



8.9	3 DOCKER STREET, ELWOOD
LOCATION/ADDRESS:	3 DOCKER STREET, ELWOOD
GENERAL MANAGER:	CLAIRE FERRES MILES, PLACE STRATEGY AND DEVELOPMENT
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	JESSICA LADLOW, SENIOR URBAN PLANNER
TRIM FILE NO.:	PF16/672085
ATTACHMENTS:	1. Objector map 2. Floor Plans 3. Elevation Plans
WARD:	Canal Ward
TRIGGER FOR DETERMINATION BY COUNCIL:	More than 16 objections
APPLICATION NO:	P0555/2014/B
APPLICANT:	Metaxas Architects Pty. Ltd.
EXISTING USE:	Residential (development is currently under construction)
ABUTTING USES:	Commercial and residential
ZONING:	General Residential Zone
OVERLAYS:	Special Building Overlay – Schedule 2
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

This application seeks to amend the existing Planning Permit (P0555/2014/A) to allow for the conversion of the ground floor apartments (2) to a medical centre (physiotherapy). The change of use would also require a reduction in the car parking requirements to use the ground floor premises for a medical centre (physiotherapy). The proposal also includes the installation and display of internally illuminated business identification signage.

I. EXECUTIVE SUMMARY

- I.1 A planning permit was granted on 26 March 2015 (Planning Permit No. 555/2014) for the construction of a three storey building containing 12 dwellings and a basement car park. The development is currently under construction.



- 1.2 This application seeks to amend the existing planning permit to allow for two of the previously approved ground floor apartments to be converted into a medical centre use (physiotherapy). The change of use would require an associated car parking reduction, the installation of internally illuminated business identification signage and the deletion of the front fence.
- 1.3 There would be internal changes to the ground floor layout only (formally apartments A101 and A102) to allow for the proposed physiotherapy use.
- 1.4 The physiotherapy practice would have a maximum of two physiotherapists on site at any one time. The proposed hours of operation would be Monday-Thursday from 7am-9pm, Friday 7am-7pm and Saturday 8am-2pm.
- 1.5 The physiotherapy practice, 'Stay Tuned Sports Medicine', currently operates at 122 Ormond Road, which is the building to the north of the application site. They wish to reallocate due to an increased floor space, from 52 square metres offered at their current tenancy to 145 square metres offered at the proposed application site.
- 1.6 A total of 24 objections and one (1) letter of support have been received. The key concerns raised in the objections relate to car parking, a medical centre use in a residential zone, amenity impacts, light spill from the proposed signage and the hours of operation.
- 1.7 A consultation meeting was held on 13 February 2017 attended by the Ward Councillors, Planning Officers, Objectors and Applicants. The consultation meeting did not result in any modifications to the proposal, but the objectors expressed their concerns relating to the proposal.
- 1.8 It is considered that the proposed conversion of the apartments into a commercial tenancy for the purposes of a medical centre (physiotherapy) is acceptable given the location of the site and the small number of practitioners. Subject to permit conditions, it is considered that the proposal would not result in unreasonable amenity impacts to the adjoining residential properties, as permit conditions would limit the hours of operation and impose a maximum number of practitioners and patients on the site at any one time and would also remove the illuminated component of the proposed signage.
- 1.9 Given the availability of on-street car parking in the surrounding area, and the proximity of the Ormond Road Neighbourhood Activity Centre, it is considered appropriate to waive six (6) of the required number of car parking spaces for the proposed medical centre (physiotherapy) use.
- 1.10 The proposal is recommended for approval, subject to conditions.

2. RELEVANT BACKGROUND

- 2.1 Planning Permit P0555/2014 was originally issued on 26 March 2015 to construct a three storey building containing 12 dwellings and a basement car park, construct a front fence and reduce the number of visitor car parking spaces.
- 2.2 The permit was amended under Planning Permit P0555/2014/A to delete permit Condition 1b which read:



A pedestrian sight triangle on the south side of the accessway measuring 2.5m along the accessway must be provided at the exit of the accessway to improve sight lines between exiting vehicles and laneway users. The fence on the south side of the accessway must either be removed or be no higher than 900mm from the ground level.

It was submitted that removal of the sight triangle is appropriate, and this was agreed by Council's Traffic Engineers on the condition that a convex mirror is installed at the exit to the laneway. The amendment was approved on 21 August 2015.

