



2022-23

ANNUAL REPORT

DEVELOPMENT CONSENT AUTHORITY







CONTENTS

Letter to the Minister	4
Chair's Message	5
Chair's Profile	5
About the Development Consent Authority	6
Arrangement with Department of Infrastructure, Planning & Logistics	7
Division's Members	8
Alice Springs	8
Batchelor	8
Darwin	8
Katherine	9
Litchfield	9
Palmerston	9
Tennant Creek	9
Meetings Held	10
Business of the Authority	11
Applications Lodged	11
Applications Determined	11
Rights of Review	12
Initiating Applications	12
Enforcement	13
Financial Performance	13

LETTER TO THE MINISTER

Dear Minister,

2022-23 Annual Report – Development Consent Authority

I am pleased to present you with the Development Consent Authority's annual report for 2022-23.

Under section 104A of the *Planning Act 1999*, the Chair must prepare and give to the Minister a report on the performance by the Development Consent Authority of its functions during the financial year. The report must be given to the Minister by 31 October following the end of the financial year.

As the responsible Minister, you are required to table a copy of the report in the Legislative Assembly within six sitting days of receiving the report.

Yours sincerely



Suzanne Philip

Chair

Development Consent Authority



CHAIR'S MESSAGE

I am pleased to present the 2022-23 Annual Report of the Development Consent Authority (DCA).

This report provides an account of the work undertaken by the DCA during the course of the year. The DCA conducted 44 meetings in 2022-23 and determined 386 planning applications. Two appeals were lodged against decisions of the DCA. One appeal related to a planning application and the other related to an enforcement matter.

66 complaints regarding alleged breaches of the Act were lodged in accordance with section 78 (making a complaint) of the Planning Act 1999.

During 2022-23, 63 complaints (which may include complaints received prior to 1 July 2022) were successfully resolved. Resolution of complaints can involve the cessation of illegal activities, the obtaining of relevant approvals or confirmation that the use or development is in accordance with the relevant requirements. In addition, two enforcement matters, which proceeded to Local Court prosecutions were finalised during the year. In both cases, the Defendants were required to remedy breaches of the *Planning Act 1999*.

The work of the seven DCA divisions is undertaken by 36 members. One third of the current membership is represented by women.

There were four new members appointed during 2022-23: Mr Matt Patterson, Mr Rick Grant, Dr Elisha Harris and Ms Annabel McLarty. I welcome these members and hope that they enjoy their time working with the DCA.

2022-23 saw the terms conclude for two members: Mr Keith Aitken and Ms Marg Chamberlain. Ms Monica Baumgartner also concluded a term on the Palmerston Division which was undertaken alongside her Batchelor Division membership. I thank those members for their valuable contributions to the DCA.

I would also like to thank all current members of the DCA for their continuing support and hard work over the past 12 months.

I am looking forward to the year ahead and working with all seven divisions of the DCA to promote good planning outcomes in the Northern Territory.

SUZANNE PHILIP

Chair of the Development Consent Authority

Suzanne Philip is the Chair of the Development Consent Authority (DCA) which covers the whole of the Northern Territory. Suzanne has lived in Darwin since 1982, raising a family and contributing extensively to the Territory's legal and business sectors and the community from a number of platforms.

Suzanne is a solicitor and barrister of the Supreme Court of the Northern Territory, and has extensive experience as a Senior University Lecturer, teaching Contract, Commercial, Vendor and Purchaser and Property Law.

From 2008 to 2014, Suzanne held the position of legal member and chair of the NT Agents' Licensing Board, responsible for licensing real estate, business and conveyancing agents, investigating allegations and holding disciplinary inquiries about licensed agents.

Suzanne has participated in both the development and community advocacy side of the planning process and has high-level experience, and long-held interest in planning matters.

Suzanne is enjoying her third consecutive term as Chair of the DCA having been first appointed in August 2017.

ABOUT THE DEVELOPMENT CONSENT AUTHORITY

The Development Consent Authority (DCA) is established under section 82 of the *Planning Act 1999*, and section 83 establishes different divisions of the DCA. These are generally associated with the larger population centres within the NT. Each division is responsible for making statutory planning decisions within their area. Where a DCA division has not been established, the Minister for Infrastructure, Planning and Logistics is the consent authority.

