be articulated.



Fig 6 (left): example of a stepped wall. Fig 7 (middle) example of an expressed stairwell. Fig 8 (right): example of recessed balconies

# Fencing

## In Zones MR and HR

Fences mark the boundary between properties as well as between public and private space. They can serve as a visual screen and also provide security against intrusion.

A good street boundary fence can improve the street appeal of a building. A sensitive approach to street boundary fence treatments can provide a positive balance of privacy for residents while enabling passive surveillance of and interaction with the streetscape.

Positioning fencing panels so there is an open-air gap between members allows a fence to become visually permeable. Passive surveillance and interaction with the street are increased when more visually permeable materials are used in a fence.

### Objectives of Fencing

In the context of medium and high density residential development in Zones MR and HR, fencing aims to:

- provide opportunities for passive surveillance to the public domain;
- be constructed in a manner that provides safety for pedestrians and enhances the pedestrian experience; and
- consider the privacy of lower scale development in lower density zones.

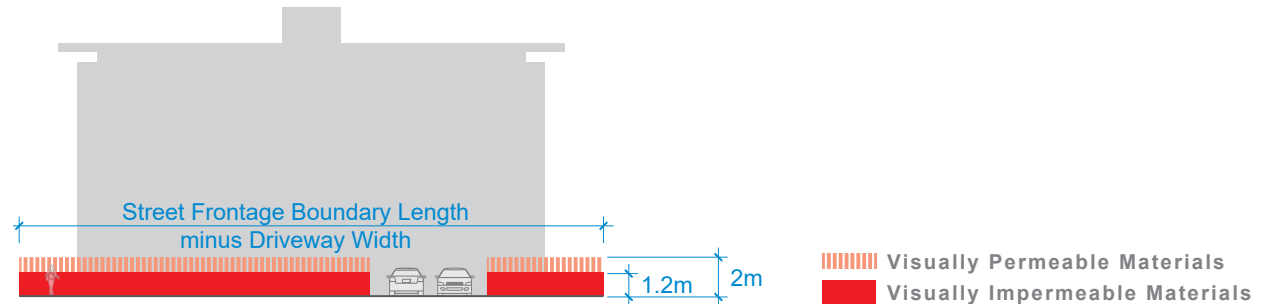


Fig 1: illustrates how the allocation of visually impermeable materials is calculated.

### Scheme Requirements

Clause 5.4.18 specifies the following requirements for the fencing in Zones MR and HR.

For boundaries abutting roads or public open space, fences are to be no taller than 2m above ground level (measured at the site boundary). Additionally:

- if materials that are not visually permeable (for example solid screen fencing) are used, the material is limited to an area not more than 1.2 multiplied by the length of the boundary (excluding the length of any driveway); and
- fencing within 1.5m of driveways, pedestrian entries and street corners is to be visually permeable above 0.6m.

For side and rear boundaries that abut land in Zones LR or LMR, fencing is to be either:

- a solid screen fence at least 1.8m in height; or
- a visually permeable fence to a minimum of 1.8m in height, with complementary dense vegetation that will provide a visual barrier within 2 years of planting.

### Interpreting the Requirement

As an example, if a development has a street frontage boundary of 20m, the amount of non-visually permeable materials that can be used is  $1.2 \times 20\text{m} = 24\text{m}^2$  (if there is a driveway, the width of the driveway is subtracted from the length of the frontage).

Note: Areas of permeable fencing are not to have bamboo matting or other screening applied to them.

# Fencing

## In Zones MR and HR

### Design Suggestions

- The visual impact and perceived scale of fencing can be reduced through the rhythm of changes in material, colour or other treatments along a boundary.
- The pedestrian experience is enhanced when the proportions of fencing and its components are at human scale.
- The allocation of impermeable fencing materials is encouraged to be focused around communal open space areas, such as pools and seating areas, to assist in creating a sense of privacy within a space.

- Incorporating planting into a fencing strategy can help to soften the visual impact of solid screen fencing materials and enhance the amenity of the streetscape.
- Servicing requirements such as fire boosters should be integrated into the overall design of the fence to reduce their visual impact to residents and the public realm. This can be achieved by recessing the fencing line around infrastructure or using screening to conceal services (proponents should first contact the relevant authority before applying screening to conceal service infrastructure).

