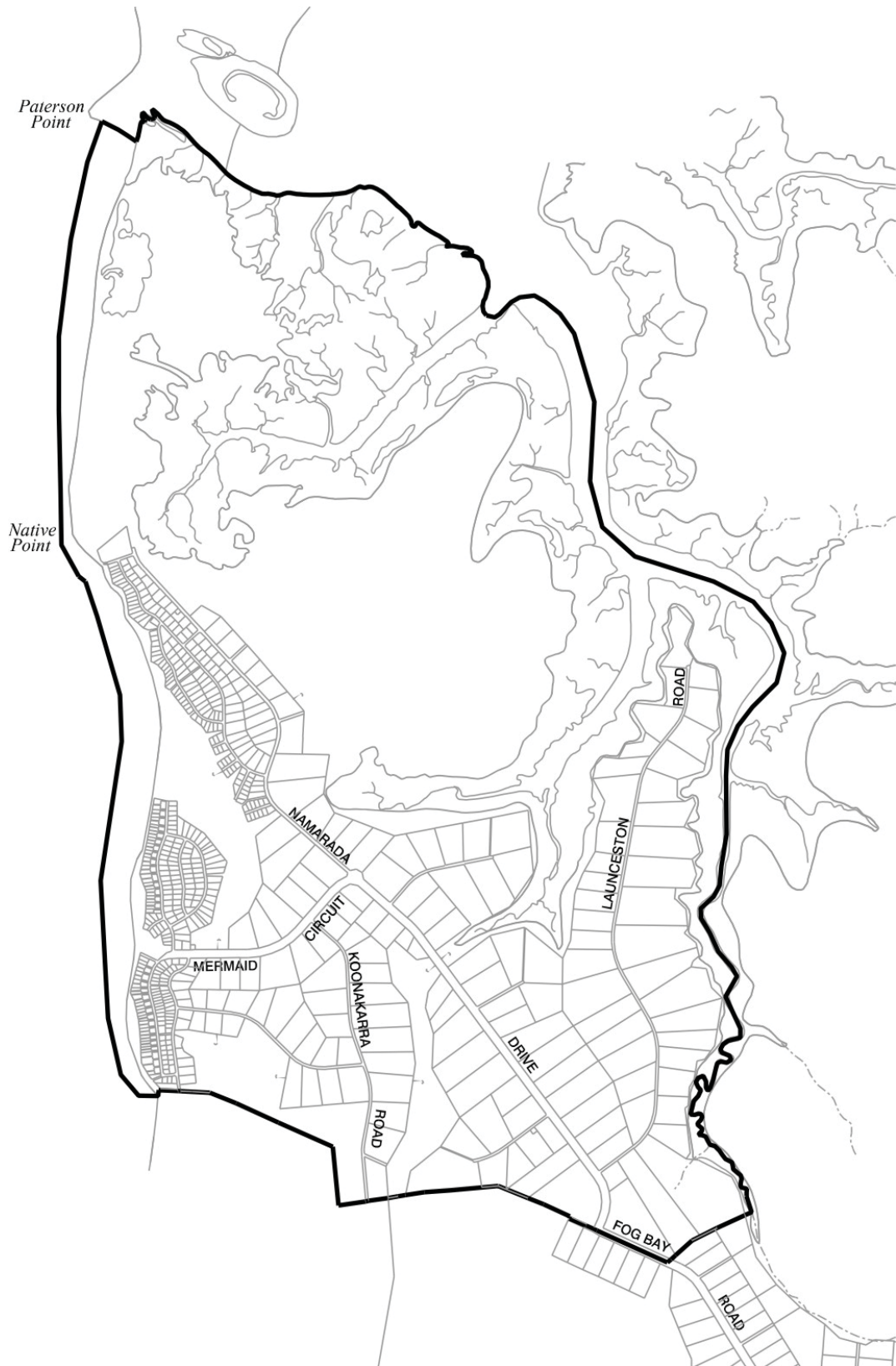


# Namarada Area Plan 1990





## NOTICE TO LANDHOLDERS AND PROSPECTIVE PURCHASERS

Your attention is drawn to the Agreement for Sale and Purchase of Subdivided Land and in particular clause 36 and Schedule 2 and clause 37.

