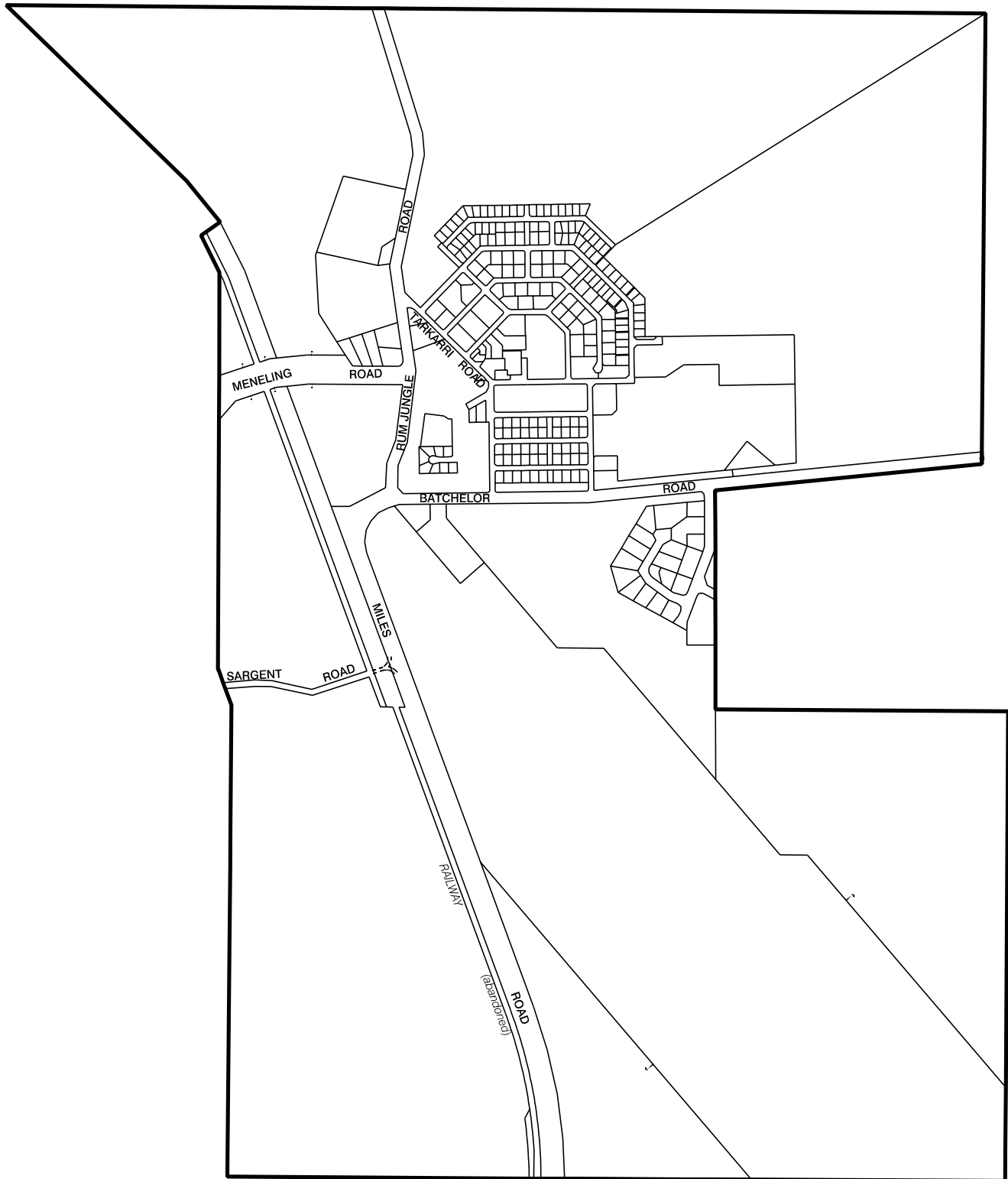


Batchelor Town Plan 1981



NORTHERN TERRITORY OF AUSTRALIA

BATCHELOR TOWN PLAN 1981

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NORTHERN TERRITORY OF AUSTRALIA

Planning Act

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following planning instrument under the Planning Act.

Dated this 24TH day of August 1981.

Administrator

By His Honour's Command

J M Robertson

Minister for Lands and Housing

BATCHELOR TOWN PLAN 1981

1. CITATION

This planning instrument may be cited as the Batchelor Town Plan 1981.