3. PROPOSAL

3.1 The amendment seeks to allow part of the site to be used for purposes of a medical centre (physiotherapy). Specifically, the proposal involves:

- Converting apartment A101 and A102 into a single commercial tenancy, T01, which would have an area of approximately 145 square meters.
- The floor area would contain one (1) rehabilitation room, three (3) patient consulting suites, a reception area, staff room, filing/office space and a bathroom. No changes to the external structure of the building are proposed. Works to building would be confined to internal reconfiguration only.
- Two internally illuminated business identification signs and a non-internally illuminated business identification sign would be installed.
 - The internally illuminated signs would be installed along the western (front) elevation in the window of the commercial tenancy. One sign would measure 2.16 meters (W) x 0.45m (H), with an overall area of 0.97 meters squared. The other sign would measure 2.78 meters (W) x 0.45 meters (H), with an overall area of 1.25 square meters.
 - The non-internally illuminated business identification sign would be installed along the western (front) boundary, and would measure 0.9 meters (W) x 1.2 meters (H). The sign would have an overall area of 1.08 square meters.
- The physiotherapy practice would have a maximum of two practitioners on site at any one time. Two car parking spaces would be allocated to the practitioners in the basement car park of the development.
- The hours of operation of the physiotherapy practice would be:
 - Monday - Thursday 7am to 9pm
 - Friday 7am - 7pm
 - Saturday 8am - 2pm

3.2 The front fence would be deleted from the approved plans.



4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the south-east side of Docker Street, Elwood, approximately 50 metres from Ormond Road to the north-east. Ormond Esplanade is located to the south-west of the subject site.
- 4.2 The site is rectangular in shape with a frontage width of 12.19 metres and a maximum depth of 40.21 metres for an overall site area of approximately 522 square metres. The site has rear access by way of a 5.0 metre wide unnamed Right of Way which runs parallel to Docker Street from Ormond Road to Ormond Esplanade, and provides vehicular access for properties facing Docker Street and Pine Avenue.
- 4.3 The previous building that occupied the site was a single storey brick dwelling, which has now been demolished. The site is currently undergoing construction for the development of the three storey apartment building and basement level, approved under the original planning permit.
- 4.4 Adjoining the subject site to the south (side) at 5 Docker Street, is a single storey semi-detached brick dwelling. The building is setback approximately 6m from Docker Street and between 1.4m and 3m from the common boundary with the subject site. The front setback of this lot contains established vegetation, with a low (less than 1 metre) fence constructed along the western (front) boundary. A narrow concrete pedestrian path is constructed abutting the boundary shared with the subject site.
- 4.5 To the north (side) of the subject site at 122 Ormond Road is a five (5) storey mixed use building. At ground floor level, the development comprises a medical centre (physiotherapy), currently occupied by the proposed occupant for this site, "Stay Tuned Sports Medicine". The physiotherapy is located on the Docker Street frontage. A café use occupies the corner of the building with frontages along both Docker Street and Ormond Road, and retail uses consisting of a pet shop and a clothing shop occupy the Ormond Road frontage. Apartments are located above with access from Docker Street. The building is setback approximately 4.9m from the common boundary with the subject site, except for a carport abutting the laneway which is constructed approximately 3.3m from the shared boundary. Nine (9) at grade car parking spaces are provided along the common (southern) boundary. A 1.8m high cement wall divides the sites.
- 4.6 To the east (rear) of the subject site is a 5.0m wide paved laneway, where the eastern interface of the subject site is partially sited opposite two lots. One of the lots has dual frontages, and is located on the corner of Ormond Road and Pine Avenue at 144 Ormond Road. Where a four (4) storey multi-unit development has been constructed. The western (rear) boundary of the site at 6 Pine Avenue is partially sited opposite the subject site. 6 Pine Avenue contains a four (4) storey apartment building.
- 4.7 Docker Street features a diversity of residential developments and architectural styles including a mix of single, dwellings on a lot, ranging from period dwellings to contemporary architecture, with more recent examples of multi-unit developments interspersed throughout the street.



Dwelling scales within Docker Street range from one to four storeys. Docker Street is zoned General Residential, with the subject site located approximately 17m to the south-west of the Commercial I Zone that covers Ormond Road.

