

**Planning Act**AMENDMENT OF INTERIM DEVELOPMENT
CONTROL ORDER (NO. 17)

I, Delia Phoebe Lawrie, Minister for Planning and Lands, under section 31(1) of the *Planning Act* and with reference to section 43 of the *Interpretation Act*, amend the instrument making Interim Development Control Order (No. 17) dated 21 February 2008 and published in *Gazette* No. G9 of 5 March 2008, as amended and in force immediately before the date of this instrument, by:

- (a) omitting from clause 1 of the Schedule to the instrument (the *Schedule*) "at Part B annexed to this order ("the land")" and substituting "annexed to this order (the *control area*)"; and
- (b) omitting from clause 2 of the Schedule "on the land" and substituting "in the control area"; and
- (c) omitting from clause 2(a) of the Schedule "clause 3 or 4" and substituting "clause 3, 4, 5 or 6"; and
- (d) omitting clauses 3 to 7 of the Schedule and substituting the clauses set out in the schedule to this instrument; and
- (e) omitting the map annexed to the instrument and substituting the map annexed to this instrument.

Note

A copy of Interim Development Control Order (No. 17) (as amended) is available at the offices of the Department of Planning and Infrastructure and on the website of the Department.

SCHEDULE

- 3 The clearing of native vegetation on a parcel is permitted, without the consent of the consent authority, if the clearing:
 - (a) does not exceed 1 hectare, including any area on the parcel already cleared of native vegetation; or
 - (b) is for an internal fence line, not exceeding 10 metres in width; or
 - (c) is for a firebreak, not exceeding 10 metres in width, along the boundary of the parcel.

Note for clause 3(c)

The *Bushfires Act* and Bushfires Regulations include provisions relating to firebreaks that may result in a person being required to clear native vegetation to establish a firebreak that is not in accordance with this order. In that case, clause 9(b) will apply.

- 4 The clearing of native vegetation on a parcel for any of the following purposes is permitted, with the consent of the consent authority:
 - (a) a single airstrip for light aircraft;

- (b) a single livestock mustering run not exceeding 100 metres in width;
- (c) a single livestock holding yard not exceeding 5 hectares in area;
- (d) a maximum of 4 livestock watering points not exceeding an aggregate area of 2 hectares;
- (e) Northern Territory government initiated scientific research;
- (f) any use associated with the development of:
 - (i) the town of Fleming; or
 - (ii) the townsite of Nauiyu.

- 5 The clearing of native vegetation on a parcel for the purpose of agricultural or pastoral production is permitted, with the consent of the consent authority, if the area to be cleared is a previously cleared area.

- 6 In addition, subject to clause 7, the clearing of native vegetation on a parcel for the purpose of agricultural or pastoral production is permitted, with the consent of the consent authority, if:

- (a) the clearing is connected with adaptive management trials supported by the Daly River Management Advisory Committee; and
- (b) the use of the area following clearing will not require irrigation drawing on ground or surface water within the Daly River catchment; and
- (c) the area to be cleared on the parcel does not exceed 200 hectares.

- 7 The consent authority will not consent under clause 6 to:

- (a) the clearing of more than 1 200 hectares of native vegetation in the part of the control area that is shaded on the map annexed to this order; and
- (b) the clearing of more than 800 hectares of native vegetation in the remainder of the control area.

- 8 The Minister is the consent authority in respect of development mentioned in clauses 4, 5 and 6.

- 9 This order does not apply in relation to the clearing of native vegetation that is required:

- (a) for an activity mentioned in clause 1.3.2(b), (c), (d), (f), (g) or (h) of the NT Planning Scheme; or
- (b) under any *Act* in force in the Territory.

- 10 (1) If a word or expression used in this order is defined in the NT Planning Scheme, the word or expression has the same meaning as in the NT Planning Scheme.

(2) In this order:

parcel means a parcel of land within the control area.

previously cleared area means an area:

- (i) was approved under the *Pastoral Land Act* or *Planning Act*, or
- (ii) did not require approval under the *Pastoral Land Act* or *Planning Act*, and native vegetation has been regularly removed from the area since the previous clearing; and
- (b) in which the retention of native vegetation is not required to:
 - (i) rehabilitate land or soil stability that has been compromised or put at risk; or
 - (ii) rehabilitate water quality that has been reduced or put at risk in associated aquifers, drainage lines, streams, rivers or wetlands; or
 - (iii) maintain regional biological diversity that has been compromised or put at risk.

Dated 3rd March, 2009.

D. P. LAWRIE
Minister for Planning
and Lands

ANNEXURE

I.D.C.O. No. 17

Inset

THIS PLAN FORMS PART OF INTERIM DEVELOPMENT CONTROL ORDER No. 17

MINISTER FOR PLANNING AND LANDS

Date: 3.3.09

Northern Territory Government
Department of Planning and Infrastructure
File No: LPP32008011 Date: 16/03/09
Drawing Name: InterimDCO17.dwg