

## Steven Kubasiewicz

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**From:** garry burrows <slatlookconcrete@hotmail.com>  
**Sent:** Friday, 30 June 2023 1:11 PM  
**To:** Das NTG  
**Subject:** building plans 398 Mermaid Circuit Dundee Beach,

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Exceptional Development permit,  
This is to do with the plans for 398 Mermaid Circuit, Dundee Beach,  
Adding of a sea container, A storage container, And additional accommodation,  
This block is overcrowded now, They have not complied to the last order,  
They have a demountable on the boundary that was to be removed, But remains,  
The limited amount of people, What a Joke, Caravans on property also,  
When does it stop, They need a bigger block for that business,  
They need to be 5 meters of the boundary like everyone else,  
We say no to building on the boundry, No fire break otherwise,  
Why can they do whatever they like, No rules for them,  
Regards

Sent from [Outlook](#)

**From:** [garry burrows](#)  
**To:** [Steven Kubasiewicz](#)  
**Subject:** Re: PA2019/0348 Variation to condition 4 of EDP20/0015 including changes to the carparking layout, a sea container addition, a storage container with a reduced side boundary setback and an additional accommodation room (wheelchair accessible)  
**Date:** Tuesday, 15 August 2023 6:55:26 AM  
**Attachments:** [image001.png](#)

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Hi Steven,

No, we do not wish to attend a public meeting,

No, building on the boundary, That block is already over crowded,

It is becoming a fire risk, Too over crowded now,

This successful business needs to move to a bigger property so they can grow,

Regards Garry,

Sent from [Outlook](#)

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**From:** Steven Kubasiewicz <Steven.Kubasiewicz@nt.gov.au>  
**Sent:** Monday, 14 August 2023 9:00 AM  
**To:** slatelookconcrete@hotmail.com <slatelookconcrete@hotmail.com>  
**Cc:** Emily Hardy <Emily.Hardy@nt.gov.au>  
**Subject:** FW: PA2019/0348 Variation to condition 4 of EDP20/0015 including changes to the carparking layout, a sea container addition, a storage container with a reduced side boundary setback and an additional accommodation room (wheelchair accessible)

Hello Mr Burrows

I have attached a copy of the submission you made for your records.

You will be advised in due course when a public meeting will be held. If you do not wish to attend the meeting please let me know.

Likewise should any amendments be made to the proposal you will be advised accordingly.

Regards

**Steven Kubasiewicz**

Senior Planner  
Development Assessment Services  
Department of Infrastructure, Planning and Logistics

Level 1, Energy House, 18-20 Cavenaugh Street, Darwin  
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**From:** Steven Kubasiewicz

**Sent:** Monday, 14 August 2023 8:59 AM

**To:** 'slate' <lookconcrete@hotmail.com>

**Subject:** PA2019/0348 Variation to condition 4 of EDP20/0015 including changes to the carparking layout, a sea container addition, a storage container with a reduced side boundary setback and an additional accommodation room (wheelchair accessible)

Hello Mr Burrows

I have attached a copy of the submission you made for your records.

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Regards

**Steven Kubasiewicz**

Senior Planner

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**m. 0429 680 585**

**e. [steven.kubasiewicz@nt.gov.au](mailto:steven.kubasiewicz@nt.gov.au)**

Hon Evan Lawler MLA  
Minister for Planning  
GPO Box 3146  
DARWIN NT 0801

Dear Minister

We are writing in support of Exceptional Development Permit Application PA2023/0225, but which to lodge an objection to one element within the proposal.

We own the adjoining property at 394 Mermaid Circuit and live here on a permanent basis. We believe a well-managed accommodation setting such as this is far preferable to uncontrolled short-term rental accommodation. Most of the changes requested by the proponent appear to be reasonable.

However, we do object to the retention of the demountable bedrooms between the manager's dwelling and the accommodation building.

This demountable was illegally put into place some years ago and sits just 80cm from our boundary. The property owner has promised to either move or completely remove the building from this position on a number of occasions over the years but has not done so.