DCA division areas are established in the following localities:

- Alice Springs
- Batchelor
- Darwin
- Katherine
- Litchfield
- Palmerston
- Tennant Creek

Maps of these areas can be found on the Department's website dipl.nt.gov.au/committees/dca

The composition of a DCA division is established by section 87 of the Act. It allows the Minister to appoint a Chair of the DCA (who presides over all divisions), two community members nominated by the local government council, one alternate member nominated by the local government council, and two specialist members.



CHAIR

All 7 DCA Divisions
Appointed by the Minister



COMMUNITY MEMBERS x2

Nominated by the local government council
Appointed by the Minister
Alternate member also appointed



SPECIALIST MEMBERS x2

Appointed by the Minister, and have relevant qualifications, skills or experience

Community members are appointed when a division falls within a local government council area. The local government council nominates potential members, who may be councillors or aldermen, or members of the public with good standing whom the local government council believe will represent the community. An employee of a local government council is not eligible to be appointed as a community member for that local government council. The local government council also provides nominees for an alternate community member, who acts for a community member when they are absent or unable to attend.

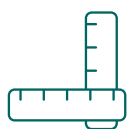
Specialist members are appointed to a specific DCA division directly by the Minister. They are to have relevant qualifications, skills or experience in at least one of the fields shown below.

The term of appointment of a member or Chair of the DCA is two years and there is no limit on the number of times a member or Chair can be re-appointed.

Arrangements with the Department of Infrastructure, Planning and Logistics

The Department of Infrastructure, Planning and Logistics provides technical and secretariat support to the Development Consent Authority to enable it to properly exercise its power and perform its functions.

For additional information relevant to the processing of planning applications in the Northern Territory (including the average processing time for development applications which is currently standing at 55 days) see the Annual Report for the Department of Infrastructure, Planning and Logistics available at dipl.nt.gov.au/about/annual-reports-and-strategic-plans



ARCHITECTURE



**BUILDING
CONSTRUCTION**



**COMMUNITY
DEVELOPMENT**



ENGINEERING



**ENVIRONMENTAL
STUDIES**



**LAND
SURVEYING**



**LANDSCAPE
DESIGN**



LAW



**PROPERTY
DEVELOPMENT OR
MANAGEMENT**



**PROPERTY
VALUATION**



**TOWN
PLANNING**



URBAN DESIGN

Specialist members are to have relevant qualifications, skills or experience in one or more of the above shown fields.



CURRENT MEMBERSHIP

AS AT 30 JUNE 2023

Alice Springs

Members	Position	Appointed
Deepika Mathur	Specialist Member	12 April 2019
Christopher Neck	Specialist Member	12 April 2019
Matt Paterson	Community Member	16 November 2022
Allison Bitar	Community Member	4 December 2021
Steve Brown*	Community Member	4 December 2021

Batchelor

Members	Position	Appointed
Monica Baumgartner	Specialist Member	12 April 2014
Brad Rake	Specialist Member	16 October 2019
Andrew Turner	Community Member	14 February 2007
Colin Freeman	Community Member	13 December 2021
Richard Luxton*	Community Member	13 December 2021

Darwin

Members	Position	Appointed
Mark Blackburn	Specialist Member	12 April 2019
Marion Guppy	Specialist Member	12 April 2019
Peter Pangquee	Community Member	25 July 2019
Mick Palmer	Community Member	4 December 2021
Morgan Rickard*	Community Member	4 December 2021

*alternate for community members

Katherine

Members	Position	Appointed
Allan Domaschenz	Specialist Member	12 April 2021
Annabel McLarty	Specialist Member	27 June 2023
Elisabeth Clark	Community Member	20 July 2021
Jeremy Trembath	Community Member	13 December 2021
Denis Coburn*	Community Member	13 December 2021

Litchfield

Members	Position	Appointed
Rick Grant	Specialist Member	12 April 2023
Adam Twomey	Specialist Member	12 April 2019
Emma Sharp	Community Member	4 December 2021
Rachael Wright	Community Member	4 December 2021
Doug Barden*	Community Member	1 July 2016

Palmerston

Members	Position	Appointed
Trevor Dalton	Specialist Member	12 April 2019
Dr Elisha Harris	Specialist Member	12 April 2023
Athina Pascoe-Bell	Community Member	10 July 2018
Sarah Henderson	Community Member	10 July 2018
Ben Giesecke*	Community Member	10 July 2018

Tennant Creek

Members	Position	Appointed
Lennart Holbrok	Specialist Member	12 April 2019
Steve Huntingford	Specialist Member	12 April 2021
Jeffrey McLaughlin	Community Member	13 December 2021
Lenny Barton	Community Member	13 December 2021
Hal Ruger*	Community Member	26 August 2004

*alternate for community members

MEETINGS

DCA division meetings are held once per month, except for the Darwin Division which has meetings twice per month.

