

# APPENDIX B

Individual Project Amendments - Designing Better  
PA2021/0254

# DESIGNING BETTER

## How to use this document

This document provides the individual project amendments proposed by the Designing Better project and recommended to the Minister for Infrastructure, Planning and Logistics for consideration for inclusion in the NT Planning Scheme 2020.

A summary of the changes made following Stage 2 consultation is included. It is intended to be read in conjunction with the Designing Better Stage 2 consultation paper, the Stage 2 consultation report, and the proposed amendments.

The Guidance Notes referred to within these proposed amendments are included in Appendix C – Supplementary Information.

For more information on the Designing Better project refer to the NT Planning Commission's [website](#).

Each development requirement includes different coloured text to distinguish the changes:

- Black text – existing text in the planning scheme
- Blue text – proposed amendments
- ~~Red text~~ – proposed deletions

As some of these development requirements are also influenced by the Location Specific Development Requirements (Appendix A), refer to the Integrated Schedule of Amendments for the final proposal.

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 C: Supplementary Information to assist with interpretation of technical requirements

## Schedule of Changes

Table 1

Table 1 – Amendments made to clauses since Stage 2 consultation		
Clause reference from Stage 2		Commission changes post Stage 2
Landscaping		
Clause 5.2.6 (Landscaping)	Purpose statement	Reverts back to existing purpose statement in the Scheme as reference to Landscaping in Zone CB is no longer included within the clause.
	Sub-clause 4	Shifted to a new Clause 5.2.6.1 (Landscaping in Zone CB). This new clause includes a specific purpose statement and administrative sub-clauses to provide further guidance to the interpretation of the requirement. Editor's notes have also been carried over.
	Other	Sub-clauses have been re-numbered to reflect the changes made to the clause.
Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)	Sub-clause 7	Moved to Clause 5.2.6. (Landscaping).  Added detail clarifies that the requirement for landscaping does not apply where setbacks are used for private open space.
Setbacks		
Clause 5.2.7 (Setbacks for Development Adjacent to land in Zones LR, LMR, MR or HR)	Purpose statement, sub-clause 2 and sub-clause 4	The proposed changes to this clause have not been progressed.
Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)	Sub-clause 6	Existing roofline setbacks for dwellings-multiple in Zones MR, HR and C have been amended and included within Table B and Table C to the clause.
	Sub-clause 6	Reference to 'cantilevered' has been removed and incorporated into a new requirement in Clause 5.4.8.2 (Building Design for Dwellings-multiple)

Table 1 – Amendments made to clauses since Stage 2 consultation		
Clause reference from Stage 2		Commission changes post Stage 2
	Editor's note	Editor's note has been included to clarify that rooflines and balconies can extend into the road reserve area within Zone C, but only with the approval of the relevant local authority.
	Other	Sub-clauses have been re-numbered as sub-clauses 5 and 7 have been shifted to Clause 5.2.6 and administration clause 5 is no longer relevant.
Residential Plot Ratio		
Clause 5.4.1 (Residential Density and Residential Plot Ratio)	Purpose statement	New statement (d) has been included to reflect the residential plot ratio requirements.
	New sub-clause	New sub-clause added to clarify that the residential plot ratio does not apply to dwellings at ground level. During Stage 2, this information was contained in the residential plot ratio guidance note.
	Other	Sub-clauses have been re-numbered to reflect the additional sub-clause within the clause.
Residential Height Limitations		
Clause 5.4.2 (Residential Height Limitations)	N/A	No changes made.
Private Open Space		
Clause 5.4.6.2 (Private Open Space for Dwellings-multiple)	Sub-clause 1 and 2	Minor amendment removes the reference to 'zone purpose and outcomes'.
	Sub-clause 4(b)	Reference to 'dining area' included to provide flexibility and clarity as to where private open space is to be located.
	Sub-clause 4(d)	Requirement removed.
	Sub-clause 6(a)	'Public areas' has been amended to 'public spaces' to provide consistency in language within the Planning Scheme.
Residential Building Design		
Clause 5.4.X (Building Design)	Clause reference	5.4.X has been re-numbered to clause 5.4.8.2.
	Purpose statement	Amended to appropriately reflect the requirements in the clause.

Table 1 – Amendments made to clauses since Stage 2 consultation		
Clause reference from Stage 2		Commission changes post Stage 2
for Dwellings-multiple)	Administration sub-clauses	Administrative sub-clauses introduced to inform design and decision making where a variation is sought.
	Sub-clause 5	Amended to clarify that areas for vehicle access are excluded from the requirement.
	Sub-clause 9	Amended to clarify that screening is required where air conditioning plants front the public realm or neighbouring properties.
	Sub-clause 11	Amended to include reference to locating air conditioner plant away from openings in habitable rooms.
	New sub-clause	New requirement relocates the requirement from tables to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) that balconies must be cantilevered,
	New sub-clause	New requirement included that clarifies the extent of screening allowed on balconies that face a street.
	Other	Sub-clauses re-numbered in response to the increase in sub-clauses.
Building Articulation		
Clause 5.4.X (Building Articulation)	Clause reference	5.4.X has been re-numbered to clause 5.4.17
	Sub-clause 1	Amendment to clarify that the requirements in the clause do not apply to the ground floor of residential buildings in Zone CB.
	Sub-clause 2	Minor amendment removes the reference to 'zone purpose and outcomes'.
Fencing		
Clause 5.4.X (Fencing in Zones MR and HR)	Clause number	5.4.X has been re-numbered to clause 5.4.18.1
	Clause title	Amendment made to reflect that the clause applies to all development in Zones MR and HR, not just dwellings-multiple.
	Purpose statement	Minor amendment replaces the words 'medium and high density residential buildings' with 'medium and high density areas' to reflect the changed scope of the clause.
	Purpose statement	Minor amendment that replaces the words 'Zones LR and LMR' with 'lower density development' for consistency in language.
Street Frontage of Residential Buildings in Zone CB		
	Clause number	5.4.X has been re-numbered to clause 5.4.19.