2. INTERPRETATION

(1) In this planning instrument, unless the contrary intention appears -

"abattoir" means a building or place used for the slaughter and dressing of animals, and includes the processing of meat from such slaughter;

"advertising structure" means a structure (not being a business identification sign) which is used for a sign, notice, device or representation in the nature of an advertisement;

"agriculture" means the growing of crops, fruit, vegetables, pasture or the like and includes animal husbandry and dairy or poultry farming, but does not include kennels, nurseries or stables;

"amenity" includes such quality or condition in a locality as contributes to its pleasantness and harmony and its better enjoyment;

"ancillary use" means a subordinate use of a site which, in the opinion of the Authority, is a necessary adjunct to the primary use of the site;

"attached dwelling" means any building containing 2 or more dwellings such that -

- (a) where the dwellings are side by side, each dwelling has -
 - (i) one or more walls common with another dwelling; and
 - (ii) a separate entrance at ground level; or
- (b) where one of the dwellings is above another, each dwelling is in a separate storey and has a separate entrance at ground level;

"business identification sign" means a sign containing only the name and occupation of the person and the nature of the goods or services available from the person occupying the land on which it is erected;

"caravan" means a motor vehicle or trailer designed or adapted for human habitation;

"caravan park" means land used for the parking of caravans or the erection or placement and use of tents, mobile homes or cabins for the purpose of providing accommodation for members of the public as a commercial enterprise;

"car repairing" means the carrying out of repairs other than -

- (a) body-building;
- (b) panel beating which involves dismantling; or
- (c) spray painting, other than of a touching-up character,
to motor vehicles, boats, caravans or agricultural machinery;

"caretaker's residence" means a dwelling which is ancillary to the lawful use of the land on which it is erected and which is used as a residence by the caretaker of that land;

"catering business" means a cafe, caterers rooms, snack-bar, take-away food bar, espresso bar, milk bar, tea-garden, kiosk, restaurant, tea-room or the like;

"child care centre" means a building or place used for the minding or caring of 16 or more children;

"commercial car parking" means the parking of motor vehicles as a commercial enterprise;

"community centre" means -

- (a) a club room;
- (b) an assembly hall;
- (c) a games room;
- (d) a reading room;
- (e) a canteen; or
- (f) a meeting room,

or any other building designed or adapted primarily to provide facilities for organisations for social, sporting or cultural purposes but does not include premises in respect of which a license is held under the Liquor Act;

"detached dwelling" means a building containing only one dwelling;

"dwelling" means a building designed, constructed or adapted for human habitation as a self-contained unit;

"educational establishment" means an academy, college, gallery, kindergarten, lecture hall, museum, school, technical college or university, but does not include an institutional establishment or a place of public worship;

"extractive industry" means the extraction of sand, gravel, clay, turf, soil, rock, stone, oil, gas, minerals or similar material from the surface or from beneath the surface of land and includes -

- (a) the crushing or storage of such material on the land from which the material is extracted or on land adjacent thereto; and
- (b) mining and dredging;

"flats" means a building (not being an attached dwelling) containing 3 or more dwellings;

"flora and fauna sanctuary" means land set aside for the protection of plant and animal life;

"forestry" means arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other than in a sawmill, of wood or other forest products and the establishment of roads required for the removal of wood and forest products or for forestry protection but does not include the use of land for agriculture or as nurseries;

"fuel depot" means a depot for the storage or sale of solid, liquid or gaseous fuel, but does not include a service station;

"funeral parlour" means a building used by undertakers for the storage or preparation for burial or cremation of bodies and includes a funeral chapel associated therewith;

"general store" means a shop erected in the same building as a dwelling, which sells a wide range of goods;

"group home" means a dwelling -

- (a) occupied by handicapped or socially disadvantaged persons who are not necessarily related, and who live together as a single household, with or without paid supervision or care; and
- (b) managed by a community organisation, or a recognised voluntary, charitable or religious association, or a department or instrumentality of the Crown,

but does not include a group home (transitional) or an institutional establishment;

"group home (transitional)" means a group home established for people moving from their homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation, but does not include an institutional establishment;

"guest-house and hostel" means a building designed, constructed or adapted for human habitation and includes boarding houses, lodging houses and other premises used to provide board or lodgings with communal toilet, ablution, dining and cooking facilities but does not include a motel or hotel;

