
PLN22/0069 - 276 Lennox Street, Richmond - Use of the land for a medical centre (chiropractor), construction and display of one (1) business identification sign and a reduction in car parking

Report Summary

Purpose

1. This report provides Council with an assessment of the application at No. 276 Lennox Street, Richmond for the use of the land as a medical centre (chiropractor), construction and display of business identification signage and a reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 (Neighbourhood Residential Zone) and 22.01 (Discretionary Uses in the Residential Zone)
 - (b) Clause 22.05 (Interface Uses Policy)
 - (c) Clause 52.06 (Car Parking)
 - (d) Clause 52.05 and 22.04 (Signage)
 - (e) Clause 43.01 and Clause 22.02 (Heritage)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use (Medical Centre)
 - (b) Advertising signage
 - (c) Car parking and traffic
 - (d) Objector concerns

Submissions Received

4. Council received 25 objections, the ground of which are summarised as follows:
 - The proposed use is not consistent with neighbourhood character;
 - Inappropriate location for a medical centre;
 - Car parking reduction and lack of on-site parking space for staff and clients;
 - Noise and amenity impacts to surrounding area;
 - Lack of disabled access;
 - Inaccurate staff to patient ratios;
 - Saturation of chiropractors in area;
 - Potential for rooms to be leased out to other service providers;
 - Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated;

- Owner details as stated in application form are incorrect and the title certificate is out of date
- Drawings are not to scale and incorrectly show the location of the vehicle crossover

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) No more than two (2) practitioners are permitted to operate from the land at any one time.
 - (b) Except with the prior written consent of the Responsible Authority, no more than 35 appointments can be carried out per day.
 - (c) Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - i. Monday to Friday: 8:00am – 6:30pm; and
 - ii. Saturdays: 8:00am – 12:00pm.

CONTACT OFFICER: Erryn Megennis
TITLE: Statutory Planner
TEL: 0392055485

PLN22/0069 - 276 Lennox Street, Richmond - Use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking

| | |
|-------------------|---------------------------------------|
| Reference | D22/155144 |
| Author | Erryn Megennis - Statutory Planner |
| Authoriser | Senior Coordinator Statutory Planning |

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|-----------------------------|--|
| Ward: | Melba |
| Proposal: | Use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking |
| Existing use: | Dwelling |
| Applicant: | Adaptive Chiropractic |
| Zoning / Overlays: | Neighbourhood Residential Zone – Schedule 1 (NRZ1) Heritage Overlay – Schedule HO332 Development Contributions Plan Overlay – Schedule 1 (DCPO1) Heritage Grading: Contributory |
| Date of Application: | 05 February 2022 |
| Application Number: | PLN22/0069 |

Background

Planning Scheme Amendments

6. *Amendment C269*

Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.

Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021.

The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.

The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new policies:

The relevant sections to be considered in this report include the following:

- Clause 13.07-1L – Interfaces and Amenity

Clause 13.07-1L is largely consistent with the existing interface uses policy at Clause 22.01 and Clause 22.05 of the Scheme and is discussed in detail later in the report.

- **Clause 15.01-1L – Signs**
Clause 15.01-1L is largely consistent with the existing signage policy at Clause 22.04 of the Scheme and is discussed in detail later in the report. In accordance with this policy, only one sign is proposed and its content will be limited to the name, contact information and logo. The sign will not be illuminated.
- **Clause 15.03-1L – Heritage**
Heritage considerations of the proposal are limited to the proposed business identification sign and are discussed in detail later in the report. The siting of the proposed sign will ensure it does not obscure views or cover up original heritage fabric.
- **Clause 18.02-1L – Sustainable Transport**
This policy seeks to secure a sustainable transport system that reduces the impact of private motor vehicle traffic and on-street parking. The proposal will provide two bicycle parking spaces and the subject site is well serviced by a range of public transport options. As such, the proposal provides opportunities for sustainable transportation. This is discussed in greater detail later in the report.
- **Clause 18.02-4L – Car Parking**
This policy seeks to ensure car parking is supplied and managed consistent with promoting travel by sustainable modes. Policy supports a reduction in the required number of car parking spaces where (as is relevant):
 - *The site has high public transport accessibility and is located within walking or cycling distance to shops, jobs and amenities;*
 - *The use is unlikely to result in unreasonable impacts on existing on-street parking;*
 - *Increased motor vehicle traffic from the use is likely to unreasonably impact on the amenity of nearby residents; and*
 - *The development provides adequate bicycle parking*

A detailed assessment of the proposed car parking reduction is provided later in the report. However, the site is within walking distance of a range of public transport options as well as two major activity centres. Two bicycle parking spaces are also provided on-site which comply with the bicycle parking requirements of Clause 52.34 of the Scheme. Due to the nature of the operation of the proposed use, a reduction in car parking will not unreasonably impact existing on-street parking or residential amenity.