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### PURCHASERS ACKNOWLEDGMENTS:

36. The Purchaser expressly acknowledges that:
1. he has read and fully understood the contents of Schedule 2 appearing hereunder, that he is fully aware of the matters referred to in Schedule 2, that the land hereby agreed to be sold and purchased may be flood-prone and that no requisition in respect of the Vendor's title or objection or claim for compensation shall be made by the Purchaser in respect of any of the matters contained in Schedule 2;
  2. notwithstanding that the land may be flood-prone the Northern Territory Government and its agencies shall not bear any responsibilities for costs and drainage associated with flood hazard arising from development and occupation of the land;
  3. where the land agreed to be sold and purchased is bounded by a road frontage which road has been constructed with "off-let" drains, the Purchaser will allow access to the land by the Northern Territory Government, its workman and agents with or without machinery for the purpose of cleaning the said "off-let" drains and for the better drainage and maintenance of the said road within the provisions of the Control of Roads Act 1980 and any amendments thereto.
37. The Purchaser obtain a deed of covenant from a subsequent Purchaser from him in favour of the Vendor (including this obligation to obtain a covenant from subsequent Purchasers) in terms to the effect of the terms of clause 36 hereof and shall forthwith deliver the duly stamped deed containing such covenants to the Vendor.

### SCHEDULE 2

1. Services such as water supply, electricity supply, sewerage disposal and garbage disposal will not be provided by the Northern Territory Government. These services will be the responsibility of respective Purchasers who should ensure the necessary standards are satisfied to safe guard health.
2. The Northern Territory Government will not undertake any biting insect or crocodile control methods in the area.
3. Fire protection and control will be the responsibility of each Purchaser.
4. The Northern Territory Government will not be liable for any damage in the event of storm surge flooding.

5. No clearing of mangroves or construction of private boat ramps, jetties, other structures or any other work is to be undertaken in the area beyond the boundaries of the blocks in the areas of tidal influence without approval of the Minister of Lands or appropriate authority.
6. There are outstanding exploration licence applications affecting the subdivision.

# NORTHERN TERRITORY OF AUSTRALIA

## NAMARADA AREA PLAN 1990

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**NORTHERN TERRITORY OF AUSTRALIA**

**Planning Act**

**NAMARADA AREA PLAN 1990**

I, DARYL WILLIAM MANZIE, Minister for Lands and Housing, hereby make the following planning instrument under the Planning Act.

Dated this 9 day of October 1990

D M MANZIE  
Minister for Lands and Housing

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**PART 1 - PRELIMINARY**

**1.0 CITATION**

1.1 This planning instrument (hereinafter referred to as this Plan) may be cited as the Namarada Area Plan 1990.

**2.0 APPLICATION**

2.1 This Plan applies to and in relation to the land currently described as Section 2881, Hundred of Glyde.

**3.0 CONSENT AUTHORITY**

3.1 The Minister is the consent authority.

**4.0 EXCEPTIONS**

4.1 Nothing in this Plan prevents the use of any land as -

- (a) a public street; or
- (b) a public park.

4.2 Nothing in this Plan prevents the construction, alteration, repair or maintenance of -

- (a) facilities for the reticulation of water, sewage, gas, electricity or the reticulation or transmission of telephone services;

- (b) stormwater drains; or
- (c) roads and traffic lights.

4.3 Nothing in this Plan prevents the erection or display of a sign which is -

- (a) a traffic control or driver advisory guide, service or similar device;
- (b) displayed by reason of any statutory obligation;
- (c) on enclosed land or within a building and not readily visible from land outside the enclosure or building; or
- (d) displayed upon or inside a vehicle, other than a vehicle which is adapted and exhibited primarily as an advertisement.