Note: Any bin storage areas contained within fencing areas must be screened to the public domain as per Clause 5.4.8.2 (Building Design for Dwellings-multiple).

Note: Fencing and landscaping should be designed to avoid opportunities for concealment to ensure safety for pedestrians.

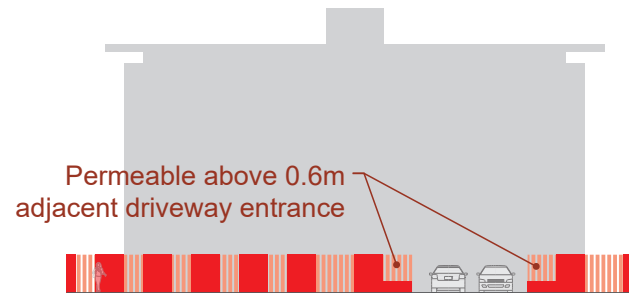


Fig 2: varying fencing materials creates interest at street level

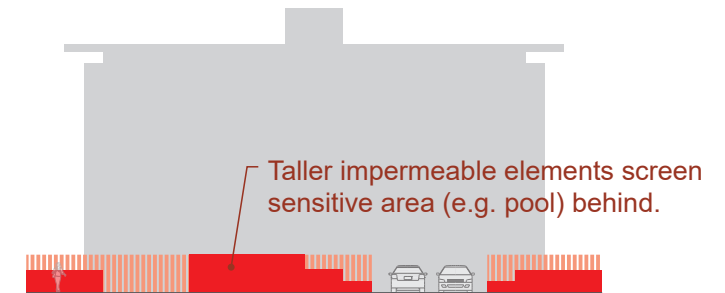


Fig 3: visually impermeable materials can be allocated where privacy is important.



Fig 4: introducing regular breaks or changes in fencing materials heightens pedestrian experience.



Fig 5: example of integrated planting within the fence.



Fig 6: Example of screening to conceal services that is integrated into the overall design of the fence.

# Landscaping in Zone CB

Landscaping refers to the use of trees, shrubs and plants to enhance the appearance of a building and to make an area more attractive.

On-site landscaping can benefit both the public realm, and users of the buildings, by providing opportunities for shading and creating spaces for people to engage with nature. Sympathetic landscaping can also visually soften the appearance of the building to the streetscape and reduce the impacts of urban heat.

## Scheme Requirements

Clause 5.2.6.1 of the Scheme provides minimum requirements for planting associated with the use and development of land in Zone CB. Development must provide landscaping, exclusive of any paved areas, equivalent to 10% of the site area.

Landscaping areas can be achieved at ground level or on structures and a variety of approaches are encouraged. Landscaping on structures can be integrated into elevated outdoor spaces on rooftops and podiums or as vertical gardens on building facades. Amongst other requirements, the Scheme requires that the quality and extent of any landscaping must be maintained for the life of the development.

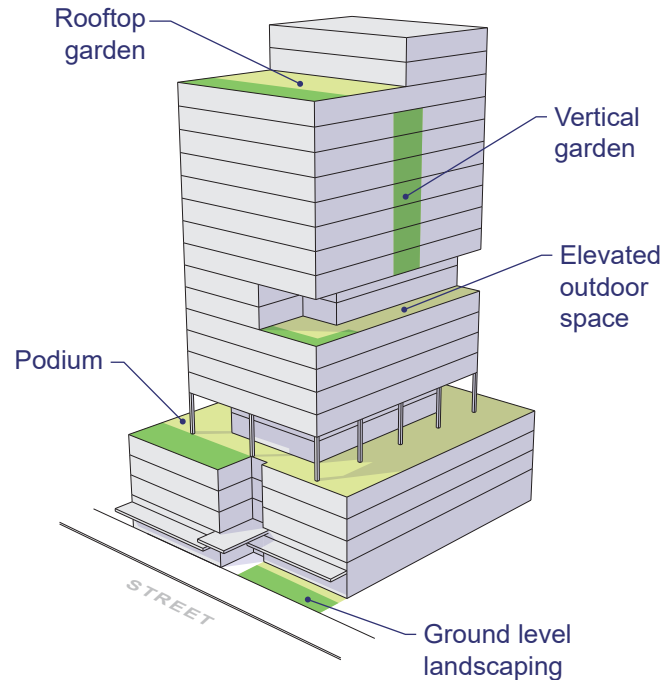


Fig 1: illustrates a range of **possible** locations where landscaping can be undertaken for a development in Zone CB.

