DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 1 **MEETING DATE:** 23/10/2026 **FILE:** PA2026/0321

APPLICATION PURPOSE:	Change of use to medical clinic (physiotherapy) (part Tenancy 1B)
SUBJECT SITE:	Lot 6902 (35) Stuart Highway, Stuart Park, Town of Darwin
ZONE:	Zone SC (Service Commercial)
SITE AREA:	2460 m^2
APPLICANT	Sheridan Consulting – Director Joseph Sheridan
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Jacaroma Properties Pty Ltd – Director Jacob Sciacca
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. PROPOSAL

The application proposes a part change of use to medical clinic at Lot 6902 (35) Stuart Highway, Stuart Park, Town of Darwin (the site). The 2460 m² lot is a freehold lot (estate in fee simple) within Zone SC (Service Commercial) pursuant to the Northern Territory Planning Scheme 2020 (NTPS 2020).

The application was submitted by Joseph Sheridan of Sheridan Consulting, on behalf of the landowner Jacaroma Properties Pty Ltd (via Director Jacob Sciacca).

The site is located within Zone SC (Service Commercial) and is currently developed as a single-storey commercial building currently occupied by a medical clinic, a motor repair station and a vacant tenancy. The application involves expanding the existing medical clinic into part of the adjoining vacant tenancy (Tenancy 1B), with all works occurring within the existing building envelope and no changes proposed to the external built form, site layout, vehicle access arrangements or operating hours.

The expansion will increase the floor area of the medical clinic by approximately 260 m² and provide additional facilities to support the existing physiotherapy practice. The proposed fit-out includes three new consulting rooms, two directors' offices and a large physical therapy space containing gym equipment. The development also incorporates purpose-built treatment and assessment facilities, including a running assessment room, stretching area, sauna and ice bath facilities intended to support physiotherapy treatment programs.

The application does not propose any external building additions, changes to site access, landscaping alterations or modifications to the existing car parking layout. Existing services, pedestrian access arrangements, bicycle parking facilities and on-site infrastructure will be retained. The motor repair station occupying the rear tenancy will continue to operate unchanged, with the applicant contending that the expanded medical clinic will remain compatible with the surrounding service commercial activities.

A location plan, pink sign and site context photos are provided at **Bookmark A,** with a copy of the application provided at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The application is *Impact Assessable* under clause 1.8(1)(c)(i) of the NTPS 2020 as the use is shown as *Impact Assessable* on the relevant assessment table in Part 4 of the NTPS 2020.

Zoning, land use, and assessment category	Part 3 Overlay	Part 5 – General and Specific Development Requirements
Zone SC Medical clinic *Impact Assessable*	N/A	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC 5.9.7 Humpty Doo Rural Activity Centre Area Plan 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

The exercise of discretion by the consent authority that applies is clause 1.10(4), which states *In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*

(a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land;
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of clause 5.2.4.1 (Car Parking Spaces) of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit as detailed in section 7 of this report.

4. BACKGROUND

The site is located between the Stuart Highway and Ramirez Road, is regular in shape, and slopes slightly towards the road frontages. A review of the survey plan found that the site is not encumbered by any easements, nor are any located in proximity to the proposed development.

The wider locality of Stuart Park is characterised by a diverse mix of commercial and service commercial uses along the Stuart Highway, and residential development elsewhere. Land fronting the Stuart Highway accommodates a range of commercial uses including showroom sales, professional services, health-related businesses, retail premises and other service commercial activities that benefit from exposure to a major arterial road. The locality also contains established medium and higher density residential development on both sides of the Stuart Highway, transitioning to lower density residential neighbourhoods further east and west. The area is supported by significant infrastructure and recreational assets, including the former North Australia Railway Corridor, the George Brown Darwin Botanic Gardens and Gardens Park Golf Links, contributing to its role as an important mixed-use gateway between the inner suburbs and the Darwin CBD.

The site is located within a service commercial precinct bounded by Ramirez Road, the Stuart Highway and the former railway reserve. The immediate area is characterised by commercial and service commercial development comprising shop/showroom premises, offices, health-related services, vehicle-oriented businesses and associated at-grade parking areas. The site contains an existing single-storey commercial building occupied by a medical clinic and a motor repair station, with direct vehicular access from both the Stuart Highway and Ramirez Road. Development within the surrounding area exhibits a predominantly commercial character, with buildings generally built to the front property boundary. This area is identified within the Darwin Inner Suburbs Area Plan as a specialist and secondary centre intended to accommodate a mix of commercial and service-based activities serving both the inner suburbs and the Darwin CBD.

The site has the following relevant planning history –

- DV0984 was issued on 21 June 1983 for office, warehouse and workshop. A copy of this permit was not able to be located.
- DP98/0283 was issued on 19 June 1998 for the purpose of refurbishment of the existing building. This development permit approved the use of the tenancy 1 (facing the Stuart Highway) for showroom sales with ancillary warehouse, and tenancy 2 (facing Ramirez Road) for service industry (now motor repair station).
- DP22/0079 was issued on 11 April 2022 for the purpose of part change of use from showroom sales to medical clinic (tenancy 1A) with three consulting rooms only. This permit established the medical clinic, which this application is proposing to expand upon.

A copy of DP98/0283is provided at **Bookmark C**, and a copy of DP22/0079 at **Bookmark B8**.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks, between 11 and 25 September 2026. No public submissions were received under section 49(1) of the *Planning Act 1999*. Photos of the pink sign photos are provided at **Bookmark A2**.

6. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE *PLANNING ACT 1999)*

Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and a change of use to medical clinic (physiotherapy) (part Tenancy 1B) requires consent under clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under clause 1.8(1)(c)(i); therefore, the Darwin inner suburbs area plan (being the most detailed strategic framework document), the zone purpose and outcomes of Zone SC (Service Commercial), and clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.9.7 (Humpty Doo Rural Activity Centre Area Plan), 5.5.2 (Commercial Plot Ratio), 5.5.3 (General Building and Site Design), 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS 2020 except for clause 5.2.4.1 (Car Parking Spaces) in relation to the required number of car parking spaces on-site (16 car parking space shortfall).

A copy of the technical assessment completed by DAS is provided at **Bookmark D**.

A summary of the relevant parts of the NTPS 2020 is as follows:

Part 2 – Strategic framework

<u>Darwin inner suburbs area plan</u>

The Darwin Inner Suburbs Area Plan (DISAP) provides a framework to guide the progressive development of the inner suburbs. The site is located within an area for change to mixed use and existing commercial (Specialist and Secondary Centre) land uses. More specifically, the site is located within the activity centre boundary, and on the Activity Centres and Tourist Commercial Areas figure for specialist/secondary centre land uses, and within the Stuart Highway, Stuart Park Precinct concept area.

The application is considered to be acceptable against the relevant objectives because the conversion of part of tenancy 1B to medical clinic will not reasonably adversely affect the intended development of the locality for mixed use purposes.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

Clause 4.12 (Zone SC – Service Commercial)

The purpose of Zone SC is to *Facilitate destination retailing, commercial and other activities that individually require a large floor area for the handling, display and storage of bulky goods, or activities, in locations that enable convenient access by the broader regional population.*

Of relevance, zone outcome 3 intends that *Commercial activities including … medical clinic … are acceptable where they are subordinate to the primary development on the site and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.*

The application is considered to support this zone outcome by virtue the medical clinic expansion is minor (260 m^2 within an existing 1116 m^2 building), and which will not reasonably adversely affect the amenity of the area or prejudice its service commercial function of other land in Zone SC along the Stuart Highway

Part 5 – Development requirements

As mentioned earlier, the proposed development was found to comply with the relevant part 5 development requirements of the NTPS 2020, except for clause 5.2.4.1 (Car Parking Spaces).

Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5, of the NTPS 2020, *The consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*
(a) The purpose and administration clauses of the requirement; and
(b) The considerations listed under Clause 1.10(3) or 1.10(4).

In response to clause 1.10(5)(a), it is considered that a variation to this clause is appropriate in this instance for the following reasons:

Clause 5.2.4.1 (Car parking spaces)

The purpose of this clause is to *Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.*

Clause 5.2.4.1(4) requires that a *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number)* [calculated as 44.61 (45) car parking spaces], where only 29 car parking spaces are provided on-site (16 car parking space shortfall).

In support of the above, a review of the planning history at the site was completed. This review considered that the site is proposed to comprise:

- medical clinic (consulting rooms): 6 rooms are now proposed, requiring 24 spaces.
- warehouse (remainder of the vacant tenancy, based on previous planning history): 118 m^2 requiring 1.18 spaces.
- motor repair station: 313 m^2 requiring 18.78 spaces.
- motor repair station (ancillary office): 26 m^2 requiring 0.65 spaces.

In total, the site is therefore calculated as requiring 45 car parking spaces to cater for existing and proposed land uses, where 29 car parking spaces are shown on the plans associated with this application and DP22/0079 (which is the most recent approval that approved changes at the site).

In addition to the above, it is noted that the application specifically proposes an expanded 'physical therapy space', 3 consulting rooms, and 3 alternative treatment rooms, and 2 additional offices. This clause applies a requirement of 4 car parking spaces for every consulting room. The application states that proposed additions will only allow for another three practitioners, with these practitioners to utilise the alternative treatment rooms to provide specialised services to the patients. The proposed physiotherapy space is an open area accommodating a range of equipment for treatments. To safeguard against any incidental intensification at the site (i.e. additional practitioners taking on clients), which have not been assessed as contributing to the assessed car parking demand, a permit condition stating that the use as shown on the endorsed plan must not be altered without the further consent of the Authority has been recommended on the development permit.

Administratively, subclause 2 states *The consent authority may consent to a use or development that is not in accordance with subclause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*

(a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;

- The proposal is for the part change of use from vacant warehouse in an existing commercial building. The existing building is predominately used for commercial purposes.
- The specific nature of a medical clinic is that an alternative approach to car parking rather than broad leisure and recreation car parking rate is appropriate, on the basis that there will generally only be limited durations when clients overlap (i.e. prior to and after an appointment).

(b) the provision of car parking spaces in the vicinity of the land;

- There are public car parks available centrally in the median on Stuart Highway and on-street car parking available on the Stuart Highway and Ramirez Road. These have a time limit of 2 hours allowing for consistent turnover of car parking spaces.

(c) the availability of public transport in the vicinity of the land; and

- There are inbound and outbound bus stops within walking distance on both side of the Stuart Highway. These bus stops are serviced by regular bus routes that provide access to and from the greater Darwin region.

(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;

- The proposed development has access to public transport, with bus stops located in close proximity, therefore encouraging alternative modes of transport and reducing reliance on private cars.
- The nature of the use will result in only limited instances of short duration where there is overlapping between medical clinic clients.

- The use will be wholly within an existing commercial building, and while similar service commercial land is located around the site, no residential lots directly abut the land. Accordingly, the proposal is unlikely to adversely impact the amenity of the locality or adjoining properties.

Based on the above discussion, the proposed variation to clause 5.2.4.1 (Car parking spaces) is supported, as the shortfall in car parking spaces is not likely to result in unreasonable adverse impacts to the local street network.

It is noted that the City of Darwin requested that a monetary contribution be paid in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of the proposed development. This is discussed further at section 51(1)(m) of this report.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS 2020, except for the non-compliant clauses as identified and discussed above.

(b) any proposed amendments to such a planning scheme:
(i) that have been or are on exhibition under Part 2, Division 3;
(ii) in respect of which a decision has not been made under Part 2, Division 5; and
(iii) that are relevant to the development proposed in the development application

There are no proposed amendments to the NTPS 2020 which are considered relevant to this application.

(c) an interim development control order, if any, in respect of the land to which the application relates

There are no interim development control orders that affect this application.

(d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates

There are no environment protection objectives that are considered to affect this application. Additionally, the Development Coordination Branch of the Department of Lands, Planning and Environment (who coordinate responses from various entities including the Environment Division) did not communicate any requirements or concerns regarding this application.

(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

The application was placed on public exhibition for a period of two weeks, between 11 and 25 September 2026. No public submissions were received under section 49(1) of the *Planning Act 1999*.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister has not given any direction in relation to this application.

(h) the merits of the proposed development as demonstrated in the application

The application submits that it has the following merits:

- *The type and scale of development is appropriate for the site and supports the growth of the existing medical clinic business.*
- *The use is generally in accordance with the prevailing strategic documents set out in Part 2 of NTPS and the requirements of Parts 4 and Part 5.*
- *Only a minor non-compliance with car parking requirements is identified which is offset by the site's proximity to transport networks, the operational and staffing elements of the business itself and the availability of underutilised off-street car parking.*

(j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development

The site is connected to reticulated power, water and sewerage, and is reasonably considered capable of supporting the proposed development. In addition, it is noted that the site is flat, cleared of native vegetation, not located within an identified as being subject to flooding or storm surges, and located outside the Australian Noise Exposure Forecast 2042 20-unit contour.

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer

There is not considered to be a requirement for the provision of public facilities or open space as part of the proposed application.

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

Below is a summary of service authority submissions –

Local government council:

City of Darwin (**Bookmark E1**) has requested that the Authority requires a monetary contribution be paid to the City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the onsite car parking shortfall as a result of this development.

DAS response: The conditions requested above have been included within the recommended conditions. Notwithstanding, a permit condition requiring a part or in-full contribution for the car parking shortfall at the site for the following reasons:

- Clients will generally be at the site for less than an hour, ensuring that there will be a consistent turnover of both on-site and on-street car parking spaces.
- The close proximity of alternative modes of transport (i.e. public transport, walking and cycling).
- The close proximity of alternative commercial developments, which may result in cross-utilisation with other services in the specific locality.

Service authorities:

Power and Water Corporation (PWC) Power Services (**Bookmark E2**) provided standard comments that are reasonably expected for an application of this nature.

DAS response: Standard permit conditions and notes relating to works being to the requirements of Power Services have been included within the recommended conditions.

PWC Water Services (**Bookmark E3**) provided standard comments that are reasonably expected for an application of this nature.

DAS response: Standard permit conditions and notes relating to works being to the requirements of Water Services have been included within the recommended conditions.

Transport and Civil Infrastructure (TCI) of the Department of Logistics and Infrastructure (**Bookmark E4**) did not provide an objection or note any requirements with reference to matters under their responsibility.

DAS response: Noted. No conditions or notes relating to TCI have been recommended on the development permit.

The application was also circulated to Development Coordination Branch of the Department of Lands, Planning and Environment (DLPE, who coordinate responses from various DLPE entities), however, no comments were received from this service authority.

(n) the potential impact on the existing and future amenity of the area in which the land is situated

Amenity is defined at section 3 of the *Planning Act 1999*, and within the NTPS 2020, as *in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.*

The proposed medical clinic is considered unlikely to result in unreasonable adverse amenity impacts within the locality as no changes are proposed to the exterior of the built form, and the application will utilise part of a currently unused tenancy, which will reasonably increase activation of the site.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:

- ***(i) community safety through crime prevention principles in design;***
- ***(ii) water safety;***
- ***(iii) access for persons with disabilities***

It is in the public interest to ensure that development generally accords with the land use requirements as stipulated within the NTPS 2020, as this sets out reasonable expectations of the community for developments in a given locality. Given that no public submissions were received as part of this application's public exhibition, it is considered that there may be low level of public interest in this development.

In response to (i), it is not considered that community safety through crime prevention principles in design are relevant to this application, by virtue that the Community Safety Design Guide is not referenced in any clauses of the NTPS 2020 that are relevant to this application.

Notwithstanding, a review of the application did not consider it was inconsistent with the 4 main principles of crime prevention through environment design principles, for the following reasons:

Natural surveillance – The public domain will continue to be visible from the premises.

Natural access control – The built form will continue to reasonably delineate the public domain from the site premises.

Territorial reinforcement – Re-activation of part of a vacant tenancy will help ensure more of the site is cared and maintained.

Maintenance and management – The continued use of the premises will reasonably improve site activity and passive surveillance.

In response to (ii), water safety is not considered to be relevant to this proposal. It is noted that no pool facilities are proposed in this application.

In response to (iii), access for persons with disabilities is expected to be reviewed as part of building code requirements and dealt with under the *Building Act 1993*.

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;

Subdivision is not proposed as part of this application.

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

Subdivision is not proposed as part of this application.

(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011

There are no known natural, social, cultural or heritage values of note on the site or in the immediate surrounding area, nor were any identified as part of the public exhibition or assessment of this application.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992

The site is located within the declared Darwin Harbour beneficial use area, which exists to protect surface water in the declared area for aquaculture, environment, cultural, rural stock and domestic purposes. It is noted that it is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

(t) other matters it thinks fit

No other matters have been identified as warranting consideration.

Section 51(2) of the Planning Act 1999

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:
(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or
(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

In response to (a), although no comments were received from the Development Coordination Branch, DLPE, the proposed development is not considered to be of scale or intensity that would reasonably require the preparation of any environmental reports or impact statements under the *Environmental Protection Act 2019*. As such, pursuant to (c), the consent authority may make a decision by virtue that referral is not reasonably required.

7. RECOMMENDATION

That, the Development Consent Authority vary the requirements of clause 5.2.4.1 (Car Parking Spaces) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 6902 (35) Stuart Highway, Stuart Park, Town of Darwin for the purpose of a change of use to medical clinic (physiotherapy) (part Tenancy 1B), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2026/0321/01 through 2026/0321/03, endorsed as forming part of this permit.

2. The use and development as shown on the endorsed plan must not be altered without the further consent of the consent authority.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
   Please refer to note 1 for further information.

4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

5. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   a. constructed;
   b. properly formed to such levels that they can be used in accordance with the plans;
   c. surfaced with an all-weather-seal coat;
   d. drained;
   e. line marked to indicate each car space and all access lanes; and
   f. clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

6. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (developer.concierge@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.

8. REASONS FOR THE RECOMMENDATION

1. The application proposes a part change of use to medical clinic at Lot 6902 (35) Stuart Highway, Stuart Park, Town of Darwin (the site). The 2460 m² lot is a freehold lot (estate in fee simple) within Zone SC (Service Commercial) pursuant to the Northern Territory Planning Scheme 2020 (NTPS 2020).

   The site is located within Zone SC (Service Commercial) and is currently developed as a single-storey commercial building currently occupied by a medical clinic, a motor repair station and a vacant tenancy. The application involves expanding the existing medical clinic into part of the adjoining vacant tenancy (Tenancy 1B), with all works occurring within the existing building envelope and no changes proposed to the external built form, site layout, vehicle access arrangements or operating hours.

   The expansion will increase the floor area of the medical clinic by approximately 260 m² and provide additional facilities to support the existing physiotherapy practice. The proposed fit-out includes three new consulting rooms, two directors' offices and a large physical therapy space containing gym equipment. The development also incorporates purpose-built treatment and assessment facilities, including a running assessment room, stretching area, sauna and ice bath facilities intended to support physiotherapy treatment programs.

   The application does not propose any external building additions, changes to site access, landscaping alterations or modifications to the existing car parking layout. Existing services, pedestrian access arrangements, bicycle parking facilities and on-site infrastructure will be

retained. The motor repair station occupying the rear tenancy will continue to operate unchanged, with the applicant contending that the expanded medical clinic will remain compatible with the surrounding service commercial activities.

The site is located between the Stuart Highway and Ramirez Road, is regular in shape, and slopes slightly towards the road frontages. A review of the survey plan found that the site is not encumbered by any easements, nor are any located in proximity to the proposed development.

The wider locality of Stuart Park is characterised by a diverse mix of commercial and service commercial uses along the Stuart Highway, and residential development elsewhere. Land fronting the Stuart Highway accommodates a range of commercial uses including showroom sales, professional services, health-related businesses, retail premises and other service commercial activities that benefit from exposure to a major arterial road. The locality also contains established medium and higher density residential development on both sides of the Stuart Highway, transitioning to lower density residential neighbourhoods further east and west. The area is supported by significant infrastructure and recreational assets, including the former North Australia Railway Corridor, the George Brown Darwin Botanic Gardens and Gardens Park Golf Links, contributing to its role as an important mixed-use gateway between the inner suburbs and the Darwin CBD.

The site is located within a service commercial precinct bounded by Ramirez Road, the Stuart Highway and the former railway reserve. The immediate area is characterised by commercial and service commercial development comprising shop/showroom premises, offices, health-related services, vehicle-oriented businesses and associated at-grade parking areas. The site contains an existing single-storey commercial building occupied by a medical clinic and a motor repair station, with direct vehicular access from both the Stuart Highway and Ramirez Road. Development within the surrounding area exhibits a predominantly commercial character, with buildings generally built to the front property boundary. This area is identified within the Darwin Inner Suburbs Area Plan as a specialist and secondary centre intended to accommodate a mix of commercial and service-based activities serving both the inner suburbs and the Darwin CBD.

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

   The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and a change of use to medical clinic (physiotherapy) (part Tenancy 1B) requires consent under clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under clause 1.8(1)(c)(i); therefore, the Darwin inner suburbs area plan (being the most detailed strategic framework document), the zone purpose and outcomes of Zone SC (Service Commercial), and clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.9.7 (Humpty Doo Rural Activity Centre Area Plan), 5.5.2 (Commercial Plot Ratio), 5.5.3 (General Building and Site Design), 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC), need to be considered.

   These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS 2020 except for clause 5.2.4.1 (Car Parking Spaces) in relation to the required number of car parking spaces on-site (16 car parking space shortfall).

   A summary of the relevant parts of the NTPS 2020 is as follows:

Part 2 – Strategic framework

Darwin inner suburbs area plan

The Darwin Inner Suburbs Area Plan (DISAP) provides a framework to guide the progressive development of the inner suburbs. The site is located within an area for change to mixed use and existing commercial (Specialist and Secondary Centre) land uses. More specifically, the site is located within the activity centre boundary, and on the Activity Centres and Tourist Commercial Areas figure for specialist/secondary centre land uses, and within the Stuart Highway, Stuart Park Precinct concept area.

The application is considered to be acceptable against the relevant objectives because the conversion of part of tenancy 1B to medical clinic will not reasonably adversely affect the intended development of the locality for mixed use purposes.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

Clause 4.12 (Zone SC – Service Commercial)

The purpose of Zone SC is to *Facilitate destination retailing, commercial and other activities that individually require a large floor area for the handling, display and storage of bulky goods, or activities, in locations that enable convenient access by the broader regional population.*

Of relevance, zone outcome 3 intends that *Commercial activities including … medical clinic … are acceptable where they are subordinate to the primary development on the site and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.*

The application is considered to support this zone outcome by virtue the medical clinic expansion is minor (260 m^2 within an existing 1116 m^2 building), and which will not reasonably adversely affect the amenity of the area or prejudice its service commercial function of other land in Zone SC along the Stuart Highway

Part 5 – Development requirements

As mentioned earlier, the proposed development was found to comply with the relevant part 5 development requirements of the NTPS 2020, except for clause 5.2.4.1 (Car Parking Spaces).

3. Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause (5), of the NTPS 2020, *The consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*
(a) The purpose and administration clauses of the requirement; and
(b) The considerations listed under Clause 1.10(3) or 1.10(4).

   In response to clause 1.10(5)(a), it is considered that a variation to this clause is appropriate in this instance for the following reasons:

Clause 5.2.4.1 (Car parking spaces)

The purpose of this clause is to *Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site*.

Clause 5.2.4.1(4) requires that a *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number)* [calculated as 44.61 (45) car parking spaces], where only 29 car parking spaces are provided on-site (16 car parking space shortfall).

In support of the above, a review of the planning history at the site was completed. This review considered that the site is proposed to comprise:

- medical clinic (consulting rooms): 6 rooms are now proposed, requiring 24 spaces.
- warehouse (remainder of the vacant tenancy, based on previous planning history): 118 m^2 requiring 1.18 spaces.
- motor repair station: 313 m^2 requiring 18.78 spaces.
- motor repair station (ancillary office): 26 m^2 requiring 0.65 spaces.

In total, the site is therefore calculated as requiring 45 car parking spaces to cater for existing and proposed land uses, where 29 car parking spaces are shown on the plans associated with this application and DP22/0079 (which is the most recent approval that approved changes at the site).

In addition to the above, it is noted that the application specifically proposes an expanded 'physical therapy space', 3 consulting rooms, and 3 alternative treatment rooms, and 2 additional offices. This clause applies a requirement of 4 car parking spaces for every consulting room. The application states that proposed additions will only allow for another three practitioners, with these practitioners to utilise the alternative treatment rooms to provide specialised services to the patients. The proposed physiotherapy space is an open area accommodating a range of equipment for treatments. To safeguard against any incidental intensification at the site (i.e. additional practitioners taking on clients), which have not been assessed as contributing to the assessed car parking demand, a permit condition stating that the use as shown on the endorsed plan must not be altered without the further consent of the Authority has been recommended on the development permit.

Administratively, subclause (2) states *The consent authority may consent to a use or development that is not in accordance with subclause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*

(a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;

- The proposal is for the part change of use from vacant warehouse in an existing commercial building. The existing building is predominately used for commercial purposes.
- The specific nature of a medical clinic is that an alternative approach to car parking rather than broad leisure and recreation car parking rate is appropriate, on the basis that there will generally only be limited durations when clients overlap (i.e. prior to and after an appointment).

(b) the provision of car parking spaces in the vicinity of the land;

- There are public car parks available centrally in the median on Stuart Highway and on-street car parking available on the Stuart Highway and Ramirez Road. These have a time limit of 2 hours allowing for consistent turnover of car parking spaces.

(c) the availability of public transport in the vicinity of the land; and

- There are inbound and outbound bus stops within walking distance on both side of the Stuart Highway. These bus stops are serviced by regular bus routes that provide access to and from the greater Darwin region.

(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;

- The proposed development has access to public transport, with bus stops located in close proximity, therefore encouraging alternative modes of transport and reducing reliance on private cars.
- The nature of the use will result in only limited instances of short duration where there is overlapping between medical clinic clients.
- The use will be wholly within an existing commercial building, and while similar service commercial land is located around the site, no residential lots directly abut the land. Accordingly, the proposal is unlikely to adversely impact the amenity of the locality or adjoining properties.

Based on the above discussion, the proposed variation to clause 5.2.4.1 (Car parking spaces) is supported, as the shortfall in car parking spaces is not likely to result in unreasonable adverse impacts to the local street network.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS 2020, except for the non-compliant clauses as identified and discussed above.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

   The site is connected to reticulated power, water and sewerage, and is reasonably considered capable of supporting the proposed development. In addition, it is noted that the site is flat, cleared of native vegetation, not located within an identified as being subject to flooding or storm surges, and located outside the Australian Noise Exposure Forecast 2042 20-unit contour.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

   The application was referred to the City of Darwin, Power and Water Corporation (Power Services and Water Services), Development Coordination Branch of the Department of Lands, Planning and Environment (DLPE), and NBN Co for comment. Comments received from these

service authorities have been addressed through the conditions and notations included on the permit.

It is noted that the City of Darwin (local government council) requested that any development permit include a requirement for the proponent to provide a monetary contribution for any shortfall of car parking spaces. The Authority has decided not to apply a permit condition requiring a part or in-full contribution for the car parking shortfall at the site for the following reasons:

- Clients will generally be at the site for less than an hour, ensuring that there will be a consistent turnover of both on-site and on-street car parking spaces.
- The close proximity of alternative modes of transport (i.e. public transport, walking and cycling).
- The close proximity of alternative commercial developments, which may result in cross-utilisation with other services in the specific locality.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

Amenity is defined at section 3 of the *Planning Act 1999*, and within the NTPS 2020, as *in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.*

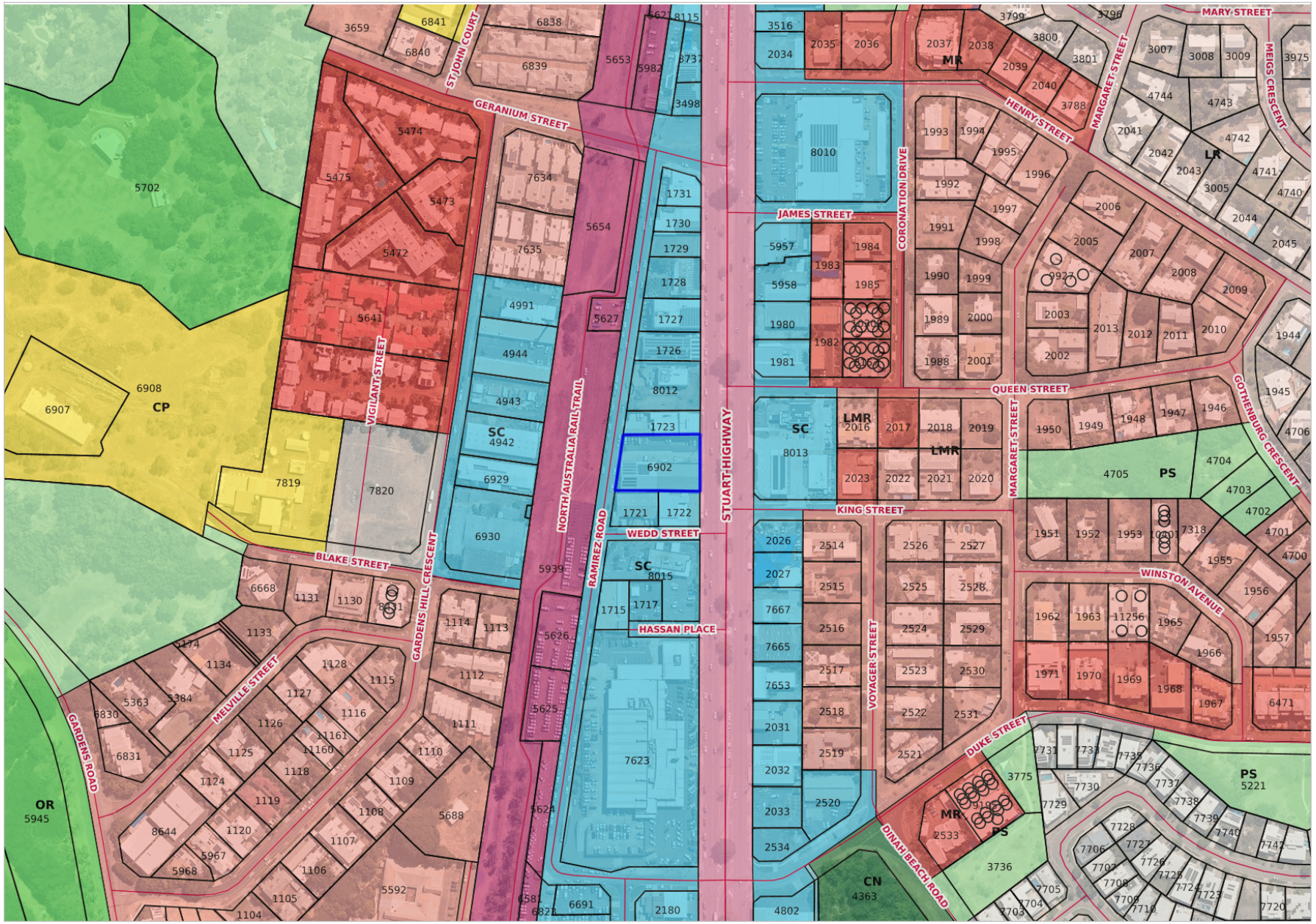
The proposed medical clinic is considered unlikely to result in unreasonable adverse amenity impacts within the locality as no changes are proposed to the exterior of the built form, and the application will utilise part of a currently unused tenancy, which will reasonably increase activation of the site.

AUTHORISED:

.....
SENIOR PLANNER – URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES

NR MAPS

PA2026/0321



Legend

TOWN_PLANNING_ZONES

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Meduim Density Resid
- CA - No Planning Scheme Contrc
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use

N

Metres 50 100 150

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Geospatial Services Unit

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Department of Lands, Planning and Environment

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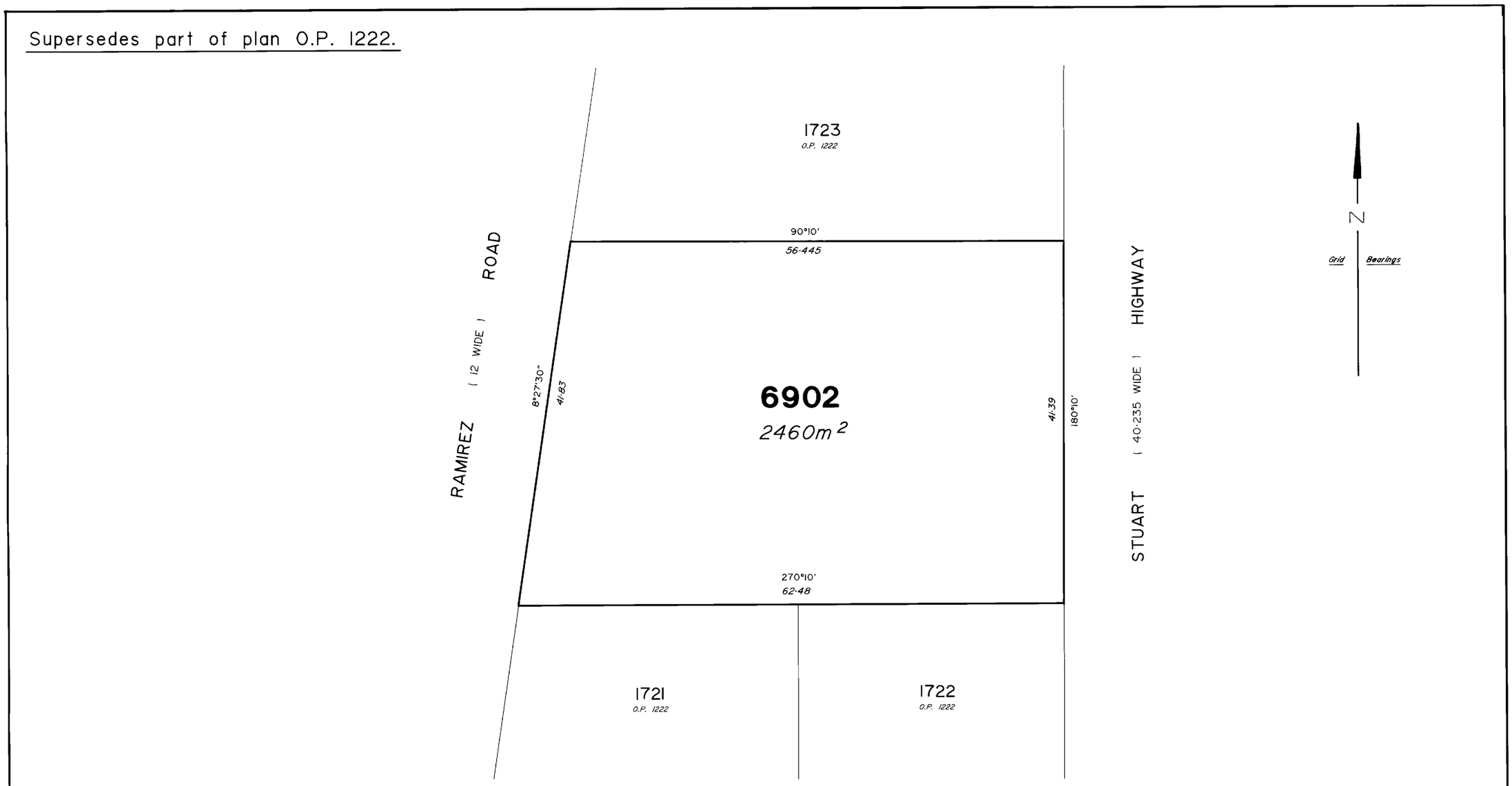
Created by Kaleb.Thomas@nt.gov.au, 25 Sep 2026


GROUP
NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 25/09/2026
APPLICATION REF:
APPLICANT:
ADDRESS:
ZONE(S):
PROPOSAL:
VIEW THE APPLICATION AND LODGE A SUBMISSION:
ONLINE:
DARWIN:
PHONE:
POST:
EMAIL:


DARWIN HEALH
PHYSIOTHERAPY
NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 25/09/2026


NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 25/09/2026
APPLICATION REF:
APPLICANT:
ADDRESS:
ZONE(S):
PROPOSAL:
VIEW THE APPLICATION AND LODGE A SUBMISSION:
ONLINE:
EMAIL:
DRIVE
PHONE:
POST:

Supersedes part of plan O.P. 1222.



SURVEYOR'S CERTIFICATE

I, PHILLIP JOHN MATTHEWS
hereby certify that the survey represented on this plan was compiled from plan O.P.1222.

Licensed Surveyor — Date 4-10-98

L.T.O. REGISTRATION

Lodged on ..... at .....
Instrument Number .....
Registered on ..... at .....
by me .....
Registrar-General

CONSENT OF PROPRIETOR OF REGISTERED INTEREST(S)

Consent is hereby given to the proposed subdivision as depicted hereon.

Signed .....

Australia and New Zealand Banking Group Limited — Date

SUBDIVISION APPLICATION TO THE REGISTRAR-GENERAL

I/We hereby apply, pursuant to section 101 of the Real Property Act for issue of new titles in accordance with the subdivision hereon.

Betty Blake (Director) — Date

Maurice Edwin Blake (Director) — Date

Stephen Maurice Blake (Director) — Date
CHARAM PTY. LTD. (ACN 009 622 235)

Registered Proprietor(s)
C.T. Volume 021 Folio 092
C.T. Volume 007 Folio 084

SURVEY APPROVAL

I, Trevor William Menzies the Surveyor-General, being satisfied that Part 7 of the Planning Act has been complied with:

(i) approve the survey under section 49 of the Licensed Surveyors Act;

(ii) acknowledge, on behalf of the Service Authorities designated, the vesting of the Service Easements shown hereon; and

(iii) accept on behalf of the Service Authorities specified, the land designated as roads or reserves hereon vested pursuant to section 65 of the Planning Act and section 7 of the Control of Roads Act.

Surveyor-General — Date 4-11-98

LOT 6902
SUBDIVISION OF LOTS 1069 AND 1070
TOWN OF DARWIN

Drawn by	Map Reference	SCALE 1 : 300
JMA (98185) Oct. 1998	DARWIN 2500 Sheet 29:22	
Examined by	AZIMUTH	L.T.O. 98/116
JMA 21-10-98	Assumed from	
	Observed at	

WARNING – Damaged or creased plan will be rejected.

sheridan
PLANNING & DEVELOPMENT CONSULTANTS

Statement of Effect

Alterations & additions to existing medical clinic

35 Stuart Highway, Stuart Park, NT.

Lot 6902 Town of Darwin

September 2026

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Application Details s46(3)(aa) of the Act	
Proposed Development	Alterations & additions to existing medical clinic.
Lot/Parcel	Lot 6902 Town of Darwin
Street address	35 Stuart Highway, Stuart Park, NT.
Site area	2,460m^2
Easements	Nil.
Applicant	Sheridan Consulting
Landowner	Jacarooma Properties Pty Ltd (CAN 113 875 960)
Beneficiaries	Nil other than those listed on Title.
Other interests	Nil.
Contact	Joe Sheridan
Email	joe@sheridanconsulting.au
Address	PO Box 41936 Casuarina NT 0811
Planning Synopsis	
Planning Scheme	Northern Territory Planning Scheme 2020 (NTPS)
Strategic framework	• Darwin Regional Land Use Plan (DRLUP) • Darwin Inner Suburbs Area Plan (DISAP)
Overlays	Nil.
Zone	SC (Service Commercial)
Assessment Category	*Impact assessable* pursuant to clauses 1.8(c)(i) of the NTPS.
NTPS Variations sought	• Clause 5.2.4 – Car Parking
Consent Authority	Darwin Division of the Development Consent Authority
Council municipality	City of Darwin.

1.0 Introduction

Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application seeking consent for alterations and additions to an existing **medical clinic** 35 Stuart Highway, Stuart Park (Lot 6902 Town of Darwin).

The land is within Zone SC (Service Commercial) of the *Northern Territory Planning Scheme 2020 (NTPS).* The proposed development is *impact assessable* pursuant to clause 1.10(c)(i). In accordance with clause 1.10(4) of the NTPS, the consent authority must take into account any relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3; the guidance provided by the zone purpose and outcomes in Part 4, and; any component in Part 2 relevant to the land.

The only publicly available planning history relates to determination DP22/0079 issued on 11 April 2022 for a part change of use from **showroom sales** to **medical clinic**. This application is proposing alterations and additions to the existing **medical clinic** to allow its expansion into part of the neighbouring Tenancy 1B. A copy of the recent planning history is available at **Attachment F.**

The following attachments accompany this report:

Attachment A	Certificate of Title
Attachment B	Survey Plan
Attachment C	Site Aerial
Attachment D	Locality & Zoning Map
Attachment E	Development Plans
Attachment F	Planning History

2.0 Locality & Site Description

2.1 Locality Description

The Stuart Park locality is characterised by mixed-use development comprising of commercial, showroom sales, professional services and retail developments with frontage to the arterial road that is Stuart highway.

The North Australia Railway Corridor extends through the suburb roughly congruent with the Stuart Highway alignment. This land is in Zone PM (Proposed Main Road) and may provide a future transport connection to the Darwin CBD consistent with its historical purpose.

Medium and higher density residential developments are concentrated on both the eastern and westerns sides of the Stuart Highway. To the east, pockets residential developments consistent with Zone MR (Medium Density Residential) provisions are evident before tapering into Zone LMR (Low-Medium Density Residential) and Zone LR (Low-Density Residential) towards Tiger Brennan Drive. To the west, the pattern is relatively similar but bounded by the Garden's Park Golf Links course and the George Brown Botanic Gardens.

Together, this mixed-use character of the Stuart Park locality also serves to frame the approach to Darwin CBD.

A Site Aerial is at **Attachment C.** A Locality & Zoning Map is at **Attachment D.**

2.2 Site & Existing Development

The subject site is Lot 6902 Town of Darwin and commonly referred to as 35 Stuart Highway, Stuart Park. The site is rectangular in shape, approximately 2,460m^2 and has dual frontage to the Stuart Highway (41.39m) to the east to Ramirez Road (41.83m) in the west. No easements are listed on Title or the survey plan.

The existing building is single storey, approximately 7.95m high and located in the southern portion of the site. It is currently split into three (3) separate tenancies. The driveway and car parking area are located in the northern portion providing through access between Stuart Highway and Ramirez Road. A total of 27 at-grade car parks with one all-access bay are also provided with existing landscaping in the north-east and north-west of the site.

Existing development on site comprises a **motor repair station** in tenancy 2,and a **medical clinic** in tenancy 1A which was approved in 2022 through DP22/0079 (see **Attachment F**)**.** the middle tenancy (1B) between the existing uses is vacant and forms part of the proposed additions to the existing **medical clinic**.

A copy of the Certificate if Title is at **Attachment A** and the Survey Plan is at **Attachment B.**



Figure 1 – View of existing vehicle access from Stuart Highway



Figure 2 – View of existing vehicle access from Ramirez Road



Figure 3 – Looking west across the subject site with existing parking and driveway arrangement

3.0 Proposed Development

3.1 Development description

The proposed development is for alterations and additions to an existing **medical clinic** at 35 Stuart Highway, Stuart Park (Lot 6902 Town of Darwin)**.** The expansion will occupy part of the neighbouring tenancy which has been vacant for a period of a time. All works are internal to the existing building with no external works proposed including in relation to the existing **motor repair station** in the rear tenancy.

Schedule 2 of the NTPS states that:

- **Medical clinic** *"means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, or their employees, and may include where* ***ancillary*** *an* ***office****, but does not include a* ***hospital****;*

The proposed expansion of the existing **medical clinic** into part of 'Tenancy 1B' immediately adjacent (~260m^2) and comprise the following:

- Three (3) additional consulting rooms
- Two (2) Director's offices
- A central physical therapy space with gym equipment.
- A purpose-built running assessment room, stretching room, sauna and ice bath.

A copy of the Development Plans is provided at **Attachment E.**

4.0 S46(3)(A) of the Act - Northern Territory Planning Scheme

4.1 Part 1 – Guidance

Part 1 of The Northern Territory Planning Scheme (NTPS) sets out its administration and function. The relevant assessment parameters are summarised below:

A **medical clinic** is *impact assessable* pursuant to clause 1.8(c)(i) of the NTPS. In accordance with clause 1.10(4) of the NTPS, the consent authority must take into account any relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3; the guidance provided by the zone purpose and outcomes in Part 4, and; any component in Part 2 relevant to the land.

The discussion herein concludes that the proposed development is compliant with Parts 2, 4 and 5 of the NTPS except in relation to Clause 5.2.4.1 (Car Parking).

4.2 Part 2 – Strategic framework

Part 2 of the NTPS sets out the strategic framework for development by promoting the objectives of the *NT Planning Act 1999*. It contains policies designed to facilitate specific outcomes and establishes the hierarchy of strategic land use plans which guide development relevant to the geographical context of the broader region, sub-region and locality.

The land use plans relevant to this application are the *Darwin Regional Land Use Plan 2015* (DRLUP)[1] and the *Darwin Inner Suburbs Area Plan*[2].

4.2.1 Darwin Regional Land Use Plan 2015 (DRLUP)

Overview

The area subject to the DRLUP is bound by the sea in the north, Adelaide River to the east, the Finniss River catchment to the west, and includes both Darwin and Bynoe harbours and associated coastal features. Within this area, sub-regions are identified generally in line with administrative boundaries and the unique characteristics of each area.

