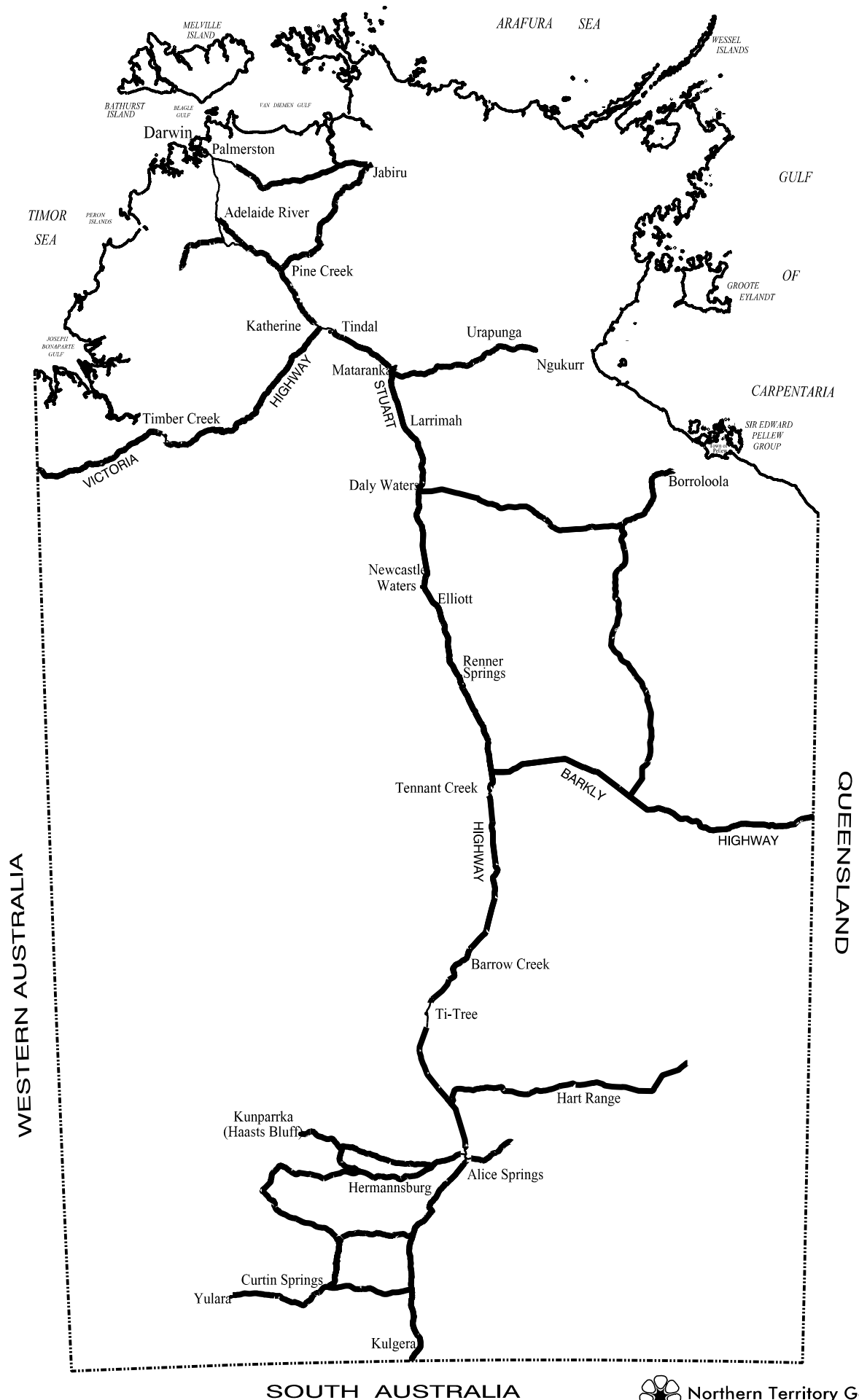


HIGHWAYS CONTROL PLAN 1984



NORTHERN TERRITORY OF AUSTRALIA

Planning Act

NOTIFICATION OF PLANNING INSTRUMENT

I, MARSHALL BRUCE PERRON, the Minister for Lands, in pursuance of section 61(2) of the Planning Act, notify the making of the Highways Control Plan 1984 under the Planning Act.

