

**DEVELOPMENT CONSENT AUTHORITY  
LITCHFIELD DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM:** **4**      **MEETING DATE:** 19/02/2025      **FILE:** PA2024/0194

**APPLICATION PURPOSE:** Clearing of native vegetation

**SUBJECT SITE:** Section 211 (640), Section 212 (550) and Section 224 (470)  
Acacia Gap Road, Manton

**ZONE:** R (Rural)

**SITE AREA:** Sec 211 (129.5ha) - proposed clearing of 79.2ha  
Sec 212 (129.4ha) - proposed clearing of 76.8ha  
Sec 224 (129.4ha) - proposed clearing area of approx. 2ha

**APPLICANT** Ms Samarat Tou Ruchkaew

**PERSONS ON WHOSE  
BEHALF THE  
APPLICATION IS MADE** N/A

**LANDOWNER** Applicant is the landowner

**ANY PERSON WITH AN  
AGREEMENT TO ACQUIRE  
AN INTEREST IN THE  
LAND** None

### 1. PROPOSAL

The applications seeks to clear native vegetation over the three sections. In total the area to be cleared is approx. 158ha over a combined area of 388.3ha.

The land is being cleared for the purposes of non-irrigated hay production.

A locality plan is at **Bookmark A** and the application details at **Bookmark B**.

### 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is Impact Assessable.

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone R (Rural)	Clause 3.2 CNV (Clearing of native vegetation)	Yes	Clause 5.7.1 (Rural Development (Agriculture, horticulture and intensive animal husbandry))	Impact Assessable

The exercise of discretion by the consent authority that applies is clause 1.10 (4).

### 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should alter, vary and consent to the application subject to conditions on the development permit as detailed in section 9 of this report.

### 4. BACKGROUND

The application details identify that *“the northern half Section 212 of was previously completely cleared prior to 2000 under the old 50% regulation for improved pasture and grazing”*. No plan was provided identifying the area that was cleared. Potentially the area cleared may have included areas that are identified as a drainage body and an associated stream.

DP13/0525 (PA2013/0419) was granted for the clearing of native vegetation over Section 224. Approval was granted to clear 37.2ha of land with 29ha of that land to be selectively cleared. The permit required that a 100m buffer area be provided to the monsoon forest area. The application proposed to create a buffer to the drainage area of 25m and a 20m buffer to the monsoon forest area. A copy of the permit and endorsed plans are at **Bookmark B16**. The purpose for the clearing was to develop an area of improved pasture for cattle production. It is unclear whether the clearing was ever commenced or completed prior to the expiry of the permit.

DP23/0051 (PA2022/0454) was granted for the clearing of native vegetation over sections 1772 and 224. The DP was granted subject to conditions that a buffer area of 250m be provided to the monsoon forest area, within section 224 and that a minimum buffer area of 25m be provided along the entire eastern and northern boundaries (Acacia Gap Road). The buffer area along the western boundary with section 1772 should also account for an additional 10m firebreak. The purpose for the clearing was to accommodate irrigated horticultural production (mangoes). A copy of the DP and plans considered for clearing are at **Bookmark 17**. No plans were endorsed, and the applicant appealed the decision. The parties reached an agreement, and a subsequent variation was lodged.

DP23/0051A (PA2022/0454) granted a variation to the clearing application approved via DP23/0051. The variation removed the requirement for a 25m wide native vegetation buffer area to the northern boundary of the land (adjacent to Acacia Gap Road). A copy of the DP and the endorsed plans are at **Bookmark 18**.

**5. PUBLIC EXHIBITION**

The application was placed on public exhibition for a period of four weeks in accordance with Section 7 (Developments with 28-day minimum submission period) of the *NT Planning Regulations 2000*. One public submission was received under section 49(1) of the *Planning Act 1999*. The submission is discussed in section 7 (e) below.

**6. THIRD PARTY APPEAL RIGHTS**

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as pursuant to Part 4 of the *Planning Regulations 2000*, section 14 (3)(d)(ii) states that there is no right of review when any other type of development on land that is not in a residential zone, or for which no zone is specified.

**7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)**

Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

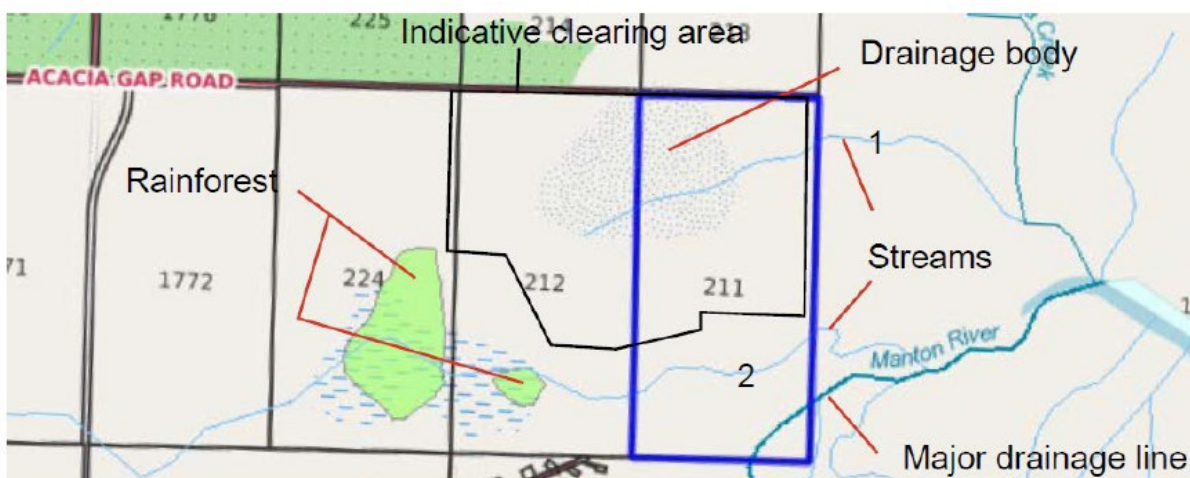
(a) *any planning scheme that applies to the land to which the application relates*

Section 51 of the *Planning Act 1999* provides that in considering a development application the Authority must consider a range of matters including compliance with the planning scheme.

The NTPS2020 applies, specifically Overlay 3.2 CNV (Clearing of native vegetation), Clause 4.21 Zone R (Rural) and Clause 5.7.1 Rural development (Agriculture, horticulture and intensive animal husbandry).

In summary the technical assessment found that the development did not comply with Overlay 3.2 CNV (Clearing of native vegetation) and may not comply with Clause 5.7.1 Rural development (Agriculture, horticulture and intensive animal husbandry). A copy of the technical assessment is at **Bookmark C**.

The plan below is provided to assist in understating the clearing application.



## Clause 3.2 Overlay CNV (Clearing of native vegetation)

The consent authority is required to take into consideration the requirements of the Land Clearing Guidelines (LCG). The application seeks to clear the following:

- 79.2ha of section 211 (129.5ha)
- 76.8ha of section 212 (129.4ha) and
- Approx. 2ha to the eastern boundary of section (129.5ha)

The areas to be cleared are located in the northern part of these sections and do not directly result in the clearing of any of the identified features such as the spring fed rainforest area and associated stream located across the lower portions of each section. The clearing plan does propose to clear native vegetation within a drainage body and associated stream. The proposed clearing does not align with the recommended buffer areas along each property's side boundary and along each frontage boundary with Acacia Gap Road.

Administratively the consent authority may consent to the clearing of native vegetation that is not in accordance with Subclause 5 only if it is satisfied that it is consistent with the purpose of this requirement and is appropriate in the context of the site in consideration of the following matters:

- (a) the suitability of the site for the proposed use;
- (b) the values associated with the environmental characteristics (as applicable);
- (c) the significance, extent and likelihood of any potential environmental impacts; and
- (d) the measures the application proposes will be implemented to mitigate any potential impacts.

The relevant requirements of subclause 5 are that the clearing of native vegetation is to:

- (a) avoid impacts on environmentally significant or sensitive vegetation;
- (b) be based on land capability and suitability for the intended use;
- (c) avoid impacts on drainage areas, wetlands and waterways;
- (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
- (e) avoid impacts on highly erodible soils.

The Flora and Fauna Division of DEPWS have indicated that the proposed clearing has the potential for a significant impact on the ecological values within and adjacent to sections 211 and 212 particularly regarding the large spring fed rainforest patch. A copy of DEPWS comments is at **Bookmark D6**. To avoid these impacts the Division needs to make specific recommendations including:

- A minimum buffer area of 250m should be adopted around the outer edge of the rainforest patch.
- A minimum buffer area of 50m should be adopted from the outer edge of the riparian vegetation along the creek in section 211.
- The large drainage depression identified across sections 211 and 212 should be excluded from the clearing footprint and buffered by 25m from the outer extent.
- To the maximum extent possible the patches of *G.longicuspis* be excluded from the area to be cleared.

Adopting the recommendations indicates that the potential impacts on the ecological values of the area can be minimised or avoided.

The rainforest area is in both sections 212 and 224. It is unclear from the plans provided and the application details what the setback of the clearing area is to the outer extent of the rainforest area. It is recommended that amended plans be provided that show a 250m wide buffer area to the rainforest.

The plans provided show that a large drainage body extending across sections 211 and 212 is also to be cleared. In accordance with the comments of DEPWS it is recommended that the clearing of the drainage body and associated creek be deleted from the area to be cleared and provided with 25m buffer areas. The comments provided by the Heritage Branch (**Bookmark D5**) support a buffer area to the creek. DAS support this change to the plan.

In relation to excluding areas of *G. Longicuspis*, DEPWS note that this species is not currently listed as threatened but are treated as a result of habitat destruction. In consideration of this and the status of the species, it is recommended that these areas not be excluded from clearing.

DEPWS also commented on the potential location of any high yielding bores and that they be located at least 500m way from any spring discharge area. The application proposes to utilise the cleared land for non-irrigated hay production. This is not considered to be relevant to the assessment of this application.

The application proposes no native vegetation buffer areas to the Acacia Gap Road frontage where the LCG recommend 50m (excluding fire breaks). It is recommended that a buffer area of 50m be provided to the Acacia Gap Road frontage of all the sections.

The application proposes no native vegetation buffers areas being established in the clearing area to the boundaries between sections 224/212 or between 212/211. The LCG recommend boundary buffer areas of 200m (excluding firebreaks) for parcels more than 100ha. In relation to this the application details note the lack of buffer areas will assist in the operation of the land being cleared that is in common ownership. It is recommended that no buffer areas be provided between these boundaries as proposed.

The application proposes a buffer area between section 211/1508 of 25m (excluding a fire break of 4m). Section 1508 is currently a large parcel covered with native vegetation. The purpose of the buffer area is to manage the potential impacts of the activities on the cleared land from impacting on the adjoining parcel. The LCG recommend boundary buffer areas of 200m (excluding firebreaks) for parcels more than 100ha. It is recommended that a 200m buffer area be provided to the boundary of section 211 with section 1506.

It is noted that fire breaks as specified by the *Bushfire Management Act 2016* or the *Fire and Emergency Act 1996* of up to 10m wide are required unless otherwise specified by a Regional Fire Control Committee. Fire breaks are not included in buffer areas.

The clearing application, as proposed, has the potential to impact on the environmental values and characteristics of the land by including the clearing of the drainage body and associated creek. It is recommended that amended plans be provided that address the following.

- Excluding the drainage area from the area to be cleared and provide a 25m buffer to the drainage area.
- Excluding the stream in sec 211 from the area to be cleared and providing a 25m native vegetation buffer to either side of the stream.
- Excluding any clearing within a 250m buffer area to the rainforest patch on section 224 and 212 from the clearing application.
- Provide a 200m buffer area between sections 211/1508.

- Provide a 50m native vegetation buffer to the Acacia Gap Road.

Subject to these changes an amended clearing plan will be consistent with Overlay 3.2 CNV (Clearing of native vegetation).

### Clause 5.7.1- Rural Development (Agriculture, horticulture and intensive animal husbandry)

The purpose of this clause is to ensure that land proposed for agriculture (dryland farming - hay production) can be conducted in a sustainable manner without detrimental impacts on the environment or adjoining properties.

Administratively the consent authority must not consent to any application that does not comply with the requirements. Specifically, the proposed clearing must be located on land capable and suitable for the use or development. The proposed development includes clearing of the drainage body and associated stream.

The Rangelands division of DEPWS noted that approximately 92ha of the land to be cleared consists of a broad drainage depression, within sections 211 and 212, that are predominantly poorly drained soils and are subject to severe levels of seasonal waterlogging and extended periods of inundation. This area closely aligns with the drainage body. The Land Assessment Branch recommends that this area be excluded from clearing as well as areas of section 212 with surface rock exceeding 10%.

In consideration of this the consent authority cannot consent to the clearing as proposed as part of the land is constrained and not capable of, or suitable for the land clearing for the intended use.

Should the application be amended by excluding the drainage body and associated stream, it is considered that the proposed clearing application is consistent with the requirements of this clause.

- (b) any proposed amendments to such a planning scheme:**
- (i) that have been or are on exhibition under Part 2, Division 3;**
  - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
  - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

1 public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submission is summarised as follows:

Diana Rickard and Greg Chapman.

No address provided. A copy of the submission is at **Bookmark E**. In summary the submission was not supportive of the clearing for the following reasons:

- Lack of detail in the application.
- The location had been a valuable bioregion until the area was cleared.
- Hay production is not a viable or sustainable way to revegetate degraded land.
- Impacts of climate change on native species.

**(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally**

The Minister has made no direction in relation to the application.

**(h) the merits of the proposed development as demonstrated in the application**

*“Diversifying from mango production to include hay offers several strategic benefits for the business. First, it creates a year-round production cycle, providing cash flow during the offseason when mango and citrus production is low. This helps to make more efficient use of permanent staff and reduce reliance on temporary, seasonal labour, ensuring a smoother operation throughout the year. The increasing demand for high-quality hay presents an opportunity to tap into a growing market.*

*Currently, we are importing good quality hay from Kunnanara for high-end family pets, most importantly to support the live export industry. Hay production can maximize the use of land and resources already invested in infrastructure, such as on-farm accommodation and irrigation systems. This can be achieved without placing additional strain on water resources, as the hay paddocks will not require irrigation. Moreover, hay production is less labour-intensive than mango harvesting, allowing for more consistent management and reducing operational complexities. This diversification will not only boost the economic sustainability of the business but also support local contractors, contributing positively to the broader Litchfield and Darwin region economy. This clearing will increase the diversity of the existing mango and citrus orchards by adding hay production to the existing enterprise on the surrounding properties and will make the orchard increasingly economic. This enterprise already manages 485ha of established and developing mango and citrus orchards and with the current expansion will become a major contributor to the Darwin Region mango production which supplies approximately 25% of the mangoes across Australia.*

*The inclusion of fodder hay production as part of the business allows for a production window and cash flow outside the mango and citrus seasons and will make more efficient use of the permanent core staff. The demand for quality hay continues to grow to support the live export industry. The proposed hay production will be serviced by local contractors which will also support the local small business economy. Hay production does not have the same demand for temporary seasonal labour and will provide a less manpower dependent production system.*

*The removal of the buffer area left on section 1772 will allow maximum economic use of the area and allow for continuous management across the enterprise. Sections 211 and 212 have considerable infestations of gamba and mission grasses that pose a very high fire risk to the sensitive environmental areas that form the proposed corridor from Manton Creek, through 211,212,1772 and 1771, that connect the Adelaide River floodplain to the native vegetation onto the west and south of this enterprise. Clearing and planting with improved pastures will allow specific weed control measures to remove the tall grass weeds such as weed wipes and spot spraying.*

*This can be done with little or no impact on the surrounding environment with higher value areas such as the streams and areas of monsoonal forest in the southern parts of the sections. These are excluded from development and actively managed to reduce weed infestation and feral animal incursions. Fencing will also exclude uninvited hunters that currently are trashing the monsoonal forest and surrounding riparian areas. This will improve the conservation outcome of this asset. The hay paddocks will not be irrigated and will not require any water allocation. Fertilizer will be applied in line with the best practices for fodder and pasture production to minimize runoff and maximize efficiency.”*

**(j) *the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development***

The application seeks to clear land for the purpose of hay production. Parts of the land to be cleared are predominantly poorly drained soils and are subject to severe levels of seasonal waterlogging and extended periods of inundation. The area to be cleared is primarily associated with the drainage body and associated creek.

Amending the plan by removing the drainage area and associated creek from the clearing area results in land capable of supporting the proposed clearing and subsequent hay production.

**(k) *the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer***

It is not a requirement that this development provide additional facilities or open space for public use.

**(m) *the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose***

The proposal was circulated to the following authorities for comment:

### **Local Authority:**

#### **Litchfield Council – Bookmark D1**

In summary the council does not support the proposed clearing for the following reasons:

- The application does not adequately address the requirement of the NTPS2020 and only addresses the Land Clearing Guidelines (LCG).
- Land capability and suitability assessments are inadequate.
- Does not address sustainable water supply
- Should the application be approved request that conditions/notes be placed on the permit.

The Council advises that should the application be approved a number of conditions and notes be attached to the permit. The Council has requested that conditions precedent be attached to the permit requesting the following.

- The cross over and driveways shall meet Litchfield Council requirements. DAS recommends that this be a standard condition on the permit.



- That a stormwater management plan be provided. DAS supports this as a condition precedent.
- An Operational Environmental Management Plan (OEMP) addressing the day to day waste management requirements for the use. DAS does not support this condition as the development is for the clearing of native vegetation rather than an ongoing use generating daily waste requiring collection.
- A Traffic Management Plan (TMP) for the construction (clearing stage) phase. DAS supports this condition being applied to the clearing stage of the development. Traffic flows could be impacted by the removal of the cleared vegetation in comparison to the vegetation being disposed of on site.
- A Traffic Impact Assessment. DAS does not support this condition. It is reasonable to anticipate that the proposed development will not significantly impact or increase the nature or type of traffic movement in the locality.

### **Service Authority:**

#### PowerWater Corporation–Power - **Bookmark D2**

Power had no comment or objection.

#### PowerWater Corporation–Water - **Bookmark D3**

Water had no reticulated water or sewer in the area. Had no objections or requirements.

#### AAPA - **Bookmark D4**

Recommends that the applicant obtain an Authority Certificate prior to undertaking any development.

- Notes that the Abstract of records provided by the applicant is not a conclusive statement on the extent of Sacred Sites and should not be relied upon.

#### Heritage Branch - **Bookmark D5**

The Heritage Branch advised the following:

- No nominated, provisionally declared or declared heritage places or objects
- No known Aboriginal or Macassan archaeological places. The likelihood of possible unrecorded Aboriginal or Macassan archaeological places is assessed as possible.
- Notes that there are water courses on Sections 211, 212 and 224 and that archaeological materials have been located adjacent to watercourses in this region.
- The Heritage Branch understood that buffer areas would be provided to the water courses in accordance with the stream order and the native vegetation clearance guidelines.
- The water course on Section 211 should be ground truthed prior to clearing and appropriately buffered.
- A 100m buffer should be in place for stream order 2 at the southern end of Sections 212 and 211.

No clearing is proposed in the locality of the stream to the southern portions of sections 211 and 212. DAS consider that deleting the drainage area and associated waterway addresses the concerns raised by the Heritage Branch.

DEPWS – Bookmark D6

The comments are summarised below:

Flora and Fauna Division

*“The Flora and Fauna Division considers that the current clearing application has the potential for a significant impact on ecological values within and adjacent to Sections 211 and 212, particularly those associated with a large, spring-fed rainforest patch. To avoid impacts to these values, the Flora and Fauna recommends the following:*

- *A minimum native vegetation buffer of 250m should be adopted around the outer edge of the rainforest patch within Section 212.*
- *Ensure any high yielding production bores (>10L/s) are sited at least 500m away from the spring discharge (as per Tickell (2000)).*
- *A minimum native vegetation buffer of 50m should be adopted from the outer edge of the riparian vegetation along the creek in Section 211.*
- *A large drainage depression has been identified across Sections 211 and 212. This feature should be excluded from the clearing footprint and buffered by 25m from the outer extent.*
- *To the maximum extent possible, the area containing the known patch of G. longicuspis be excluded from the application area and retained as native vegetation.”*

It is noted that the hay production is not to be irrigated.

Rangelands Division

- *“That the drainage depression shown in Figure 2 (~92ha) be excluded from the clearing footprint.*
- *“That the remainder of Section 212 which has areas with surface rock exceeding 10% be excluded from the clearing footprint.”*
- *“A 200m boundary buffer area (excluding firebreaks) be maintained along the eastern boundary of Section 211are the NTPS LCG recommendations.”*
- *“Slope across the site was found to be variable, however generally not exceeding 1.5%.”*
- *“In addition to the Land Assessment Branch recommendations, it is recommended that a 200m boundary buffer (excluding firebreak) be maintained along the eastern boundary of Section 211 as per the NTPS LGC recommendations.”*
- *Advised that all land is subject to the requirements of the “Weed Management Act 200”*

Figure 2 is shown below.



Figure 2. Probable extent of drainage depression and poorly drained soils subject to seasonal inundation (92ha), 2024.

The area shown above is a significant portion of the land to be cleared is approx. 92ha.

## Water Resources Division

The division notes that the land is benefitted by a ground water extraction licenses and noted that sections 211, 212 and 214 are not approved for water use in accordance with the existing license. If the properties are to be irrigated an application to amend the license is required.

## Environment Division

Advised of statutory obligations under the *Waste Management Pollution Control Act 1998*.

**(n) *the potential impact on the existing and future amenity of the area in which the land is situated***

The visual amenity of the locality can be characterised by large expanses of native vegetation and agricultural/horticultural land uses that extend to the boundaries of the adjoining road networks. The proposed development will replicate this visual impact from the adjoining road network. The comments from DEPWS indicate that the “*current clearing application has the potential for a significant impact on ecological values within and adjacent to Sections 211 and 212, particularly those associated with a large, spring-fed rainforest patch*”.

**(p) *the public interest, including (if relevant) how the following matters are provided for in the application:***

- (i) *community safety through crime prevention principles in design;***
- (ii) *water safety;***
- (iii) *access for persons with disabilities***

It is in the public interest that the impacts of the proposed clearing do not impact on ecological values associated with the land and the PEM areas.

**(pa) *for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;***

Not applicable to this application.

**(q) *for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)***

Not applicable to this application.

**(r) *any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011***

In accordance with the advice from the Heritage Branch there are no nominated, provisionally declared or declared heritage places or objects within the subject area. The Branch does note that archaeological material has been located adjacent to water courses in this region and that there are water courses on Sections 211, 212 and 224. The Branch recommends that Section 211 be ground-truthed prior to clearing and buffered accordingly and that a 100m buffer be provided for “stream order 2” at the southern end of Sections 212 and 211.

No clearing is proposed as a part of this application to the creek in the southern area of sections 211 and 212. It is unclear from the application details what the buffer area to this 2<sup>nd</sup> order stream. The LCG recommend a buffer area of 50m.

It is recommended that that the plans detail a native vegetation buffer from the proposed clearing to “stream order 2” of 50m.

Excluding the drainage area and associated creek within section 211 and 212 and establishing a buffer area of 50m to the 2<sup>nd</sup> order stream the potential to impact on heritage items would be reduced.

**(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992**

The following declared beneficial uses apply to the subject land for the Darwin Rural Water Control District:

- Aquaculture, aquaculture, public water supply, environment, cultural, industry, rural stock and domestic, mining activity and petroleum activity.

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the *Water Act 1992*.

**(t) other matters it thinks fit**

No other matters are raised for consideration by the consent authority.

**Section 51(2) of the Planning Act 1999**

***If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:***

- (a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or***  
***(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or***  
***(c) the Environment Protection Act 2019 otherwise permits the making of the decision.***

The Environment Protection Act 2019 otherwise permits the making of a decision by virtue that referral is not required.

## **8. RECOMMENDATION**

That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alter the application and vary the requirements of Overlay 3.2 (CNV (Clearing of native vegetation) of the Northern Territory Planning Scheme, and consent to the application to develop sections 211, 212 and 224 Acacia Gap Road, Manton for the purpose of clearing of native vegetation, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with *the plans submitted with the application* but modified to show:
  - Exclusion of the drainage area and associated creek on sections 211 and 224 from the clearing area.
  - Buffer areas of 25m to the perimeter of the drainage area on section 211 and 212.
  - Buffer areas of 25m to either side of the creek on section 211.
  - Buffer areas of 250m from the proposed clearing area to the perimeter of the rainforest on sections 224 and 212.
  - Buffer areas of 50m to the frontage of sections 224, 212 and 211 to Acacia Gap Road excluding firebreaks.
  - Setbacks from stream order 2 in sections 211 and 212 be a minimum of 50m.
  - Boundary buffer areas to the eastern boundary of Section 211 of 200m.
2. Prior to the endorsement of plans and prior to commencement of works, a stormwater management plan shall be provided to the requirements of the Litchfield Council.
3. Prior to the commencement of clearing, a traffic management plan shall be provided to the satisfaction of the Litchfield Council.

## GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
6. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
7. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
8. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
9. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.

10. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the *Bushfires NT Division of the Northern Territory Fire and Emergency Services*.

### Notes

11. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by the Department of Lands, Planning and the Environment. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

12. All land in the Northern Territory is subject to the Weeds Management Act 2001 (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.

Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au)

13. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
14. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
15. A "Works Permit" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network. Fees may apply.

16. A permit to burn is required from the Regional Fire Control Officer, NT Fire and Emergency Services, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.

## 9. REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and the clearing of native vegetation requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(v), therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan 2015 and the Litchfield Subregional Land Use Plan 2016), Overlay 3.2 (Clearing of native vegetation), zone purpose and outcomes of Clause 4.21 Zone R (Rural), and Clause 5.7.1 Rural Development (Agriculture, horticulture and intensive animal husbandry), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Overlay 3.2 CNV (Clearing of native vegetation), and Clause 5.7.1 Rural Development (Agriculture, horticulture and intensive animal husbandry)

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found to not be in accordance with Overlay 3.2 CNV (Clearing of native vegetation)

It is considered that changes to the clearing plan to exclude areas of environmental significance, such as the drainage body and associated creek is consistent with the purpose of the Overlay to ensure that any clearing of native vegetation does not unreasonably contribute to environmental degradation.

The proposed clearing plan is seeking a variation to the side boundary vegetation buffer requirement of 200m. The clearing plan proposes no buffer area between sections 224/212 and 212/211 and a buffer area of 25m between section 211/1508 and no buffer area to the Acacia Gap road frontage.

In considering the request the consent has taken into consideration the purpose and administrative requirement of the Overlay. The consent authority considers that the proposed lack of boundary buffers and a reduced boundary buffer will not unreasonably contribute to environmental degradation of the locality and is consistent with the purpose of the Overlay.

Administratively the consent authority may consent to a variation to the proposed boundary setbacks provided that it is consistent with the purpose of the requirements and

is appropriate in the context of the site and the locality having regard to the following matters.

- The suitability of the site for the proposed use.
- The values associated with the environmental characteristics.
- The significance extent and likelihood of any potential environmental impact.
- The measures the application proposes will be implemented to mitigate any potential impacts.

