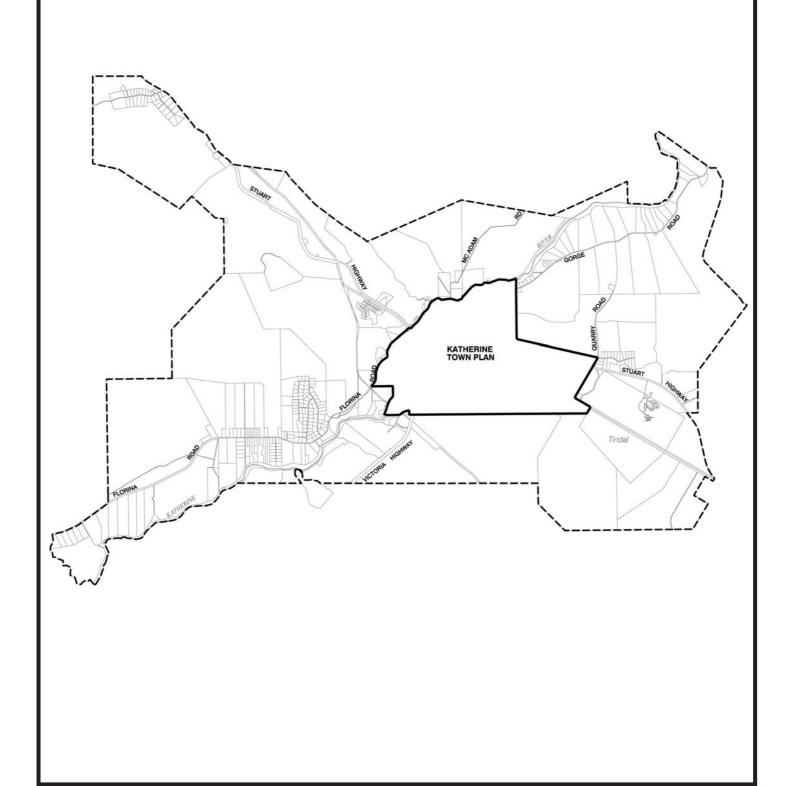
Katherine Rural Area Plan 1988



NORTHERN TERRITORY OF AUSTRALIA

Planning Act

KATHERINE RURAL AREA PLAN 1988

I, DARYL WILLIAM MANZIE, the Minister for Lands and Housing, in pursuance of 61(2) of the Planning Act, and notify the making of Katherine Rural Area Plan 1988.

Copies of the planning instrument are available at the Eighth Floor, AMP Building, corner of Cavenagh and Knuckey Streets, Darwin, NT 0801, and at the Katherine Regional Office, Suites 1-6, 1-7 Pandanus Plaza, corner Warburton and First Streets, Katherine, NT 0850.

Dated 20 April 1988.

Minister for Lands and Housing

NORTHERN TERRITORY OF AUSTRALIA

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NORTHERN TERRITORY OF AUSTRALIA

Planning Act

KATHERINE RURAL AREA PLAN 1988

I, DARYL WILLIAM MANZIE, the Minister for Lands and Housing, in pursuance of section 61(1A) of the Planning Act and section 43 of the Interpretation Act, make the following planning instrument under the Planning Act.

Dated 20 April 1988.

Minister for Lands and Housing

KATHERINE RURAL AREA PLAN 1988

PART 1 - PRELIMINARY

1. CITATION

This planning instrument may be cited as the Katherine Rural Area Plan 1988.

2. REPEAL

The Katherine Water Management Area Plan 1987 is repealed.

3. APPLICATION

This planning instrument applies to and in relation to all the land, other than the land to which the Katherine Town Plan applies, bounded by thick broken black lines on the zoning map.

4. 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 as a commercial enterprise and includes animal husbandry and dairy farming, but does not include kennels, nurseries, piggeries, poultry farming or stables;
- "ancillary use" means a subordinate use of land which is an adjunct to the primary use of the land;

- "attached dwellings" means a building containing two 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 dwelling, each dwelling is on a separate storey and has a separate entrance at ground level;
- "bed and breakfast accommodation" means temporary accommodation for travellers provided within a dwelling by the resident of that dwelling, but does not include a guest-house and hostel, motel or hotel;
- "business identification sign" means a sign containing only the name and occupation of the person and the nature of the services or goods available from the person occupying the land on which it is erected;
- "caravan" means a motor vehicle or trailer registered or eligible for registration under the Motor Vehicles Act, which is designed or adapted for human habitation;
- "caravan park" means land used as a commercial enterprise for the parking of caravans or the erection or placement, and use, of tents or mobile homes for the purpose of providing accommodation for members of the public;
- "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, caterer's rooms, snack-bar, take-away food bar, espresso bar, milk bar, tea-garden, kiosk, restaurant (other than a licensed restaurant), tea room or the like;
- "child care centre" means a building or place used for the minding or caring of 17 or more children;

"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 community organisations, but does not include premises in respect of which a licence is held under the Liquor Act;

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

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- "Development Code" means the provisions of Part III of this planning instrument;
- "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 a child care centre, an institutional establishment, a place of public worship or a place where education is provided as a home occupation;
- "extractive industry" means the extraction of sand, gravel, clay, turf, soil, rock, stone, ore, 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 adjacent land; and
 - (b) mining and dredging;
- "flats" means a building (not being an attached dwelling) containing 3 or more dwellings;

