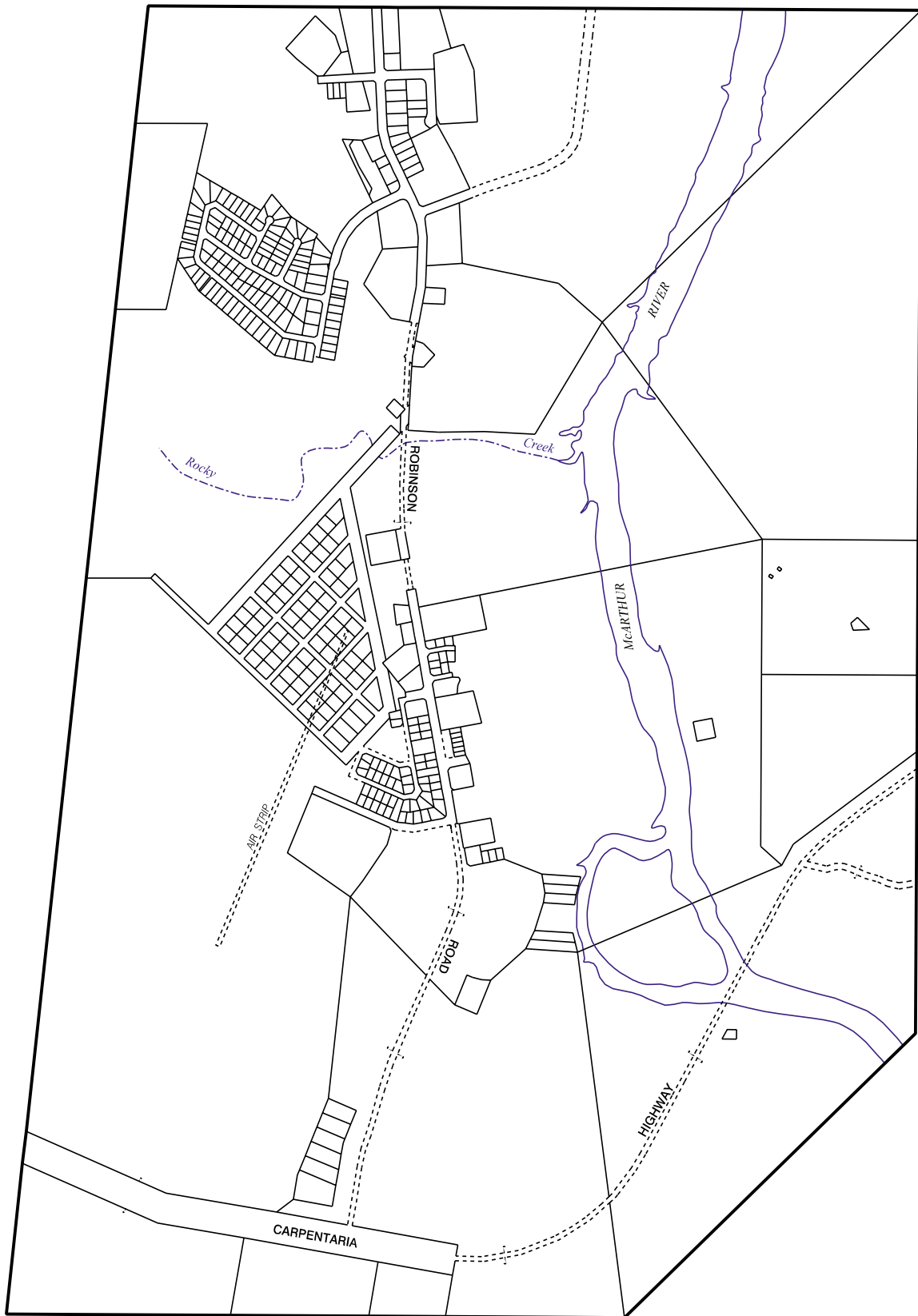


# Borroloola Town Plan 1984



**NORTHERN TERRITORY OF AUSTRALIA**

**BORROLOOLA TOWN PLAN 1984**

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**NORTHERN TERRITORY OF AUSTRALIA**

**Planning Act**

**BORROLOOLA TOWN 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 March, 1984.

Minister for Lands

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**BORROLOOLA TOWN PLAN 1984**

**PART I - PRELIMINARY**

**1. CITATION**

This planning instrument may be cited as the Borrooloola Town Plan 1984.