The primary objective of the DRLUP is to identify factors which are anticipated to shape future development at a regional level and establishes an overarching framework to facilitate desired outcomes. It does this by establishing a broad land use structure, identifying key activity centres, sub-regional narratives and land requirements to guide development in the region. It also conveys the need for appropriate policy settings conducive to balancing the region's environmental, economic and social priorities.

Land Use Structure

The land use structure map identifies a range of broad land uses that area contemplated within the context of the DRLUP. The Stuart Park locality is identified as 'Peri-urban/Urban' and includes established areas potentially suitable for development (see p.13-16). These areas are anticipated to accommodate a range of land uses such as:

- a variety of housing types;
- retail and commercial;
- community facilities and services;
- sport, recreation and urban open space, and;
- natural and conservation areas.

[1] DRLUP 2015 https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-regional-land-use-plan.PDF

[2] DISAP https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-inner-suburbs-area-plan.pdf

Activity Centres

The DRLUP identifies a regional hierarchy of Activity Centres to guide a logical and equitable distribution of land allocated for retail, commercial and residential commensurate with community needs. It aims to promote the economic viability of all Activity Centres through proactive land polices and infrastructure planning through evidence-based research.

The Urban Activity Centre notes that detailed Area Plans will guide development of the Stuart Park locality but broadly envisions that it will accommodate:

"…Higher density dwellings integrated with activity centres will play a significant role in increasing housing choice and affordability, improving public transport and enhancing the viability of the centres... (p.23).

Darwin Sub-regional narrative

The Darwin sub-region is approximately 143sqm^2 and extends to 'Lee Point in the north to East Arm of Darwin Harbour in the west, and south-east to Vanderlin Drive, the Stuart Highway and Pinelands'. It comprises the City of Darwin local government area, the Darwin Waterfront Precinct and the Darwin Rates Act Area (tracts of unincorporated land outside the City of Darwin jurisdiction).

In general terms, the Darwin sub-region inclusive of Stuart Park, supports residential populations and commercial development which are guided by more granular instruments such as Area Plans and NTPS zoning.

Proposed Development

While relatively small in the context of regionally focused land use planning, the proposed development (see section 3.0 of this report) supports the DRLUP vision by:

- aligning with the 'Peri-urban/Urban' land use structure definition and objectives;
- promoting development consistent with the role of an Urban Activity Centre, and;
- sustaining the Darwin sub-regional narrative as a focal point for commercial development.

4.2.2 Darwin Inner Suburbs Area Plan (DISAP)

Overview

The DISAP is subordinate to the DRLUP in the land use policy hierarchy and is designed to increase the granularity for preferred development outcomes for the Darwin inner suburbs excluding the CBD. It encompasses the suburbs of The Gardens to the west, Fannie Bay to the north, Bayview to the east and those suburbs in between such as Parap, Woolner, Stuart Park and The Narrows.

The DISAP is "*premised on focusing new growth toward activity centres to facilitate walkability associated with the co-location of higher density residential development and a mix of commercial, retail, community facilities and services, public transport and tracts of public open space" (p.4).*

Per the 'District wide Land Use Plan' on page 8, the subject site is identified as a 'Mixed-use & Existing commercial' area with 'potential for change' (see figure 4 below).



Figure 4 – DISAP district wide land use plan

Activity Centres & Tourist Commercial Areas

The Stuart Park locality that fronts the Stuart Highway is characterised as a 'Specialist & Secondary Centre'. In general terms, the desired outcome is to promote mixed-use development that is compatible with residential amenity but also ensuring that new commercial floor space aligns with the Stuart Park Concept Plan at Attachment 2 of the DISAP (pages 51-54).

While the aspirations of the Stuart Park Concept Plan are duly acknowledged, the proposed development herein relates to the internal use/expansion within an existing building. On this basis, there is limited scope to pursue the vision set out in the concept plan. Conversely, there is no component of the proposed development that will limit or undermine the objectives identified in the concept plan. In other words, future re-development of the site can still respond and further these conceptual aspirations if and when it occurs.

The expansion of the existing **medical clinic** is therefore considered to support the overarching objectives of the centre and the DISAP.

Nevertheless, the corresponding objectives and acceptable responses specific to the Stuart Park Precinct are discussed in the table below.

B. Stuart Park Precinct		
Objectives	**Acceptable Responses**	**Proposed Development**
1. A mixed use precinct characterised by finer grain retail, showroom sales, professional suites and shop top residential use.	Provide service commercial uses serving both the inner suburbs and the CBD, including showroom sales and other uses such as health-related facilities. Proximity to the Botanic Gardens and foreshore areas will create opportunities for residential uses. This attraction will be further enhanced as traffic volumes are decreased on this corridor by initiatives such as improved rapid public transport and the far term possibility of the Stuart Park Bypass. Priority public transport lanes through this space, connecting to Darwin, Casuarina and Palmerston City Centres. Streetscaping within the road reserve providing alfresco opportunities, cycle ways and pedestrian footpaths.	The **medical clinic** expansion is a health-related facility. Works are internal to an existing commercial building and do not propose works to the road reserve.
2. Development of medium rise mixed use buildings.	Buildings accord with the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan.	No change to the existing commercial building, or its built form, is proposed. Future development over the site can still respond accordingly to ensure the Stuart Park Concept Plan.
3. Appropriate lot size and configuration to accommodate an	Amalgamations as outlined on Land Use Plan of the Stuart Highway, Stuart Park Concept Plan.	Subdivision or consolidation is not proposed.

attractive and practical mixed use development.		
4. Car parking hidden from view and located to facilitate continuous pedestrian movement on primary and secondary streets.	Vehicle access that accords with the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan, which can be achieved by the lot amalgamation pattern identified in the Land Use Plan.	No change to the existing vehicle access and car parking is proposed. Existing landscaping on site offers a degree of screening. Future development over the site can still respond accordingly to ensure the Stuart Park Concept Plan including the potential closure of the vehicle access from Stuart Highway.
5. Mark the arrival point of specialist and secondary centres through the use of architecture.	Gateway location development sites identified on the Stuart Highway, Stuart Park Concept Plan (Built Form Plan) incorporate a design response which strengthens the precinct by: • establishing a prominent architectural address orientated towards the identified view corridor; • providing a visual anchor point, via the articulation of building form, envelope and material expression within the identified view corridor; and • employing the appropriate use of building height on the interface with the view corridor to accentuate the sense of arrival.	The subject site is not identified as a gateway location nor is it directly adjacent. The proposed development is therefore not anticipated to undermine development on any of the identified gateway locations.
6. Enhanced community facilities or public open space in the precinct through increased building heights on land bounded by Ramirez Road, Stuart Highway and the old Railway Reserve.	Building heights of 6 storeys on land bounded by Ramirez Road, Stuart Highway and the old Railway Reserve or a maximum of an additional 3 storeys if land is made available for a district park as shown on the Land Use Plan.	No change to the existing single storey building height of 7.95m is proposed. Future development over the site can still respond accordingly to this objective.
7. Streets that encourage movement, social gathering and shade.	Street design that generally implements the spatial use elements outlined on the Indicative Street Designs - Stuart Highway and Ramirez Road of the Stuart Highway, Stuart Park Concept Plan. The elements shown on the Indicative Street Designs are unlikely to be delivered as a complete package until the Bypass Road is constructed. No development is to occur within the Stuart Highway road reservation unless approved by the Northern Territory Government agency responsible for administering Main Roads.	Not applicable.

8. Rear laneway access to a site if access to a secondary street is not possible.	The area bounded by Duke Street, King Street and the Stuart Highway is developed for mixed use only if access is provided from either a rear lane or a secondary street and the development of the laneway is generally as outlined on the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan. Rear laneways should be designed to include lighting and buildings on the laneway edge should allow for passive surveillance of this space.	Not applicable.
9. Appropriate provision of commercial and retail floorspace at Goyder Road and Salonika Street.	Small commercial tenancies potentially consisting of uses such as shop, office, medical clinic and restaurant on land affected by Specific Use Zone - Darwin Numbers 30 and 36, does not exceed a total of 2 000 m^2 GFA for each specific use zone.	Not applicable. The site is within Zone SC of the NTPS.

4.3 Part 3 – Overlays

Part 3 of the NTPS identifies areas of land within the NT by using Overlays designed to preserve desired development outcomes. Overlays can apply to both terrestrial and marine environments and respond to unique locality or site features.

No Overlays apply to the site.

5.4 Part 4 – Zones & Assessment Tables

5.4.1 Clause 4.12 - Zone SC (Service Commercial)

*The purpose of Zone SC is to facilitate destination retailing, commercial and other activities that individually require a large **floor area** for the handling, display and storage of bulky goods, or activities, in locations that enable convenient **access** by the broader regional population.*

The relevant zoning outcomes are discussed below:

1. *A diversity of service commercial activities that consist predominately of retail business activities such as **showroom sales**, **vehicle sales and hire,** and **leisure and recreation**.*

The proposed development relates to the expansion of existing **medical clinic** approved in 2022. The ongoing use and subsequent expansion will add to the diversity of commercial activities in the zone.

2. *A mix of activities such as **animal boarding, industry-light**, **motor repair station** and **warehouse**, which are compatible with and are of such a kind that will not adversely affect the **amenity** of the service commercial function of the area.*

The subject sites includes a long-standing **motor repair station** that will not be compromised by the proposed development thus ensuring the mix of activities is largely unchanged with no material change to the existing amenity.

3. *Commercial activities including **bar-public**, **bar-small**, **club**, **food premises-café/take away, food premises-fast food outlet, medical clinic**, **office** and **shop,** are acceptable where they are subordinate to the primary development on the **site** and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.*

Not applicable.

4. *Limited residential uses, including residential care facilities and rooming accommodation:*

   a. *are of a scale and nature inappropriate in a residential zone;*
   b. *avoid adverse impacts on the local road network; and*
   c. *are managed to minimise unreasonable impacts on amenity of the service commercial function of the area.*

Not applicable.

5. *Buildings provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the service function of the locality.*

No change to the existing building frontage at street level is proposed. Through increased site activity, the opportunity for passive surveillance will inadvertently increase during business hours.

6. *Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure.*

No works external to the existing building are proposed with the existing accesses and connections to pedestrian and transport networks will remain unchanged.

7. *Development incorporates appropriate urban and landscape design that creates attractive and functional buildings, streets and places.*

No works external to the existing building are proposed.

8. *Developments are operated in a manner to ensure that there is no unreasonable loss of **amenity** for surrounding premises, having regard to the mixed-use nature of the zone.*

The existing **medical clinic** has, to date, experienced no amenity issues or land use conflicts with neighbouring development. It will also retain its current operating hours. No material impact on the existing or future amenity is therefore anticipated.

9. *Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.*

Not applicable.

10. *Subdivision provides the appropriate urban services including, roads, pedestrian and cycle paths, reticulated electricity, water, and sewerage, stormwater drainage and telecommunication infrastructure.*

Not applicable.

11. *Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

A **medical clinic** is a defined in Schedule 2 of the NTPS.

4.5 Part 5 – General Development Requirements

Part 5 of the NTPS sets out specific development requirements that apply to land uses in a particular Zone. Per Clause 1.10(4), the consent authority must consider the purpose and any requirements set out in Part 5 of the NTPS.

As noted above, the proposed development in Zone CB requires the exercise of discretion by the consent authority in relation to clause 5.2.4.1 (Car Parking).

4.5.1 Clause 5.2.1 – General Height Control

The purpose of this clause is to ensure that building heights are appropriate for the locality and meets community expectations for the Zone.

Pursuant to Table B of this clause, there are no height limits for development in Zone SC controlled by the NTPS.

4.5.2 Clause 5.2.4.1 – Car Parking Spaces

*The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.*

Table A to this clause requires that a **medical clinic** provide 4 bays per consulting room.

Use	Required Bays	Consulting rooms/NFA	Total	Total allocation
Existing Medical clinic	4 per consulting room	3	12	8
Medical clinic additions	4 per consulting room	3	12	7
Motor repair station	6 per 100m2	339m^2	20.34	10
Total required			44.34	-
Total provided on site			29	-
Total shortfall			15.34 (16)	-

The proposed medical clinic includes a total of three (3) new consulting rooms which requires an additional 12 bays. Per the table to clause 5.2.4.1, offices do not trigger a car parking requirement. The three (3) alternative treatment rooms have not been included in the car parking assessment as these facilitate ancillary services performed by the physiotherapists. For example, the alternative treatment rooms will include a running assessment room to record gate, cadence, style and measure VO2 max. The other two alternative treatment rooms will be occupied by a sauna and an ice bath – these cannot be used or booked individually similar to gyms or wellness centres. They will be used solely by the practising physiotherapists to treat, manage and record physiological responses as part of the specifically tailored patient programs.

Notwithstanding, it is noted that a shortfall of approximately 16 bays can be attributed to the proposed development when combined with the existing **medical clinic** and **motor repair station** (discussed below).

Pursuant to clause 5.2.4.1(2), *the consent authority may **consent** to use or development that is not in accordance with sub-clause 5 if it is satisfied a reduction in the number of **car parking spaces** is appropriate with regard to*:

a. the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land

b. the provision of car parking spaces in the vicinity of the land

c. the availability of public transport in the vicinity of the land;

d. the potential impact on the surrounding road network and the amenity of the locality and adjoining property; and

e. if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

Sub-clauses (a), (b), (c) and (d) are considered relevant to the proposed development. In relation to sub-clause:

(a) the proposed development is an extension of an established physiotherapy service that has operated from the site for several years. During this time, the proponent has observed that parking availability in the locality is more than ample to service surrounding businesses. Several factors support this observation:
   i. Client bookings are made in advance and range from 30-60mins with limited to no booking overlap. This ensures that there is a high turnover of vehicles and hence car parking availability.
   ii. Total staff on site will vary between 6-10 depending on whether physiotherapists are undertaking work in remote communities or performing home visits.
   iii. Peak demand for on-street parking coincides with food beverage outlets which, incidentally, coincides with reduced bookings to facilitate staff breaks.

(b) On street parking is available on the Stuart Highway itself and on Ramirez Road to the west. The Stuart highway median strip directly east of the subject site provides 17 bays (~30m) with a further 27 bays provided in median strip to north-east (50m). While these on-street parking areas attract vehicles due to their accessibility and also service surrounding businesses, there is generally car parks available proximate to the subject site during business hours.

(c) The site is well situated to leverage the existing bus network with Bus stop 103 located within approximately 50m to the north-east. Buses are currently free and, at the time of writing, this stop is serviced by routes 8, 10, OL1 and OL2 which provides convenient transport to the northern suburbs, Palmerston and the Darwin CBD.

(d) For the reasons discussed above, the proposed development is not anticipated to have any impact on the surrounding road network. The dual access driveways also ensure that any potential vehicle conflicts are further ameliorated such that impacts on the road network, or the existing/future amenity, are unlikely.

In summary, the nature of the business which relies on orderly and scheduled patient bookings, the site's proximity to on-street parking and public transport networks demonstrate that existing parking on site can adequately service the proposed development.

4.5.3 Clause 5.2.4.4 – Car Parking Layout

The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

The requirements of this clause are:

6. *A car parking area is to:*

a. *be not less than 3m from any lot boundary abutting a road; and;*

b. *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

The existing car parking area is located approximately 2.7m from the Stuart Highway and approximately 3.5m from Ramirez Road. Both setbacks include landscaping to a depth of approximately 1m. No change to the car parking area is proposed which was previously approved and varied as part of DP22/0079.

Accordingly, a variation to the requirements of this clause is requested pursuant to sub-clause 5.2.4(3) as the minor non-compliances are not anticipated to unreasonably impact on the amenity of the locality.

7. *A car parking area is to be constructed and maintained to be:*

a. *of a suitable gradient for safe and convenient parking; and*

b. *sealed and well drained in urban areas, or dust supressed in non-urban areas.*

The car parking area is sealed, of a suitable gradient for safe car parking and well drained.

8. *The layout of a car parking area is to:*

a. *be functional and provide separate access to every car parking space;*

b. *allow a vehicle to enter from and exit to a road in a forward gear;*

c. *be in accordance with the dimensions set out in the diagram to this clause; and*

d. *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The car parking layout is functional, has separate access to each bay and allows each vehicle to enter/exit in a forward gear. All bays comply with the dimensions set out by this clause including at the least a 1m projection for bays at the end of each driveway.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*

a. *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*

b. *maximise sight lines for drivers entering or exiting the car parking area.*

The existing driveway is approximately 8m wide. Sight lines for vehicles entering and exiting are considered acceptable with an unimpeded view of approaching traffic.

4.5.4 Clause 5.2.5 – Loading Bays

*The purpose of this clause is to provide for loading and unloading of vehicles associated with the use of the site. Table B states that the proposed use requires 1 loading bay per a single occupation of **net floor area** (NFA) of 10,000m^2 or less.*

Per Table to clause 5.2.5, no loading bay is required for a **medical clinic.**

4.5.4 Clause 5.2.6.1 – Landscaping in zones other than Zone CB

*The purpose of this clause is to encourage **landscaping** that enhances local **amenity** by:*

a. contributing to safe and attractive public spaces and places;

b. responding to the local climate and soil characteristics;

c. supporting cooler internal and outdoor areas; and

d. recognising the value of retaining existing plants and trees.

Existing landscaping will be retained on site. Where necessary, new planting and replacement/repair of any irrigation will also be undertaken.

*3. Where **landscaping** is required by this Scheme it should be designed so that:*

a. planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;

b. it maximises efficient use of water and is appropriate to the local climate;

c. it takes into account the existing streetscape, or any landscape strategy in relation to the area;

d. significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;

e. energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;

f. the layout and choice of plants permits surveillance of public and communal areas; and

g. it facilitates on-site infiltration of stormwater run-off.

No new areas of landscaping are proposed as all works are internal to the existing building.

*4. The quality and extent of the **landscaping** consented to must be maintained for the life of the development.*

Where necessary, new planting and replacement/repair of any irrigation will be undertaken to comply with this clause.

Sub-clauses 5.2.6.1(5) to (7) are not applicable.

4.5.5 Clause 5.3.7 – End of Trip Facilities in Zone SC

The purpose of this clause is to ensure that new commercial and high-density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

Sub-clause 5.3.7(2) states that all new buildings in Zone SC should provide bicycle parking facilities calculated per the table to this clause.

The EoT facilities required for 'new buildings' are:

Use	Bicycle spaces required	NFA	Total required
Non-residential buildings	1 space per 300m^2	~300m2	1
	1 shower for up to 50 staff	1	1
Total required (rounded up)			1 space + 1 shower
Total provided			4 spaces + 1 shower

Sub-clause 5.3.7(3) requires that all bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:

(a) be located in a convenient and safe location with adequate security for the storage of bicycles;
(b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;
(c) where secure parking is provided, provide e-bike charging facilities, as necessary;
(d) not require access via steps;
(e) be protected from the weather;
(f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;
(g) be located outside pedestrian movement paths;
(h) be easily accessible from the road;
(i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;
(j) be protected from manoeuvring motor vehicles and opening car doors;
(k) be as close as possible the cyclist's ultimate destination;
(l) be well lit by appropriate existing or new lighting; and
(m) be sympathetic in design, material & colour to compliment the surrounding environment.

The existing bike parking is conveniently located, away from movement paths and sheltered by the existing awning. Lockers are not specifically provided for each bike park although the scale and nature of the use is such that staff storage is informally catered for within the tenancy.

4.6 Part 5 – Specific Development Requirements

4.6.1 Clause 5.5.2 – Commercial Plot Ratio

The purpose of this clause is to provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

Development of sites in Zone SC should not exceed a **commercial plot ratio** of 1. The existing development has a plot ratio well below 1 and is approximately 0.4 (Total building floor area is approximately 1012m^2 / site area of 2460m^2).

4.6.2 Clause 5.5.3 – General Building and Site Design

The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed-use developments which are attractive and pleasant and contribute to a safe environment.

1. *A development application must, in addition to the matters described in sub-clauses 2-16, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.*

Surveillance

The objective of this principle is to promote passive surveillance of public spaces, streets and communal area. The proposed development achieves this increased site activity associated with an increase in services and capacity.

Sight Lines/Building Design/Lighting/Wayfinding

The objective of this principle is to ensure that built form promotes clear sight lines and avoids potential for concealment. All works are internal to the existing building with no new areas with potential for concealment identified nor does it unreasonably inhibit sight lines within the locality.

Mixed-Use Areas & Activity Generators

The objective of this principle is to increase the level of activity within areas to enhance passive surveillance opportunities and extend hours of activity in an area to include after business hours.

As noted above, passive surveillance opportunities are increased through increased patronage. The ongoing use of the site as a **medical clinic** will also provide increased passive surveillance opportunities.

The requirements of this clause are:

2. *Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.*
3. *Be sympathetic to the character of buildings in the immediate vicinity.*
4. *Minimise expanses of blank walls.*

No impact on adjacent street vistas or places of significance is expected. All works are internal to the existing building.

5. *Add variety and interest at street level and allow passive surveillance of public spaces.*
6. *Maximise energy efficiency through passive climate control measures.*
7. *Control on-site noise sources and minimise noise intrusion.*

The development will promote variety and interest at street level through increased activation and site utilisation. The internal fit-out will adopt contemporary energy efficient design and ensure noise intrusion is managed appropriately noting the adjacent use is a **motor repair station**.

8. *Conceal service ducts, pipes, air conditioners, air conditioning plants etc.*
9. *Minimise use of reflective surfaces.*

Existing and new servicing/plant equipment is/will be concealed with minimal use of reflective surfaces proposed.

10. *Provide safe and convenient movement of vehicles and pedestrians to and from the site.*
11. *Provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces.*
12. *Provide protection for pedestrians from sun and rain.*
13. *Provide for loading and unloading of delivery vehicles and for refuse collection.*

Pedestrian and convenient vehicle access is maintained including the existing awning which offers shelter for pedestrians within the site.

14. *Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.*

Refer to discussion throughout section 4.5 of this report.

15. *Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.*

The scale and type of development does not warrant inclusion of these facilities.

16. *Provide bicycle access, storage facilities and shower facilities.*

Refer to discussion in section 4.5.5 of this report.

4.6.4 Clause 5.5.15 – Expansion of existing use or development in Zone SC

The purpose of this clause is to encourage diverse mix of commercial and mixed-use developments that are safe, positively contribute to the activity and amenity of commercial centres, climate appropriate, and minimise conflicts between different land uses within and surrounding the commercial centre.

This clause permits the expansion of an existing use in Zone SC if it complies Parts 3, 5 and 6 of the NTPS. Noting the non-compliance with car parking requirements, the proposed development cannot benefit from this clause.

5.0 S46(3)(b) to (l) of the Act

This relevant parts of s46 for the type of development proposed are discussed below.

5.1 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders listed on Title.

5.2 46(3)(c) – Referral to the NT EPA

Referral to the NT EPA under Part 4 Division 3 of the *Environment Protection Act 2019* has not been undertaken and is not required.