"home occupation" means an occupation or profession carried on within or under a dwelling by the residents of the dwelling but does not include the use of land as a child care centre;

"hospital" includes sanatorium, nursing home or home for infirm, incurable or convalescent persons, whether public or private, but does not include an institutional establishment, medical clinic or professional consulting rooms;

"hotel" means any premises licensed under the Liquor Act at which accommodation is provided for travellers, whether or not meals are provided to those travellers or to other persons;

"indoor recreation purposes" means the use of a building on private land for recreation purposes as a commercial enterprise;

"industry" means -

- (a) any manufacturing process, whether or not it results in the production of finished articles;
- (b) the breaking up or dismantling of any goods or articles for trade, sale or gain or as ancillary to any business;
- (c) an extractive industry;
- (d) the repairing and servicing of articles, including vehicles, machinery, buildings or other structures;
- (e) the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations; and
- (f) any operation connected with the installation of equipment and services for the extermination of pests but not including on-site work on land or buildings,

and includes the storage of goods associated with the use of land for industrial purposes but does not include a service station or car repairing;

"institutional establishment" means any building or place used wholly or principally as -

- (a) a home or other institution for mental defectives;
- (b) a mental hospital; or
- (c) a penal or reformatory institution,

but does not include educational establishments, hospitals or units for aged persons;

"junk yard" means a building or place used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap material or goods or used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery whether or not parts thereof are also sold therein;

"kennels" means a building or place used for the boarding or breeding of dogs or cats;

"licensed club" means premises used as club rooms in respect of which a licence is held under the Liquor Act;

"light industry" means an industry which is not hazardous, or the carrying on of which is not obnoxious, to persons in the neighbourhood, by reason of noise, the emission of fumes or odours or by reason of the creation of any other nuisance;

"lot feeding" means the feeding of animals in stalls, compounds or stockyards;

"medical clinic" means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with the practice of medicine, or their employees, in the investigation or treatment of physical or mental injuries and ailments but does not include medical consulting rooms or hospitals;

"medical consulting rooms" means a room or suite of rooms forming part of, attached to or within the curtilage of a dwelling and which is used by not more than one medical practitioner, or one chiropractor or the like, or by not more than one dentist, anyone of whom practises therein his profession and who employs not more than 3 employees in connection with the practice, but does not include a hospital or medical clinic;

"motel" means a building or place substantially used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used in the provision of meals to those travellers or to the general public and whether or not the premises are licensed under the Liquor Act;

"nursery" means a building or place used for the growth, production or display of plants, vegetables, flowers or similar flora principally for sale by retail, whether or not seeds, equipment or other associated products are also produced, displayed or sold therein, but does not include the use of land for agriculture or forestry;

"offensive or hazardous industry" means an industry which, by reason of the processes involved, the method of manufacture or the nature of the material used or produced may endanger, injure or detrimentally affect the life, health or property of any person in the locality (other than a person engaged in the industry);

"office" means the use of a building or part of a building for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typing and secretarial services or activities of a similar nature, but does not include medical consulting rooms, medical clinics or veterinary clinics;

- "outdoor entertainment purposes" means the provision of entertainment or amusement to members of the public -
- (a) outside a building;
 - (b) as a commercial enterprise; and
 - (c) on land held in fee simple or under a lease from the Territory,
- whether or not food is provided to members of the public as a part of the enterprise;
- "passenger terminal" means a building or place used as a bus station, airline passenger terminal, shipping passenger terminal or heliport;
- "place of public worship" means a building or place used as a church, chapel, mosque, synagogue or place of religious instruction or worship or for the purpose of religious training but does not include an institutional establishment or educational establishment;
- "pound" means a pound within the meaning of the Pounds Act;
- "private camping purposes" means the parking of caravans or motor-homes or the erection and use of tents, mobile homes or cabins for purposes of providing accommodation principally for the members of the association or organisation owning the land but does not include caravan park purposes or tourist park purposes;
- "public utility purposes" means the purposes of an undertaking carried on by or under the authority of any Act or Act of the Commonwealth for the supply of water, hydraulic power, electricity or gas or the provision of telecommunication, sewerage or drainage services but does not include the carrying on of administrative or business activities on or in association with the provision of those services;
- "radio and TV installation" means a building principally used or to be used for the transmission or reception of radio or television signals;
- "research centre" means a building or place used primarily for the purposes of conducting scientific research;
- "retail agricultural stall" means a building used for the purpose of the display and retail sale of agricultural, market garden, nursery or horticultural produce grown on the land on which the stall is erected but does not include a shop or a general store;
- "rooming unit" means any building or portion thereof used for the provision of lodgings, with or without board, for hire or reward;
- "rural industry" means an industry (an offensive or hazardous industry excepted) handling, treating, processing or packing primary products (including, for that purpose, primary products resulting from animal husbandry) produced on the land on which it is situated and includes the servicing or care, as the case may be, in a workshop or stable, as the case may be, of plant, equipment or animals used for agricultural, forestry or animal husbandry purposes;
- "sawmill" means a mill handling, cutting and processing timber from logs or barks;