The consent authority has considered these matters and determined that the lack of buffer areas between sections 224/212 and 211/212 are acceptable in consideration of the development of the land for hay production and will not impact on any identified environmental characteristics. A variation to the required side boundary setbacks on these sections is supported.

A variation to the boundary setback between sections 211/1508 is not supported as the buffer area is required to manage the potential impacts of the activities on section 211.

The consent authority has considered the proposed variation to the Acacia Gap Road frontage and considered the relevant matters applicable to such a variation. The consent authority has determined that a variation is not supported as the lack of a buffer has the potential to result in environmental degradation through erosion resulting from stormwater flows to and from the land.

The proposal has been found to not be in accordance with Clause 5.7.1 Rural development (Agriculture, horticulture and intensive animal husbandry). The purpose of this clause is ensure that the land can be used in accordance with its capability and in a sustainable manner without detrimental impacts on the environment and or adjoining properties. Administratively the consent authority must not consent to a development that is not in accordance with the requirements.

The clearing application proposes to clear areas that are identified as having significant environmental values that may be impacted by the proposed clearing. Parts of the land to be cleared are poorly drained soils and are subject to severe levels of seasonal waterlogging and extended periods of inundation. In consideration of the consent authority has requested that amended plans be provided that exclude these constrained areas. The remainder of the proposed clearing is considered suitable for the intended use of hay production.

The strategic framework and the relevant Overlay and Clause of the NT Planning scheme 2020 have been considered and the proposal, subject to excluding the drainage body and associated waterway from the areas to be cleared is consistent, and the variations granted is consistent with the Scheme and the Regional Land Use Plans.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The consent authority has determined that part of the area proposed to be cleared of native vegetation contains land that has significant environmental values and contains predominantly poorly drained soils and is subject to severe levels of seasonal water logging and extended periods of inundation. The consent authority has determined to exclude these



areas from clearing. Excluding the drainage area and associated waterways results in land that is capable and suitable for clearing and rural development.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed development as amended is broadly consistent with the pattern of development in the locality and that reasonably expected in the zone. No significant impact on the existing and future amenity is anticipated.

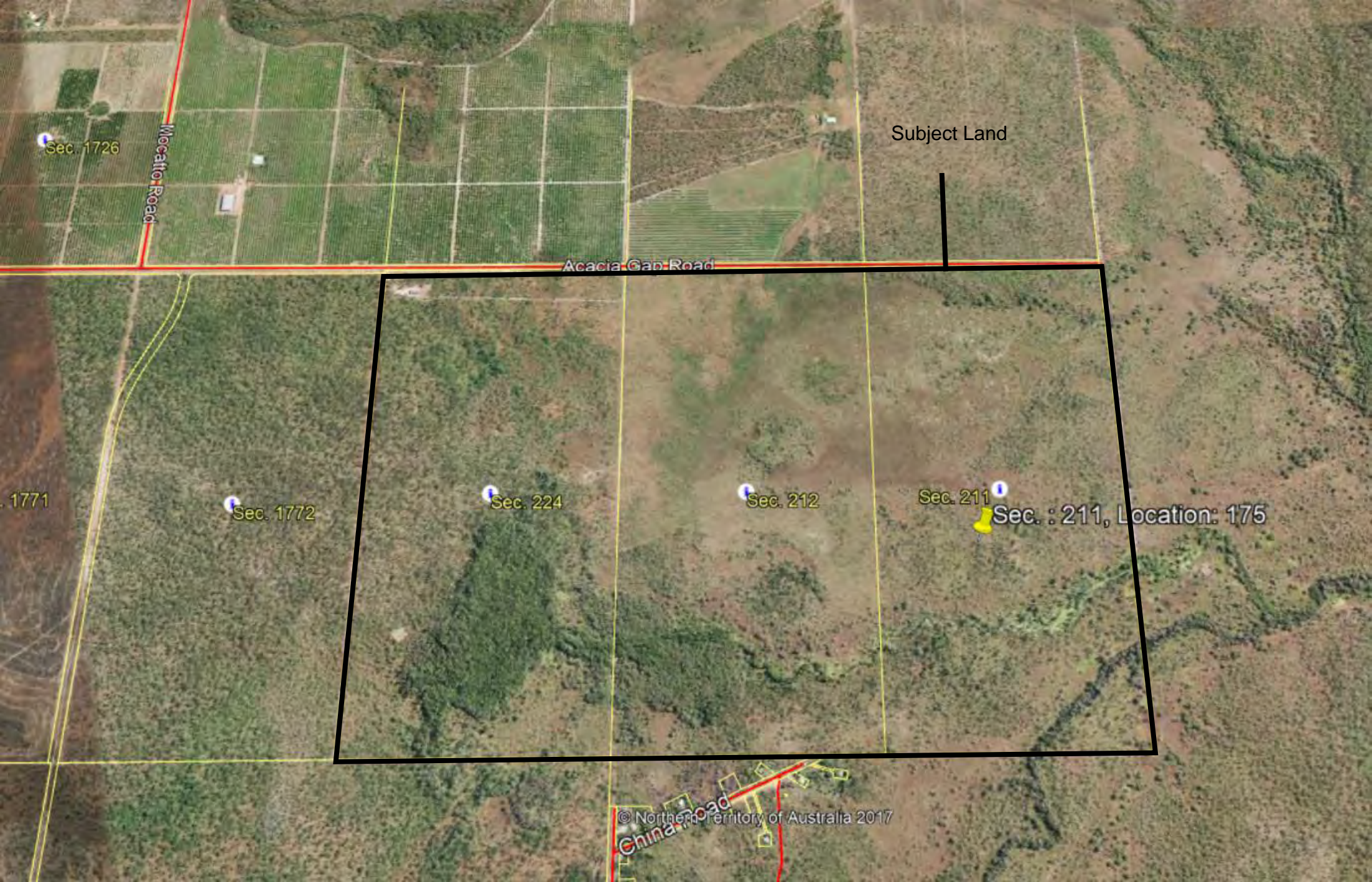
5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into account any submission made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received expressing concerns that the area was a valuable bioregion until it was cleared, that hay production is not a viable or sustainable way to revegetate degraded land and the broader impacts of climate change. In consideration of this the consent authority notes that the purpose of the application is to clear native vegetation to establish hay production in a manner that is consistent with the requirements of the NTPS 2020. In addressing the concerns, the authority has excluded the areas of clearing that have significant ecological values and predominantly poorly drained soils, subject to severe levels of seasonal water logging and extended periods of inundation in order to minimise potential impacts.



**AUTHORISED:**

.....  
STEVEN KUBASIEWICZ  
SENIOR PLANNER  
RURAL PLANNING – LITCHFIELD  
DEVELOPMENT ASSESSMENT SERVICES



Sec. 1726

Moccato Road

Subject Land

Acacia Gap Road

1771

Sec. 1772

Sec. 224

Sec. 212

Sec. 211

Sec. : 211, Location: 175

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China Road

## Appendix B – Links to reference material

Reference	Section	Link to reference source
Land clearing guidelines	Referred to throughout this form	<a href="https://nt.gov.au/_data/assets/pdf_file/0007/236815/land-clearing-guidelines.pdf">https://nt.gov.au/_data/assets/pdf_file/0007/236815/land-clearing-guidelines.pdf</a>
Water Control Districts (WCDs)	<a href="#">3.3</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#acc3d1ee-c5d8-4a1f-b50c-f70913acbabd">https://nrmaps.nt.gov.au/nrmaps.html#acc3d1ee-c5d8-4a1f-b50c-f70913acbabd</a>
Water licensing	<a href="#">3.4</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#4019cb0a-357a-478b-95f9-e3548d0059e4">https://nrmaps.nt.gov.au/nrmaps.html#4019cb0a-357a-478b-95f9-e3548d0059e4</a>
Sinkholes (NR Maps)	<a href="#">3.5</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#5252cb80-37f0-489c-b58f-223571b2a8f3">https://nrmaps.nt.gov.au/nrmaps.html#5252cb80-37f0-489c-b58f-223571b2a8f3</a>
Springs (NR Maps)	<a href="#">3.5</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#addbb4ec-544e-4d51-80a6-6f8f02851f86">https://nrmaps.nt.gov.au/nrmaps.html#addbb4ec-544e-4d51-80a6-6f8f02851f86</a>
Stream order (NR Maps)	<a href="#">3.5</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#e25847a3-d248-4141-acf4-0edb54cecb2d">https://nrmaps.nt.gov.au/nrmaps.html#e25847a3-d248-4141-acf4-0edb54cecb2d</a>
Land system mapping (NR Maps)	<a href="#">4.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#39fbc19f-7b48-4ed3-a436-4fa2a4c1aa26">https://nrmaps.nt.gov.au/nrmaps.html#39fbc19f-7b48-4ed3-a436-4fa2a4c1aa26</a>
Land unit mapping (NR Maps)	<a href="#">4.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#b96cef46-897e-422c-8258-a8d7cbcc6f25">https://nrmaps.nt.gov.au/nrmaps.html#b96cef46-897e-422c-8258-a8d7cbcc6f25</a>
Unzoned clearing spatial data requirements fact sheet	<a href="#">1.4</a> and <a href="#">4.1</a>	<a href="https://nt.gov.au/property/land-clearing/freehold-land/apply-to-clear-freehold-land/spatial-data-minimum-requirements-for-unzoned-clearing-of-native-vegetation">https://nt.gov.au/property/land-clearing/freehold-land/apply-to-clear-freehold-land/spatial-data-minimum-requirements-for-unzoned-clearing-of-native-vegetation</a>
Flora atlas records (NR Maps)	<a href="#">5.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#5be0667e-80d2-40fc-bf4c-1354b56feb46">https://nrmaps.nt.gov.au/nrmaps.html#5be0667e-80d2-40fc-bf4c-1354b56feb46</a>

Reference	Section	Link to reference source
Fauna atlas records (NR Maps)	<a href="#">5.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#dd85cd3f-dcc4-4776-b3f5-dbfd2aa1292f">https://nrmaps.nt.gov.au/nrmaps.html#dd85cd3f-dcc4-4776-b3f5-dbfd2aa1292f</a>
Threatened flora	<a href="#">5.2</a>	<a href="https://nt.gov.au/environment/native-plants/threatened-plants">https://nt.gov.au/environment/native-plants/threatened-plants</a>
Threatened fauna	<a href="#">5.2</a>	<a href="https://nt.gov.au/environment/animals/threatened-animals">https://nt.gov.au/environment/animals/threatened-animals</a>
Rainforest (NR Maps)	<a href="#">5.3</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#e0e567e5-630d-4d18-96b5-f4cb890e5d17">https://nrmaps.nt.gov.au/nrmaps.html#e0e567e5-630d-4d18-96b5-f4cb890e5d17</a>
Sandsheet heath (NR Maps)	<a href="#">5.3</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#d7f7c2a6-9f6b-4558-b6a5-5a8be88e62e1">https://nrmaps.nt.gov.au/nrmaps.html#d7f7c2a6-9f6b-4558-b6a5-5a8be88e62e1</a>
NT Sites of Conservation Significance	<a href="#">6.1</a>	<a href="https://nt.gov.au/environment/environment-data-maps/important-biodiversity-conservation-sites/conservation-significance-list">https://nt.gov.au/environment/environment-data-maps/important-biodiversity-conservation-sites/conservation-significance-list</a>
Important Wetlands Australia directory	<a href="#">6.1</a>	<a href="https://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands">https://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands</a>
Australia's Ramsar Sites	<a href="#">6.1</a>	<a href="https://www.environment.gov.au/water/wetlands/publications/factsheet-australias-ramsar-sites">https://www.environment.gov.au/water/wetlands/publications/factsheet-australias-ramsar-sites</a>
SoCS layer (NR Maps)	<a href="#">6.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#3a62bcff-bd1e-4808-bd98-813068d6d781">https://nrmaps.nt.gov.au/nrmaps.html#3a62bcff-bd1e-4808-bd98-813068d6d781</a>
Referring a proposed action to the NT EPA - Environmental impact assessment guidance for proponents	<a href="#">6.3</a>	<a href="https://ntepa.nt.gov.au/_data/assets/pdf_file/0009/805167/referring-proposed-action-to-ntepa-guideline.pdf">https://ntepa.nt.gov.au/_data/assets/pdf_file/0009/805167/referring-proposed-action-to-ntepa-guideline.pdf</a>
NT EPA Environmental Factors and Objectives	<a href="#">6.3</a>	<a href="https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/804602/guide-ntepa-environmental-factors-objectives.pdf">https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/804602/guide-ntepa-environmental-factors-objectives.pdf</a>
Slope greater than 2% (NR Maps)	<a href="#">8.1</a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#0bfd7a90-de41-495e-a6a2-dae352d6edc0">https://nrmaps.nt.gov.au/nrmaps.html#0bfd7a90-de41-495e-a6a2-dae352d6edc0</a>

Reference	Section	Link to reference source
Erosion and sediment controls	<a href="#"><u>8.3</u></a>	<a href="https://nt.gov.au/environment/soil-land-vegetation"><u>https://nt.gov.au/environment/soil-land-vegetation</u></a>
Declared weeds (NR Maps)	<a href="#"><u>9.1</u></a>	<a href="https://nrmaps.nt.gov.au/nrmaps.html#8079acb4-f563-4f3a-ac9e-8197d9dbbd12"><u>https://nrmaps.nt.gov.au/nrmaps.html#8079acb4-f563-4f3a-ac9e-8197d9dbbd12</u></a>
Statutory Weed Management Plans	<a href="#"><u>9.2</u></a>	<a href="https://nt.gov.au/environment/weeds/how-to-comply-with-the-law/statutory-weed-management-plans"><u>https://nt.gov.au/environment/weeds/how-to-comply-with-the-law/statutory-weed-management-plans</u></a>
Department of Territory Families, Housing and Communities website	<a href="#"><u>10</u></a>	<a href="https://nt.gov.au/property/land/heritage-listings/heritage-register-search-for-places-or-objects"><u>https://nt.gov.au/property/land/heritage-listings/heritage-register-search-for-places-or-objects</u></a>
Aboriginal Areas Protection Authority website	<a href="#"><u>11</u></a>	<a href="https://www.aapant.org.au/"><u>https://www.aapant.org.au/</u></a>

# Statement of Effect

## Development application PA2024/0194 Clearing of native vegetation

Tous Garden application to clear parts of Sections 211,212 and part of the boundary buffer on Section 224, Acacia Gap Rd, Hundred of Colton.

Complete this form if permissible development has become merit assessable.

Matters to be addressed in accordance with section 46 of the *Planning Act 1999*<sup>1</sup>

**Section 46(3)(a) –an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land**

**Address how your proposal meets or does not meet the purpose and each relevant requirement for the clause(s). Relevant clauses can be found in part 5 of the NT Planning Scheme 2020<sup>2</sup>**

Sections 211, 212 and 224 are in the Hundred of Colton and are zone R – Rural.

Agriculture is a sanctioned activity within areas designated as Rural in zoning regulations.

Consequently, the clearance of indigenous vegetation for the purpose of hay production from the northern segments of these areas aligns with section 5 of the NT Planning Scheme 2020.

### **5.7 Non-Urban Specific Development Requirements**

#### **5.7.1 Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry)**

**Purpose** Ensure that the use of the land for agriculture, horticulture and intensive animal husbandry is appropriate for the land capability and can be conducted sustainably without detrimental impacts on the environment or adjoining properties.

#### **Administration**

1. The consent authority must not consent to a use or development that is not in accordance with sub-clauses 2-4.

#### **Requirements**

**2. Rural development must be located, designed and operated so as to mitigate the risk of:**

#### **(a) pollution of ground and surface waters, including stormwater;**

The development of the northern portions of these sections into permanent hay paddocks will be carried out with a focus on minimising environmental impact. We will manage inputs carefully to ensure maximum efficiency and limit the runoff of fertilisers and herbicides. In addition, large buffer zones, up to 300 meters wide, will be established along the second and fourth order streams and the riparian areas within the continuous nature corridor on the southern side of these sections. These buffers will help filter and mitigate stormwater runoff, providing further environmental protection.

#### **(b) erosion of the site or other land;**

The establishment and management of permanent grass pastures for hay production will help reduce natural soil erosion, which often occurs when fires leave bare soil exposed to early-season storm rains. This practice will promote soil conservation in the developed areas of these sections and prevent runoff into the adjoining block to the east.

#### **(c) nuisance to surrounding land arising from noise, dust, odour and other emissions or contaminants generated by the development.**

Hay production generates minimal noise, dust, and odours. The crops are managed using standard farm machinery, with brief periods of activity for fertilizing, weed control, and

<sup>1</sup> <https://legislation.nt.gov.au/en/Legislation/PLANNING-ACT-1999>

<sup>2</sup> <https://nt.gov.au/property/land-planning-and-development/our-planning-system/nt-planning-scheme>

harvesting. With a distance of over 500 meters, including the uncleared buffer zones and stream areas, between the production areas and any neighbouring buildings, the impact on surrounding properties will be minimal.

**(d) be on a site of sufficient size to reasonably accommodate the development and mitigate potential nuisance arising from noise, dust, odour and other emissions or contaminants generated by the development;**

The land clearing application for hay production may further support the claim that the site is of sufficient size to accommodate the development and mitigate potential nuisances with the following considerations:

**Additional Information:** The closest neighboring property is located 7.5 kilometers away, while the neighboring property opposite the site is owned by a mango grower with 2000 trees, although it is not permanently inhabited. Acacia Village is situated at a distance of 5-10 kilometers from the designated site.

#### Site Size

- **Sufficient Area:** The 158-hectare site is large enough to ensure that any potential nuisances (noise, dust, odours, emissions) are contained within the property and minimising the impact on nearby residents or ecosystems.
- **Strategic Placement of Activities:** Activities that may generate higher levels of noise, dust, or emissions (e.g., machinery operations) can be placed further from property boundaries to reduce disturbances to nearby areas.
- **Implement Time Restrictions:** Machinery operations can be scheduled during appropriate hours to minimize disturbance to neighboring properties. The large site size helps maintain a safe distance from residences or sensitive areas.

#### Dust and Air Quality Management

- **Dust Control Methods:** On a large site, dust suppression methods such as watering cleared areas or using windbreaks can be implemented effectively. The site's size allows for ample space to manage dust, reducing its spread to nearby areas to ensure air quality remains safe.
- **Minimized Odor Generation:** Since hay production doesn't typically generate strong odors, the risk is minimal. However, the large size of the property allows any organic material, such as compost or biomass, to be stored and managed far from property lines, preventing odours from affecting nearby residents if any.
- **Controlled Storage:** If organic waste or composting occurs, the site's size allows for controlled placement of these facilities, with adequate ventilation and distance to avoid unpleasant odors.

#### Contaminant and Emission Management

- **Controlled Emissions:** The large site size allows you to manage any emissions from machinery by placing high-emission activities (like fuel storage or machinery use) far from sensitive areas such as waterways or neighboring properties. This ensures any contaminants are well contained.

- **Vegetation Buffers:** we will maintain natural vegetation along the site boundaries to act as a filtration barrier for dust and emissions, helping to protect surrounding areas from any potential environmental contamination.

#### Erosion and Runoff Control

- **Water Management:** With 158 hectares, implementing runoff control measures such as contour ploughing, silt fences, or planting ground cover to prevent soil erosion and control contaminants from reaching water sources with good drainage systems will reduce the risk of waterlogging and prevent runoff from carrying contaminants into nearby water.

#### Site Layout for Efficiency and Environmental Protection

- **Efficient Land Use:** design an efficient site layout that optimizes both hay production and environmental protection. The size allows for the separation of different operations, such as hay cutting, storage, and transport, reducing the likelihood of cross-contamination or environmental hazards.
- **Conservation Areas:** The large property size can accommodate conservation areas, where native vegetation or wildlife habitats are preserved,

#### Compliance with Regulations

- **Regulatory Compliance:** we will comply with all local noise, dust, emissions, and environmental regulations.

I am confident that the 158-hectare site is well-suited to support hay production while minimizing the impact of nuisances such as noise, dust, odours, and emissions on the surrounding environment and community.

#### **(e) the spread of infectious disease or other health risk;**

The proposed development poses no risk of spreading infectious diseases or creating any other health hazards.

However, while no risk of spreading infectious diseases, we have outline the management control method to ensure every member of the team is aware of the risks that may occur while working on the land. you can take the following measures:

#### Soil and Water Contamination Control

- **Proper Waste Disposal:** During land clearing, any organic waste, debris, or chemical materials should be disposed of properly to prevent soil and water contamination, which can harbour harmful pathogens.
- **Buffer Zones:** Establish buffer zones around water bodies to prevent runoff, especially if machinery or chemicals. This will help maintain water quality and avoid potential health hazards to nearby areas.

#### Biosecurity Measures



- **Restricted Access:** Limit access to the cleared area for only essential personnel. This prevents the spread of diseases through human or animal contact, especially if you are in proximity to livestock farms or natural habitats.
- **Equipment Hygiene:** Ensure all machinery and tools used for land clearing are cleaned and sanitized, especially if they have been used in other locations. This prevents the spread of plant and soil pathogens from other sites.

#### Pest and Vector Control

- **Drainage:** After land clearing, ensure that there is no standing water in the cleared areas, as this can become a breeding ground for disease-carrying insects, such as mosquitoes. Proper drainage can help manage this risk.
- **Pest Control Measures:** Implement pest control strategies to avoid the spread of insects or rodents that can carry diseases.

#### Health and Safety of Workers

- **Hygiene Facilities:** Provide sanitation and hygiene facilities (e.g., portable toilets, handwashing stations) for workers to prevent the spread of infections among the workforce.
- **PPE and Health Monitoring:** Ensure workers have access to personal protective equipment (PPE) like gloves, masks, and safety gear. Monitor worker health to prevent potential outbreaks of infectious diseases on-site.

#### Dust and Airborne Disease Prevention

- **Dust Suppression:** Land clearing can create dust, which may carry pathogens or trigger respiratory issues. Implement dust suppression measures, such as watering the land, to reduce airborne particles.
- **Air Quality Monitoring:** In areas where airborne diseases or respiratory issues may be a concern, monitor the air quality during clearing activities and inform the nearby residents of the activities.

#### Wildlife and Disease Prevention

- **Minimising Human-Wildlife Interaction:** The land being cleared is a natural habitat for wildlife, so take steps to minimize contact between humans and animals; at all times, we must consult with wildlife experts if unsure.
- **Relocation of Wildlife:** If wildlife is present in the area, work with local authorities to safely relocate animals, reducing the risk of spreading diseases.

#### Fire and Smoke Management

- **Fire Risk Reduction:** Removing vegetation for hay production can create fire risks, which pose significant health hazards, primarily through smoke inhalation. Establish firebreaks and manage fuel loads, and we are working closely with the Acacia Hills Volunteer Fire Brigade and Manton Volunteer Fire Brigade to have a fire management plan in place.
- **Smoke Suppression:** When burning vegetation, we will follow strict local regulations to ensure that smoke doesn't create health risks for workers or nearby communities.

## Compliance with Health and Safety Standards

- **Regulatory Compliance:** Ensure the development complies with local health, environmental, and agricultural regulations to mitigate any risks associated with land clearing to ensure safety standards are met.

By incorporating these strategies into the land-clearing process for hay production, we can effectively manage and mitigate the risks of spreading infectious diseases or creating health hazards.

### **3. The use or development must be located on land capable and suitable for the use or development.**

The land is suitable for hay production, as detailed in the Land Capability Assessment tables and Appendix A of the Land Clearing Application submitted with the development application.

### **4. The use or development must have a sustainable water supply that is sufficient for the use or development.**

The use or development must have a sustainable water supply adequate for its needs. This development will not require irrigation and will rely solely on natural rainfall for its water supply. The area does not know about drought and water conservation methods such as soil moisture retention practices, e.g., mulching. soil management: Improve soil's ability to retain water through organic matter, composting, and maintaining healthy soil ecosystems; hence, there is no need for additional water supply.

#### **Section 46(3)(b) – an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land**

Is this section applicable? **No**

Yes / No / Unsure

If this sub section is applicable, address below.

#### **Section 46(3)(c) – a public environmental report or an environmental impact statement has been prepared or is required under the Environmental Assessment Act in relation to the proposed development, a copy of the report or statement and the results of any assessment of the report or statement under the Act by the minister administering that Act**

Is this section applicable? **No**

Yes / No / Unsure

If this sub section is applicable, address below.

#### **Section 46(3)(d) – an assessment demonstrating the merits of the proposed development**

State the merits of your proposal below.

Diversifying from mango production to include hay offers several strategic benefits for the business. First, it creates a year-round production cycle, providing cash flow during the off-season when mango and citrus production is low. This helps to make more efficient use of permanent staff and reduce reliance on temporary, seasonal labour, ensuring a smoother operation throughout the year.

The increasing demand for high-quality hay presents an opportunity to tap into a growing market. Currently, we are importing good quality hay from Kunnanara for high-end family pets, most importantly to support the live export industry. Hay production can maximize the use of land and resources already invested in infrastructure, such as on-farm accommodation and irrigation systems. This can be achieved without placing additional strain on water resources, as the hay paddocks will not require irrigation. Moreover, hay production is less labour-intensive than mango harvesting, allowing for more consistent management and reducing operational complexities. This diversification will not only boost the economic sustainability of the business but also support local contractors, contributing positively to the broader Litchfield and Darwin region economy.

This clearing will increase the diversity of the existing mango and citrus orchards by adding hay production to the existing enterprise on the surrounding properties and will make the orchard increasingly economic.

This enterprise already manages 485ha of established and developing mango and citrus orchards and with the current expansion will become a major contributor to the Darwin Region mango production which supplies approximately 25% of the mangoes across Australia.

The inclusion of fodder hay production as part of the business allows for a production window and cash flow outside the mango and citrus seasons and will make more efficient use of the permanent core staff. The demand for quality hay continues to grow to support the live export industry.

The proposed hay production will be serviced by local contractors which will also support the local small business economy. Hay production does not have the same demand for temporary seasonal labour and will provide a less manpower dependent production system. The removal of the buffer area left on section 1772 will allow maximum economic use of the area and allow for continuous management across the enterprise.

Sections 211 and 212 have considerable infestations of gamba and mission grasses that pose a very high fire risk to the sensitive environmental areas that form the proposed corridor from Manton Creek, through 211,212,1772 and 1771, that connect the Adelaide River floodplain to the native vegetation onto the west and south of this enterprise. Clearing and planting with improved pastures will allow specific weed control measures to remove the tall grass weeds such as weed wipes and spot spraying.

This can be done with little or no impact on the surrounding environment with higher value areas such as the streams and areas of monsoonal forest in the southern parts of the sections. These are excluded from development and actively managed to reduce weed infestation and feral animal incursions. Fencing will also exclude uninvited hunters that currently are trashing the monsoonal forest and surrounding riparian areas. This will improve the conservation outcome of this asset. The hay paddocks will not be irrigated and will not

require any water allocation. Fertilizer will be applied in line with the best practices for fodder and pasture production to minimize runoff and maximize efficiency.

