

USER GUIDE TO THE JABIRU TOWN PLAN 2019

INTRODUCTION

The Jabiru Town Plan 2019 applies to the Town of Jabiru, being the land specified as Jabiru town land under section 3AC of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and if no land has been specified, means the land within the boundaries of the Town of Jabiru as gazetted in NTG G18 on 7 May 1982.

HOW THE JABIRU TOWN PLAN 2019 WORKS

Part 2 of the Jabiru Town Plan 2019 lists a number of what are described as “planning principles”. They are broad expressions of the Northern Territory Government’s commitment to outcomes of land use planning and development control.

The Jabiru Town Plan 2019 requires the consent authority to make determinations of development applications in a manner that, if not actively advancing those principles, is consistent with them. The consent authority cannot make a determination that is demonstrably inconsistent with or would frustrate achievement of those principles.

Zoned Land

Zoning maps indicate the type of land use that is preferred in a particular location. The preference is indicated through the zone purpose statement and the zoning table which indicates whether the land use or development is permitted, discretionary or prohibited.

References to a ‘zoning map’ in the Jabiru Town Plan 2019 refer to the Jabiru Zoning Map published as at the date this Town Plan comes into force under the *Planning Act 1999* (NT). References to ‘zones’ in the Jabiru Town Plan 2019 are to zones specified in that map. A copy of the Jabiru Zoning Map is available free of charge on the internet or at the offices of the Department of Infrastructure, Planning and Logistics in Darwin, Katherine and Alice Springs (printing charges may apply). Zoning and other site specific information can also be determined by obtaining (upon application) a Planning Certificate, similarly available from the Department and for which a fee is charged.

Having determined the applicable zoning, the simplest way of finding out what, if any, provisions apply to the use or development of land is by reference to the zoning table. On the page facing the table is a description of the purpose of the zone. The table lists a range of uses that are defined by the Jabiru Town Plan 2019 and appear at clause 3.0 Definitions.

For each defined use the zoning table indicates whether the use is:

- permitted without the consent of the consent authority;
- permissible only with the consent of the consent authority; or
- prohibited in a particular zone.

Where a particular control applies to a use or development, that control is listed by clause number in the table and the clause(s) should be read to obtain full information regarding the manner in which the use or development may be undertaken.

Notes may appear in the margin adjacent to the zone purpose and/or a particular clause. These are to assist in cross-referencing related matters within the Jabiru Town Plan 2019. It is useful to review each of the clauses to which the notes refer to ensure a full understanding of the provisions applying to a use or development.

Subdivision

Development consent is required to subdivide land in Jabiru. The Jabiru Town Plan 2019 establishes certain standards for subdivision including minimum lot sizes, general layout, the provision of open space etc. These provisions should be read in conjunction with the requirements of service authorities and the West Arnhem Regional Council that may also

have particular requirements relating to their areas of responsibility. Note that the lease of land for a period in excess of 12 years also requires subdivision approval.

Defined Uses

To avoid doubt a range of common land uses and activities, and some other frequently used terms, are individually defined by clause 3.0. Throughout the Jabiru Town Plan 2019 these defined terms appear in **bold text**. Other than in Zone RJ a use or development that is not, in the opinion of the consent authority, adequately defined by the Jabiru Town Plan 2019 is automatically considered an unspecified discretionary use. This means that, whatever the circumstances, the consent of the consent authority is necessary. In Zone RJ an unspecified use is automatically prohibited.

Capitalised terms are either proper nouns or have the meanings given to them in the *Planning Act 1999* (NT). All other words have their ordinary meaning.

Throughout the Jabiru Town Plan 2019, there are a number of references to the laws of the Northern Territory and the Commonwealth of Australia. Those references should be taken to refer to the relevant laws as updated or amended from time to time.

Check List of Issues	
Issue	Source of Information
What is the use or development?	See definitions at clause 3.0.
Is the use or development consistent with the planning principles?	See NT planning principles at Part 2.
What is the zone?	See zoning map.
What is the purpose of the zone?	See zone purpose statement opposite the relevant zone table.
What uses are allowed in the zone?	See zone table.
What are the rules for the use or development in a zone?	See clauses specified against the use or development in the zone table. See also any clauses specified in the margin notes.
Are there any restrictions or conditions applying to use or development under Commonwealth environmental law?	See the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (Cth) and any management plan for the Kakadu National Park in effect from time to time under that Act.