5.3 46(3)(d) – Merits of the proposed development

The following merits have been identified:

- The type and scale of development is appropriate for the site and supports the growth of the existing **medical clinic** business.
- The use is generally in accordance with the prevailing strategic documents set out in Part 2 of NTPS and the requirements of Parts 4 and Part 5.
- Only a minor non-compliance with car parking requirements is identified which is offset by the site's proximity to transport networks, the operational and staffing elements of the business itself and the availability of underutilised off-street car parking.

5.4 46(3)(e) – Physical characteristics of the land and an assessment regarding its suitability for the proposed development on the land and other land.

A description of the site is provided in Section 2.2 of this report. The site is considered appropriate for the proposed development.

5.5 46(3)(f) – specify the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer.

A description of the locality and the land is provided in Section 2 of this report. No public facilities or open space is proposed as part of the proposed development nor is the developer required to under Part 5 of the NTPS.

5.6 46(3)(g) – specify the public facilities or public open space available in the area in which the land is situated, the requirement for public facilities or infrastructure to be connected to the land and whether public utilities or infrastructure are to be provided by the developer for the provision of public utilities or infrastructure.

Reticulated power, water and sewer and telecommunications are connected to the site. No public facilities or open space is proposed as part of the proposed development nor is the developer required to provide any under Part 5 of the NTPS.

5.7 46(3)(h) – potential impact on existing and future amenity of the area in which the land is situated.

The proposed development is not anticipated to have an adverse impact on future or existing amenity in the area. The positive contribution towards the amenity of the broader locality is discussed further detail in sections 3 and 4 of this report.

5.8 46(3)(j) – the benefit or detriment to the public interest of the development.

No detriment to the public interest is anticipated. In addition to the merits set out in s46(3)(d) above, the proposed development will benefit the health sector by providing additional and specialist facilities in a desirable and accessible location.

6.0 Conclusion

Sheridan Consulting has been engaged has been engaged to prepare, lodge and manage this Development Application seeking consent for alterations and additions to an existing **medical clinic** 35 Stuart Highway, Stuart Park (Lot 6902 Town of Darwin).

The land is within Zone SC of the *Northern Territory Planning Scheme 2020 (NTPS).* The proposed development is *impact assessable* pursuant to clause 1.10(c)(i) and requires the exercise of discretion pursuant clause 1.10(4) of the NTPS.

While a minor departure from the required car parking provision set out in Part 5 of the NTPS is proposed, the overall development is considered appropriate for the site and will contribute to the existing mixed-use character of the Stuart Park locality.

In summary, Sheridan Consulting requests that the consent authority review the application material and, subject to its satisfaction, determine to grant consent under s53(a) of the Act with conditions commensurate to the scale of development.

End

Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required.
Fields marked with a carat (^) are required if applicable.

Applicant In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the **applicant** AND **any person on whose behalf the application is made.**			
Name of Applicant/Consultant or Acting agent	Sheridan Planning & Development T/A Sheridan Consulting		
Address	PO Box 41936 Casuarina NT 0811		
Phone	M: 0407 703 813	**Email**	joe@sheridanconsulting.au
Persons on whose behalf the application is made:			
Person/s on whose behalf the application is made:	Jacaroma Properties Pty Ltd (CAN 113 875 960)		
Address	72 Cavenagh Street, Darwin CBD 0800		
Phone	0405260597	**Email**	jacob@darwinhealthgroup.com
The applicant is hereby authorised to lodge a development application over the subject land described as:			
***Lot/NT portion**	6902		
***Location/town**	Town of Darwin		
***Street address**	35 Stuart Highway, Stuart Park, NT.		

NORTHERN TERRITORY GOVERNMENT

The application is for the purpose of:			
Proposed development *Brief description of proposed development*	Refer attached SoE.		
Landowner/s signature In accordance with Section 46(3)(aa)(ii) of the *Planning Act 1999*, a development application is to contain the **name and contact details of the owner of the land** to which the application relates. Written authorisation from each: • **Individual owner**: Each person listed on the title must provide written authorisation for the application. • **Companies**: For each company listed on the title, written authorisation must be obtained from the **director** or **authorised representative** of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so.			
***Full name**	Jacob Sciacca		
^Company name	Jacaroma Properties Pty Ltd (CAN 113 875 960)		
^Title *(e.g. director/authorised representative)*	Director		
Phone	0405260597	**Email**	jacob@darwinhealthgroup.com
***Signature**			
***Date**	01/09/2026		
Landowner signature			
***Full name**			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	
***Signature**			
***Date**			

Any Persons with an interest in the land *(as applicable)* In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement** with the applicant and/or landowner, **to acquire an estate or interest in the land to which the application relates**; and **any person with an interest** prescribed by regulation.			
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	
Any Persons with an interest in the land			
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

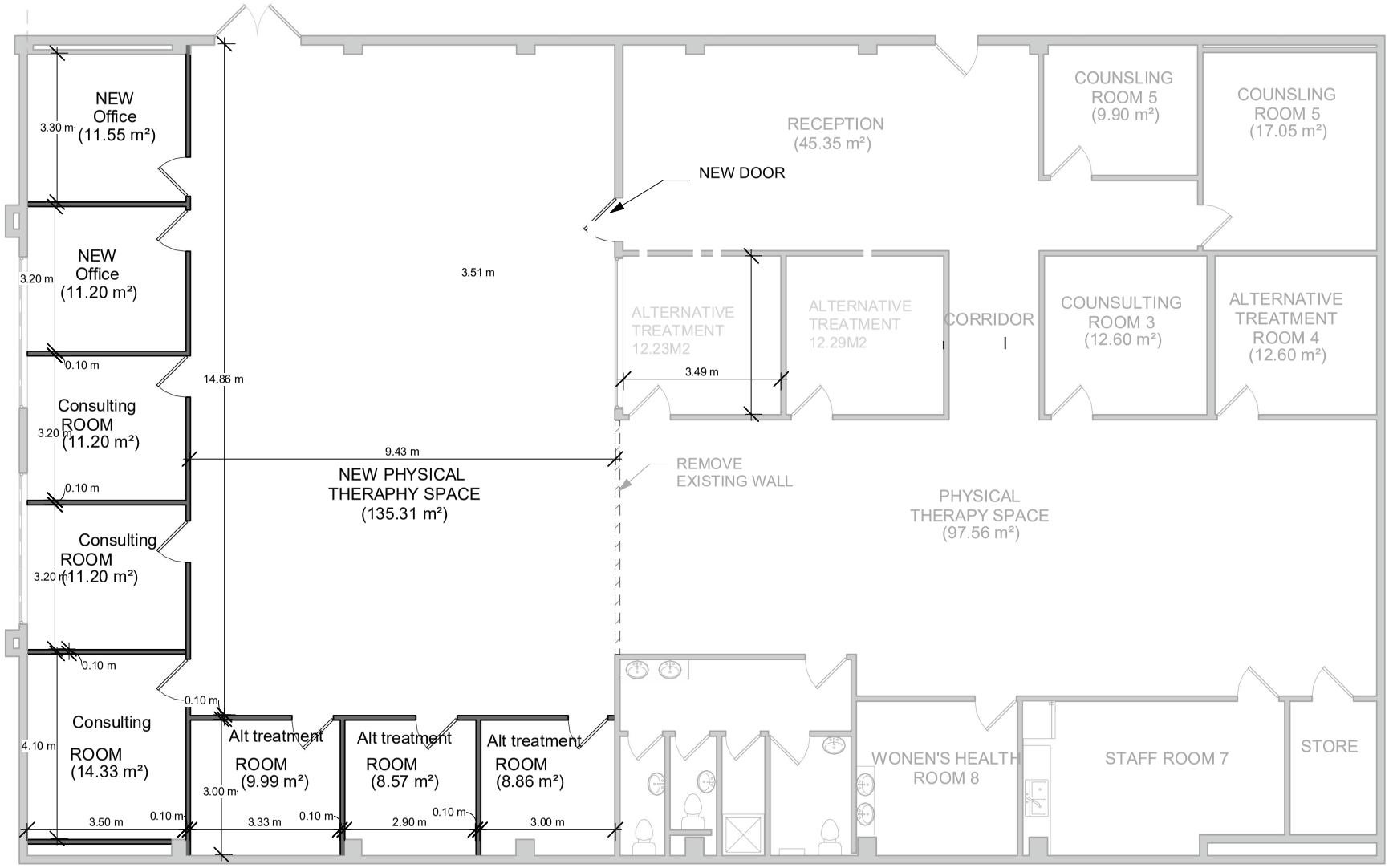
Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at https://nt.gov.au/copyright-disclaimer-and-privacy
Any personal information provided can be subsequently accessed by you on request.


RAMIREZ ROAD
STUART HIGHWAY
4 existing palm trees
Phi mul, Mel mal (Indicative landscaping)
existing landscaping
2500
5500
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1
8000
Entrance to Warehouse
29
21
Bike Racks
Existing PAWA Pole
Exist. R/S
Office 26 m2
313m2 Motor repair station
118m2 Tenancy 1B
260m2 Tenancy 1B
Lunch room
Reception 45.35m2
Consulting room 1 12.20m2
Consulting room 2 18.53m2
Alternative treatment room 12.25m 2
Alternative treatment room 12.25m2
Corridor 7.44m2
Consulting room 3 12.60m2
Alternative treatment room 12.60m2
Physical Therapy Space 97.57m2
Air Lock 8.16m2
WC
Shower
Accessible WC
Women's Health 12.55m2
RE
Staffroom 19.28m2
Store 5.58m2
17,961
16,810
Existing 4' Sewer Pipe

Site Plan

LEGENDS	
	EXISTING WALL
	NEW WALL
	DEMOLISHED WALL



0 1 2 3 4 50m

LINEAR SCALE: 1 : 100

NORTH ARROW

Re	AMENDM	DA

PROPOSED GROUND FLOOR PLAN

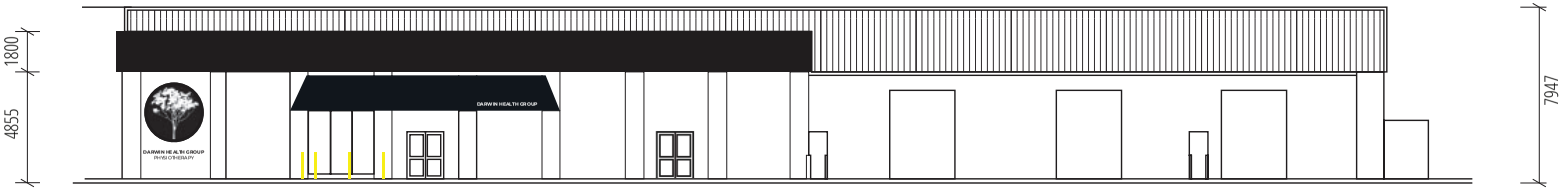
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JOB / DRAWING No.
26F FP1

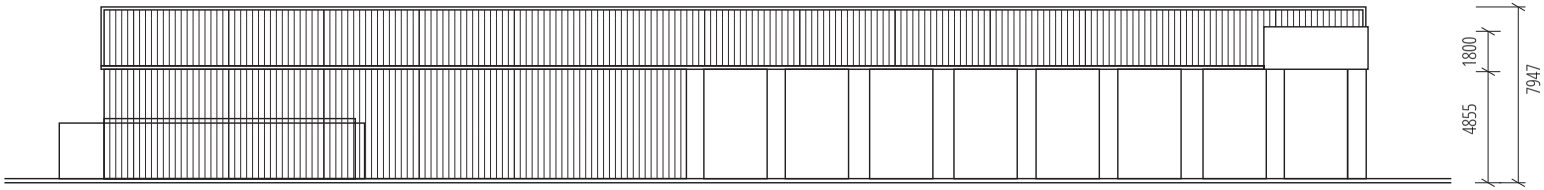
East Elevation



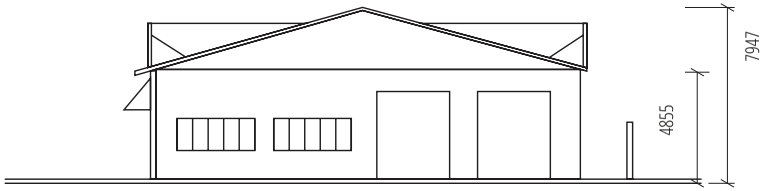
North Elevation



South Elevation



West Elevation



Elevations

Date Registered: 30/11/2021 **Volume** 854 **Folio** 607

Duplicate Certificate as to Title issued? No

SEARCH CERTIFICATE

Lot 6902 Town of Darwin from plan(s) LTO98/116
Area under title is 2460 square metres

Owner:
Jacaroma Properties Pty Ltd (ACN 113 875 960) as trustee for the Sciacca Family Trust
of 72 Cavenagh Street, Darwin City NT 0800

Registered Date	Dealing Number	Description
		Previous title is **Volume** 830 **Folio** 505
07/12/2018	912267	Lease to GPC Asia Pacific Pty Ltd - expiring 22/11/2021
End of Dealings		

NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information
The information contained in this record of Administrative Interests only relates to the below parcel reference.

Parcel Reference: Lot 06902 Town of Darwin plan(s) LTO98/116

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

Government Land Register
(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title
CUFT 854 607 (order 1)

Tenure Type
ESTATE IN FEE SIMPLE

Tenure Status
Current

Area Under Title
2460 square metres

Owners
Jacaroma Properties Pty Ltd (ACN 113 875 960) as trustee for the Sciacca Family Trust
72 Cavenagh Street, Darwin City NT 0800

Easements
(none found)

Scheme Name
(none found)

Scheme Body Corporate Name
(none found)

Reserved Name(s)
(none found)

Unit Entitlements
(none found)

Transfers
30/11/2021 for $2,500,000 (Nil GST)

Tenure Comments
(none found)

Historic Titles
CUFT 830 505 (order 1)
CUFT 798 186 (order 1)
CUFT 796 696 (order 1)
CUFT 747 893 (order 1)
CUFT 612 680 (order 1)
Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5346)

Address
35 STUART HWY, STUART PARK

Survey Plan
LTO98/116

Survey Status
Approved

Parcel Status
CURRENT

Parcel Area
2460 square metres

Map Reference
Code 200 Scale 2500 Sheet 29.22

Parent Parcels
Lot 01069 Town of Darwin plan(s) OP 001222
Lot 01070 Town of Darwin plan(s) OP 001222

Parcel Comments
(none found)

Survey Comments
CONSOLIDATION OF LOTS 1069 AND 1070.

Proposed Easements
(none found)

Local Government Area
DARWIN MUNICIPALITY

Region
DARWIN

Custodian - Valuer General (+61 8 8995 5375)

Owner's Last Known Address
JACAROMA PROPERTIES P/L ATF SCIACCA FAMILY TRUST, GPO BOX 4640, DARWIN NT 0801

Parcels in Valuation

Lot 06902 Town of Darwin

Unimproved Capital Value

$2,200,000 on 01/07/2023
$1,825,000 on 01/07/2020
$1,825,000 on 01/07/2017
$1,970,000 on 01/07/2014
$1,970,000 on 01/07/2011
$1,700,000 on 01/07/2008
$1,400,000 on 01/07/2005
$1,210,000 on 01/07/2002
$900,000 on 01/07/1999
$600,000 on 01/07/1996

Custodian - Property Purchasing (+61 8 8999 6886)

Acquisitions

(none found)

Custodian - Building Advisory Service (+61 8 8999 8965)

Building Control Areas

BBDAR001 - Building Control Area	DARWIN BUILDING AREA

Building Permits

Application Number:	4 of 4
Description:	New Doorway Entry and Awning Addition
Number of Residential Units:	
Australian Bureau of Statistics Type:	(none found)
Building Class:	Storage,warehouse,wholesale building
Area:	0 square metres
Certification:	Storage,warehouse,wholesale building - Occupancy Permit - *issued on* 03/04/2025

Application Number:	3 of 4
Description:	Installation of Roof Mounted Solar Panels to Existing Building.
Number of Residential Units:	
Australian Bureau of Statistics Type:	(none found)
Building Class:	Structure (Fence, Mast)
Area:	0 square metres
Certification:	Structure (Fence, Mast) - Occupancy Permit - *issued on* 17/02/2023

Application Number:	2 of 4
Description:	Internal Tenancy fit out (Balance Physio)
Number of Residential Units:	
Australian Bureau of Statistics Type:	(none found)
Building Class:	Shop
Area:	297 square metres
Certification:	Shop - Occupancy Permit - *issued on* 17/05/2023

Visit the website http://www.nt.gov.au/building/

Custodian - Town Planning and Development Assessment Services (+61 8 8999 6046)

Planning Scheme Zone

SC (Service Commercial)

Overlays:

(none found)

Strategic Frameworks: The following strategic frameworks may apply to your land

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- Darwin Inner Suburbs Area Plan

Interim Development Control Orders

(none found)

Planning Notes
(none found)

Planning Applications

File Number
PA2022/0033

Type
Development

Date Received
11/02/2022

Application Purpose
Part change of use from showroom sales to medical clinic (tenancy 1A)

Application Status
Approved

Other Affected Parcels
(none found)

Instrument Signed
11/04/2022

Instrument Number
DP22/0079

Instrument Issued
Signed

Instrument Status
Current

Custodian - Pastoral Estate - Vegetation Assessment Unit (+61 8 8999 4454)
(none found)

Visit the website for information on Pastoral land permits.

Custodian - Power and Water Corporation (1800 245 092)

Meters on Parcel

Power Water - Electricity	6
Power Water - Water	1

For Account balances, contact the Power and Water Corporation.

Custodian - Pool Fencing Unit (+61 8 8924 3641)

Swimming Pool/Spa Status
(none found)

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

Custodian - Department of Mining and Energy (+61 8 8999 5263)

Mineral Titles

Title ID	Status	Title Type	Expiry Date	Legislation
RL390	Granted	Reserve Land		Mineral Titles Act 2010

For additional information contact the Mineral Titles Team on +61 8 8999 5322

Energy Titles

Title ID	Status	Title Type	Expiry Date	Legislation
GRO1	Granted	Geothermal Reserved from Occupation		Geothermal Energy Act 2009
RB56	Granted	Reservation of Blocks		Petroleum Act 1984
RB225	Granted	Reservation of Blocks		Petroleum Act 1984

For additional information contact the Petroleum Tenure Team on +61 8 8999 5263

Land Access Agreements
(none found)

For additional information contact the Land Access Team on +61 8 8999 5240

For further information contact as above or visit the website https://strike.nt.gov.au

Custodian - NT Environment Protection Authority (+61 8 8924 4218)

Results of site contamination assessment
(none found)

For further information contact Environment Protection Authority or visit the website https://ntepa.nt.gov.au/your-business/public-registers/contaminated-land-audits

Custodian - Heritage Branch (+61 8 8999 5039)

Heritage Listing:
(none found)

For further information on heritage places contact Heritage Branch or visit the website https://nt.gov.au/property/land/heritage-register-search-for-places-or-objects

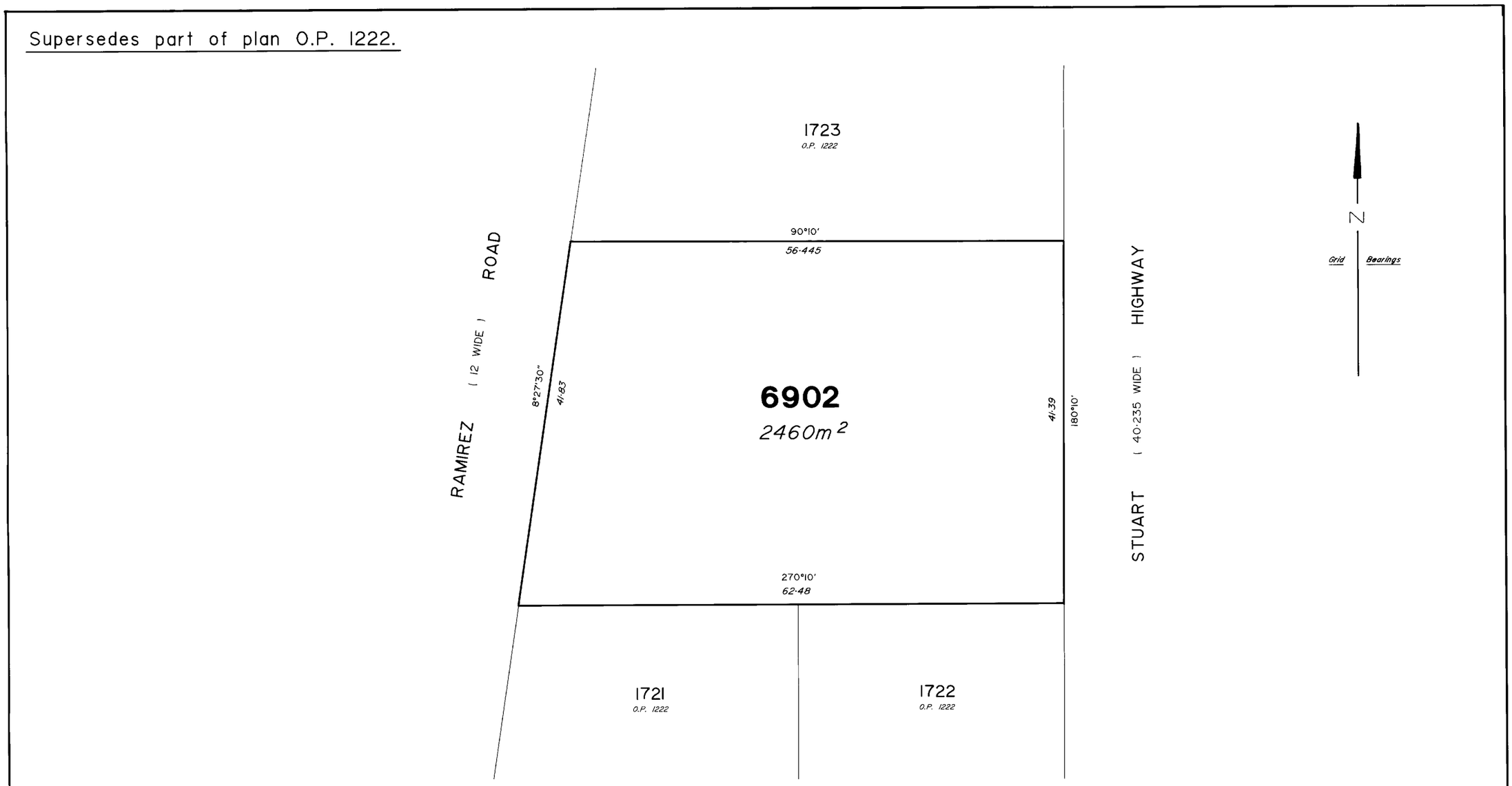
Other Interests

For Account balances, contact Darwin City Council

Locality Diagram



Supersedes part of plan O.P. 1222.