- 4.8 Ormond Road is a designated Neighbourhood Activity Centre, which contains shops, office, community services/facilities and other commercial land uses. There are several four and five storey mixed-use buildings within close proximity of the subject site that front Ormond Road.
- 4.9 On street parallel car parking is available along Docker Street. The entirety of the south-east site of Docker Street comprises restricted (2 hour) on street car parking. Along the north-west side of Docker Street towards Ormond Road are limited restricted (2 hour) parking, with a parking permit zone forming the majority of the on street parking on this side of the street. Ormond Road contains a mixture of restricted parking (1/4 hour, 1/2 hour and 1 hour) and loading bay zones.

5. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
<p>Clause 32.01 Residential I Zone</p>	<ul style="list-style-type: none"> ▪ Pursuant to Clause 32.08-1, no permit is required for a medical centre on the condition that: <ul style="list-style-type: none"> ○ The gross floor area of all buildings must not exceed 250 square metres. ○ Must not require a permit under clause 52.06-3. ○ The site must adjoin, or have access to, a road in a Road Zone. <p>Although the gross floor area of the building would not exceed 250 square metres, a permit would be required to reduce the required rate of car parking pursuant to Clause 52.06-3, and the site does not adjoin, or have access to, a road in a Road Zone. As these conditional requirements are not met, a permit is required for the use of the site as a medical centre (Section 2 Use).</p> <ul style="list-style-type: none"> ▪ Pursuant to Clause 32.08-13, advertising sign requirements are at Clause 52.05. This zone is Category 3 (high amenity areas).
<p>Clause 44.05 Special Building Overlay Schedule 2</p>	<ul style="list-style-type: none"> ▪ A permit is required to construct a building or to construct or carry out works. This does not apply to advertising signs on posts or attached to buildings. As one of the advertising signs would be installed abutting the western (front) boundary, which is covered by the Special Building Overlay, a permit is required pursuant to Clause 44.05.
<p>Clause 52.05 Advertising Signage</p>	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.05-9, a permit is required to install a business identification sign and an internally illuminated sign.



<p>Clause 52.06 Car Parking</p>	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.06-2, before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. ▪ A permit is required to reduce the number of car parking spaces required under Clause 52.06-5. ▪ A medical centre requires 5 car parking spaces to the first person providing health services plus 3 car parking spaces to every other person providing health services. ▪ A total of eight (8) car parking spaces are required pursuant to Clause 52.06-5 for the proposed use. <p>Two (2) car parking spaces would be provided as part of the proposal, therefore a reduction of six (6) car parking spaces would be required.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<ul style="list-style-type: none"> ▪ Clause 52.34 requires one space to each eight practitioners of a medical centre to be provided for staff and one space to each four practitioners to be provided for visitors. As only two practitioners would operate from the proposed physiotherapy centre there is no requirement for provision of bike storage or facilities.

5.1 As per Clause 74 of the Port Phillip Planning Scheme the land use term for medical centre is defined as:

“Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.”

The Land Use Terms included in Clause 74 are not an exhaustive list and a ‘physiotherapy’ use is not a defined term.

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- | | |
|-----------|----------------|
| Clause 11 | Settlement |
| Clause 19 | Infrastructure |

6.2 Local Planning Policy Framework (LPPF)

- | | |
|----------------|---------------------------|
| Clause 21.04 | Land Use, including |
| Clause 21.04-2 | Activity Centres |
| Clause 21.06 | Neighbourhoods, including |
| Clause 21.06-2 | Elwood and Ripponlea |

The following local planning policies are relevant to this application:

- | | |
|--------------|--|
| Clause 22.01 | Non-residential uses in the residential zone |
|--------------|--|



Clause 22.08 Outdoor Advertising Policy

6.3 **Other relevant provisions**

Clause 52.05 Advertising Signs

Clause 52.06 Car Parking

Clause 65 Decision Guidelines

7. REFERRALS

7.1 **Internal referrals**

The application was referred to the following areas of Council for comment:

▪ Development Engineer

The Development Engineer does not object to the proposed sign along the western (front) boundary, outlining that the sign should be located wholly within the property boundary, and should not extend or intrude into the public area.

▪ Traffic Engineer

Council's Traffic Engineer did not object to the proposal, noting that the proposed relocation of the medical centre from 122 Ormond Road would not be likely to generate a significant increase in parking to the area.

7.2 **External referrals**

The application was not required to be externally referred.

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (113 letters) and directed that the applicant give notice of the proposal by posting two (2) notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

8.2 The application has received one (1) letter of support and 24 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Cumulative impact of numerous developments under construction in the area.

Council cannot restrict developments from being constructed simultaneously. Moreover, this application does not propose any external structural changes to the building envelope already approved under Planning Permit P0555/2014/A.