## Objectives of Landscaping in Zone CB

The objectives of the Zone CB landscaping provisions are to:

- ensure that planting associated with a development enhances the streetscape and overall amenity of the locality; and
- provide opportunities for climate responsive design that mitigates heat capture and improves the thermal performance of buildings.

## Interpreting the Requirement

The minimum requirement of 10% of the site area is required regardless of whether landscaping is undertaken vertically or horizontally (ie. the minimum requirement is 10% of the site area, not 10% of the elevation).

The 10% figure refers to the net total of all landscaping on the site and can be distributed throughout numerous landscaping components.

Note: Developments proposing green walls or other vertical landscaping should provide renderings to illustrate how the development will look with and without plantings.

Note: An application should include a plan clearly identifying any areas that contribute to planting.

# Landscaping in Zone CB

## Design Suggestions

- Considered species selection and positioning can provide shade and amenity for users of communal open space and improve the thermal performance of a building.
- Retaining significant trees or vegetation into a development can create place making opportunities to focus new tenancies and alfresco areas.
- Permeable paving can enhance water penetration to root zones and is encouraged to complement landscaped areas.
- Vertical gardens can help soften the visual presentation of blank walls.
- Innovative lighting of landscape elements can create a unique night-time presence for a development.
- Atriums with filtered light can create sheltered spaces for plants.



Fig 3: Example of landscaping incorporated into an outdoor dining area.



Fig 4: Example vertical landscaping on an otherwise blank wall.



Fig 5: Podium planting can enhance the usability of communal open space and contribute to the amenity of the streetscape.



Fig 6: Rooftop planting can reduce heat absorption from the sun and provide natural cooling.

# Private Open Space For Dwellings-multiple

The ability for people to use their private open space in a meaningful way is influenced by its size, geometry, sense of privacy, orientation, solar access, screening, relationship to indoor living areas and outlook. Well-designed balconies, terraces and courtyards support indoor-outdoor living options for residential buildings and can greatly enhance the amenity and sense of space within an apartment.

## Objectives for Private Open Space

The provision of private open space is to:

- ensure dwellings have good access to appropriately sized private open spaces that enhance residential amenity;
- encourage indoor-outdoor living opportunities; and
- encourage private open space and balconies to be integrated into the overall architectural form and detail of the building.

## Scheme Requirements

Clause 5.4.6.2 sets out the requirements for private open space for dwellings-multiple.

The requirements apply to private open spaces on ground floors or podium levels, as well as balconies.

A primary private open space is to be provided for each dwelling, and is to:

- have a minimum area of 12m<sup>2</sup>;
- have a minimum dimension of 2.8m; and
- be directly accessible from the main living area of the dwelling to provide an extension to the functionality of the dwelling.

Additional areas of private open space within each dwelling is encouraged, but do not need to meet minimum spatial requirements.

Where private open space is at ground level, it is to be screen fenced to a maximum height of 1.8m, or planted with dense vegetation that will reach a height of 1.8m within two years of planting, to provide a visual barrier to adjoining dwellings.

This requirement may not be necessary where private open space is adjacent to communal open space or the primary or secondary street setback. Visually permeable fencing materials may be more appropriate in these locations.

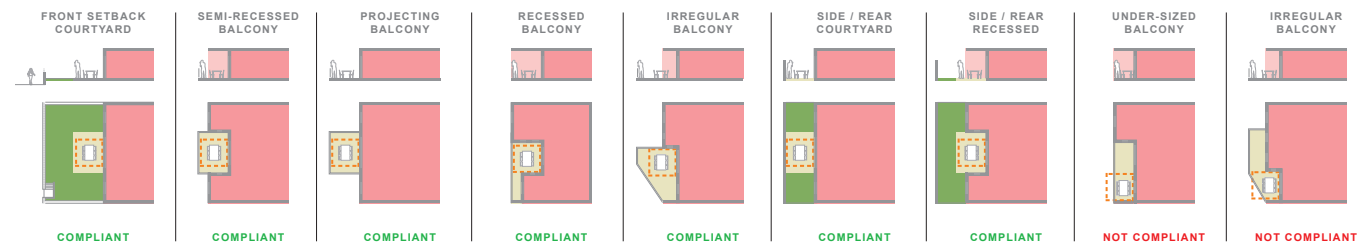


Fig 1: illustrates a variety of ways private open space can be incorporated within a dwellings-multiple development.