Table 1 – Amendments made to clauses since Stage 2 consultation		
Clause reference from Stage 2		Commission changes post Stage 2
Clause 5.4.X (Street Front of residential Buildings in Zone CB)	Purpose statement	A new purpose statement more correctly reflect the intent of the requirements in the clause.
	Administration sub-clauses	Administrative sub-clauses have been introduced to inform design and decision making where a variation is sought.
	Sub-clause 4	Requirement amended to further clarify what is expected.
	Sub-clause 5	Removed.
	Sub-clause 6	Further detail to clarify the intent of the requirement.
	New sub-clause	New requirement that ensures safety for pedestrians in respect to vehicles entering/existing a site.
	New Editor's Note	New Editor's Note provides reference to the existing document 'Design Guidance to Achieve Active Frontages and provide for Services' within Schedule 5 of the Scheme.
	New Editor's Note	New Editor's Note provides further explanation that rooflines and balconies can extend into the road reserve area within Zone C, but only with the approval of the relevant local authority.
Other	Sub-clauses have been re-numbered in response to the increase in sub-clauses.	
Design of Commercial Buildings		
Clause 5.5.3 (Design of Commercial and Other Non-residential development)	All references within the clause	Changes proposed during stage 2 are not progressing and are instead incorporated within the new clause 5.5.15 (Design of Commercial and Mixed Use Development in Zones C and CB) – see Table 2.
Active Street Frontages		
Clause 5.5.X (Active Street Frontages of Commercial and Mixed Use Buildings in Zones CB, C and HR)	Clause number	5.4.X has been re-numbered to clause 5.5.16.
	Clause title	Reference to Zone HR removed.
	Administration sub-clauses	Administrative sub-clauses introduced to inform design and decision making where a variation is sought.
	Sub-clause 5	Requirement removed as it is to be included elsewhere in the Scheme.
	Sub-clause 6	Amended to clarify that the requirement only applies where fronting a primary or secondary street, or a public space.
	Sub-clause 7	Requirement is amended to provide further detail around the parameters of active street frontage.

Table 1 – Amendments made to clauses since Stage 2 consultation		
Clause reference from Stage 2		Commission changes post Stage 2
	New sub-clause	New requirement to clarify that areas outside the 'active street frontage' are to limit the presentation of blank walls.
	Guidance Note	A new guidance note assists with interpretation.
Schedule 2: Definitions		
Schedule 2.2	Active street frontage	Minor amendment replaces the word 'place' with 'space' for consistency with other language in the planning scheme.

Table 2

Table 2 – Other amendments introduced since Stage 2 consultation		
Clause reference		Commission changes post Stage 2
Communal Open Space		
Clause 5.4.7	Sub-clauses 3 and 4	Administrative sub-clauses introduced to inform design and decision making where a variation is sought.
	Other	Sub-clauses have been re-numbered in response to the increase in sub-clauses.
Commercial Building Design		
Clause 5.5.15	Entire clause	<p>New clause to provide direction for commercial and mixed use buildings in Zones CB and C.</p> <p>During Stage 2, requirements were proposed to be included or amended within Clause 5.5.3. As the clause is applicable to several zones the suggested amendments were not appropriate.</p> <p>The new requirements proposed are based on feedback received throughout stage 2, and the existing requirements in Clause 5.5.3 that are applicable in zones CB and C.</p> <p>A new purpose statement and administrative sub-clauses have been developed to provide guidance.</p>

## PART 5 - DEVELOPMENT REQUIREMENTS

### 5.2.6 Landscaping

#### Purpose

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall **amenity** of the locality.

#### Administration

1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may **consent** to landscaping that is not in accordance with sub-clauses 4, 5 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the **site** having regard to the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.

#### Requirements

3. Where landscaping is required by this Scheme it should be designed so that:
  - (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered **car parking areas**;
  - (b) it maximises efficient use of water and is appropriate to the local climate;
  - (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
  - (d) significant trees and vegetation that contribute to the character and **amenity** of the **site** and the streetscape are retained;
  - (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
  - (f) the layout and choice of plants permits surveillance of public and communal areas; and
  - (g) it facilitates on-site infiltration of stormwater run-off.
4. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a **site** that is used for **rooming accommodation, dwellings-group, dwellings-multiple** and **residential care facility** is to be landscaped.
5. In Zones LI, GI and DV all street frontages, except **access** driveways or footpaths, are to be landscaped to a minimum depth of 3m.
6. The quality and extent of the landscaping consented to must be maintained for the life of the development.