The Proposal

7. The application is for the use of land for a medical centre (chiropractic clinic), construction and display of one business identification sign and a reduction in car parking. Further details of the proposal are provided below:

Use

- The proposed chiropractic clinic will operate between the hours of:
 - Monday – Friday: 8am – 6.30pm
 - Saturdays: 8am – 12pm
 - Sundays: closed
- A maximum of two practitioners will be on the premises at any one time;
- Provision of one on-site car parking space and two bicycle parking spaces.

Buildings and Works

- Construction and display of a 0.54sqm non-illuminated business identification sign within the front setback of the subject site as follows:

- attached to two free-standing posts with a maximum height of 1.8m above ground level.
- located behind the front fence and set back 0.47m from the Lennox Street boundary and 1.84m from the Tanner Street boundary.

Existing Conditions

Subject Site

8. The subject site is on the south-western corner of the Lennox Street-Tanner Street intersection, in Richmond. Swan Street is approximately 100m to the south. The site has a frontage of 6.04m to Lennox Street, depth of 34.75m and an overall area of 212.5sqm. Currently occupying the site is a two storey, Edwardian-era dwelling with a small, paved front setback and area of private open space and car parking at the rear. Access to the car parking space is provided via a 3m wide crossover on Tanner Street. The site also has rear abuttal to Botherambo Street. The dwelling forms part of a matching pair with the dwelling to the south at No. 276A Lennox Street.

The site is graded 'contributory' to the Richmond Hill Heritage Precinct. Contributory features include the Edwardian-era dwelling, corbelled brick chimneys and exposed brick façade.



Figure 1: View of subject site from Lennox Street (Officer's photograph, June 2022)



Figure 2: View of subject site from Tanner Street (Officer's photograph, June 2022)

Surrounding Land

9. Lennox Street is primarily a residential street also consisting of pockets of non-residential uses dispersed between Bridge Road and Swan Street. The subject site is located within

residentially-zoned land. However, land use zoning along this section of Lennox Street is variable and consists of both residential and commercial zones. Approximately 100m north of the subject site, Lennox Street is zoned Commercial 1 and the Swan Street Major Activity Centre (MAC) is located approximately 100m to the south of the site. Land to the west of the subject site falls within the Mixed Use Zone and consists of a mix of residential, office and light industrial uses.

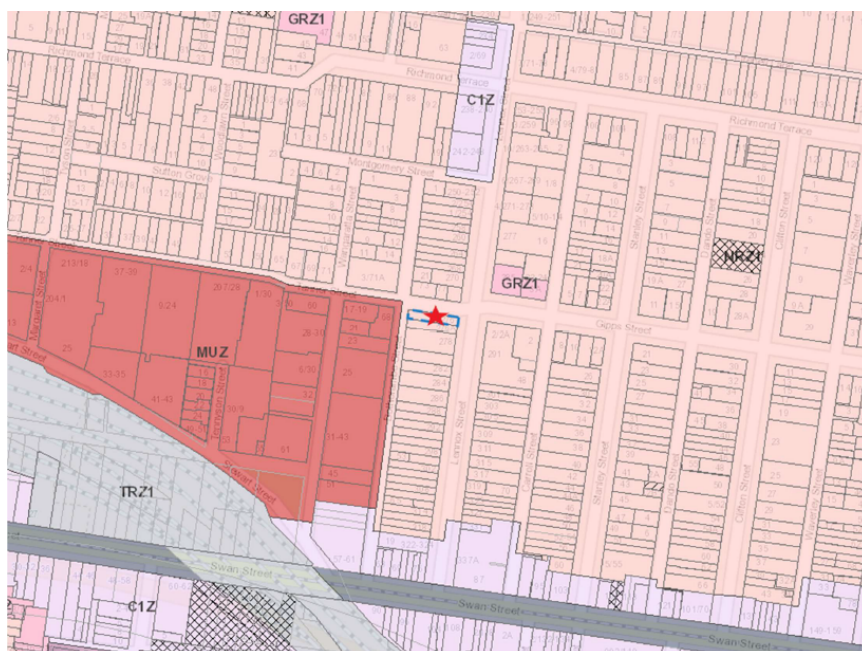


Figure 3: Surrounding land use zoning map (DELWP 2022) with subject site identified with red star

10. A two storey office building with a ground floor food and drink premises is also located on the corner of Lennox and Gipps Streets (diagonally opposite the subject site at No. 285 Lennox Street) within residentially-zoned land. Existing Use Rights for this office and planning approval for the food and drink premises were granted under planning permit PLN13/0173.
11. Car parking in this section of Lennox Street is subject to time restrictions and permit only parking zones. The site is also within the Principal Public Transport Network and is within walking distance of public transport servicing the Swan Street, Bridge Road and Hoddle Street corridors. Lennox Street is also a designated bicycle route with separate on-road bicycle lanes.
12. Specifically the subject site has the following interfaces:

Adjoining property – No. 276A Lennox Street

To the south of the site is No. 276 Lennox Street, an Edwardian-era dwelling with a first floor addition constructed to the rear of the site. The dwelling forms part of a matching pair with the subject site and is constructed along the length of the common boundary. An area of private open space is located to the rear, with rear access via Botherambo Street.