SURVEYOR'S CERTIFICATE

I, PHILLIP JOHN MATTHEWS
hereby certify that the survey represented on this plan was compiled from plan O.P.1222.

Licensed Surveyor — Date 4-10-98

L.T.O. REGISTRATION

Lodged on ..... at .....
Instrument Number .....
Registered on ..... at .....
by me .....
Registrar-General

CONSENT OF PROPRIETOR OF REGISTERED INTEREST(S)

Consent is hereby given to the proposed subdivision as depicted hereon.

Signed .....

Australia and New Zealand Banking Group Limited — Date

SUBDIVISION APPLICATION TO THE REGISTRAR-GENERAL

I/We hereby apply, pursuant to section 101 of the Real Property Act for issue of new titles in accordance with the subdivision hereon.

Betty Blake (Director) — Date

Maurice Edwin Blake (Director) — Date

Stephen Maurice Blake (Director) — Date
CHARAM PTY. LTD. (ACN 009 622 235)

Registered Proprietor(s)
C.T. Volume 021 Folio 092
C.T. Volume 007 Folio 084

SURVEY APPROVAL

I, Trevor William Menzies ..... the Surveyor-General, being satisfied that Part 7 of the Planning Act has been complied with:

(i) approve the survey under section 49 of the Licensed Surveyors Act;

(ii) acknowledge, on behalf of the Service Authorities designated, the vesting of the Service Easements shown hereon; and

(iii) accept on behalf of the Service Authorities specified, the land designated as roads or reserves hereon vested pursuant to section 65 of the Planning Act and section 7 of the Control of Roads Act.

Surveyor-General — Date 4-11-98

LOT 6902
SUBDIVISION OF LOTS 1069 AND 1070
TOWN OF DARWIN

Drawn by	Map Reference	SCALE 1 : 300
JMA (98185) Oct. 1998	DARWIN 2500 Sheet 29:22	
Examined by	AZIMUTH	L.T.O. 98/116
JMA 21-10-98	Assumed from	
	Observed at	

WARNING – Damaged or creased plan will be rejected.

NR MAPS

Attachment C - Site Aerial



Legend

Subject site

N

Metres 10 20 30 40

nrmaps.nt.gov.au

Geospatial Services Unit

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Department of Lands, Planning and Environment
© Northern Territory Government

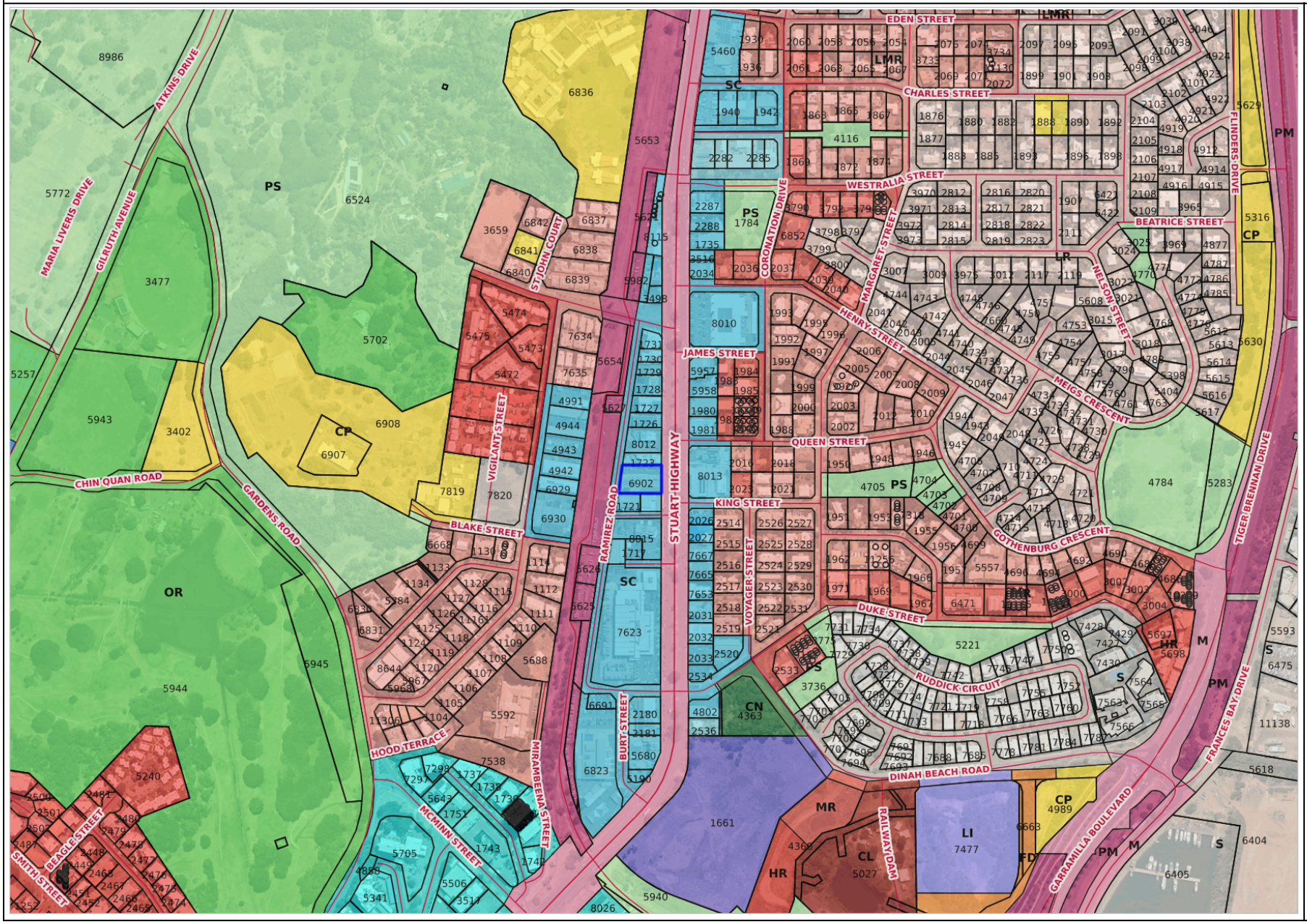
Created by anonymous, 25 Aug 2026

NORTHERN TERRITORY GOVERNMENT

NR MAPS

Attachment C - Locality and Zoning Map

sheridan — planning & development —



Legend

TOWN_PLANNING_ZONES

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Meduim Density Resid
- CA - No Planning Scheme Contro
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use

N

Metres 100 200 300

nrmaps.nt.gov.au

Geospatial Services Unit

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Department of Lands, Planning and Environment

© Northern Territory Government

Created by anonymous, 25 Aug 2026

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6046
Facsimile No: (08) 8980 0700

In reply please quote: PA2022/0033

Miss Chandhini Kumar
Masterplan NT

Email: darwin@masterplan.com.au

Dear Miss Kumar

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT 1999*)
LOT 6902 (35) STUART HIGHWAY, STUART PARK, TOWN OF DARWIN

The Development Consent Authority has determined, in accordance with section 53(a) of the *Planning Act 1999*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of part change of use from showroom sales to medical clinic (tenancy 1A) with three consulting rooms only, subject to the conditions specified on the attached Development Permit DP22/0079.

Reasons for the Determination

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

   The NT Planning Scheme 2020 (NTPS 2020) applies to the land, and a club with an ancillary office and medical clinic requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 4.12 Zone SC (Service Commercial); therefore, the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and Darwin Inner Suburbs Area Plan are relevant to this application), zone purpose and outcomes of Clause 4.12 Zone SC (Service Commercial) and Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.2 (Plot Ratios in Commercial Zones) and 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) need to be considered.

   These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

   The Darwin Inner Suburbs Area Plan provides a framework to guide progressive growth and development within the Inner Suburbs of Darwin. It provides a more specific vision and goals for the areas that make up Darwin's inner suburbs.

   The development is considered to be consistent with planning principles, concepts and design objectives under section 3.2 'Activity Centres and Tourist Commercial Area' as the proposal is for a medical clinic, a health related facility, within an existing commercial building within walking distance of existing residential development in Stuart Park and The Gardens.

The assessment notes that the proposed use is considered to accord with the purpose and outcomes of the zone and will have a significantly reduced impact on the existing service commercial area compared to other uses that could be considered in the zone.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

   The land is currently developed with a single storey building suggesting that it is can support the proposed development. The land is not identified as being within a storm surge area and is not subject to flooding in a 1% AEP flood event. Service authority requirements have been addressed by including relevant conditions and notes on the development permit.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

   The development will result in a change in the amenity of the area. The proposed use will activate the site as the tenancy occupying the medical clinic is currently vacant. The development, however, is broadly consistent with the zoning and the anticipated future development of the area. No undue amenity impacts are expected as a result of the development.

4. Pursuant to section 51(1)(t) of the *Planning Act 1999*, the consent authority must take into consideration the other matters it thinks fit.

   The assessment notes that the plans show three alternative treatment rooms and physiotherapy space, which could potentially be used as consulting rooms. The applicant has clarified that the proposed medical clinic will have three practitioners, and the alternative treatment rooms will provide specialised services to the patients. The proposed physiotherapy space is an open gym area accommodating a range of equipment for treatments. While this argument is useful in justifying the current arrangements, it does not safeguard against the potential future use of the site, given that any permit issued would be for a 'medical clinic' and not the current clinic and management practices. The Authority determined that the approved purpose should explicitly state that the use is for medical clinic with three consulting rooms only, which is reflected on the development permit.

Right of Appeal

Applicants are advised that a right of appeal to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act 1999*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7201 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations 2000 apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully



Suzanne Philip
2022.04.11
09:21:20
+09'30'

SUZANNE PHILIP
Delegate
11 April 2022

Attachment

cc City of Darwin

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - sections 54 and 55

DEVELOPMENT PERMIT

DP22/0079

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 06902
Town of Darwin
35 STUART HWY, STUART PARK

APPROVED PURPOSE

To use and develop the land for the purpose of part change of use from showroom sales to a medical clinic (Tenancy 1A) with three consulting rooms only, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Nil.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the *Planning Act 1999*, this permit will lapse two years from the date of issue.

Suzanne Philip
2022.04.11
08:45:43
+09'30'

SUZANNE PHILIP
Delegate
Development Consent Authority
11 April 2022

DEVELOPMENT PERMIT

DP22/0079

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Guidelines must be prepared and approved by the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing 2022/0033/01 endorsed as forming part of this permit.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Before the use or occupation of the development starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   a. constructed;
   b. properly formed to such levels that they can be used in accordance with the plans;
   c. surfaced with an all-weather-seal coat;
   d. drained;
   e. line marked to indicate each car space and all access lanes; and
   f. clearly marked to show the direction of traffic along access lanes and driveways

   to the satisfaction of the consent authority.

   Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. The use and development as shown on the endorsed plan must not be altered without the further consent of the consent authority

Notes

1. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

2. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

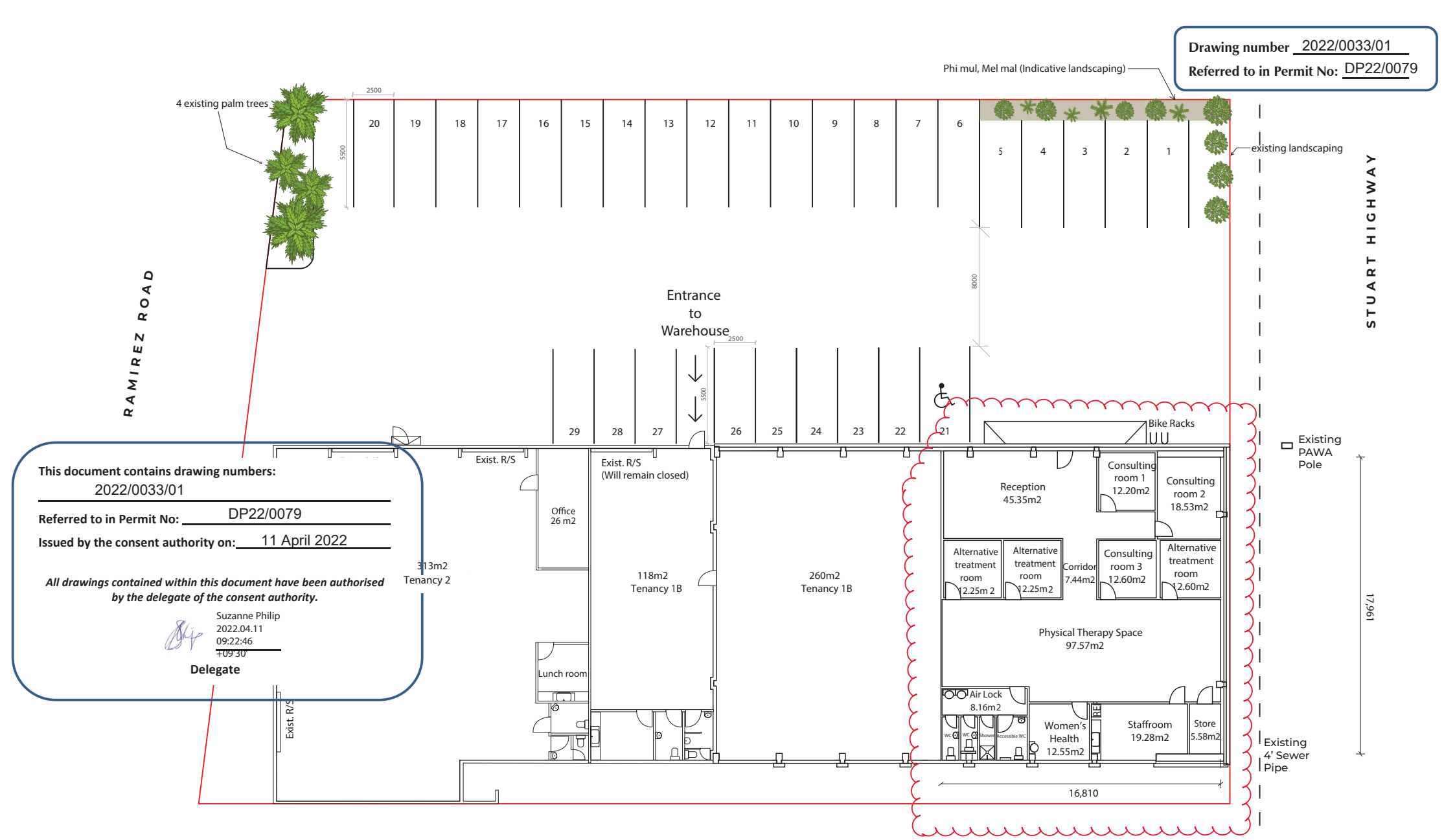
3. City of Darwin advises that any damaged or removed infrastructure located in, on or over the City of Darwin road reserve, is to be repaired or replaced at the developers cost, to the satisfaction of City of Darwin.

4. Transport and Civil Services Division (TCSD), Department of Infrastructure, Planning and Logistics advises that:
   a. No new access from Stuart Highway shall be permitted. Subject lot shall be accessed via existing access from Stuart Highway and Ramirez Road.
   b. installation of any services or service connections within the Stuart Highway road reserve is subject to approval. All service related works are to be contained within the appropriate nominal service corridor (refer standard drawing CS-3001).
   c. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
   d. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.

5. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   a. so as not to create sun or headlight reflection to motorists; and
   b. be located entirely (including foundations and aerially) within the subject lot.

Drawing number 2022/0033/01

Referred to in Permit No: DP22/0079



This document contains drawing numbers:

2022/0033/01

Referred to in Permit No: DP22/0079

Issued by the consent authority on: 11 April 2022

All drawings contained within this document have been authorised by the delegate of the consent authority.

Suzanne Philip
2022.04.11
09:22:46
+09'30'

Delegate

Subject Site

Change of use to Medical Clinic approval granted under DP22/0079

Indicative Landscaping

	Key	Species	Common Name	Mature Height	Mature Spread	Pot Size	Spacing
	Mel mal	*Melastoma malabathricum*	Native Lasiandra	1-2m	1-2m	140mm	1500mm
	Phi mul	*Phyllanthus multiflorus*	waterfall plant	1m	1m	140mm	800mm

Floor Plan

35 Stuart Highway (Lot 6902 Town of Darwin)
STUART PARK

ELEMENT CONSTRUCTION NT

Not to scale
Dimensions are in mm

Information portrayed above was obtained through multiple sources and the accuracy of measurements is thereofre limited.
For planning purposes only.

MASTERPLAN.COM.AU
SA | NT | QLD
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MASTERPLAN
TOWN + COUNTRY PLANNERS

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 52

DEVELOPMENT PERMIT

DP98/0283

DESCRIPTION OF LAND THE SUBJECT OF THIS PERMIT

Lot No:	LOTS 1069 & 1070
Town/Hundred:	TOWN OF DARWIN
Street Address:	35 & 37 STUART HIGHWAY

The Planning Authority at its meeting of 2 June 1998 resolved, in pursuance of section 52(1)(a) of the *Planning Act*, to grant consent to the application for the purpose of refurbishment of the existing building subject to the conditions set out in the Schedule and for the reasons set out in the attached statement of reasons.

Dated this 19 day of June 1998

J R GRONOW
Chairman
Northern Territory
Planning Authority

SCHEDULE OF CONDITIONS

DEVELOPMENT PERMIT

DP98/0283

1. Works carried out under this permit shall be in accordance with drawings numbered MA048-SK1, MA048-SK2 and MA048-SK3, and endorsed as forming part of this permit.

2. Occupancy Permits shall be withheld until such time as Lots 1069 and 1070, Town of Darwin, have been consolidated and a new title issued in respect of that consolidated allotment.

3. Electrical reticulation to the site to be provided to the requirements and satisfaction of the Power and Water Authority, at no cost to the Authority.

4. Water reticulation to the site and sewage disposal from the site to be provided to the requirements and satisfaction of the Power and Water Authority, at no cost to the Authority.

5. All areas set aside for landscaping on the endorsed plan shall be planted and continuously maintained to the satisfaction of the Chairman, Northern Territory Planning Authority.

6. Car parking spaces and internal driveways shall be bituminous concrete or similar impervious sealing and line marked.

7. Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpaths shall be provided, stormwater shall be collected and discharged into Council's drainage network, and reinstatement works completed, all to the requirements and satisfaction of the Technical Services Manager, Darwin City Council at no cost to Council.

8. Waste bin storage shall be provided in accordance with Council guidelines.

9. Signage on or relating to the property shall comply with Darwin City Council's Sign Code.

Base Period of Permit

As provided for under section 55 of the Act and subject to the provisions of sections 56 and 57, this permit will lapse two years from the date of issue.

J R GRONOW
Chairman
Northern Territory Planning Authority

19/6 /1998

STATEMENT OF REASONS FOR DETERMINATION

DEVELOPMENT PERMIT

DP98/0283

Reason

1. The proposed development complies with the provisions of the Darwin Town Plan and is considered appropriate for the locality.

Variations Given

N/A

Right of Appeal

The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 99 of the *Planning Act*. Within 28 days of receiving this Permit an appeal may be lodged with the Planning Appeals Tribunal. Please contact the Registrar for information regarding forms and fees payable. Address for lodgement is:

POSTAL ADDRESS

The Registrar
Planning Appeals Tribunal
GPO Box 1680
DARWIN NT 0801

Telephone: 8924 4030
Facsimile: 8924 4052

LOCATION

The Registrar
Planning Appeals Tribunal
1st Floor
Darwin Plaza
The Mall
DARWIN NT 0800

J R GRONOW
Chairman
Northern Territory
Planning Authority

19/6 /1998

NOTE: REDEVELOPMENT CHARGES

You are advised that the proposed redevelopment may incur charges under sections 12A and 13B of the *Water Supply and Sewerage Amendment Act 1994* which was gazetted on 15 March 1995.

Information regarding these charges can be obtained by calling 8982 5310 or 8982 5514.

Item 4 B4

STUART HIGHWAY

EXISTING BUILDING

EXIST.PAWA POLE

EXISTING GATES TO BE REMOVED

NEW BOLLARDS

NEW CARPARKING

NEW CARPARKING

LOT 1069

22 23 24 25 26 27 28 29 30 31 32

STEAM CLEAN EXISTING DRIVEWAY ON COMPLETION

LOT 1070

NEW PYLON SIGN

NEW LANDSCAPE AREA

REPAIR EXISTING PAVEMENT AND TOP WITH HOT MIX BITUMEN

PATCH / REPAIR EXISTING PAVEMENT

LANDSCAPE AREA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

CARPARKING LINE MARKED

EXISTING LANDSCAPE AREA

NEW TWIN FLOODLIGHTS ON 6 METRE POLE

DEMOLISH BOUNDARY WALL

RAMIREZ RD.