"floor area", in relation to a building, includes -

- (a) all thicknesses of external walls:
- (b) one-half the wall thickness of party walls, if any; and
- (c) all roof areas used as floors,

but does not include -

- (d) verandahs or balconies; or
- (e) areas set aside for car parking or access to car parking;
- "flora and fauna sanctuary" means land set aside for the protection of plant and animal life:
- "forestry" means arboriculture, sylviculture, 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 forest 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 with the building;

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- "general store" means a shop which
 - a) is in the same building as a dwelling;

- b) sells a wide range of goods; and
- c) has a floor area of not more than 100 square metres;
- "guest-house and hostel" includes a boarding-house, lodging-house or other premises used to provide board or lodgings, but does not include bed and breakfast accommodation, a motel or hotel;
- "home occupation" means an occupation or profession carried on within a dwelling, or within the curtilage of a dwelling, by the residents of the dwelling, but does not include the use of land as a child care centre;
- "hospital" means a building used for the medical treatment or care of sick persons, whether resident or not, but does not include premises for supporting accommodation, a medical clinic, or medical consulting rooms;
- "hotel" means premises licensed under the Liquor Act, whether or not accommodation is provided for travellers and whether or not meals are provided to those travellers or to other persons, but does not include bed and breakfast accommodation, a motel, tavern, licensed club or licensed restaurant;
- "indoor recreation establishment" means the commercial use of a building for recreation purposes;

"industry" means -

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

and includes the storage of goods associated with the use of land for industrial purposes, but does not include on-site work on land or buildings, a service station, or premises used for motor repairing:

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

- (a) a home or institution for mentally ill persons within the meaning of the Mental Health Act; or
- (b) a penal or reformative institution;

- "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 of those vehicles are also sold in the building;
- "**kennel and cattery**" means a building or place used as a commercial enterprise for the keeping, boarding or breeding of not less than 3 dogs or cats;
- "licensed club" means premises used as club rooms in respect of which a licence is held under the Liquor Act;
- "licensed restaurant" means premises used for the provision of meals and in respect of which a licence is held under the Liquor Act;
- "light industry" means an industry in which the process carried on, the machinery used and the goods and commodities carried to and from the premises on which the industry is sited are not of such a kind as is likely to cause an injury to or prejudicially affect the amenity of, the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- "loading bay" means a space set aside or designated for the purpose of loading, unloading or fuelling of motor vehicles;
- "lot feeding" means the feeding of animals in stalls, compounds or stockyards but does not include a kennel and cattery, a piggery, poultry farming and stables;
- "market" means a building or place used by a number of vendors for the sale of goods by retail or wholesale, but does not include a shop or warehouse;
- "medical clinic" means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care or their employees, but does not include medical consulting rooms or a hospital;
- "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, physiotherapist, dentist or person ordinarily associated with health care, who 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 for the provision of meals to those travellers or to the general public and whether or not the premises are licensed under the Liquor Act, but does not include bed and breakfast accommodation;

"motor repairing" means the carrying out of repairs to motor vehicles other than -

- (a) body building;
- (b) panel beating; or
- (c) spray painting;

- "motor sports" means the use of land for the racing, rallying or the like of motor vehicles, motor cycles or the like;
- "net floor area", in relation to a building, includes all that area between the internal surfaces of external walls but does not include -
 - (a) stairs, cleaners' cupboards, ablution facilities, lift shafts, escalators or tea rooms where the tea rooms are provided as a standard facility in the building;
 - (b) lobbies between lifts facing other lifts servicing the same floor;
 - (c) areas set aside as public spaces or thoroughfares and not used exclusively by the occupiers of the building;
 - (d) areas set aside as plant and lift motor rooms;
 - (e) areas set aside for use of service or delivery vehicles; or
 - (f) areas set aside for car parking or access to car parking;
- "nursery" means a building or place used for the growth, production or display of plants, vegetables, flowers or similar flora incorporating sale by retail, whether or not seeds, equipment or other associated products are also produced, displayed or sold in the building or place, 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 health or property of a person, other than a person engaged in the industry, in the surrounding locality;
- "office" means a building or part of a building used 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 a medical clinic, medical consulting rooms or veterinary clinic;
- "outdoor entertainment purposes" means a commercial enterprise for the provision of entertainment or amusement to members of the public outdoors or in the open air, whether or not food is provided to members of the public as a part of the enterprise;
- "parking area" means an area set aside or designated for the parking of not less than 3 motor vehicles;
- "passenger terminal" means a building or place used as a railway or bus station, shipping passenger terminal, airline passenger terminal or heliport;
- "piggery" means the keeping or breeding of more than 4 mature or immature pigs but not does include a killing works;
- "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:

"**plot ratio**", in relation to buildings, means the ratio of the total floor area of all the buildings on a site to the area of that site;

"poultry farming" means the keeping of -

- (a) more than 50 mature or immature fowls or ducks; or
- (b) more than 20 geese or turkeys,

as a commercial enterprise;

- "private camping purposes" means the parking of caravans or the erection and use of tents, mobile homes or cabins for the purpose of providing accommodation principally for the members of an association or organisation owning the land, but does not include a caravan park;
- "public utility purposes" means an undertaking carried on by or under the authority of an Act, whether of the Territory or 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 or TV installation" means a building, mast, or tower principally used for the transmission or reception of radio or television signals, but does not include a household installation used for that purpose;
- "research centre" means a building or place used primarily for the purpose of conducting scientific research;
- "resort" means an area used to provide accommodation in the form of a hotel, motel, guest house, hostel, caravan park or similar facility, together with any associated facilities or services, including shops, catering businesses, service stations and tour operations;
- "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 building is erected, but does not include a shop or a general store;
- "rural industry" means an industry, not being an offensive or hazardous industry, which involves the handling, treating, processing or packing of primary product produced on the land on which the industry is located, and includes the servicing, in a workshop, of plant or equipment used for agricultural or forestry purposes;