It has always been used for overnight accommodation and continues to be used for this purpose today.

Our objections are based on the following grounds:

- Despite claims that the demountable is used for storage, we have evidence that it continues to be used for overnight accommodation. This means that up to 16 people are being accommodated on the property, four more than the 12 allowable in the original EDP20/0015.
- Nothing has changed since EDP20/0015 was lodged and approved that supports the Minister now allowing this demountable building to remain in place.
- The proponent claims that the only way to move the building is to demolish it, at substantial cost, but has not provided any evidence to support this claim.
- The proponent claims it "makes no sense" to remove storage that is already in situ. However, allowing this illegally placed building to remain in place rewards the proponent for illegally installing it in the first place.
- The proponent further claims that moving the structure "would also risk damaging our newly installed ... waste water treatment system". We ask why the proponent installed the system in this location when their original EDP approval required this

building to be removed. Again, we do not believe it is good practice for the Minister to reward the proponent for illegally installing the demountable and not complying with the previous EDP approval.

- The demountable does not fit in the same category as the bathroom on the manager's dwelling. The bathroom is a properly designed and attractive building. The demountable is the type of building one would expect to find on a mining site, not less than a metre from your fence.

We fully understand the Exceptional Development Permit process is designed to allow worthwhile developments to go ahead that are not fully aligned with the Planning Scheme for an area. We also believe the Angler's Choice development meets the criteria for approval as a whole. It is a worthwhile local business offering a good product to tourists and much needed employment for local people.

Our lifestyle has already been impacted by the development of an accommodation business next door to our property. Vehicles speed up and down the driveway up to 30 times per day, creating dust from Mermaid Circuit. Often when the accommodation is full we can hear guests partying very clearly from our home. This was not what we anticipated when we purchased our property over 20 years ago.

However, we believe Angler's Choice as a whole is well run and the managers are mindful of doing their best to minimise impacts on their neighbours.

But we remain in objection to the retention of the demountable accommodation building and ask that the Minister not approve this component of the application.

Yours sincerely

John and Tracy Jones

16 July 2023

**From:** [John Jones](#)  
**To:** [Steven Kubasiewicz](#)  
**Subject:** TRM: Re: Changes to the application to vary EDP 20/0015 - Section 3181 (398) Mermaid Circuit Dundee Beach Hundred of Glyde.  
**Date:** Thursday, 9 November 2023 2:17:58 PM  
**Attachments:** [image001.png](#)  
[Submission John and Tracey Jones .pdf](#)  
[Amended site plan.pdf](#)

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Thank you for that information Steve, but we are wondering when the demountable will be removed thanks. regards JJ

Sent from my iPad

On 9 Nov 2023, at 10:25 am, Steven Kubasiewicz  
<[Steven.Kubasiewicz@nt.gov.au](mailto:Steven.Kubasiewicz@nt.gov.au)> wrote:

Hello John and Tracey

Further to our earlier correspondence the applicant has proposed to make changes to the development. Specifically, as shown on the attached site plan, the changes remove the proposed additional accommodation room (wheelchair accessible). What was approved as the "existing managers residence" is now proposed as the disability access room for accommodation purposes.

Should you have any additional comments to make on this proposal please forward them to me by Friday 24 November 2023.

Regards

**Steven Kubasiewicz**

Senior Planner  
Development Assessment Services  
Department of Infrastructure, Planning and Logistics

Level 1, Energy House, 18-20 Cavenaugh Street, Darwin  
GPO Box 2520, Darwin NT 0801

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e. [steven.kubasiewicz@nt.gov.au](mailto:steven.kubasiewicz@nt.gov.au)

**Please note:**

**The last advertisement of development applications for 2023 will be published online on Friday 1 December 2023.**

**From:** Christopher Rigby <[priceritereno@gmail.com](mailto:priceritereno@gmail.com)>

**Sent:** Tuesday, 25 July 2023 2:14 PM

**To:** Das NTG <[Das.NTG@nt.gov.au](mailto:Das.NTG@nt.gov.au)>

**Subject:** EDP 20/0015

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Section 3181 (398) Mermaid circuit Dundee.

