

# **NT PLANNING COMMISSION HEARING**

## **PROPOSED NT PLANNING SCHEME AMENDMENT PA2025/0395**

Rezone part Lot 9375 Town of Nightcliff (422 Trower Road, Tiwi)  
Zone CN (CONSERVATION) to Zone OR (ORGANISED RECREATION)

**Agenda Item Number: 4**

**Meeting Date: 3 February 2026**

**Attachment A – Exhibition Material**

**Attachment B – Submissions Received**

.....  
**Fiona Ray**  
Senior Planner  
Lands Planning

# Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

## 1. GENERAL INFORMATION

<b>ADDRESS:</b>	Part Lot 9375 Town of Nightcliff (422 Trower Road, Tiwi)
<b>AREA:</b>	8960 m <sup>2</sup> subject to amendment
<b>CURRENT ZONE:</b>	Zone CN (Conservation)
<b>PROPOSED ZONE:</b>	Zone OR (Organised Recreation)
<b>PROPOSED LAND USE:</b>	Darwin Surf Life Saving Club
<b>APPLICANT:</b>	Tatam Planning
<b>LAND OWNER:</b>	Crown Land Estate

## 2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to amend the NT Planning Scheme, including the rezoning of land. The *Planning Act 1999 (the Act)* establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NT Planning Scheme.

Under section 22(6), the Planning Commission must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

Under section 24 of the Act, the Planning Commission must provide to the Minister for Lands, Planning and Environment, a written report that addresses the issues raised in the submissions; the issues raised at the hearing and during any consultation; and any other matters the Commission considers the Minister should take into account when considering the proposal.

## 3. PROPOSAL

On 3 November 2025, application PA2025/0395 to amend the NT Planning Scheme 2020 (NTPS) was lodged by Cat Tatam of Tatam Planning Co on behalf of the landowner Crown Land Estate, Northern Territory Government.

The proposal seeks a partial rezoning of Lot 9375, commonly known as the Casuarina Coastal Reserve, from CN (Conservation) to OR (Organised Recreation), to create a single zone for the expanded lease area.

Specifically, The Territory (c/- of Crown Land Estate) has entered into an agreement with the DSLSC to grant a Crown Lease Term (CLT) over Part Lot 9375 (Administrative Lot 12719) covering the area proposed to be rezoned along with adjoining Lot 9316, which contains the site of the DSLSC clubhouse. The agreement would formalise the DSLSC's existing and longstanding use of the surrounding land. See figure 1.

The portion of Lot 9375 subject to the new agreement, was revoked from the Casuarina Coastal Reserve by gazette in 2023 but retained the Zone CN (Conservation).

As part of the lease arrangements, the following steps were identified:

- Excise an area of 8,960 m<sup>2</sup> from the Casuarina Coastal Reserve (Lot 9375) adjacent to the existing DSLSC site to establish a 40 year Crown Lease Term. This has been actioned and resulted in the creation of Administrative Lot 12719, which was proclaimed in the Government Gazette on 5 January 2023.
- Cancel the existing Crown Lease in Perpetuity 1232 over Lot 9316 and create a new leased parcel (exceeding 12 years) that incorporates both the existing DSLSC area and the additional 8960 m<sup>2</sup> excised from Lot 9375.

A separate subdivision application (PA2025/0373) was approved on 15 December 2025 to facilitate this arrangement. This will result in the creation of proposed Lot 12991 which has an area of 16,270m<sup>2</sup>.

- Rezone the additional leased area from Zone CN to Zone OR to align with the zone of the existing DSLSC site (current application).

Rezoning part lot 9375 (Administrative Lot 12719) from Zone CN to Zone OR, would remove the need to consider the Clearing of Native Vegetation overlay, allowing the Club to clear land without application and reduce their administrative load. The expanded footprint and change of zone would allow new uses to be undertaken on site at a future date. These could include commercial leisure and recreation activities, car park, childcare centre, community centre and stables.

Uses that are permitted in Zone OR may not require a development permit or trigger service authority comment. For example, the installation of lighting for sport and recreation purposes, may be undertaken without making application to Development Assessment Services.

The Parks and Wildlife Commission have advised that lights can affect nesting turtles and hatchlings and care is taken by the Commission to locate lights in the CCR away from the coast. Australian Government Guidelines were included with the submission which reinforce that artificial light is a high risk to sea turtle reproduction and survival. The Guidelines recommend that lights should be avoided near nesting beaches. As the Club is in a sensitive area and adjacent to a known turtle breeding site, a mechanism to refer works to the Parks and Wildlife Commission has been requested.