7. In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.

#### 5.2.6.1 Landscaping in Zone CB

##### Purpose

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

##### Administration

1. The consent authority may **consent** to a development 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. Requirement 3 does not apply to any development that complies with Clause 5.5.1 (Interchangeable Use and Development in Zones CB and C) or Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).

##### 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 5.2.4.3.**
- (2) **Refer to *Design Guidance: Landscaping in Zone CB* for guidance on interpreting requirement 3.**

### 5.4.1 Residential Density and Residential Plot Ratio Limitations

#### Purpose

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

- (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;
- (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; and
- (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.

#### Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 24 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

4. The maximum number of **dwelling**s that may be constructed on a **site** (excluding **dwelling-multiple** development in Zones MR, HR or C) is to be determined in accordance with Table A. B, C or D ~~and E~~ (as the case requires) to this clause.
5. The maximum **residential plot ratio** for **dwelling**s-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 <b>dwelling-single</b> in CL, CV and T	1 <b>dwelling-single</b> per lot
LMR and for <b>dwelling</b> s-group in CL and T and <b>dwelling</b> s-multiple in T	1 per 300m <sup>2</sup>
A and H	2 per lot

**Table B to Clause 5.4.1: Dwelling Density for dwelling-community residence, 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 <sup>2</sup>	180m <sup>2</sup>	215m <sup>2</sup>
2	125m <sup>2</sup>	170m <sup>2</sup>	210m <sup>2</sup>
<del>3</del>	<del>95m<sup>2</sup></del>	<del>130m<sup>2</sup></del>	<del>180m<sup>2</sup></del>
<del>4 (maximum)</del>	<del>85m<sup>2</sup></del>	<del>130m<sup>2</sup></del>	<del>140m<sup>2</sup></del>

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

Number of storeys above ground level	Dwelling Density
1	400m <sup>2</sup>
2	200m <sup>2</sup>
<del>3 (maximum)</del>	<del>133m<sup>2</sup></del>

**Table D to Clause 5.4.1: Dwelling Density for dwelling-community residence, dwelling-group, dwelling-single and rooming accommodation in Zone HR**

Number of storeys above ground level	1 or 2 bedrooms	3 bedrooms	4 bedrooms
1	125m <sup>2</sup>	170m <sup>2</sup>	210m <sup>2</sup>
2	95m <sup>2</sup>	130m <sup>2</sup>	160m <sup>2</sup>
<del>3</del>	<del>85m<sup>2</sup></del>	<del>130m<sup>2</sup></del>	<del>160m<sup>2</sup></del>
<del>4</del>	<del>80m<sup>2</sup></del>	<del>110m<sup>2</sup></del>	<del>130m<sup>2</sup></del>
<del>5</del>	<del>75m<sup>2</sup></del>	<del>105m<sup>2</sup></del>	<del>130m<sup>2</sup></del>
<del>6</del>	<del>75m<sup>2</sup></del>	<del>100m<sup>2</sup></del>	<del>125m<sup>2</sup></del>
<del>7</del>	<del>70m<sup>2</sup></del>	<del>100m<sup>2</sup></del>	<del>120m<sup>2</sup></del>
<del>8+</del>	<del>70m<sup>2</sup></del>	<del>95m<sup>2</sup></del>	<del>120m<sup>2</sup></del>

**Table E to Clause 5.4.1: Residential Plot Ratio for Dwellings-multiple in Zones MR, HR, & C**

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

Table E to Clause 5.4.1: Dwelling Density in Zone C	
Number of storeys above ground level	Dwelling Density
4	1 per 400m <sup>2</sup>
2	1 per 200m <sup>2</sup>
3	1 per 133m <sup>2</sup>

**Editor's Note: Refer to *Design Guidance: Residential Plot Ratio for Dwellings-multiple in Zones MR, HR and C* for guidance of how to interpret residential plot ratio.**

## 5.4.2 Residential Height Limitations

### Purpose

To ensure that the development of **residential buildings** is of a height that:

- (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
- (b) does not unduly overlook adjoining properties.

### Administration

1. The height of any point of a **residential building** is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
2. The consent authority may **consent** to a **residential building** that is not in accordance with sub-clause 5 only if:
  - (a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
  - (b) additional height is provided for by an applicable Area Plan.
3. The consent authority must not **consent** to a **residential building** in Zone MR that abuts land in Zone LR that:
  - (a) exceeds a height of 3 **storeys** above **ground level**; or
  - (b) subject to clause 5.2.2, in any other circumstance exceeds 4 **storeys** above **ground level**.
4. The consent authority may **consent** to a **residential building** that exceeds 8 **storeys** in height in Zone HR only if:
  - (a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
  - (b) it is provided for within an applicable Area Plan.

### Requirements

5. Subject to clause 5.2.2, the height of a **residential building** that may be constructed on a **site** is to be determined in accordance with the table to this clause.

