

## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### WRITTEN QUESTION

Mrs Robyn Lambley, Member for Araluen, submitted a written question to the Minister for Lands and Planning.

#### **Rural Living Zoned Properties in Alice Springs**

There are numerous Rural Living (RL) zoned properties in Alice Springs being used inappropriately as transport terminals. This involves the RL properties being used as industrial sites for the maintenance, repairs and housing of heavy transport vehicles.

This activity is in direct breach of the Rural Living Zoning requirements. This activity causes considerable loss of amenity for neighbouring properties and pits neighbour against neighbour.

The Department of Lands and Planning have been aware of at least three RL properties used as “transport terminals” and thus in breach of the Zoning requirements in the rural living areas of Alice Springs for a number of years.

1. What powers does the Department of Lands and Planning have to stop this illegal activity?
  2. What can residents do to stop this illegal activity in the RL areas?
  3. How are the zoning regulations upheld by the Department of Lands and Planning?
  4. What is a reasonable length of time for those in breach of the Zoning requirements, upon advice from the Department of Lands and Planning, to cease the illegal activity and comply with the zoning requirements?
  5. What penalties exist for those Rural Living residents that continue to fail to comply with the Zoning Requirements?
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## ANSWER

1. The Department, through Development Assessment Services, provides advice and administrative support to the Development Consent Authority (DCA). The DCA has the legal powers and responsibilities to administer the provisions of the NT Planning Scheme.

The *Planning Act* provides the statutory powers for enforcement under Part 7. Ongoing action is determined by the DCA. Under the *Planning Act* a prosecution may only be brought in the name of the DCA or the Minister.

2. In making a complaint, the public are urged to provide specific detail to Development Assessment Services regarding the nature of the development or use. This information helps to establish what land use definitions may apply to the development or use and may be used to support a formal legal case should this be necessary.
3. Refer to Question 1
4. This will depend on the nature of the development or use and the circumstances of the case. In many cases, the proponents have the right to make application to either the DCA or the Minister (or both). The timeframes for different applications vary and natural justice would support due process to be followed.
5. Section 75 of the *Planning Act* sets out the various penalties that may apply to offences however actual fines would be a matter for the courts to determine based on the circumstances of the case.