

Clause 5.4.6 Private Open Space

NT Planning Scheme Technical Note

Overview

This technical document provides guidance on the interpretation of Clause 5.4.6 of the NT Planning Scheme 2020 in order to provide compliant areas of private open space.

Clause 5.4.6 requires for each dwelling:

- private open space that is permeable and open to the sky with an area suitable for tree planting for amenity (the table to the clause refers to this as Area A); and
- a minimum dimensioned area of private open space that may be covered and is sited to contribute to the function of a dwelling for domestic purposes (the table to the clause refers to this as Area B).

Any of Area B that is vertically open to the sky may form part of A.

TABLE TO CLAUSE 5.4.6 Minimum Areas and Dimensions of Private Open Space

Type of Dwellings	Private Open Space Areas (exclusive of driveways and parking areas)
dwelling-multiple <u>without</u> direct ground level access.	12m ² with no dimension less than 2.8m.
(The Planning Scheme versions includes an explanation of Area A and Area B here.)	
dwelling-group or dwelling-multiple with direct ground level access.	A. 45m ² , vertically open to the sky, with no dimension less than 1.5m; and
dwelling-single on a lot less than 450m ²	B. 24m ² , all or partly covered, with no dimension less than 4m.
dwelling-independent in addition to the private open space requirement for the dwelling-single .	
dwelling-single on a lot no less than 450m ²	A. 50m ² , vertically open to the sky, with no dimension less than 1.5m; and B. 36m ² , all or partly covered, with no dimension less than 6m.

Note: private open space requirements are per dwelling and do not include driveways and parking areas.

Dwelling compliance

In residential zones, a dwelling-single is permitted if the proposed dwelling will comply with all relevant provisions of the NT Planning Scheme, including Clause 5.4.6.

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 dimensions for private open space seek to ensure that every dwelling has a connected and useable outdoor area for domestic purposes. The minimum areas and dimensions depend on the lot size and dwelling type – refer to the Table to Clause 5.4.6 shown on this page.

Typical configurations of private open space for dwelling-single on two typical lot sizes are included at Figure 3 and 4.

Directly accessible

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

Private open space is 'directly accessible' if the area complies with Clause 5.4.6 and a person can step from the dwelling into the private open space. To effectively extend the function of a dwelling, the private open space is best located so it can be accessed from one or more of the dwelling's living areas such as a lounge, kitchen, bedroom or study. Refer to Figure 1.

Permeability and tree planting

At least half of the required 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 should:

- a) include at least one area not less than 5m² for the deep soil planting of trees for shade or screening; 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. The planting of trees is left to the discretion of land developers and owners.

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.

Figure 2 below is to clarify the minimum dimension for private open space that can be considered open to the sky. The area must be vertically open to the sky, with a width of no less than 1.5m.

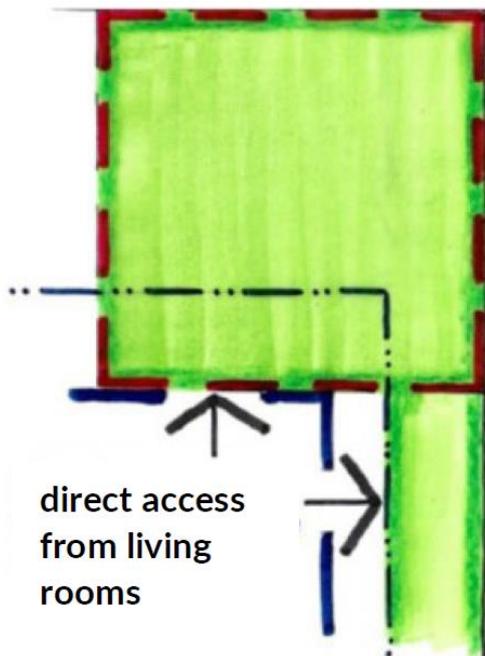


Figure 1: Example of directly accessible

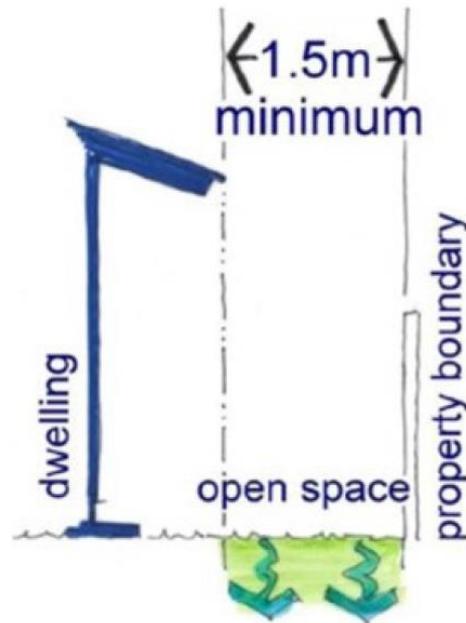


Figure 2: Example within a building setback

Note: for a dwelling within a dwelling-multiple 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

Development Application

A development application must address the provisions of section 46(3) of the *NT Planning Act 1999*.