Table to Clause 5.4.2: Residential Height Limitations	
Zone	Maximum Number of Storeys and Maximum Dwelling Height above Ground Level for Residential Buildings
LR and for a <b>dwelling-single</b> in Zones CL, CV and T	2 – to a maximum height of 8.5m
LMR and for <b>dwelling-group</b> in Zones CL, T and for <b>dwelling-multiple</b> in Zone T	2 – to a maximum height of 8.5m
MR other than in Alice Springs	4 maximum
MR and TC in Alice Springs	3 maximum
HR	8+
RR, RL and R	2 – to a maximum height of 8.5m
C	3 4

### 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

#### Purpose

Ensure that **residential buildings** and **ancillary** structures are located in a manner that:

- is compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
- minimises adverse effects of building massing when viewed from adjoining land and the street;
- avoids undue overlooking of adjoining properties; and
- facilitates breeze penetration through and between buildings.

#### Administration

- The consent authority may **consent** to a development that is not in accordance with sub-clause 56 only if it is satisfied that the reduced setback 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.
- In this clause:
  - an **ancillary** structure includes an **outbuilding**, verandah, **balcony**, shade sail and the like, which may or may not include external walls; and
  - for all developments except **dwelling-multiple** in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot

is restricted by the controlling Agency or local authority, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.

3. This clause does not apply in Zones CB, ~~C~~, LI, GI and DV.
4. Despite subclause 56 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
  - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
  - (b) has a cumulative **floor area** of 15m<sup>2</sup> or less;
  - (c) is 2.5m or less in height;
  - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
  - (e) does not discharge rainwater on an adjacent lot or unit title.

#### Requirements

5. Subject to clause 5.2.7, **residential buildings** and **ancillary** structures are to be setback from lot boundaries in accordance with ~~table A or B (as the case requires)~~ [the tables](#) to this clause noting that no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) ~~from the lot boundaries~~, [unless stated otherwise within a table to this clause](#).

<b>Table A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A</b>		
<b>Lot Boundary</b>	<b>Minimum Setback for 1 or 2 storey buildings</b>	<b>Minimum Setback for buildings over 2 storeys</b>
Primary street frontage	6m for <b>residential buildings</b> , and <b>ancillary</b> structures with external walls <u>and</u> 4.5m for <b>ancillary</b> structures <a href="#">and balconies</a> without external walls <u>or</u> 3m for shade sails, to a maximum height of 2.5m at the minimum setback	7.5m for <b>residential buildings</b> , and <b>ancillary</b> structures with external walls <u>and</u> 4.5m for <b>ancillary</b> structures without external walls
Secondary street frontage	2.5m for <b>residential buildings</b> <u>and</u> 1.5m for <b>ancillary</b> structures <a href="#">and balconies</a> without external walls. <u>or</u> 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback	2.5m for <b>residential buildings</b> and <b>ancillary</b> structures with external walls <u>and</u> 1.5m for <b>ancillary structures</b> without external walls



**Table A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A**

Lot Boundary	Minimum Setback for 1 or 2 storey buildings	Minimum Setback for buildings over 2 storeys
Side and rear lot boundaries	<p>1.5m for <b>residential buildings</b> and <b>ancillary</b> structures <u>or</u> 1m, provided that the subject wall:</p> <ul style="list-style-type: none"> <li>only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater;</li> <li>does not extend beyond a maximum height of 3.5m; and</li> <li>does not extend beyond a maximum length of 9m</li> </ul> <p><u>except</u> shade sails which may be setback 0.9m to a maximum height of 2.5m at minimum setback</p>	<p>3m for <b>residential buildings</b> with</p> <ul style="list-style-type: none"> <li><b>habitable rooms</b> <u>with</u> windows or doors facing the subject boundary; and</li> <li>verandahs and/ or balconies facing the subject boundary; and</li> <li>shade sails</li> </ul> <p><u>or</u> 1.5m for <b>residential buildings</b> where the subject wall only includes:</p> <ul style="list-style-type: none"> <li>non-habitable rooms;</li> <li><b>habitable rooms</b> <u>without</u> windows and/ or doors facing the boundary; and</li> <li><b>ancillary</b> structures, whether with or without external walls excluding, verandahs, balconies or shade sails</li> </ul>

**Table B to Clauses 5.4.3: Minimum building setbacks for residential buildings, ancillary structures and balconies in Zones MR and HR**

Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum Setback above first four storeys above ground level	Minimum setback for roofline
Primary street frontage	6m for <b>residential buildings</b> and <b>ancillary</b> structures 3m for balconies	9m for <b>residential buildings</b> 6m for balconies	2.1m - provided that no supporting member is located within 6m of the boundary
Secondary street frontage	4.5 m for <b>residential buildings</b> and <b>ancillary</b> structures 1.5m for balconies	7.5m for <b>residential buildings</b> 4.5m for balconies	2.1m - provided that no supporting member is located within 4.5m of the boundary
Side and rear lot boundaries	3m for <b>residential buildings, ancillary</b> structures and balconies	6m for <b>residential buildings</b> 4.5m for balconies	2.1m

**Table C to Clauses 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zone C**

Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum setback for roofline
Primary street frontage	3m for <i>residential buildings</i> 0m for balconies	Nil
Secondary street frontage		
Side and rear lot boundaries abutting Zone C	0m for walls with no openings 3m for walls with openings or balconies	Nil – for walls with no openings 2.1m for walls with openings or balconies
Side and rear lot boundaries abutting all other Zones	5m for <i>residential buildings</i>	4.1m