"service industry" means a light industry for the carrying on of which the floor area occupied does not exceed 250 square metres;

"service station" means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other products for use in connection with the operation of motor vehicles, whether or not the building or place is also used for any one or more of the following purposes -

- (a) the sale by retail of spare parts and accessories for motor vehicles;
- (b) the washing and greasing of motor vehicles;
- (c) the installation of accessories in motor vehicles; or
- (d) the repairing and servicing of motor vehicles involving the use of hand tools;

but does not include body-building, panel-beating, spray painting and suspension or chassis restoration;

"shop" means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or material but does not include a general store, a showroom, a retail agricultural stall or a wholesale market;

"showroom" means a building or place (other than shop or vehicle sales yard) used, or designed or adapted for use, for the display, or sale by retail or rental, of goods of a bulky character;

"site" means -

- (a) unless paragraph (b) or (c) applies – an area of land that is (or, in the case of Crown land, could be) the subject of a single title under the *Land Titles Act*;
- (b) unless paragraph (c) applies – an area of land to which a units plan within the meaning of the *Unit Titles Act* relates;
- (c) if there is a building development plan within the meaning of the *Unit Titles Act* in relation to an area of land – all of the land to which the building development plan relates; or
- (d) an area of land, whether consisting of one or more allotments, that is the subject of an application to the consent authority.

"special purposes" means and includes -

- (a) cemetery and crematorium purposes;
- (b) court of justice purposes;
- (c) railway, airport or heliport purposes;
- (d) radio or TV installations;
- (e) ambulance or fire station purposes; and
- (f) use of demountables;

"sports and recreation" means the use of land for recreational purposes, but does not include such a use which involves commercial transactions;

"stables" means any building or place used for the stabling, keeping, exercising, training, depasturing or riding of horses, racehorses or similar animals, but does not include agriculture or lot feeding;

"stock and sale yard" means a building or place used for the purpose of offering livestock for sale, and includes a public cattle market;

"tavern" means premises (not being a hotel, motel, catering business or warehouse) which are licensed under the Liquor Act but which do not provide accommodation;

"transport terminal" means a building or place used for the loading, discharge or storage of goods in the course of the transport of those goods by air, road or rail to a wholesale or retail outlet;

"unit for aged persons" means a building erected or proposed to be erected and used or proposed to be used for the housing of aged or retired persons;

"vehicle sales yard" means a building or place used or intended for use principally for the display for sale by retail or for rental of motor vehicles, caravans, trailers or boats but does not include a shop or showroom;

"veterinary clinic" means a building or place used for the treatment of sick or injured animals, whether or not the animals so treated are boarded there as part of the treatment;

"warehouse purposes" means the bulk storage of goods, or the display and sale of goods by wholesale, but does not include a wholesale market;

"wholesale market" means a building or place used principally for the bulk storage and sale by wholesale of fruit, vegetables or other products of agriculture;

"zoning map" means the series of maps signed by the Minister for Lands and Housing marked "Batchelor Town Plan 1980" and deposited in the office of the Department of Lands, Darwin.

(2) A reference in this planning instrument to a building or place used for a particular purpose includes a reference to a building or place intended for that use.

(3) Where, in this planning instrument, an act is forbidden except with the consent of the Authority, that consent shall be sought by way of a development application.

(4) Where in this planning instrument a use of land is permitted (whether upon consent or otherwise), a use ancillary to the use so permitted is also permitted.

(5) Where the ancillary use to the use so permitted referred to in subclause (4) would be prohibited if proposed as the primary use of the land, that ancillary use shall not be allowed except with the consent of the consent authority.