## 5.0 INTERPRETATION

5.1 In this Plan, unless inconsistent with the context or subject matter -

**"agriculture"** means the cultivation of crops as a commercial enterprise;

**"ancillary use"** means a subordinate use of the land which is an adjunct to the primary use of the land;

**"caravan park"** means land used as a commercial enterprise for the parking of 2 or more caravans or the placement and use of mobile homes or tents for the purpose of providing accommodation for members of the public;

**"child care centre"** means a building or place used for minding or caring for 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 organisations for social, sporting or cultural purposes but does not include premises licensed under the Liquor Act;

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

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

**"educational establishment"** means a college, gallery, kindergarten, lecture hall, museum, primary or secondary school, technical college or university;



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

**"guest house and hostel"** means premises used to provide board and lodgings with communal sanitation, cooking and dining facilities;

**"hotel"** means premises which require a licence under the Liquor Act, whether or not accommodation is provided for members of the public and whether or not meals are served, but does not include a **motel**;

**"indoor recreation establishment"** means the use of a building for recreation purposes, but does not include recreational uses on the site of a **detached dwelling** intended for exclusive use by occupiers of the **detached dwelling**;

**"motel"** means a building or place wholly or principally used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used to provide meals to the travellers or to members of the general public and whether or not the premises are licensed under the Liquor Act;

**"nursery"** means a building or place used primarily to grow, produce and display plants, and includes retail sales of plants grown, produced and displayed on the premises;

**"outdoor entertainment"** means the provision outdoors or in the open air of entertainment or amusement to members of the public, whether or not food is provided;

**"place of 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 **educational establishment**;

**"private camping"** means the parking of caravans, or the placement and use of tents or mobile homes for the purpose of providing accommodation principally for members of an association or organisation occupying the land, but does not include a **caravan park**;

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

**"restaurant"** means premises other than a shop, or part of a hotel or motel in which meals are served to the public;

**"service station"** means a building or place used for the fuelling of motor vehicles or marine vessels involving the retail sale of petrol, oils and other products used in connection with the operation of motor vehicles or marine vessels, whether or not the building or place is also used for -

- (a) the retail sale of spare parts and motor or marine accessories;
- (b) the washing and greasing of vehicles or marine vessels;
- (c) the installation of accessories in motor vehicles or marine vessels; or
- (d) the repair and servicing of motor vehicles or marine vessels;

**"shop"** means a building or place used to sell or offer goods for retail sale or hire;

**"special purposes"** means -

- (a) an ambulance, police or fire station; or
- (b) a waste disposal site;

**"zoning map"** means the map signed by the Minister for Lands, Planning and Environment marked "Namarada Area Plan 1990 (Amendment No. 2)" and deposited in the offices of the Department of Lands, Planning and Environment, Darwin.

**"zoning table"** means the table to clause 7.2.

- 5.2 A reference in this Plan to a building or place used for a particular purpose includes a reference to a building or place intended for that use.

## PART 2 - ZONES

### DIVISION 1 - ADMINISTRATION

#### 6.0 ARRANGEMENT OF ZONES

6.1 The land to which this Plan applies is divided into the zones shown on the **zoning map**, which zones are referred to in this Plan.

#### 7.0 PERMITTED AND PROHIBITED DEVELOPMENT

7.1 Land within a zone described in the **zoning table** may be used or developed in accordance with this Plan.

7.2 A use or development of land is permitted without the consent of the Minister where the use or development is shown as "permitted" in the **zoning table**, provided the use or development complies with the provisions of the clauses (if any) set out opposite the use in the table.

7.3 A use or development of land which is not permitted pursuant to clause 7.2 or 8.1 is prohibited.

#### 8.0 ANCILLARY DEVELOPMENT

8.1 Where a use or development of land is permitted by this Plan, a use or development which is an ancillary use shall also be permitted.

## **DIVISION 2**

### **9.0 ZONE OBJECTIVES**

#### **9.1 ZONE L1 (Living 1)**

**Objective:** To take advantage of the scenic coastline by providing land for detached dwellings on land overlooking the coast.