"sawmill" means a mill handling, cutting and processing timber from logs or balks;

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"service industry" means an industry -

- (a) in the conduct of which -
 - (i) an article, or part of an article, is manufactured, finished or adapted for the purpose of sale primarily on the land on which the manufacturing, finishing or adaptation takes place; or
 - (ii) goods (other than vehicles or any part or parts of them) are serviced, repaired, cleaned or washed; and

(b) which occupies not more than 500 square metres of land,

and which does not detrimentally affect the amenity of the adjoining land or of the surrounding locality by the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or heavy traffic generation, or otherwise;

- "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 -
 - (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 not including body building, panel beating, spray painting and suspension or chassis restoration;

"set-down area" means an area, other than a public road -

- (a) set aside or designated for picking up and setting down passengers from motor vehicles; and
- (b) which can be entered and left by a motor vehicle in a forward gear;
- "**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, market, showroom, retail agricultural stall or vehicle sales yard;
- "show-room" means a building or place (other than a shop or vehicle sales yard) used, or designated 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) a morgue, cemetery and crematorium;
- (b) a court of justice;
- (c) a railway, heliport or airport;
- (d) an official government residence;
- (e) a radio or TV installation;
- (f) waterfront or maritime industrial activities; and
- (g) an ambulance or fire station;
- "sports and recreation" means the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will detrimentally affect the amenity of adjoining land;
- "stables" means a building or place used for the stabling, keeping, exercising or training of horses or other animals of burden, but does not include agriculture or lot feeding;
- "stock and sales yard" means a building or place used for the purpose of offering livestock for sale:
- "strategic industry" means an industry which is essential for the promotion or stabilisation of the growth of the locality in which the industry is situated;

"supporting accommodation" means -

- (a) a convalescent or nursing home, an orphanage, a children's home, an institution for poor or disadvantaged persons or a home for the care of aged persons;
- (b) premises used for the care of persons residing therein who are receiving medical treatment but not full-time medical treatment; or
- (c) premises used by 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, a hospital, a medical clinic or medical consulting rooms;

"tavern" means premises (not being a hotel, motel, catering business, licensed restaurant, shop or warehouse) which are licensed under the Liquor Act, but does not include such premises which provide accommodation facilities;

"transport terminal" means a building or place used -

(a) 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, retail or industrial outlet;

- (b) solely for the garaging and basic maintenance of fleet vehicles engaged in the transport of goods; or
- (c) for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking;
- "units for aged persons" means a building used for the housing of aged or retired persons;
- "vehicle sales yard" means a building or place used 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 show-room;
- "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" means a building or place used for the bulk storage of goods or the display and sale of goods by wholesale, but does not include a market;
- "zoning map" means the map marked "Katherine Rural Area Plan 1988" signed by the Minister for Lands and Housing and deposited in the office of the Authority;
- "zoning table" means the table to clause 8.
- (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 that use is also permitted, but if that ancillary use would be prohibited if proposed as the primary use of the land, it shall not be allowed except with the consent of the consent authority.
- (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**

For the purposes of this planning instrument, the consent authority in respect of the I and -

- (a) within the municipality of Katherine as altered by notice dated 26 February 1988 and published in Gazette No. S11 of 4 March 1988, is the Authority; and
- (b) outside the municipality, is the Minister.

PART II - RESTRICTIONS ON USE AND DEVELOPMENT OF LAND

Division 1 - Zones

6. **ZONING**

- The land to which this planning instrument applies is divided into the zones (1) shown on the zoning map, which zones are referred to in this planning instrument in the manner specified in the zoning table.
- (2) Where a public road which is shown to be within 2 or more different zones on the zoning map is closed and the land comprised in the road is amalgamated with adjoining allotments, the common boundary between the adjoining allotments becomes the boundary between the zones.

7. **DESCRIPTION OF ZONES**

<u>Zone</u>	Zone Purpose				
(1)	Agriculture "A"	Land included in this zone comprises those areas identified as being suitable for the carrying out of agricultural use including horticulture, dry land and irrigated cropping and pastoral use. The zone covers those areas which are not considered necessary for urban purposes or for more intensive rural residential development. It is not practical to set minimum allotment sizes as this is dependent on the particular characteristics of the agricultural use and the land.			
(2)	Rural A - "RA"	Land in this zone is suitable for pastoral use, hobby farming and rural living. The minimum allotment size allowed is 8 hectares.			
(3)	Rural B - "RB"	This zone designates areas which are considered suitable for rural residential development. The 2 hectares minimum area ensures an adequate separation between bores and septic systems.			
(4)	Water Management Area "W"	The purpose of this zone is to protect the quality and quantity of the Katherine town water supply. As this is intended to be Katherine's medium to long-term water source, it is considered important to manage development in the catchment area. Uses which may contaminate the water are either prohibited or will require consent subject to special conditions.			
(5)	Recreation "O"	Land in this zone is suitable for recreation and open space.			
(6)	Special Purposes "S"	This zone provides for government and community uses.			

This zone is designed for specific uses which are not

adequately catered for in other zones.

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Specific Planning Instrument

(7)

"Sp.P.I.