# Private Open Space For Dwellings-multiple

## Design Suggestions

- Where balconies are at the lower levels, balustrades should include a mix of materials that manage sightlines from the public domain but provide a sense of privacy for residents.
- The integration of balconies within articulated spaces in the building line (ie. recessed balconies) can reduce sight lines from neighbouring properties and provide a greater sense of privacy.
- Moveable screens and operable louvres are encouraged as shading and wind control devices that can also be adjusted to enhance privacy.
- Elevating ground level courtyards to change the level to the street can improve the sense of privacy for ground level occupants.

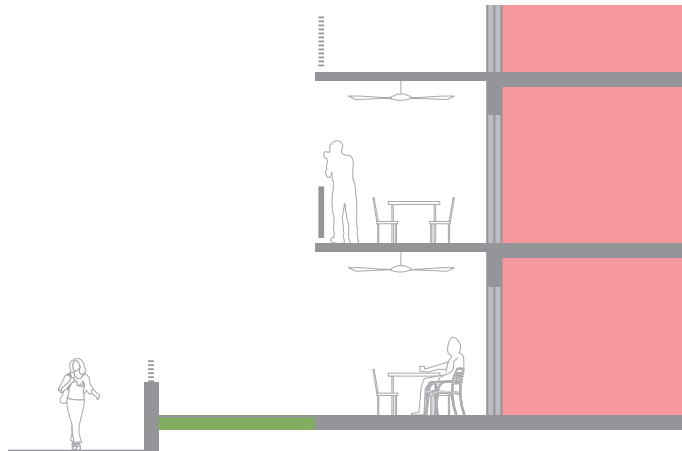


Fig 2: elevated courtyards provide additional privacy for users of private open space

Note: Any fixed full height screening is limited to 25% of the length of the balcony, as per Clause 5.4.8.2 (Building Design for Dwelling-multiple).



Fig 3: mixed permeability balustrades provide a balance of view out, while restricting views in.



Fig 4: adjustable screens allows provides shading for occupants at different times of the day.



# Residential Plot Ratio

## For Dwellings-multiple in Zones MR, HR and C

Residential plot ratio expresses the relationship between the residential floor area of a building and the area of the site.

The purpose of using a residential plot ratio is to establish a maximum allowable floor area for developments that have multiple storeys.

Residential plot ratio works in conjunction with other setback and height provisions within the Scheme to control the size and form of residential buildings.

### Objectives of Active Street Frontage

The objectives of residential plot ratio provisions are to:

- help ensure built form outcomes are consistent with the desired outcomes of the relevant zones within the Scheme;
- provide flexibility for developers and designers when formulating a floor plan for apartment buildings; and
- encourage the provision of ground level apartments in Zones MR and HR by intentionally excluding them from plot ratio area calculations.

### Scheme Requirements

Table B to Clause 5.4.1 specifies the following residential plot ratios:

- 1.3:1 for Zone C (Commercial) and Zone MR (Medium Density Residential)
- 2.3:1 for Zone HR (High Density Residential).

To calculate the maximum residential floor area for a development take the residential plot ratio for the appropriate zone and multiply it by the site area.

For example, if you take a site that is in Zone HR that has an area of 1000m<sup>2</sup>, the maximum residential floor area for the total development is 2300m<sup>2</sup> (2.3 x 1000m<sup>2</sup> = 2300m<sup>2</sup>).

This number is the total area of floor space that can be used within the development, across all storeys, but does not include:

- residential uses at ground level;
- external walls;
- lift shafts;
- stair wells;
- machinery, air-conditioning and equipment rooms;

- any space, including car parking areas, that is wholly below ground level;
- storerooms;
- lobbies, bin storage, or common areas; and
- balconies, courtyards or roof terraces.

Note: There is no guarantee that the maximum residential floor area allocation will be able to be achieved in full for every site as the development still needs to comply with other relevant development requirements.