- Proposed development is inconsistent with the neighbourhood character



With the exception of the installation and display of advertising signage and the proposed changes to the internal configuration to convert apartments A101 and A102 to one commercial tenancy T01, there would be no change to the development as approved under Planning Permit P0555/2014/A.

- Physiotherapy is not a ‘medical centre’

As per Clause 74 of the Port Phillip Planning Scheme the land use term for medical centre is defined as:

“Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.”

The Land Use Terms included in Clause 74 are not an exhaustive list and a ‘physiotherapy’ use is not a defined term.

- Hours of operation
- Medical centre use in a residential zone
- Car parking
- Traffic
- Amenity impacts
- Internally illuminated signage
- Neighbourhood character
- Scale of development

8.3 A consultation meeting was held on 13 February 2017 which was attended by the Ward Councillor, two (2) Council Officers, the permit applicant and client and 10 objectors. This helped to clarify the issues, but did not lead to the withdrawal of any objections or any modifications to the proposal.

8.4 It is not considered that the objections raise any matters of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

9. OFFICER’S ASSESSMENT

9.1 Medical Centre (physiotherapy) use in a General Residential Zone

This assessment of this applicant is limited to the amendment to Planning Permit P0555/2014/A, which proposes to use part of the site as a medical centre (physiotherapy). As part of the proposed use, two of the ground floor apartments would be converted into a single commercial tenancy for the physiotherapy. There would be no external changes to the built form of the development.

The proposed amendment to allow for the use of part of the site as a Medical Centre (physiotherapy) would require a planning permit under the provisions of the General Residential Zone (Clause 32.08). Pursuant to Clause 32.08-1 a medical centre use is a Section 1 Use (Permit not required) if the following conditions are not met:



- The gross floor area of all buildings must not exceed 250 square metres.
- Must not require a permit under clause 52.06-3.
- The site must adjoin, or have access to, a road in a Road Zone.

The proposed medical centre use is a Section 2 Use (Permit required) as the proposal only meets one of these requirements. A permit is also required to reduce the required rate of car parking pursuant to Clause 52.06-3, and the site does not adjoin, or have access to, a road in a Road Zone.

The following decision guidelines are included at Clause 32.08, where Council must consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*

The decision guidelines also specifically address non-residential use and development within the General Residential Zone. The relevant decision guidelines for the proposed non-residential use and development, as outlined in Clause 32.08-12 are:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The proposed use would be a small scale use that operates from a site with a floor area of 145 square meters, and a maximum of two (2) physiotherapists working from the site at any one time. From a policy perspective, the proposed use of part of the site for purposes of a medical centre (physiotherapy) is consistent with the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF). Clause 11.01-2 encourages new small scale health and community facilities that meet local needs to be located in or next to Neighbourhood Activity Centres. Activity centres are centres for business, shopping, working and leisure, and as previously discussed at Section 4.8 of this report, Ormond Road is a designated Neighbourhood Activity Centre within the City of Port Phillip.

Clause 19 (Infrastructure) encourages social infrastructure to be provided in a manner that is efficient, equitable, accessible and timely. Clause 19.02 encourages:

- *The location of health related facilities with consideration given to demographic trends, the existing and future demand requirements and the integration of services into local communities.*



9.2 Amenity impacts

Clause 22.01 specifically addresses non-residential uses in the Residential zones. The objective of the policy is to:

- *To minimise the impact of non-residential uses on existing residential amenity.*
- *To ensure that non-residential uses in residential zones are compatible with the residential nature of the area and serve the needs of the local community.*

The proposed physiotherapy practice currently operates from the adjoining site at 122 Ormond Road, which is approximately 20 metres to the north-east of the subject site. The relocation of the existing physiotherapy practice to the subject site would increase the available floor area of the practice from 54 square metres to 145 square metres. However, it is important to note that as part of the relocation of the physiotherapy practice, there would not be an increase to the number of physiotherapists. A maximum of two (2) physiotherapists would practice as any one time, in addition to one (1) receptionist and this restriction would be required as a condition on any permit issued. As such, in accordance with Clause 22.01-3, it is considered that the relocation of the physiotherapy practice to the application site would be an appropriate non-residential use in this particular residential context. The existing physiotherapy practice currently operates under the hours of:

- Monday - Friday 8am to 7pm
- Saturday 8am - 2pm

Although the current proposal seeks to extend the hours of operation of the practice, a condition would be included on any permit issued, that requires that the proposed hours of operation would be consistent with the hours of operation as stipulated on the existing physiotherapy practice at 122 Ormond Road. These are usual business hours, when most households are themselves at school and at work. It would not operate within hours when people expect to enjoy a high level of amenity at their dwelling.