*Figure 1 Boundary of the existing Darwin Surf Lifesaving Club site shown in white. Proposed Lot 12991 encompasses Lot 9316 and is shown in yellow.*

A copy of the exhibition material, including the application is at **Attachment A**.

#### 4. SITE AND LOCALITY CONTEXT

Lot 9375 (known as Casuarina Coastal Reserve) is Crown Land managed by NT Parks and Wildlife. The Casuarina Coastal Reserve comprises valued coastal habitats between the estuaries of Rapid Creek and Buffalo Creek. In July 2024, the Northern Territory Government (NTG) declared Lots 9375 and Lot 9458 (not part of this application) a 'Park' under the *Territory Parks and Wildlife Conservation Act 1976*.

Lot 9316 is a discrete parcel encircled by Lot 9375 with an area of 8,960 m<sup>2</sup> and set back from the foredunes by approximately 15 metres. The lot is Zone OR (Organised Recreation) and is occupied by the DSLSC, which provides beach safety, lifesaving services, community education, and aquatic training. In addition to the core activities, the DSLC generates income through a sub-lease to Café de le Plage and by hiring the Club premises for events. Access to the lot is provided from Trower Road via an access easement known as Daribah Road.

A locality plan showing the site and surrounds is at Attachment A1.

#### 5. EXHIBITION OF PROPOSAL

On 17 November 2025, the delegate for Minister for Lands, Planning and Environment determined under section 13(3)(a) of the *Planning Act 1999* to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days, in accordance with the requirements of the Act. The exhibition closing date was 19 December 2025.

#### 6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B01 – B17**.

##### Public Submissions

Eleven public submissions were received from the public regarding this proposal. Submissions either objected to the proposed amendment or expressed a preference for retaining the current zoning.

A summary of the submissions is below. There were no template letters received.

Submitter	Discussion Points
Gayle Laidlaw (Attachment B01)	<ul style="list-style-type: none"><li>• Opposed to the change in Zone from CN to OR. The land is part of the Casuarina Coastal Reserve (CCR) National Park which provides protection for native vegetation and fauna.</li><li>• The Club has indicated they have no plans to do anything on the additional land so there is no reason to change the zone.</li></ul>
Graham Kirby (Attachment B02)	<ul style="list-style-type: none"><li>• Wildlife carer for 18 years. Concerned with the level of habitat destruction, land clearing and species depletion in Australia. Global cities are rehabilitating degraded bushland we are still at the stage of destruction and degrade.</li><li>• Objects to the rezoning from CN to OR based on experience as a wildlife carer and a member of Friends of Casuarina Coastal Reserve.</li><li>• Unclear from the application who initiated the proposal, the application is complex and does not promote community involvement.</li></ul>

Submitter	Discussion Points
	<ul style="list-style-type: none"> <li>• Concerned that the Club has not managed feral weeds.</li> <li>• Opposes the purpose of the application to address planning and land use anomalies by allowing further development at the expense of the natural environment.</li> <li>• The application undermines sustainable land use by promoting further development on Conservation land. Not regarded as a balanced outcome.</li> <li>• Application claims to have been made following extensive consultation but many members of the Friends of Casuarina Coastal Reserve were surprised by the proposal.</li> <li>• Benefits claimed in the Statement of Effect are considered to be subjective and contrary to 2A Objectives of the Act (a),(e), (f) and (g).</li> <li>• Disagrees that the proposal maintains the environmental integrity of Lot 9375 the Casuarina Coastal Reserve.</li> <li>• Is there an access easement from Trower Road?</li> <li>• Confused about the concurrent process and how the assessment of the planning scheme amendment can be considered separately to the subdivision.</li> </ul>
<p>Andris Bergs (Attachment B03)</p>	<ul style="list-style-type: none"> <li>• The Surf Club sits within the Casuarina Coastal Reserve (CCR) which is a declared Park. The Reserve contains sensitive ecosystems, vulnerable flora and fauna and is at risk from weeds and pests.</li> <li>• CCR is the most visited reserve in the NT providing rest and recreation for thousands of Territorians.</li> <li>• It is noted that on 5 January 2023, Lot 12719(A) was excised from Lot 9375 to enable works to be undertaken to the Club and surrounds. Those works do not appear to have been completed e.g. stabilisation of existing deck, ramp and beach access, bituminisation of car parking area.</li> <li>• A subdivision to consolidate Lot 9316 with Lot 121719(A) to create Lot 12991 was approved by the DCA on 15 December 2025. The application stressed “...no physical development or change of existing use by the DSLSC. No impacts on ongoing land use and surrounding amenity are expected. The proposed subdivision serves only an administrative purpose and therefore will not compromise the purpose and outcome of the zone.”</li> <li>• The impact of rezoning all of lot 12991 to OR will allow a wide range of uses across the Lot in future. Those uses may negatively impact the natural values of the surrounding reserve.</li> </ul>

