

**NORTHERN TERRITORY OF AUSTRALIA**

**Planning Act**

**TOWN OF PELLEW CONTROL PLAN 1985**

**TABLE OF PROVISIONS**

**PART I - PRELIMINARY**

I, STEPHEN PAUL HATTON, the Minister for Lands, in pursuance of section 61(a) of the Planning Act, hereby make the following planning instrument under the Planning Act.

Dated this 14th day of August 1985

Minister for Lands

1. **CITATION**

This planning instrument may be cited as the Town of Pellew Control Plan 1985.

2. **INTERPRETATION**

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

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

"camping purposes" means the erection and use of tents for temporary overnight shelter and accommodation and recreation purposes;

"dwelling" means a building designed, constructed or adapted for human habitation;

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

"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;

"youth group purposes" means the use of a building by youth groups for non-commercial recreation purposes;

"zoning map" means the map signed by the Minister for Lands and marked "The Town of Pellew Control Plan 1985", copies of which map are kept in the office of the Department of Lands, Alice Springs;

"zoning table" means the table to clause 6.

(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 the 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 the ancillary use to the use so permitted referred to in subclause (3) 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.

(5) 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.

(6) 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 those consents.

3. **CONSENT AUTHORITY**

The Minister is the consent authority.

## PART II - RESTRICTIONS ON USE AND DEVELOPMENT OF LAND

### 4. ZONING

The land to which this planning instrument applies is divided into zones shown on the zoning map, which zones are referred to in this planning instrument in the manner specified in column 1 of the zoning table.

### 5. LAND USE TO COMPLY WITH SOIL CONSERVATION AND LAND UTILISATION ACT

Any use or development of land within the Restricted Use Zone (RU) specified in column 1 of the zoning table shall comply with the Soil Conservation and Land Utilisation Act.

### 6. ZONING TABLE

- (1) Subject to this planning instrument, a person may use or develop land within the zone specified in column 1 of the zoning table for the purposes specified opposite that zone in column 2 of that table.
- (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 for a purpose other than a purpose, if any, specified opposite thereto in column 2 of the zoning table without the consent of the consent authority.
- (3) Where the consent authority grants under subclause (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.

**ZONING TABLE**

Column 1	Column 2
Name of Zone and Manner of indication on zoning map	Uses permitted without consent
<u>Zone</u>	
Yellow and lettered "R"	camping purposes dwellings sports and recreation
Brown and lettered "A"	flora and fauna sanctuaries
Green and lettered "RU"	camping purposes flora and fauna sanctuaries sports and recreation youth group purposes
Blue and lettered "FU"	Nil

7. A person shall not -

- (a) remove any timber, tree or part of a tree;
- (b) remove any soil, sand, gravel or rocks;
- (c) use or operate any motor vehicle; or
- (d) do any act to disturb the natural ground surface or vegetation for the purposes of constructing a vehicular track without the consent of the consent authority.

**8. ANIMALS PROHIBITED**

A person shall not introduce or bring any domestic or wild animal onto any land to which this planning instrument applies.

Penalty: \$1,000.

**9. EXCEPTIONS**

- (1) Nothing in this planning instrument prevents the use of land as a public park.
- (2) Nothing in this planning instrument prevents the erection or use of -
  - (a) facilities for the distribution or treatment of water, sewerage, electricity or telephone line services;
  - (b) stormwater drains;

by a statutory corporation or an authority of the Territory or the 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 any activity carried out in accordance with the provisions of the Mining Act.

**TOWN OF PELLEW CONTROL PLAN 1985**

**TABLE OF AMENDMENTS**

Amendment Number	Gazette Number	Gazette Date	Amendment
<b>1.</b>	<b>G41</b>	<b>16.10.85</b>	<b>Amends clauses 2, 5, 6, 8 and 9.</b>