In making this submission, I request a stay of 4 weeks in order to determine the legality of this application.

In the event of this not being granted, I object to the application on the grounds that the applicant is unable to abide by the conditions set by the minister.

Any further variation (albeit illegal) and in contravention to initial conditions set, will be met with an inability to comply.

As such this application must be rejected.

Chris Rigby

402 Mermaid circuit Dundee.

**From:** [Joshua Larder](#) on behalf of [Das NTG](#)  
**To:** [Steven Kubasiewicz](#)  
**Subject:** FW: EDP 20/ 0015 398 Mermaid circuit Dundee.  
**Date:** Friday, 4 August 2023 12:49:17 PM

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**From:** Christopher Rigby <[priceritereno@gmail.com](mailto:priceritereno@gmail.com)>  
**Sent:** Friday, 4 August 2023 12:47 PM  
**To:** Das NTG <[Das.NTG@nt.gov.au](mailto:Das.NTG@nt.gov.au)>  
**Subject:** EDP 20/ 0015 398 Mermaid circuit Dundee.

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1. As the proposed septic system was not installed immediately ( as stipulated ) rather a year and a half later, the coffee Rock below is saturated with raw sewerage. In the wet season when the water table rises the smell of sewerage is present at the bottom of the cliff in front of this block.  
With breezes constantly coming of the water, the sunset views on the clifftop are very uninviting. This will continue as the rock structure is contaminated. Green slime is seen on the rocks in front of this block.
2. The guests are allowed to noisily party on well into the night and early morning. Some of us on nearby blocks have to go to work that day . For me it's sleep deprivation. Complete disregard of the proximity of this establishment and how noise travels, especially at night.  
Totally indiscriminate actions.
3. The use if the coastal reserve to entertain guests in front of my block. Vehicles are prohibited on the reserve. Photos available.  
Verbal threats to see me in court if I continue to take photos. Physical threats to throw me over the cliff. Photos available.
4. The business is not meant to be in operation until a C of O is issued ( under building regulations ) this has not occurred.  
The continual noise and dust associated with all types of vehicles coming and going around the clock is indicative of an industrial site.  
Again an interference with the peace and tranquillity sought when initially investing in my block.
5. Lastly if an appeal to vary is made then it would appear that the reasons for the original EDP are presumably no longer extant.  
This raises many questions.  
Chris Rigby 402 Mermaid Circuit.



**From:** [Christopher Rigby](#)  
**To:** [Steven Kubasiewicz](#)  
**Subject:** Re: Changes to the application to vary EDP 20/0015 - Section 3181 (398) Mermaid Circuit Dundee Beach Hundred of Glyde.  
**Date:** Monday, 20 November 2023 5:11:06 PM  
**Attachments:** [image001.png](#)  
[image001.png](#)

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Steven, thank you for keeping me in the loop.

As a consequence of this latest request for yet another variation, a number of questions arise.

1. Is this existing structure coded for accommodation ?
2. Will another set of engineered plans be required to enable this variation ?
3. What impact does this have on the numbers of guests / staff designated by the minister in her initial directions ?
4. FYI, when I am at home (dundee) I constantly see two buses full of clients leave the block around 7am.

This is a complete disregard for the conditions stipulated by the minister ie number of clients.

For how much longer will this situation be allowed to continue before someone in authority puts a stop to this ?.

This is deserving of your attention and action.

Chris Rigby 402 Mermaid circuit Dundee.

On Thu, 9 Nov 2023, 10:25 am Steven Kubasiewicz, <[Steven.Kubasiewicz@nt.gov.au](mailto:Steven.Kubasiewicz@nt.gov.au)> wrote:

Hello Mr Rigby

Further to our earlier correspondence the applicant has proposed to make changes to the development. Specifically, as shown on the attached site plan, the changes remove the proposed additional accommodation room (wheelchair accessible). What was approved as the “existing managers residence” is now proposed as the disability access room for accommodation purposes.