North – Nos. 73 Tanner Street and No. 77 Tanner Street and No. 272 Lennox Street

To the north of the site, on the opposite side of Tanner Street are Nos. 73, 77 Tanner Street and No. 272 Lennox Street. No. 77 Tanner Street and No. 272 Lennox Street form a three storey townhouse development. A garage as well as habitable room windows are constructed to the southern façade of the building. No. 73 Tanner Street comprises a two storey building with on-site parking and habitable room windows constructed on the southern façade.

West – No. 68 Tanner Street

To the rear of the site, on the opposite side of Botherambo Street, is the eastern side boundary of No. 68 Tanner Street, a two storey office building with on-site car parking accessed via Botherambo Street.

13. Properties to the east of the subject site include No. 1/2A Gipps Street and Nos. 291-295 Lennox Street. These properties consist of two and three storey townhouses with habitable room windows fronting Lennox Street.



Figure 3: Yarra GIS aerial imagery of subject site and surrounds (April 2022)

Planning Scheme Provisions

Zoning

14. The subject site is in the Neighbourhood Residential Zone – Schedule 1 (NRZ1). The following provisions apply:
- Pursuant to Clause 32.09-2, a planning permit for a medical centre is not required subject to the following conditions:
 - The gross floor area of all buildings must not exceed 250sqm;
 - Must be located in an existing building;
 - The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3; and
 - Must not require a permit under Clause 52.06-3.
 - As the subject site does not adjoin or have access to a Transport Zone 2 or 3 and requires a planning permit under Clause 52.06-3, a planning permit is required to use the land for a medical centre.
 - Pursuant to Clause 32.09-14, sign requirements are at Clause 52.05. This zone is in Category 3.

Overlays

15. The subject site is affected by the Heritage Overlay – Schedule HO332. The following provisions apply:
- Pursuant to Clause 43.01-1, a planning permit is required for buildings and works, including the construction and display of a sign;

- Pursuant to Clause 43.01-4, the construction and display of a sign is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act; and
 - City of Yarra Database of Heritage Areas, April 2022’ (as saved in incorporated documents on the DELWP website [Incorporated Documents \(planning.vic.gov.au\)](http://planning.vic.gov.au) identifies the site as being of ‘contributory’ heritage grading to the Richmond Hill heritage precinct
16. The site is also affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1). The following provisions apply:
- Pursuant to Clause 45.06-1 of the Scheme:
 - A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this Scheme.
 - A permit granted must be:
 - Consistent with the provisions of the relevant development contributions plan.
 - Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this Overlay.
 - Section 4.0 of Schedule 1 to the DCPO states that the construction of a building or carrying out of works that does not generate a net increase in additional demand units, is excluded from the development contributions plan.
 - A development contributions plan has been incorporated into this Scheme. The requirements of the DCPO do not apply as the proposed works do not result in an increase to the gross floor area of the building or an increase to the number of dwellings on the land.

Particular Provisions

17. *Clause 52.05 – Signs*

Category 3 sign controls at Clause 52.05-13 states that a planning permit is required for a business identification sign.

18. *Clause 52.06 – Car Parking*

Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. Under the provisions of Clause 52.06-5, the car parking requirements are as follows (noting that the site is in the Principal Public Transport Network, Column B rates apply):

| Use | Size | Column B Rate | Statutory Requirement | No. spaces allocated |
|----------------|------------------------------|---|-----------------------|----------------------|
| Medical Centre | 161sqm (leasable floor area) | 3.5 to each 100sqm of leasable floor area | 5* | 1 |

*If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

19. *Clause 52.34 – Bicycle Facilities*

Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities are provided on the land. Under the provisions of Clause 52.34-5, the bicycle parking requirements are as follows:

| Use | Employee Rate | Visitor Rate | Total Required | Total Provided |
|----------------|---------------------------|---------------------------|-------------------------|-------------------------|
| Medical Centre | 1 to each 8 practitioners | 1 to each 4 practitioners | 1 employee 1 visitor | 1 employee 1 visitor |

The proposed bicycle parking provision therefore complies with the statutory requirements of Clause 52.34.

