Overview

This fact sheet provides guidance on the interpretation of Clause 7.5 of the NT Planning Scheme to assist in the provision of compliant areas of private open space.

Private open space is an important part of a home. It is an area of a size and location that will allow the establishment of an open green space that contributes to the amenity and function of a dwelling.

The purpose of Clause 7.5 is to provide each dwelling with an adequate area of private open space with minimum dimensions and sited to provide for domestic purposes. The area open to the sky should be predominantly permeable with an area suitable for shade tree planting.

Dwelling compliance

Single dwellings are permitted in Zone MD (Multiple Dwelling Residential) and Zone SD (Single Dwelling Residential) if the proposed dwelling will comply with all relevant provisions of the NT Planning Scheme including Clause 7.5.

If the private open space proposed for a dwelling will not comply, a development permit is required prior to construction.

Minimum area and dimensions

Minimum area and dimension requirements for private open space ensure that every dwelling has an outdoor area of a useable size for domestic purposes. Refer to appendix 1 for typical configurations of private open space for single dwellings on small lots.

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
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<tbody>
<tr>
<td>single dwellings</td>
<td>50m², inclusive of an area with minimum dimensions of 6m x 6m</td>
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<tr>
<td>on a lot of less than 600m²</td>
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<tr>
<td>independent unit</td>
<td>for the single dwelling: 50m², inclusive of an area with minimum dimensions of 6m x 6m; and for the independent unit: 45m², inclusive of an area with minimum dimensions of 5m x 5m.</td>
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<tr>
<td>multiple dwellings with direct ground level access</td>
<td>45m², inclusive of an area with minimum dimensions of 5m x 5m.</td>
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<tr>
<td>multiple dwellings without direct ground level access</td>
<td>12m², inclusive of an area with minimum dimensions of 2.8m x 4m.</td>
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Note: private open space requirements are per dwelling and do not include driveways and parking areas.
Directly accessible

Private open space should be directly accessible from a habitable room so that it extends the function of the dwelling.

Habitable rooms include a bedroom, lounge room, kitchen, study or other room that is used frequently and for extended periods. A bathroom, laundry, corridor, stair, lobby or similar are not considered to be habitable rooms.

Private open space is ‘directly accessible’ if you can step from a habitable room into a compliant area of private open space without travelling through a non-habitable room, corridor or lobby. Refer to figure 1.

Permeability and tree planting

More than half of the total private open space for a dwelling must be permeable. The permeable area is to allow the in-ground planting of vegetation for shade and amenity, and will also allow stormwater infiltration to lessen stormwater runoff from the site.

Private open space on lots less than 600m² should:

a) include at least one area of approximately 5m² for the deep soil planting of shade trees; and
b) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.

A practical test for a) is that the soil should be of sufficient depth for the viable planting of a tree.

Note: for a dwelling within a multiple dwelling development that has no direct ground-level access to private open space, and where on-site communal open space is provided, private open space is not required to be open to the sky and permeable.

Open to the sky

As with permeability, private open space must be open to the sky to allow for planting of vegetation and stormwater infiltration.

The following guidelines are to assist in the provision of compliant private open space that is open to the sky.

1. Within a building setback

For an area within a building setback to be counted as private open space, that area must be vertically open to the sky, with a width of at least 1.5m. Refer to figure 2.

Figure 1: Example of directly accessible

Figure 2: Example within a building setback
2. Areas covered by verandahs and eaves
A covered area may be partially counted as private open space if:

- the covered area is directly accessible from a habitable room;
- there is direct access from the covered area to open space that is vertically open to the sky; and
- the adjacent open space has no dimension less than 3m.

Subject to the above, a covered area can have a width that is one third of the least dimension of the adjacent area of open space. Refer to figure 3.

3. Flexible configuration within minimum dimension areas
Up to 25% of the minimum dimension (6m x 6m or 5m x 5m) area may be covered regardless of the configuration if:

- the covered area is directly accessible from a habitable room; and
- there is direct access from the covered area to open space that is vertically open to the sky.

Refer to figure 4.

Development Application
A development application must address the provisions of section 46(3) of the **NT Planning Act**. It is recommended that you make an appointment with a planner for guidance in the preparation of your application. For more information or to make an appointment visit the Development One Stop Shop at:  
www.lands.nt.gov.au/planning/onestopshop

Building Requirements
Single dwellings require a building permit prior to the commencement of works and must comply with the requirements of the **NT Building Act**. A building permit will only be issued by a private building certifier once any necessary development permit (along with other matters specified in the **Building Act**) is in place. For more information, refer to:  

Further Information

<table>
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<tr>
<th>Contact</th>
<th>Details</th>
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| **Development Requirements** | Department of Lands, Planning and the Environment - Development Assessment Services  
Web: nt.gov.au/property/building-and-development  
Email: das.dlpe@nt.gov.au  
Ph: 08 8999 6046 |
| **Building Requirements** | Private registered building certifiers  
Web: ntlis.nt.gov.au/building-practitioners  
Department of Lands, Planning and the Environment - Building Advisory Services  
Web: nt.gov.au/property/building-and-development  
Email: bas.dlpe@nt.gov.au  
Ph: 08 8999 6435 |
Appendix 1: Typical configurations of private open space for single dwellings on small lots

- Private open space at front of dwelling
- Private open space as a central courtyard
- Private open space at rear of dwelling

*Note: the covered area can be 25% of the minimum dimension area in any configuration