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 go to the development application¹ page on the NT Government website.

Building Requirements

Dwellings-single require a building permit prior to the commencement of works and must comply with the requirements of the *NT Building Act 1993*.

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 1993*) is in place.

For more information, go to the building permit page² on the NT Government website.

¹ <https://nt.gov.au/property/land-planning-and-development/planning-applications-and-processes/development-applications>

² <https://nt.gov.au/property/building/build-or-renovate-your-home/building-and-renovating-permits-and-processes/getting-a-building-permit>

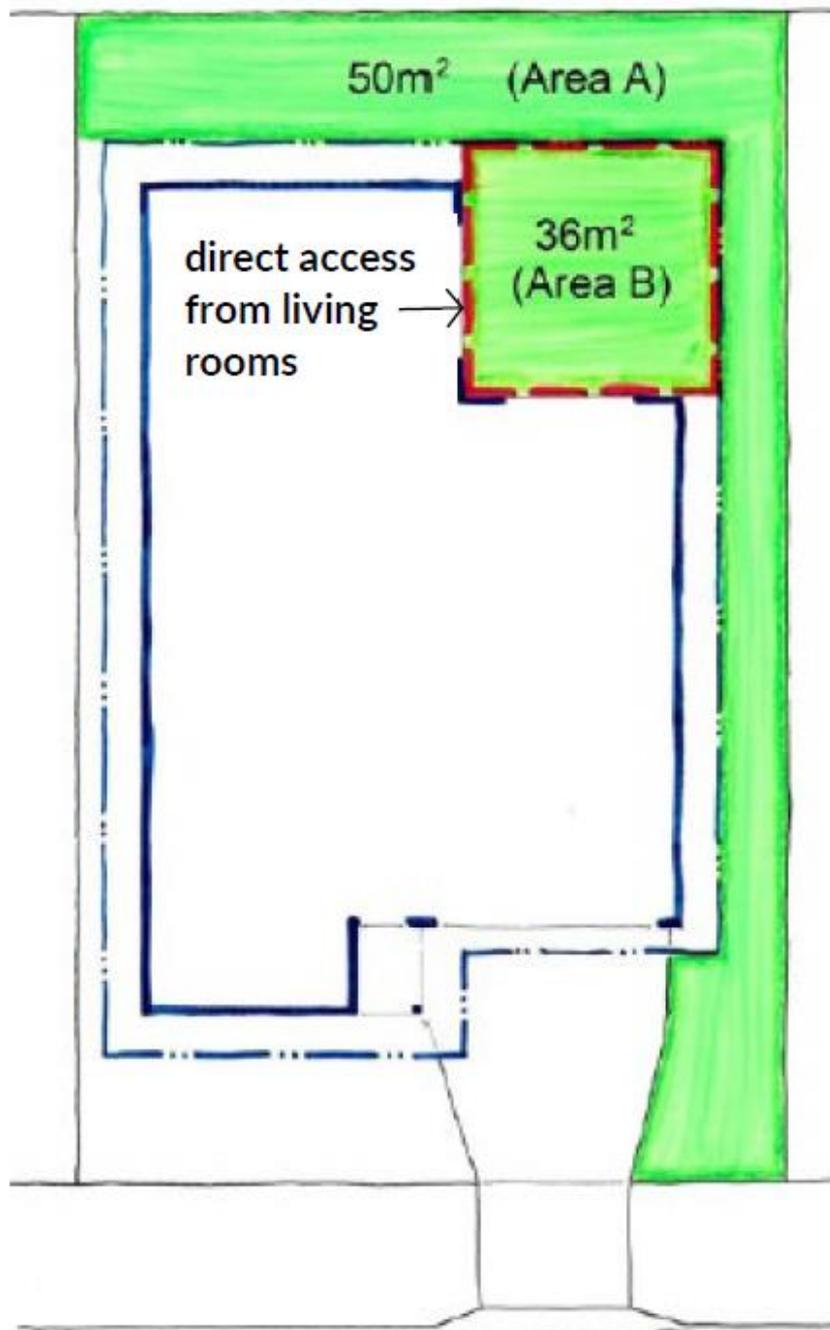


Figure 3: Typical configuration of private open space for a dwelling-single of a 450m² lot.