**Section 46(3)(e) – a description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purpose of the proposed development and the effect of development on that land and other land**

**State below any notable physical characteristics of the land on which your proposal is to be located.**

The area proposed for clearing has no notable physical characteristics, consisting primarily of gently sloping kandosols and duplex soil plains, which are commonly used for agricultural development, including improved pastures and hay production, across the Top End. A land capability assessment has been provided with this application, detailing the suitability of these soils for the intended hay production enterprise.

However, the southern portions of these sections contain notable physical features that will not be developed. These areas, preserved in their natural state with larger-than-required buffer zones, include second and fourth-order streams, riparian zones, and small pockets of monsoonal rainforest. This preserved land will create a continuous nature corridor along the southern boundary of the entire enterprise, linking sections 211 through to 1772, and integrating with the existing mango orchards to enhance environmental conservation.

**If there is nothing notable, mark this box with an 'X'.**

**Section 46(3)(f) – a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer**

Is this section applicable? **No**

Yes / No / Unsure

If this sub section is applicable, address below.

**Section 46(3)(g) – a statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure**

**State below whether you intend to connect all necessary services to your proposal as required.**

The proposed development area is currently accessed via an unmaintained section of Acacia Gap Road, which is in poor condition. Presently, the northern firebreak along Acacia Gap Road, located on sections 211 and 212, serves as the primary access route to the blocks. As part of the development, we are evaluating the potential for road upgrades and improvements

to ensure reliable and safe access. Necessary services will be connected as required to support the development, with a focus on maintaining infrastructure that meets both operational needs and safety standards.

The development will not require power, water or sewerage connection as there will be no buildings planned for this development.

**Section 46(3)(h) – an assessment of the potential impact on the existing and future amenity of the area in which land is situated**

**Provide a short statement below, addressing any potential impact on the existing or future amenity of the area.**

The development will have a positive impact on the area by improving existing amenities. This will be achieved through effective management of weeds, fire risks, feral animals, and unauthorized hunters. The project will also work to maintain and extend the current agricultural landscape along Acacia Gap Road, preserving the scenic vista of productive farming on both sides of the road. This will contribute to the overall beauty and functionality of the region.

**Section 46(3)(j) – an assessment of the benefit or detriment to the public interest of the development**

**State below any benefit or detriment to the public interest resulting from your proposal.**

**If there is nothing notable, mark this box with an 'X'.**

The proposal offers several benefits to the public interest, including:

1. **Economic Growth:** By expanding hay production, the development will contribute to the local economy through job creation and support for local contractors. It will also enhance the economic stability of the existing mango and citrus orchards, benefiting the broader Litchfield and Darwin regions.
2. **Improved Environmental Management:** The project includes measures to manage weeds, fire risks, and feral animals, which will improve land health and reduce environmental hazards. The preserved natural areas, such as riparian zones and monsoonal rainforests, will contribute to local biodiversity and conservation efforts.
3. **Enhanced Land Use Efficiency:** The integration of hay production allows for more efficient use of the land and infrastructure already invested in, optimizing resource use and reducing the need for additional temporary labour.
4. **Protecting the higher-value streams and riparian areas** within the proposed nature corridor will maintain the higher-value environmental asset for the area and allow continued access to native fauna. It will also provide a biodiversity reservoir that will benefit the farming enterprise and the surrounding properties with beneficial insects and natural predators for pests.
5. **Restricting access with appropriate boundary fencing to unauthorised persons** will reduce the risk of weed transfer, unmanaged fires and uncontrolled shooting. Ongoing management of the nature corridor and biodiversity reservoir will help maintain the health of Manton River and add to the health of the Adelaide River system catchment.

### **Detriment to the Public Interest:**

There are minimal detriments associated with this proposal. The main consideration is the initial disturbance during land clearing, which is temporary and mitigated by measures to control dust, noise, and other impacts. Overall, the long-term benefits of economic growth, improved environmental management, and efficient land use are expected to outweigh any short-term inconveniences.

**Section 46(3)(k) – in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the *Building Act 1993*<sup>3</sup> as to whether the building will cease to comply with the *Building Act 1993* if the proposed development were to proceed**

**Not applicable to this application as it is not for a subdivision.**

**Section 46(3)(l) for the development of land proposed to be the scheme land of a proposed or existing scheme, or the development of existing scheme land – a plan in the approved form specifying:**

- **Any information about any building that is, or will be situated on the scheme land (including for example, information about the structural integrity and fire safety of the building)**
- **If any part of the development is subject to changes that are allowed by regulation – details about that part as required by regulation**
- **Any other information prescribed by regulation about the development.**

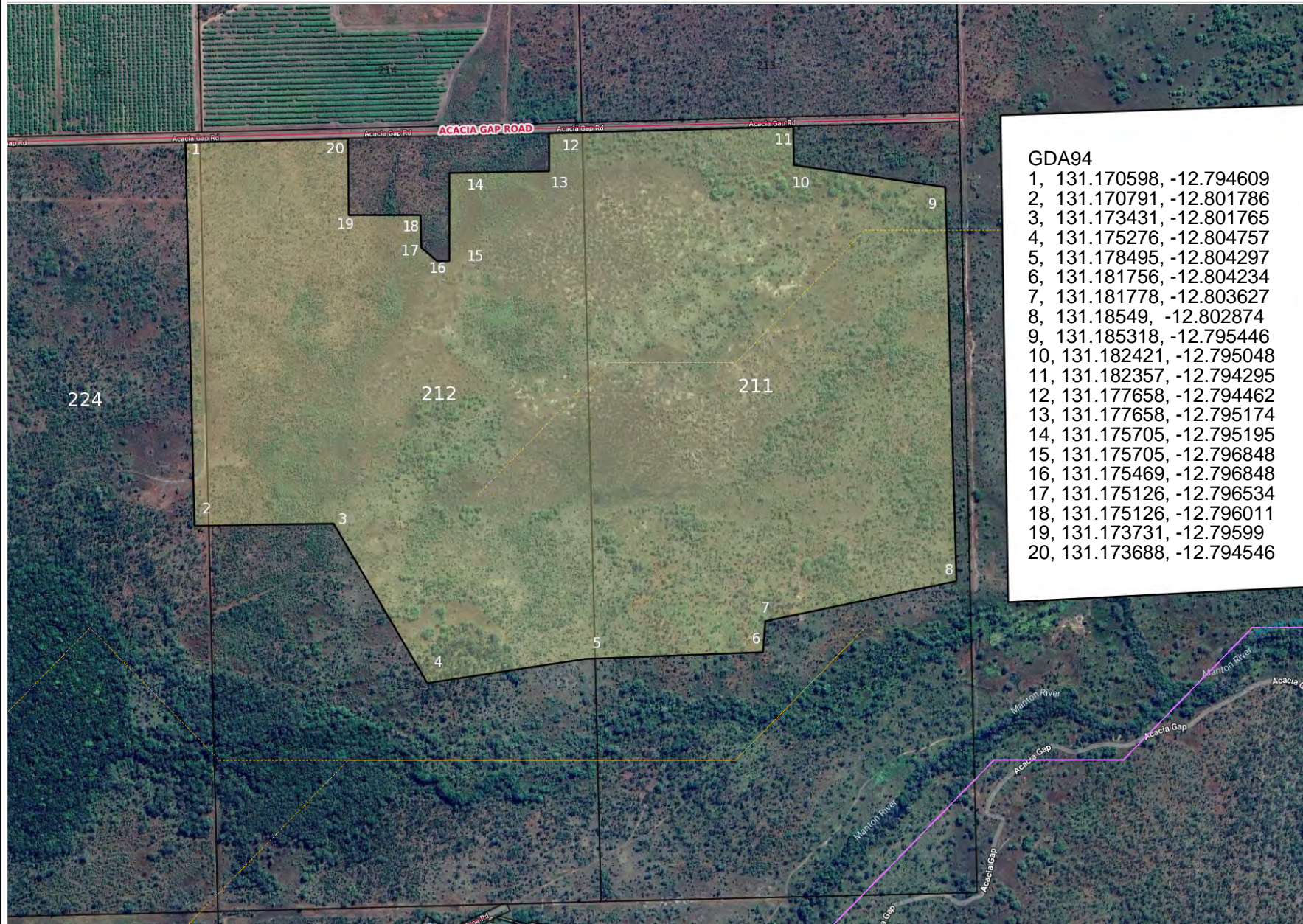
**Not applicable to this application as it is not for a subdivision.**

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<sup>3</sup> <https://legislation.nt.gov.au/Legislation/BUILDING-ACT-1993>

# NR MAPS

## Attachment 1. Section 211,212,224 clearing plan with GPS Coords



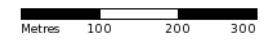
GDA94

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2,	131.170791,	-12.801786
3,	131.173431,	-12.801765
4,	131.175276,	-12.804757
5,	131.178495,	-12.804297
6,	131.181756,	-12.804234
7,	131.181778,	-12.803627
8,	131.18549,	-12.802874
9,	131.185318,	-12.795446
10,	131.182421,	-12.795048
11,	131.182357,	-12.794295
12,	131.177658,	-12.794462
13,	131.177658,	-12.795174
14,	131.175705,	-12.795195
15,	131.175705,	-12.796848
16,	131.175469,	-12.796848
17,	131.175126,	-12.796534
18,	131.175126,	-12.796011
19,	131.173731,	-12.79599
20,	131.173688,	-12.794546

### Legend

Stream Order

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Geospatial Services Branch

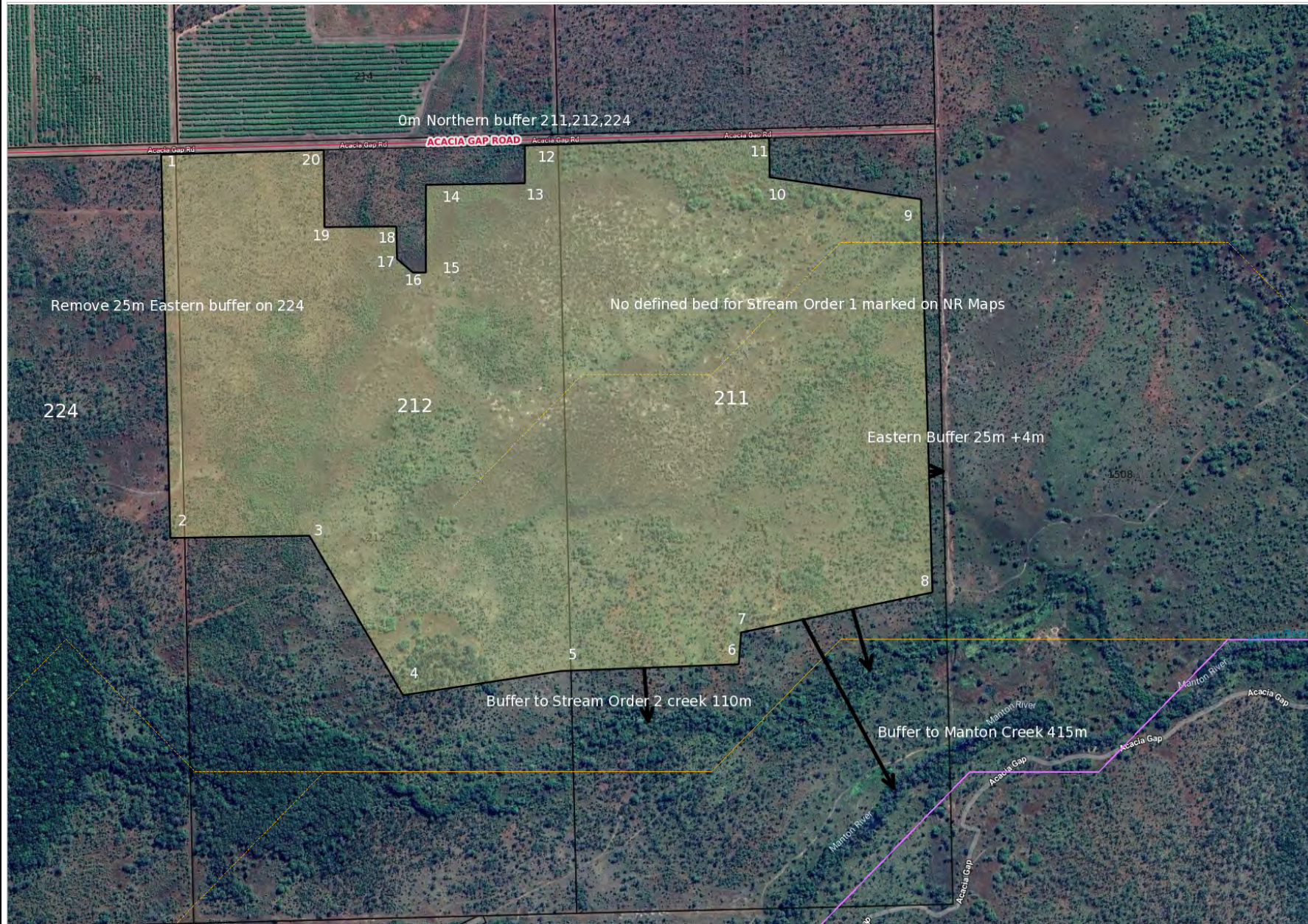


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### Legend

Stream Order

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Department of Environment, Parks and Water Security

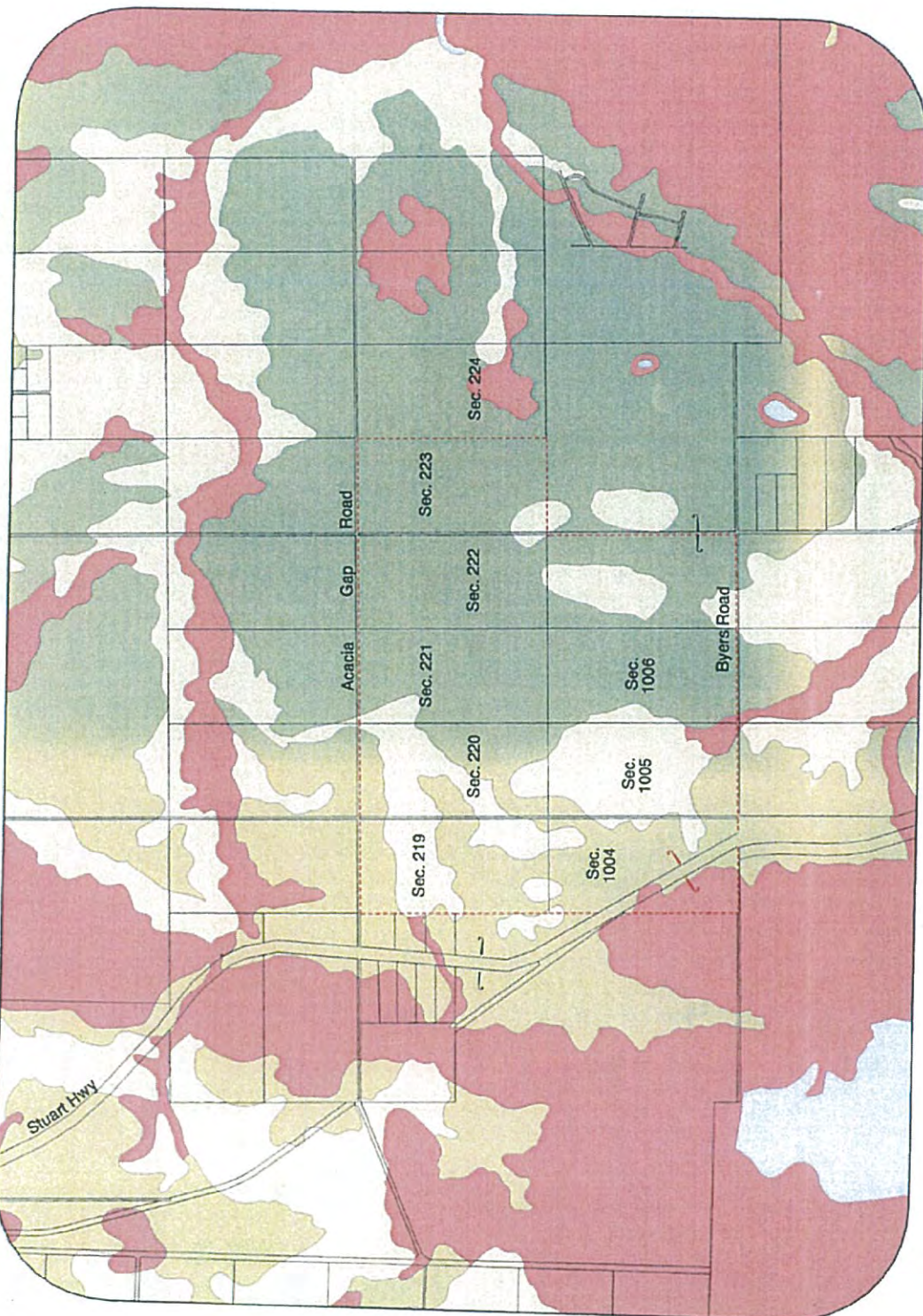
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# Land Capability for Horticulture - Acacia Gap Road, Acacia Hills Area, NT.



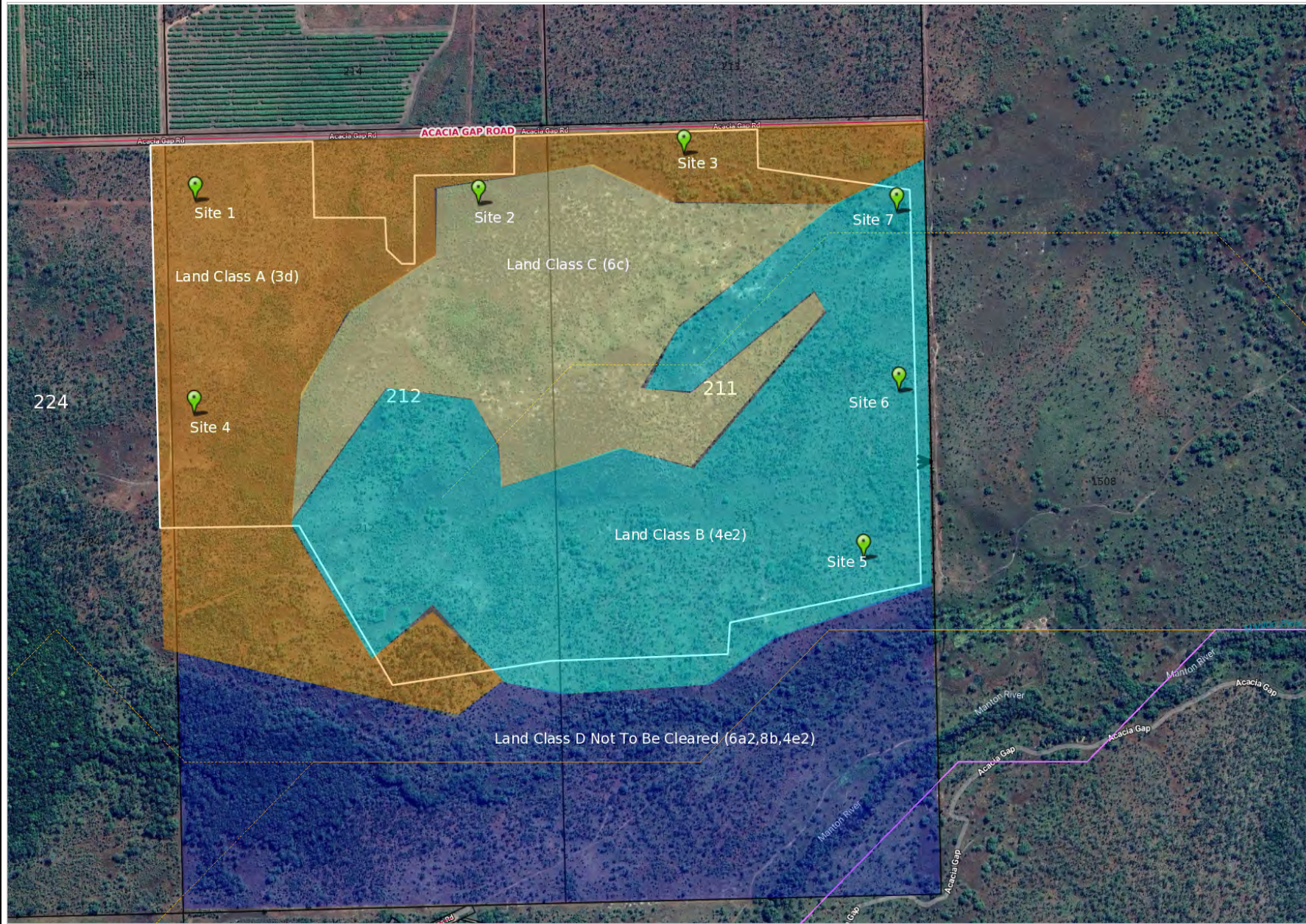
- CAPABILITY FOR TREE CROP PRODUCTION - MANGOS
- HIGH CAPABILITY (Green)
- MODERATE CAPABILITY (Yellow)
- LOW CAPABILITY (Red)
- Rivers / Swamps / Lagoons (Blue)
- Unsurveyed Areas (White)
- Land Unit Boundaries (Dashed line)
- Existing Cadastral Boundaries (Solid line)
- Area Of Interest (Dotted line)



Land capability information has been prepared from field photographs, interpretations of aerial photographs and ground truthing. The map was prepared at a scale of 1:25,000. The map should not be used for any purpose other than that for which it was prepared. Information on this map must be interpreted with caution. Land unit boundaries are in the process of being revised to additional data to be collected. Minor variations in the interpretation of boundaries is in the interpretation of categorical data. Preliminary land requirements of specific land development proposals can be assessed from this general information derived from land capability information in the relevant land files. Should not proceed without site-specific investigation of relevant land files.

**Bibliographic reference:**  
 Upper A. J. Lynch & Wood B. (1984) Land Use of the Darwin, Darwin & Blackmore Plains.  
 Lynch B. (1983) Land Use of the Darwin, Darwin & Blackmore Plains.  
 Lynch B. (1980) Land Use of the Darwin, Darwin & Blackmore Plains.  
 Land Use of the Lamford Lagoon - Middle Point Area.  
 The Land Resource of the Darwin Area.  
 The Land Resource of the Darwin Area.  
 The Land Resource of the Darwin Area.  
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 The Land Resource of the Darwin Area.

This map is designed for use at the published scale. Technical errors should be allowed for.  
 Lands Wanning Environment  
 Resource Capability Assessment Branch  
 Phons: (08) 999 8474 Fax: (08) 999 8488  
 Resession of Land Use Information, 1997, at 1:25,000.  
 Engagement will not lead to greater accuracy.  
 THIS MAP IS NOT SUITABLE FOR INDUSTRIAL PURPOSES.  
 Terms Source: Land Information Services, QLD.  
 Date Reference: October 71  
 Universal Transverse Mercator  
 The Map Produced by the Land Resource Division, DECEMBER 1997



### Legend

Stream Order

- 1
- 2
- 3
- 4
- 5
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Geospatial Services Branch



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## Attachment 6. Land Capability Tables for Land Types Sections 211.212, & Eastern boundary 224

Land clearing guidelines - Adobe Acrobat Reader (64-bit)

File Edit View Sign Window Help

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Land clearing guidelines

**Table 8: Land capability classes and associated assessment criteria.**

Class	Land capability	Description	Acid sulfate soils <sup>a</sup>	Flooding	Microrelief	Salinity (0 to 1m)	Sodicity (0 to 0.6m)	Slope	Soil depth	Drainage	Surface rock	Wind erosion
1	High	Land with negligible constraints and requires only simple management practices.	Not present	Never	None	<2 ECe (dS/m) or no potential to be >2dS/m	ESP <6%	0-1%	>1m	Rapid to well drained	0%	Low hazard
2	Moderate	Land with minor to moderate constraints but requires more than the simple management practices of Class 1.	Not present	Extremely rare (<1 in 30 years)	Vertical interval <0.3m	2 to 4 ECe dS/m or no potential to be >4dS/m	ESP 6 to 15%	1-2%	0.5 to 1m	Moderately well drained	0 to 2%	Moderate hazard
3	Marginal	Land with severe constraints and requires considerable management practices.	Not present	Rare (1 in 10 to 30 years)	Vertical interval 0.3 to 0.6m	4 to 8 ECe (dS/m) or potential to be >8dS/m	ESP 15 to 20%	2 to 3%	0.25 to 0.5m	Imperfectly drained	2 to 10%	High hazard
4	Not recommended	Land with extreme constraints too severe to develop. Can only be overcome with major management and/or engineered solutions.	Present	Regular (>1 in 10 years)	Vertical interval >0.6 m	>8 ECe (dS/m) potential to be >8dS/m	ESP >20%	>3%	<0.25m	Poor to Very Poorly drained	>10%	Very high to extreme hazard

<sup>a</sup>0.02% oxidisable sulfur based on the Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines.