**Table B D to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zones RR, RL, R, H and A**

Lot Boundary	Minimum Setback
Primary street frontage	10m <u>or</u> 7.5m for lots less than 1ha in Zones RR and RL
Secondary street frontage	10m <u>or</u> 5m for lots less than 1ha in Zones RR and RL
Side and rear lot boundaries	10m <u>or</u> 5m for lots less than 1ha in Zones RR and RL

**Editor's Notes:**

- ~~(1) Ancillary structures include ancillary outbuildings such as garages, carports, sheds and the like.~~
- (1) Refer to *Design Guidance: Residential Setbacks in Zones MR and HR* for guidance on interpreting Table B.
- (2) Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.
- (3) Clause 5.4.3.3 provides reduced setback requirements in certain circumstances for dwellings-single.
- (4) Clause 5.8.7 Demountable Structures includes specific setback requirements.
- (5) Setbacks relate to lot boundaries and not unit title boundaries.
- (6) Balconies and rooflines in Zone C may extend into the road reserve with approval of the relevant local authority.

## 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 only 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 4-5 only if it is satisfied it 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 (Fencing of **Dwellings-Multiple** in Zones MR and HR).

#### Requirements

4. Each **dwelling**-multiple is to have at least one area of private open space that:
  - (a) is a minimum area of 12m<sup>2</sup> 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.
5. 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.
6. Where the private open space is at **ground level** and not adjacent to communal open space, it should be:
  - (a) fenced to a maximum height of 1.8m providing a visual barrier to adjoining **dwelling**s and public spaces; or
  - (b) planted with dense vegetation which will provide a visual barrier to 1.8m 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-clause 3.4 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 subclauses 5 and 6 if:
  - (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.

### Requirements

- 3.5. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
- 4.6. 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 **dwellings**;
  - (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 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**, 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 6-16, 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 6-11 if 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 12 if satisfied that landscaping of sufficient height and density is provided and maintained to provide an appropriate level of screening.
4. The consent authority may **consent** to a development not in accordance with sub-clauses 13 and 14 if satisfied that that an alternative balcony design contributes positively to the streetscape and does not unduly increase the perceived massing of the development.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 and 16 if satisfied that all reasonable measures are taken to mitigate potential impacts to **dwelling** and **habitable rooms** on the site.

#### Requirements

6. Doors and openable windows are to maximise natural cross ventilation opportunities to **habitable rooms**.
7. Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the site.
8. Services and utilities, including but not limited to servicing ducts, that can be seen from any **primary** or **secondary street** or **public open space**, are to be integrated into building design or screened to reduce visual impact on the streetscape.
9. Air conditioning plants are to be screened to reduce the visual impact to the public realm and neighbouring properties.
10. Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the street.
11. Development is to minimise use of reflective surfaces on external walls.

12. **Car parking areas**, excluding access points, are to be screened to the public domain. The materials used for screening are to have a maximum visual permeability of 50%.
13. Balconies fronting a street are to be cantilevered.
14. The use of full-height fixed screening on balconies is not to exceed 25% of the length the balcony that faces a street.
15. 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**.
16. Buildings are to provide internal drainage of balconies and demonstrate how run-off will be managed to prevent water ingress to adjoining balconies and **dwelling**s below.

#### 5.4.17 Building Articulation

##### Purpose

Ensure that **residential buildings** mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.

##### Administration

1. This clause applies to all sides of **residential buildings**, except **dwelling-single** and the ground floor of residential buildings in Zone CB, that are longer than 15m.
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.
3. The length of the building excludes verandahs, balconies, porches and carports integrated into the **residential building** design.

##### Requirements

4. A step or recess to the building line of no less than 1m by 1m is required for every 15m of building length, or part thereof.

**Editor's Note: Refer to Design Guidance: Articulation for buildings longer than 15m for further guidance to sub-clause 4.**



## 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 opportunities for passive surveillance to the public domain, is constructed to enhance the pedestrian experience, and provides visual privacy to lower density development.

#### Administration

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

#### Requirements

2. 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;
  - (b) the area of materials that is not **visually permeable** does not to exceed an area equivalent to the length of the site boundary (excluding driveways) multiplied by 1.2m; and
  - (c) fencing within 1.5m of driveways, pedestrian entries, and street corners is visually permeable above 0.6m.
3. Where the development abuts land in Zones LR or LMR, provide either:
  - (a) a solid screen fence to a minimum height of 1.8m high to that boundary; or
  - (b) 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.

**Editor's Note: Refer to *Design Guidance: Fencing of Dwellings-Multiple in Zones MR and HR* for guidance on interpreting this clause.**

### 5.4.19 Street Frontage of Residential Buildings in Zone CB

#### Purpose

Promote a site responsive design of residential buildings in Zone CB 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 in Zone CB that do not include commercial uses on the ground floor.
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if satisfied that compliance would be impractical considering servicing requirements and advice provided under sub-clause 7.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 9 if it is satisfied that it is consistent with the purpose of the clause.
4. The consent authority must not **consent** to a development that is not in accordance with sub-clause 10.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 11 if 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 authority identifies that an awning in accordance with sub-clause 11 is not required.
6. A development application must, in addition to the matters described in sub-clauses 8-11, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
7. 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.