Should you have any additional comments to make on this proposal please forward them to me by Friday 24 November 2023.

Regards

**Steven Kubasiewicz**

Senior Planner

Development Assessment Services

Department of Infrastructure, Planning and Logistics

Level 1, Energy House, 18-20 Cavenaugh Street, Darwin

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e. [steven.kubasiewicz@nt.gov.au](mailto:steven.kubasiewicz@nt.gov.au)

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**For planning scheme amendments, rezonings, concurrent applications and designated developments (prescribed by section 7 of the Planning Regulations 2000), the last advertisement for 2023 will be published online on Friday 17 November 2023 (as a 28 day exhibition period is required).**

**The first advertisement for all applications for 2024 will be published online Friday 26 January 2024.**

**Application lodgements need to be received 10 days prior to make the above final/first advertising dates.**

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**From:** [Ian Stewart](#)  
**To:** [Steven Kubasiewicz](#)  
**Subject:** Re: PA2023/0225 variation to exceptional development permit - Sec 3181 (398) Mermaid Circuit Dundee Beach.  
**Date:** Thursday, 12 October 2023 9:08:07 AM  
**Attachments:** [image001.png](#)

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Hi Steven, Thank you for your prompt reply. As discussed I submitted my comments on 28/7/23 at 1.51 pm regarding DA 2023/0225. I am redoing by comments from my notes and a part screen shot from my original submission supplied by Katherine Szuminska. ( From Open Australia Planning Alerts)

Greetings, Applying for reduced setbacks on containers/demountables that have been deemed illegal on the permit conditions of the previous application. Sea Containers/demountable have proven over over time not to be temporary.

Reduced setbacks are not conducive to Rural living.

Is this an example of the applicant not accepting and complying with the previous permit?

Can 2 adjoining lots have reduced setbacks? Or a case of first in best dressed!

Are firewalls required if the structures are within 3m of the boundary , especially in a commercial development?

Rural living does have a bush fire threat requiring fire breaks and clear access for fire appliances.

Does the proposed disabled accommodation add to the number of total quests permitted at the venue?

Should an existing room be modified to avoid more quest congestion at the venue?

Can the carpark accommodate the additional area to comply with disability requirements?

Regards Ian Stewart.

On Wednesday, 11 October 2023 at 01:43:05 pm ACST, Steven Kubasiewicz <[steven.kubasiewicz@nt.gov.au](mailto:steven.kubasiewicz@nt.gov.au)> wrote:

Hello Ian

We spoke earlier regarding the above application and a submission that you sought to make on the development proposal.

I have a look through our records and have not been able to find any reference to a submission from you. I have emailed Planning Alert (today) with a view to try and obtain a copy of the correspondence and have yet to receive a response.

I would suggest that you forward me a copy of the submission you made and under the circumstances we would include it in the relevant materials.

At the moment the application is on hold in terms of assessment. The applicant has indicated that the application may be changed by deleting the proposed disabled accommodation unit.

Regards

**Steven Kubasiewicz**

Senior Planner  
Development Assessment Services  
Department of Infrastructure, Planning and Logistics

Level 1, Energy House, 18-20 Cavenaugh Street, Darwin  
GPO Box 2520, Darwin NT 0801

- t. **08 8999 8308**
- m. **0429 680 585**
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Container No: LD300/3181

Development Assessment Services

GPO Box 1680

Darwin NT 0801

Dear Steven,

**RE: PA2019/0348 - Section 3181 Hundred of Glyde - 398 Mermaid Circuit Dundee Beach – Variation of Exceptional Development Permit**

In response to your letter of the above proposal for development application purpose, Power and Water Corporation advises 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 variation of exceptional development permit provided, the above requirements are met at no cost to Power and Water.

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**

7<sup>th</sup> July 2023