

To: [Legislation Scrutiny Committee](#)
Subject: Planning Scheme reforms submission
Date: Monday, 9 March 2020 11:57:09 AM

While we are generally impressed with the draft reforms including s46(3) (aa), Ecologically Sustainable Development principles and climate change, we would like:

- the more individual rights-based definition of 'amenity' to remain instead of attempting to define it to give buildings more rights than people directly affected by issues such as noise, poor infrastructure, intrusive lighting, dust and pollution, etc;
- land currently zoned as Rural in the Top End to revert back to Rural Living 2 to ensure that rural amenity applies to single dwelling residents on 20 acres (entailing the vast majority of people in this zone) as a primary consideration. Alternatively extend the concept of RL- as in the Victorian and NSW Rural Living Zone (RLZ) structure whereby a permit to build a dwelling (etc) is needed on land of 8 hectares or less. The ambiguity in the current Scheme - by having Rural (R) with different sizes, land capacities and uses in the Centre and the Top End causes confusion, anger and economic devaluation. Currently 8 hectare Rural zoned land in the Darwin area is defined as similar to Horticulture (H) and other larger sections of rural land zoning with a primary industry focus - including for aquaculture and pet food production (abattoirs). As several NT primary producers have stated, 8 hectares is too small for rural commercial development such as mango production and aquaculture. While a large proportion of R living people have hobby farms of mixed chemical-free crops, a few chooks and a head of cattle/goat/horse or two on their otherwise native vegetated land, quiet amenity is now being significantly compromised by weekend and night mango 'farmers' with gas guns, air-blasters and toxic chemicals in abundance.
- the Pastoral Lands Board disbanded and pastoral land included in the Planning Act and Scheme. Having a secretive PLB with pastoralists making vested interest decisions is akin to having foxes in charge of chook houses.
- land clearing legislative instruments and other land developments under the Planning Act extended to Crown, Pastoral and Mining land - with open, transparent and accountable land use ESD processes carried out in the public interest. AND
- third party appeal rights for *all* NT residents adversely affected by inappropriate land abuse clearly enshrined in the Act - not the Regulations or other administrative instruments. The right to live in dignity and quiet enjoyment of the land is a basic human right - wherever we live. The 'rights' (duty of care) of corporate entities and their directors are covered in other corporate-based legislation.

The Committee's terms of reference are currently not satisfied while there is insufficient regard in the Act and Scheme to the rights and liberties of (individual) rural residents attempting to live in quiet amenity with the environment on a needs-not-greeds basis - AND - the parliamentary institution is compromised by essential amenity and living rights being in the Regulations and able to be amended by the Administrative arm of government without parliamentary debate.

With Respect,

Diana and Greg

To: [Legislation Scrutiny Committee](#)
Subject: Re: Acknowledgement of submission - Planning Amendment Bill 2020
Date: Wednesday, 11 March 2020 1:35:38 PM

We left out an important point of concern: proposed section 30W. Feel free to join the following to our previous submission.

While we have more respect for the current Minister than for the previous CLP one, s30W would set a dangerous precedent for corrupt Ministers in the future. This section should also show Ministerial duty of care and public accountability. Any such discretionary decision should be made in the public interest, reflecting human rights' obligations and adhering to ESD precautionary principles and social/cultural inclusion objectives of the Act.

The new Act and Scheme should be a mature and holistic exercise in integrated planning to achieve balance now and into the foreseeable future. It should not be a narrow Development Act.

In Unity,

Diana and Greg