**ZONING TABLE**

**ZONE L1**

USE OR DEVELOPMENT		RELEVANT CLAUSE
AGRICULTURE	X	
CARAVAN PARK	X	
CHILD CARE CENTRE	X	
COMMUNITY CENTRE	X	
DETACHED DWELLING	P	11.1,11.2,12.1,13.1,14.1
EDUCATIONAL ESTABLISHMENT	X	
FLORA AND FAUNA SANCTUARY	X	
HOTEL	X	
INDOOR RECREATION ESTABLISHMENT	X	
MOTEL	X	
NURSERY	X	
OUTDOOR ENTERTAINMENT	X	
PLACE OF WORSHIP	X	
PRIVATE CAMPING	X	
RECREATION	X	
RESTAURANT	X	
SERVICE STATION	X	
SHOP	X	
SPECIAL PURPOSES	X	

P = PERMITTED

X = PROHIBITED

9.2 **ZONE L2 (Living 2)**

**Objective:** To provide opportunities for recreational living in close proximity to the coast at a lesser density than is permitted along the coast.

**ZONING TABLE**

**ZONE L2**

USE OR DEVELOPMENT		RELEVANT CLAUSE
AGRICULTURE	P	11.2,12.1,13.1,14.1
CARAVAN PARK	X	
CHILD CARE CENTRE	X	
COMMUNITY CENTRE	X	
DETACHED DWELLING	P	11.1,11.2,12.1,13.1,14.1
EDUCATIONAL ESTABLISHMENT	X	
FLORA AND FAUNA SANCTUARY	X	
HOTEL	X	
INDOOR RECREATION ESTABLISHMENT	X	
MOTEL	X	
NURSERY	P	11.2,12.1,13.1,14.1
OUTDOOR ENTERTAINMENT	X	
PLACE OF WORSHIP	X	
PRIVATE CAMPING	X	
RECREATION	X	
RESTAURANT	X	
SERVICE STATION	X	
SHOP	X	
SPECIAL PURPOSES	X	

P = PERMITTED

X = PROHIBITED

9.3 **ZONE L3 (Living 3)**

**Objective:** To provide opportunities for recreational living, rural living and agricultural purposes within the locality.



**ZONING TABLE**

**ZONE L3**

USE OR DEVELOPMENT	RELEVANT CLAUSE	
AGRICULTURE	P	
CARAVAN PARK	X	
CHILD CARE CENTRE	X	
COMMUNITY CENTRE	X	
DETACHED DWELLING	P	11.1
EDUCATIONAL ESTABLISHMENT	X	
FLORA AND FAUNA SANCTUARY	P	
HOTEL	X	
INDOOR RECREATION ESTABLISHMENT	X	
MOTEL	X	
NURSERY	P	
OUTDOOR ENTERTAINMENT	X	
PLACE OF WORSHIP	X	
PRIVATE CAMPING	P	
RECREATION	P	
RESTAURANT	X	
SERVICE STATION	X	
SHOP	X	
SPECIAL PURPOSES	X	
 P = PERMITTED	 X = PROHIBITED	

9.4 **ZONE CP (Community Purposes)**

**Objective:** To set aside land for the provision of community services including **shops**, schools, meeting halls, health centres and fire stations.

**ZONING TABLE**

**ZONE CP**

USE OR DEVELOPMENT	RELEVANT CLAUSE
AGRICULTURE	X
CARAVAN PARK	X
CHILD CARE CENTRE	P
COMMUNITY CENTRE	P
DETACHED DWELLING	X
EDUCATIONAL ESTABLISHMENT	P
FLORA AND FAUNA SANCTUARY	P
HOTEL	X
INDOOR RECREATION ESTABLISHMENT	P
MOTEL	X
NURSERY	P
OUTDOOR ENTERTAINMENT	P
PLACE OF WORSHIP	P
PRIVATE CAMPING	X
RECREATION	P
RESTAURANT	P
SERVICE STATION	P
SHOP	P
SPECIAL PURPOSES	P