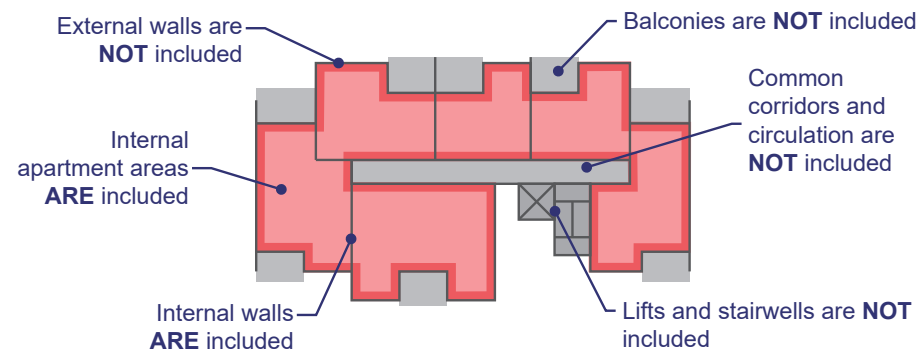


Fig 1: illustrates some aspects of a building footprint that contributes to the residential floor area.

### Mixed Use Developments in Zone C

Zone C (Commercial) allows for the development of buildings that provide a mix of commercial and residential uses on the same site. This type of development is commonly referred to as mixed use.

Unlike residential uses, the commercial element of mixed use development uses a 'commercial plot ratio' to establish a maximum commercial floor area, which is found in Clause 5.5.2 (Plot Ratios in Commercial Zones) of the Scheme

This means that mixed use developments in Zone C are entitled to a 'residential floor area' plus a 'commercial floor area' which can be distributed across multiple levels according to the proponents preferred design; however, there must be commercial uses at ground level as per Cause 5.4.9 (residential Development in Zone C).

It is important to note that the permitted amounts of each type of floor area apply in addition to, but separately from, each other. The intention of this is to encourage residential development within Zone C, without detracting from the existing commercial potential.

Note: An application should include a plan clearly identifying any areas that contribute to 'residential floor area' or 'commercial floor area' within a residential or mixed use development.

Note: Setbacks for the residential component in Zone C are found in Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

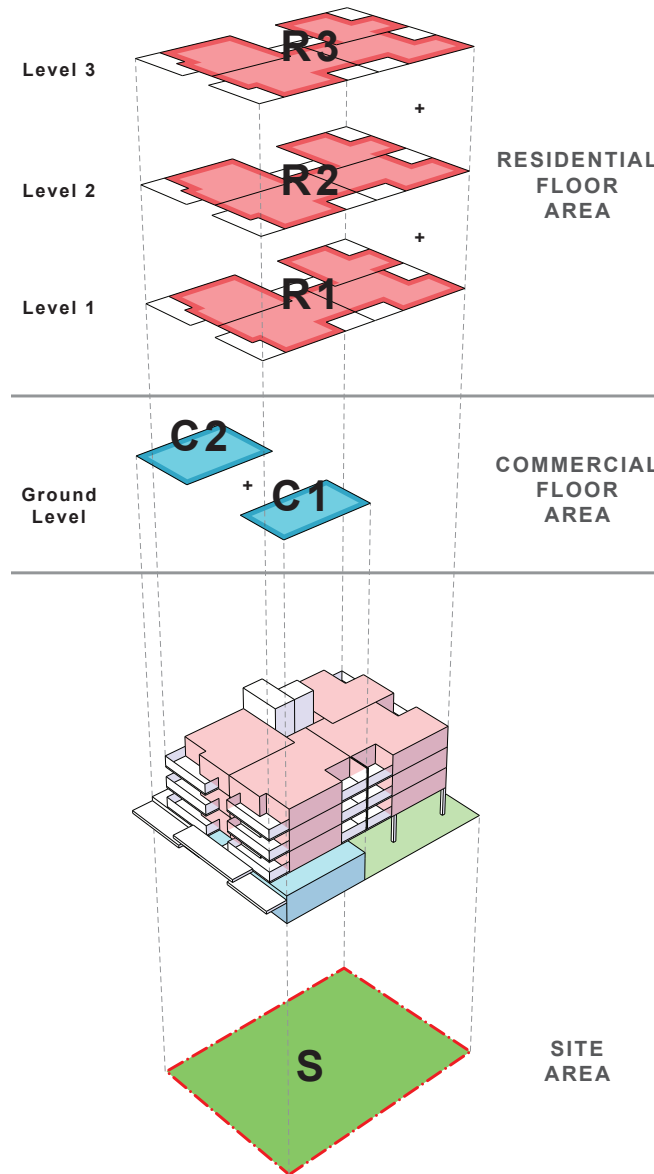


Fig 2: illustrates how a residential floor area and commercial floor area interrelate in a typical mixed-use development.