3. **CONSENT AUTHORITY**

The Authority is the consent authority.

4. ZONING

- (1) The land to which this planning instrument applies is divided into the zones shown on the zoning map, which zones are referred to in this instrument in the manner specified in Column 1 of the Zoning Table to clause 5.
- (2) Where -
 - (a) a public road which is shown to be within 2 or more different zones on the zoning map is closed; and
 - (b) the land comprised in the road is amalgamated with adjoining allotments,

the common boundary between the adjoining allotments after amalgamation becomes the boundary between the zones.

5. ZONING TABLE

- (1) Subject to this planning instrument, a person shall not use or develop land within a zone specified in Column 1 of the Zoning Table to this clause for a purpose specified opposite that zone in Column 2 of that Table without the consent of the consent authority.
- (2) Subject to this planning instrument, a person shall not use or develop land within a zone specified in Column 1 of the Zoning Table to this clause for a purpose not specified opposite that zone in Column 2 of that Table.

ZONING TABLE

Column 1	Column 2
Name of zone and manner of indication on zoning map	Purposes for which it is unlawful to use or develop land without consent
<p><u>Low Density Residential Zone</u></p>	<p>business identification signs child care centres general stores group homes group homes (transitional) home occupations nurseries public utility purposes special purposes sports and recreation units for aged persons</p>
<p><u>Medium Density Residential Zone</u></p>	<p>attached dwellings business identification signs caravan park purposes child care centres community centres flats general stores group homes group homes (transitional) guest-houses and hostels home occupations medical consulting rooms nurseries private camping purposes public utility purposes special purposes sports and recreation units for aged persons</p>

ZONING TABLE

Column 1	Column 2
Name of zone and manner of indication on zoning map	Purposes for which it is unlawful to use or develop land without consent
<u>Business Zone</u>	
Blue and lettered "B"	advertising structures business identification signs car repairing caretakers' residences catering businesses child care centres commercial car parking community centres flats funeral parlours general stores guest-houses and hostels home occupations hotels indoor recreation purposes licensed clubs medical clinics medical consulting rooms motels nurseries offices outdoor entertainment purposes passenger terminals places of public worship public utility purposes research centres service industries service stations special purposes shops sports and recreation showrooms taverns vehicle sales yards veterinary clinics warehouse purposes wholesale markets

ZONING TABLE

Column 1	Column 2
Name of zone and manner of indication on zoning map	Purposes for which it is unlawful to use or develop land without consent
<u>Industrial Zone</u>	
Purple and lettered "I"	abattoirs advertising structures business identification signs car repairing caretakers' residences catering businesses commercial car parking extractive industries flats fuel depots home occupations industries junk yards kennels light industries nurseries offensive and hazardous industries offices outdoor entertainment purposes passenger terminals public utility purposes research centres sawmills service industries service stations shops showrooms special purposes taverns transport terminals vehicle sales yards veterinary clinics warehouse purposes wholesale markets

ZONING TABLE

Column 1	Column 2
Name of zone and manner of indication on zoning map	Purposes for which it is unlawful to use or develop land without consent
<u>Special Purpose Zone</u>	
Yellow and lettered "S"	attached dwellings business identification signs caretakers' residences catering business child care centres community centres detached dwellings education establishments flats funeral parlours general stores group homes (transitional) guest-houses and hostels home occupations hospitals institutional establishments medical clinics medical consulting rooms nurseries offices outdoor entertainment purposes passenger terminals places of public worship private utility purposes research centres shops special purposes sports and recreation units for aged persons veterinary clinics warehouse purposes

ZONING TABLE

Column 1	Column 2
Name of zone and manner of indication on zoning map	Purposes for which it is unlawful to use or develop land without consent
<u>Open Space Zone</u>	
Green and lettered "O"	advertising structures business identification signs caretakers' residences community centres flora and fauna sanctuaries forestry home occupations indoor recreation purposes nurseries outdoor entertainment purposes public utility purposes shops special purposes sports and recreation
<u>Rural Zone</u>	
Olive and lettered "RU"	advertising structures agriculture business identification signs caretakers' residences community centres detached dwellings flora and fauna sanctuaries forestry home occupations junk yards kennels lot feeding nurseries outdoor entertainment purposes pounds public utility purposes research centres retail agricultural stalls rural industries sawmills special purposes sports and recreation stables stock and sale yards veterinary clinics

6. EXCEPTIONS

- (1) Nothing in this planning instrument prevents the use of any land -
 - (a) as a public street; or
 - (b) as a public park.
- (2) Nothing in this planning instrument prevents the construction, alteration, repair or maintenance of -
 - (a) facilities for the reticulation of water, sewage, gas or electricity or the reticulation or transmission of telecommunication services other than, subject to clause 9, towers, aerials or masts for mobile telephone telecommunications;
 - (b) stormwater drains; or
 - (c) roads and traffic lights.
- (3) Nothing in this planning instrument prevents or applies to the strengthening or restoration to a safe condition of any building or work.