Copies of the planning instrument may be purchased at the 1st Floor, AMP Building, corner of Cavenagh and Knuckey Streets, Darwin NT 0800 and the AFT Building, Gregory Terrace, Alice Springs NT 0870.

Dated this 27th day of May 1984.

Minister for Lands

NORTHERN TERRITORY OF AUSTRALIA

HIGHWAYS CONTROL PLAN 1984

TABLE OF PROVISIONS

CLAUSE		PAGE
1.	Citation	1
2.	Repeal	1
3.	Application	1
4.	Interpretation	2
5.	Consent Authority	3
6.	Zoning	3
7.	Access Points	4
8.	Exceptions	4
9.	Removal of Native Vegetation	5
	Table of Amendments	6

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

HIGHWAYS CONTROL PLAN 1984

I, MARSHALL BRUCE PERRON, the Minister for Lands, in pursuance of section 61(1A) of the Planning Act, hereby make the following planning instrument under the Planning Act.

Dated this 27th day of May 1984

Minister for Lands

HIGHWAYS CONTROL PLAN 1984

1. CITATION

This planning instrument may be cited as the Highways Control Plan 1984.

2. REPEAL

The Katherine Main Roads Control Plan 1982 is repealed.

3. APPLICATION

(1) Subject to sub-clause (2), this planning instrument applies to and in relation to all land in the Territory comprised within 500 metres of -

- (a) each side of the road reserve; and
- (b) where there are no road reserves - the centreline,

of the roads -

- (c) the Stuart Highway;
- (d) the Barkly Highway;
- (e) the Victoria Highway;
- (f) the Arnhem Highway;

- (g) Repealed; (Amendment No. 3)
- (h) the Plenty Highway between its intersection with the Stuart Highway and its intersection with the western boundary of pastoral lease 604 (also known as Tarlton Downs) granted under the Crown Lands Act;
- (i) the Lasseter Highway;
- (j) the Carpentaria Highway;
- (k) the Kakadu Highway;
- (l) the Tablelands Highway;
- (m) the Roper Highway;
- (n) the Daly River Road;
- (o) the Ross Highway;
- (p) Larapinta Drive;
- (q) Namatjira Drive;
- (r) Ernest Giles Drive;
- (s) that section of road from the Lasseter Highway to Wallera Ranch; and
- (t) Homestead Road from the Stuart Highway to Mataranka Homestead,

but does not apply to or in relation to the land comprising those roads.

- (2) This planning instrument does not apply to or in relation to land referred to in sub-clause (1) which would, but for this sub-clause, be subject to this planning instrument, which is within -
 - (a) a planning area;
 - (b) a local area; or
 - (c) a town within the meaning of the Crown Lands Act.
- (3) Notwithstanding sub-clause (2), this planning instrument applies to and in relation to that part of the local area, being the Mataranka community government area, that is not within the area of the Town of Mataranka.

4. INTERPRETATION

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

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

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

"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;

"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;

"road" means road within the meaning of the Control of Roads Act;

"sports and recreation" means the use of land for passive recreation purposes, and includes public parks, public gardens, foreshore reserves or children's playgrounds, or grounds for recreation where spectator participation is minimal, but does not include the riding, driving or racing of motor vehicles, or the training, riding or racing of animals.

- (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 a use of land is permitted (whether upon consent or otherwise), a use ancillary to the use so permitted is also permitted.
- (4) Where, in this planning instrument, an act is forbidden except with the consent of the consent authority, that consent shall be sought by way of a development application.
- (5) Where a particular use or development of land requires more than one consent from the consent authority, an application made in respect of one of those consents shall be taken to be an application in respect of all of those consents.

5. CONSENT AUTHORITY

The Minister is the consent authority.

6. ZONING

- (1) Subject to this planning instrument, a person may use or develop the land to which this planning instrument applies for the purposes of agriculture, detached dwellings, forestry or sports and recreation.
- (2) Subject to this planning instrument, a person shall not use or develop the land to which this planning instrument applies for a purpose other than a purpose specified in sub-clause (1) without the consent of the consent authority.
- (3) Where the consent authority grants under sub-clause (2) a consent -
 - (a) a person shall not use or develop the land the subject of the consent other than in accordance with that consent; and
 - (b) the consent shall not apply to or in relation to a proposed use or development of the land the subject of that consent other than the use or development of that land for which that consent was so granted.