Given that the practice would remain small scale with only two (2) practitioners and a receptionist working at the site at any one time, the hours of operation would not impose unreasonable amenity impacts on adjoining dwellings. The location of the site to the nearby Ormond Road Neighbourhood Activity Centre is an appropriate transition of a small scale non-residential use in a General Residential Zone, without affecting the residential amenity of Docker Street. This would be ensured through the inclusion of permit conditions which require that the hours of operation are consistent with those that already exist on the permit for the existing practices location at 122 Ormond Road, and requires that a maximum of two (2) physiotherapists and four (4) patients are on the site at any one time.

While it is acknowledged that the existing practice, currently located within a Commercial 1 Zone would be relocated within a General Residential Zone, Medical Centre uses in General Residential Zone are supported by the relevant consideration as outlined in the purpose of the General Residential Zone, which is:

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*



The use of the site as a physiotherapy practice would be a low-impact use which would not cause unreasonable amenity impacts such as noise and disturbance such as comings and goings of clients. Clause 22.01 encourages non-residential uses to be located adjacent to the boundary of a non-residential zone, and the proposal meets the policy in this respect given the location of the site to the commercially zoned Ormond Road. Given Docker Street interfaces with Ormond Road this use would provide an appropriate transition between the higher impact commercial uses found along Ormond Road, and the residential uses of Docker Street. All services proposed on the site are clinical in nature, and the services would be provided at a ratio of one patient per physiotherapist, therefore the number of patients attending the clinic would not be excessive. The patient number would be enforceable by way of the inclusion of a condition on any permit issued, requiring that the maximum number of patients on the site not exceed four (4) at any one time.

As part of the application, internally illuminated and non-internally illuminated business identification signage is proposed to be installed and displayed. Internally illuminated signage is not considered to be appropriate within the residential context, and to reduce amenity impacts on the dwellings located opposite, a condition would be included on any permit issued requiring that there is to be no internally illuminated signage displayed on the site (**Refer to condition 1a) and 1b)**. The proposal also seeks to remove the front fence as part of the amendment. To prevent any unreasonable internal amenity impacts within the residential component of the development the front fence should be retained, and two separate pedestrian entries should be constructed; one for the proposed physiotherapy practice, and one entry for the residential component of the development. The fencing is already approved to a maximum height of 1.7 metres above the natural ground level as part of the original permit application. The fencing should be 20% visually permeable, to allow view lines to and from the development, to encourage passive surveillance. This would be required as a condition on any permit issued (**Refer to condition 1c)**.

With the inclusion of permit conditions that control the maximum number of physiotherapists that can practice from the site at any one time, require the removal of any internally illuminated signage displayed at the site, and providing pedestrian entrances which separate the medical centre (physiotherapy) component of the development from the residential dwellings on the site the proposed use would provide a net community benefit to the local community without adversely affecting the amenity of the residential area, as policy outlines Clause 22.01-3.

9.3 **Car Parking and Traffic**

The proposal requires a reduction to the standard car parking requirements of Clause 52.06. Pursuant to Clause 52.06 a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. The rate as prescribed by Clause 52.06 for the part use of the land as a medical centre requires 5 car parking spaces to the first person providing health services plus 3 car parking spaces to every other person providing health services. A total of eight (8) car parking spaces are required pursuant to Clause 52.06-5 for the proposed use. Two (2) on site car parking spaces would be provided in the basement of the development approved under Planning Permit 555/2014/A, generating a shortfall of six (6) car parking spaces.



A reduction to the standard requirements of Clause 52.06 is considered acceptable given the proximity of the site to the Ormond Road Activity Centre, which is serviced by public transport. While it may be likely that patrons will use sustainable transport methods such as public transport, cycling and walking, there is the availability of restricted 2 hour on street parking located along the south-east side of Docker Street, and 1 hour parking located throughout Ormond Road. It would be a reasonable consideration that most patients to the physiotherapy practice would only require car parking for a maximum of 60 minutes resulting in a relatively high turnover rate.

The applicant has provided a traffic and parking survey conducted by TTM Traffic Engineers, which outlined that the existing physiotherapy practice at 122 Ormond Road also provided for two (2) off-street car parking spaces. Given that the same rate of car parking would be provided for the proposed medical centre (physiotherapy) use 3 Docker Street, the impact to on street car parking is considered to be neutral in this regard.