### Worked example using residential plot ratio and commercial plot ratio in Zone C

The following provides an example of how to calculate the maximum 'residential floor area' and maximum 'commercial floor area' for a mixed use development on a site of 2000m<sup>2</sup> in Zone C.

$$\begin{aligned} \text{Maximum residential floor area} &= \text{residential plot ratio} \times \text{site area} \\ &= 1.3 \times 2000\text{m}^2 \\ &= 2600\text{m}^2 \end{aligned}$$

$$\begin{aligned} \text{Maximum commercial floor area} &= \text{commercial plot ratio} \times \text{site area} \\ &= 1 \times 2000\text{m}^2 \\ &= 2000\text{m}^2 \end{aligned}$$

Therefore the development is permitted to use up to 2600m<sup>2</sup> of residential floor area and up to 2000m<sup>2</sup> of commercial floor area (note that residential floor area and commercial floor area are both defined terms of Schedule 3 of the Scheme).

So by referencing figure 2, (R1 + R2 + R3) must be less than or equal to 2600m<sup>2</sup> and (C1 + C2) must be less than or equal to 2000m<sup>2</sup>.

The example is only indicative and illustrates one way in which each floor space can be allocated within a mixed use development. Commercial components may also be provided on upper levels or in larger formats at ground level in any number of combinations.

# Residential Setbacks

## In Zones MR and HR

Setback controls govern how close a building can be built to its lot boundary.

The distance a building envelope has to be set back depends on which lot boundary it is adjacent to. Primary or secondary setbacks typically face a public street and side or rear setbacks about other lot boundaries (normally neighbouring properties).

Where a site has two or more street frontages, the primary street is generally decided by which street has the widest carriageway, or the street that carries the greater volume of traffic. The secondary street will have reduced setback requirements.

In addition to this, buildings over 4 storeys also have upper level setbacks that require the building line to be stepped back further above the fourth storey.

### Objectives of Active Street Frontage

Setback provisions in Zones MR and HR aim to:

- provide physical separation between residences that preserves the amenity for existing and potential future neighbours
- encourage buildings to orientate towards the street to provide a positive interaction with the public realm
- provide for passive surveillance opportunities by allowing balconies to encroach into setback areas
- provide opportunities for on-site landscaping, private open space and communal open space
- provide a degree of consistency of setback from the street for neighbouring buildings of similar uses
- break down the bulking of the facade in the vertical plane.

### Scheme Requirements

Table B to Clause 5.4.3 sets out the setback requirements for developments in Zones MR and HR.

Residential buildings are required to be set back:

- 6m from the primary street frontage. Balconies are permitted to be setback a maximum of 3m from the lot boundary;
- 4.5m from any secondary frontage, and balconies can be setback to 1.5m; and
- 3m from all other boundaries (ie. side and rear boundaries). Balconies are not permitted to encroach into the setback area along these lot boundaries.

### Upper level setbacks

The upper levels of residential developments over 4 storeys are required to be further setback to:

- 9m from the primary street frontage, and cantilevered balconies can be setback to 6m of the lot boundary;
- 7.5m from any secondary street frontage, and cantilevered balconies can be setback to 4.5m; and
- 6m from all other boundaries (ie. side and rear boundaries) and 4.5m for cantilevered balconies.

Note: Clause 5.4.6 (Landscaping) requires 2m deep (wide) landscaping, excluding where there are areas of private open space, for the length of side and rear setbacks.