**Table 9: An example of a land capability assessment for a land type. The most limiting factor determines the final class.**

Land type	Land capability	Acid sulfate soils	Flooding	Microrelief	Salinity	Sodicity	Slope	Soil depth	Drainage	Surface rock	Wind erosion	Overall land capability class
Land Type X	Initial assessment of land capability using Table 7	Not present	Never	None	Not assessed (see evidence provided)	Not assessed (see evidence provided)	0-1%	>1m	Imperfectly drained	0%	Low	-
	Initial land capability sub-class	1	1	1	-	-	1	1	3	1	1	3
	Amended land capability sub-class (based on the soil landscape)	1	1	1	-	-	1	1	1 (for specific)	1	1	1

# Land Capability Assessment

Section 211,212 Acacia Gap Rd

**Table 10:** Overall land capability classes presented for each land type mapped within the proposed clearing footprint.  
**Land type**

**Description**

**Overall land capability Amended**

**Photos**

Land type	Description	Overall land capability Amended	Photos
Land type A	<p>Plains, slopes 0 to 2%, Scattered laterite , and some surface rock, with moderately deep to shallow, well drained brown laterite (Kandasol) soils.</p> <p>Section 212 was cleared to 50% under previous regulations for grazing and has smaller regrowth. Vegetation includes <i>Eucalyptus miniata</i> (Woollybutt); <i>Erythrophleum chlorostachys</i> (Ironwoods), <i>Eucalyptus tetradonta</i> (Stringy Bark), <i>Buchanania obovate</i>, (green Plum), <i>Cycas Armstrongii</i> (cycads)</p> <p>Previous survey showed land unit 3d (see 1997 Soil unit map attached) 3d. Plains, slopes 0 to 2%, scattered laterite and some surface rock, with shallow, moderately well- drained brown laterite (Kandosol) soils, previous survey showed land unit 3d.</p>	Class 1	Sites 1,3,4 Veg. 1,3,5, Soil. 2,4,6
Land type B	<p>Plains, slopes 0 to 2%, with shallow, moderately drained grey sandy soils over yellow clay with varied laterite content, friable mottled yellow duplex (Hydrosol) soils.</p> <p>Previous survey showed land unit 4e2.</p>	Class 1	Sites 5,6,7 Veg. 7,9,11 Soil. 8,10,12

	<p>4e2 -Sloping margins to upland plateau surface, slopes 0.5 – 1.5%, moderately deep Yellow Massive Earths, Low Shrubland to Low Woodland.</p> <p>Vegetation includes, <i>Melaleuca sp</i>, <i>Pandanus Spirella</i> (Pandanus), <i>Lophostemon lactifluus</i> (swamp mahogany), <i>Grevillia pteridifolia</i>, (Fern-leaf Grevillia) some <i>Eucalyptus Blesseri</i> and large areas of native grasses.</p> <p>There is smaller regrowth on 212 following total clearing of the northern 50% of section 212, cleared for grazing prior to 2000 with small shrubs and <i>Melaleuca sp</i>.</p>		
Land type C	<p>Plains, slopes 0 to 2%, light grey sandy soils with some laterite over yellow clay with some relief, as friable mottled yellow duplex (Hydrosol) soils.</p> <p>Previous land unit classification suggested cracking clays in this area. The only evidence of cracking clay was on the eastern boundary where the creek crossed the boundary track. Photo</p> <p>Vegetation includes low grassland and scattered <i>Melaleuca</i> regrowth on 212, with older shrubbery on 211, slopes &gt;2% with occasional gullies. Vegetation includes, <i>Melaleuca sp</i>, <i>Pandanus Spirella</i> (Pandanus), <i>Lophostemon lactifluus</i> (swamp mahogany), <i>Grevillia pteridifolia</i>, (Fern-leaf Grevillia) some <i>Eucalyptus Blesseri</i>.</p> <p>Previous survey showed land unit 6c. 6c - Broad lowland plains, slopes negligible deep massive cracking clays variable, Grassland to Woodland.</p>	Class 2	Site 2 Veg. 17 Soil 18

<p>Land type N/C (not classified) Not to be cleared.</p>	<p>Monsoonal Forest and first and third order streams with tall <i>Melaleuca</i> (paperbark), <i>Lophostemon lactifluus</i> (Swamp mahogany) and monsoon thickets; poorly drained (Hydrosol) soils. No soil core taken.</p> <p>Previous survey showed land units: 4e2- Sloping margins to upland plateau surface, slopes 0.5 – 1.5%, moderately deep Yellow Massive Earths, Low Shrubland to Low Woodland. 6a2- Broad lowland plains, slope negligible; hard apedal mottled Yellow Duplex soils; <i>Melaleuca/Eucalypt</i> to open Woodland. 8b -Billabongs and dry season fringes; ponded drainage, soils not sampled; Sedge-herbland where not flooded.</p>	<p>Class 4</p>	<p>Veg. 16,19,20,21 Soil 15</p>
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#### Individual Land type Assessments

Land type	Land Capability	Acid Sulfate Soils	Flooding	Microrelief	Salinity	Sodicity	Slope	Soil Depth	Drainage	Surface rock	Wind Erosion	Overall Land Class
A	Initial assessment using Table 7 Land Clearing Guidelines	Not Present	Never	Not Present	<2ECe dS/m	ESP<6%	Mostly 0-1% Some to 1.5%	>1m	Well drained	0-2%	Low risk	
	Initial Land capability sub-class	1	1	1	1	1	1	1	1	2 0-2%%	1	2
	Amended land capability (based on the soil landscape requirements of the specific orchard proposal)	1	1	1	1	1	1	1	1	1 Scattered surface rock to be raked prior to hay production	1	1

Land type	Land Capability	Acid Sulfate Soils	Flooding	Microrelief	Salinity	Sodicity	Slope	Soil Depth	Drainage	Surface rock	Wind Erosion	Overall Land Class
B	Initial assessment using Table 7 Land Clearing Guidelines	Not Present	Never	Not Present	<2ECe dS/m	ESP<6%	0-1%	<1m	Moderately well-drained	0-2%	Low risk	
	Initial Land capability sub-class	1	Extremely rare < 1 in 30 yrs	1	1	1	1	1	1	2		2
	Amended land capability (based on the soil landscape requirements of the specific orchard proposal)	1	1	1	1	1	1	1	1	1 Scattered surface rock to be raked prior to hay production	1	1

Land type	Land Capability	Acid Sulfate Soils	Flooding	Microrelief	Salinity	Sodicity	Slope	Soil Depth	Drainage	Surface rock	Wind Erosion	Overall Land Class
C	Initial assessment using Table 7 Land Clearing Guidelines	Never Present	Regular >1 in 10 yrs	Some present >30cm spacing	Not Assessed	Not Assessed	0-2%	Shallow 0.5 – 0.7m	Imperfectly drained	Occasional laterite	N/A	
	Initial Land capability sub-class	1	4	2			1	2	3	2	1	4
	Not Amended land capability	1	2 Regular inundation is not a constraint for hay production. Perennial tropical	2			1	2	2 Imperfect drainage is not a constraint for hay production. Perennial tropical	2	1	2

			grass hay species are adapted to monsoonal flooding cycles						grass hay species are adapted to monsoonal drainage cycles			
--	--	--	--	--	--	--	--	--	--	--	--	--

Land type 4 Monsoonal forest, Riparian areas and Waterways, not to be cleared.

Land type	Land Capability	Acid Sulfate Soils	Flooding	Microrelief	Salinity	Sodicity	Slope	Soil Depth	Drainage	Surface rock	Wind Erosion	Overall Land Class
4	Initial assessment using Table 7 Land Clearing Guidelines	Not Assessed	Regular <1 in 10 yrs.	Not assessed	Not assessed	Not Assessed	>2%	Not assessed	Wet area	Not Assessed	N/A	
	Initial Land capability sub-class		4						4			4
	Not Amended land capability		4						4			4



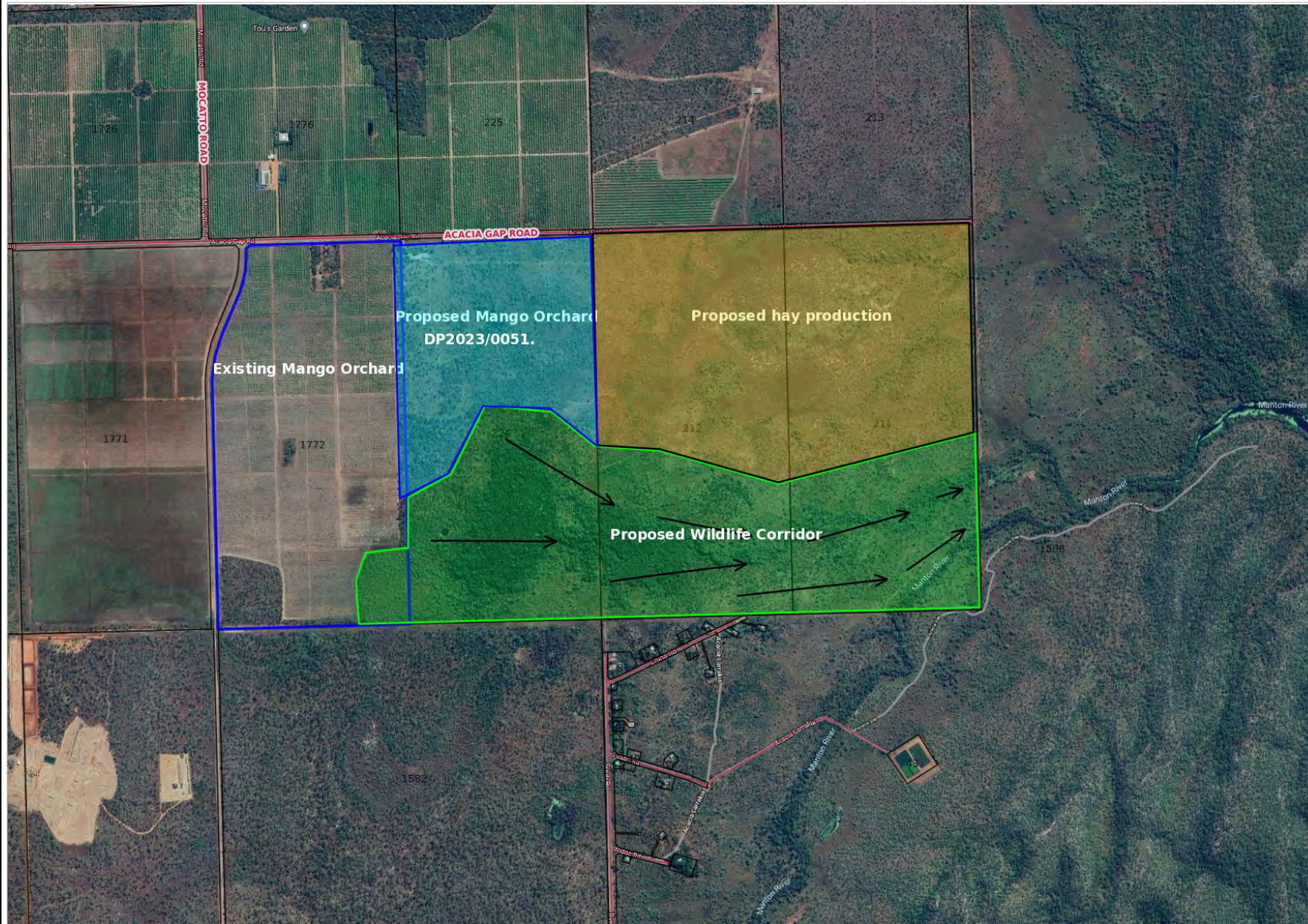
Attachment 7. NR Maps Screenshot Threatened flora and fauna and sites of conservation significance

The screenshot displays the NR Maps web application interface. At the top, the browser address bar shows the URL [nrmaps.nt.gov.au/nrmaps.html](https://nrmaps.nt.gov.au/nrmaps.html). The application header includes the Northern Territory Government logo and the Department of Environment, Parks and Water Security. The main title is "NR MAPS NATURAL RESOURCE MAPS".

The interface features a top navigation bar with the "Active Layer" set to "Cadastral". A search bar on the right contains the number "230". Below the header is a toolbar with icons for map navigation and a "Layers" panel on the left. The "Layers" panel is expanded to show the "Biodiversity" section, which includes "Flora Atlas" (with sub-layers for Threatened, Restricted Range, Significant, Native, and Introduced Flora) and "Fauna Atlas" (with sub-layers for Threatened, Significant, Native, and Introduced Fauna, Waterbird Colonies, and Seabird Colonies). Under "Significant Biodiversity Areas", the "Sites of Conservation Significance" layer is selected and highlighted in blue. Other layers include "Marine", "Development Opportunities", "Environment", "Fire", "Land", "Maps", "Parks and Culture", "Vegetation", "Water", and "Land Administration".

The main map area shows an aerial view of land parcels with various colored overlays. Red dots indicate specific sites of conservation significance. Labels on the map include "CATTOR ROAD", "ACACIA GAP ROAD", "Manton River", and "Manton". A scale bar at the bottom indicates a scale of 1:18,056, and the coordinates are given as Latitude / Longitude: -12.80599, 131.15296 GDA94. A "Transparency" slider is also visible at the bottom right.

The URL <https://nrmaps.nt.gov.au/nrmaps.html#> is shown at the bottom left, and a Creative Commons BY license icon is at the bottom center.



Legend



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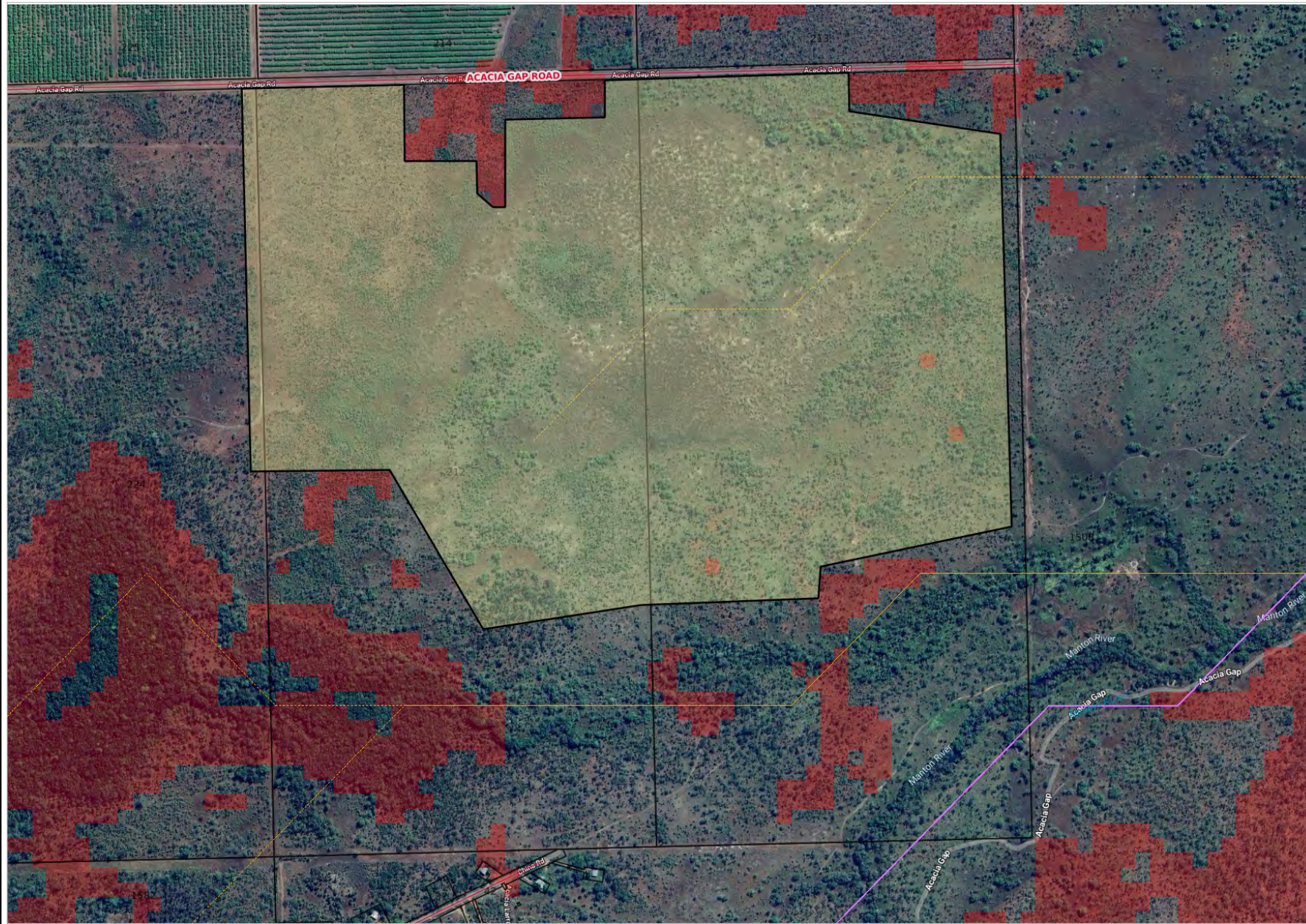
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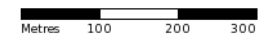


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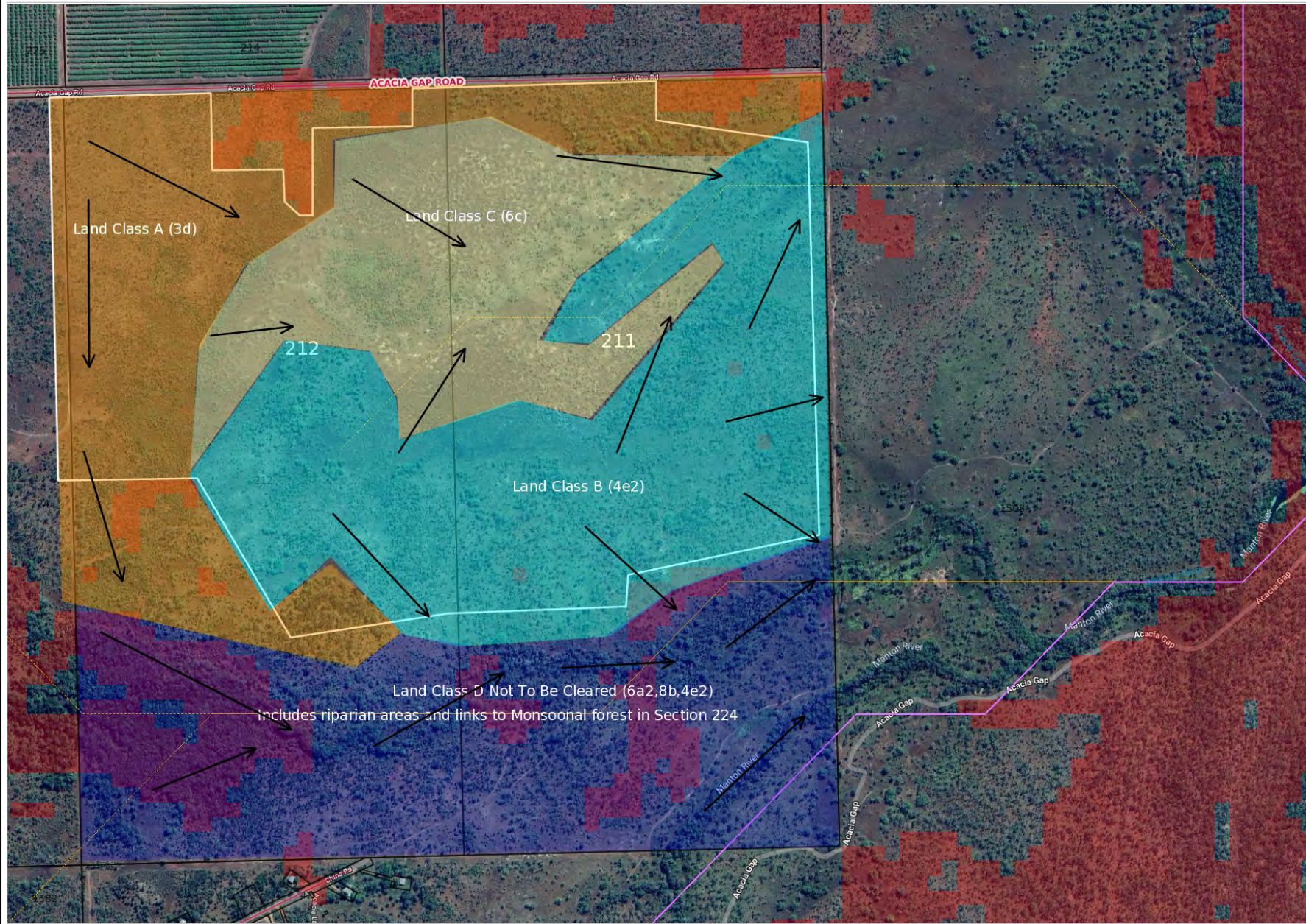


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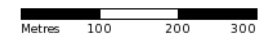


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- 5 (dashed green line)
- 6 (dashed cyan line)
- 7 (dashed blue line)

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## Attachment 12. Heritage Search

ntlis.nt.gov.au/heritageregister/f?p=103:301:.....

**NORTHERN TERRITORY GOVERNMENT**

**Heritage Council**  
Northern Territory

[Back to search](#)

Filtered by: [Acacia Gap Rd](#) [Manton](#) [Hundred of Colton](#) [211,212](#)

### Search Results

No results found

If you have any questions or want more information about sites with restricted or limited access call Heritage NT (08) 8999 5039 or email [Heritage.Branch@nt.gov.au](mailto:Heritage.Branch@nt.gov.au)



**Aboriginal Areas  
Protection Authority**

protecting sacred sites across the territory

**Our File:** RI2022/809  
**In Reply Please Quote:** 202216270

Greg Owens  
GPO Box 502  
HUMPTY DOO, NT, 0836

**ATTENTION:** Gregory Owens

**RE:** Abstract of Records - Section 224 Acacia Gap Rd Manton Hundred of Colton - 202216270

On 2nd November 2022 the Aboriginal Areas Protection Authority (the **Authority**) received your application for an abstract of records under regulation 7 of the *Northern Territory Aboriginal Sacred Sites Regulations 2004* (NT) (the **Regulations**).

The contents of this letter and the enclosed map comprise the abstract which is hereby provided to you for the purposes of regulation 7(3). I advise, in accordance with regulation 7(3)(a), that for the parcel of land the subject of this abstract:

- i. there are currently no registered sacred sites located on the parcel of land;
- ii. there are currently no recorded sacred sites located on the parcel of land;
- iii. there are currently no restricted work areas in the parcel of land which are provided for in Authority Certificate;

The map enclosed provides an overview of any registered or recorded sacred sites and restricted work areas described above. The information provided to you in this abstract is for information purposes only and cannot be relied upon as an exhaustive list of sacred sites in the area. There may be other sacred sites in the parcel of land of which the Authority is not yet aware.

A person is only permitted to enter and remain on a sacred site, carry out works on a sacred site, or make use of a sacred site in accordance with an Authority Certificate granted by the Authority (refer ss22 and 25 of the Act, also see ss34 and 35). Should you desire to do any of these things please make an application for an Authority Certificate. Further information about this process can be found here – <https://www.ntlis.nt.gov.au/aapa-online/auth/login>. Undertaking any of these acts without an Authority Certificate puts you at risk of prosecution under the Act (refer ss33-35). This abstract does not protect you in any way for your acts and is not an Authority Certificate.

The current Act and Regulations can be found online here - <https://legislation.nt.gov.au/>. Please ensure you are familiar with the legislation, particularly the offences in relation to sacred sites and the processes involved for obtaining an Authority Certificate if and when you require one.

Further information concerning abstracts and requests for information from the Authority can be found in the frequently asked questions (**FAQs**) which can be found online here– <https://www.aapant.org.au/our-services/request-information-0#faq1>.

The cost of providing the information set out in this letter and the attached map is \$29 (GST inclusive if applicable) and an invoice will be issued to you by the Department of Corporate and Digital Development.

If you have any queries, please do not hesitate to contact the Registrar via email through [enquiries.aapa@nt.gov.au](mailto:enquiries.aapa@nt.gov.au) or (08) 8999 4356.

Yours sincerely,

Wendy Forscutt  
ACTING REGISTRAR

**9th November 2022**

**Darwin**  
P: +61 (08) 8999 4365  
F: +61 (08) 8999 4334  
[www.aapant.org.au](http://www.aapant.org.au)  
[enquiries.aapa@nt.gov.au](mailto:enquiries.aapa@nt.gov.au)  
4th Floor, R.C.G Centre  
47 Mitchell Street DARWIN NT  
GPO Box 1890, DARWIN NT 0801

**Alice Springs**  
P: +61 (08) 8951 5023  
F: +61 (08) 8951 7398  
[www.aapant.org.au](http://www.aapant.org.au)  
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1st Floor, NT House  
44 Bath Street ALICE SPRINGS NT  
All mail to Darwin GPO



**Aboriginal Areas  
Protection Authority**  
protecting sacred sites across the territory

**Our File:** RI2023/579  
**In Reply Please Quote:** 202309981

Greg Owens  
GPO Box 502  
HUMPTY DOO, NT, 0836

**ATTENTION:** Greg Owens

**RE:** Abstract of Records - Sections 211 and 212 Acacia Gap Rd Manton Native vegetation - 202309981

On 25th August 2023 the Aboriginal Areas Protection Authority (the **Authority**) received your application for an abstract of records under regulation 7 of the *Northern Territory Aboriginal Sacred Sites Regulations 2004* (NT) (the **Regulations**).

The contents of this letter and the enclosed map comprise the abstract which is hereby provided to you for the purposes of regulation 7(3). I advise, in accordance with regulation 7(3)(a), that for the parcel of land the subject of this abstract:

- i. there are currently no registered sacred sites located on the parcel of land;
- ii. there are currently no recorded sacred sites located on the parcel of land;
- iii. there are currently no restricted work areas in the parcel of land which are provided for in Authority Certificate;

The map enclosed provides an overview of any registered or recorded sacred sites and restricted work areas described above. The information provided to you in this abstract is for information purposes only and cannot be relied upon as an exhaustive list of sacred sites in the area. There may be other sacred sites in the parcel of land of which the Authority is not yet aware.

A person is only permitted to enter and remain on a sacred site, carry out works on a sacred site, or make use of a sacred site in accordance with an Authority Certificate granted by the Authority (refer ss22 and 25 of the Act, also see ss34 and 35). Should you desire to do any of these things please make an application for an Authority Certificate. Further information about this process can be found here – <https://www.ntlis.nt.gov.au/aapa-online/auth/login>. Undertaking any of these acts without an Authority Certificate puts you at risk of prosecution under the Act (refer ss33-35). This abstract does not protect you in any way for your acts and is not an Authority Certificate.

The current Act and Regulations can be found online here - <https://legislation.nt.gov.au/>. Please ensure you are familiar with the legislation, particularly the offences in relation to sacred sites and the processes involved for obtaining an Authority Certificate if and when you require one.

Further information concerning abstracts and requests for information from the Authority can be found in the frequently asked questions (**FAQs**) which can be found online here – <https://www.aapant.org.au/our-services/request-information-0#faq1>.

The cost of providing the information set out in this letter and the attached map is \$62 (GST inclusive if applicable) and an invoice will be issued to you by the Department of Corporate and Digital Development.

If you have any queries, please do not hesitate to contact the Registrar via email through [enquiries.aapa@nt.gov.au](mailto:enquiries.aapa@nt.gov.au) or (08) 8999 4356.


