DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING NO. 465 – FRIDAY 23 OCTOBER 2026

AGORA ROOM, HUDSON BERRIMAH, 4 BERRIMAH ROAD, BERRIMAH

MEMBERS PRESENT: Suzanne Philip, Marion Guppy, Rod Applegate, Peter Pangquee and Mick Palmer

APOLOGIES: None
LEAVE OF ABSENCE: None

OFFICERS PRESENT: Kaleb Thomas and Wayne Vowles (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.30 am and closed at 10.45 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **CHANGE OF USE TO MEDICAL CLINIC (PHYSIOTHERAPY)**
PA2026/0321 **(PART TENANCY 1B)**
LOT 6902 (35) STUART HIGHWAY, STUART PARK, TOWN OF DARWIN
APPLICANT **SHERIDAN CONSULTING – DIRECTOR JOSEPH SHERIDAN**

Applicant: Joseph Sheridan attended.

RESOLVED 63/26

That, the 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.

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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.

REASONS FOR DECISION

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 proposed to expand 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 staff offices and a large shared physical therapy space containing gym equipment. The development will incorporate a purpose-built treatment and assessment facilities, including a running assessment room, stretching area, sauna and ice bath facilities intended to support physiotherapy treatment programs.

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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 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 meeting was attended by Mr Joseph Sheridan (Sheridan Consulting, the applicant) who summarised the application.

Ms Suzanne Philip, Chair of the Authority, sought clarification regarding the proposed use and queried Mr Sheridan on whether the parking demand generated by the physiotherapy practice would differ from that typically associated with a conventional medical clinic comprising consulting rooms.

Mr Sheridan advised that the business operated predominantly through an online booking system and differed from a traditional general medical practice. Mr Sheridan explained that three existing consulting rooms were approved as treatment rooms and were primarily utilised for specialist equipment and to provide privacy for clients. Mr Sheridan noted that the existing physiotherapy facility included a large open therapy area and that

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the proposed expansion would provide greater flexibility in accommodating a range of client groups, including pregnancy physiotherapy, NDIS participants, elderly clients and general physiotherapy patients.

Mr Sheridan advised that the alternative treatment rooms would facilitate the separation of clients and allow greater privacy within the practice. Mr Sheridan further explained that part of the expansion was intended to support contemporary rehabilitation and recovery services, including facilities associated with running assessment, specialist fitness testing, and recovery treatments, such as ice baths and saunas.

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 Authority notes that 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 application 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

   <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 Authority considers that the application is acceptable against the relevant objectives of the DISAP because the conversion of part of tenancy

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1B to medical clinic will not reasonably adversely affect the intended development of the locality for mixed use purposes.

Part 3 – Overlays

The Authority notes that 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, The Authority notes that 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 Authority considered that the application supports 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 Authority notes that 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*.

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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).

The Authority considers 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).

Notwithstanding the above, Mr Sheridan submitted that the parking rate prescribed by the Planning Scheme for medical clinics was not reflective of the operational characteristics of this proposed physiotherapy practice. Mr Sheridan advised that appointments were managed through online bookings, limiting the number of clients on-site at any one time to those who could be actively serviced. Mr Sheridan further noted that the business catered for repeat appointments, shorter consultation periods and remote health services, with staff not always physically present within the premises.

The Chair then queried whether the parking spaces attributed to the existing motor repair station would remain available to that use.

Mr Sheridan confirmed that the existing motor repair station and adjoining tenancy had coexisted with the vacant tenancy for an extended period without significant parking issues. Mr Sheridan advised that vehicles associated with the motor repair station were generally located within the workshop itself, with only a limited number of vehicles occupying the on-site parking spaces at any given time. Mr Sheridan expressed the view that the practical parking demand associated with the motor repair station was substantially lower (50%) than that expected under the Planning Scheme.

The Authority notes that 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;

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- The application 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, and the justification provided by Mr Sheridan, the Authority considers that a variation to clause 5.2.4.1 (Car parking spaces) is acceptable, as the number of on-site car parking spaces will likely be able to cater for the expected number of staff and visitors, and subsequently not result in any 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

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the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The Authority notes that 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 generally been addressed through the conditions and notations included on the permit.

   Notwithstanding the above, 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.

   In support of not paying a monetary contribution to the City of Darwin, Mr Sheridan stated that his experience at the site indicated that parking demand peaked around lunchtime due to surrounding commercial activities. Mr Sheridan further noted the availability of on-street parking, parking within the central median area of nearby roads and access to public transport services.

   Mr Sheridan further advised that, based on discussions with the applicant and observations of the locality, clients had not experienced difficulty finding parking. Mr Sheridan submitted that the Authority could reasonably consider the locality, available parking opportunities and the specific operational characteristics of the business when assessing any parking shortfall.

   The Authority notes that, having taken into consideration the reasons for a variation to clause 5.2.4.1 (Car parking spaces) as provided under reason 3, it has determined there is adequate parking provided on-site. Therefore, it will not impose a permit condition requiring a part or in-full contribution as there is no car parking shortfall as part of this application.

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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 Authority notes that the proposed medical clinic expansion is 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.

FOR: 5 **AGAINST: 0** **ABSTAIN: 0**

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



Suzanne Philip
2026.10.26
12:12:03 +09'30'

SUZANNE PHILIP
Chair
26 October 2026

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