

Date

Tuesday 23 January 2024

To

Manager Statutory Planning
Yarra City Council
333 Bridge Road, Richmond VIC

Sent

Via Online Lodgement

Dear Sir / Madam

Section 72 Amendment Application**Planning Permit No. PLN22/0069****276 Lennox Street, Richmond**

We continue to act for Clarence Ho as town planning consultants, and on behalf of our client we enclose an application to amend Planning Permit No. PLN22/0069 (the "Permit") pursuant to Section 72 of the *Planning and Environment Act 1987*.

In support of this application, we enclose a recent copy of title particulars.

We respectfully request for Council to prepare an invoice in our clients name and forward to mhenderson@contour.net.au to organise payment of the requisite application fee.

Background

By way of background, Planning Permit No. PLN22/0069 was issued by Yarra City Council at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 30 September 2022. The Permit allows:

Use of the land for a medical centre (chiropractic clinic) and a reduction in car parking.

Architectural Plans were endorsed by Council on 13 October 2022. The use associated with the Permit has since commenced and the practise continues to operate to present day.

Proposal

This application proposes to amend conditions 3, 4 and 5 of the Permit. In summary, this application seeks to allow for an additional practitioner to operate from the land at any one time, allow for an additional 10 appointments carried out per day and extend the permitted operating hours.

The proposed amended conditions are as follows:

3. No more than **three (3)** practitioners are permitted to operate from the land at any one time.
4. Except with the prior written consent of the Responsible Authority, no more than **45** appointments can be carried out per day.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:



- (a) Monday to Friday: 8:00am – 7:00pm; and
- (b) Saturdays: 8:00am – 4:00pm.

Importantly, no amendments to the endorsed plans are proposed within this application.

Yarra Planning Scheme

The subject site is situated within the Neighbourhood Residential Zone, Schedule 1 (NRZ1) pursuant to Clause 32.09 of the Yarra Planning Scheme.

The purpose of the NRZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.09, no planning permission is sought in relation to this amendment application.

The subject site is also affected by the following overlays:

- Heritage Overlay, Schedule 332 (HO332)
- Development Contributions Plan Overlay, Schedule 1 (DCPO1)

As part of this amendment, no planning permission is sought via the abovementioned overlays.

Planning Policy Framework

Clause 13.07-1L-01 (Interfaces and amenity) applies to this application. The objectives of Clause 13.07-1L-01 are:

- *To protect the operation of business and industrial activities from new residential use and development.*
- *To provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones.*
- *To support the growth and operation of surrounding non-residential development and uses.*

Relevant strategies include:

Non-residential use and development

Noise

- *Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures.*
- *Ensure that noise emissions in residential zones (except the Mixed Use Zone) are compatible with a residential environment.*



Fumes and Air Emissions

- *Locate fume and air emission generating uses (including plant and equipment) away from residential uses or, where appropriate, provide a reasonable buffer.*
- *Ensure that use and development with potential air quality impacts, including odour and emissions, do not adversely affect the amenity of the surrounding area.*
- *Support use and development that resolves legacy issues of odour and emissions and their impacts on residential amenity.*

Storage and Waste

- *Conceal commercial or industrial storage, waste or other processing activities from residential properties and locate them away from primary street frontages.*
- *Minimise odour and noise disruption to nearby residential properties from commercial or industrial waste (solid, gas and liquid) management practices and storage.*

Light Spill

- *Minimise light spill (from both fixed and vehicular lights) beyond the perimeter of the site and onto habitable room windows of nearby residential properties through appropriate design, location and management practices.*

Overlooking and unsightly views

- *Minimise unsightly views of business or industrial activity from adjoining residential properties.*
- *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through appropriate siting, setbacks and screening.*

Planning Assessment

Having regard to the merits of the existing permit, zoning and overlay controls, and the applicable provisions of the Yarra Planning Scheme, it is submitted that the proposed amendments represent an appropriate planning outcome. More specifically, the proposal:

- Continues to satisfy local interface and amenity planning policy, including Clause 13.07-1L-01 (Interfaces and Amenity).
- The amendments assist in improving the economic viability of the medical centre.
- The amendment will continue to advance Council's strategic transport policy through a reduction in car dependency.
- The amendments do not result in an adverse impact on surrounding amenity when comparing to the existing conditions, more specifically:
 - No amendments to the existing built form is proposed as part of this amendment.
 - The medical centre operation is discrete and largely indiscernible in context of the surrounding activity centre.
 - The amended conditions do not result in transformation the approved use.



- The hours of operation are typical for a medical centre, and given the scale of the medical centre, will not unreasonably compromise the amenity of the area through noise, waste management and light spill.

Conclusion

We trust that the information provided is to Councils satisfaction. Should you have any queries or require anything further, please do not hesitate to contact Tom Lawless (tlawless@contour.net.au) or the undersigned (mhenderson@contour.net.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Henderson'.

Michael Henderson
Senior Associate