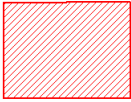



Yours sincerely,

Wendy Forscutt  
ACTING REGISTRAR  
28<sup>th</sup> August 2023



## Frequently Asked Questions

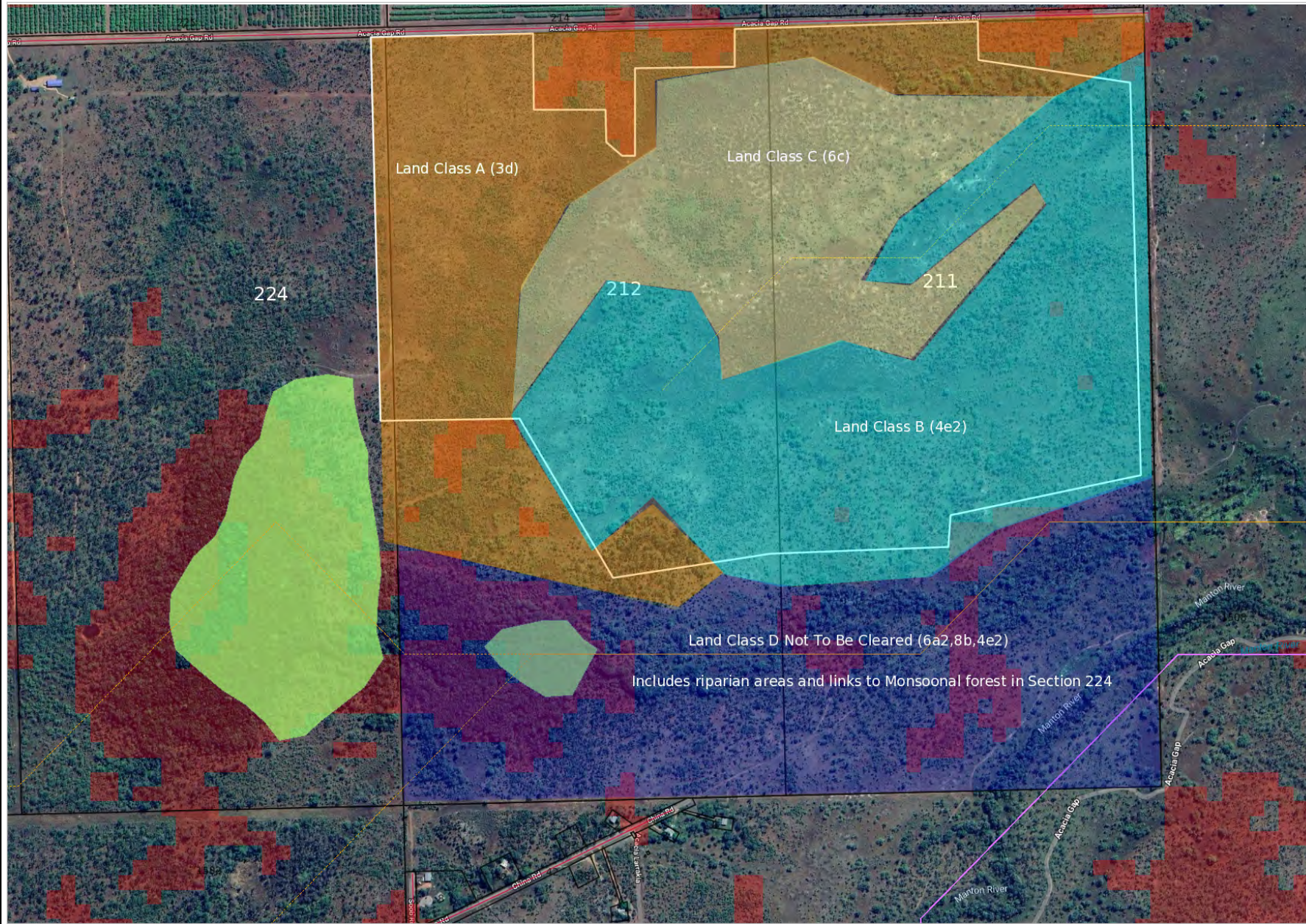
In these FAQs, a reference to:

- "the Act" is a reference to the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT); and
  - "the Regulations" is a reference to the *Northern Territory Aboriginal Sacred Sites Regulations 2004* (NT).
- The Act and Regulations can be found here - <https://legislation.nt.gov.au/>.

Question	Answer
<p><b>What is a sacred site?</b></p>	<p>The term "sacred site" is defined in s3 of the Act by reference to its meaning in the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) which provides a sacred site is "a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition".</p>
<p><b>What is a registered sacred site?</b></p>	<p>A registered sacred site is indicated on the map by this symbol: </p> <p>The site number is indicated on the map by a number in the following format XXXX-XX.</p> <p>A registered sacred site is a site that has been added to the Register of Sacred Sites maintained by the Authority following the process set out in Part III Division 2 of the Act.</p> <p>The effect of registering a sacred site is set out in s45 of the Act.</p> <p>The extent of a registered site is the red hatched area: </p>
<p><b>What is a recorded sacred site?</b></p>	<p>A recorded sacred site is a site that is known to the Authority but has not been registered and includes recorded sacred burial sites. The Authority may hold the information required to register the site should this become the wishes of the custodians. Alternatively, a recorded sacred site may still require further research in order to obtain all necessary information. The recorded coordinate point for a sacred site is a reference point only and does not necessarily indicate the location or extent of any specific site feature.</p> <p>A recorded sacred site point is indicated on the map by this symbol: </p> <p>A recorded sacred burial site is indicated on the map by this symbol: </p> <p>Note that recorded sites have not gone through the registration process set out in s28 of the Act. As such, the full extent of the sacred site may change upon registration. The extent of a recorded sacred site is the green hatched area. </p>
<p><b>The map shows that there are no registered or recorded sites in the area of interest.</b></p> <p><b>Does this mean I can proceed with my works?</b></p>	<p>Whether you proceed with your works is a decision for you however you should carefully consider the area concerned and the provisions of the Act (particularly those that address the protections an Authority Certificate provides and the punishments prescribed for the offences set out in Part IV of the Act).</p> <p>If there is no record of an Authority Certificate being issued over the area concerned, it is possible that there may be sacred sites that are not currently known to the Authority.</p>
<p><b>How long does it take to get an Authority Certificate?</b></p>	<p>The Authority takes an average of three months to produce an Authority Certificate. The timeframe will vary depending on various factors including the complexity of the proposed works, availability of custodians, remoteness, and access to land.</p>



Question	Answer
<p><b>How much does an Authority Certificate cost?</b></p>	<p>Division 1A and Division 1 of Part III of the Act set out the procedures for applications for Authority Certificates.</p> <p>The cost of an Authority Certificate differs depending on whether it is a “standard application” or a “non-standard application”. The classification of an application is determined by the Authority in accordance with the guidelines prescribed by Regulation 3 and set out at Schedule 1 to the Regulations.</p> <p>Standard applications will incur a fee in accordance with Schedule 4 of the Regulations.</p> <p>Non-standard applications are subject to charges which will depend on the nature of the application and the work required by the Authority. These charges are calculated by the Authority in accordance with Regulation 6 of the Regulations. If you submit an application that is determined to be a non-standard application, the Authority will provide you with an estimate of charges for your consideration and approval.</p>
<p><b>What information is on the Register of Sacred Sites?</b></p>	<p>The information on the Register of Sacred Sites differs due to the information available and the information permitted by the custodians of the sacred site to be recorded. Please refer to section 29 of the Act for further information. However, generally the Register of Sacred Sites may include the following types of information in relation to a sacred site:</p> <ul style="list-style-type: none"> <li>• the coordinate point of the site (NB: the coordinate point for a sacred site is a reference point only and does not necessarily indicate the location or extent of any specific site feature);</li> <li>• features of the site;</li> <li>• geographic description;</li> <li>• custodian group details; and</li> <li>• Aboriginal traditions associated with the site.</li> </ul>
<p><b>How do I inspect the Register of Sacred Sites?</b></p>	<p>Section 48 of the Act allows a person to apply to the Authority to inspect the Register of Sacred Sites.</p> <p>The viewing will take place in the Authority’s offices, which are located in Darwin and Alice Springs. No hard or soft copies of the Register will be provided and photographs of the Register are prohibited.</p> <p>Information that is of a sensitive commercial nature or relates to matters required to be kept secret according to Aboriginal tradition will not be provided.</p> <p>To view the Register of Sacred Sites please apply online. You must specify the sites or certificates that you would like to view (see the map for the relevant numbers). A staff member will then contact you to organise an inspection time in either our Darwin or Alice Springs office.</p> <p>In accordance with regulation 8 and with reference to item 2 of Schedule 4 to the Regulations, the fee payable to inspect the Register of Sacred Sites is 23 revenue units per sacred site.</p>
<p><b>Authority Certificate Records are available for Public Inspection in the area of interest. What does this mean?</b></p>	<p>Areas over which the Authority has previously issued an Authority Certificate are indicated on the map by this hatching: </p> <p>In an abstract provided by the Authority pursuant to regulation 7(3) of the Regulations, areas over which the Authority has previously issued an Authority Certificate are indicated on the map.</p> <p>For these areas, the Authority has consulted custodians for the area in the past about prior works. There may be conditions in the Authority Certificate. These conditions will relate to the works covered by that certificate only.</p> <p>You cannot rely on an Authority Certificate that was issued to another person.</p> <p>If there is a record of an Authority Certificate being issued over the area concerned, that certificate only applies to those prior works and will not provide any protection for your works.</p>
<p><b>There are restricted work areas in the area of interest. What does this mean?</b></p>	<p>In an abstract provided by the Authority pursuant to regulation 7(3) of the Regulations, a restricted work area will be indicated on the map by this hatching: </p> <p>A restricted work area relates to an area identified in an issued Authority Certificate. It is an area that had restrictions on the kind of activities that were permitted (or not permitted) in the area.</p>



### Legend

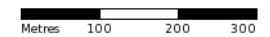
Stream Order

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Rainforests

- Allosyncarpia
- Dry
- Riparian
- Spring

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[nrmmaps.nt.gov.au](http://nrmmaps.nt.gov.au)

Geospatial Services Branch

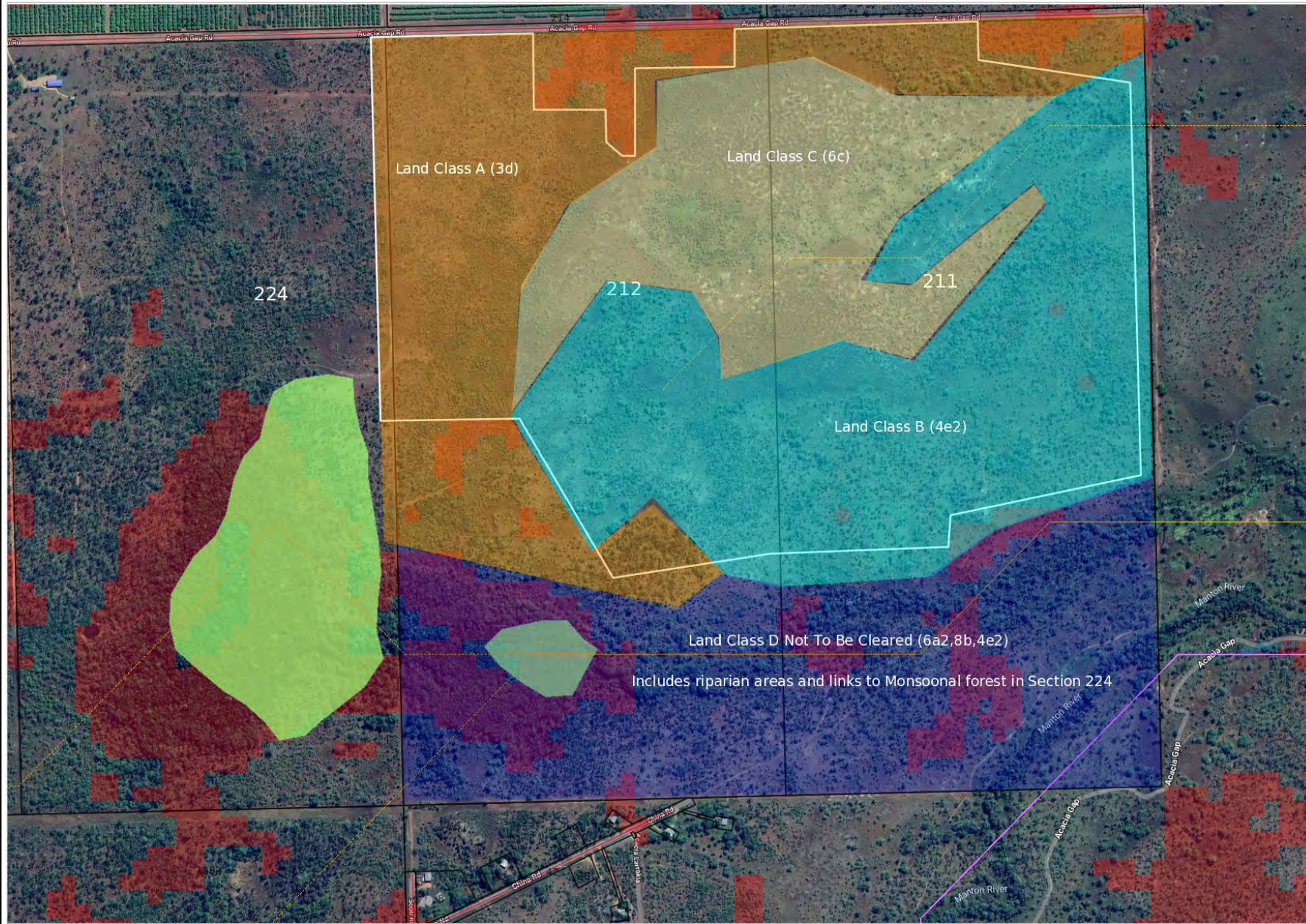


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Department of Environment, Parks and Water Security

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### Legend

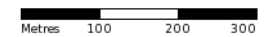
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




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Department of Environment, Parks and Water Security

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Question	Answer
<p>Can I see the Authority Certificate records that are available for public inspection over the area of interest?</p>	<p>Yes. The Authority will provide access to information on prior Authority Certificates that have been issued in the area of interest. An application may be made pursuant to section 48.</p> <p>You will be provided with a list of Authority Certificates granted or refused over the area of interest, including the conditions for any works that may have been proposed for that area. The conditions listed in a prior Authority Certificate are for the works stated in that particular Certificate. Restrictions on works can vary. Sometimes an Authority Certificate will prohibit any work in the area or will prevent certain activities, such as ground disturbing work, damage to trees, or the removal of sand or gravel. The conditions in a certificate are specific to each application and depend on the works proposed.</p> <p>The viewing will take place in the Authority's offices, which are located in Darwin and Alice Springs. No hard or soft copies of the Register will be provided and photographs of the Register are prohibited.</p> <p>Information that is of a sensitive commercial nature or relates to matters required to be kept secret according to Aboriginal tradition will not be provided.</p> <p>To view Authority Certificates that have been previously issued or refused in your area of interest, please apply online. You must specify the sites or certificates that you would like to view. The map contained in this letter will contain relevant record reference numbers. A staff member will then contact you to organise an inspection time in either our Darwin or Alice Springs office.</p> <p>In accordance with regulation 8 and with reference to item 3 of Schedule 4 to the Regulations, the fee payable to inspect the Register of Sacred Sites is 23 revenue units per inspection of Authority Certificate application and related Certificate or refusal.</p>
<p>No Authority Certificates have been issued in the area of interest. What does this mean?</p>	<p>Areas where the Authority has not issued an Authority Certificate are indicated on the  map by this shading:</p> <p>In an abstract provided by the Authority pursuant to regulation 7(3) of the Regulations, areas where the Authority has not issued an Authority Certificate are indicated on the map. These are areas where the Authority has not undertaken anthropological research. The Authority may not have records of the sacred sites in this area. It means that there may be sites in the area and work should only proceed with an Authority Certificate, which will be issued after the Authority has spoken with custodians in the area.</p>
<p>There are "other sites" in the area of interest. What does this mean?</p>	<p>Other sites are shown on the map by this symbol: </p> <p>In an abstract provided by the Authority pursuant to regulation 7(3) of the Regulations, other sites (where known) are shown on the map. Other sites include archaeological places or sacred objects. These places and objects are protected under the <i>Heritage Act 2011</i> (NT).</p>
<p>There is a burial site in the area of interest. What does this mean?</p>	<p>Burial sites are shown on the map by this symbol: </p> <p>In an abstract provided by the Authority pursuant to regulation 7(3) of the Regulations, burial sites (where known) are shown on the map.</p> <p>Under the <i>Criminal Code Act 1983</i> (NT) it is an offence to interfere with remains of a deceased person. It is also an offence contrary to the <i>Heritage Act 2011</i> to interfere with the remains of a deceased Aboriginal person without authorisation under that Act. In the event that any skeletal remains are unearthed, it is your responsibility to stop works and immediately report such disturbance to the NT Police and the Director Heritage Branch, Department of Territory Families, Housing and Communities.</p> <p>For further information, please contact the Director Heritage Branch, Department of Territory Families, Housing and Communities on (08) 8999 5051 or email <a href="mailto:heritage.branch@nt.gov.au">heritage.branch@nt.gov.au</a>.</p>
<p>I know the custodians of the sites in the area of interest. Do I still need an Authority Certificate?</p>	<p>Yes. An Authority Certificate provides a defence against prosecution under the Act as long as the conditions of the Certificate are adhered to. The Authority can only issue an Authority Certificate if it is satisfied of the matters set out in s22 of the Act.</p>

Question	Answer
<p><b>I own the land that is the area of interest. Do I still need an Authority Certificate?</b></p>	<p>The rights of land owners are preserved under s44(1) of the Act. Ownership of the land, however, will not defend you against a prosecution under the Act in the event a sacred site is damaged. Only an Authority Certificate can do this. Owners of land that may include sacred sites should ensure they consider the Act and whether they may require an Authority Certificate for their use of the land.</p>
<p><b>Can I share my abstract of records with other people?</b></p>	<p>No. It is an offence under s38 of the Act to permit access to, or furnish a document produced for a purpose of the Act without permission of the Authority.</p> <p>The abstract of records has been provided to you by the Authority for the limited purpose of your consideration. Should you wish to share the abstract, you should write to the Authority seeking permission under s38(1) of the Act. You should detail the purpose of sharing the abstract of records.</p>
<p><b>Can I publish the abstract of records?</b></p>	<p>No. It is an offence under s38 of the Act to permit access to, or furnish a document produced for a purpose of the Act without permission of the Authority.</p> <p>The abstract of records has been provided to you by the Authority for the limited purpose of your consideration. Should you wish to publish the abstract, you should write to the Authority seeking permission under s38(1) of the Act. You should detail the purpose of publishing the abstract of records.</p>

**Abstract of Authority's  
Records - Regulation 7(3)(b)  
- 202309981**

Provided to:  
Greg Owens

**ASSESSED AT 25/08/2023**

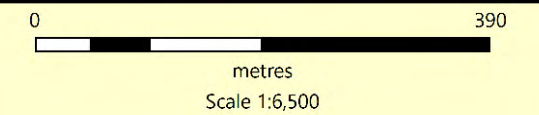
**This Abstract of Records is not an  
Authority Certificate. It is not for  
works, publication or distribution.**

**It is an offence under s.38 to publish or  
distribute this Abstract of Records  
without permission of the Authority.**




To seek an Authority Certificate from the Authority  
apply online at [www.aapant.org.au/our-services](http://www.aapant.org.au/our-services)

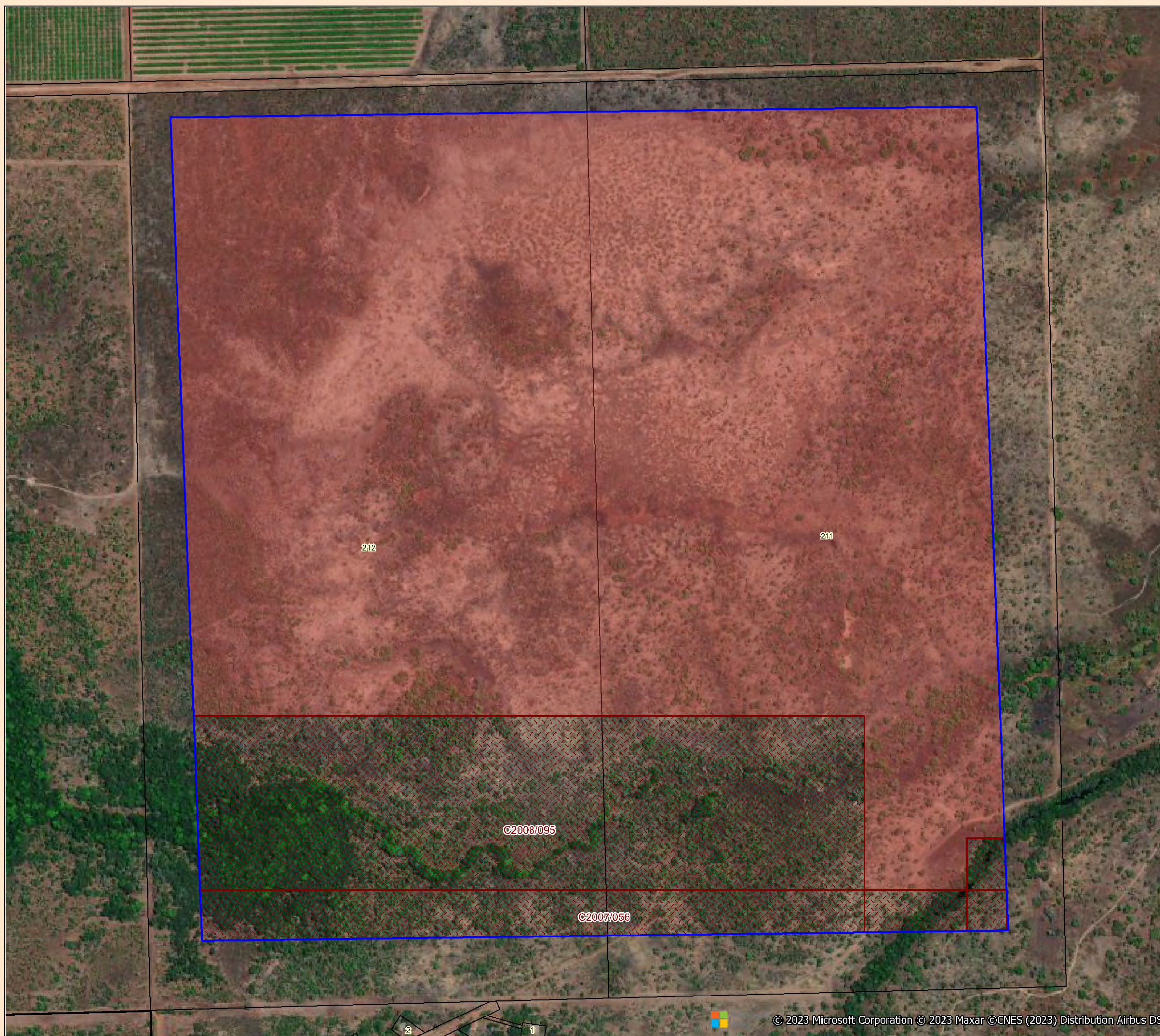
N.B. The Sacred Site point is indicative of the  
general sacred site location and does not necessarily represent the  
location of any specific feature of the sacred site or the site extent and  
is not an exhaustive record as unrecorded site may exist in the area

J2023 0652



**KEY**

-  Subject Land
-  Authority Certificate  
Records available for  
Public Inspection
-  No Records available  
for Public Inspection



**Aboriginal Areas  
Protection Authority**  
*protecting sacred sites across the territory*

*Prepared and produced by Aboriginal  
Areas Protection Authority (AAPA),  
Darwin, Northern Territory of Australia  
1/2 Northern Territory of Australia*

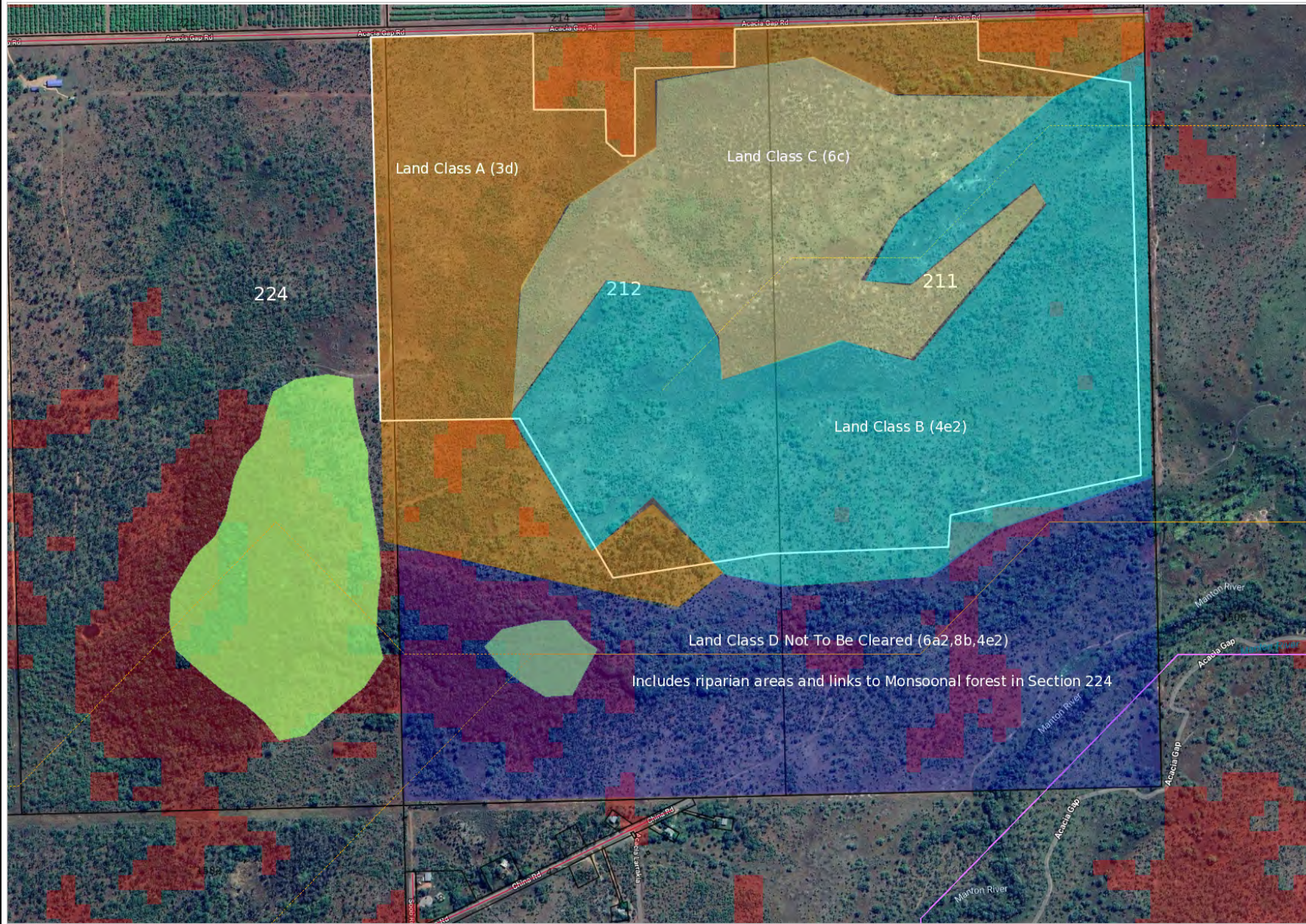
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Bathymetry Imagery  
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All rights reserved.*

## List of Records Available for Inspection

### Authority Certificates:

Cert No	With RWA	Superseded by
C2008/095	No	
C2007/056	No	



### Legend

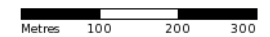
Stream Order

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Rainforests

- Allosyncarpia
- Dry
- Riparian
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slope\_GT\_2\_percent.alg



[nrmmaps.nt.gov.au](http://nrmmaps.nt.gov.au)

Geospatial Services Branch



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Department of Environment, Parks and Water Security

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Attachment 16

Photos for clearing application Sections 212 & 211 Acacia Gap Rd

Land type A Western side of Sections 212 and North edge of Sections 211 & 212, Soil type sites 1,3 & 4  
Moderately deep brown laterite (kandosols) soils

Soil site 1



Photo 1. Land type A.  
Site 1 North-Western corner regrowth from previous clearing



Photo 2. Land type A.  
Site 1. Brown laterite 70cm



Photo 3. Land type A.  
Site 3 Northern side of 211. Scattered weak growth



Photo 4. Land type A.  
Site 3. Brown laterite 45cm



Photo 5. Land Type A  
Site 4. Western side showing regrowth



Photo 6. Section Land Type A.  
Site 4. Brown laterite 30cm

Land type B Section 212 & 211

Plains, slopes 0 to 2%, with shallow, moderately drained grey sandy soils over yellow clay with varied laterite content, friable mottled yellow duplex (Hydrosol) soils. Some minor relief

Soil type sites 5,6 & 7



Photo 7. Land type B.  
Site 5. Grass, pandanus, thin melaleuca, swamp mahogany



Photo 8. Land type B.  
Site 5. Grey sandy clay to 60cm, some laterite



Photo 9. Land type B.  
Site 6. Grass, sparse pandanus, swamp mahogany



Photo 10. Land type B.  
Site 6. Grey sandy to light yellow clay 50cm, some laterite



Photo 11. Land type B  
Site 7. Northeast corner 211, scattered pandanus, green plum, cocky apple



Photo 12. Land type B  
Site 7. Grey sandy to yellow clay 70cm, some laterite

Land type N/C (not classified)

Black cracking clay found outside the Eastern boundary of section 211 on the boundary track.