Submitter	Discussion Points
	<ul style="list-style-type: none"> <li>• Whilst the rezoning to Zone OR would provide a consistent zone for the site a similar result could be achieved by rezoning the site to CN.</li> <li>• The community based not for profit Club has evolved from its primary focus being water safety, training and education to providing a venue for recreation and entertainment. The land includes a popular cafe. Revenue of over \$340,000 was received from the sale of goods and services in 2024, demonstrating the success of commercial and related activities.</li> <li>• It is likely that over time the Clubs entrepreneurial focus will identify opportunities to expand into the current CN Zone for purposes beyond life-saving activities.</li> <li>• Retaining the CN Zone would allow the Club to expand exhibition, retail and dining services, subject to planning assessment.</li> <li>• Zone OR would allow additional uses. The increase in infrastructure and business would reduce visual quality, increase noise, litter and lighting.</li> <li>• Seeking documentation and outcomes of the preliminary consultation the application stated had been undertaken with Land Care and Friends of Casuarina Reserve.</li> <li>• Retaining the current Zoning of OR and CN is preferred, with the CN component managed to improve aesthetics, minimise weeds and increase wildlife attracting vegetation.</li> </ul>
<p>Deborah Hall (Attachment B04)</p>	<ul style="list-style-type: none"> <li>• Submission made on behalf of Friends of Casuarina Coastal Reserve Inc, a not-for-profit community group which works to ensure that the natural values of Casuarina Coastal Reserve (CCR) are recognised, enhanced and cared for.</li> <li>• The subject site is bounded by the CCR.</li> <li>• The CCR has more than a million visits each year by locals and visitors, for a range of purposes including socialising, citizen science activities and a wide range of outdoor pursuits.</li> <li>• The Reserve is important habitat for a wide range of species including rare and endangered and supports a wide range of plant communities.</li> <li>• The Zone outcomes for Zone CN should be carefully considered. The FCCR believes the CN Zone should be retained as it is in keeping with the broader landscape of the CCR.</li> <li>• The application does not contain compelling reasons for the change in Zone. Retaining the CN land would not appear to adversely affect the DSLSC.</li> </ul>

Submitter	Discussion Points
	<ul style="list-style-type: none"> <li>As far as FCCR are aware no members have been consulted on the proposal, contrary to the statement in the Report.</li> </ul>
<p>Ian Redmond and Gayle Laidlaw</p> <p><b>(Attachment B05)</b></p>	<ul style="list-style-type: none"> <li>Submission on behalf of Friends of Lee Point.</li> <li>The DSLSC have been operating successfully for many years with the surrounding land being in Zone CN. A rezoning is unnecessary and not supported.</li> <li>The CN Zone should be retained to ensure impacts on the CCR are minimised.</li> <li>Attached a link to <a href="https://saveleepoint.org.au/lee-point-protecting-critical-habitat-and-darwins-last-wildlife-corridor">https://saveleepoint.org.au/lee-point-protecting-critical-habitat-and-darwins-last-wildlife-corridor</a></li> </ul>
<p>Louise Harrison</p> <p><b>(Attachment B06)</b></p>	<ul style="list-style-type: none"> <li>Does not support the rezoning as it represents a further risk to the natural values of the reserve.</li> <li>Rezoning would reduce protections on the existing vegetation and wildlife and allow a broader range of uses on the land.</li> <li>The lessee should prepare a Weed Management Plan for the current leased area to demonstrate an understanding of the values and commitment to conservation of the site for current and future generations.</li> </ul>
<p>Nick Kirlew</p> <p><b>(Attachment B07)</b></p>	<ul style="list-style-type: none"> <li>Objects to the proposal. Lot 12719(A) should remain in Zone CN.</li> <li>Represents a reduction in the statutory environmental protection on the land that adjoins the Casuarina Coastal Reserve.</li> <li>Supporting documents indicate that rezoning is not required for the ongoing operation of the Club.</li> <li>The extended lease area and proposed Zone OR would extend into land that is currently vegetated and Zone CN.</li> <li>Increasing the size of the leasehold is not an administrative amendment.</li> <li>Refusal of the amendment would not prevent Surf Club operations, but approval would irreversibly change the potential use of the land.</li> <li>The declaration of the CCR as a Park should lead to increased protections,</li> <li>Clear mismatch between the proposal being characterised as minor and the administrative and legal effect of the rezoning.</li> <li>Rezoning land in Zone CN is a significant planning decision with long-term consequences and should not proceed without compelling justification.</li> </ul>