What Happens Next?

If consent is required for the use or development of land an application is made to the consent authority. Applications can be made on the internet through Development Applications Online. A fee is payable for lodging an application.

The consent authority will:

- Advertise the proposal in the newspaper and invite interested persons to inspect the application. Unless deemed by the consent authority to be impracticable a sign is erected on the site describing the proposed use or development. Any person can lodge a submission, either objecting to or supporting a proposal. An objection can be to the proposal in its entirety or to one or more elements of the proposal; and
- Refer the application to the appropriate service authorities and to the Council for comment.

The consent authority will consider the application in the context of its obligation under the *Planning Act 1999* (NT), the provisions of the Jabiru Town Plan 2019, the comments of the service authorities and Council and any submissions. The consent of the consent authority

should not be presumed. The consent authority will consider all applications on their individual merit, exercising the discretion afforded it under the Planning Act.

The consent authority may issue a Development Permit, which may have conditions attached to it. It may issue a Notice of Refusal that must include reasons for the refusal. Where a right of appeal exists to a person other than the applicant the consent authority will issue a Notice of Determination.

Division 2 of Part 9 of the *Planning Act 1999* (NT) sets out those decisions of a consent authority that may be appealed. An appeal against a determination of the consent authority may be lodged with the NT Civil and Administrative Tribunal within the specified period.

Where authorisation for use or development is required under Commonwealth environmental law, application should be made to the Commonwealth Department of the Environment and Energy or Commonwealth Director of National Parks (according to the nature of the authorisation required). Applications can be made on the internet and fees may be payable on lodgement.

DEFINITIONS

Words are individually defined.

3.0 DEFINITIONS

In this Town Plan, unless inconsistent with the context or subject matter:

"**abattoir**" means premises used for the slaughter and dressing of animals, and includes the processing of meat from such slaughter;

"**agriculture**" means, as a commercial enterprise:

- (a) the growing of crops, pasture, timber trees and the like, but does not include a **plant nursery or horticulture**; and
- (b) the keeping and breeding of livestock;
- (c) but does not include **intensive animal husbandry or stables**;

"**amenity**" in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable;

"**animal boarding**" means premises used as a commercial enterprise for the accommodation of domestic animals other than cats;

"**approved plant species**" means a plant species that is:

- (a) a native species indigenous to **Kakadu National Park**; or
- (b) specified on the list maintained by the Director of **National Parks** as required by the Commonwealth environmental law at the date this Town Plan comes into force under the *Planning Act 1999* (NT);

"**basement**" means a storey either below ground level or that projects no more than one metre above ground level;

"**building setback**" means the distance from any lot boundary to a building and shall be measured from all boundaries to:

- (a) the wall of a residential building;
- (b) the outer surface of the railings of a balcony or a verandah;
- (c) the outer surface of any support column of a ground level verandah; and
- (d) the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.

In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersection point of the **primary street setback** and the **secondary street setback**.

"**business sign**" means a device using words, letters or images exhibited for the purpose of advertising, announcement or display restricted to the name of the business carried on and the nature of the services or goods available, on the land on which the sign is erected, and includes, where a number of persons are carrying on different businesses on that land, a sign identifying the place;

Clause 8.1.5 refers to animal related use and development.

Clause 6.7 refers to landscaping and plant related use and development

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The list of plant species maintained by the Director of National Parks is available online from the Director's website.