4200

2000

8000

////REPCO
DISCOUNT AUTO PARTS

PYLON SIGN

SITE PLAN
SCALE 1 : 200

This is the drawing referred to in Development Permit No.
DP98/0283 issued by the Northern Territory Planning Authority on 19/6/98
Delegate of the Authority

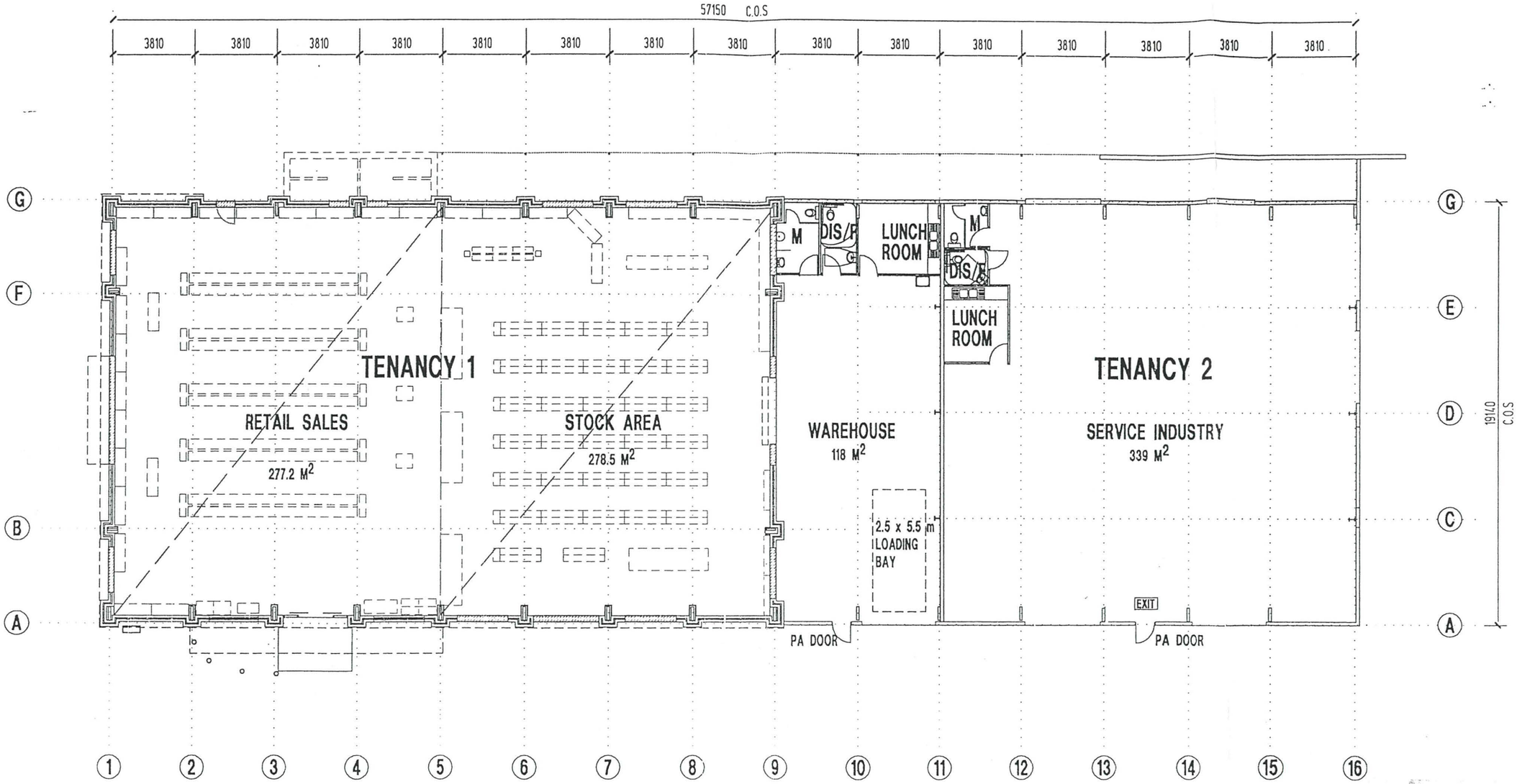
M1028/SK1

Matthews Kapetas Ehrlich Architects
Architecture Interior Design Project Management
Arkaba House, 13 The Esplanade, Darwin NT 0800
C.P.O Box 2151, Darwin N.T. 0801
Tel (08) 8981 8808

REFURBISHMENT OF EXIST BLDG
LOTS 1069 & 1070 STUART HIGHWAY
STUART PARK

Plot Date 05-05-98 10:05 AM | DO NOT SCALE OFF THIS DRAWING check all dimensions prior to commencing any site work
Scale AS SHOWN | Sheet 1 OF 3 | © Copyright
Drawn JOE | JOB No

Item 4 B5



FLOOR PLAN

SCALE 1 : 200

PLANNING CARPARKING REQUIREMENTS

OCCUPANCY	AREA	RATE	No. REQ'D
RETAIL/SALES	277.2 M^2	6/100M2	17 SPACES
STOCK AREA	278.5 M^2	1/100M^2	3 SPACES
ANCILLARY WAREHOUSE	118 M^2	1/100M^2	2 SPACES
SERVICE INDUSTRY TENANCY	339 M^2	2/100M^2	7 SPACES

TOTAL SPACES REQUIRED 29

TOTAL SPACES AVAILABLE 32

This is the drawing referred to in Development Permit No.
DP98/0283 issued by the Northern Territory Planning Authority on 19/6/98
Delegate of the Authority

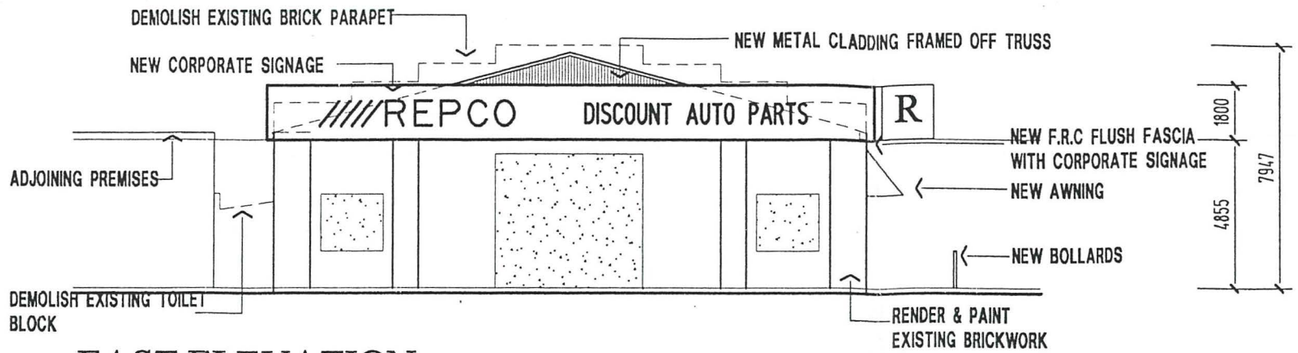
Matthews Kapetas Ehrlich Architects
Architecture Interior Design Project Management
Arkaba House, 13 The Esplanade, Darwin NT 0800
C.P.O Box 2151, Darwin N.T. 0801
Tel (08) 8981 3308 Fax (08) 8981 2375

PROPOSED REDEVELOPMENT
LOT 1069 STUART HIGHWAY
STUART PARK
CHARAM PTY LTD

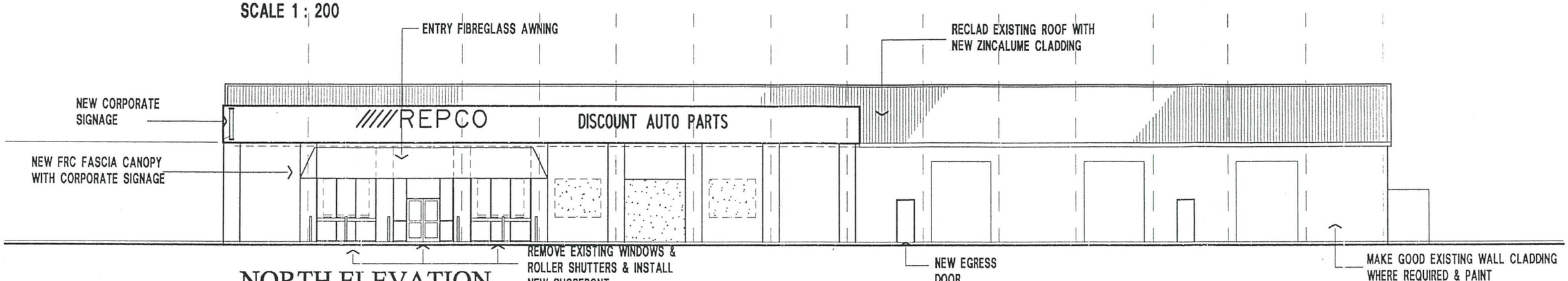
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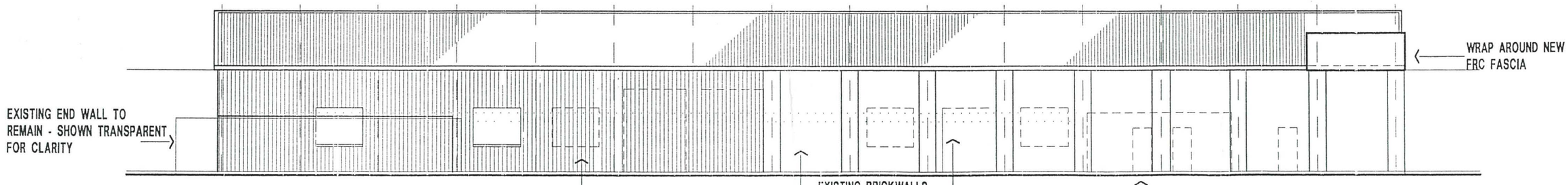
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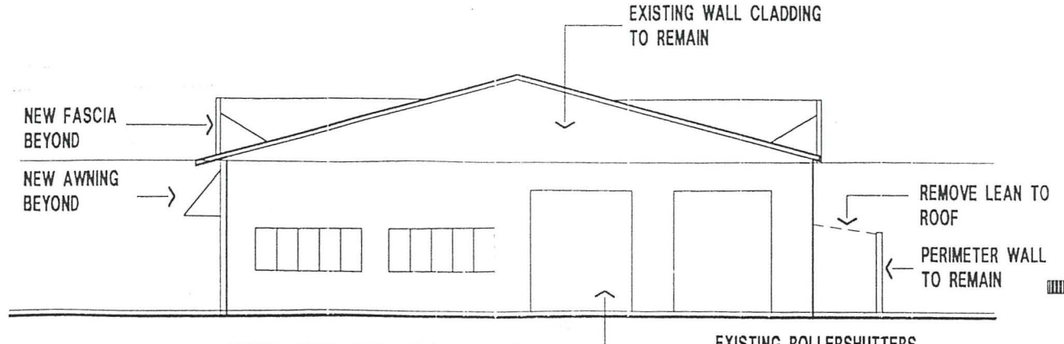
EAST ELEVATION
SCALE 1 : 200



NORTH ELEVATION
SCALE 1 : 200



SOUTH ELEVATION
SCALE 1 : 200



WEST ELEVATION
SCALE 1 : 200

This is the drawing referred to in Development Permit No.
DP98/0283 issued by the Northern Territory Planning Authority on 19/6/98
Delegate of the Authority

Matthews Kapetas Ehrli
Architect
Architecture Interior Design Project Man
Arkaba House, 13 The Esplanade, Darwin
C.P.O Box 2151, Darwin N.T. 080
Tel (08) 8981 3308 Fax (08) 89

AMALGAMATION
STUART HIGHWAY

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Technical Assessment PA2026/0321

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2026/0321
Lot number:	Lot 6902 (35) Stuart Highway, Stuart Park
Town/Hundred:	Town of Darwin
Zone:	Zone SC (Service Commercial)
Site Area:	2460 m^2
Proposal:	Change of use to medical clinic (physiotherapy) (part Tenancy 1B)
Plans used for assessment:	0075_SOE_020926.pdf (statement of effect); Attachment E - Development Plans_Rev1.pdf (dimension plans)
Date assessment finalised:	7 October 2026

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (NTPS2020). The proposal has been assessed as being for a medical clinic within Zone SC (Service Commercial).

In general, this application seeks consent for alterations and additions to an existing medical clinic at Lot 6902 (35) Stuart Highway, Stuart Park, Town of Darwin (the site). The site is located within Zone SC (Service Commercial) and contains a single-storey commercial building currently occupied by a medical clinic, a motor repair station and a vacant tenancy. The application involves expanding the existing medical clinic into part of the adjoining vacant tenancy (Tenancy 1B), with all works occurring within the existing building envelope and no changes proposed to the external built form, site layout, vehicle access arrangements or operating hours.

The expansion will increase the floor area of the medical clinic by approximately 260 m^2 and provide additional facilities to support the existing physiotherapy practice. The proposed fit-out includes three new consulting rooms, two directors' offices and a large physical therapy space containing gym equipment. The development also incorporates purpose-built treatment and assessment facilities, including a running assessment room, stretching area, sauna and ice bath facilities intended to support physiotherapy treatment programs.

The application does not propose any external building additions, changes to site access, landscaping alterations or modifications to the existing car parking layout. Existing services, pedestrian access arrangements, bicycle parking facilities and on-site infrastructure will be retained. The motor repair station occupying the rear tenancy will continue to operate unchanged, with the applicant contending that the expanded medical clinic will remain compatible with the surrounding service commercial activities.

Easements in the vicinity of the development site: None.

Street frontages to the site: Stuart Highway (primary) and Ramirez Road (secondary).

NORTHERN TERRITORY GOVERNMENT

The application requires consent under the NTPS2020 as described in the tables and sections below:

Assessment Table – Zone SC (Service Commercial)					
Defined Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Location Specific Development Requirements**	**Specific Development Requirements**
Medical Clinic	***Impact assessable***	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road 3.14 HHLSI – Land in proximity to Helicopter Landing Sites of Strategic Importance 3.15 LPRT – Land in Proximity to Runway Thresholds	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.9.7 Humpty Doo Rural Activity Centre Area Plan	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

The application is *Impact Assessable* under clause 1.8(1)(c)(i) of the NTPS2020 as the use is shown as *Impact Assessable* on the relevant assessment table in Part 4 of the NTPS 2020.

An assessment of the relevant clauses is summarised in the table below.

Overlays	Compliance		
	Yes	No	N/A
3.4 (Coastal Reclamation)			
3.6 (Land Subject to Flooding)			
3.7 (Land Subject to Storm Surge)			
3.8 (Land Adjacent to a Designated Road)			
3.14 (Land in proximity to Helicopter Landing Sites of Strategic Importance)			
3.15 (Land in Proximity to Runway Thresholds)			

General Development Requirements	Compliance		
	Yes	No	N/A
5.2.1 (General Height Control)			
5.2.4.1 (Car Parking Spaces)			
5.2.4.4 (Layout of Car Parking Area)			
5.2.4.5 (Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2)			
5.2.5 (Loading Bays)			
5.2.6.1 (Landscaping in Zones other than Zone CB)			
5.2.6.2 (Landscaping in Zone CB)			
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)			
General Development Requirements in Specific Zones	**Compliance**		
	Yes	**No**	**N/A**
5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC)			
Commercial Specific Development Requirements	**Compliance**		
	Yes	**No**	**N/A**
5.5.2 (Commercial Plot Ratio)			
5.5.3 (General building and site design)			
5.5.4 (Expansion of Existing Use or Development in Zones CB C SC and TC)			

*TBC – To be confirmed by further information from the applicant.
*GC - Generally complies, with any outstanding aspects can be addressed via standard permit conditions.

1.8 When development consent is required

1. The need for ***consent*** and the level of assessment that applies to the use and development of land is set out in the framework below:
   (a) *Permitted* – use and development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

   Use and development of land is *Permitted* without ***consent*** when the following apply:
   i. it is shown as *Permitted* on the relevant assessment table in Part 4; and
   ii. it does not require ***consent*** by virtue of an overlay in Part 3; and
   iii. it complies with all relevant development requirements set out in Part 5; or
   iv. a provision of the Planning Scheme expressly sets out that it is *Permitted*.

   (b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the ***amenity*** of the area and accords with the relevant zone purposes and outcomes.

   Use and development of land requires ***consent*** and is *Merit Assessable* when any of the following apply:
   i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
   ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
      (1) requires ***consent*** by virtue of an Overlay as set out in Part 3; or
      (2) does not comply with the relevant development requirements set out in Part 5;
   iii. it is for the consolidation of land; or
   iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
      (1) development consent has been granted; or
      (2) the development is permitted in the relevant assessment table; or

(3) the Unit Title Scheme does not include vacant land.

v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

Editor's note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.

(c) *Impact Assessable* – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the ***site*** and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Use and development of land requires ***consent*** and is *Impact Assessable* when any of the following apply:

i. it is shown as *Impact Assessable* on the relevant assessment table in Part 4;
ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
iii. it is identified as *Impact Assessable* in Clause 1.9; or
iv. it is a *Prohibited* development which relates to a ***heritage place*** as set out in Clause 1.10(7)(b); or
v. a provision of this Planning Scheme expressly requires assessment as *Impact Assessable*.

(d) *Prohibited* – use and development to which the consent authority must not grant ***consent***.

Use and development of land is *Prohibited* if:

i. it is shown as *Prohibited* on the relevant assessment table in Part 4, unless it is ***ancillary*** as allowed by Clause 1.9; or
ii. a provision of this Planning Scheme expressly prohibits ***consent***.

1.9 Ancillary use and development

1. Unless expressly provided for in this Planning Scheme:
   (a) where the definition of a development in Schedule 2 includes use or development that may be established if ***ancillary***, the ***ancillary*** use or development included in the definition are *Permitted* provided they comply with any relevant development requirements in Parts 3 and 5;
   (b) if an ***ancillary*** use or development described in (a) does not comply with Parts 3 and 5, the ***ancillary*** use or development requires ***consent*** and the level of assessment that applies is *Merit Assessable*;
   (c) an ***ancillary*** use or development not specified in the definition of the ***primary use*** in Schedule 2 requires ***consent*** and the level of assessment that applies to the ***ancillary*** use or development is either:
      i. the assessment category specified in the assessment table for the zone in Part 4; or
      ii. if Undefined or Prohibited it is *Impact Assessable*.

1.10 Exercise of Discretion by the Consent Authority

1. In considering an application for ***consent*** for a use or development, the consent authority must consider the use or development in its entirety except in relation to:
   (a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
   (b) ***access*** to a ***main road***; or
   (c) a *Merit Assessable* application under Clause 1.8(1)(b)(ii)(2).

2. In considering an application for ***consent*** for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

3. In considering an application for ***consent*** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
   (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
   (b) any Overlays and associated requirements in Part 3 that apply to the land; and
   (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

4. In considering an application for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:
   (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
   (b) any Overlays and associated requirements in Part 3 that apply to the land;
   (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
   (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

5. The consent authority may ***consent*** to a proposed use or development that is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
   (a) the purpose and administration clauses of the requirement; and
   (b) the considerations listed under Clause 1.10(3) or 1.10(4).

6. When consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.

7. The consent authority must not grant ***consent*** for a use or development identified as *Prohibited* unless:
   (a) the *Prohibited* use or development is ***ancillary*** as set out in Clause 1.9; or
   (b) the *Prohibited* use or development relates to a ***heritage place*** and it has the approval of the Minister responsible for the administration of the *Heritage Act 2011.*

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

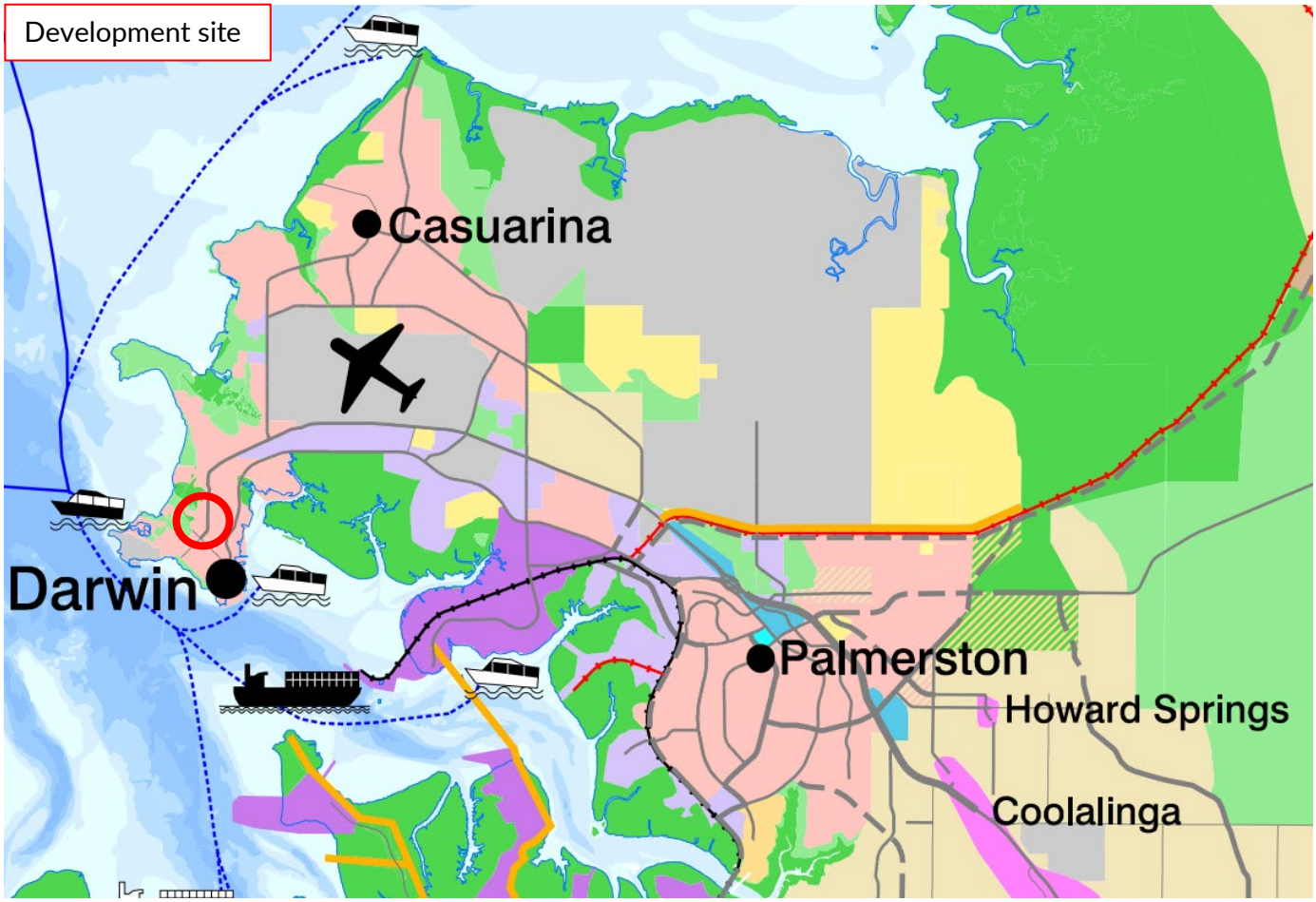
Strategic Framework

Clause 1.6 (Structure of the Planning Scheme) states *The structure of the Planning Scheme includes:*

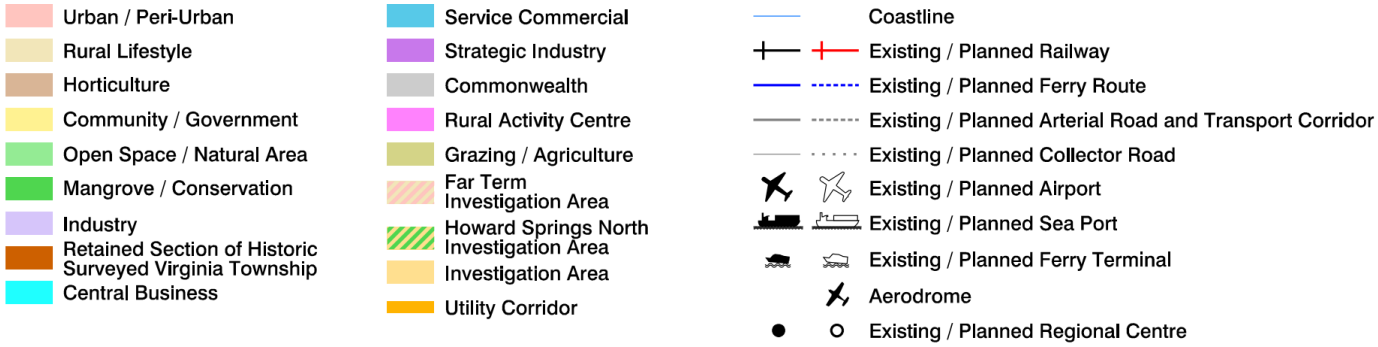
(a) *Strategic Framework (Part 2)*
The Strategic Framework establishes guidance to facilitate development and decision making in a coordinated manner while recognising the differences between various regions and local areas across the Planning Scheme area.