8. **ZONING TABLE**

- (1) Subject to this planning instrument, a person may use or develop land within a zone specified in the zoning table for the purposes specified in relation to that zone in Column 1 of that table.
- (2) Subject to this planning instrument, a person shall not use or develop land within a zone specified in the zoning table -
 - (a) for a purpose specified in relation to that zone in Column 2 of the table without the consent of the consent authority;
 - (b) for a purpose specified in relation to that zone in Column 3; or
 - (c) for any purpose not specified in Column 1, 2 or 3 of the zoning table without the consent of the consent authority.
- (3) Where the consent authority grants under subclause (2) a consent a person shall not use or develop the land the subject of the consent other than in accordance with the consent and any conditions to which the consent is subject.
- (4) Notwithstanding the provisions of this Part, the consent authority may grant consent to a use or development of land which is not in accordance with the Development Code if it considers the granting of that consent justified in the circumstances.

ZONING TABLE

NAME OF ZONE: A (AGRICULTURE)

MANNER OF INDICATION ON ZONING MAP: LIGHT GREEN AND LETTERED "A"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
agriculture business identification sign detached dwelling forestry nursery retail agricultural stall sports and recreation	abattoir advertising structure attached dwellings bed and breakfast accommodation caravan park caretaker's residence catering business educational establishment extractive industry flats flora and fauna sanctuary home occupation kennel and cattery lot feeding passenger terminal piggery poultry farming public utility purposes research centre rural industry sawmill stables stock and sales yard transport terminal veterinary clinic warehouse any other use not listed in Columns 1 and 3	child care centre community centre fuel depot funeral parlour general store guest-house and hostel hospital hotel indoor recreation establishment industry institutional establishment junk yard licensed club licensed restaurant light industry market medical clinic medical consulting rooms motel motor repairing motor sports offensive or hazardous industry office outdoor entertainment purposes place of public worship private camping purposes service industry service station shop show-room special purposes strategic industry supporting accommodation tavern units for aged persons vehicle sales yard

NAME OF ZONE: RA (RURAL A)

MANNER OF INDICATION ON ZONING MAP: LIGHT BROWN AND LETTERED "RA"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
agriculture business identification sign detached dwelling flora and fauna sanctuary forestry nursery retail agricultural stall sports and recreation veterinary clinic	abattoir advertising structure attached dwellings bed and breakfast accommodation caravan park caretaker's residence catering business child care centre community centre educational establishment extractive industry flats funeral parlour general store guest-house and hostel home occupation hospital hotel indoor recreation establishment institutional establishment junk yard kennel and cattery licensed club licensed restaurant lot feeding market medical clinic medical consulting rooms motel motor repairing motor sports office outdoor entertainment purposes passenger terminal piggery place of public worship passenger terminal piggery place of public worship poultry farming private camping purposes public utility proposes research centre	fuel depot light industry industry offensive or hazardous industry service industry

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
	rural industry sawmill service station shop show-room special purposes stables stock and sales yard strategic industry supporting accommodation tavern transport terminal units for aged persons vehicle sales yard warehouse	
	any other use not listed in Columns 1 and 3	

NAME OF ZONE: RB (RURAL B)

MANNER OF INDICATION ON ZONING MAP: LIGHT BROWN AND LETTERED "RB"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
agriculture detached dwellings sports and recreation	advertising structure attached dwellings bed and breakfast accommodation business identification sign caravan park caretaker's residence catering business child care centre community centre educational establishment extractive industry flats flora and fauna sanctuary forestry funeral parlour general store guest-house and hostel home occupation hospital hotel indoor recreation establishment institutional establishment kennel and cattery licensed club licensed restaurant medical clinic medical consulting rooms motel motor repairing nursery office outdoor entertainment purposes passenger terminal place of public worship private camping purposes public utility purposes research centre retail agricultural stall rural industry service station shop show-room special purposes	abattoir fuel depot industry junk yard light industry lot feeding market motor sports offensive or hazardous industry piggery poultry farming sawmill service industry stock and sales yard transport terminal vehicle sales yard

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
	stables strategic industry supporting accommodation tavern units for aged persons veterinary clinic warehouse	
	any other use not listed in Columns 1 or 3	

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NAME OF ZONE: W (WATER MANAGEMENT AREA)

MANNER OF INDICATION ON ZONING MAP: BLUE AND LETTERED "W"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
business identification sign detached dwelling sports and recreation	advertising structure agriculture bed and breakfast accommodation caravan park caretaker's residence extractive industry flora and fauna sanctuary forestry guest-house and hostel home occupation hotel indoor recreation licensed club licensed restaurant motel nursery outdoor entertainment purposes private camping purposes public utility purposes research centre resort retail agricultural stall rural industry special purposes stables tavern any other use not listed in Columns 1 and 3	abattoir attached dwellings catering business child care centre community centre educational establishment flats fuel depot funeral parlour general store hospital industry institutional establishment junk yard kennel and cattery light industry lot feeding market medical clinic medical consulting rooms motor repairing motor sports offensive or hazardous industry office passenger terminal piggery place of public worship poultry farming sawmill service industry service station shop show-room stock and sales yard strategic industry supporting accommodation transport terminal units for aged persons vehicle sales yard veterinary clinic warehouse

NAME OF ZONE: O (RECREATION)

MANNER OF INDICATION ON ZONING MAP: GREEN AND LETTERED "O"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
flora and fauna sanctuary sports and recreation	advertising structure business identification sign caretaker's residence catering business child care centre community centre educational establishment extractive industry forestry home occupation indoor recreation establishment licensed club licensed restaurant nursery outdoor entertainment purposes place of public worship public utility purposes research centre special purposes tavern any other use not listed in Columns 1 and 3	abattoir agriculture attached dwellings caravan park detached dwelling flats fuel depot funeral parlour general store guest-house and hostel hospital hotel industry institutional establishment junk yard kennel and cattery light industry lot feeding market medical clinic medical consulting rooms motel motor repairing motor sports offensive or hazardous industry office passenger terminal piggery poultry farming private camping purposes retail agriculture stall rural industry sawmill service industry service station shop show-room stables stock and sales yard strategic industry supporting accommodation transport terminal units for aged persons vehicle sales yard veterinary clinic warehouse