#### Requirements

8. 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.

9. 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 realm;
  - (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.
10. Car parking access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.
11. 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.

#### Editor's Notes:

- (1) Refer to **Design Guidance to Achieve Active Frontages and provide for Services** for more information on servicing requirements relating to requirement 8.
- (2) **Balconies, rooflines and awnings may extend into the road reserve with approval of the relevant local authority.**

### 5.5.15 Design of Commercial and Mixed Use Development in Zones C and CB

#### 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 8-17, 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-clause 8 if satisfied that the development will contribute positively to the **amenity** of the area in a manner that is consistent with the anticipated future development of the locality.
3. The consent authority may **consent** to a development that is not in accordance with subclauses 9-11 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 12 if 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 authority identifies that an awning in accordance with sub-clause 11 is not required.
5. The consent authority may **consent** to a development in accordance with sub-clauses 13 and 14 if satisfied that the development provides an alternative response that better facilitates the safe and convenient movement of pedestrians and cyclists within and adjacent to the site.
6. The consent authority may **consent** to a development in accordance with sub-clause 15 if satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
7. The consent authority must not **consent** to a development that is not in accordance with sub-clauses 16 and 17.

#### Requirements

8. Building design is to be sympathetic to the character of buildings in the immediate locality.
9. 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) maximises passive cooling and heating, as appropriate.
10. 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.
11. Services and utilities (such as to service ducts, pipes, air conditioner plants etc.) are to be integrated in the building design and screened to the public domain.
12. 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 the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
13. Development is to provide safe and convenient walking and cycle routes through the site, to other buildings and to public spaces that:
  - (a) provide protection from sun and rain; and

- (b) avoid potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.
- 14. **Car parking** access ways are to be designed to provide clear sightlines for pedestrians on the adjacent footpath.
- 15. 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.
- 16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping or shade structures.
- 17. Development is to provide for refuse collection to the satisfaction of the local authority.

**Editor's Notes: Balconies, rooflines and awnings may extend into the road reserve with approval of the relevant local authority.**

#### 5.5.16 Active Street Frontage of Commercial and Mixed Use Buildings in Zones CB and C

##### Purpose

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

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

##### Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5 or 6 only if:
  - (a) an alternative standard for the site is supported by a Location Specific Development Requirement;
  - (b) an alternative solution more effectively meets the purpose of this clause; or
  - (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 3.
2. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 5 or 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.
3. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local authority to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.

### 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 60% of the length of the **site** boundary fronting a **primary** or **secondary street**, or public space, as **active street frontage**.
6. An **active street frontage** described in sub-clause 6 is to be 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; or
  - (d) well-designed spaces that allow for pedestrian movement and/or seating.
8. Building frontage that is outside the requirements of sub-clauses 5 or 6, excluding areas for access, are to limit the scale and visual presentation of blank walls.

### **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* for more information on servicing requirements relating to requirement 4.



## Schedule 2: Definitions

**articulation** means the variation to the building line in the horizontal plane by the stepping and recessing of external walls.

**commercial plot ratio** is the relationship between the total commercial **floor area** compared to the area of the site. ~~**plot ratio** means the **floor area** divided by the area of the site.~~

**commercial floor area** is the **floor area** that can be allocated for commercial uses within a development.

**residential plot ratio** is the relationship between the total **residential floor area** compared to the area of the **site**.

**residential floor area** is the floor space that can be used for residential uses 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.

**visually permeable** means the ability to see through.

**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 another to a public space. Unless otherwise specified, **active street frontage**: contains active uses such as retail entertainment and dining uses for a minimum of 75% of the street boundary; is built to the street front boundary at **ground level**; has windows and door openings to the adjacent street or public place; and minimises driveway and servicing access across the **active street frontage**.

## CONSEQUENTIAL AMENDMENTS

### 5.2.2.3 Building Design Requirements within Zone CB in Alice Springs

#### Purpose

Promote exemplary building design within Central Alice Springs which responds sympathetically to local climatic and environmental characteristics, declared **heritage places**, and registered and recorded sacred sites.

#### Administration

1. The consent authority must not **consent** to a development that is not in accordance with sub-clause 4.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses ~~5, 6, 7~~ and 8 only if it is satisfied that compliance would be impractical or the application can demonstrate that an alternative solution would more effectively meet the requirements.
- ~~3. The consent authority is to have regard to any information provided through sub-clause 9.~~

#### Requirements

4. All buildings must comply with the Diagram and Table to this clause.
- ~~5. The design of buildings in Central Alice Springs are to provide 75% of the length of the **site boundary at ground level as active street frontage** through such treatments as:
 
  - ~~(a) frequent, operational and legible entrances that are directly accessible from the public footpath;~~
  - ~~(b) clear glass windows with views to and from the street;~~
  - ~~(c) open space incorporating **active street frontages**, landscaping and retention of significant existing landscaping;~~
  - ~~(d) areas that are attractive, safe and functional for pedestrians within the development **site**;~~
  - ~~(e) areas that allow for alfresco dining;~~
  - ~~(f) limiting services at street level on building frontages to the following:
 
    - ~~i. fire egress;~~
    - ~~ii. single vehicle entry and exit point to and from the building except on larger **sites** where additional **access** points are supported by a Traffic Study for the **site**;~~
    - ~~iii. direct single point **access** to service equipment by all service authorities; and~~
    - ~~iv. fire booster connection points.~~~~~~
- ~~6. Buildings in Central Alice Springs are to provide awnings to streets for the full extent of the **site** frontage, that allow for the planting and growth of mature trees within the road reserve.~~
7. **Ground level car parking areas** are to be designed so that they are not visible from the street or public spaces.