As such, a review of the strategic framework has been completed, which considers whether this application supports, is neutral towards, contrary to, or not relevant to, any guidance or documents within the framework.

Darwin Regional Land Use Plan



Excerpt of the DRLUP



The Darwin Regional Land Use Plan (DRLUP) 2015 provides a broad framework for the future development in the greater Darwin region. The DRLPUP identifies the subject area for urban land uses (urban and peri-urban residential). The DRLUP provides key residential and commercial objectives to identify adequate urban land, and ensure the detailed planning for future development in the region.

An assessment of the key urban and peri-urban residential objectives is provided below:

Objective	DAS response
Identify sufficient suitable opportunity for residential development to ensure an ongoing supply of lots	**Not relevant** – The application does not relate to residential land uses.
Encourage a diverse range of dwelling types and residential locality to cater for changing demographics (including single person households and an ageing population), to meet increasingly diverse community aspirations and minimise the impacts of development on established localities.	
Focus future urban development in localities close to established areas to enhance the economic viability of infrastructure extensions	**Supports** – This application will see the activation of a tenancy within an existing urban locality.
Encourage detailed design that:	
• Recognises the contribution natural and cultural sites make to urban character	**Not relevant** – No substantial changes are proposed to the external built form.
• Provides for appropriate protection and maintenance of natural and conservation areas	
• Is climatically appropriate and avoids the creation of heat islands.	

Assessment

Supports – As discussed above, overall, the application is considered to be appropriate against the relevant objectives of the Darwin regional land use plan.

Darwin Inner Suburbs Area Plan



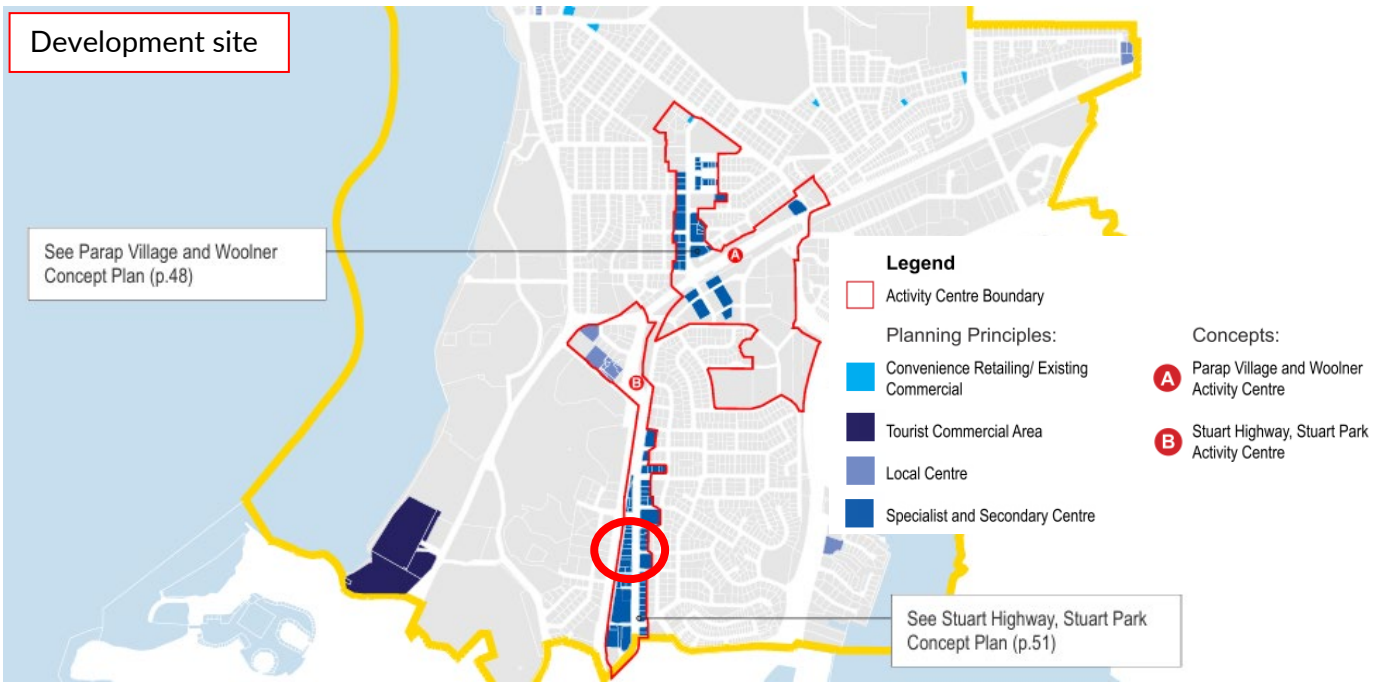
Excerpt of the District Wide Land Use Plan

The Darwin Inner Suburbs Area Plan (DISAP) provides a framework to guide the progressive development of the inner suburbs. This is achieved by overarching vision and goals for each seven primary land use themes. Each land use theme is then expanded upon by a goal, and series of associated planning principles. Each planning principle is then supported by a set of objectives and acceptable responses that provide more detailed direction and serve as policy. However, these aspects do not prevent the use of land consistent with the current zoning of the site. Furthermore, the CDAP 2019 may specify additional requirements for a development consistent with an existing zone. In addition to the themes, some locations are identified as a concept area or place, and which have specific planning principles, objectives and acceptable responses that need to be considered.

As shown in the excerpt of the District Wide Land Use Plan, the site is located within an area for change to mixed use and existing commercial (Specialist and Secondary Centre) land uses. As such, the Activity Centres and Tourist Commercial Area and Movement and Transport land use themes are considered relevant to this application.

3.2 Activity Centres and Tourist Commercial Areas

The goal of this theme is *To provide opportunities for people to live, work, play and shop in a location characterised by excellent public and active transport, service infrastructure, prosperous economic conditions, safe streets and a strong sense of place.*



Excerpt of the Activity Centres and Tourist Commercial Areas plan

The proposal is located within an area identified within the activity centre boundary, and on the Activity Centres and Tourist Commercial Areas figure for specialist/secondary centre land uses. In addition, the development site is located within the Stuart Highway, Stuart Park Precinct concept area. A review of the relevant objectives is provided below.

Specialist and Secondary Centres

(Also refer to the Parap Village and Woolner Concept Plan, and the Stuart Highway, Stuart Park Concept Plan at Attachments 1 & 2 respectively)

Objectives	Acceptable Responses	Assessment
1. Centres characterised by a mix of residential, commercial, retail, community and other compatible uses.	Mixed use buildings accommodate: • commercial activities; and/ or • residential use above commercial activities. Land use generally accords with the respective Land Use Plans of the Parap Village and Woolner Concept Plan, and Stuart Highway, Stuart Park Concept Plan. Diverse housing options that respond to changing demographics and create options to accommodate future growth. Uses not compatible with residential are not to be established.	**Acceptable** – The conversion of part of tenancy 1B to medical clinic is considered to support this objective through the further contribution of the site for commercial purposes.
2. New commercial and retail floorspace.	Expansion of floorspace accords with the parameters set by the relevant Concept herein.	**Not relevant** – No new net floor area is proposed as part of this application.

B. Stuart Highway, Stuart Park Precinct

(Also refer to the Stuart Highway, Stuart Park Concept Plan at Attachment 2)

Objectives	Acceptable Responses	Assessment
1. A mixed use precinct characterised by finer grain retail, showroom sales, professional suites and shop top residential use.	Provide service commercial uses serving both the inner suburbs and the CBD, including showroom sales and other uses such as health related facilities. Proximity to the Botanic Gardens and foreshore areas will create opportunities for residential uses. This attraction will be further enhanced as traffic volumes are decreased on this corridor by initiatives such as improved rapid public transport and the far term possibility of the Stuart Park Bypass. Priority public transport lanes through this space, connecting to Darwin, Casuarina and Palmerston City Centres. Streetscaping within the road reserve providing alfresco opportunities, cycle ways and pedestrian footpaths.	**Acceptable** – The conversion of part of tenancy 1B to medical clinic is not considered to adversely affect the intended development of the locality for mixed uses.
2. Development of medium rise mixed use buildings.	Buildings accord with the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan.	**Not relevant** – No substantial changes are proposed to the external built form.
3. Appropriate lot size and configuration to accommodate an attractive and	Amalgamations as outlined on Land Use Plan of the Stuart Highway, Stuart Park Concept Plan.	**Not relevant** – This application does not propose the consolidation of lots, nor is it considered necessary to accommodate the proposed development.

practical mixed use development.		
4. Car parking hidden from view and located to facilitate continuous pedestrian movement on primary and secondary streets.	Vehicle access that accords with the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan, which can be achieved by the lot amalgamation pattern identified in the Land Use Plan.	**Not relevant** – No changes are proposed to the existing car parking area and layout.
5. Mark the arrival point of specialist and secondary centres through the use of architecture.	Gateway location development sites identified on the Stuart Highway, Stuart Park Concept Plan (Built Form Plan) incorporate a design response which strengthens the precinct by: • establishing a prominent architectural address orientated towards the identified view corridor; • providing a visual anchor point, via the articulation of building form, envelope and material expression within the identified view corridor; and • employing the appropriate use of building height on the interface with the view corridor to accentuate the sense of arrival.	**Not relevant** – The site is not located at an identified gateway location.
6. Enhanced community facilities or public open space in the precinct through increased building heights on land bounded by Ramirez Road, Stuart Highway and the old Railway Reserve.	Building heights of 6 storeys on land bounded by Ramirez Road, Stuart Highway and the old Railway Reserve or a maximum of an additional 3 storeys if land is made available for a district park as shown on the Land Use Plan.	**Not relevant** – No substantial changes are proposed to the external built form.
7. Streets that encourage movement, social gathering and shade.	Street design that generally implements the spatial use elements outlined on the Indicative Street Designs - Stuart Highway and Ramirez Road of the Stuart Highway, Stuart Park Concept Plan. The elements shown on the Indicative Street Designs are unlikely to be delivered as a complete package until the Bypass Road is constructed. No development is to occur within the Stuart Highway road reservation unless approved by the Northern Territory Government agency responsible for administering Main Roads.	**Not relevant** – No substantial changes are proposed to the external built form.

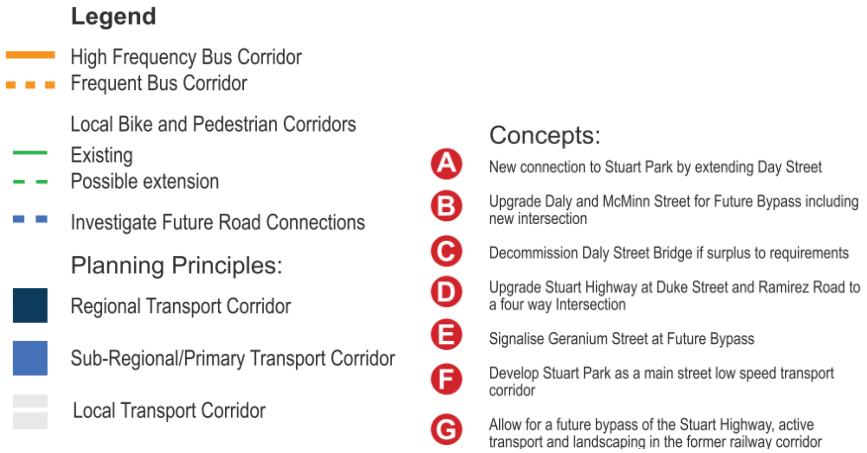
8. Rear laneway access to a site if access to a secondary street is not possible.	The area bounded by Duke Street, King Street and the Stuart Highway is developed for mixed use only if access is provided from either a rear lane or a secondary street and the development of the laneway is generally as outlined on the Built Form Plan of the Stuart Highway, Stuart Park Concept Plan. Rear laneways should be designed to include lighting and buildings on the laneway edge should allow for passive surveillance of this space.	**Not relevant** – The site is not located within the identified area.
9. Appropriate provision of commercial and retail floorspace at Goyder Road and Salonika Street.	Small commercial tenancies potentially consisting of uses such as shop, office, medical clinic and restaurant on land affected by Specific Use Zone - Darwin Numbers 30 and 36, does not exceed a total of 2 000 m² GFA for each specific use zone.	**Not relevant** – The site is not located within specific use zones 30 or 36.

3.5 Movement and Transport

The goal of this theme is *To protect opportunities for road, public transport and active transport enhancement, while ensuring that:*

- *significant transport corridors provide green gateways presenting strong tropical landscape statements;*
- *shade, shelter, landscaping and other amenities for those engaged in active transport are provided; and*
- *public transport vehicles and users have priority over the private motor vehicle.*





Excerpt of the Movement and Transport plan

A review of the Movement and Transport figure found the proposal is located in close proximity to transport corridors identified as high frequency bus and regional transport corridor. In addition, the development site is located in proximity to the 'Upgrade Stuart Highway at Duke Street and Ramirez Road to a four way Intersection' concept. A review of the relevant objectives is provided below.

Regional Transport Corridors & Sub-arterial and Primary Transport Corridors

Objectives	Acceptable Responses	Assessment
1. Movement corridors that cater for pedestrians, cyclists, public transport and other private vehicles.	Roads included within Zone PM, M or identified as a sub-arterial or primary road by the City of Darwin cater for the various needs of motorists, public transport, pedestrians and cyclists. No development is to occur within such road reservation unless approved by the agency responsible for administering the road.	**Not relevant** – No changes are proposed or considered necessary as part of this proposed change of use application.
2. Necessary upgrades along transport corridors to allow the safe and efficient movement of vehicles and people.	Ongoing upgrades as required over time within the context of those outlined on the Transport and Movement Theme Map.	
3. Well serviced public transport corridors.	High frequency public transport corridors along the Stuart Highway, Gilruth Avenue and East Point Road.	
4. Identify and reserve future mass rapid transit corridors.	A corridor on the inbound side of the Stuart Highway and in the median through the Stuart Park High Street to provide a dedicated rapid transit corridor. The corridor allows two way movements of rapid transit vehicles, associated passenger collection points and other related infrastructure.	

5. Creation of a sub-regional public transport interchange in close proximity to the Stuart Highway and Parap Road.	A new public transport interchange near the Parap Road Stuart Highway intersection provides for seamless transfer between inbound and outbound services and direct pedestrian connections to Parap Village and Woolner Precinct.	
6. Improvement of the bike/ pedestrian shared network.	Improve the provision for cyclists and pedestrians along Bagot Road by designating an off-road shared path for pedestrians and cyclists of an appropriate width connecting the northern suburbs to the Stuart Highway.	
7. Enhancement of higher order bike and pedestrian routes.	Nodes along the bike/pedestrian network provide for pedestrian and cyclist comfort through the provision of drinking fountains, wayfinding and interpretive signage, shade and shelter. Interpretive signage, public art and other story telling devices highlight the significance of the old North Australia Railway Corridor and the Ross Smith Avenue Aerodrome. Landscaping and other devices provide shade of these routes where practical and end of trip facilities are provided at key destinations such as in activity centres and transit interchanges.	
8. The creation of green gateways along major boulevards.	Landscaped boulevards are provided along arterial roads, sub-arterial and primary roads that provide a direct connection between arterial roads or to major destinations. Infrastructure, including shade, shelter and other amenities, for those engaged in active transport is to be provided. Rapid Transit Corridors are integrated into these boulevards along arterial roads.	

Assessment

Acceptable – As discussed above, overall, the application is not considered to oppose or be contrary to any of the relevant objectives of the Darwin Inner Suburbs Area Plan.

3.4 CR – Coastal Reclamation

Purpose
Ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

Summary

Not relevant – This application does not propose any land reclamation. As such, this overlay is not relevant to this application.

3.6 LSF – Land Subject to Flooding

Purpose
Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Summary

Not relevant – The subject lot is not located within land identified as subject to flooding. As such, this overlay is not relevant to this application.

3.7 LSSS – Land Subject to Storm Surge

Purpose
Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Summary

Not relevant – The development site is not located within the mapped primary or secondary storm surge extent (2100) on NT Atlas. As such, this overlay is not relevant to this application.

3.8 LADR – Land Adjacent to a Designated Road

Purpose
Ensure that ***access*** to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

Summary

Not relevant – The subject lot is not located adjacent to a designated road. As such, this overlay is not relevant to this application.

It is noted that this overlay normally applies to properties adjacent to major roads managed by the NT Government (i.e. the Stuart Highway), however, doesn't apply to zoned land.

3.14 HLSSI – Land in proximity to Helicopter Landing Sites of Strategic Importance

Purpose
Ensure that development does not compromise the ability of helicopters using landing sites of strategic importance.

Summary

Not relevant – The subject lot is not located within or near helicopter landing site of strategic importance, nor a flight path to one. As such, this overlay is not relevant to this application.

3.15 LPRT – Land in Proximity to Runway Thresholds

Purpose
Minimise risk to aircraft from building generated windshear and turbulence in proximity to runways.

Summary

Not relevant – The subject lot is not located within or near an identified runway. As such, this overlay is not relevant to this application.

4.12 Zone SC – Service Commercial

Zone Purpose
Facilitate destination retailing, commercial and other activities that individually require a large ***floor area*** for the handling, display and storage of bulky goods, or activities, in locations that enable convenient ***access*** by the broader regional population.

Zone Outcomes

1. A diversity of service commercial activities that consist predominately of retail business activities such as **showroom sales**, **vehicle sales and hire,** and **leisure and recreation**.

Not relevant – As the application does not concern a listed land use, this clause is not considered relevant to this application. Notwithstanding, it is not considered that the part conversion of tenancy 1B to medical clinic will jeopardise the development of the land zoned SC in the locality for the aforementioned land uses.

2. A mix of activities such as **animal boarding, industry-light**, **motor repair station** and **warehouse**, which are compatible with and are of such a kind that will not adversely affect the ***amenity*** of the service commercial function of the area.

Acceptable – The medical clinic addition is considered to be minor, and which will not reasonably adversely affect the amenity of the future service commercial function of other land in Zone SC along the Stuart Highway.

3. Commercial activities including **bar-public**, **bar-small**, **club**, **food premises-café/take away, food premises-fast food outlet, medical clinic**, **office** and **shop,** are acceptable where they are subordinate to the primary development on the ***site*** and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.

Acceptable – The additional floor area (260 m^2) is considered to be minor, and not of a scale that would present any compatibility concern with the development or the site or surrounding properties for service commercial land uses.

4. Limited residential uses, including **residential care facilities** and **rooming accommodation**:
   (a) are of a scale and nature inappropriate in a residential zone;
   (b) avoid adverse impacts on the local road network; and
   (c) are managed to minimise unreasonable impacts on ***amenity*** of the service commercial function of the area.

Not relevant – As the application does not concern a residential care facilities or rooming accommodation, this clause is not considered relevant to this application

5. Buildings provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the service function of the locality.

6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure.

Supports – The development is well orientated, with the pedestrian and vehicular entrances separated.

7. Development incorporates appropriate urban and landscape design that creates attractive and functional buildings, streets and places.

Not relevant –No changes to the existing development facing the public domain are proposed.

8. Developments are operated in a manner to ensure that there is no unreasonable loss of ***amenity*** for surrounding premises, having regard to the mixed use nature of the zone.

Supports – It is reasonably considered that the development can operate in a way that won't result in an unreasonable loss of amenity on adjacent properties/the locality.

9. Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.

Not relevant – As the application does not concern a subdivision, this zone outcome is not considered relevant to this application.

10. Subdivision provides the appropriate urban services including, roads, pedestrian and cycle paths, reticulated electricity, water, and sewerage, stormwater drainage and telecommunication infrastructure.

Not relevant – As the application does not concern a subdivision, this zone outcome is not considered relevant to this application.

11. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Not relevant – The application is considered to meet the definitions of defined uses. As such, this zone outcome is not considered relevant to this application.

Summary

Acceptable – As discussed above, the application is considered to support the relevant zone outcomes of Zone SC.

5.2.1 General Height Control

Purpose
Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration
1. This clause does not apply if:
   (a) The development is for the purpose of:
      i. a **telecommunications facility**;
      ii. a chimney, flag pole, aerial, antenna or lightning rod; or
      iii. the housing of equipment relating to the operation of a lift; or
   (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).

2. The consent authority must not ***consent*** to a development in Alice Springs that is not in accordance with sub-clause 5.

3. The consent authority must not ***consent*** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.

4. Except as set out in sub-clause 3, the consent authority may ***consent*** to a development that is not in accordance with sub-clause 6 if it is satisfied the ***building height*** is consistent with the intended character and ***amenity*** of the area, having regard to:
   (a) the heights of other buildings in the immediate vicinity; and
   (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements
5. The ***building height*** of a development in the Municipality of Alice Springs is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table A to this clause; or
   (b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table A to this clause.

6. The ***building height*** in all other areas is not to exceed:
   (a) the maximum ***building height*** for the zone and use as specified in table B to this clause; or

   (b) two ***storeys*** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Table B to clause 5.2.1: Height control outside Alice Springs

Zone	Use	Maximum building height above ground level
MR	Development on a ***site*** in zone MR abutting a ***site*** in Zone LR	3 ***storeys***
	Development on a ***site*** that is: • within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding	3 ***storeys***

	18m on the opposite side of which is a ***site*** in Zone LR.	
	All other uses	4 ***storeys***
HR	All uses	8 ***storeys***
C	Mixed use development that consists of one or more ***residential buildings***	4 storeys
	All other uses	No height limit
CL and CP	**Education establishment** or **hospital**	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

(1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.

(2) Basements that protrude less than 1m from ground level are not considered as a *storey* for the purposes of this clause.

(3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the *Airports Act 1996* (Cth), *Airports (Protection of Airspace) Regulations 1996* (Cth), and *Defence Regulation 2016* (Cth). More information is available on NT.GOV.AU.

Summary

Not relevant – No changes are proposed to the building height as part of this application.

5.2.4.1 Car Parking Spaces

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a ***site***.

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).

2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of ***car parking spaces*** is appropriate with regard to:
   - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
   - (b) the provision of ***car parking spaces*** in the vicinity of the land;
   - (c) the availability of public transport in the vicinity of the land; and
   - (d) the potential impact on the surrounding road network and the ***amenity*** of the locality and adjoining property; or
   - (e) if the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of ***car parking spaces*** in the interest of preserving the significance of the ***heritage place***.

3. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

4. For the purposes of this clause:
   (a) the reductions in Table B only apply to uses specifically referenced within Table A and apply to the base car parking rates established in Table A;
   (b) only one reduction percentage is permitted per category when applying Table B; and
   (c) the reductions in Table B do not apply to one bedroom dwellings.

Requirements

5. Use and development is to include the minimum number of car parking spaces within the development site, as specified in the relevant table to this clause (rounded up to the next whole number).