P = PERMITTED

X = PROHIBITED

9.5 **ZONE O (Open Space)**

**Objective:** To provide land accessible to the public for active and passive recreation purposes.

**ZONING TABLE**

**ZONE O**

USE OR DEVELOPMENT	RELEVANT CLAUSE
AGRICULTURE	X
CARAVAN PARK	X
CHILD CARE CENTRE	X
COMMUNITY CENTRE	X
DETACHED DWELLING	X
EDUCATIONAL ESTABLISHMENT	X
FLORA AND FAUNA SANCTUARY	P
HOTEL	X
INDOOR RECREATION ESTABLISHMENT	X
MOTEL	X
NURSERY	X
OUTDOOR ENTERTAINMENT	P
PLACE OF WORSHIP	X
PRIVATE CAMPING	X
RECREATION	P
RESTAURANT	X
SERVICE STATION	X
SHOP	X
SPECIAL PURPOSES	X
P = PERMITTED	X = PROHIBITED

9.6 **ZONE C (Conservation)**

**Objective:** To allow natural erosive processes to occur without threat to property and infrastructure, to conserve and protect natural flora and fauna found in the area and to protect sand dunes and cliff top land from erosion induced by human behaviour.

**ZONING TABLE**

**ZONE C**

USE OR DEVELOPMENT	RELEVANT CLAUSE	
AGRICULTURE	X	
CARAVAN PARK	X	
CHILD CARE CENTRE	X	
COMMUNITY CENTRE	X	
DETACHED DWELLING	X	
EDUCATIONAL ESTABLISHMENT	X	
FLORA AND FAUNA SANCTUARY	P	15.0
HOTEL	X	
INDOOR RECREATION ESTABLISHMENT	X	
MOTEL	X	
NURSERY	X	
OUTDOOR ENTERTAINMENT	X	
PLACE OF WORSHIP	X	
PRIVATE CAMPING	X	
RECREATION	P	15.0
RESTAURANT	X	
SERVICE STATION	X	
SHOP	X	
SPECIAL PURPOSES	X	
P = PERMITTED	X = PROHIBITED	

9.7 **ZONE TA (Tourist Accommodation)**

**Objective:** To provide accommodation for visitors to the area in the form of a **hotel, motel, guest house and hostel**, cabins, **caravan park** or similar residential facility, and other facilities and services for the travelling and visiting public, including food and beverage outlets, **shops, service stations** and tour operations.



**ZONING TABLE**

**ZONE TA**

USE OR DEVELOPMENT	RELEVANT CLAUSE
AGRICULTURE	X
CARAVAN PARK	P
CHILD CARE CENTRE	X
COMMUNITY CENTRE	X
DETACHED DWELLING	X
EDUCATIONAL ESTABLISHMENT	X
FLORA AND FAUNA SANCTUARY	P
HOTEL	P
INDOOR RECREATION ESTABLISHMENT	P
MOTEL	P
NURSERY	X
OUTDOOR ENTERTAINMENT	P
PLACE OF WORSHIP	X
PRIVATE CAMPING	X
RECREATION	P
RESTAURANT	P
SERVICE STATION	P
SHOP	P
SPECIAL PURPOSES	X
P = PERMITTED	X = PROHIBITED

## PART 3 - PROVISIONS

### 10.0 MINIMUM LOT SIZES

#### 10.1 Minimum Lot Size in Zone L1

Subject to clause 10.4, land within Zone L1 shall not be subdivided into allotments having an area less than 4,000m<sup>2</sup>.

#### 10.2 Minimum Lot Size in Zone L2

Subject to clause 10.4, land within Zone L2 shall not be subdivided into allotments having an area less than 1 hectare.

#### 10.3 Minimum Lot Size in Zone L3

Subject to clause 10.4, land within Zone L3 shall not be subdivided into allotments having an area less than 8 hectares.