8. New development should respond sympathetically to the historic context provided by adjoining declared **heritage places** and registered and recorded sacred **sites**.
- ~~9. An application for development in Alice Springs Zone CB should include an acknowledgement in writing, from the agency responsible for power and water, the agency responsible for fire rescue services, and Alice Springs Town Council that the requirement for service provisions has been discussed with a view to minimise their impact on **active street frontages**.~~

### 5.2.3.3 Urban Design Requirements in Central Darwin

#### Purpose

Promote exemplary urban design in Central Darwin that:

- (a) responds to the local environment;
- (b) provides a high **amenity** pedestrian environment; and
- (c) contributes to the interest and activity at street level.

#### Administration

1. This clause applies to land within Zone CB (Central Business) in Central Darwin.
- ~~2. The consent authority may **consent** to a development that is not in accordance with sub-clause 5 only if it is satisfied that compliance would be impractical.~~
3. The consent authority may **consent** to a development that is not in accordance with sub-clauses 6, 7 and 8 only if it is satisfied it is consistent with the purpose of this clause, and it is appropriate to the **site** having regard to such matters as its location, nature, scale and impact on surrounding **amenity**.
- ~~4. The consent authority is to have regard to any information provided through sub-clause 9.~~

#### Requirements

- ~~5. The design of buildings in Central Darwin are to provide 75% of the length of the **site boundary** at **ground level** as **active street frontage** through such treatments as:~~
  - ~~(a) frequent, operational and legible entrances that are directly accessible from the public footpath;~~
  - ~~(b) clear glass windows with views to and from the street;~~
  - ~~(c) open space incorporating **active street frontages**, landscaping and retention of significant existing landscaping;~~
  - ~~(d) areas that are attractive, safe and functional for pedestrians within the development **site**;~~
  - ~~(e) areas that allow for alfresco dining;~~
  - ~~(f) limiting services at street level on building frontages to the following:~~
    - ~~i. fire egress;~~

- ii. ~~single vehicle entry and exit point to and from the building except on larger **sites** where additional **access** points are supported by a Traffic Study for the **site**;~~
  - iii. ~~direct single point **access** to service equipment by all service authorities; and~~
  - iv. ~~fire booster connection points.~~
6. Buildings in Central Darwin are to:
- (a) ~~provide awnings to streets for the full extent of the **site** frontage that allow for the planting and growth of mature trees within the road reserve;~~
  - (b) provide mid-block pedestrian linkages (arcades) at **ground level** from one street to the other buildings that have dual frontages;
  - (c) have facades that have a clearly articulated base, middle and top; and
  - (d) integrate plant rooms and service equipment on roof tops.
7. **Ground level car parking areas** in buildings are limited only to the number of **car parking spaces** required for **ground level** retail tenancies.
8. All **car parking spaces** are to be screened so that they are not visible from the street or public spaces.
9. ~~An application for a development in Central Darwin should include an acknowledgement in writing from the agency responsible for power and water, the agency responsible for fire rescue services and City of Darwin Council that the requirement for service provisions has been discussed with a view to minimise their impact on **active street frontages**.~~

#### 5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height

##### Purpose

~~Ensure that **residential buildings** respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.~~

##### Administration

- 1. ~~The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 3.~~
- 2. ~~The length of the building excludes verandahs, balconies, carports and porticos integrated into the **residential building** design and fully open to affected boundaries.~~

Requirements

3. — For **residential buildings**, except **dwelling-single**, that are longer than 18m or taller than 4 **storeys**, additional setback requirements apply to those outlined in the tables to clause 5.4.3 as follows:
- (a) — for each additional 3m or part thereof in building length over 18m, an additional **building setback** to the affected boundary of 0.5m; and
  - (b) — for each additional **storey** over four **storeys** above **ground level**, an additional **building setback** to that **storey** of 1.5m from all boundaries.
4. — No part of a **residential building** is required to exceed a **building setback** of 10.5m from any boundary.

#### 5.4.5 Building Setbacks and Fencing of Dwellings-group, Dwellings-multiple and Residential Care Facilities in Zone MR

Purpose

Minimise the visual and acoustic impact of **dwelling-group, dwelling-multiple and residential care facilities** in Zone MR where that land is adjacent to land in Zone LR.

Administration

1. — This clause applies to land in Zone MR that abuts land in Zone LR.
2. — The consent authority must not **consent** to development that is not in accordance with sub-clause 4.

Requirements

3. — Provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone LR.
4. — Provide a **building setback** of not less than 3m to the boundary that abuts land in Zone LR, which is to be landscaped and is to provide a visual screen to the adjacent land in Zone LR.