**2. APPLICATION**

This planning instrument applies to and in relation to the land comprised within the boundaries of the Town of Borrooloola, as those boundaries were defined in the Schedule to the proclamation dated 3 August 1972 made under the Crown Lands Act and appearing at page 319 of Gazette No. 35 dated 30 August 1972.

**3. 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;

"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;

"attached dwellings" means a building containing 2 or more dwellings such that where -

- (a) 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) one of the dwellings is above another dwelling, each dwelling is on a separate storey and has a separate entrance at ground level;

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

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

"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;

"car parking space" means a space set aside or designated for the parking of motor vehicles;

"catering business" means a cafe, caterers rooms, snack-bar, take-away food bar, espresso bar, milk bar, tea-garden, kiosk, restaurant (including a licenced 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 relation to which a licence is held under the Liquor Act;

"community organisation" means an organisation formed for social, sporting or cultural purposes;

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

"development code" in relation to a building or use of land, means such of the provisions of Part III as relate to the building or use;

"drive-in take-away food outlet" means a building or place designed or adapted for the sale of take-away foods primarily to customers travelling to that building or place by private motor vehicle;

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

"educational establishment" means an academy, college, gallery, kindergarden, 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, oil, gas, minerals or similar material from the surface or from beneath the surface of land and includes -

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

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

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

- (a) all wall thicknesses of external walls;
- (b) one-half the wall thickness of any party walls; 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 thereto;

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

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

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

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

"general store" means a shop 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 120 square metres;

"guest-house and hostel" includes a boarding-house, lodging-house and other premises used to provide board or lodgings, but does not include 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 medical treatment or care of resident sick persons, whether or not the building is also used for the medical treatment of non-resident sick persons, but does not include an institutional residence, 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 a motel, tavern, licensed club or licensed restaurant;

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

"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) any 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 not including 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 other institution for mentally ill persons;
- (b) a hospital for persons referred to in paragraph (a); or
- (c) a penal or reformatory institution;

but does not include a group home (transitional);

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

"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;

"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;

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

"medical clinic" means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with 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 in the provision of meals to those travellers or to the general public and whether or not the premises are licensed under the Liquor Act;

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

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



"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 thereto;

"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 therein, but does not include the use of land for agriculture or forestry;

"offensive or hazardous industry" means an industry which, by reason of the processes involved, the method of manufacture or the nature of the material used or produced, may endanger, injure or detrimentally affect the 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 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;

"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, airline passenger terminal or heliport;

"place of public worship" means a building or place used as a church, chapel, mosque, synagogue or place of religious instruction or worship or for the purpose of religious training, but does not include an institutional establishment or educational establishment;

"plot ratio" in relation to a building, means the ratio of the floor area of the building to the area of the site on which the building is located;

"pound" means a pound within the meaning of the Pounds Act;

"private camping purposes" means the parking of caravans or the erection and use of tents, mobile homes or cabins for purposes of providing accommodation principally for the members of an association or organisation owning the land but does not include caravan park purposes;

"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 and 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;

"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 products 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 barks;

"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 thereof) are serviced, repaired, cleaned or washed; and

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

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

"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;

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

"showroom" 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 land -

- (a) on which a building or work is or is proposed to be erected; or
- (b) which is used or proposed to be used or developed;

"site coverage" in relation to a site, means the percentage of the area of the site covered by buildings;

"special purposes" means and includes -

- (a) morgue, cemetery and crematorium purposes;
- (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 purposes; and
- (g) an ambulance or fire station;

"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;

"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 sale yard" means a building or place used for the purpose of offering livestock for sale;

"storey" in relation to a building, means the space, not being a basement, between one floor level and the floor level next above or, if there is no floor above, the roof, and includes a roof garden, but does not include -

- (a) space designed, constructed or adapted for -
  - (i) lift shafts, stairways or meter rooms;
  - (ii) bathrooms, shower-rooms, laundries, toilets or other sanitary conveniences;

- (iii) in detached dwellings - store-rooms; or
  - (iv) car parking spaces for not more than 3 motor vehicles; or
- (b) mezzanine floors;

"strategic industry" means an industry which is essential for the promotion or stabilisation of the growth of the locality in which an industry is situated;

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

"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 showroom;

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

"warehouse" 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;

"youth group purposes" means the use of a building for recreation purposes which does not involve commercial transactions and is carried out on private land;

"zoning map" means the series of maps signed by the Minister for Lands and marked "Borrooloola Town Plan 1984" and deposited in the offices of the Department of Lands at Darwin and at 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) A requirement of this planning instrument in relation to the area or frontage of a site does not apply to or in relation to a site which was in existence immediately before the commencement of this planning instrument.

