



# **2020-21**

# **ANNUAL REPORT**

## **DEVELOPMENT CONSENT AUTHORITY**









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## LETTER TO THE Minister

Dear Minister,

### **2020-21 Annual Report – Development Consent Authority**

I am pleased to present you with the annual report for the Development Consent Authority for 2020-21.

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 first Annual Report of the Development Consent Authority (DCA). The requirement for an annual report was one of the many changes introduced through the amended Planning Act 1999 which came into effect on 31 July 2020, along with the amended Planning Regulations 2000 and the introduction of the Northern Territory Planning Scheme 2020.**

Thirty-seven members served on the DCA in 2020-21: 24 men and 13 women. There were two new appointments: Mr Allan Domanchenz and Mr Steve Huntingford. I welcome Allan and Steve and hope that they enjoy their time working with the DCA.

Two members came to the end of their terms: Ms Narelle Bremner and Mr John King, and three members resigned: Ms Marli Banks, Ms Wendy Smith and Ms Fay Miller. I thank those members for their dedicated service to the DCA and the people of their respective division areas and wish them well with their future endeavours.

I would also like to thank all current members of the DCA for their support and hard work over the past 12 months, a period of time which not only saw changes to the legislative framework in which we work but also to the way in which we carry out our business due to the evolving Covid-19 pandemic. The DCA has shown versatility and has embraced modern technology to

ensure the continued operation of its meetings to determine planning applications and other planning related matters.

The DCA conducted 69 meetings in 2020-21 and determined 399 planning applications. Five appeals were lodged by applicants against decisions of the DCA. 60 complaints regarding alleged breaches of the Act were lodged in accordance with section 78 (making a complaint) of the Planning Act 1999. During 2020-21, 31 complaints (which may include complaints received prior to 1 July 2020) 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.

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.

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.

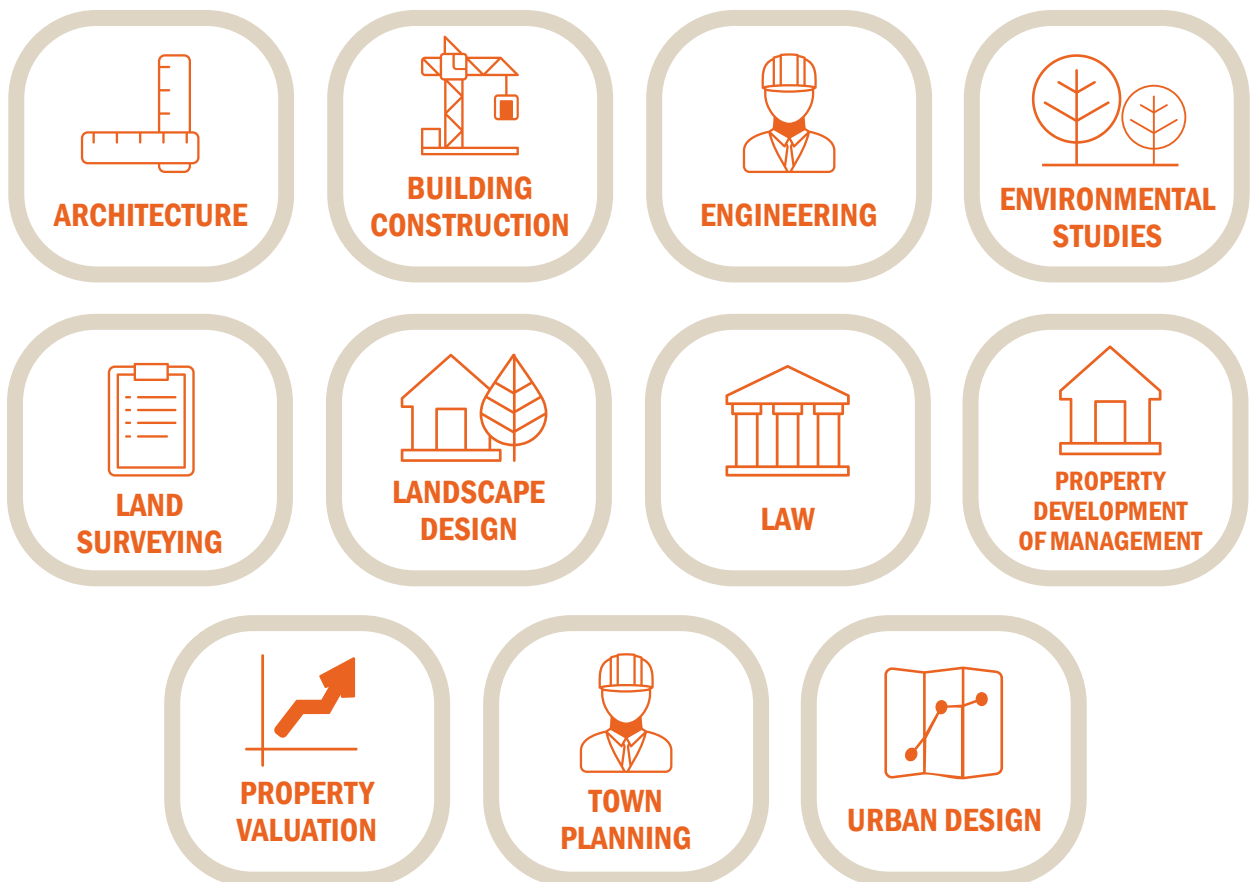
Specialist members are appointed to a specific DCA division directly by the Minister. They are to have relevant qualifications, skills or experience in at least one of the fields shown below.