7. ACCESS POINTS

- (1) Subject to sub-clause (2), on land to which this planning instrument applies, the distance between 2 consecutive access points to the roads -
- (a) the Stuart Highway;
 - (b) the Barkly Highway;
 - (c) the Victoria Highway;
 - (d) the Arnhem Highway;
 - (e) the Plenty Highway between its intersection with the Stuart Highway and its intersection with the western boundary of pastoral lease 604 (also known as Tarlton Downs) granted under the Crown Lands Act;
 - (f) the Lasseter Highway;
 - (g) the Carpentaria Highway;
 - (h) the Kakadu Highway;
 - (i) the Tablelands Highway;
 - (j) the Roper Highway;
 - (k) the Daly River Road;
 - (l) the Ross Highway;
 - (m) Larapinta Drive;
 - (n) Namatjira Drive;
 - (o) Ernest Giles Road; and
 - (p) that section of road from the Lasseter Highway to Wallera Ranch,

shall not, except with the consent of the consent authority, be less than one kilometre.

- (2) Where an access point referred to in sub-clause (1) is an access point to which the Control of Roads Act, other than Part IV of that Act, relates, the consent authority shall not give a consent under that sub-clause in relation to the access point except acting with, and in accordance with, the advice of the Minister from time to time responsible under the Administrative Arrangements Order for the administration of that Act, other than Part IV of that Act.

8. EXCEPTIONS

- (1) Nothing in this planning instrument prevents the use of land as -
- (a) a road; or
 - (b) a public park.

- (2) Nothing in this planning instrument prevents the erection or use of -
 - (a) facilities for -
 - (i) the reticulation of gaseous fuel, water, sewage, electricity or telephone line services; or
 - (ii) the transmission, reception or amplification of telecommunications;
 - (b) installations for the measuring of flood or water levels;
 - (c) stormwater drains;
 - (d) traffic lights or signs or other traffic facilities; or
 - (e) any works for road or bridge construction;

by a statutory corporation or an authority of the Territory or Commonwealth.

- (3) Nothing in this planning instrument prevents or applies to the strengthening or restoration to a safe condition of a building or work.
- (4) Nothing in this planning instrument prevents the use of any land for an activity carried out in accordance with the Mining Act.

9. REMOVAL OF NATIVE VEGETATION

- (1) This clause applies to and in relation to all land in the Territory (other than pastoral land within the meaning of the Pastoral Land Act) up to and including 100 metres from each side of -
 - (a) a road reserve; and
 - (b) where there is no road reserve, the centreline of the roads referred to in clauses 3(1)(c) to 3(1)(y), inclusive.
- (2) A person may not remove native vegetation from land to which this clause applies except with the consent of the consent authority.
- (3) Notwithstanding subclause (2), a person may remove native vegetation from land to which this clause applies without the consent of the consent authority for the purposes of -
 - (a) the erection and maintenance of buildings relating to a purpose specified in clause 6(1); or
 - (b) routine maintenance of the land, including the erection and maintenance of fencing and the provision and maintenance of access points and firebreaks.

HIGHWAYS CONTROL PLAN 1984**TABLE OF AMENDMENTS**

Amendment Number	Gazette Number	Date	Amendment
1.	G42	24.10.84	Amends clause 8(4) Exceptions re mining.
2.	G48	05.12.84	Amends clause 8(2) Exceptions to include gaseous fuel, telecommunications, flood/water, road/bridges.
3.	G33	19.08.87	Omits clause 3(1)(g).
4.	G45	11.11.87	Inserts 9 new roads in clauses 3 and 7.
5.	G17	28.04.93	Includes Homestead Road from Stuart Highway to Mataranka Homestead within the operation of the plan and by applying the Control Plan to that part of the Stuart Highway between the outer boundary of the Town of Mataranka and the outer boundary of the local community government area of Mataranka.
6.	G20	27.05.98	Inserts new clause 9 - Removal of Native Vegetation.