Submitter	Discussion Points
Betty Lum <b>(Attachment B08)</b>	<ul style="list-style-type: none"> <li>• Objects to the proposal.</li> <li>• Benefit of Zone CN is the retention of natural flora and habitat for threatened wildlife.</li> <li>• The coastline should be kept free from unnecessary development and possible pollution to our seas.</li> </ul>
James Courtney <b>(Attachment B09)</b>	<ul style="list-style-type: none"> <li>• Objects to the rezoning of land in Zone CN and future expansion of development beyond the existing use but not surf lifesaving activities or the DSLSC.</li> <li>• The subject land forms part of the Casuarina Coastal Reserve (CCR), a continuous coastal system of high environmental, scenic and cultural value.</li> <li>• Rezoning from CN to OR undermines the integrity of the coastal reserve system and introduces a land use classification whose purpose explicitly includes commercial and intensified recreational activities.</li> <li>• Existing CN zone permits the current recreation and community use and rezoning is unnecessary.</li> <li>• A rezoning would permanently expand development rights.</li> <li>• The process to revoke the CN land from the CCR does not remove conservation values or amend the NTPS.</li> <li>• Concerned the applicant sought to waive public exhibition.</li> <li>• The proponent relied on preliminary consultation with a limited and curated group. This gives rise to procedural unfairness as selective engagement is not public consultation.</li> <li>• DLPE has multiple roles in the process and an apparent predisposition to a particular outcome. Seeking to waive exhibition gives rise to accusations of apprehended bias.</li> <li>• The proposal fails to properly address cumulative loss of land in Zone CN, intergenerational public interest, Aboriginal cultural heritage considerations and sets a precedent for other reserves.</li> <li>• The subject land is within two kilometres and direct line of sight of one of the most significant Aboriginal sites in the NT. Sacred sites exist within a broader cultural landscape. Decisions affecting land use require heightened care.</li> <li>• Consideration of Aboriginal cultural heritage should include an assessment of direct and cumulative impact, changes in land use intensity and activity, visual, acoustic and access effects and intergenerational cultural integrity. The proposal failed to consider those matters.</li> <li>• On-site wastewater water infrastructure is aging and the Club has experienced overflow events. The issues have been raised</li> </ul>

Submitter	Discussion Points
	<p>with the NT EPA. History demonstrates that increased patronage can exceed infrastructure capacity.</p> <ul style="list-style-type: none"> <li>• Issues with wastewater management were not addressed in the Statement of Effect. The sensitive coastal location is subject to flooding and storm surge, raising concerns for environmental and public health.</li> <li>• Further consideration should be given to NT Planning Act 2A(f) <i>to promote the responsible use of land and water resources to limit the adverse effect of development on ecological processes.</i></li> <li>• Requests that the NT Planning Commission reject the amendment.</li> </ul>
<p>Grusha Leeman <b>(Attachment B10)</b></p>	<ul style="list-style-type: none"> <li>• Objects to the proposal.</li> <li>• Casuarina Coast should be protected as National Park and no more development should be tolerated.</li> <li>• Weeds are rampant and the proposal is not only unnecessary, it assumes it is acceptable to bulldoze beautiful trees in a dense forest.</li> <li>• The current Surf Club buildings and surrounds has adequate enterprises and do not need to be expanded.</li> </ul>
<p>Margaret Clinch <b>(Attachment B11)</b></p>	<ul style="list-style-type: none"> <li>• The proposal doubles the size of the DSLSC and would inhibit walking access to the Reserve and beach.</li> <li>• The application does not indicate why more land is required.</li> <li>• CCR is important for the free enjoyment of the public including enjoyment of the natural environment.</li> <li>• CN is the correct Zone. The area is unique and close to the CBD.</li> <li>• Since its formation in 1997 the dedicated volunteer Casuarina Coastal Reserve Landcare Group have worked closely with management protecting and revegetating the natural environment.</li> <li>• Increasing OR would create a precedent and conflict.</li> </ul>

### Service Authority Comments (Attachments B12 to B17)

Comments received from Service Authorities are summarised in the table below.