10.4 Notwithstanding clauses 10.1 to 10.3, land may be subdivided in a manner which is substantially in accordance with the drawings contained in the Schedule.

### 11.0 RESIDENTIAL USE

11.1 Land within Zone L1, L2 or L3 shall not be developed such that there is more than one **detached dwelling** on an allotment.

11.2 No building shall be erected on land within Zone L1 or L2 within 3 metres of any allotment boundary.

### 12.0 BORES AND WELLS

12.1 No bore or well shall be sunk on land within Zone L1 or L2.

### 13.0 CLEARING OF VEGETATION

13.1 Within Zones L1 and L2 not more than one half of the native vegetation shall be cleared from an allotment.

13.2 Without the consent of the Minister, no more than one half of the native vegetation shall be cleared from an allotment in Zone L3.

13.3 Native vegetation shall not be cleared from land within Zone C.

13.4 Without the consent of the Minister, no native vegetation shall be cleared from land within Zone TA.or O

### 14.0 HEIGHT OF BUILDINGS

14.1 Within Zones L1 and L2 no building or structure (aerials and antennae excepted) shall exceed a height of 8 metres measured from natural ground level adjacent to the building or structure.

### 15.0 BUILDINGS IN ZONE C

15.1 Within Zone C no building shall be erected so that any part of the floor space is enclosed by walls.

16.0 **ACCESS WITHIN ZONE C**

16.1 Subject to the provisions of clause 16.2 the entrance of motor vehicles to land within Zone C is prohibited.

16.2 Clause 16.1 does not prevent the entry of motor vehicles necessary to perform emergency or maintenance operations within Zone C.

**DEVELOPMENT MATRIX**

**ZONING TABLE**

ZONE

USE OR DEVELOPMENT

	L1	L2	L3	CP	O	C	TA
AGRICULTURE	X	P	P	X	X	X	X
CARAVAN PARK	X	X	X	X	X	X	P
CHILD CARE CENTRE	X	X	X	P	X	X	X
COMMUNITY CENTRE	X	X	X	P	X	X	X
DETACHED DWELLING	P	P	P	X	X	X	X
EDUCATIONAL ESTABLISHMENT	X	X	X	P	X	X	X
FLORA AND FAUNA SANCTUARY	X	X	P	P	P	P	P
HOTEL	X	X	X	X	X	X	P
INDOOR RECREATION ESTABLISHMENT	X	X	X	P	X	X	P
MOTEL	X	X	X	X	X	X	P
NURSERY	X	P	P	P	X	X	X
OUTDOOR ENTERTAINMENT	X	X	X	P	P	X	P
PLACE OF WORSHIP	X	X	X	P	X	X	X
PRIVATE CAMPING	X	X	P	X	X	X	X
RECREATION	X	X	P	P	P	P	P
RESTAURANT	X	X	X	P	X	X	P
SERVICE STATION	X	X	X	P	X	X	P
SHOP	X	X	X	P	X	X	P
SPECIAL PURPOSES	X	X	X	P	X	X	X

P = PERMITTED

X = PROHIBITED

## SCHEDULE

[Drawings 6.52/2881 G89A, 6.52/2881 G89B and 87/1043/9 Ca attached overleaf.]

**TABLE OF AMENDMENTS**

**NAMARADA AREA PLAN 1990**

Amendment Number	Gazette Number	Gazette Date	Amendment
1.	G20	27.05.98	Rezone part of Section 2881, Hundred of Glyde from L3 to L2.
<b>2.</b>	<b>G32</b>	<b>19.08.98</b>	<b>Amends clause 5 - zoning map.</b>
3.	G50	19.12.01	Rezoned part of Section 2881 (Administrative Lot 3890A) Namarada Drive, Hundred of Glyde from L3 to CP.
4.	G49	10.12.03	Amends clauses 13.1 to 13.5 (inclusive) by substituting with 13.1 to 13.4 which changes the consent authority for this clause from the director of conservation to the Minister.