Meetings for Batchelor are scheduled as required. Meetings may be cancelled from time to time if there are insufficient applications to form an agenda.

Closed session meetings can occur when there are no public items to be heard but there is other DCA business to attend to. Similarly out of session meetings can occur when it is more efficient for a division to hear an application on the papers rather than in person.

Not all applications need to go to a meeting. Many applications are determined under delegation by

Departmental officers where they meet criteria established by the applicable DCA division.

Development applications are usually processed within eight weeks, however this can vary depending on the complexity of the application; the length of advertising needed; and/or if more information is needed. The average processing time for applications in 2022- 23 was 54 days.

DCA Meeting Dates Calendars are available on the Department's website dipl.nt.gov.au/committees/dca/meetings-and-agendas

Meetings are scheduled to avoid public holidays, but not school holidays.

Division	Public Meetings	Other (closed/out of session)	Total
Alice Springs	6	0	6
Batchelor	0	1	1
Darwin	13	0	13
Katherine	3	1	4
Litchfield	10	2	12
Palmerston	7	0	7
Tennant Creek	0	1	1
Total			44



BUSINESS OF THE DEVELOPMENT CONSENT AUTHORITY

The following application types are included in the below figures: alteration, certificate of existing use, concurrent, development, extension of time, subdivision, variation of development and variation to a deemed permit. Applications determined may include applications lodged in previous financial years, similarly some applications lodged in the financial year may yet to be determined.

Applications Lodged

Division	Number of applications lodged
Alice Springs	71
Batchelor	1
Darwin	146
Katherine	40
Litchfield	69
Palmerston	67
Tennant Creek	7
Total	401

Applications Determined

Division	Number of applications approved	Number of applications refused
Alice Springs	62	0
Batchelor	1	0
Darwin	150	1
Katherine	36	0
Litchfield	62	4
Palmerston	66	0
Tennant Creek	4	0
Total	381	5

These figures do not include applications processed outside of DCA areas, or applications for compliance checks and planning certificates.

RIGHTS OF REVIEW

The Northern Territory Civil and Administrative Tribunal (NTCAT) has jurisdiction over applications for review of certain decisions of the DCA's (including in relation to an enforcement notice) and/or any conditions imposed.

Sections 111-116 of the Act provides a full list of decisions of the consent authority that are eligible for review. Section 117 of the Act and Regulations 13 and 14 provide further guidance on the circumstances where third party rights of review may or may not apply.

Number of initiating applications lodged with NTCAT

Division	Number of applications lodged	Type (applicant or third party)
Alice Springs	0	N/A
Batchelor	0	N/A
Darwin	0	N/A
Katherine	0	N/A
Litchfield	2	1 x applicant 1 x enforcement notice
Palmerston	0	N/A
Tennant Creek	0	N/A
Total	2	

To view NTCAT decisions visit ntcat.nt.gov.au/after-ntcat/published-decisions



ENFORCEMENT

The DCA receives, investigates and is the decision-maker for complaints and enforcement matters within each of its divisions. The DCA is responsible for taking action relating to non-compliance with the Scheme and the Act, which includes the issuing of Show Cause Notices, Enforcement Notices, and prosecution of offences if necessary.

The total number of complaints in progress at any one time may be more than the number of complaints lodged in a financial year, as complaints lodged in previous financial years may still be under investigation.

Similarly the number of complaints resolved may include complaints lodged in previous financial years.

During 2022-23, two enforcement matters, which proceeded to Local Court prosecutions were finalised. In both cases, the Defendants were required to remedy breaches of the *Planning Act 1999*.

Division	Number of complaints lodged	Number of complaints resolved
Alice Springs	1	4
Batchelor	0	0
Darwin	23	17
Katherine	7	4
Litchfield	24	30
Palmerston	9	8
Tennant Creek	2	0
Total	66	63

FINANCIAL PERFORMANCE

The Development Consent Authority is financially supported by the Department of Infrastructure, Planning and Logistics.

The DCA expenditure for 2022-23 was \$333,498





