

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME

I, EVA DINA LAWLER, Minister for Infrastructure, Planning and Logistics, under sections 25(2)(c) of the *Planning Act 1999*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.



Dated 6th October 2019.

Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 479

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 479.

2. Repeal and substitution of Clause 7.5 (Private Open Space)

Clause 7.5 -

Repeal, substitute as shown on pages 2 and 3 below

7.5 Private Open Space

1. The purpose of this clause is to 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.
2. Private open space for a **single dwelling, multiple dwelling or independent unit** should:

(satisfy the a) 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;
 - (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 dwellings;
 - (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 5m², 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.
3. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, and where on-site communal open space is provided, compliance with subclauses 1(c) and (d), 2(d) (e) and (f) is not required.
4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:
 - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.
5. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with subclauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

TABLE TO CLAUSE 7.5 Minimum Areas of Private Open Space

Type of Dwelling	Private Open Space Areas (exclusive of driveways and parking areas)
multiple dwelling without direct ground level access.	12m ² with no dimension less than 2.8m.
<p>For clarity, in this table:</p> <p>Area A is the minimum area, for each dwelling, that must be open vertically to the sky and have no dimension less than 1.5m.</p> <p>At least half of Area A must be permeable, and may include the 5m² required for deep soil planting.</p> <p>Area B is the minimum dimensioned space that extends the function of the dwelling and may be covered or open to the sky. Any part that is open to the sky may form part of Area A.</p>	
multiple dwelling with direct ground level access.	<p>A. 45m², open vertically to the sky, with no dimension less than 1.5m; and</p> <p>B. 24m², all or partly covered, with no dimension less than 4m.</p> <p>Any of area B that is vertically open to the sky may form part of area A.</p>
single dwelling on a lot less than 450m ² .	
independent unit in addition to the private open space requirement for the single dwelling .	
single dwelling on a lot not less than 450m ² .	<p>A. 50m², open vertically to the sky, with no dimension less than 1.5m; and</p> <p>B. 36m², all or any part covered, with no dimension less than 6m.</p> <p>Any of area B that is vertically open to the sky may form part of area A.</p>

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Planning Act 1999

Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME

AMENDMENT No. 479

I have amended Clause 7.5 (Private Open Space) of Part 4 of the NT Planning Scheme. These amendments seek to allow more flexibility in the provision of private open space within residential allotments, and provide flexibility in design and location of the private open space.

I have approved these amendments because:

- they provide a balance between the purposes of the clause to extend the function of the dwelling and enhance the residential environment;
- through consultation, the building industry has expressed support for the additional design flexibility introduced by the amendments; and
- the amended clause will provide the opportunity for tree planting for shade and visual amenity.

I made alterations to the proposal as originally exhibited in May 2019 in response to comments from submitters who requested clarification of the wording within the exhibited clause.

I have decided not to re-exhibit the altered proposal as the changes made after exhibition do not change the intent of the clause, as exhibited.



EVA DINA LAWLER
Minister for Infrastructure, Planning and Logistics

6 / 10 / 2019