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

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

(6) 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.

(7) Where a particular use or development of land requires more than one consent from the consent authority, an application made in relation to one of those consents shall be taken to be an application in relation to all of those consents.

#### **4. CONSENT AUTHORITY**

The Minister is the consent authority.

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

### **DIVISION 1 - ZONES**

#### **5. ZONING**

(1) The land to which this planning instrument applies is divided into the zones shown on the zoning map, which zones are referred to in this planning instrument in the manner specified in Column 1 of the Zoning Table.

(2) Where -

(a) a public road which is shown to be within 2 or more different zones on the zoning map is closed; and

(b) the land comprised in the road is amalgamated with adjoining allotments,

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

#### **6. ZONING TABLE**

(1) Subject to this planning instrument, a person may use or develop land within a 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 -

(a) for a purpose specified opposite that zone in Column 3 of that Table; or

(b) in contravention of the development code,

without the consent of the consent authority.

(3) 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 specified, or referred to, opposite that zone in Column 4 of that Table.

(4) Subject to this planning instrument, where a use of land is not specified in Columns 2, 3 or 4 of the Zoning Table opposite a zone specified in Column 1 of that Table, the use shall be dealt with as though it were a use specified in Column 3 of that Table opposite the zone and this planning instrument applies accordingly.

(5) Sub-clause (4) shall not apply to or in relation to Zone Sp. PI.

- (6) 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, irrespective of whether the proposed use or development of that land is for a purpose specified in Columns 1, 2 or 3 of the Zoning Table below the zone specified in that Table within which that land is comprised.

**ZONING TABLE**

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE R</u></b>			
Light brown and lettered "R"	detached dwelling sports and recreation units for aged persons	attached dwellings child care centre flats home occupation medical consulting rooms place of public worship	any use defined in clause 3(1) but not specified in Column 2 or 3
<b><u>ZONE C</u></b>			
Purple and lettered "C" (commercial/ industrial)	caretaker's residence child care centre community centre industry (extractive industry and offensive or hazardous industry excepted) motor repairing office passenger terminal showroom transport terminal vehicle sales yard veterinary clinic warehouse	attached dwellings catering business detached dwelling flats fuel depot funeral parlour general store guest-house and hostel indoor recreation establishment motel service station shop	any use defined in clause 3(1) but not specified in Column 2 or 3



Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE T1</u></b>			
Blue and lettered "T1" (tourist business)	attached dwellings caravan park purposes caretaker's residence catering business child care centre community centre detached dwelling drive-in take-away food outlet flats general store guest-house and hostel hotel indoor recreation establishment motel office outdoor entertainment purposes passenger terminal service station shop tavern	fuel depot warehouse purposes	any use defined in clause 3(1) but not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE T2</u></b>			
Blue and lettered "T2"		caravan park purposes caretaker's residence catering business child care centre drive-in take-away food outlet fuel depot general store guest-house and hostel hotel indoor recreation establishment motel outdoor entertainment purposes passenger terminal place of public worship service station shop staff quarters tavern warehouse purpose	any use defined in clause 3(1) but not specified in Column 2 or 3
<b><u>ZONE O</u></b>			
Green and lettered "O" (open space)	flora and fauna sanctuary outdoor entertainment purposes sports and recreation youth group purposes	community centre forestry indoor recreation establishment public utility purposes special purposes	any use defined in clause 3(1) but not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE S1</u></b>			
Yellow and lettered "S1" (special purposes)	caretaker's residence child care centre community centre detached dwelling educational establishment funeral parlour hospital institutional establishment outdoor entertainment purposes place of public worship public utility purposes radio and TV installation special purposes sports and recreation	attached dwellings catering business flats forestry guest-house and hostel home occupation indoor recreation establishment kennel and cattery medical clinic passenger terminal strategic industry veterinary clinic	any use defined in clause 3(1) but not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE S2</u></b>			
Yellow and lettered "S2" (special community development)	agriculture attached dwellings caretaker's residence child care centre community centre detached dwelling flora and fauna sanctuary hospital indoor recreation establishment medical clinic medical consulting rooms place of public worship private camping purposes retail agricultural stall rural industry shop sports and recreation units for aged persons	catering business educational establishment flats forestry guest-house and hostel home occupation lot feeding motel motor repairing nursery office outdoor entertainment purposes service industry special purposes tavern veterinary clinic	any use defined in clause 3(1) but not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<b><u>ZONE FU</u></b>			
Orange and lettered "FU" (future use)		agriculture attached dwellings caretaker's residence child care centre community centre detached dwelling flats flora and fauna sanctuary forestry fuel depot general store guest-house and hostel home occupation indoor recreation establishment light industry motel motor repairing service industry shop showroom sports and recreation strategic industry transport terminal warehouse	any use defined in clause 3(1) but not specified in Column 2 or 3
<b><u>ZONE NU</u></b>			
Olive and lettered "NU" (non-urban)	agriculture flora and fauna sanctuary forestry outdoor entertainment purposes public utility purposes retail agricultural stall sports and recreation	detached dwelling junk yard kennel and cattery lot feeding nursery radio and TV installation rural industry sawmill special purposes stables stock and sale yard strategic industry	any use defined in clause 3(1) but not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Name of zone and manner of indication on zoning map	Uses permitted without consent	Uses permitted only with consent	Prohibited uses
<u>ZONE Sp. PI</u>			
Red and lettered "Sp. PI" (specific planning instrument zone)	as determined by the specific planning instrument	as determined by the specific planning instrument	any use not permitted, whether with or without the consent of the consent authority, by the special planning instrument