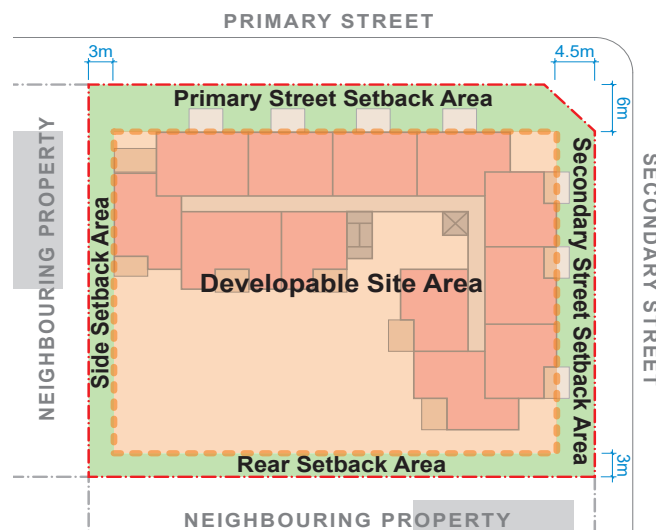


Fig 1: illustrates the location of different setback types.

# Residential Setbacks In Zones MR and HR

## Design Suggestions

- Developments are encouraged to incorporate plantings and meaningful landscaping within setback areas to provide shade and amenity for occupants and also to contribute positively to the public domain.
- Setback areas may be used for the provision of private open space requirements of ground level apartments. The private open space area must be directly accessible from the dwelling to which it relates and be clearly separated from other uses of the setback area by a fence or similar boundary marker.
- Residential parking should be contained behind the building setback line and ideally screened from view to the public domain.
- Plant species with a vertical growing habit can help to provide a visual break between neighbouring buildings when planted within side and rear setbacks.

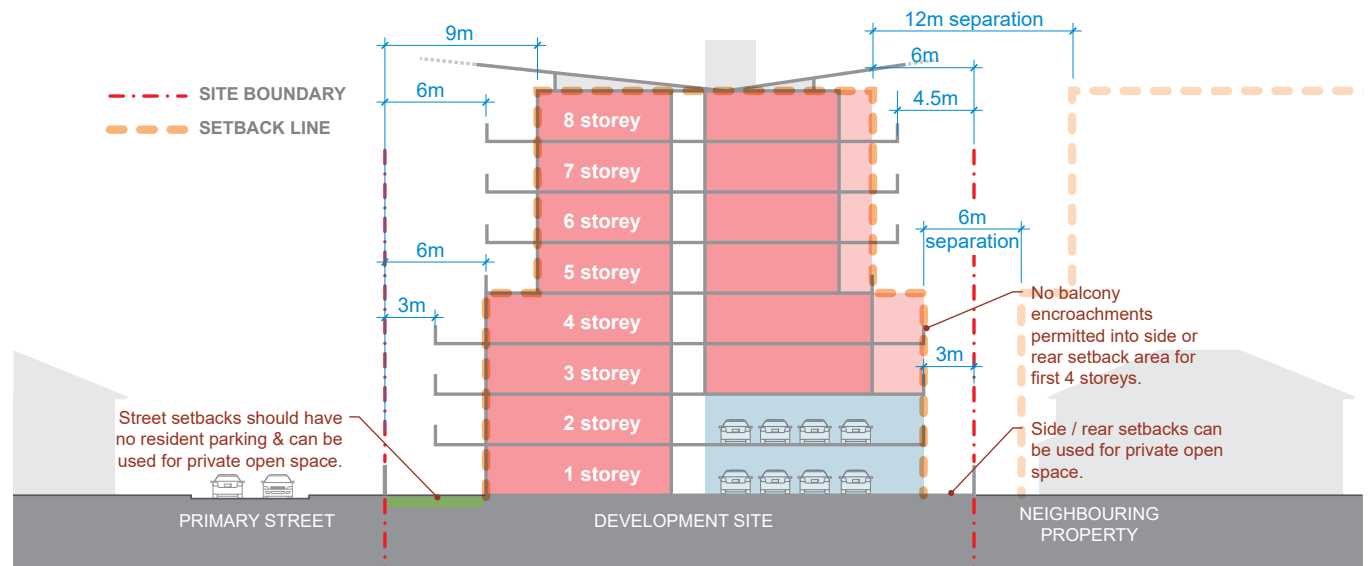


Fig 2: illustrates setback provisions for buildings up to 8 storeys



Fig 3 & 4: The correct species selection can provide shade and privacy for occupants, while softening the appearance to the public domain.