*Note 1: At least half of the private open space must be permeable and is to include an area of no less than 5m² for tree planting.

*Note 2: Any part of Area B that is vertically open to the sky may contribute to the requirement for Area A.

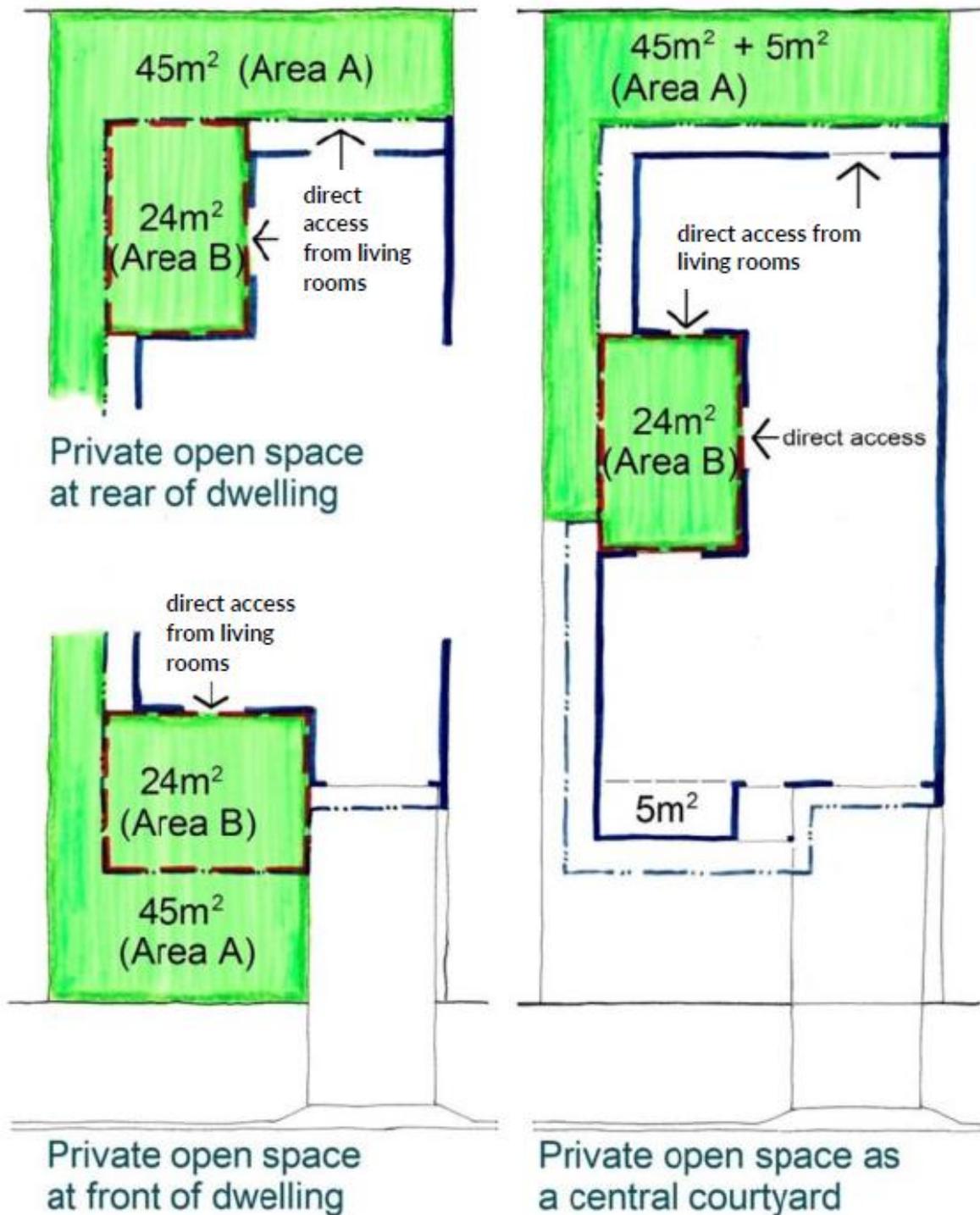


Figure 4: Typical configuration of private open space for a dwelling-single of a 300m² lot.