## **7. 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 on land of -
  - (a) facilities for the reticulation of water, sewage, gas or electricity, or the reticulation or transmission of telephone services;
  - (b) stormwater drains;
  - (c) traffic lights or signs;
  - (d) railway lines or structures and installation in relation to rail transport; or
  - (e) structures on land for the purposes of a strategic activity.
- (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 taking from the land of an extractive mineral, within the meaning of the Mining Act, in pursuance of an extractive mineral lease or an extractive mineral permit within the meaning of that Act.

## **DIVISION 2 - RESIDENTIAL USES**

### **8. ATTACHED DWELLINGS - GARDEN AREA**

A person shall not erect or use a building as attached dwellings unless there is provided in relation to each dwelling a contiguous private open area of land.

### **9. ATTACHED DWELLINGS AND FLATS - ZONE R**

A person shall not erect or use a building as attached dwellings or flats on land within Zone R where the building -

- (a) contains more than 2 dwellings; or
- (b) is more than 2 storeys above ground level.

### **10. CARAVANS, &c.**

- (1) Subject to sub-clause (2), a person shall not -
  - (a) use land for the purpose of providing accommodation in a caravan or tent;
  - (b) establish on land a caravan or tent for use as a dwelling or for the purpose of habitation; or

- (c) permit another person to use on land in the possession of the first-named person a caravan or tent as a dwelling or for the purpose of habitation.
- (2) Sub-clause (1) shall not apply to or in relation to -
- (a) land within Zones T1 or T2; or
  - (b) the use of one caravan or tent per site as a dwelling or rooming unit by the owner or owners of the land, or his or their spouse or spouses, children or parents, where no other person occupies a dwelling on that land.

### **DIVISION 3 - ROADS**

#### **11. USE, &c., OF ROADS**

Subject to clause 12 -

- (a) the air space above an existing road; and
- (b) land proposed to be used as a road, including the air space above such land,

shall not be used or developed for a purpose other than a road.

#### **12. CONSENT TO USE OF ROADS**

(1) Subject to this clause, the consent authority may grant consent to the use or development of -

- (a) the air space above an existing road; or
- (b) land proposed to be used as a road, including the air space above such land,

for a purpose not inconsistent with the zoning of the land contiguous with the existing road, or contiguous with the land proposed to be used as a road.

(2) The consent authority shall impose, as conditions of a consent granted under subclause (1) in relation to land proposed to be used as a road, including the air space above such land, such requirements for and in relation to -

- (a) the removal of any building or structure erected in pursuance of the consent;
- (b) the reinstatement, at the expiration of any specified time, of the land the subject of the consent in such manner as is specified; and
- (c) the removal of waste material and refuse,

as it thinks fit.



**PART III - DEVELOPMENT CODE**

**13. ADEQUATE PARKING SPACES**

A person shall not use or develop land unless an adequate number of car parking spaces are provided on the land for the occupiers, users, employees and customers, if any, using, or proposing to use, that land.