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 54 days) see the Annual Report for the Department of Infrastructure, Planning and Logistics available at <https://dipl.nt.gov.au/about/annual-reports-and-strategic-plans>



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



## CURRENT MEMBERSHIP

AS AT 30 JUNE 2021

### Alice Springs

Members	Position	Appointed
Deepika Mathur	Specialist Member	12 April 2019
Christopher Neck	Specialist Member	12 April 2019
Jamie de Brenni	Community Member	1 July 2016
Jimmy Cocking	Community Member	4 December 2017

### 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
Deborah Moyle	Community Member	4 December 2017
Christian McElwee*	Community Member	4 December 2017

\*alternate for community members

### 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
Simon Niblock	Community Member	4 December 2017
Robin Knox*	Community Member	4 December 2019

\*alternate for community members



## Katherine

Members	Position	Appointed
Allan Domaschenz	Specialist Member	12 April 2021
Marg Chamberlain	Specialist Member	16 October 2019
Peter Gazey	Community Member	6 May 2018
John Zelley*	Community Member	4 December 2017
*alternate for community members		

## Litchfield

Members	Position	Appointed
Keith Aikten	Specialist Member	12 April 2006
Adam Twomey	Specialist Member	12 April 2019
Christine Simpson	Community Member	6 April 2016
Doug Barden*	Community Member	1 July 2016
*alternate for community members		

## Palmerston

Members	Position	Appointed
Steve Ward	Specialist Member	1 July 2000
Trevor Dalton	Specialist Member	12 April 2019
Ben Giesecke	Community Member	10 July 2018
Sarah Henderson	Community Member	10 July 2018
Athina Pascoe-Bell*	Community Member	10 July 2018
*alternate for community members		

## Tennant Creek

Members	Position	Appointed
Lennart Holbrok	Specialist Member	12 April 2019
Steve Huntingford	Specialist Member	12 April 2021
Kris Civitarese	Community Member	4 December 2019
Sid Vashist	Community Member	5 January 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 and Tennant Creek divisions 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 2020-21 was 54 days.

A DCA Meeting Dates Calendar is available on the Department's website. Meetings are scheduled to avoid public holidays, but not school holidays.

Division	Public Meetings	Other (closed/out of session)	Total
Alice Springs	9	0	9
Batchelor	0	3	3
Darwin	19	0	19
Katherine	5	4	9
Litchfield	7	5	12
Palmerston	8	2	10
Tennant Creek	1	6	7
<b>Total</b>			<b>69</b>



# 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	88
Batchelor	2
Darwin	183
Katherine	18
Litchfield	59
Palmerston	64
Tennant Creek	15
<b>Total</b>	<b>429</b>

## Applications Determined

Division	Number of applications approved	Number of applications refused
Alice Springs	86	2
Batchelor	2	0
Darwin	161	7
Katherine	17	0
Litchfield	50	1
Palmerston	53	2
Tennant Creek	18	0
<b>Total</b>	<b>387</b>	<b>12</b>

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

During 2020-21 the Department implemented a number of enhancements to the Development Applications Online (DAO) portal to assist both applicants and members of the public with engaging in the planning process. Enhancements included enabling more application types to be lodged electronically, providing additional detail to easily identify applications and making it easier to stay up to date with new applications by introducing a subscription service for planning notices.



## RIGHTS OF REVIEW

Applicants and submitters (where third party rights of review exist) may apply to the Northern Territory Civil and Administrative Tribunal (NTCAT) for a review of the DCA's decision 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 by an applicant. 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	1	Applicant
Batchelor	0	N/A
Darwin	1	Applicant
Katherine	0	N/A
Litchfield	1	Applicant
Palmerston	2	Applicant x2
Tennant Creek	0	N/A
<b>Total</b>	<b>5</b>	

To view NTCAT decisions visit [Published Decisions | NTCAT](#)  
[| Northern Territory Civil and Administrative Tribunal](#)



## 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.

Division	Number of complaints lodged	Number of complaints resolved
Alice Springs	1	0
Batchelor	0	0
Darwin	31	19
Katherine	0	0
Litchfield	20	6
Palmerston	8	6
Tennant Creek	0	0
<b>TOTAL</b>	<b>60</b>	<b>31</b>

## FINANCIAL PERFORMANCE

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

The DCA expenditure for 2020-21 was \$359,572.00 compared with \$360,802.00 for the 2019-20 financial year.