*Note1: At least half of the private open space must be permeable and is to include an area of no less than 5m² for tree planting.

*Note 2: Any part of Area B that is vertically open to the sky may contribute to the requirement for Area A.

Dwellings - Multiple

Figures 5 and 6 show configurations of private open space for typical dwellings-multiple with direct ground level access. Both examples are taken from constructed developments.

The 'duplex' example below takes advantage of the flexible configuration provided for 'Area B'; the minimum dimensioned area.

The four multiple dwellings at Figure 6 show 6m by 6m dimensioned areas and compliant areas open to the sky on a 1200m² lot.

Note that the table to the clause has a lesser private open space requirement for dwellings-multiple without direct ground level access (e.g. apartments). This requirement of 12m² with no dimension less than 2.8m effectively defines the minimum size of a verandah.

It follows that the clause 7.5 requirements for permeability and tree planting do not apply to dwellings without direct ground level access.

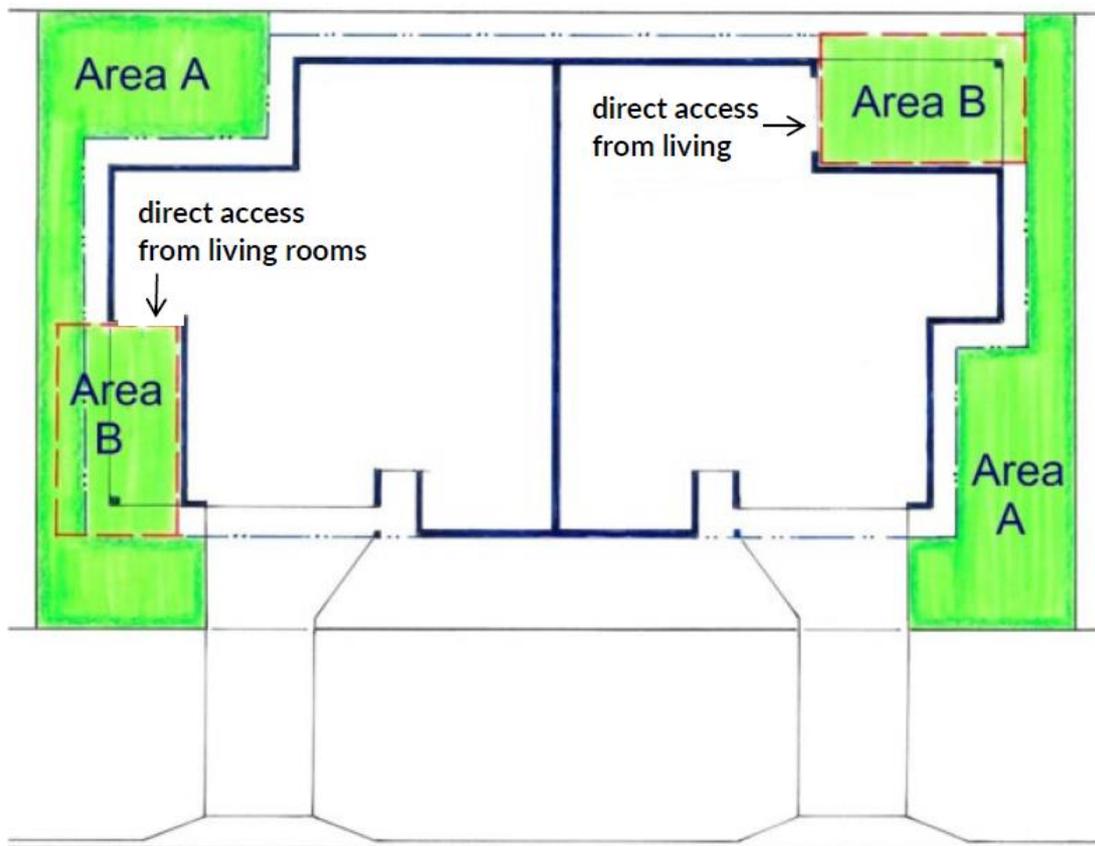


Figure 5: Typical configuration of a 'duplex' dwelling-multiple

***Note1:** At least half of the private open space must be permeable and is to include an area of no less than 5m² for tree planting.

***Note 2:** Any part of Area B that is vertically open to the sky may contribute to the requirement for Area A.



Figure 6: Typical configuration of four dwellings-multiple