Photo 13.  
Evidence of black cracking clay only found on the outside of the Eastern boundary fence line of 211 where erosion from vehicles in a wet spot.



Photo 14.  
Large swamp mahogany outside the Eastern boundary of 211 near the black cracking clay

Land Type C

light grey sandy soils with some laterite over yellow clay with some relief, as friable mottled yellow duplex (Hydrosol) soils.

Soil site 2



Photo 15. Land Type C.  
Regrowth of pandanus and melaleuca on section 212 that has been previously cleared



Photo 16. Land type C.  
light grey sandy soils with some laterite over yellow clay with some relief, 60cm deep



Photo 17. Land Type C.  
Sparse regrowth on Section 212



Photo 18. Land Type C.  
Surface grey sandy soil with some relief.

Land Type N/C (not classified):

Monsoonal Rain Forest and streams and riparian areas. Not to be cleared



Photo 19. Land type N/C.  
Western fence line approaching paperbark area  
Section 212



Photo 20. Land type N/C  
Tall paperbark area Section 212 and 224



Photo 21. Land type N/C.  
Eastern fence line approaching first stream crossing  
of boundary on Section 211. Limit of clearing

Photos for removal of Eastern buffer on 224

Land types from previous application

Land type 1 East side of Section 224 (well drained deep brown laterite kandosols) previous application



Photo 24. Land type A.  
Cleared area on Eastern boundary large Woollybutt  
and regrowth savannah species



Photo 25. Land type A.  
Section 224 Regrowth on cleared and unmanaged  
eastern side of 224



Photo 26. Land type A.  
Eastern fence-line of Section 224



Photo 28. Land type A.  
Regrowth along eastern fence-line of Section 224



Photo 29. Section 224 Land Type A  
Eastern soil profile deep laterite kandosols



Photo 30. Section 224 Land Type A.  
East soil depth 0.9m

#### Acacia Gap Rd photos



Photo 22 Acacia Gap Rd Northern side section 212  
Note heavy Gamba grass infestation



Photo 23 Acacia Gap Rd Northern side section 211  
Note severe erosion, due to lack of maintenance



**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act - sections 54 and 55*

**DEVELOPMENT PERMIT**

DP13/0525

**DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT**

Section 00224  
Hundred of Colton  
470 ACACIA GAP RD, MANTON

**APPROVED PURPOSE**

To use and develop the land for the purpose of clearing of native vegetation, in accordance with the attached schedule of conditions.

**VARIATIONS GRANTED**

Nil.

**BASE PERIOD OF THE PERMIT**

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.



**STEVEN KUBASIEWICZ**

Delegate  
Development Consent Authority

24/7/2013

## **DEVELOPMENT PERMIT**

DP13/0525

### **SCHEDULE OF CONDITIONS**

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) a buffer of at least 100 metres in width to the monsoon forest; and
  - b) a delineation between areas to be selectively cleared (of Ironwood and Cycad) and areas to be cleared of all native vegetation.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan is to address the clearing operation and use of the land for cattle grazing. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

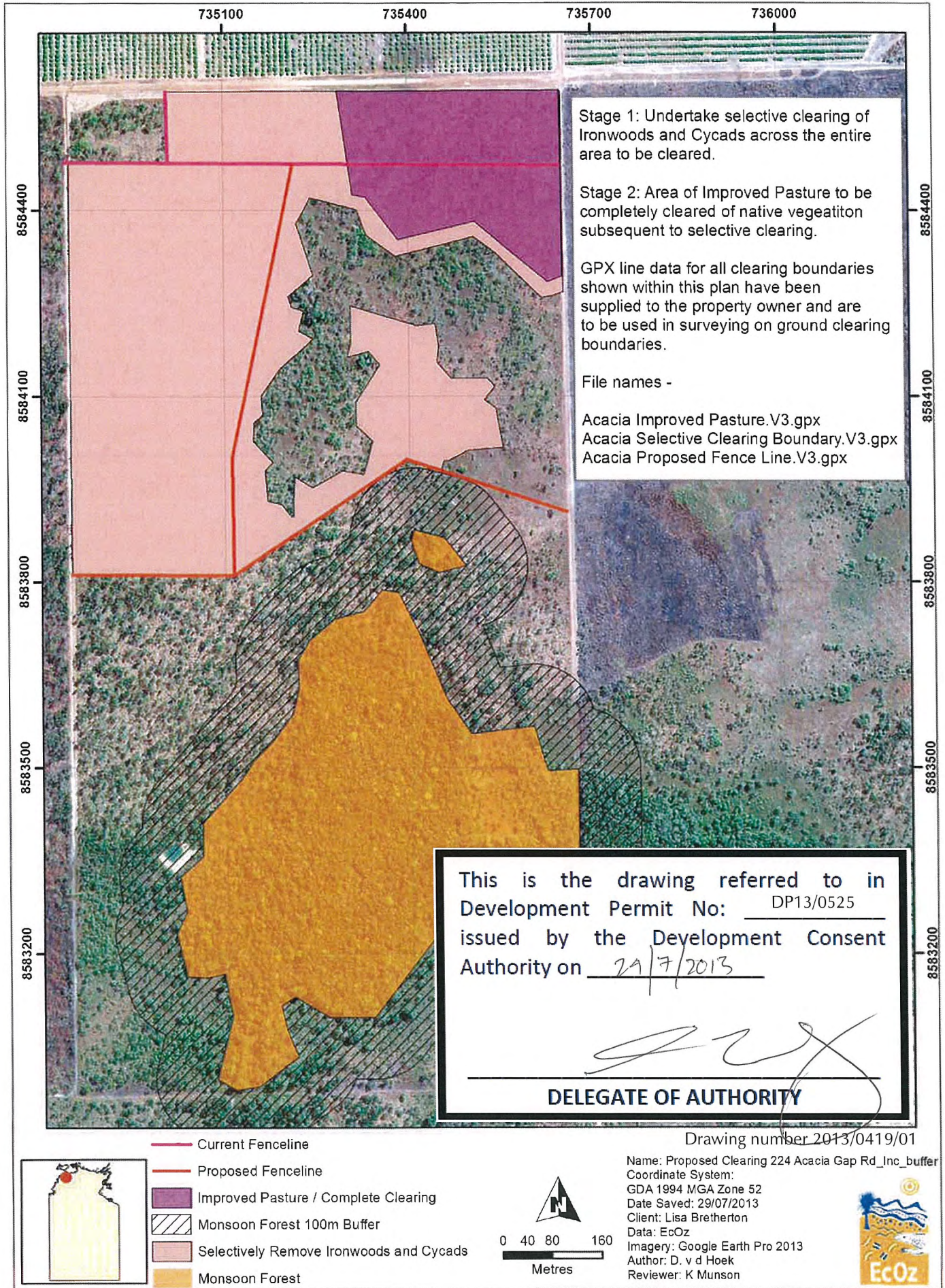
3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing to the satisfaction of the consent authority.
5. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
6. Before the vegetation removal starts, the extent of the buffer to the monsoon forest must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
7. Soil erosion control and dust control measures must be employed throughout the clearing operation and use of the land for cattle grazing to the satisfaction of the consent authority.

#### **NOTES**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is not substantially commenced within two years of the date of this permit;
  - or
  - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if an application is made in writing before the permit expires.

2. The Department of Land Resource Management advises that Cycads are a threatened species (Vulnerable) under the Territory Parks and Wildlife Conservation Act. The proponent should investigate options for the removal of the cycads rather than their destruction.
3. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.
6. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.
7. A groundwater extraction licence is required under the Water Act for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.



Stage 1: Undertake selective clearing of Ironwoods and Cycads across the entire area to be cleared.

Stage 2: Area of Improved Pasture to be completely cleared of native vegetation subsequent to selective clearing.

GPX line data for all clearing boundaries shown within this plan have been supplied to the property owner and are to be used in surveying on ground clearing boundaries.

File names -

Acacia Improved Pasture.V3.gpx  
 Acacia Selective Clearing Boundary.V3.gpx  
 Acacia Proposed Fence Line.V3.gpx

This is the drawing referred to in  
 Development Permit No: DP13/0525  
 issued by the Development Consent  
 Authority on 29/7/2013

*[Signature]*  
 DELEGATE OF AUTHORITY

Drawing number 2013/0419/01  
 Name: Proposed Clearing 224 Acacia Gap Rd\_Inc\_buffer  
 Coordinate System:  
 GDA 1994 MGA Zone 52  
 Date Saved: 29/07/2013  
 Client: Lisa Bretherton  
 Data: EcOz  
 Imagery: Google Earth Pro 2013  
 Author: D. v d Hoek  
 Reviewer: K Munson



# Proposed Clearing Section 224 Acacia Gap Rd

# **NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act 1999 - sections 54 and 55*

## **DEVELOPMENT PERMIT**

DP23/0051

### **DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT**

Section 01772  
Section 00224  
Hundred of Colton  
390 ACACIA GAP RD, MANTON  
470 ACACIA GAP RD, MANTON

### **APPROVED PURPOSE**

To use and develop the land for the purpose of clearing of native vegetation, in accordance with the attached schedule of conditions and the endorsed plans.

### **VARIATIONS GRANTED**

Nil.

### **BASE PERIOD OF THE PERMIT**

Subject to the provisions of sections 58, 59 and 59A of the *Planning Act 1999*, this permit will lapse two years from the date of issue.

**SUZANNE PHILIP**  
Delegate  
Development Consent Authority  
28th February 2023

## **DEVELOPMENT PERMIT**

DP23/0051

### **SCHEDULE OF CONDITIONS**

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, amended plans showing the precise dimensions of the footprint of the clearing must be submitted to and approved by the Department of Environment, Parks and Water Security, to the satisfaction of the consent authority. The amended plans must show the following:
  - a) A minimum native vegetation buffer of 250m to be retained around the outer edge of the rainforest patch within Section 224, with minor adjustments in areas that have already been planted;
  - b) A minimum native vegetation buffer of 25m along the eastern and northern boundaries of Section 224 and the removal of native vegetation buffer along the entire western boundary with Section 1772, Hundred of Colton; and
  - c) Any retained boundary buffer should account for an additional 10m to allow for the firebreak.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
5. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
6. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
7. Before the land clearing work commences, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment, Parks and Water Security).
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.

10. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

## Notes

1. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
2. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures available at <https://depws.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>
3. A permit to burn is required from the Regional Fire Control Officer, Department of Environment, Parks and Water Security, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.
4. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DEPWS.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

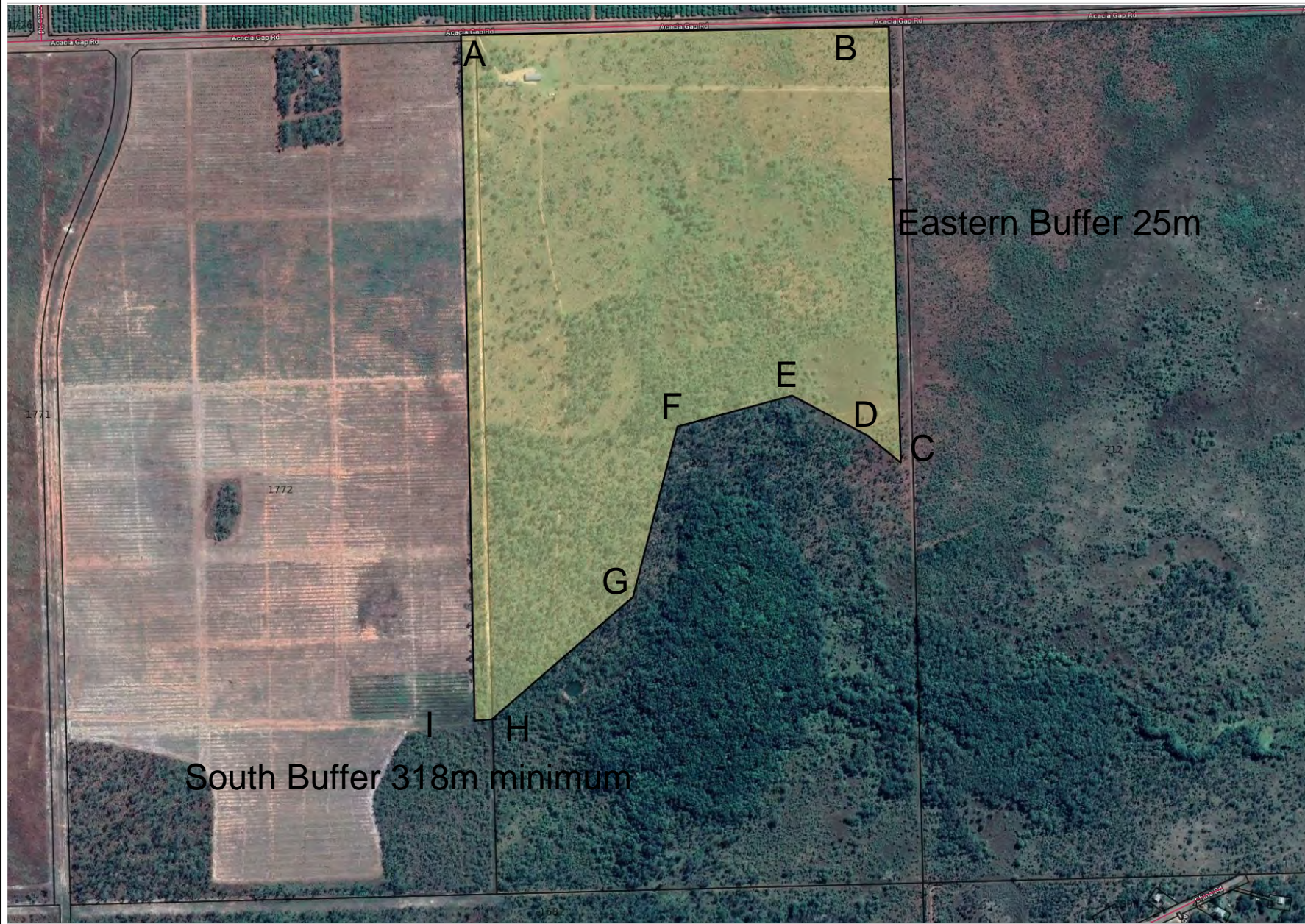
5. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Parks and Water Security.

6. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
7. A *Works Permit* is required from Litchfield Council before the commencement of any work within the road reserve, which would include the creation of any driveway crossover connecting to Litchfield Council's road network.



# NR MAPS

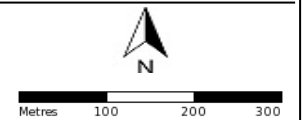
## Section 224&1772 Clearing Plan



**Legend**

GPS Co-ords (GD94)

A	-12.79476 131.16310
B	-12.79461 131.17058
C	-12.80197 131.17075
D	-12.80147 131.17023
E	-12.80083 131.16895
F	-12.80145 131.16701
G	-12.80432 131.16616
H	-12.80633 131.16363
I	-12.80633 131.16336



[nrmmaps.nt.gov.au](http://nrmmaps.nt.gov.au)

Geospatial Services Branch



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© Northern Territory Government

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act 1999 - Section 57(3)*

**VARIATION OF CONDITIONS**

DP23/0051A

**DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT**

Section 01772  
Section 00224  
Hundred of Colton  
390 ACACIA GAP RD, MANTON  
470 ACACIA GAP RD, MANTON

**VARIATION**

Consent is granted to vary Condition 1 of Development Permit DP23/0051 for the purpose of changes to northern boundary buffer at Section 1772 (390) and Section 224 (470) Acacia Gap Road, Manton, Hundred of Colton in accordance with the drawing/s numbered 2022/0454/01A, endorsed as forming part of this permit.

In all other respects Development Permit DP23/0051 remains unchanged.

**BASE PERIOD OF THE PERMIT**

This permit does not extend the base period of the original permit.

**SUZANNE PHILIP**  
Delegate  
Development Consent Authority  
25 October 2023

## **SCHEDULE OF CONDITIONS**

### **DEVELOPMENT PERMIT**

DP23/0051A

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, amended plans showing the precise dimensions of the footprint of the clearing must be submitted to and approved by the Department of Environment, Parks and Water Security, to the satisfaction of the consent authority. The amended plans must show the following:
  - a) A minimum native vegetation buffer of 250m to be retained around the outer edge of the rainforest patch within Section 224, with minor adjustments in areas that have already been planted;
  - b) A minimum native vegetation buffer of 25m along the eastern boundaries of Section 224 and the removal of native vegetation buffer along the entire western boundary with Section 1772, Hundred of Colton; and
  - c) Any retained boundary buffer should account for an additional 10m to allow for the firebreak.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with drawings numbered 2022/0454/01A endorsed as forming part of this permit.
3. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
4. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
5. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
6. Before the land clearing work commences, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment, Parks and Water Security).
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
9. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed

soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

## Notes

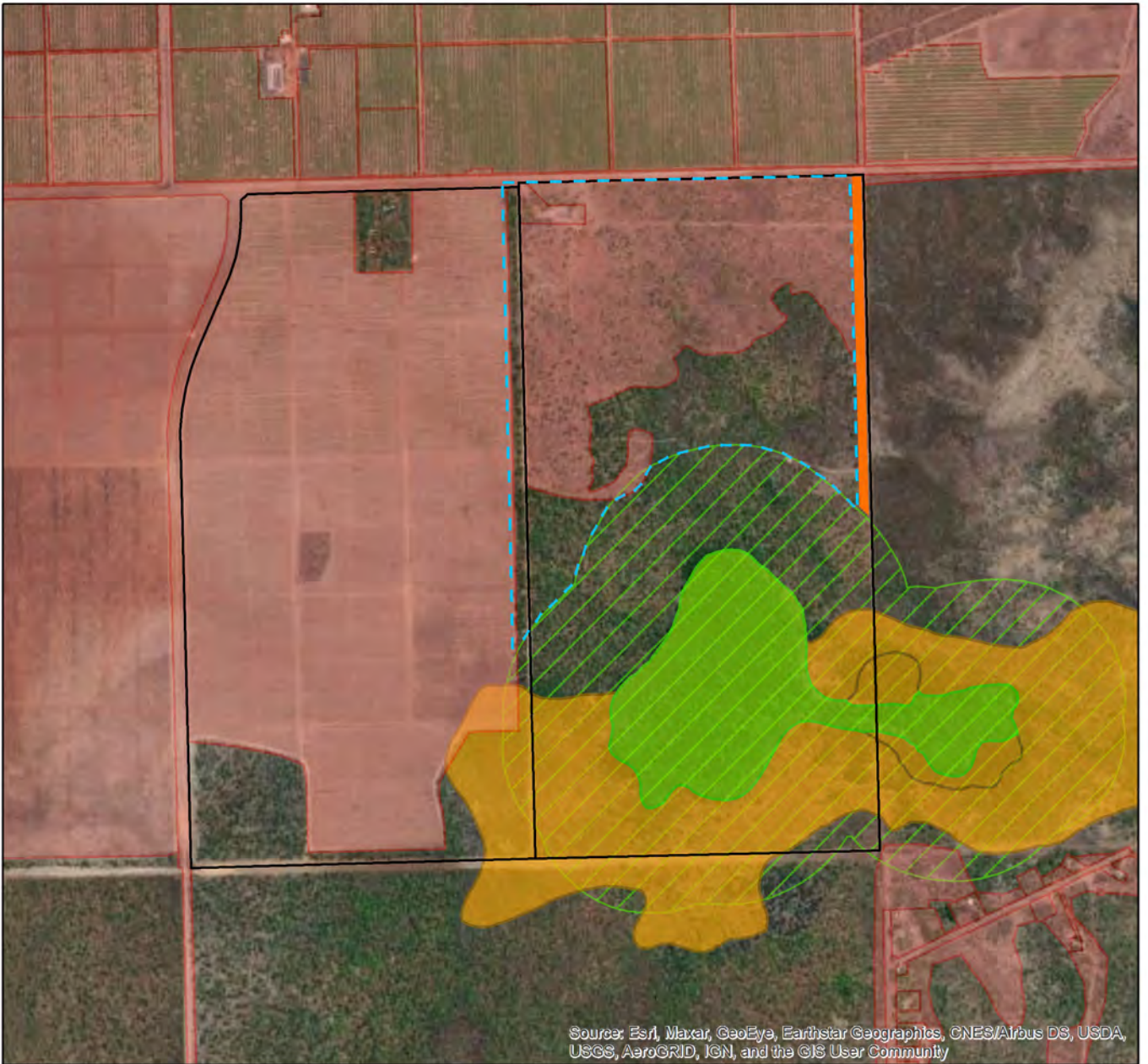
1. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
2. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures available at <https://depws.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>.
3. A permit to burn is required from the Regional Fire Control Officer, Department of Environment, Parks and Water Security, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.
4. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DEPWS.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

5. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Parks and Water Security.

6. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
7. A Works Permit is required from Litchfield Council before the commencement of any work within the road reserve, which would include the creation of any driveway crossover connecting to Litchfield Council's road network.

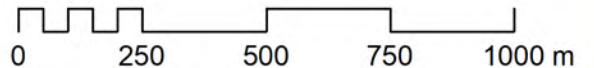
Revised Clearing Plan, Section 224 Hundred of Colton



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Legend**

- - - Clearing Plan
- Land Parcels selection
- NT clearing layer
- Native Vegetation East Boundary - 25m buffer
- Monsoon rainforest - 250m buffer
- Monsoon rainforest
- Lophostemon communities



**Drawing number** 2022/0454/01A  
**Referred to in Permit No:** DP23/0051A

**This document contains drawing numbers:** 2022/0454/01A  
**Referred to in Permit No:** DP23/0051A  
**Issued by the consent authority on:** 25 October 2023

*All drawings contained within this document have been authorised by the delegate of the consent authority.*

\_\_\_\_\_  
 Delegate

# Technical Assessment PA2024/0194

## TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No: PA2024/0194

Lot number: Section 211 (640), Section 212 (550) and Section 224 (470) Acacia Gap Road, Manton

Town/Hundred: Hundred of Colton.

Zone: R (Rural)

Site Area: Sec 211 (129.5ha) - proposed clearing of 79.2ha

Sec 212 (129.4ha) – proposed clearing of 76.8ha

Sec 224 (129.4ha) – proposed clearing area of approx. 2ha

Total area to be cleared across the 3 section approx. 158ha.

Proposal: Clearing of native vegetation.

Plans used for assessment: Provided in support of the application.

Date assessment finalised: 5 January 2025

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the below table:

Zone R (Rural)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Clearing of native vegetation	Impact assessable	3.2 CNV (Clearing of native vegetation)	N/A	5.7.1 Rural Development (Agriculture, horticulture, and intensive animal husbandry)

### Clause 1.8(1)(c)(v)

(c) Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Use and development of land requires consent and is Impact Assessable when any of the following apply:

- i. it is shown as Impact Assessable on the relevant assessment table in Part 4;
- ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
- iii. it is identified as Impact Assessable in Clause 1.9;
- iv. it is a Prohibited development which relates to a heritage place as set out in Clause 1.10(7)(b); or
- v. a provision of this Planning Scheme expressly requires assessment as Impact Assessable.**

**Part 3 Overlays - Clause 3.1.4 (c)**

4. Where an Overlay requires consent, the following level of assessment applies:

- (a) if shown as Permitted on the relevant assessment table in Part 4 it is Merit Assessable;
- (b) if shown as Merit Assessable on the relevant assessment table in Part 4 it is Impact Assessable;
- (c) all other development is Impact Assessable.**

The clearing of native vegetation is neither a permitted use or a merit assessable form of development in the zone.

**Clause 1.10 Exercise of Discretion by the Consent Authority**

4. In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

*This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.*



## 2.4 Strategic Framework

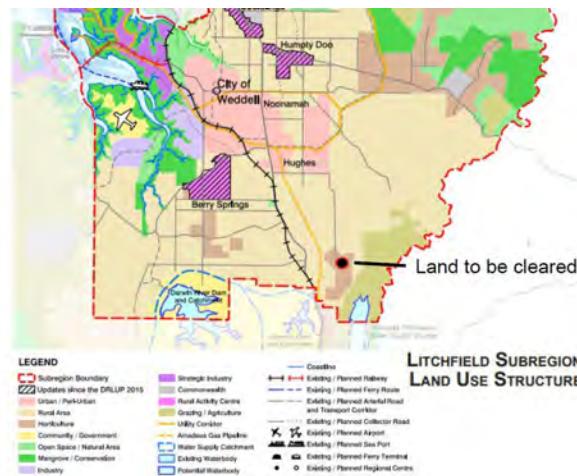
The following is relevant to the subject site.

Darwin Regional Land Use Plan (DRLUP) 2015

Litchfield Subregional Land Use Plan (LSLUP) 2016

The DRLUP 2015 identifies the land as having some agricultural value and is within the Acacia Hills water resources area. The LSLUP 2016 identifies the land as having horticultural potential. Parts of Sections 211, 212 and 224 are located within a Priority Environment Management Area (PEM).

The locality is surrounded by land identified as a rural area as shown on the map below.



The land is zoned R (Rural). The proposed development is compatible with the purpose and requirements of the zone. The clearing of native vegetation will facilitate the proposed development of hay production. The proposed development is not considered to conflict with the strategic framework.

**GENERALLY CONSISTENT.**

## 3.2 Overlay CNR (Clearing of native vegetation)

### Purpose

Identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:

- impact on the conservation values of land within Zone CN; or
- unreasonably contribute to environmental degradation of the locality.

### Administration

- The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
- Notwithstanding sub-clause 1, all clearing of native vegetation in Zone CN requires consent, other than as provided for by sub-clause 4.

3. The consent authority may consent to the clearing of native vegetation that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the site and the locality having regard to such matters as:

- (a) the suitability of the site for the proposed use;
- (b) the values associated with the environmental characteristics (as applicable);
- (c) the significance, extent and likelihood of any potential environmental impacts; and
- (d) the measures the application proposes will be implemented to mitigate any potential impacts.