**14. PARKING AREA**

- (1) A parking area shall be -
  - (a) of such gradient as is suitable for vehicular parking;
  - (b) laid out so as to provide adequate access to each parking space;
  - (c) 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, located not less than 3 metres from that frontage; and
  - (e) sealed, or dust suppressed, and well drained.

(2) A parking area shall not be established, used or maintained for a purpose other than the parking of vehicles.

**15. GUEST-HOUSES AND HOSTELS AND MOTELS - DENSITY REQUIREMENTS**

A person shall not erect or use a building as a guest-house and hostel, or a motel, which contains the number of storeys specified in Column 1 of the Table to this clause where the site area per guest suite or bedroom of the guest-house and hostel or motel as the case may be, is less than the area specified opposite thereto in Column 2 of that Table.

TABLE

Column 1	Column 2
Number of storeys in building	Site area required in relation to each guest-suite or bedroom expressed in square metres
1	100
2	75
3 or more	50

## **16. WATERFRONT DEVELOPMENT**

A person shall not erect or use a building or other structure within 100 metres of the centreline of Rocky Creek or the McArthur River.

## **17. HOME OCCUPATIONS**

A person shall not use land for the purpose of a home occupation unless -

- (a) the only persons employed by him in the carrying on of the home occupation are his spouse, children or parents;
- (b) the floor area so used does not exceed 30 square metres;
- (c) the carrying on of the home occupation does 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, oil or otherwise; or
  - (ii) require the provision of a public utility service of a greater capacity than that available in the locality;
- (d) in respect of a sign displayed on or within the curtilage of a dwelling, the sign does not display more than the name and occupation of the resident of the dwelling and is not more than 0.3 square metre in area; or
- (e) goods are not publicly displayed for sale or hire in such a manner as to be identifiable from a public road.

## **18. SITE COVERAGE**

Site coverage for buildings on land within Zone C shall not exceed 60%.

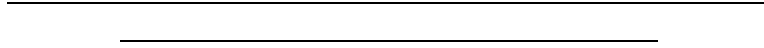
## **19. SET-BACKS**

(1) Subject to sub-clause (2), a person shall not erect or use a building on land within Zone C unless the distance between the building and -

- (a) the nearest alignment of a road - is not less than 3 metres;
  - (b) the rear of the site - is not less than 5 metres; and
  - (c) one of the side boundaries - is not less than 5 metres.
- (2) Subclause (1) does not apply to or in relation to a sign.

**20. DEVELOPMENT ON CERTAIN LANDS**

Nothing in this Plan prevents, with the consent of the consent authority, the use of the land bounded by thick black lines on the map signed by the Minister for Lands, Planning and Environment and marked 'Borrooloola Town Plan 1984 (Amendment No. 10)' deposited in the office of the Department of Lands, Planning and Environment, Darwin, being Lots 490-495 (inclusive) and part Lot 807, Robinson Road, Town of Borrooloola, for the purpose of a transport terminal.



**BORROLOOLA TOWN PLAN 1984****TABLE OF AMENDMENTS**

Amendment Number	Gazette Number	Gazette Date	Amendment
1.	<b>G18</b>	<b>09.05.84</b>	<b>Amends clause 7.</b>
2.	G11	19.05.86	Rezones Lots 534, 535 and 598 and an adjoining area of land of approximately 1.37 hectares, Robinson Road, Town of Borrooloola from R to C. Rezones an area of land of approximately 59 hectares adjoining the eastern town boundary from NU to S2.
3.	<b>G39</b>	<b>02.10.85</b>	<b>Introduces a new zone (T2) and zones an area of land in the old township to T2.</b>
4.	G7	19.02.86	Rezones Lot 680, adjoining the eastern town boundary from NU to S2.
5.	<b>G12</b>	<b>26.03.86</b>	<b>Amends definitions (catering business).</b>
6.	G25	26.06.86	Rezones Lot 679 and adjoining road area to S1.
7.	<b>G9</b>	<b>07.03.90</b>	<b>Amends clause 7 "Exceptions" - by amending subclause (2) - 'Introduction of Gas'</b>
8.	G19	16.05.90	Rezones Lot 384 Robinson Road, Town of Borrooloola from T2 to 0.
9.	<b>G26</b>	<b>03.07.91</b>	<b>Amends clause 6 by inserting "place of public worship" as a consent use in zone T2.</b>
10.	<b>G22</b>	<b>29.05.96</b>	<b>Adds clause 20 - Development on Certain Lands</b>