The traffic and parking survey found that there is parking available within the survey area to accommodate parking demand associated with the proposed medical centre (physiotherapy). More specifically, the traffic and parking survey showed that there was reasonable availability of on-street car parking within approximately 250m of the subject site. There are between 228-235 on-street spaces during lunch hours (12pm-2pm), and between these times, it is noted that while demand for these car parking spaces is high, there were still an excess of 30 car parking spaces available in the area. The 30 car parking spaces far exceeds the likely parking demand generated by the proposed medical centre use (physiotherapy). As submitted in the traffic and parking survey, it is estimated that with two practitioners, one administrative staff member and two patients in consultation on the site at any one time, the demand for car parking would require approximately five (5) car parking spaces. Given that two on-site car parking spaces would be provided to the physiotherapists, this reduces the likely demand for on-street car parking to three (3) car parking spaces.

Given the proximity of the proposed use to the Ormond Road Neighbourhood Activity Centre, there would be no unreasonable increase to traffic generation along Docker Street as a result of the proposed use. A reduction to the standard requirements of Clause 52.06 is considered acceptable given the likely low demand for on-street car parking, the high turnover of patients, the availability of restricted 1 and 2 hour parking within the vicinity of the subject site.

10. COVENANTS

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 on Title Plan 244454] [Parent Title Volume 08144 Folio 254].

11. OFFICER DIRECT OR INDIRECT INTEREST

- 11.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



12. OPTIONS

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues

13. CONCLUSION

- 13.1 It is considered that the proposed use of part of the site for the purpose of a medical centre (physiotherapy) is acceptable and will not result in unreasonable amenity impacts to the adjoining neighbourhood subject permit conditions as outlined below.
- 13.2 The location of the physiotherapy practice would be an appropriate low-impact non-residential use that would be consistent relevant considerations outlined in Clause 22.01.
- 13.3 The removal of the internally illuminated component of the signage and the retention of the front fence would ensure that the proposal would not be inconsistent with the residential character of Docker Street.
- 13.4 The proposed reduction of car parking requirements is considered acceptable given the availability of restricted one (1) and two (2) hour on-street parking in the area, and the likely low demand of car parking generated from the proposed use.



14. RECOMMENDATION - NOTICE OF DECISION

14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit

14.2 That a Notice of Decision to Grant a Permit be issued for the use of the land for the purposes of a medical centre (physiotherapy practice), the reduction of car parking spaces and the installation and display of internally illuminated business identification signage in association with a three storey building at 3 Docker Street, Elwood.

14.3 That the decision be issued as follows:

1 Amended Plans required

Before the use and/or development (*delete which one does not apply*) starts, 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 the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as) but modified to show:

- a) Delete the internally illuminated signage.
- b) Fully dimensioned coloured drawings of the proposed signage.
- c) Retention of the fence along the north-west (front) boundary that includes two (2) separate pedestrian entries; one (1) pedestrian entry provided for the medical centre (physiotherapy) use, and one (1) pedestrian access for the residential component of the development.
- d) The fence along the north-west (front) boundary to incorporate 20% permeability.

2 No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 Layout Not to be Altered

The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

4 Signs not Altered

The location of the sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.



5 Signs not illuminated by external lights

The sign must not be illuminated by external lights except with the written consent of the Responsible Authority.

6 Hours of Operation

Without the further written consent of the Responsible Authority the operation of the medical centre (physiotherapy) is permitted only between the hours of:

- Monday - Friday 8am to 7pm
- Saturday 8am - 2pm

7 Number of practitioners/staff

Without the further written consent of the Responsible Authority no more than two (2) medical practitioners and one (1) other non-medically trained or qualified staff member may operate from the premises at any one time.

8 Number of patients

Without the further written consent of the Responsible Authority no more than four (4) patients can be in attendance on the premises at any one time.

9 Time for starting and completion

This permit will expire if one of the following circumstances applies:

- a) The use is not commenced within two (2) years of the completion of the development.
- b) The use is not commenced within two (2) years of the date of the permit (where permit is for use only).

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires

10 Time for starting (signage)

This Permit will expire if the advertising sign(s) is/are not displayed within two (2) years from the date of this Permit.



The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the three (3) months after the expiry date.

Permit Notes:

- **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

- **Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **No Resident or Visitor Parking Permits**

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.