General Provisions

20. Clause 65 – Decision Guidelines

Planning Policy Framework (PPF)

21. Relevant clauses are as follows:

- Clause 11 – Settlement;
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.05-1S - Noise management
Relevant objective and strategy:

To assist the management of noise effects on sensitive land uses:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area*

- Clause 13.07-1S – Land use compatibility
Relevant objective and strategy:

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*

- Clause 15.03 – Heritage
 - Clause 15.03-1S – Heritage Conservation
Relevant objective and strategies:

To ensure the conservation of places of heritage significance:

- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

- *Encourage appropriate development that respects places with identified heritage values.*
 - *Retain those elements that contribute to the importance of the heritage place.*
- Clause 17.01 – Employment
 - Clause 17.01-1S – Diversified Economy

Relevant objective and strategies:

To strengthen and diversity the economy:

 - *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
 - *Improve access to jobs closer to where people live.*
- Clause 17.02 – Commercial
 - Clause 17.02-1S – Business

Relevant objective and strategies:

To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services:

 - *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
 - *Locate commercial facilities in existing or planned activity centres.*
 - Clause 17.02-2S – Out-of-centre Development

Relevant objective and strategies:

To manage out-of-centre development:

 - *Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal*
- Clause 18.01-3S – Sustainable and safe transport

Relevant objective and strategies:

To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

 - *Prioritise the use of sustainable personal transport*

[Local Planning Policy Framework \(LPPF\)](#)

22. Relevant clauses are as follows:

- Clause 21.04-3 – Industry, Office and Commercial
 - *To increase the number and diversity of local employment opportunities.*
- Clause 21.05-1 – Heritage

- *To protect and enhance Yarra's heritage places:*
 - *Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - *Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- Clause 21.06 – Transport
 - *To reduce the reliance on the private motor car.*
- Clause 21.08-10 – Central Richmond.
 - *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

[Relevant Local Planning Policies](#)

23. Relevant clauses are as follows:

- Clause 22.01 – Discretionary Uses in the Residential Zones
 - *To ensure that residential amenity is not adversely affected by non-residential uses*
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
 - *To conserve Yarra's natural and cultural heritage;*
 - *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - *To preserve the scale and pattern of streetscape in heritage places;*
 - *To ensure that additions and new works to a heritage place respect the significance of the place.*
- Clause 22.04 – Advertising Signs Policy
 - *To allow for the promotion of goods and services;*
 - *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas;*
 - *To minimise visual clutter;*
 - *To ensure that signs are not the dominant element in the streetscape;*
 - *To protect and enhance the character and integrity of places of heritage significance;*
 - *To maintain vehicular and pedestrian safety.*
- Clause 22.05 – Interface Uses Policy
 - *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

[Advertising](#)

24. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* with 111 letters sent to surrounding owners and occupiers and signs displayed at the front of the site and on the Tanner Street frontage. Council received 25 objections, the ground of which are summarised as follows:

- The proposed use is not consistent with neighbourhood character;
- Inappropriate location for a medical centre;
- Car parking reduction and lack of on-site parking space for staff and clients;
- Noise and amenity impacts to surrounding area;
- Lack of disabled access;

- Inaccurate staff to patient ratios;
- Saturation of chiropractors in area;
- Potential for rooms to be leased out to other service providers;
- Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated;
- Owner details as stated in application form are incorrect and the title certificate is out of date
- Drawings are not to scale and incorrectly show the location of the vehicle crossover

25. It is noted that 17 of the 25 objections (68%) were provided as proformas. In addition, four of the objections received are from a single primary property.

Referrals

External Referrals

26. The application was not required to be referred to any external department under the provisions of the Scheme.

Internal Referrals

27. The application was referred to the following units within Council:

- (a) Development Engineering; and
- (b) Heritage

28. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

29. The primary considerations for this application are as follows:

- (a) Use
- (b) Signage
- (c) Car Parking and Bicycle Facilities
- (d) Objector Concerns

Use

30. The following assessment is informed by the relevant policy objectives and decision guidelines of the Neighbourhood Residential Zone (Clause 32.09), Clause 22.01 (Discretionary Uses in Residential Zones), Clause 22.05 (Interface Uses Policy) and the Planning Policy Framework.

31. While the proposed use of the land as a medical centre triggers a planning permit in this instance, if the various conditions outlined at Clause 32.09-2 (Neighbourhood Residential Zone) were met, the medical centre would be an as-of-right use (no permit required). Where specific non-compliance of a condition triggers a permit, the scope of discretion required in determining whether to grant a permit is also limited.

32. In the matter of *Alex Kanzburg v Bayside CC* (VCAT Ref: P1294/2014) Member Wright makes the following findings under Paragraph 21 of his decision:

It follows that where a use is permitted as of right and the only bar is noncompliance with a specified requirement the only considerations relevant to the exercise of discretion to grant a permit are those which arise from that requirement. So where, as in this case, the requirement relates to the provision of car parking, the adequacy of the proposed parking in the circumstances of the particular case is the only relevant consideration.