4. This Overlay does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is for the purpose of:

- (a) a firebreak as specified by the Bushfires Management Act 2016 or the Fire and Emergency Act 1996, up to 5m wide along a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee;
- (b) an internal fence line up to 10m wide on a lot having an area greater than 8ha;
- (c) a road to access the land or other land; or
- (d) the maintenance and repair of public infrastructure.

#### Requirements

5. The clearing of native vegetation is to:

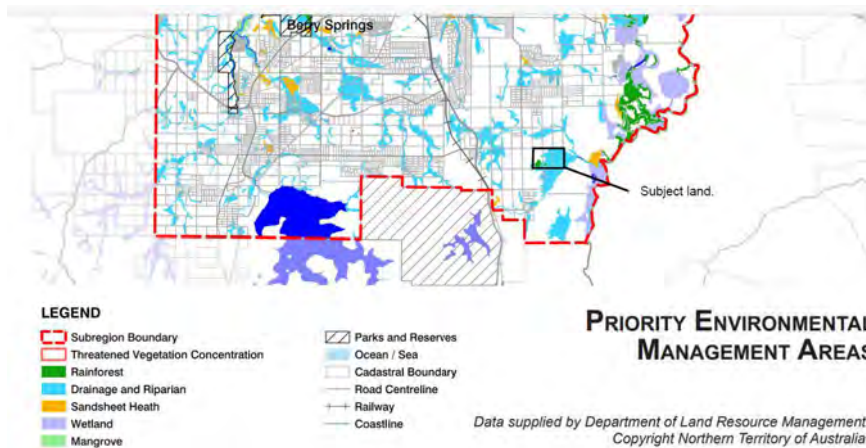
- (a) avoid impacts on environmentally significant or sensitive vegetation;
- (b) be based on land capability and suitability for the intended use;
- (c) avoid impacts on drainage areas, wetlands and waterways;
- (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
- (e) avoid impacts on highly erodible soils.

6. An application for the clearing of native vegetation is to demonstrate consideration of the following:

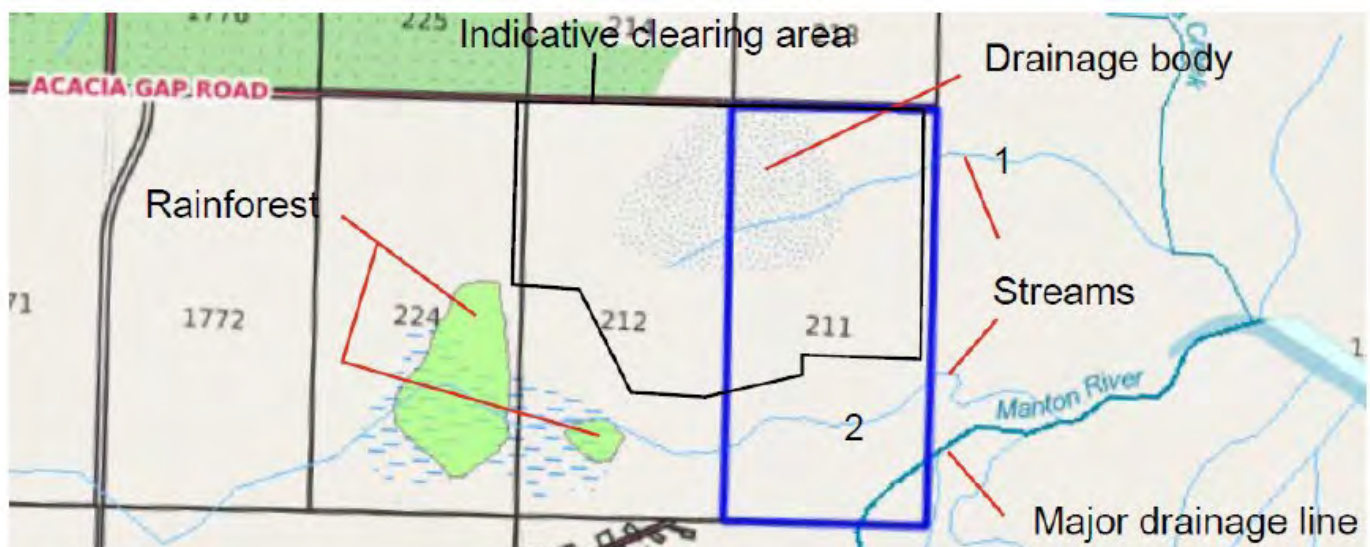
- (a) the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;
- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;
- (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
- (d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;
- (e) the impact of the clearing on regional biodiversity;
- (f) whether the clearing is necessary for the intended use;
- (g) whether there is sufficient water for the intended use;
- (h) whether the soils are suitable for the intended use;
- (i) whether the slope is suitable for the intended use;
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;
- (l) the retention of native vegetation buffers along boundaries;
- (m) the retention of native vegetation corridors between remnant native vegetation;
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.

The subject land is zoned R (Rural). In accordance with subclause 1 the clearing of native vegetation, of an area greater than 1ha (including any areas already cleared) requires consent. The application details that 79.2ha of Section 211 (129.5ha), 76.8ha of Section 212 (129.4ha) and a 25m wide buffer (approx. 2ha) to the eastern boundary of Section 224 (129.5ha) is to be cleared.

The Litchfield Subregional Land Use Plan 2016 identifies that parts of Sections 224 and 212 contain areas of rainforest. Significant portions of Sections 212 and 211 to be cleared are identified for their drainage and riparian values. These are shown below.



No clearing is proposed of the rainforest areas. The proposed clearing is to the north of the rainforest area. Clearing is proposed within riparian areas and drainage areas. NR Maps (as shown below) identify the characteristics of the area to be cleared and are relevant to the assessment of this application.



It is unclear from the plans what the buffer area is to be from the area to be cleared adjacent to the rainforest on section 224. Likewise the buffer area to the rainforest on section 212 is unclear. The Land Clearing Guidelines (LCG) include in the description of sensitive /significant vegetation communities, rainforests and riparian vegetation. Recommended buffers to rainforest areas is 250m.

Buffer widths for riparian vegetation are based on the stream order for the waterway. The LCG recommends a minimum buffer area for riparian vegetation of 25m and 50m for streams with an order of 1 and 2 respectively. No buffer areas are shown on the land clearing plan. In effect the riparian vegetation is to be removed to stream order 1 as identified above. It is unclear what the setback is to stream order 2

The LCG recommend a buffer width of 25m from the outer edge of a drainage depression. No buffer area is provided to the drainage body shown on the plans. The drainage depression is to be cleared.

No buffer areas are proposed to the Acacia Gap Road frontage for the areas to be cleared. The LCG recommend a buffer width of 50m of native vegetation. The stormwater drainage plan provided by the applicant indicates that the stormwater flows away from the road reserve.

The application identifies a wildlife corridor. Although not measured on the plans the buffer corridor appears to exceed the recommendations of the LCG that they be 100m wide. This is outside of the proposed clearing area.

The LCG recommend that boundary buffers for land parcels greater than 100ha provide a buffer area greater than 200m to boundaries. No buffer area is proposed between sections 224/212 and 212/211 where the clearing is proposed. A buffer area with a width of 25m is proposed to the eastern boundary where Section 211 abuts Section 1508 which is not a part of this application.

In summary the proposed clearing does not align with the recommended buffer areas of the LCG and includes the clearing of drainage areas and streams.

**DOES NOT COMPLY.**

---

## 4.21 Zone R - (Rural)

### Zone Purpose

*Provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where access to reticulated water and sewerage may not be available.*

### Zone Outcomes

1. Development for rural uses such as agriculture, horticulture, plant nursery, retail agricultural stall and stables.
2. Low density rural living, in the form of dwelling-single and dwelling-independent.
3. Development such as animal boarding, industry-primary, intensive animal husbandry and transport terminal, where the scale, intensity and nature of the activity is compatible with the rural character and amenity of the surrounding locality.
4. Development such as child care centre, residential care facility, education establishment, place of worship, or restaurant, where the nature of the activity does not compromise the primary use of the locality for rural activities.
5. Development is designed and sited to sensitively respond to the physical characteristics and constraints of land such as flooding, water logging, steep land, and bushfire hazard.
6. Subdivision design is informed by land suitability assessment to confirm adequate unconstrained land is available for rural development.
7. Subdivision provides for infrastructure and services that is appropriate to the locality and scale of development.
8. Development does not impose unsustainable demands on surface water and groundwater.
9. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

The clearing of native vegetation for the purpose of establishing hay production (agriculture) is generally consistent with the purpose of the zone.

**COMPLIES.**

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## 5.7.1 – Rural development (Agriculture, horticulture and intensive animal husbandry)

### *Purpose*

*Ensure that use of the land for agriculture, horticulture and intensive animal husbandry is appropriate for the land capability and can be conducted in a sustainable manner without detrimental impacts on the environment or adjoining properties.*

### *Administration*

*1. The consent authority must not consent to a use or development that is not in accordance with sub-clauses 2-4.*

### *Requirements*

*2. Rural development must be located, designed and operated so as to mitigate the risk of:*

*(a) pollution of ground and surface waters, including stormwater;*

*(b) erosion of the site or other land;*

*(c) nuisance to surrounding land arising from noise, dust, odour and other emissions or contaminants generated by the development*

*(d) be on a site of sufficient size to reasonably accommodate the development and mitigate potential nuisance arising from noise, dust, odour and other emissions or contaminants generated by the development;*

*(e) the spread of infectious disease or other health risk;*

*3. The use or development must be located on land capable and suitable for the use or development.*

*4. The use or development must have a sustainable water supply that is sufficient for the use or development.*

Mapping and comment provided by the applicant indicates that the site is covered by three land types, being A, B and C. From the information provided type C land is subject to inundation and in accordance with the LCG has extreme constraints that make it too severe to develop.

**MAY NOT COMPLY.**

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16 August 2024

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
Darwin NT 0801

**RE: Letter of Comment Development Application**

**PA2024/0194**

**Hun: 175 P: 00211 640 Acacia Gap Road MANTON, 550 Acacia Gap Road MANTON, 470 Acacia Gap Road MANTON, Hundred of Colton**

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Thank you for the Development Application referred to this office on 19/07/2024, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council does not support the granting of a Development Permit for the following reasons:**

- a) The proposed land clearing is quite substantial and whilst it is consistent with the area and provides expansion of an integral horticultural need for the Territory the application does not address the requirements of the Planning Scheme and only addresses the requirements of the Land Clearing Guidelines.
- b) The Land capability and land suitability assessments are a series of maps and does not provide adequate detail for the application.
- c) Further, the application does not address sustainable water supply.
- d) The statement of effect is a series of links to other information and does not detail the overall operation or address the impacts on surrounding infrastructure.

In summary, this application whilst on face value has a lot of information in actual fact contains very little information in order to provide adequate assessment and in the view of Council should be deferred until such time as it is deemed to address the requirements of the Planning Scheme.

**Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:**

- a) The crossovers and driveway shall meet Litchfield Council's requirements
- b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council.
- c) An Operational Environmental Management Plan (OEMP) that addresses the day to day waste management requirements for the use shall be prepared to the satisfaction of Litchfield Council. The use must at all times be conducted in accordance with the plan.
- d) A Traffic Management Plan for the construction phase of the development shall be submitted to and approved by Litchfield Council. The plan must address traffic control and haulage routes proposed for the development.
- e) A Traffic Impact Assessment Report, prepared by a suitably qualified traffic engineer in accordance with the AustRoads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities shall be submitted to and approved by Litchfield Council. The Traffic Impact Assessment report is to also include swept paths for any vehicles Class TB2 or larger (as defined in AustRoads 94) entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development to the requirements of Litchfield Council. The developer will be required to institute all required upgrade measures at no cost to Litchfield Council.

**Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:**

- a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
- b) No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and public street, to the satisfaction of Litchfield Council.
- c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

**Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:**

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 31.

If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Yours faithfully



Jaimie O'Connor  
Acting Planning & Development Program Leader



Phone 1800 245 092  
Web [powerwater.com.au](http://powerwater.com.au)

Record No: D2024/279142  
Container No: NE175/0211  
Your Ref: PA2024/0194

Steven Kubasiewicz  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Steven

**Re: Sections 211, 212 & 224 (640, 550 & 470) Acacia Gap Road Manton Hundred of Colton**

In response to your letter of the above proposal for the purpose of clearing of native vegetation for hay production, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection and requirement to the above proposal.

If you have any further queries, please contact the undersigned on 8924 5729 or email:  
[PowerDevelopment@powerwater.com.au](mailto:PowerDevelopment@powerwater.com.au)

Yours sincerely



Thanh Tang  
Manager Distribution Development  
23 July 2024



Container No: LD175/0211

DIPL - Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Steven,

**RE: PA2024/0194 - Section 0211 Hundred of Colton - 640 Acacia Gap Road Manton - Clearing of native vegetation**

In response to the above proposal for development application purposes, Power and Water Corporation (Water Services) advise the following with reference to water and sewer enquiries:

1. Reticulated water and sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
2. Power and Water have no objections or requirements for the proposed clearing of native vegetation.

If you have any further queries, please contact the undersigned on 8995 5884, or email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely,

Louise Galey

**Services Development**

29<sup>th</sup> July 2024

cc: Tou Saramat

email: [tou@tousgarden.com.au](mailto:tou@tousgarden.com.au)

Development Assessment Services  
[DAS.NTG@nt.gov.au](mailto:DAS.NTG@nt.gov.au)



**Aboriginal Areas  
Protection Authority**  
protecting sacred sites across the territory

Dear Development Assessment Services,

**PA2024/0194 – Section 00211, Section 00212 and Section 00224 Hundred of Colton – clearing of native vegetation**

We refer to the above application for a development permit.

Recommendation

The Aboriginal Areas Protection Authority (AAPA) **recommends that Mrs Tou Saramat apply for an Authority Certificate** in accordance with section 19B of the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Sacred Sites Act) prior to undertaking any development activity or other work in Section 00211, 00212 and Section 00224 Hundred of Colton. There is information on the AAPA homepage on how to apply for an [Authority Certificate](#).

The Abstract of Records issued by AAPA to Mr Gregory Owens RI 202216270 and RI 202309981 is not a conclusive statement about the extent of sacred sites in the subject land. The Abstract of Records is for general information purposes only and should not be relied upon by persons undertaking development activity.

AAPA's knowledge of sacred sites in Section 00211, 00212 and Section 00224 is inconclusive because majority of the subject land has not been fully surveyed and it is possible that there may be sacred sites that are not currently known to the Authority. An Authority Certificate issued under the Sacred Sites Act will, however, ensure the protection of sacred sites located on the land, providing both certainty and legal protection when conducting any development activity.

Background Information

AAPA is a statutory authority responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory.

The protection of sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage, for the benefit of all Territorians. AAPA seeks to strike a balance between the protection of sacred sites and development in the Northern Territory.

Yours sincerely,

Jayde Manning  
Ministerial/Policy Officer  
23 July 2024

cc: Mrs Tou Saramat – [tou@tousgarden.com.au](mailto:tou@tousgarden.com.au)

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1st Floor, NT House  
44 Bath Street ALICE SPRINGS NT  
All mail to Darwin GPO

25 July 2024

Dear Development Assessment Services

- **Re: Section 00211 Hundred of Colton, 640 Acacia Gap Rd, Manton NT, Section 00212 Hundred of Colton, 550 Acacia Gap Rd, Manton NT and Section 00224 Hundred of Colton, 470 Acacia Gap Rd, Manton NT**

Thank you for the opportunity to comment on the new development application over the above-mentioned parcels for the purpose of clearing native vegetation.

The Northern Territory Government's Heritage Branch administers the *Heritage Act 2011* and provides authoritative advice about obligations under the *Heritage Act 2011*, including steps to take to manage the impact of proposed work on Aboriginal and Macassan archaeological places and objects

It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to a declared heritage place, an Aboriginal or Macassan archaeological place or object.

The applicant conducted a search of the NT Heritage Register and did not contact the Heritage Branch prior to lodging this application. The NT Heritage Register only contains information about declared or provisionally declared heritage places. It does not include information that is on the Aboriginal archaeological sites database that is maintain by the Heritage Branch and only accessible via enquiry to the Branch.

The below advice is provided in lieu of this enquiry.

### **Relevant parts of the Northern Territory's *Heritage Act 2011***

Under the Northern Territory's Heritage Act 2011 (the Act):

1. All provisionally declared and declared heritage places and objects are protected under the Act;
2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;
3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;

5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast;
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects

### **Conditions of advice**

1. This advice is based on the description of the works provided to the Heritage Branch. If the work expands or changes significantly seek further advice.
2. In preparing this advice, the Heritage Branch has referred to the Northern Territory Heritage Register and the Heritage Branch archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the Northern Territory. However the database only includes information about known archaeological places. The fact that there are no known archaeological places recorded may be because no archaeological surveys have been conducted in that particular area, and is not necessarily an indication they do not exist.

### **Actions**

The following actions have been taken in relation to the enquiry.

- A search of the Northern Territory Heritage Register
- A search for known archaeological places located within the subject site on the Heritage Branch archaeological database;
- A search for known archaeological places located within the proximity of the subject site on the Heritage Branch archaeological database;
- The extent of pre-existing ground disturbance;
- The scale and nature of the work proposed (major, moderate or minor);
- Areas identified as being excluded from the work footprint e.g. riparian buffers; and
- An assessment of the likelihood of unrecorded archaeological places existing within the subject site, based on landscape features, known archaeological places in the vicinity, and other predictive tools.

### **Advice**

The search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subject area.

The search has found that there are no known Aboriginal or Macassan archaeological places within the subject site. The likelihood of possible unrecorded Aboriginal or Macassan archaeological places has been assessed as *possible*.

It is understood that the northern part of Lot 212 has been previously cleared in the past and there has been various other ground disturbances.

There are water courses on Lots 211, 212 and 224 and archaeological material has been located adjacent to watercourses in this region. It is understood that the proponent will buffer the

watercourses in accordance with the stream order and native vegetation guidelines. The watercourses should be ground-truthed on Lot 211 prior to clearing and buffered accordingly. A 100 metre buffer should be in place for the stream order 2 at the southern end of Lots 212 and 211.

Work should proceed with caution and if archaeological places are discovered over the course of the work, please establish an exclusion zone around the site and contact the Heritage Branch immediately.

Yours sincerely

Samantha Wells  
Senior Heritage Officer

Mr Steve Kubasiewicz  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Kubasiewicz

**Re: PA2024/0194 - Clearing of native vegetation – Sections 211, 212 & 224 Hundred of Colton**

The Department of Lands, Planning and Environment (DLPE) has assessed the information contained in the above application and provides the following comments:

**Flora and Fauna Divisions**

**Cumulative Impacts Assessment**

A cumulative impacts assessment on the vegetation community extent was undertaken using NT National Vegetation Information System (NTNVIS) mapping<sup>1</sup> as a baseline, updated as far as practicable to represent current intact native vegetation cover for the area to near-present day. Clearing data was compiled from NTNVIS mapping, DLPE clearing (or permitted to be cleared) areas data and Land Use Mapping (LUMP) data<sup>2</sup>. Although there are some deficiencies in the completeness and adequacy of these mapping products, for these analyses the data represents the best available continuous and consistently attributed mapping for the Northern Territory (NT). All area values were calculated using Geocentric Datum Of Australia 1994 (GDA94) Australian Albers projected coordinate system. The assessment was undertaken on 19 September 2024.

Section 211 is 127.4ha and is estimated to contain 125.47ha of intact native vegetation (98.48% of the property). The clearing application proposes to clear 77.42ha within Section 211, which would result in 37.71% of the property remaining as intact native vegetation. Two vegetation communities have been mapped within the proposed clearing area on Section 211. One community would have at least 43% of its baseline area remaining intact; and one community would have 0% of its baseline area remaining intact.

Section 212 is 129.4ha and is estimated to contain 128.61ha of intact native vegetation (99.39% of the property). The clearing application proposes to clear 74.26ha within Section 212, which would result in 42.0% of the property remaining as intact native vegetation. Two vegetation communities have been mapped within the proposed clearing area on Section 212. One community would have at least 52% of its

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<sup>1</sup> [http://www.ntlis.nt.gov.au/metadata/export\\_data?type=html&metadata\\_id=B75510B92F680755E040CD9B2144596C](http://www.ntlis.nt.gov.au/metadata/export_data?type=html&metadata_id=B75510B92F680755E040CD9B2144596C)

<sup>2</sup> [http://www.ntlis.nt.gov.au/metadata/export\\_data?type=html&metadata\\_id=ECEEDF0AD4826221E0532144CD9BC059](http://www.ntlis.nt.gov.au/metadata/export_data?type=html&metadata_id=ECEEDF0AD4826221E0532144CD9BC059)

baseline area remaining intact; and one community would have at least 5% of its baseline area remaining intact.

Section 224 is 129.35ha and is estimated to contain 57.94ha of intact native vegetation (44.79% of the property). The clearing application proposes to clear 0.81ha of Section 224, which would result in 44.17% of the property remaining as intact native vegetation. One vegetation community has been mapped within the proposed clearing area on Section 224. The community would have at least 44% of its baseline area remaining intact.

Sections 211, 212 and 224 Hundred of Colton occur within:

- The Pine Creek bioregion, which currently has intact native vegetation across 95.92% of its extent. Two vegetation communities have been mapped within the proposed clearing area. If the proposed clearing occurs, one community would have at least 96% of its baseline area remaining intact across the bioregion and one community would have at least 74% of its baseline area remaining intact.
- The Pine Creek subregion, which has the same extent as the Pine Creek bioregion.
- The Adelaide River catchment, which currently has intact native vegetation across 90.79% of its extent. Two vegetation communities of the Adelaide River catchment have been mapped within the proposed clearing area. If the proposed clearing occurs, both communities would have at least 86% of their baseline area remaining intact.

The proposed clearing is considered unlikely to have a significant impact on the regional extent of vegetation communities and associated biodiversity values. However, at a property scale there would be reductions to 37.71%, 42.0% and 44.17%, for Sections 211, 212 and 224 respectively, remaining as intact native vegetation (from 98.48%, 99.39% and 44.79%); including reductions to 0% and 5.77% of the baseline areas for one Melaleuca community which occurs in Sections 211 and 212. It is also noted that the NTNVIS mapping does not delineate the riparian and rainforest vegetation along the southern boundaries of the sections except along Manton River, and so the reduction in values for the Eucalyptus woodland community can be considered conservative.

### Threatened Species

Based on a review of fauna and flora records in DLPE databases within 10km of the property, and expert knowledge of species' habitat requirements, the Flora and Fauna Division considers that the following threatened species may occur within or immediately adjacent to the application area :

Common Name	Scientific Name	TWPC Act	EPBC Act
Northern Quoll	<i>Dasyurus hallucatus</i>	Critically Endangered	Endangered
Northern Brushtail Possum	<i>Trichosurus vulpecula arnhemensis</i>	-	Vulnerable
Northern Blue-tongue Skink	<i>Tiliqua scincoides intermedia</i>	-	Critically Endangered
Black-footed Tree Rat	<i>Mesembriomys gouldii</i>	Endangered	Endangered
Pale Field Rat	<i>Rattus tunneyi</i>	Vulnerable	-
Mertens' Water Monitor	<i>Varanus mertensi</i>	Vulnerable	Endangered



Common Name	Scientific Name	TWPC Act	EPBC Act
Mitchell's Water Monitor	<i>Varanus mitchelli</i>	Vulnerable	Critically Endangered
Partridge Pigeon	<i>Geophaps smithii</i>	Vulnerable	Vulnerable
Yellow-spotted Monitor	<i>Varanus panoptes</i>	Vulnerable	-
Darwin Cycad	<i>Cycas armstrongii</i>	Vulnerable	-
Typhonium	<i>Typhonium praetermissum</i>	Vulnerable	-

\* Territory Parks and Wildlife Conservation Act 1976

\*\* Environment Protection and Biodiversity Conservation Act 1999

**Northern Quoll:** Records suggest that the Northern Quoll may be present but rare and patchily distributed in the vicinity of the application area. The species was recorded in 2020 approximately 9km south of the application area along a ridgeline which extends to within 1km of the area. Given that parts of the section also comprise eucalyptus woodland, the species may occur on the property on occasions. The Flora and Fauna Division considers that the risks from the proposed clearing on this species are likely to be low, given the relatively small area of clearing compared to the amount of available habitat in the surrounding area (Table 1, **Attachment 1**).

**Northern Brushtail Possum:** This species is relatively common in the greater Darwin area and is expected to be present within the application area where there is mature woodland habitat and Monsoon Rainforest. The Flora and Fauna Division considers that the proposal poses a low risk to local and regional populations of the species due to the relatively small area being impacted, and the applicant's commitment to avoid clearing Monsoon Rainforest vegetation.

**Northern Blue-tongue Skink:** This species is generally associated with floodplain and riparian habitats but can occur in woodland habitats. There is potential for the species to be present onsite but in low densities due to historic declines and to the impacts from Cane Toads. The Flora and Fauna Division considers that the drainage depression contains suitable habitat for the species but if present, the species would likely occur in low densities. Further advice on the clearing of vegetation within the drainage depression is provided below. Clearing outside of this feature is unlikely to significantly impact the species or exacerbate existing threats from Cane Toads.

**Black-footed Tree-rat:** There are a small number of records of Black-footed Tree-rat in the vicinity of the application area, with the most recent in 2002. The majority of the area proposed to be cleared appears to be relatively sparse vegetation with limited habitat potential for the species. The Flora and Fauna Division considers that the proposed clearing poses a low risk to the species due to the relatively small amount of available habitat being impacted compared to the broader region (Table 1, **Attachment 1**).

**Pale Field Rat:** This species is generally associated with riparian vegetation. A diffuse area of seepage (Acacia Spring) associated with a rainforest is located within Section 211, with riparian vegetation in Section 212 immediately south of the application area. Potential impacts to this species could be reduced by retaining habitat within a native vegetation buffer associated with the spring. The Flora and Fauna Division recommends that a minimum buffer of 250m is retained around the rainforest, with a minimum of 50m buffer from riparian vegetation and a 25m buffer around the drainage depression (see further advice below).

**Partridge Pigeon:** Partridge pigeons mainly occur in lowland eucalypt open forests and woodlands. Suitable vegetation for the species is present in the region but limited within the application area due to historic clearing. The species is largely sedentary but move up to 5-10km to follow resources. The risk from clearing to the regional population is considered to be low due to the relatively small area of suitable

habitat present in the application area and noting that large areas of intact habitat remain intact in the surrounding area (Table 1, **Attachment 1**).

Yellow-spotted Monitor, Mertens' Water Monitor, and Mitchell's Water Monitor: These species' may occur in low densities within Sections 211 and 212 and adjacent areas where there is suitable habitat. The proposal poses a low risk to regional populations of these species as the clearing will not impact important habitat (waterways and riparian vegetation) and the intended use is unlikely to exacerbate existing threats from Cane Toads.

Darwin Cycad: The Flora and Fauna Division have attended the site and noted that high density stands (>400 stems per hectare), which are considered important for the conservation of the species, do not appear to be present in areas of Eucalypt woodland within or adjacent to the proposed clearing footprint. When clearing in areas with low densities of Darwin Cycad, it is recommended that individuals are retained or salvaged in accordance with the *Management Program for Cycads in the Northern Territory of Australia 2009-2014* (Liddle, 2009<sup>3</sup>).