7. DETACHED DWELLINGS

- (1) A person may use or develop land within the Low Density Residential Zone or the Medium Density Residential Zone for the purposes of detached dwellings.
- (2) A person shall not erect or use a detached dwelling on land within the Low Density Residential Zone or the Medium Density Residential Zone unless the land has an area of not less than 1,000 square metres.
- (3) Sub-section (2) does not apply to a site which was in existence at the date of the commencement of this instrument.

8. CARAVANS AND TENTS

Except in relation to land within the Medium Density Residential Zone, a person shall not as a commercial enterprise -

- (a) use land; or
- (b) permit another person to use land in his or her possession or under his or her control,

for the purpose of providing or allowing accommodation in a caravan or a tent.

9. MOBILE TELEPHONE TELECOMMUNICATIONS TOWERS, &c.

Notwithstanding anything to the contrary in this planning instrument, towers, aerials or masts for the purpose of mobile telephone telecommunications may be developed only with the consent of the Authority.

BATCHELOR TOWN PLAN 1981
(Commencement date 4 September 1981 - NTGG No G35)

TABLE OF AMENDMENTS

AMENDMENT NUMBER	DATE	GAZETTE	CLAUSE AFFECTED
1.	10.06.83	G23	Amends clause 2 - Interpretation and clause 5 - Zoning Table
2.	28.10.83	G43	Rezones vacant Crown land on Tarkarri Road from S to O.
3.	31.10.84	G43	Rezones Lot 168, adjoining vacant Crown land and Lot 260 Flynn Crescent from O to RL.
4.	30.01.85	G4	Rezones Lots 68 to 71 and 73 to 75 from RL and M to S.
5.	20.03.85	G11	Rezones Lot 143 Cameron Road from I to RM.
6.	30.10.85	G43	Rezones Lot 66 Nurndina Street from B to O.
7.	04.12.85	G48	Rezones Lot 57 Mardango Crescent from RM to RL.
8.	27.08.86	G34	Rezones Lot 143 Cameron Road from RM to B.
9.	27.08.86	G34	Amends clause 2(1) Definition. Inserts new subclause 2(4), 2(5). Amends clause 5 - Zoning Table and clause 6 - Exceptions.
10.	10.12.86	G49	Inserts clause 8 - Caravans and Tents.
11.	10.06.87	G23	Rezones vacant Crown land on Cameron Road from S1 to I.
12.	01.11.89	G43	Rezones vacant Crown land west of Woolley Court from S1 to I.
13.	24.01.90	G3	Amends clause 6(2) - Exceptions to include gas.
14.	19.03.90	G13	Rezones part of Lot 270 Nurndina Street from O to B.
15.	09.05.90	G26	Rezones Lot 151 Batchelor Road from B to S; a portion of vacant Crown land Batchelor Road from O to S; Lot 254 Kirra Crescent from RL to S; Lot 255 Kirra Crescent from RM to S; Lot 223 Nurndina Street from RM to S; and a portion of vacant Crown land Nurndina Street from RL, RM and O to S.

BATCHELOR TOWN PLAN 1981
(Commencement date 4 September 1981 - NTGG No G35)

TABLE OF AMENDMENTS

AMENDMENT NUMBER	DATE	GAZETTE	CLAUSE AFFECTED
16.	10.04.91	G14	Rezones part of Lot 268 Pinaroo Crescent, Town of Batchelor from O to B.
17.	04.12.91	G48	Amends the Plan to enable “catering business” to be established in a Special Purpose zone where the Authority gives consent.
18.	27.05.98	G20	Amends clause 6. Inserts new clause 9 - Mobile Telephone Telecommunications Towers, &c.
19	22.05.02	G20	Amends clause 2(1) by inserting the definition for “site”.