33. With the above in mind, the ambit of discretion for this application relates primarily to the conditions not met at Clause 32.09-2, that being the statutory car parking requirements at Clause 52.06 (*Car Parking*) of the Scheme, as well as the location of the subject site which does not adjoin or have access to a road in a Transport Zone. It also attests to the clear support within the Planning Scheme for medical centres of this scale within residential areas.
34. Despite the guidance provided by the above VCAT decision, consideration of the acceptability of the use will still be given. The assessment will be directed by the relevant decision guidelines of the Neighbourhood Residential Zone at Clause 32.09 and applicable state and local planning policies - in particular, Clause 22.01 (*Discretionary Uses in the Residential 1 Zone*) and Clause 22.05 (Interface Uses Policy) of the Scheme.
35. The relevant policies of the Discretionary Uses in the Residential 1 Zone at Clause 22.01-3 are as follows:

It is policy that:

- *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*
 - *Except on land adjoining and gaining direct access from a road in a Road Zone:*
 - *all required car parking should be on-site*
 - *the scale of the proposed use should be compatible with providing service to the local residential community*
 - *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
 - *Noise emissions should be compatible with a residential environment.*
36. The above policies are applicable to any non-residential use permitted within a residential zone, which includes a car wash, place of assembly, convenience restaurant and market. Comparatively, a medical centre is not typically associated with adverse amenity risks (such as noise) and as such the policy expectations of Clause 22.01 should be tempered accordingly.

Location

37. The site context within this section of Lennox Street is highly relevant to the appropriateness of the proposed use. Policies within the Scheme support community services (such as medical centres) within inner-city residential areas with good access to sustainable transport options. In a broader sense, there is a clear policy directive within the Planning Scheme to improve access to jobs and services closer to where people live (Clause 17.01-1S and Clause 21.04-4).
38. The strategy of Clause 15.01-4R (Healthy Neighbourhoods) to “*create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home*” is reflected in the permitted or as-of-right uses of the Neighbourhood Residential Zone, which includes medical centres.
39. More specifically, the Scheme gives clear direction of the appropriate locations for medical centres and health services. Clause 19.02-1S (Health facilities) and Clause 21.04-4 (Community facilities, hospitals and medical services) encourage an integration of health facilities with local communities to ensure that these services are accessible to the community and reflective of its needs. Nevertheless, Clause 17.01-2 (Out-of-Centre development) of the State Planning Policy Framework aims to “*ensure that out-of-centre proposal[s] are only considered where the proposed use or development is of net benefit to the community and the region*”.
40. In this instance, Lennox Street is not a homogenous residential streetscape and consists of pockets of commercial uses at various locations between Bridge Road and Swan Street. The site is also situated approximately 100m north of the Swan Street MAC and approximately 100m south of a small, commercially-zoned area of Lennox Street consisting of a pub, retail premises and offices. The Bridge Road MAC is also located 600m to the north. In addition, a two storey building consisting of offices and a food and drink premises is situated on the opposite corner, at the intersection of Lennox and Gipps Streets. The site is located within proximity of a variety of public transport services and bicycle networks. In terms of its strategic context the subject site is therefore considered to be an example of such a location described

in various Local and State policy. Moreover, the limited scale of the medical centre (that being a maximum of two practitioners) will ensure the service is commensurate with the local community needs.

41. Clause 22.01-3 states that existing buildings constructed for non-residential purposes are the preferred location for non-residential uses. Although the subject site is an Edwardian-era building traditionally in use as a dwelling, no external or internal works are required to operate the medical centre at this location. The requirements for a small-scale medical centre are generally limited to consultation rooms, a waiting area and bathroom and, therefore, can be reasonably accommodated in a traditional dwelling. As a result of the modest built form requirements of consultative medical centres, coupled with it being a permitted use in the NRZ, medical centres within former dwellings are relatively common in established residential areas. As will be elaborated on later in this report, it is not expected that the medical centre will result in adverse amenity impacts with regards to noise, waste or light spill and as such, can be appropriately accommodated for in a residential style building without unreasonably impacting the amenity of the area.
42. Although the subject site does not have immediate access to a Transport Zone, it does have indirect access to nearby Swan Street, Bridge Road and Hoddle Street, which are directly accessible from Lennox and Tanner Streets. Further, the policy does not indicate that this warrants the refusal of a medical centre. Rather, weighted consideration should be given to the appropriateness of the subject site and immediate context for the proposed use. This is reiterated by the decision guidelines of the Neighbourhood Residential Zone at Clause 32.09-13 which require that the responsible authority give consideration to the compatibility of the use with the residential nature of the area, whether the use generally serves the local community needs, the scale and intensity of the use and the loading and waste requirements. It is noted that the zone also gives consideration to the provision of car parking and traffic impacts however this will be discussed under the *Car Parking* section of this report.