NAME OF ZONE: S (SPECIAL PURPOSES)

MANNER OF INDICATION ON ZONING MAP: YELLOW AND LETTERED "S"

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
agriculture business identification sign child care centre community centre detached dwelling educational establishment hospital office place of public worship research centre special purposes sports and recreation	abattoir advertising structure attached dwellings caravan park caretaker's residence catering business extractive industry flats flora and fauna sanctuary forestry funeral parlour general store guest-house and hostel home occupation indoor recreation establishment kennel and cattery licensed club licensed restaurant lot feeding medical clinic medical consulting rooms motor repairing motor sports nursery outdoor entertainment purposes passenger terminal piggery poultry farming private camping purposes public utility purposes rural industry service station shop show-room stables strategic industry supporting accommodation tavern transport terminal units for aged persons veterinary clinic warehouse any other use not listed in Columns 1 and 3	fuel depot hotel industry junk yard light industry market motel offensive and hazardous industry retail agricultural stall sawmill service industry stock and sales yard vehicle sales yard

NAME OF ZONE: Sp.P.I. (SPECIFIC PLANNING INSTRUMENT ZONE)

MANNER OF INDICATION ON ZONING MAP: RED AND LETTERED "Sp.P.I."

COLUMN 1	COLUMN 2	COLUMN 3
Uses permitted without consent	Uses permitted only with consent	Prohibited uses
as determined by the specific planning instrument	as determined by the specific planning instrument	any use not permitted, whether with or without the consent authority, by the specific planning instrument

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9. **EXCEPTIONS**

- (1) Nothing in this planning instrument prevents the use of land as -
 - (a) a public street; or
 - (b) 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 9A, towers, aerials or masts for mobile telephone telecommunications:
 - (b) stormwater drains; or
 - (c) traffic lights or signs.
- (3) Nothing in this planning instrument prevents the strengthening or restoration to a safe condition of a building or work.

9A. 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.

Division 2 - Rural Uses

10. LOT SIZE

A person shall not use or develop land so that a lot is created which is -

- (a) if in Zone RA, less than 8 hectares in area;
- (b) if in Zone RB, less than 2 hectares in area; or
- (c) if in Zone W, less than 50 hectares in area;

without the consent of the consent authority.

11. **DETACHED DWELLINGS**

Not more than one detached dwelling shall be erected or used on a site or lot in Zone A, RA, RB or W without the consent of the consent authority.

12. INTENSIVE ANIMAL HUSBANDRY

Notwithstanding anything in this planning instrument, a person shall not use, keep or breed animals on any land in such a way -

- (a) that there is created a risk of contamination or pollution of ground water or surface water;
- (b) as to cause excessive erosion of the land or of adjoining land;
- (c) that the amenity of the locality is damaged by the creation or accumulation of smell, excessive dust, impurities, flies or noise; or
- (d) that a risk of the spread of any infectious or contagious disease injurious to human beings, or other health risk, is created by the accumulation of rats, mice, flies, mosquitoes or other vermin.

13. LAND SUBJECT TO INUNDATION

- (1) Subject to subclause (2), a person shall not use or develop any land to which this planning instrument applies if that land is subject to inundation at the calculated flood level for a one in 100 year flood, except with the consent of the consent authority.
- (2) A person is not required to obtain consent to use or develop land referred to in subclause (1) if
 - (a) the use or development is for the use or erection of a Class 10 building or structure (including an extension to an existing detached dwelling);
 - (b) the use or erection of the Class 10 building or structure does not change the use of the land or increase the intensity of that use; and
 - (c) consent to the use or erection of the Class 10 building or structure is not required by any other provision of this planning instrument.
- (3) A reference in subclause (2) to a Class 10 building or structure is a reference to a Class 10 building or structure within the meaning of the Building Code of Australia (including a non-habitable building such as a private garage, carport or shed and a structure such as a fence, antenna or retaining wall).

14. RESTRICTIONS ON USE OF ZONE A

The consent authority shall not grant consent to a subdivision of land in Zone A unless the Authority has obtained the concurrence of the Minister responsible for the administration of the area of government of primary production pursuant to an Administrative Arrangements Order made by the Administrator and published in the Gazette for the purposes of section 35 of the Interpretation Act who, in considering whether to concur with the consent to an application, shall take into account -

- (a) the proposed use of the land and the intensity of that use;
- (b) the area of arable land contained in each of the proposed parcels; and
- (c) the availability of groundwater, artesian water and river water.

15. RESTRICTIONS ON USE OF ZONE W

The consent authority must not grant consent to an application for subdivision or development of land in Zone W unless the authority has obtained the concurrence of the Power and Water Corporation and the Controller of Water Resources, who, in considering whether to concur with the consent to an application, must take into account -

- (a) the proposed use of the land and the intensity of that use;
- (b) the effect, if any, of the proposed subdivision or development on the quality or quantity of the water supply to the town of Katherine, including the risk of pollution;
- (c) the drainage of the land both during construction and after construction during the operational stages;
- (d) the appropriateness of effluent disposal facilities; and
- (e) the appropriateness of facilities for on-site waste collection and disposal.

16. WATERFRONT DEVELOPMENT

A person shall not erect or use any building or structure within 30 metres of the bank of a river, creek, lagoon or lake, except that a boat ramp, marina, jetty or walkway may be erected or used with the consent of the consent authority.