Does not comply – The development is to provide car parking at the rate specified in the table below.

- medical clinic (consulting rooms): 6 rooms are proposed requiring 24 spaces.
- warehouse (vacant tenancy, based on previous planning history): 118 m^2 requiring 1.18 spaces.
- motor repair station: 313 m^2 requiring 18.78 spaces.
- motor repair station (ancillary office): 26 m^2 requiring 0.65 spaces.

As such, the total number of car parking spaces required is 44.61 (45), where 29 spaces are proposed at the site. This results in a 16 car parking space shortfall.

It is noted that DP98/0283 approved a refurbishment of the existing building, and identified the remainder of tenancy 1B as a warehouse. This was retained for the purpose of this technical assessment.

Editor's Note: Clause 5.2.4.4 provides for the design and layout of a *car parking area.*

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	**Minimum Number of Car Parking Spaces Required**
Medical clinic	4 for every consulting room
Motor repair station	6 for every 100m^2 of ***net floor area***
Office (not elsewhere referred to in this table)	2.5 for every 100m^2 of ***net floor area***
Warehouse	1 for every 100m^2 of ***net floor area***

Summary

Does not comply – As discussed above, the application does not provide the required number of car parking spaces on-site (16 car parking space shortfall).

5.2.4.4 Layout of car parking areas

Purpose

Ensure that a ***car parking area*** is appropriately designed, constructed and maintained for its intended purpose.

Administration

1. This clause does not apply to a ***car parking area*** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.

2. A ***car parking area*** may be used for the purpose of a **market** if:
   (a) a market is Permitted in the zone; and
   (b) the market operates outside of the operating hours of the use for which the car parking area is established.

3. The consent authority may ***consent*** to a ***car parking area*** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the ***amenity*** of the surrounding locality.

4. The consent authority may ***consent*** to a ***car parking area*** that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.

5. The consent authority may ***consent*** to a ***car parking area*** that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

Requirements

6. A ***car parking area*** is to:
   (a) be not less than 3m from any lot boundary abutting a road; and
   (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the ***car parking area*** when viewed from the road.

7. A ***car parking area*** is to be constructed and maintained to be:
   (a) of a suitable gradient for safe and convenient parking; and
   (b) sealed and well drained in urban areas, or dust supressed in non-urban areas.

8. The layout of a ***car parking area*** is to:
   (a) be functional and provide separate access to every car parking space;
   (b) allow a vehicle to enter from and exit to a road in a forward gear;
   (c) be in accordance with the dimensions set out in the diagram to this clause; and
   (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.

9. The number of ***access*** points to the road is to be limited, and ***access*** points to ***car parking areas*** are to:
   (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
   (b) maximise sight lines for drivers entering or exiting the car parking area.

It is noted that the Diagram to Clause 5.2.4.4: Parking Layout can be found at the NTPS 2020 website.

Summary

Not relevant – No changes are proposed to the existing car parking layout as part of this application.

5.2.4.5 Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m^2 but not less than 300m^2

Purpose
Ensure that vehicle ***access*** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m^2 and not less than 300m^2 do not unduly reduce the ***amenity*** of a public road or the availability of kerbside vehicle parking in the public road.

Summary

Not relevant – This application does not concern a dwelling-single on a lot between 300 m^2 and 600 m^2.

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
   (a) the scale of the use and development on the ***site***;
   (b) any potential adverse impacts on the local road network; and
   (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or ***secondary street***.

2. For the purposes of this clause, where an **exhibition centre**, **food premises (fast food outlet** and **restaurant)**, **office**, **place of assembly**, **shop** or **shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined ***net floor area*** of the integrated uses.

Requirements
3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).

4. A ***loading bay*** is to:
   (a) provide areas wholly within the ***site*** for loading and unloading of vehicles;
   (b) be at least 7.5m by 3.5m;
   (c) have a clearance of at least 4m; and

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	**Minimum number of loading bays**
Office	1 ***loading bay*** for every 2000m^2 of the total ***net floor area,*** or part thereof
Shop	1 ***loading bay*** for every 2000m^2 of the total ***net floor area,*** or part thereof
All other uses	No loading bays required

Summary

Not relevant – Medical clinics do not require a loading bay, and as no changes are proposed to the car parking area, this clause is not considered to be relevant to this application.

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Encourage landscaping that enhances local amenity by:
(a) contributing to safe and attractive public spaces and places;
(b) responding to the local climate and soil characteristics;
(c) supporting cooler internal and outdoor areas; and
(d) recognising the value of retaining existing plants and trees.

Administration
1. **Landscaping** may include, where subordinate to areas for the planting and growing of plants, impervious and unplanted areas for;
   (a) pedestrian access,
   (b) outdoor recreation, or
   (c) natural or ornamental features and the like.

2. The consent authority may ***consent*** to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the ***site*** having regard to the ***amenity*** of the streetscape, and the potential impact on the ***amenity*** of the locality and adjoining property.

Requirements
3. Where landscaping is required by this Scheme it should be designed so that:
   (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered ***car parking areas***;
   (b) it maximises efficient use of water and is appropriate to the local climate;
   (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
   (d) significant trees and vegetation that contribute to the character and ***amenity*** of the ***site*** and the streetscape are retained;
   (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
   (f) the layout and choice of plants permits surveillance of public and communal areas; and
   (g) it facilitates on-site infiltration of stormwater run-off.

Acceptable – It is reasonably considered that the proposed landscaping supports the design aspects listed under sub-clauses (a) through (g).

4. The quality and extent of the landscaping consented to must be maintained for the life of the development.

Conditionally acceptable – This is an ongoing requirement by the landowner. As such, this clause is not currently relevant to this application. It is noted that this aspect can be addressed by a standard permit condition.

5. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a ***site*** that is used for **rooming accommodation**, **dwellings-group**, **dwellings-multiple** and **residential care facility** is to be landscaped.

Not relevant – The application is not for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility.

6. In Zones LI, GI and DV all street frontages, except ***access*** driveways or footpaths, are to be landscaped to a minimum depth of 3m.

Not relevant – The subject lots are not located within Zones LI, GI or DV. As such, this sub-clause is not considered relevant to this application.

7. In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.

Not relevant – The subject lot is not located within Zones MR or HR. As such, this sub-clause is not considered relevant to this application.

Editor's note: Refer to *Species Guide for Landscaping in the Northern Territory Planning Scheme* for assistance with addressing the requirements of Clause 5.2.6.1.

Summary

Conditionally acceptable – As discussed above, the application is considered to be comply with the relevant requirements of this sub-clause, or otherwise can be reasonably addressed via a standard permit condition.

5.2.6.2 Landscaping in Zone CB

Purpose
Ensure developments within central business districts minimise heat capture and enhance the visual ***amenity*** of the area when viewed from the street or from surrounding buildings.

Summary

Not relevant – The subject lot is not located within Zone CB (Central Business). As such, this clause is not relevant to this application.

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose
Protect the visual and acoustic ***amenity*** of ***residential buildings*** where they are adjacent to non-residential development.

Summary

Not relevant – The subject lot is not located adjacent to land in Zones LR, LMR, MR or HR. As such, this clause is not relevant to this application.

5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

Purpose
Ensure that new commercial and high density ***residential buildings*** provide sufficient safe, quality and convenient ***end of trip facilities*** to enable active travel choices by residents, visitors, workers and customers for the proposed use of the ***site***.

Summary

Not relevant – This clause is considered to only apply to new buildings. As this application is for a change of use within an existing commercial building, it is not considered to be relevant to this application.

5.5.2 Commercial Plot Ratio

Purpose
Provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

Administration
1. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied the development is appropriate to the ***site*** having regard to the purpose of this clause, the ***amenity*** of the streetscape, and the potential impact on the ***amenity*** of the locality and adjoining property.

2. This clause does not apply where an alternative ***commercial plot ratio*** is established under Clause 5.9 (Location specific development requirements).

Requirements
3. Development of ***sites*** within:
   (a) Zone TC other than in the Municipality of Darwin; or
   (b) Zone C; or
   (c) Zone SC;
   should not exceed a ***commercial plot ratio*** of 1.

4. Development of ***sites*** within Zone TC in the Municipality of Darwin should not exceed a ***commercial plot ratio*** of 3.

Summary

Not relevant – No new floor area is proposed as part of this application.

5.5.3 General Building and Site Design

Purpose
Promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

Administration
1. A development application must, in addition to the matters described in sub-clauses 2-16, demonstrate consideration of and the consent authority is to have regard to the *Community Safety Design Guide* (as amended from time to time) produced by the Department of Lands and Planning.

Noted – The application did not include any specific references to the Community Safety Design Guide (CSDG). The CDSG is a guideline document that sets out a series of key safe design elements (including associated objective) and guidelines that need to be considered as part of an application. Although the content of the CSDG is generally considered to be reflected in various clauses of the NTPS2020, a review of CSDG core design principles is provided at the end of this technical assessment.

Requirements
2. Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.

Not relevant – There are not considered to be any places of architectural, landscape or cultural significance. Notwithstanding, the development is well setback from all street boundaries.

3. Be sympathetic to the character of buildings in the immediate vicinity.

4. Minimise expanses of blank walls.

5. Add variety and interest at street level and allow passive surveillance of public spaces.

6. Maximise energy efficiency through passive climate control measures.

Not relevant – In relation to subclauses 3 to 6, no changes are proposed to the external building treatment.

7. Control on-site noise sources and minimise noise intrusion.

8. Conceal service ducts, pipes, air conditioners, air conditioning plants etc.

Generally complies – In relation to clauses 7 and 8, it is reasonably considered that noise sources, service ducts, pipes, and AC plant will be screened when visible the public domain. This aspect can be reasonably be addressed by a standard permit condition.

9. Minimise use of reflective surfaces.

Not relevant – No changes are proposed to the external building treatment.

10. Provide safe and convenient movement of vehicles and pedestrians to and from the ***site***.

11. Provide convenient pedestrian links (incorporating ***access*** for the disabled) to other buildings and public spaces.

Complies – In relation to clauses 10 and 11, a direct pedestrian link is retained between the medical clinic entrance and Stuart Highway.

12. Provide protection for pedestrians from sun and rain.

Acceptable – An existing ~1.6 m wide awning is provided over the office entrance.

13. Provide for loading and unloading of delivery vehicles and for refuse collection.

Acceptable – No changes are proposed to existing to existing loading/unloading or waste management at the site, with it considered that existing practices will be able to accommodate this proposed change of use.

14. Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.

Acceptable – Due to the small scale of the development, and that this application is for a change of use within existing commercial building, it is considered acceptable that no additional shade structures or landscaping is proposed over the car parking areas. Notwithstanding, it is noted that car parking will be variously shaded by immediately adjacent building massing.

15. Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.

Not relevant – Although no public facilities are proposed, this is not considered necessary due to the small scale of the development.

16. Provide bicycle ***access***, storage facilities and shower facilities.

Complies – Adequate bicycle access, and an adequate number of storage facilities and shower facilities are provided at the development site.

Summary

Conditionally acceptable – As discussed above, the application is considered to comply with the relevant requirements of this clause. Any outstanding aspects can reasonably be addressed via standard permit conditions.

5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC

Purpose
Provide for the minor expansion of an existing use or development in Zones CB, C, SC and TC.

Summary

Not relevant – This application is for a change of use within an existing development. As such, this clause is not relevant to this application.

Schedule 5: Reference Guidelines

Clause 1.6 (Structure of the Planning Scheme) states *The structure of the Planning Scheme includes:*
(g) Schedules
The Schedules provide:
i. a range of interpretive provisions and administrative guidelines to supplement considerations and directions within the Parts of the Planning Scheme;
ii. …

As such, a review of the community safety design guide, which is listed in schedule 5 and mentioned in clause 5.5.3 (General Building and Site Design), has been completed below. This review assesses whether this application is considered to support, be neutral towards, or not support, any guidance within the design guide.

Community safety design guide

The community safety design guide (CSDG) sets out 15 principles of crime prevention through environmental design that have particular relevance to the NT. A review of these 15 principles, and their associated guidelines is provided below.

Surveillance – *To ensure that development contributes to the safety of areas by optimising the opportunities to provide passive surveillance of public spaces, communal areas, streets and car parks.*

Sightlines – *To ensure that built forms and landscaping do not obscure sightlines and allow a clear view of public spaces.*

Mixed use areas and activity generators – *To increase the level of activity within areas to enhance passive surveillance opportunities; and To extend the hours of activity in an area to include after business hours.*
– Encourage the co-location of compatible uses to enhance synergies in use and increase linkages and movement between buildings.
– Locate activity generators at interfaces with the public realm to maximise opportunities for surveillance of streets and public spaces.
– Encourage the development of mixed use buildings to provide passive surveillance of town and neighbourhood centres after business hours

Design of building exteriors and openings – *Reduce opportunities for criminal behaviour through the design of building facades; and Design buildings that provide spaces and entries that are safe and highly visible.*

Lighting – *To increase the level and quality of lighting in public spaces; To encourage night time activity in designated areas of the public realm; and To make pathways in public spaces clearly visible and inviting at night*.

Signage and way finding – *To provide clear information for people to easily and safely navigate the public realm; To clearly indicate permissible and prohibited uses in public areas; and To signify ownership and boundaries between public and private realms*.
Not relevant – This application does not concern any development within or contribution to the public domain. Beyond any permitter fencing, this core design element is not considered relevant to this application.

Movement predictors and entrapment locations – *Minimise the number of movement predictors in the public realm; and Ensure that the design of public spaces and all buildings eliminate entrapment locations and opportunities.*
Not relevant – This core design element is considered to be relevant to developments within or that propose publicly accessible spaces. As such, this core design principle is not considered relevant to this application.

Residential – *To reduce the opportunity for criminal and anti-social behaviour within residential areas; To design and develop safe, connected, legible and vibrant spaces and places; To promote a sense of community and improve the quality of life within residential areas; To encourage small business operations from home as these provide additional passive surveillance and promote street activity during various hours of the day*.
Not relevant – This application does not concern a residential land use. As such, this urban design principle is not considered to be relevant to this application.

Industrial – *To reduce the opportunity for criminal and anti-social behaviour within industrial areas; To reduce the fear of crime; and To design and develop industrial areas that are integrated and connected with the surrounding urban fabric*.
Not relevant – This application does not concern an industrial land use. As such, this urban design principle is not considered to be relevant to this application.

Commercial – *To reduce the opportunity for criminal and anti-social behaviour within commercial areas; To design and develop safe, legible and vibrant spaces and places; and To promote a sense of community within commercial areas*.

Automatic Teller Machines (ATMs) – *To provide safe and secure environments for the public to access automated banking facilities; and To reduce opportunities for entrapment and robbery.*
Not relevant – This application does propose any ATM facilities. As such, this core design principle is not considered to be relevant to this application.

Public toilets – *To build Council and business capacity to implement and maintain good public toilet facilities; and To ensure that all public toilet facilities are safe, accessible and clean.*
Not relevant – This application does not propose any public toilet facilities. As such, this core design principle is not considered relevant to this application.

Public transport settings – *To provide easily accessible, safe and clean public transport settings that encourage patronage throughout the day; To ensure that public transport settings are integrated into the urban fabric of commercial areas and contribute to vibrant and active communities.*
Not relevant – This application is for a development on a particular subject lot, and not considered to be a of scale whereby access to public transportation or publicly accessible routes needs to be considered.

Car parks – *To ensure that the planning and design of car parks considers the provision of a safe and secure environment; and To promote the inclusion of good design principles that reduces the opportunities for crime and anti-social behaviour.*
Not relevant – This core design principle is considered to be relevant to car parking areas associated with larger, commercial developments. As such, this specific application principle is not considered relevant to this application.

Outdoor Dining – *To ensure that outdoor dining areas contribute in a positive way to safe, active and attractive public places; and To ensure that outdoor dining areas are integral components of the streetscape.*
Not relevant – No outdoor dining is proposed. As such, this specific application principle is not considered relevant to this application.

Crime Prevention Through Environmental Design (CPTED)

Section 51(1)(p) of the *Planning Act 1999* requires that the consent authority considers *the public interest, including (if relevant) how the following matters are provided for in the application:*
(i) community safety through crime prevention principles in design;

While not a NTPS2020 matter, the four primary CPTED principles have been assessed here for convenience.

1. Natural Surveillance – Maximises visibility to make offenders feel vulnerable to detection.

How it works: Uses strategic placement of windows, lighting, and landscaping (e.g., keeping bushes low) so that residents, pedestrians, and employees can casually observe their surroundings.

Goal: Create a continuous presence of "capable guardians" that naturally deters illegal activity.

Acceptable – The public domain will continue to be visible from the premises.

2. Natural Access Control – Guides the movement of people and limits opportunities for crime.

How it works: Uses physical or psychological barriers such as fencing, strategic walkways, landscaping, and lighting to clearly distinguish public and private spaces.

Goal: Denies access to crime targets and funnels visitors into designated, observable routes.

Acceptable – The built form will continue to reasonably delineate the public domain from the site premises.

3. Territorial Reinforcement – Promotes a sense of "ownership" and community care.

How it works: Defines property boundaries and creates a sense of pride through design elements like distinct paving, signage, well-kept gardens, and architectural features.

Goal: Legitimate users naturally watch out for their space, while would-be offenders recognize that the area is monitored and cared for.

Acceptable – Development within a currently vacant tenancy will help ensure more of the site cared and maintained.

4. Maintenance and Space Management – Prevents the physical deterioration of a space to signal that a property is actively used and guarded.

How it works: Involves the prompt repair of vandalism, removal of trash, regular landscaping, and proper upkeep.

Goal: Deters the "broken windows" effect, preventing environments from appearing neglected and reducing the fear of crime.

Acceptable – The continued use of the premises will reasonably improve site activity and passive surveillance.

Summary

Acceptable – As discussed above, no concerns are raised with how the application interacts with the CPTED.

Civic Centre
Harry Chan Avenue
Darwin NT 0800

GPO Box 84
Darwin NT 0801

P 08 8930 0300
E darwin@darwin.nt.gov.au

Manager Urban Planning
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Please Quote: PA2026/321

18 September 2026

To whom it may concern

Parcel Description: **Lot 06902 Town of Darwin, 35 Stuart Hwy, Stuart Park**

Proposed Development: **Change of use to medical clinic (physiotherapy) (part Tenancy 1B)**

Thank you for the development application referred to this office on 11 September 2026 concerning the above.

It is noted that the proposed development results in a shortfall in the required number of car parking spaces.

Should this application be approved, the following conditions pursuant to the *Planning Act 1999* and City of Darwin's responsibilities under the *Local Government Act 2019* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

GENERAL CONDITIONS

- Should the Authority consider the proposed number of bays insufficient, it is requested that the Authority requires a monetary contribution be paid to the City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of this development.

If you require any further information in relation to this application, please feel free to contact City of Darwin's Innovation Team on 8930 0300 or darwin@darwin.nt.gov.au

Yours sincerely

Signed by:
Alice Percy
43FB130DC2AB3D9B

ALICE PERCY
GENERAL MANAGER INNOVATION

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record No: D2026/280601
Container No: NE200/6902

Your Ref: PA2026/0321

Kaleb Thomas
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb

Re: Lot 6902 (Part Tenancy 1B) Stuart Highway Stuart Highway Town of Darwin

In response to your letter of the above proposal for the purpose of part change of use to medical clinic (Physiotherapy) in Tenancy 1B from vacant for the extension of the medical clinic in Tenancy 1A, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. Lot 6902 is currently provided with limited capacity of 3-phase power service from the overhead electricity reticulation on the Stuart Highway.

2. The Proponent shall engage a licensed electrician to prepare a revised overall AS-3000 maximum power demand calculation of both existing Tenancy and the proposed expanded medical clinic and apply for a Basic Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.

3. The engaged licensed electrician shall upgrade the customer's internal electricity reticulation suitable for separate electricity billing purposes for the expansion of the medical clinic if required in accordance with PWC's current NP018-Service and Installation Rules, and NP010-Meter Manual.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 8924 5702.

Yours sincerely

Thanh Tang
Manager Distribution Development

17 September 2026

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD200/6902

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb Thomas

RE: PA2026/0321 - Lot 06902 Town of Darwin - 35 Stuart Hwy, Stuart Park NT - Change of use to medical clinic (physiotherapy) (part Tenancy 1B)

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. The developer must ensure that;
    a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
    b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

    Visit https://www.powerwater.com.au/developers/water-development/backflow-prevention or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.
3. The developer must ensure that;
    a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact TradeWasteDept.PWC@powerwater.com.au
    b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here https://www.powerwater.com.au/developers/water-development/trade-waste
4. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.
5. Power and Water advises that the Water and Sewer Services Development Section (developer.concierge@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on (08) 9463 2089, or email developer.concierge@powerwater.com.au

Yours sincerely

Craig Thomas

Craig Thomas
Services Development

18 September 2026

Joseph Sheridan
joe@sheridanconsulting.au

From: Bhakthi Rao on behalf of DevRoads NTG
To: Das NTG
Cc: DevRoads NTG
Subject: RE: "PA2026/0321 Lot 06902 Town of Darwin" - New Application Submitted
Date: Wednesday, 16 September 2026 12:41:48 PM
Attachments: image001.png
"PA20260321 Lot 06902 Town of Darwin" - New Application Submitted.msg

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Hi DAS,

I refer to Development Assessment Services correspondence dated 11 September 2026 regarding the proposed change of use to medical clinic (part Tenancy 1B) on Lot 6902 Town of Darwin under PA2026/0321.

I am pleased to advise that Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) has no objection or comments in principle to the above-mentioned development.

Kind Regards,

Bhakthi Rao
Assessment Officer
Corridor Management and Design, Transport & Civil Infrastructure
Department of Logistics and Infrastructure

Floor 3, Highway House, Palmerston Circuit, Palmerston
PO Box 61, Palmerston, NT 0831
t. 08 89994550
e. bhakthi.rao@nt.gov.au

NORTHERN TERRITORY GOVERNMENT

The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

From: Das NTG <Das.NTG@nt.gov.au>
Sent: Friday, 11 September 2026 7:10 AM
To: DevRoads NTG <DevRoads.NTG@nt.gov.au>
Subject: 'PA2026/0321 Lot 06902 Town of Darwin' - New Application Submitted

Dear Transport and Civil Infrastructure - DLI,

A new development application has been received over:

- Lot 06902 Town of Darwin, 35 Stuart Hwy, Stuart Park NT

For the purpose of:

- Change of use to medical clinic (physiotherapy) (part Tenancy 1B)

In accordance with the requirements of the Planning Act 1999, you are invited to review the application material through ILIS and provide written advice or comments no later than 25/09/2026.

You can request a longer submission period to provide advice or comment on this application if required, by emailing the project officer or das.ntg@nt.gov.au. Please include reasons in support of the extension.

If you have any enquiries, please feel free to contact Development Assessment Services Darwin, 8999 6046.

Kind Regards,
Development Assessment Services