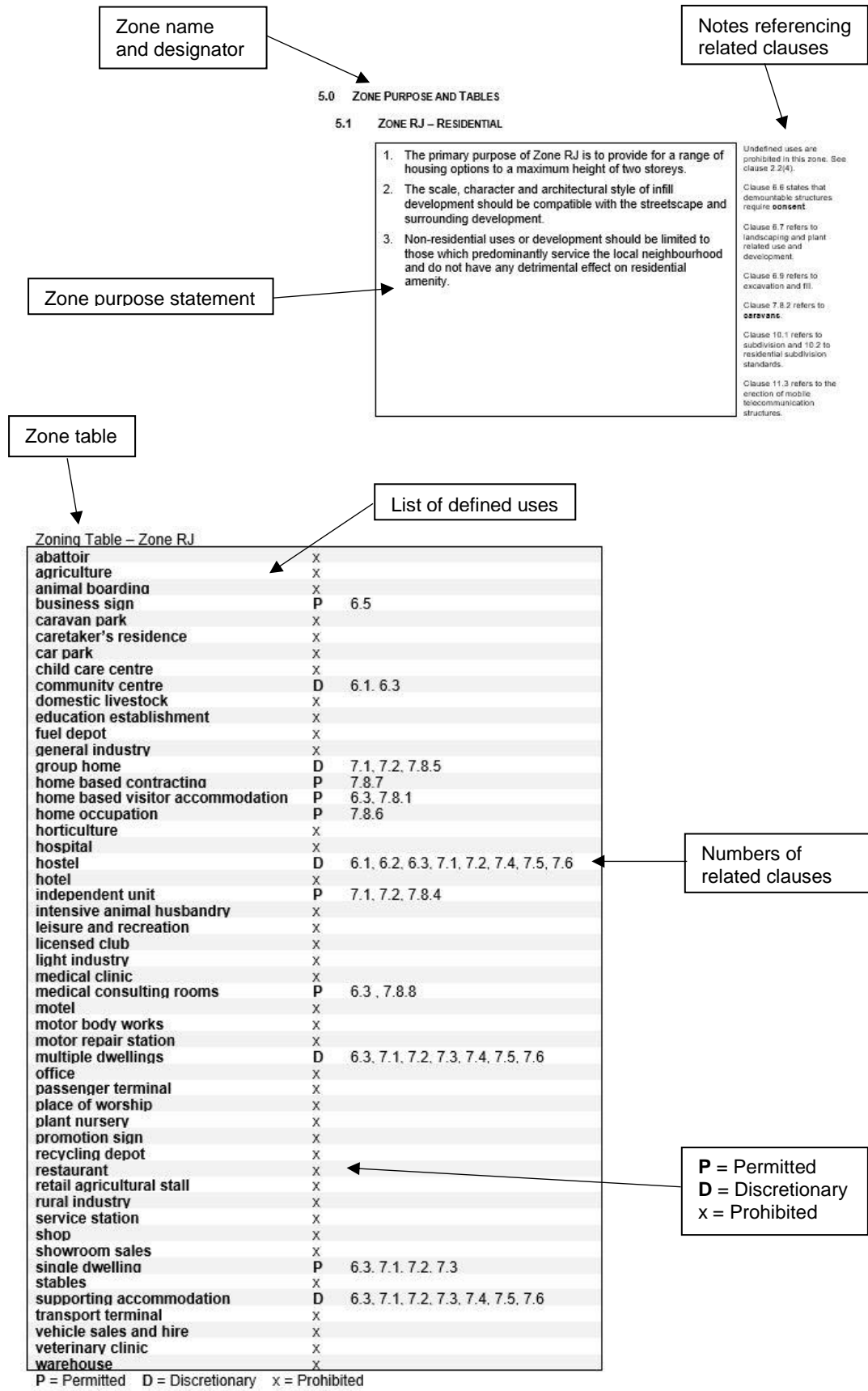
See also storey

Clause 6.5 refers. See also promotion sign.

Other words similarly defined appear in **bold** where used.

Notes referencing related clauses and definitions.

ZONE PURPOSE STATEMENT AND TABLE



BACKGROUND TO THE JABIRU TOWN PLAN 2019

Commencement of the Jabiru Town Plan 2019

The Jabiru Town Plan 2019 will come into force following the approval of the scheme as a Specific Planning Scheme under section 8 of the *Planning Act 1999* (NT) by the Minister responsible for that Act, and on the day on which that approval is published in a newspaper circulating in the Territory. It is then intended that the Jabiru Town Plan 2019 be adopted as a “town plan” for the purposes of sections 388 and 389 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), and specifically section 389(3) which allows a town plan to adopt the provisions of any law of the Northern Territory.

The adoption of the Jabiru Town Plan 2019 as a town plan will require the Director of National Parks to approve an instrument pursuant to regulation 11.10 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and section 8.2.7 of the *Kakadu National Park Management Plan 2016-2026* (Cth) (F2016L00002) that:

- Supersedes the existing town plan for Jabiru, being the *Jabiru Town Plan 1981* (Cth) (F20009B00160); and
- Adopts the Jabiru Town Plan 2019 as the new town plan for Jabiru at the date that the instrument comes into force.

Where the Jabiru Town Plan 2019 is adopted as a town plan pursuant to the process set out above, that town plan will come into force on the day after it is registered on the Federal Register of Legislation in accordance with the *Legislation Act 2003* (Cth).