17. CARAVANS

- (1) A person shall not use a caravan or tent as accommodation or a dwelling except within a caravan park.
- (2) Subclause (1) does not prevent the use by an occupier of land and his immediate family of a single caravan or tent, in addition to any dwelling, for their accommodation on the land.

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PART III - DEVELOPMENT CODE

Division 1 - Parking

18. **DEFINITIONS**

In this Division -

"employee", in relation to a site, means a person employed in an undertaking established on the site;

"site", in relation to land used for a caravan park, means a space set aside for -

- (a) the parking or standing of a mobile home, caravan or the like; or
- (b) the erection of a tent or similar structure.

19. SIZE OF PARKING SPACE

A car parking space required under this Division shall be not less than 5.5 metres long and not less than 2.5 metres wide.

20. PARKING PROVISION

- (1) Subject to this planning instrument, a person shall not use or develop land for a purpose specified in Column 1 of the table to this clause unless provision is made on the site for a number of car parking spaces not less than the number specified or calculated in accordance with Column 2.
- (2) Where a calculation made in pursuance of subclause (1) results in a number which is not a whole number, the number of parking spaces required shall be the next highest whole number.
- (3) Where there is a use of land referred to in the zoning table for which no provision Is made in respect of car parking spaces in the table to this clause, the car parking spaces required for that use of land shall be as determined by the consent authority.

TABLE PARKING REQUIREMENTS

		Column 1		Column 2
		Purpose	Min	imum number of car parking spaces required
1.	Aba	ttoirs	indu <u>plus</u> for e	every 100 square metres of floor area used for stry - 1 every 25 square metres of floor area used for e purposes - 1
2.	Atta	ched dwellings	for e	every dwelling
			(a)	in a cul-de-sac - 2
			(b)	which is adjacent to a carriageway less than 8 metres wide - 2
			(c)	in any other case - 1.5
			plus	
			for e	every development of -
			(a)	10 to 19 dwellings - 1 additional space
			(b)	20 to 29 dwellings - 2 additional spaces
3.	3. Caravan park for every site		every site, cabin or accommodation unit - 1.1	
4.	Care	etaker's residence	1	
5.	Cate	ering business	for e	every 10 square metres of floor area - 1
6.	Chile	d care centre	1 for plus 2	every employee
7.	Community centre		for e	every 100 square metres of net floor area - 5
8.	8. Detached dwelling 1			
9.	Edu	cational establishment		
	(a)	primary or secondary school	1 foi	every 2 employees
	(b)	tertiary educational establishment	plus	every 2 employees every 6 students

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	Column 1	Column 2
	Purpose	Minimum number of car parking spaces required
10.	Extractive industry	for every 100 square metres of floor area used for industry - 1 <u>plus</u> for every 25 square metres of floor area used for office purposes - 1 <u>plus</u> where the area of site used as open storage area -
		(a) does not exceed 500 square metres - 1
		(b) exceeds 500 square metres but does not exceed 1000 square metres - 2
		(c) exceeds 1000 square metres but does not exceed 1500 square metres - 3
		(d) exceeds 1500 square metres but does not exceed 2000 square metres - 4
		(e) exceeds 2000 square metres - 4 plus 1 space for every further 2000 square metres of site so used
11.	Flats	for every 1 or 2 bedroom dwelling - 1.25 plus for every 3 bedroom dwelling - 1.5
12.	General store	4
13.	Repealed by amendment No. 7	
14.	Repealed by amendment No. 7	
15.	Guest-house and hostels	for every bedroom - 1
16.	Hospital	for every 4 patient beds - 1 <u>plus</u> for every 4 employees - 1
17.	Hotel	for every 2 guest suites or bedrooms - 1 <u>plus</u> for every 6 square metres of floor area used as a lounge area or beer garden - 1 <u>plus</u> for every 2 square metres of floor area used as a bar - 1
18.	Indoor recreation establishment	for every 10 square metres of floor area - 1
19.	Institutional establishment	for every employee - 1 plus for every 100 square metres of floor area - 1

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	Column 1	Column 2
	Purpose	Minimum number of car parking spaces required
20.	Institutional residence	for every 4 patient beds - 1 <u>plus</u> for every 100 square metres of floor area used for administrative purposes - 4
21.	Junk yard	for every 100 square metres of floor area used other than as an office - 1 plus for every 25 square metres of floor area used as an office - 1 plus in respect of the first 1000 square metres of the site used as open storage - 1 for every 25 square metres plus in respect of any other part of the site so used - 1 for every 1000 square metres
22.	Kennels and cattery	for every employee - 1 plus 4 spaces
23.	Licensed club	for every 100 square metres of floor area used as a bar, lounge area or beer garden - 10
24.	Licensed restaurant	for every 100 square metres of net floor area - 7
25.	Market	for every 100 square metres of net floor area - 4
26.	Medical clinic	for every 6 employees - 1 or for every 25 square metres of floor area - 1 (whichever standard results in the greater number of spaces)
27.	Medical consulting rooms	3
28.	Motel	for every 2 suites - 1
29.	Motor repairing	for every 25 square metres of floor area used as a workshop - 1