Scale of use and amenity impacts

43. The proposal is for a medical centre providing chiropractic services with a maximum of two staff at any given time. The medical centre will provide pre-booked appointments. The applicant advised via email correspondence (30 June 2022) that appointment durations will vary between 15 to 90 minutes depending on the nature of the issue requiring attention. As such, it is anticipated that the medical centre would be capable of conducting a maximum 35 appointments per day. The scale of the use is considered to be generally consistent with servicing the local community and aligns with one of the key objectives of the Neighbourhood Residential Zone, "*to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*". The limited number of practitioners and the length of appointments would not result in large numbers of people frequenting the site and so is unlikely to generate unreasonable disturbance to nearby residential properties. A condition of any approval would restrict the number of practitioners on-site at any one time to a maximum of two (2). Further, to ensure the scale of the proposed use does not increase over time, a condition will also be recommended requiring that there be no more than 35 appointments per practitioner on any given day, unless with the prior written consent of the Responsible Authority.
44. The proposed operating hours of 8am-6:30pm, Monday to Friday and 8am-12pm Saturdays are consistent with the policy direction at Clause 22.01-3. Further, the proposed hours of operation are not anticipated to cause conflicts with surrounding residential uses, given they largely represent standard business hours and the use will not disturb the amenity of the area during the sensitive night-time hours. The medical centre will be restricted to these operating hours by way of condition of any approval granted.
45. With regards to noise emissions, the proposed medical centre is not anticipated to create unreasonable noise within the surrounding residential neighbourhood. The medical centre provides therapeutic and remedial health services to its patients, the nature of which would have similar noise emissions to a residential use. Each consultation room is enclosed, and the appointments would be conversational, rather than relying on any machinery. In terms of a

non-residential use located in a residential zone, a medical centre is generally considered to pose little amenity risks in this regard.

46. It is acknowledged that the use will result in additional people in the area throughout the day. However, social activity and the movement of people within the street is to be expected in an inner-city area. General noise produced from people arriving and leaving (including talking and car noises) associated with a medical centre is not considered unreasonable for the site context and will be reasonably limited by the recommended conditions restricting the operating hours and the number of appointments to a maximum of 35 on any given day.
47. No new external equipment is proposed to facilitate the use. It is unlikely that the type of equipment required for a medical centre of this size and nature (consultative appointments) would create noise emissions greater than typical domestic services. Nonetheless, Council's standard conditions relating to noise emissions will be included as conditions in the recommendation, consistent with policy objectives at Clause 22.01 and Clause 22.05 of the Scheme regarding amenity impacts.
48. Finally, given the operating hours are generally restricted to daytime hours, light spill is not a consideration in this instance. Regardless, any lighting on after hours would be no different to that of a residential use. The existing building is double storey and fenced and therefore would not result in any overlooking to neighbouring residential properties.

Waste and deliveries

49. It is anticipated that the waste generated by a consultative practice would be similar to or lesser than a residential use. Given the nature of the medical use, it is not expected that any toxic waste or large waste items will be produced. Council's standard condition requiring that the collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority will be included in the recommendation. It is expected that the bins can be easily stored in the rear outdoor area, or in the side setback behind the gate, as would be typical of a residential dwelling.
50. Given the nature of the use, it is not anticipated to require any bulky or frequent deliveries. Nonetheless, Council's standard condition restricting the hours of any deliveries will be included in the recommendation.
51. In summary, there is strong planning policy support for a medical centre (chiropractic clinic) at this site. It is considered that the proposed use, subject to conditions outlined, will not cause unreasonable material detriment to the surrounding residential properties and will be compatible with the subject site and surrounding land use context. The proposal addresses the relevant decision guidelines at Clause 32.09 and policies at Clause 22.01 and 22.05 and is supported.

Signage

52. The following assessment is informed by the relevant objectives and decision guidelines of Clause 22.04 (Advertising Signs Policy), Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and Clause 52.05 (Signs) of the Scheme.
53. *Impact of the sign on the streetscape/character of the area including views and vistas*
The proposed sign will be located within the front setback of the site facing Lennox Street and will not extend beyond the boundary of the building. The siting of the proposed sign will ensure it does not obscure views or vistas along Lennox Street. A number of commercial premises are situated in Lennox Street consisting of business identification signs including (and not limited to), No. 285 Lennox Street, No. 257-259 Lennox Street and No. 232 Lennox Street. These signs are non-illuminated and are limited to one to two signs per premises. The proposed sign is consistent with the signage theme of other commercial premises in Lennox Street in that only a single, non-illuminated sign is proposed. Although the sign is not flush-

mounted to the building, its location is appropriate having regard to the heritage objectives of Clause 22.04-3.8 and Clause 22.02-5.7.1 in that its installation will not remove or cover up original heritage fabric or obscure views of principal heritage facades. The positioning of the proposed sign also has the support of Council's heritage advisor, who stated the following:

- *The proposed business identification sign has been appropriately sited. The sign is of low scale and does not disrupt views of the front window or entry.*
- *The sign is consistent with the business identification sign character of Lennox Street in that it is of low scale and not illuminated.*

54. *Design and relationship of the signs on the building*

Although Clause 22.04-3.6 encourages signs in residential areas to be located under the verandah or on the verandah fascia, the host building is a dwelling and not purpose-built for a commercial premises (where verandahs and shopfront awnings could be expected). As such, it is not possible for the sign to be erected in such way. As previously discussed in the paragraph above, the sign has been sited to ensure it does not adversely impact the heritage significance of the site. The sign will have a total display area of 0.54sqm and is not considered to dominate the site given it will be located behind the existing 1.8m high front fence. As only a single sign is proposed, there will be no adverse "visual clutter" impacts.

55. *Impact of structures associated with the sign*

The proposed sign will be freestanding and as such, its installation will not damage original heritage fabric, pursuant to policy at Clause 22.04-3.4. The sign will be mounted to two, black-painted timber posts. These supports will largely be obscured from view by the existing 1.8m high front fence. The use of timber posts is also appropriate having regard to the material character of the Victorian and Edwardian-era streetscape.

56. *Illumination*

As stated in the applicant's planning report and on the submitted plans, the proposed sign will not be illuminated. If a permit were to be issued, a standard condition will require the sign to not be illuminated.

57. *Impact of the sign on road safety*

The proposed sign will not be illuminated or consist of flashing or animated features and cannot be mistaken as a traffic control device. The sign is appropriately set back from the Lennox Street and Tanner Street kerbs and will not impact the safety of vehicles travelling along these streets. A standard permit condition will ensure the sign does not consist of any flashing or intermittent light (if a permit were to issue).

Car Parking and Bicycle Facilities

58. The proposal seeks a car parking reduction of 50 car parking spaces. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5. Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced and are addressed as follows:

- *Availability of car parking*

The on-street parking demand in this part of Richmond is generally high during business hours. The area surrounding the subject site is blanketed in time-based (2-hour and permit zone) parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should be able to find an on-street car space near the site. Permit zone parking on the western side of Lennox Street will also ensure that residential parking spaces are not compromised. Further, the nature of operation of the proposed use will not place an unreasonable demand on on-street parking.

- *Relevant local policy or incorporated document*

The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement as well as Clause 21.06-3 (Transport) of the Scheme. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

- *Availability of public transport in the locality of the land*

The site is well serviced by a range of public transport services. The following services can be accessed to and from the site by foot:

- Swan Street trams – 180 metre walk
- Richmond railway station – 370 metre walk
- Hoddle Street buses – 430 metre walk
- Church Street trams – 440 metre walk
- East Richmond railway station – 450 metre walk
- Bridge Road trams – 600 metre walk

- *Multi-purpose trips within the area*

Given the proximity of the site to both the Bridge Road and Swan Street activity centres, visitors to the site may combine their visit by engaging in other activities of business whilst in the area.

- *Convenience of pedestrian and cyclist access*

The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network. The provision of two bicycle parking spaces for practitioners and clients will encourage sustainable transport modes as encouraged at Clause 18.02 of the Planning Policy Framework (Movement Networks) and Clause 21.06 (Transport) of the Municipal Strategic Statement.

59. Overall, the proposed car parking shortfall is not expected to impact the surrounding area and is supported. Further, Council's engineering unit made no objection to the car parking reduction sought, stating:

From a traffic engineering perspective, the reduction of car parking for the site is considered appropriate in the context of the development and the surrounding area. Visitors to the site would commute to and from the site by using sustainable transportation modes, such as take public transport or ride a bicycle. The operation of the development should not adversely impact on the existing on-street parking conditions in the area. The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

60. Design Standard 1 requires accessways to be a minimum 3m wide. The existing crossover on Tanner Street is 3m and complies with the Standard. The proposed car parking dimensions (2.6m x 4.9m) satisfy Design Standard 2 of Clause 52.06-9. Based on a desktop review of aerial imagery as well as the planning officer's site visit, the location of the crossover as shown on the plans is incorrect. As illustrated in the below image, the crossover and roller door do not completely line up with the car parking space:



Figure 4: Yarra GIS aerial imagery showing true location of crossover (April 2022)

61. The applicant has provided photographs which confirm that a vehicle is still capable of parking in the designated angled space, as shown below:



Figure 5: Applicant photo of on-site parking space

62. The matter was discussed with Council’s engineering unit on 25 May 2022 with the following advice provided:
- *Based on a desktop review of Nearmap aerial imagery and the supporting photographs provided by the applicant, the engineers are satisfied that the true location of the roller door and vehicle crossover on Tanner Street will not compromise the ability of a B85-standard vehicle to access the on-site parking space.*
 - *The ground floor plan should be updated to correctly reflect the true location of the crossover and roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme.*

A condition will therefore require an updated ground floor plan in light of this engineering advice.