Typhonium: Although *Typhonium praetermissum* has been recorded within 10km of the application area, modelling of potential habitat indicates that the property does not contain habitat that has a 'high likelihood' of being suitable for the species.

### **Restricted Range Flora**

A dense patch of *Grevillea longicuspis* (Near Threatened, TPWC Act) was identified during a site inspection in the northwest part of Section 212 on 5 September 2024. This patch was restricted to an area of relatively open woodland with lateritic well drained soils that was subjected to frequent fires. The species is considered to be a restricted range species in the NT due to its limited Area of Occupancy (~176km<sup>2</sup>) and Extent of Occurrence (EoO) (2680.45km<sup>2</sup>) with patches only occurring in the greater Darwin region.

The patch located within Section 212 is at least 2.7km from other occurrences of the species in the Acacia Hills region and extends the EoO for the species by approximately 900m in a south easterly direction. The size and extent of the patch is currently unknown as the site inspection was limited to Section 212. Possible habitat and other plants may be present on sections to the north or east.

Some restricted range species such as *G. longicuspis* are not currently listed as threatened but are particularly vulnerable to habitat destruction due to their limited range. Without further contextual information on the extent or number of individuals in the patch (or other proximate patches), it is not possible to assess the severity of the impact from the proposed clearing, but the Flora and Fauna Division recommends that the clearing footprint is amended to retain all of the known local occurrence of this species, or as much as is practicable.

### **Significant and Sensitive Vegetation**

Monsoon Vine Thicket: Aerial imagery and vegetation mapping shows a patch of Monsoon vine thicket (rainforest) within Section 212. Rainforest vegetation is considered to be a significant and sensitive vegetation type in the NT and is vulnerable to a range of threatening processes, particularly weeds and fire. Changes to the local hydrology and availability of water to rainforest patches is a potential threat and can result in shifts in vegetation type increasing the vegetation's susceptibility to fire.

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<sup>3</sup> [Liddle, D.T. \(2009\). Management Program for Cycads in the Northern Territory of Australia 2009-2014. Northern Territory Department of Natural Resources, Environment, the Arts and Sport, Darwin](#)

The Flora and Fauna Division attended the site and provides the following assessment of the condition and importance of the rainforest:

- The rainforest is approximately 20ha in size and surrounds a large, regionally significant spring which flows most of the year (Tickell 2000<sup>4</sup>).
- The rainforest patch covers a relatively large area, is 'block shaped' and differs from other patches which tend to be elongated.
- The patch has some weed infestation (Snakeweed and Hyptis) on the outer edges and disturbance from cattle and pigs but appears intact internally with a diversity of rainforest flora species.
- This is the largest patch of spring-fed rainforest in the region and is likely to be important for the maintenance of biodiversity and ecological function at the landscape scale.

Using the criteria in the NT Planning Scheme Land Clearing Guidelines (NTPS LCG), the Flora and Fauna Division is satisfied that the vegetation is of "high value". Any clearing within Section 212 should ensure that a minimum buffer of 250m of native vegetation is retained from the outer edge of the rainforest vegetation community. The outer edge of the community would need to be ground truthed prior to clearing and the location of the buffer and rainforest boundary should be confirmed with the Flora and Fauna Division prior to any clearing taking place.

Groundwater Dependent Ecosystems: The spring supporting the rainforest discharges from the Coomalie Dolomite aquifer with an estimated annual discharge of 735ML. A portion of the flow is also derived from shallow interflow which discharges towards the spring from the southwest and northwest (Tickell 2000). Tickell (2000) noted that a reduction in spring flow would not necessarily constrain development as the springs naturally dry up before the end of the dry season. It was noted however, that excessive groundwater extraction may result in less seasonally waterlogged land due to the springs ceasing to flow up to a month earlier.

Tickell (2000) recommended that impacts to the hydrology supporting the rainforest patch could be avoided by siting "high volume" bores (>10L/s) outside of a 500m buffer overlaying the "flowcells" which support the springs. Water extraction and use is subject to approvals under different legislation; however, it is recommended that the applicant is made aware of the risks to the aquifer while planning to use the site for agricultural and/or horticultural purposes.

Wetlands: A site inspection on 5 September 2024 identified large areas of the application area as having poorly drained soils that are subject to inundation. This was confirmed through the presence of vegetation that is characteristic of being seasonally inundated (*Pandanus spiralis*, *Melaleuca viridiflora*) and the presence of debil debil and cracking clay soil. Figure 2 of the advice provided by the Land Assessment Branch identifies the feature as being a "drainage depression" with the probable extent of the area subject to seasonal inundation being approximately 92ha in size.

Section 4.4.7 of the NTPS LCG recommends that areas identified as 'drainage depressions' are "not cleared and are protected by retaining a buffer of native vegetation a minimum of 25m from the outer edge of the feature, which is the extent of the associated poorly drained soils and associated vegetation". The Flora and Fauna Division recommends that the application is amended to exclude this feature from the clearing footprint.

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<sup>4</sup> Tickell, S (2000) Groundwater Resources of the Acacia Area, Department of Lands Planning and Environment, Natural Resources Division – Report NR 2000/004<sup>4</sup>

Riparian vegetation: Riparian vegetation occurs along the stream order 2 watercourse that flows from the rainforest patch in an easterly direction towards Manton Creek. The NTPS LCG recommend that stream order 2 watercourses, are buffered by a minimum of 50m from clearing with the buffer measured from the outer edge of the riparian vegetation. A review of the proposed clearing polygon suggests that the buffer is less than the recommended minimum in the southeast part of the polygon (at waypoint 8).

The Flora and Fauna Division considers that the current clearing application has the potential for a significant impact on ecological values within and adjacent to Sections 211 and 212, particularly those associated with a large, spring-fed rainforest patch. To avoid impacts to these values, the Flora and Fauna recommends the following:

- A minimum native vegetation buffer of 250m should be adopted around the outer edge of the rainforest patch within Section 212.
- Ensure any high yielding production bores (>10L/s) are sited at least 500m away from the spring discharge (as per Tickell (2000)).
- A minimum native vegetation buffer of 50m should be adopted from the outer edge of the riparian vegetation along the creek in Section 211.
- A large drainage depression has been identified across Sections 211 and 212. This feature should be excluded from the clearing footprint and buffered by 25m from the outer extent.
- To the maximum extent possible, the area containing the known patch of *G. longicaulis* be excluded from the application area and retained as native vegetation.

## Rangelands Division

### Land Assessment Branch

The Land Assessment Branch has assessed the application against the NTPS LCG. Approximately 92ha of the proposed clearing footprint consists of a broad drainage depression with predominantly poorly drained soils (vertosols and hydrosols), that is subject to a severe level of seasonal waterlogging and extended periods of inundation.

This feature has previously been mapped at 50ha (Fogarty, PJ, Lynch, B & Wood, BG. 1984, The Land Resources of the Elizabeth, Darwin and Blackmore Rivers, Figure 1), however a site visit conducted on 5 September 2024 indicates it likely extends to approximately 92ha (Figure 2). This depression discharges into Acacia Creek to the north-east of Section 211, and Manton River in the south-east of Section 211. Some slight rises within the drainage depression may exhibit imperfectly rather than poorly drained soils, however these areas are minor and discontinuous. Poorly drained and seasonally inundated areas like this have a Land Capability Class of 4 – Land with extreme constraints too severe to develop (NTPS LCG).

Poor soil drainage and extended seasonal inundation of the area mapped in Figure 2 is evidenced by the low-lying nature of the area, vegetation communities known to prefer poorly drained soils and impeded drainage, the presence of 'Debil-debil' or swamp hummocks, gilgai, and cracking clays. Species recorded within the lowest lying areas include *Pandanus spiralis*, *Melaleuca viridiflora* and *Lophostemon grandiflorus* – commonly found in swamps or poorly drained soils, whilst dense patches of *Melaleuca nervosa* are found on the outskirts, indicative of sandy flats overlying impervious clays or coffee rock.

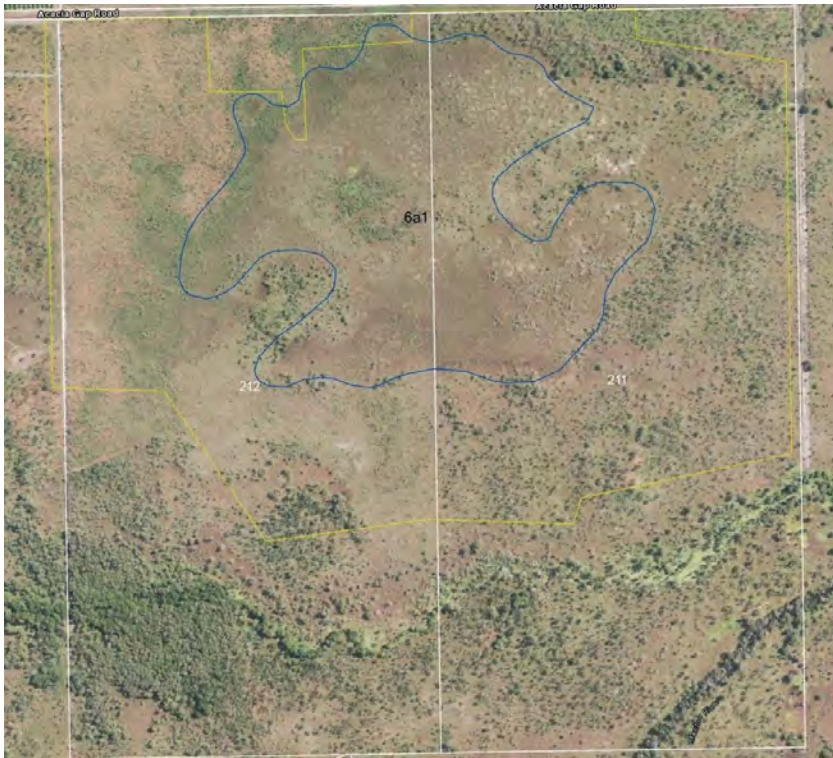


Figure 1. Drainage depression mapped by Fogarty et al 1984 (50ha)

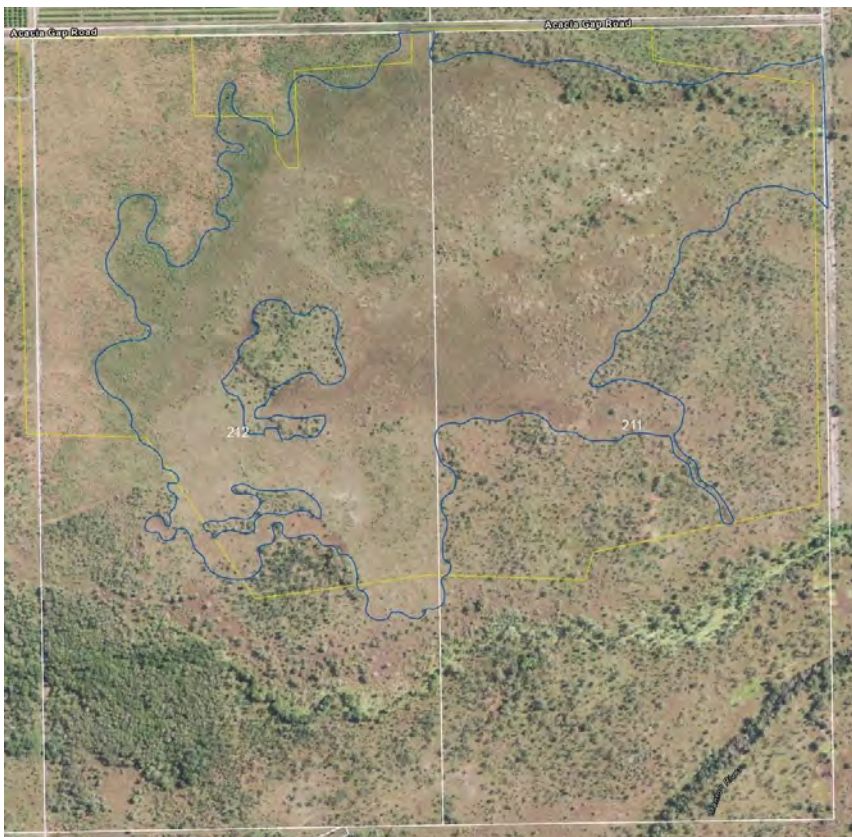


Figure 2. Probable extent of drainage depression and poorly drained soils subject to seasonal inundation (92ha), 2024.

The outer extent of the drainage depression is marked by lateritic rock outcrop that extends into the adjacent land unit in the north and west of Section 212, mapped as 'Land Class A' by the proponent.

In places, the surface rock in Land Class A exceeds 10%, resulting in a Land Capability Class of 4 – Land with extreme constraints to severe to develop. Any land clearing within 'Land Class A' would need to exclude areas where surface rock exceeds 10%.

The remaining land of Section 211 consists of *Corymbia polysciada*, *C. bella* or *C. polycarpa* open woodlands on imperfectly drained plains. Imperfectly drained plains are generally considered to have a Land Capability Class of 3 – Land with severe constraints, however the proposed pasture species - *Digitaria milanjiana* cv *Jarra* is tolerant of wet conditions, thus the amended Land Capability Class can be considered Class 2 – Land with minor to moderate constraints. Land within Section 211 that lies outside of the drainage depression is considered capable for the intended purpose, however, is dissected by the aforementioned discharge into the Manton River which would limit accessibility.

The Land Assessment Branch recommends:

1. That the drainage depression shown in Figure 2 (~92ha) be excluded from the clearing footprint.
2. That the remainder of Section 212 which has areas with surface rock exceeding 10% be excluded from the clearing footprint.

### **Land Management Unit**

Based on combined desktop and field assessment (5 September 2024), the Land Management Unit provides the following advice.

The application footprint (as provided in the .kml file titled '211,212,224 Clearing plan new version') is approximately 155.5ha (GDA 1994 MGA Zone 52).

Slope across the site was found to be variable, however generally not exceeding 1.5%.

As advised by the Land Assessment Branch, during the site inspection, areas containing high percentage of laterite rock was observed, along with extensive areas constrained by poor soil drainage and extended seasonal inundation. The NTPS LCG classifies the presence of surface rock greater than 10% as being Class 4 (not recommended for clearing).

Sections 211, 212 and 224 Hundred of Colton are each approximately 129.4ha. The NTPS LCG recommend that a boundary buffer of retained native vegetation of at least 200m wide be retained along property boundaries where a property is >100ha. The application proposes no buffer between Sections 224 and 212, areas of no buffer along the Acacia Gap Road frontage and approximately 25m (including firebreak) along the eastern boundary of Section 211 (adjoining Section 1508 Hundred of Colton). While the neighbouring properties to the north and west of the application properties are mango orchards, Section 1508 is undeveloped.

In addition to the Land Assessment Branch recommendations, it is recommended that a 200m boundary buffer (excluding firebreak) be maintained along the eastern boundary of Section 211 as per the NTPS LGC recommendations.

## Weed Management Branch

A desktop assessment of the NT Weeds Database for the property, surrounding parcels and roads has revealed current and or previous data records of the following:

Common Name	Botanical Name	Declared
Gamba grass	<i>Andropogon gayanus</i>	Class B
Mimosa	<i>Mimosa pigra</i>	Class B
Grader grass	<i>Themeda quadrivalvis</i>	Class B

All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to all persons, owners and occupiers of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading.

There are four types of classifications for a declared or potential weed under the WM Act: Class A (to be eradicated); Class B (growth and spread to be controlled); Class C (not to be introduced into the Territory or part of the Territory); and Class D (prevent the growth and spread by actions of persons).

Gamba grass, mimosa and grader grass are subject to statutory weed management plans. Management obligations outlined in these plans must be adhered to by all land holders. Management requirements and copies of statutory weed management plans are available online <sup>5</sup>.

A useful tool to help manage weed risk is property weed management plans, which assist the proponent in managing weed risk within the property and to ensure compliance with the WM Act. Vehicle and equipment hygiene controls are key for weed spread prevention. The proponent should ensure that any machinery used in the clearing process is free of mud and soils, weeds and weed seeds before entering the property to ensure weeds are not inadvertently introduced or spread during the clearing activity. 'Preventing Weed Spread is Everybody's Business' is a document outlining actions proponents can conduct to reduce the risk of weeds being spread during exploration and other land activities. This document is available online<sup>6</sup>

Consideration should also be made for methods, treatments and timing for effective weed management to be undertaken prior and throughout the life of the development so that weeds are satisfactorily managed at the site, access roads and/or tracks.

Further information as to management requirements and the Weed Management Plans are available online<sup>7</sup> or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

## Water Resources Division

### Licensing and Regulation

The land is located within the Darwin Rural Adelaide River Water Control District and is not subject to a water allocation plan. The land is within the area of the proposed Adelaide River Water Allocation Plan.

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<sup>5</sup> <http://www.nt.gov.au/environment/weeds/weed-management-planning>

<sup>6</sup> [https://nt.gov.au/\\_data/assets/pdf\\_file/0011/257987/preventing-weed-spread.pdf](https://nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf)

<sup>7</sup> <http://www.nt.gov.au/environment/weeds>

The land is benefited by groundwater extraction licence CD1 with a water entitlement of 1194 ML/year, the following land parcels are not approved for water use under CD1:

- Section 211 Hundred of Colton, 640 Acacia Gap Rd, Manton NT
- Section 212 Hundred of Colton, 550 Acacia Gap Rd, Manton NT
- Section 224 Hundred of Colton, 470 Acacia Gap Rd, Manton NT

Prior to irrigating the three properties above, an application to amend licence CD1 must be submitted to assess and add the properties to the licence.

Further information can be obtained from the DLPE website<sup>8</sup> and by contacting [water.licensing@nt.gov.au](mailto:water.licensing@nt.gov.au) or call 08 8999 4455.

### **Environment Division**

There are statutory obligations under the *Waste Management Pollution Control Act 1998* (WMPC Act) that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the WMPC Act, including the General Environmental Duty under section 12 of the WMPC Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the WMPC Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website<sup>9</sup>.

A non-exhaustive list of environmental issues that should be considered to help satisfy the environmental duty are listed below.

1. **Dust:** The proposed activities have the potential to generate dust, particularly during the dry season. The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise:** The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online<sup>10</sup>.
3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environment harm do not result from soil erosion.

The ESC measures should be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion and Sediment Control Association (IECA) Australia guidelines<sup>11</sup> and specifications.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

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<sup>8</sup> <https://nt.gov.au/environment/water>

<sup>9</sup> <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

<sup>10</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0004/566356/noise\\_management\\_framework\\_guideline.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf)

<sup>11</sup> <https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>



Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites<sup>12</sup> and Keeping Our Stormwater Clean<sup>13</sup>.

4. **Stormwater:** The proponent must ensure that there is no discharge of contaminated water from the premises into either the groundwater or any surface water.
5. **Site Contamination:** Historical activities may have resulted in contamination at the premises. An assessment in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM) is required to determine whether the land is suitable for the intended land use. The proponent is encouraged to refer to the information provided on the NT EPA website<sup>14 15</sup>.
6. **Waste Management - Import and Export of Fill:** The proposed activities have the potential to generate fill and/or involve the importation of fill for use on-site. Untested fill material may already be present on the site. All fill imported or generated and exported as part of the activity must either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the NSW EPA Guidelines<sup>16</sup>.

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request. The proponent should also consider the following NT EPA fact sheets: How to avoid the dangers of accepting illegal fill onto your land<sup>17</sup>, and Illegal Dumping - What You Need to Know<sup>18</sup>.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email [DevelopmentAssessment.DEPWS@nt.gov.au](mailto:DevelopmentAssessment.DEPWS@nt.gov.au) or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope  
Executive Director Rangelands

26 September 2024

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<sup>12</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0010/284680/guideline\\_prevent\\_pollution\\_building\\_sites.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf)

<sup>13</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0006/284676/guideline\\_keeping\\_stormwater\\_clean\\_builders\\_guide.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf)

<sup>14</sup> <https://ntepa.nt.gov.au/your-environment/contaminated-land>

<sup>15</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0020/434540/guideline\\_contaminated\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf)

<sup>16</sup> <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

<sup>17</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0005/285728/factsheet\\_avoid\\_danger\\_accepting\\_illegal\\_fill\\_to\\_your\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf)

<sup>18</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0008/285740/factsheet\\_illegal\\_dumping\\_what\\_you\\_need\\_to\\_know.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf)

# Attachment 1

Table 1. Cumulative Impacts Assessment results calculated at the property, bioregion, subregion and catchment scale. \*Percentage value relative to baseline area.

Assessment level	Level name	Vegetation community	Baseline area (ha)	Current area (ha) of intact native vegetation	Current area (ha) cleared	Proposed area (ha) of additional clearing	Area (ha) that would remain intact
Property	Parcel 211	All vegetation communities	127.4	125.47 (98.48%)*	1.93 (1.52%)*	77.42	48.05 (37.71%)*
		U+ ^Mel viridiflora,Melaleuca leucadendra+/-Euc polycarpa var. polycarpa\^tree\7\i;M ^Melaleuca viridiflora,Sesbania cannabina,Melaleuca leucadendra\^tree,shrub\6\;G Pseudoraphis spinescens,^Fimbristylis spp.,Eleocharis dulcis\tussock grass,^sedge\1\i	19.38	19.38 (100.0%)*	0.0 (0.0%)*	19.38	0.0 (0.0%)*
		U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c	105.29	103.35 (98.17%)*	1.93 (1.83%)*	58.04	45.31 (43.04%)*
	Parcel 212	All vegetation communities	129.4	128.61 (99.39%)*	0.79 (0.61%)*	74.26	54.35 (42.0%)*
		U+ ^Mel viridiflora,Melaleuca leucadendra+/-Euc polycarpa var. polycarpa\^tree\7\i;M ^Melaleuca viridiflora,Sesbania cannabina,Melaleuca leucadendra\^tree,shrub\6\;G Pseudoraphis spinescens,^Fimbristylis spp.,Eleocharis dulcis\tussock grass,^sedge\1\i	29.64	29.64 (100.0%)*	0.0 (0.0%)*	27.93	1.71 (5.77%)*
		U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c	99.77	98.97 (99.21%)*	0.79 (0.79%)*	46.33	52.64 (52.76%)*
	Parcel 224	All vegetation communities	129.35	57.94 (44.79%)*	71.42 (55.21%)*	0.81	57.13 (44.17%)*
		U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c	129.35	57.94 (44.79%)*	71.42 (55.21%)*	0.81	57.13 (44.17%)*
	Bioregion	Pine Creek	All vegetation communities	2,851,777.21	2,735,433.39 (95.92%)*	116,343.81 (4.08%)*	152.49
U+ ^Mel viridiflora,Melaleuca leucadendra+/-Euc polycarpa var. polycarpa\^tree\7\i;M ^Melaleuca viridiflora,Sesbania cannabina,Melaleuca leucadendra\^tree,shrub\6\;G Pseudoraphis spinescens,^Fimbristylis spp.,Eleocharis dulcis\tussock grass,^sedge\1\i			1,685.41	1,668.4 (98.99%)*	17.02 (1.01%)*	47.3	1,621.1 (96.18%)*
U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c			121,985.90	90,584.89 (74.26%)*	31,401.0 (25.74%)*	105.19	90,479.71 (74.17%)*
Subregion		All vegetation communities	2,851,777.21	2,735,433.39 (95.92%)*	116,343.81 (4.08%)*	152.49	2,735,280.9 (95.91%)*

Assessment level	Level name	Vegetation community	Baseline area (ha)	Current area (ha) of intact native vegetation	Current area (ha) cleared	Proposed area (ha) of additional clearing	Area (ha) that would remain intact
	Pine Creek	U+ ^Mel viridiflora,Melaleuca leucadendra+/-Euc polycarpa var. polycarpa\^tree\7\i;M ^Melaleuca viridiflora,Sesbania cannabina,Melaleuca leucadendra\^tree,shrub\6\r;G Pseudoraphis spinescens,^Fimbristylis spp.,Eleocharis dulcis\tussock grass,^sedge\1\i	1,685.41	1,668.4 (98.99%)*	17.02 (1.01%)*	47.3	1,621.1 (96.18%)*
		U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\r;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c	121,985.90	90,584.89 (74.26%)*	31,401.0 (25.74%)*	105.19	90,479.71 (74.17%)*
Catchment	Adelaide River	All vegetation communities	745,993.71	677,280.03 (90.79%)*	68,713.68 (9.21%)*	152.49	677,127.54 (90.77%)*
		U+ ^Mel viridiflora,Melaleuca leucadendra+/-Euc polycarpa var. polycarpa\^tree\7\i;M ^Melaleuca viridiflora,Sesbania cannabina,Melaleuca leucadendra\^tree,shrub\6\r;G Pseudoraphis spinescens,^Fimbristylis spp.,Eleocharis dulcis\tussock grass,^sedge\1\i	483.39	476.39 (98.55%)*	7.0 (1.45%)*	47.3	429.09 (88.77%)*
		U+ ^Euc tetradonta,Euc miniata,Corymbia bleeseri\^tree\7\i;M ^Livistona humilis,Planchonia careya,Brachychiton paradoxus\shrub,^palm\4\r;G ^Sorghum intrans,Heteropogon triticeus,Sorghum plumosum\^tussock grass\2\c	33,886.60	29,362.0 (86.65%)*	4,524.6 (13.35%)*	105.19	29,256.81 (86.34%)*

Objection to clearing native vegetation Section 00211 Hundred of Colton 640 ACACIA GAP RD  
MANTON Section 00212 Hundred of Colton 550 ACACIA GAP RD MANTON Section 00224 Hundred of  
Colton 470 ACACIA GAP RD MANTON for Hay Production

We object to this strange proposal for the following reasons:

1. The landholder, makes it clear that she is the owner and is entitled to clear her land because, she is the owner.
2. There is no definable proposal in an understandable form.
3. It is not clear from the 'application' how much land is actually to be cleared.
4. It is not clear whether presented photos of areas shown are up-to-date or even for the land proposed to be cleared.
5. The landholder has destroyed hundreds of acres of significant tropical savanna bushland in the past 20 or more years to plant mangos, mangos and more mangos.
6. Hay production is not a viable or sustainable way to revegetate degraded land that should be regenerated with tropical savanna native trees, shrubs and understorey and native grasses and sedges where appropriate.
7. We appreciate that rainforest and riparian zones will not be cleared but it is unclear what buffers and wildlife corridors will be in place to protect these from introduced pasture grasses.

This has been a valuable bioregion until the whole area was cleared of tropical savanna bushland and rainforest and riparian native vegetation destroyed or degraded by heavy chemical use and landclearing. The rules have changed since the landholder first planted mangos.

Because of higher temperatures and more extreme weather patterns, even common native species have become invaluable and irreplaceable. Social and environmental value is now far more important than making exponential economic profits by destroying our unique tropical forests, woodlands, grasslands and wetlands. More and more species have been added to extinction lists every week.

It's got to stop somewhere.

With Respect,

Diana and Greg

Diana Rickard and *Greg Chapman*