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	Column 1	Column 2	
	Purpose	Minimum number of car parking spaces required	
30.	Nursery	for every 50 square metres of floor area of any building - 1 plus where the area of site used as outdoor nursery area -	
		(a) does not exceed 250 square metres - 1	
		(b) 250 square metres but does not exceed 500 square metres - 2	
		(c) exceeds 500 square metres but does not exceed 750 square metres - 3	
		(d) exceeds 750 square metres but does not exceed 1000 square metres - 4	
		(e) exceeds 1000 square metres - 4 plus 1 for every further 2000 square metres or part thereof so used	
31.	Office	for every 25 square metres of floor area - 1	
32.	Passenger terminal	for every 20 square metres of floor area - 1	
33.	Piggery	for every employee - 1	
34.	Place of public worship	for every 20 square metres of floor area - 1	
35.	Poultry farm	for every employee - 1 plus 4	
36.	Private camping purposes	for every site - 1.1	
37.	Service station	10 <u>or</u> for every 50 square metres of floor area - 1	
		(whichever standard results in the greater number of spaces)	
38.	Shop	for every 20 square metres of floor area - 1	
39.	Show-room	for every 25 square metres of floor area used as a show-room - 1 plus for every 25 square metres of floor area used as an office - 1 plus for every 200 square metres of floor area used for outdoor display and sale purposes - 1	

	Column 1	Column 2
	Purpose	Minimum number of car parking spaces required
40.	Special purposes	for every 20 square metres of floor area used as a chapel in a cemetery or crematorium - 5
		for every 100 square metres used for law courts, administration of justice purposes or radio and TV installations - 2.5
		for every 100 square metres of floor area used for an ambulance or fire station - 2.5
41.	Stables	10 <u>plus</u> for every employee - 1
42.	Stock and sale yards	20
42A.	Supporting accommodation	4
43.	Tavern	for every 10 square metres of floor area used as a lounge bar - 1 plus for every 5 square metres of floor area used as a bar - 1
44.	Transport terminal	for every 100 square metres of floor area used as a transport terminal - 1 or so many car parking spaces as can be accommodated on 25% of the site
		(whichever standard results in the greater number of spaces)
45.	Units for aged persons	for every 2 units - 1 plus for every 10 units - 1
46.	Vehicle sales yard	10 spaces
47.	Veterinary clinic	3 plus for every 2 employees - 1

Column 1			Column 2	
	Purpose	Min	Minimum number of car parking spaces required	
48.	Warehouse purposes	for every 100 square metres of floor area used as a warehouse - 1 plus for every 25 square metres of floor area used as an office - 1 plus where the area of site used as outdoor storage area -		
		(a)	does not exceed 500 square metres - 1	
		(b)	exceeds 500 square metres but does not exceed 1000 square metres - 2	
		(c)	exceeds 1000 square metres but does not exceed 1500 square metres - 3	
			exceeds 1500 square metres but does not exceed 2000 square metres - 4	
		(e)	exceeds 2000 square metres - plus 1 space for every further 2000 square metres of site so used	

21. PARKING AREA

- (1) A parking area shall -
 - (a) be constructed with a gradient suitable for vehicular parking;
 - (b) provide separate access to each parking space;
 - (c) be designed to allow a vehicle to enter from and exit to a public road in forward gear;
 - (d) if situated between a building and a frontage to a road, be located not less than 3 metres from that frontage; and
 - (e) be sealed, or dust suppressed, and well drained.
- (2) A parking area shall be established, used or maintained for parking of vehicles.

22. SCREENING OF PARKING AREAS

- (1) Where a parking area is provided on land used for attached dwellings, flats, a guest-house and hostel, or supporting accommodation, the parking area shall not be located between a building on the land and a road boundary of the site unless it is adequately screened from public view.
- (2) For the purposes of subclause (1), a parking area is adequately screened from public view if -

- (a) there is erected a screen fence or wall not less than 1.5 metres high; or
- (b) there is planted suitable vegetation which will provide a screen not less than 2 metres in height within 2 years after planting,

along the whole of that boundary, apart from driveways and necessary corner truncations between the parking area and any public road.

Division 2 - Loading Bays and Set-down Areas

23. SIZE OF LOADING BAYS

Subject to clause 24(2), a loading bay required under this Division shall be -

- (a) not less than 10 metres long, 5 metres wide and 4 metres high; and
- (b) located so that vehicles may manoeuvre wholly within that space.

24. LOADING BAYS TO BE PROVIDED

- (1) A person shall not use or develop land for industry (service industries excepted), hospitals, passenger terminals, shops, show-rooms, transport terminals, warehouses or wholesale markets unless there are provided on the land one loading bay -
 - (a) for each 2,000 square metres of floor area of the building up to a floor area of 10,000 square metres; and
 - (b) for each 5,000 square metres of floor area in excess of 10,000 square metres.
- (2) A person shall not use or develop land for the purposes of a stock and sales yard unless there is provided on that land a loading bay not less than 100 metres long and not less than 50 metres wide.

25. SET-DOWN AREAS

- (1) A person shall not use or develop land for a catering business, a child care centre, an educational establishment, a hospital, a hotel, an indoor recreation establishment, an institutional establishment, a medical clinic, outdoor entertainment purposes, a passenger terminal, a place of public worship, units for aged persons or a veterinary clinic unless a set-down area, designed and adapted for the picking up and setting down of passengers, is provided on that land or on land, not being a public road, adjoining the site.
- (2) A set-down area referred to in subclause (1) shall permit vehicles to draw off and return to a public road in forward gear and provide adequate standing space.