63. Clause 52.34 (Bicycle Facilities) requires a minimum 1 staff bicycle parking space and 1 visitor bicycle parking space be provided. 1 staff bicycle parking space is proposed at the rear of the site adjacent the car parking space and the visitor space will be located within the front setback. Both bicycle parking spaces are conveniently accessible from Lennox and Tanner Streets and the proposed dimensions satisfy the requirements at Clause 52.34-6.

Objector Concerns

64. Objector concerns are addressed as follows:

- *Inappropriate location for a medical centre and neighbourhood character*

This matter has been discussed at paragraphs 30 - 51.

- *Car parking reduction and lack of on-site parking space for staff and clients*

This matter has been discussed at paragraphs 58 - 62.

- *Noise and amenity impacts*

This matter has been discussed at paragraphs 43 - 51.

- *Lack of disabled access*

Whilst universal access is encouraged, there is no requirement under the Yarra Planning Scheme to provide a disabled access ramp. This is a matter dealt with under the Building Code of Australia.

- *Inaccurate staff to patient ratios*

A maximum of two practitioners will be practicing on the premises at any one time. The applicant has advised (via email correspondence on 23 May 2022) that there will be no reception or administrative staff. Given the small-scale operation, the practitioners will manage any ancillary management matters. A permit condition would restrict the number of practitioners on site at any given time.

- *Saturation of chiropractors in area*

The number of existing chiropractors in a given area is not a relevant planning consideration. Clause 22.01 of the Scheme provides the relevant guidance for considering the appropriateness of non-residential uses in residential zones and this has been discussed in detail at paragraphs 30 – 51.

- *Potential for rooms to be leased out to other service providers*

Should a permit be granted, it would restrict the use of the land to a medical centre providing chiropractic services, with a maximum of two practitioners. References to “leasable floor area” throughout the application are associated with how floor area is defined under the planning scheme (e.g. gross, net, leasable). Clause 73.01 of the Scheme provides definitions for the different floor area types.

- *Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated*

This matter has been discussed at paragraphs 52 – 57. A notation on the signage elevations confirms the sign will not be illuminated. A condition will also require that the sign must not be illuminated by either external or internal light.

- *Owner details as stated in application form are incorrect and the title certificate is out of date*

An application must be accompanied with a title certificate that is no older than 3 months at the time of submission. This application was submitted on 05 February 2022 and the accompanying title certificate was produced on 22 December 2021, within the 3-month period. The title certificate was therefore valid at the time of submission. The owner details stated on the are consistent with the owners recorded on the title certificate.

- *Drawings are not to scale and incorrectly show the location of the vehicle crossover*

The vehicle crossover matter has been discussed at paragraphs 60 - 62. The accuracy of the scale in the architectural drawings does not have a notable bearing on the assessment of the proposed use. The proposed sign as constructed must reflect the dimensions stated on the plans and elevations, regardless of whether the drawings are accurately to scale.

Conclusion

65. Based on the above report, the proposal is considered to substantially comply with the relevant planning policies and therefore should be supported subject to permit conditions.

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN22/0069 be issued for use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking at 276 Lennox Street, Richmond VIC 3121 generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Elevation 7 and dated November 2021 but modified to show:
 - (a) The ground floor plan updated to correctly reflect the true location of the crossover, roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme or otherwise to the satisfaction of the Responsible Authority.
2. The use and location and details of the sign, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No more than two (2) 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 35 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 – 6:30pm; and
 - (b) Saturdays: 8:00am – 12:00pm.
6. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the bike racks must be installed and maintained to the satisfaction of the Responsible Authority.
7. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
11. The sign must not be illuminated by external or internal light.
 12. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
 13. The signage component of this permit expires 15 years from the date of the permit.
 14. On expiry of this permit, the approved signs and structures built specially to support signage must be removed.
 15. This permit will expire if:
 - (a) The use is not commenced within two years from the date of this permit; or
 - (b) The use is discontinued for a period of two years; or
 - (c) The sign is not erected within 2 years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

NOTES

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Attachments

- 1 PLN22 0069 - 276 Lennox Street Richmond - Site Context Map
- 2 PLN22/0069 - 276 Lennox Street Richmond - Advertised Plans
- 3 PLN22/0069 - 276 Lennox Street Richmond - Applicant Planning Report
- 4 PLN22/0069 - 276 Lennox Street Richmond - Heritage Referral Response
- 5 PLN22/0069 - 276 Lennox Street Richmond - Engineering Referral Response
- 6 PLN22/0069 - 276 Lennox Street Richmond - Certificate of Title