Service Authority	Comments
<p>Aboriginal Areas Protection Authority</p>	<ul style="list-style-type: none"> <li>• Recommends that an application be lodged for an Authority Certificate in accordance with section 19B of the <i>Northern Territory Sacred Sites Act 1989</i> prior to undertaking works. Undertaking</li> </ul>

<p><b>(Attachment B12)</b></p>	<p>works on a Sacred Site is an offence and may be subject to penalties.</p> <ul style="list-style-type: none"> <li>• In the first instance the applicant can apply for an Abstract of records for information on known sites, but this should not be used for undertaking development activity.</li> </ul>
<p>PWC – Water Services <b>(Attachment B13)</b></p>	<ul style="list-style-type: none"> <li>• Refer to advice provided in PA2025/0373 application for subdivision.</li> <li>• Reticulated water and sewer services are currently available in the area however the proposed lot is not currently serviced. The developer must contact Power and Water to discuss any servicing requirements for the proposed subdivision.</li> <li>• Only a single water and sewer service is permitted for each individual lot. All new services are constructed by the developer, at no cost to Power and Water.</li> <li>• There is a sewer discharge pump with an allocated rated of 2 L/S (Parks and Wildlife infrastructure) which connects to the PWC system under a private arrangement. Future development on the subject lots will require a Power Water modelling review if there are increases to load into PWC’s system.</li> </ul>
<p>PWC Power <b>(Attachment B14)</b></p>	<ul style="list-style-type: none"> <li>• Power and Water has no objection to the above rezoning proposal.</li> <li>• However, the proposed Lot 12991 would have the following issues regarding power servicing compliance: Current power supply to DSLSC site is from Lot 9375. It does not meet NP020 Guidelines for developers of subdivisions and electricity infrastructure – Clause 2.3 (a) that “All newly created lots in subdivision layout shall have public road access frontage for electricity service connections. Electricity supply service to any lot through another lot is strictly prohibited.”</li> <li>• The current power supply to DSLSC site would be accepted if the proposed Lot 12991 is an Administrative Lot.</li> </ul>
<p>Land Resources Division, DLPE <b>(Attachment B15)</b></p>	<p><u>Land Resources Division</u></p> <ul style="list-style-type: none"> <li>• The <i>Weed Management Act 2001</i> applies to the occupiers of land and describes legal requirements and responsibilities to prevent the infestation and spread of declared weeds. Several declared weeds have been identified for the application area, surrounding parcels and roads. Links to relevant guidelines are provided.</li> </ul> <p><u>Heritage Branch</u></p> <ul style="list-style-type: none"> <li>• It should be noted that Administrative parcel 12719 encompasses sand dunes and foreshores and that these areas have been used as sites for Aboriginal bush burials in the past, the closest recorded burial place being within 400m of the site.</li> <li>• prior to any development in the proposed area, the proponent should be advised to contact the Heritage Branch for further advice - <a href="mailto:heritage.branch@nt.gov.au">heritage.branch@nt.gov.au</a>.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Northern Territory (NT) Government’s Heritage Branch administers the <i>Heritage Act 2011</i> and provides authoritative advice about obligations under the <i>Heritage Act 2011</i>, including steps to take to manage the impact of proposed work on Aboriginal and Macassan archaeological places and objects. <ol style="list-style-type: none"> <li>1. All provisionally declared and declared heritage places and objects are protected under the Heritage Act 2011;</li> <li>2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;</li> <li>3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;</li> <li>4. Ancestral remains are also protected;</li> <li>5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast; and</li> <li>6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.</li> </ol> </li> <li>• It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to a declared heritage place, an Aboriginal or Macassan archaeological place or object.</li> </ul> <p><u>Flora and Fauna</u></p> <ul style="list-style-type: none"> <li>• Considers the risk to threatened species on site is low.</li> </ul> <p><u>Water Resources Division</u></p> <ul style="list-style-type: none"> <li>• No issues</li> </ul>
Parks and Wildlife Commission <b>(Attachment B16)</b>	<ul style="list-style-type: none"> <li>• Advised that lighting close to the coast can affect nesting marine turtles and that it is careful in locating lights in the CCR away from the coast and have built requirements for turtle-friendly lighting into scope documents managed by the Department of Infrastructure.</li> <li>• Shared guidelines on managing light spill to prevent impacts on turtles particularly those threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</li> <li>• Queried whether it would have the benefit of making comment if the DSLSC made a development application in the future.</li> <li>• Advised that activities held at the Darwin Surf Lifesaving Club need to address parking issues to restrict where possible any overflow parking that may occur within the CCR so there is minimal impact on the users of the Reserve.</li> </ul>

## Local Authority Submissions (Attachment B17)

City of Darwin (Attachment B17)
<ul style="list-style-type: none"><li>• No objections in principle</li></ul>



### 7. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the Planning Commission report to the Minister for Lands, Planning and Environment on the issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.