Context

Kakadu National Park was declared under the *National Parks and Wildlife Conservation Act 1975* (Cth) in three stages between 1979 and 1991. The park continues as a ‘Commonwealth reserve’ under the EPBC Act and is deemed to have been established for the preservation of the area in its natural condition and the encouragement and regulation of the appropriate use, appreciation and enjoyment by the public.

The cultural and environmental values of Kakadu National Park are summarised in a values statement for the park and reflect aspects of the park that are recognised through World Heritage, Commonwealth Heritage and Ramsar listings. The park is managed with regard to those listings and in accordance with the EPBC Act, including the regulations and management plans made under it. Importantly, Kakadu National Park is inscribed on the World Heritage List created under the *Convention Concerning the Protection of the World Cultural and Natural Heritage 1972*. The criteria underpinning that listing can be summarised as follows:

Criterion (i): Masterpiece of human creative genius

The rock art sites of Kakadu National Park represent a unique artistic achievement because of the wide range of styles used, the large number and density of sites and the delicate and detailed depiction of a wide range of human figures and identifiable animal species, including animals long-extinct;

Criterion (vi): Directly associated with events or living traditions

The rock art and archaeological record in Kakadu National Park is an exceptional source of evidence for social and ritual activities associated with hunting and gathering traditions of Aboriginal people from the Pleistocene era until the present day;

Criterion (vii): Contains superlative natural phenomena

Kakadu National Park contains a remarkable contrast between the internationally recognised Ramsar-listed wetlands and the spectacular rocky escarpment and its outliers;

Criterion (ix): Outstanding examples of ongoing evolution

Kakadu National Park incorporates significant elements of four major river systems of tropical Australia. The park's ancient escarpment and stone country span more than two billion years of geological history, whereas the floodplains are recent, dynamic environments, shaped by changing sea levels and big floods every wet season. These floodplains illustrate the ecological and geomorphological effects that have accompanied Holocene climate change and sea level rise; and

Criterion (x): Important habitats for conservation of biological diversity

Kakadu National Park is unique in protecting almost the entire catchment of a large tropical river and has one of the widest ranges of habitats and greatest number of species documented of any comparable area in tropical northern Australia. The park's large size, diversity of habitats and limited impact from European settlement has resulted in the protection and conservation of many significant habitats and species. The park protects an extraordinary number of plant and animal species including over one third of Australia's bird species, one quarter of Australia's land mammals and an exceptionally high number of reptile, frog and fish species. Huge concentrations of waterbirds make seasonal use of the park's extensive coastal floodplains

As part of Kakadu National Park, the use and development of the Town of Jabiru must not be detrimental to the values of the park, particularly those values for which it was inscribed on the World Heritage List. While the Jabiru Town Plan 2019 has been drafted to be complementary to those values, development within the Town of Jabiru must also take place in accordance with the EPBC Act, the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth), and management plans for the Kakadu National Park in force from time to time under the EPBC Act.

Objective

The objective for the Town of Jabiru is for it to be a world leading, ecologically sustainable, economically and socially vibrant community where traditional Aboriginal culture, all people and the natural environment flourishes. The use and development of the town should be consistent with an integrated approach that is directed to the overall town achieving a high standard of innovation and sustainability through a coordinated commitment to the following goals:

1. Recognising Mirarr traditional ownership of the land.
2. Protecting and demonstrating the national park ('Commonwealth reserve') status of the town.
3. Promoting the town as a tourism destination.
4. Managing natural resources and waste efficiently and sustainably.
5. Preserving and celebrating the unique indigenous cultural attributes of the town and surrounding lands.
6. Providing a sound economic base for indigenous employment and enterprise.

7. Providing for a sustainable long term resident population.
8. Fostering a vibrant education and research campus.

Town Purpose

The purpose of the Town of Jabiru is to:

- provide a world leading, ecologically sustainable, economically and socially vibrant indigenous owned township within the Kakadu National Park;
- function and develop as a regional service centre allowing for appropriate sustainable and equitable residential, commercial and community/cultural development, and the provision of appropriate services to residents;
- function as a regional centre for the development of indigenous enterprise and employment and for diversification of the regional economy; and
- offer a world class research and visitation destination showcasing the indigenous culture and heritage, archaeological significance and environmental biodiversity of the surrounding Park landscape.