Division 3 - Specific Uses

26. CARAVAN PARKS

- (1) In this clause, "site" means a space in a caravan park set aside or designated for -
 - (a) the parking or standing of a mobile home, caravan or the like; or
 - (b) the erection of a tent or similar structure.
- (2) Each site shall be no less than 90 square metres in area.
- (3) No site shall be closer than 7.5 metres to any road or closer than 5 metres to any boundary other than a road.
- (4) No site shall be closer than 12 metres to a kitchen, fireplace or incinerator.
- (5) No site shall be further than 65 metres from ablution facilities.
- (6) Washing and ablution facilities shall be provided in a caravan park in accordance with the following table:

WASHING AND ABLUTION FACILITIES

No. of Sites	Minimum number of male toilets	Minimum number of female toilets	Minimum number of showers for each sex	Minimum number of hand basins for each sex
Less than 6	1	1	1	1
7 - 12	2	2	2	2
13 - 20	3	3	3	3
and for every additional 10 or part thereof	1	1	1	1

27. HOME OCCUPATIONS

The following conditions and limitations apply to the use of land for the purpose of a home occupation -

- (a) a person so using the land shall not employ any one other than his spouse, children or parents in carrying on the home occupation;
- (b) the total floor area used in all buildings for the home occupation shall not be more than 30 square metres;

- (c) the home occupation shall not -
 - (i) cause interference with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise; or
 - (ii) require the provision of a public utility service of a greater capacity than that available in the locality of the home occupation;
- (d) a sign displayed on the land not display anything other than the name and occupation of the occupier of the land and shall not be more than 0.3 square metres in area; and
- (e) goods shall not be publicly displayed for sale or hire in such a manner as to be identifiable from a public road.

28. SERVICE STATIONS AND MOTOR REPAIRING

- (1) A person shall not use or develop land as a service station or for motor repairing unless -
 - (a) the part of the land so used or developed is at least 90 metres from the junction or intersection of a main road with another main road;
 - (b) the land has a frontage to a public road of at least 40 metres long;
 - (c) any vehicular crossing over a footpath is not -
 - (i) more than 9 metres wide;
 - (ii) closer than 6 metres to another vehicular crossing; and
 - (iii) closer than 15 metres to a road intersection, and
 - (d) vehicles being temporarily stored pending repairs are screened from view from all roads and from land used for residential purposes.
- (2) A person shall not erect or use a building or land for motor repairing or a service station unless -
 - (a) inlets to bulk fuel storage tanks are so situated as to ensure that tankers, while discharging fuel into those tanks, stand wholly within the boundaries of the site: and
 - (b) fuel pumps are within the boundaries of the site and not closer than 3 metres to the edge of road reserve.

29. BED AND BREAKFAST ACCOMMODATION

With the consent of the Authority, a dwelling in Zone A, RA, RB or W may be used for bed and breakfast accommodation if -

- the use does not detract from the amenity of the locality in which the use is established;
- (b) not more then 5 travellers are accommodated in the dwelling at any one time;
- (c) car parking spaces are provided on site; and
- (d) no sign is displayed, other than a business identification sign that is not more than 0.3 square metres in area and that displays the name of the resident and that bed and breakfast accommodation is available.

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TABLE OF AMENDMENTS

KATHERINE RURAL AREA PLAN 1988

AMENDMENT NUMBER	GAZETTE NUMBER	GAZETTE DATE	CHANGE
1.	G20	18.05.88	Amends clause 3 Application, clause 4 Interpretation, specifies area of responsibility for consent authorities.
2.	G21	30.05.90	Zones approximately 13.3 hectares of NT Portion 2926 Stuart Highway to RB.
3.	G25	27.06.90	Zones part NT Portion 2926 Gillard Crescent to SpPI.
4.	G12	28.03.90	Amends clause 9 "Exceptions" by amending subclause (2) - 'Introduction of Gas'.
5.	G16	24.04.90	Amends clause 14 so consent of Minister for Primary Production is required for subdivisions in Zone A.
6.	G24	19.06.91	Rezones NT Portions 2377, 2378 and 2987 Emungalan Road and part NT Portion 2985 Stuart Highway, Katherine from RA to Sp.P.I.
7.	G41	16.10.91	Amends the Katherine Rural Area Plan by substituting a definition of "supporting accommodation" for the definitions of "group homes" and "group homes (transitional)" and by substituting reference to "supporting accommodation" wherever reference to "group homes" or "group homes (transitional)" occur.
8.	G13	01.04.92	Amends the Katherine Rural Area Plan by amending the definition of "hospital".
9.	G28	15.07.92	Amends the Katherine Rural Area Plan by omitting the definitions of "institutional establishment" and "institutional residence" and substituting a new definition of "institutional establishment".
10.	S27	15.04.94	Removes the Minister as consent authority for the area of land included in the Plan but outside the Municipality of Katherine, and provides that the Planning Authority is to be the consent authority for the whole of the land included in the Plan.
11.	G24	15.06.94	Rezones part of NT Portion 3310 Gorge Road, Town of Katherine from W to RA.

TABLE OF AMENDMENTS

KATHERINE RURAL AREA PLAN 1988

AMENDMENT NUMBER	GAZETTE NUMBER	GAZETTE DATE	CHANGE
12.	G20	27.05.98	Amends clause 9, subclause (2)(a). Inserts new clause 9A.
13.	G42	28.10.98	Boundary adjustment to exclude NT Portion 3362 from Katherine Rural Area Plan 1988.
14.	G2	20.01.99	Amends clause 4 by inserting "bed and breakfast accommodation". Amends "guest-house and hostel", "hotel" and "motel".
			Amends zoning table in clause 8.
			Adds new clause 29.
15	G4	31.01.01	Rezones NT Portion 5196 McAdam Road, Katherine Locality from A and RA to A.
16	G20	22.05.02	Amends clause 4(1) by inserting a definition for "site".
17	G22	04.06.03	Amends clause 13 by omitting "A person" and substituting "(1) Subject to subclause (2), a person" and inserting new subclauses (2) and (3).
18	G41	15.10.03	Amends clause 15 by omitting clause 15 and substituting new clause 15.