##### 5.4.6.1 Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-group

Purpose

Extend the function of a **dwelling** and enhance the residential environment by ensuring that each **dwelling** has private open space that is:

- (a) of an adequate size to provide for domestic purposes;
- (b) appropriately sited to provide outlook for the **dwelling**;
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the **site**; and
- (d) inclusive of areas for landscaping and tree planting.

### Administration

1. The consent authority may **consent** to private open space that is not in accordance with sub-clauses 4 and 5 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. If a **dwelling** within a **dwelling-multiple** development has no direct **access** at **ground level** to private open space, and where on-site communal open space is provided, compliance with purpose provisions (c) and (d), and sub-clauses 4(d), (e) and (f) is not required.~~
- ~~3. The consent authority may **consent** to **dwelling-multiple** comprising **serviced apartments** in Zone TC that is not in accordance with sub-clauses 4 and 5 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.~~

### Requirements

- 4.2. Private open space ~~for a **dwelling-single**, **dwelling-group**, **dwelling-multiple** or **dwelling-independent**~~ should:
  - (a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
  - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
  - (c) be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwelling**s;
  - (d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
  - (e) include at least one area of at least 5m<sup>2</sup>, with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
  - (f) allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.
- 5.3. Where the private open space is at **ground level** and ~~other than for a **dwelling-single**, or a **dwelling-single** and associated **dwelling-independent**~~ it should be **dwelling-group**:
  - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
  - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.



Table to Clause 5.4.6: Minimum Areas of Private Open Space	
Type of Dwelling	Private Open Space Area
<b>Dwelling-multiple without direct ground level access</b>	42m <sup>2</sup> with no dimension less than 2.8m
<p>For clarity, in this table:</p> <p><b>Area A</b> is the minimum area, for each <b>dwelling</b>, that must be open vertically to the sky and have no dimension less than 1.5m.</p> <p>A least half of Area A must be permeable, and may include the 5m<sup>2</sup> required for deep soil planting.</p> <p><b>Area B</b> is the minimum dimensioned space that extends the function of the <b>dwelling</b> and may be covered or open to the sky.</p> <p>Any part of <b>Area B</b> that is open to the sky may form part of <b>Area A</b>.</p>	
Type of Dwelling	Private Open Space Area
<b>Dwelling-group and dwelling-multiple with direct ground level access</b>	<p><b>A.</b> 45m<sup>2</sup>, open vertically to the sky, with no dimension less than 1.5m; and</p> <p><b>B.</b> 24m<sup>2</sup>, all or partly covered, with no dimension less than 4m.</p>
<b>Dwelling-single</b> on a lot less than 450m <sup>2</sup>	
<b>Dwelling-independent</b> in addition to the private open space requirement for the <b>dwelling-single</b>	<p><b>A.</b> 50m<sup>2</sup>, open vertically to the sky, with no dimension less than 1.5m; and</p> <p><b>B.</b> 36m<sup>2</sup>, all or any part covered, with no dimension less than 6m.</p>
<b>Dwelling-single</b> on a lot not less than 450m <sup>2</sup>	

#### 5.4.8 Building Design for Dwelling-group, **Dwelling-multiple**, Rooming Accommodation and Residential Care Facility

##### Purpose

Promote site-responsive designs for **dwelling-group**, **dwelling-multiple**, **rooming accommodation** and **residential care facility**, which provide a pleasant living environment for the occupants and a sympathetic interface with adjoining lots, to minimise unreasonable impacts on the privacy and **amenity** of surrounding residents.

##### Administration

1. This clause does not apply when only two **dwelling**s form the **dwelling-group**.
2. The consent authority should take into account how the building design has addressed sub-clauses 3-14.

##### Requirements

3. Locate development on the **site** for correct solar orientation.

4. Minimise expanses of walls by varying **building heights**, **building setbacks** and façades.
5. Locate air conditioners where they are accessible for servicing.
6. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.
7. Avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent **sites**.
8. Locate bedrooms and private open spaces away from noise sources.
9. Control its own noise sources and minimise the transmission of noise between **dwelling**s.
10. Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.
11. Balance the achievement of visual and acoustic privacy with passive climate control features.
12. Allow breeze penetration and circulation.
13. Minimise use of reflective surfaces.
14. Provide internal drainage of balconies and coving on the edge of balconies.

#### 5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV

##### Purpose

Ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

##### Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 2-6 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 the safety and **amenity** of the locality and adjoining property.

##### Requirements

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

Table to Clause 5.6.1: Industrial Setbacks and Building Design Requirements	
Location/ Boundary	Minimum Building Setback
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

3. A clearly identifiable, dedicated pedestrian **access** is to be provided to the main entrance of the building from the street and customer **car parking areas**.
4. Front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. ~~Articulation may~~ Façade treatment should include a combination of the following:
  - (a) setbacks or projections;
  - (b) changes in height to provide focal features and identify key locations (such as entrances);
  - (c) the use of a varied palette of materials, finishes and colours within the building design; and
  - (d) projecting features such as awnings or sun shades.
5. Buildings situated on corner lots in Zone LI should be designed to accentuate the corner location with architectural features that create a visual presence at the corner.
6. Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the **primary street**.

**Editor's Note: Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.**

**For more information**

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