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PLANNING REPORT

Section 72 Amendment to condition 2 of the permit - PE-134-1989/B (to increase the max. number of practitioners on site to 4)

255 Pakington Street, Newtown

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Document Control

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1. Application Summary

1.1 Application Summary

Application Summary	
Subject Land	255 Pakington Street, Newtown
Proposal	Section 72 Amendment to condition 2 of the permit - PE-134-1989/B (to increase the max. number of practitioners on site to 4)
Land Description	Lot 1 on Title Plan 200239L Volume 09087 Folio 348
Land Use	Medical centre
Land Use Definition	<i>"Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only."</i>
Zone	- Neighbourhood Residential Zone - Schedule 2 to the Neighbourhood Residential Zone
Overlays	- Heritage Overlay - HO 1623 (Newtown Hill Heritage Area) - Special Building Overlay - Schedule to the SBO
Permit Triggers	Section 72 The Planning and Environment Act (1987)

1.2 The Proposal and Relevant Background

This report is prepared in support of a Section 72 Amendment to the permit condition 2 to PP-134-1989/B. The permit was issued for the *“alterations and additions to 255 Pakington Street, Newtown to be used for the purposes of Consulting Rooms by orthodontists”*.

This application seeks to amend permit condition 2 to increase the maximum number of practitioners to four (4).

The subject land is used as an outpatients clinic for Orthopaedic Surgeons.

The application also seeks to amend the following permit conditions:

- 1) *No more than more 3 4 health practitioners may be on the premises providing health services at any one time.*

1.3 Planning Controls

The subject land is affected by the following zones and overlays:

- Neighbourhood Residential Zone
 - Schedule 2 to the Neighbourhood Residential Zone
- Heritage Overlay
 - HO 1623 (Newtown Hill Heritage Area)
- Special Building Overlay

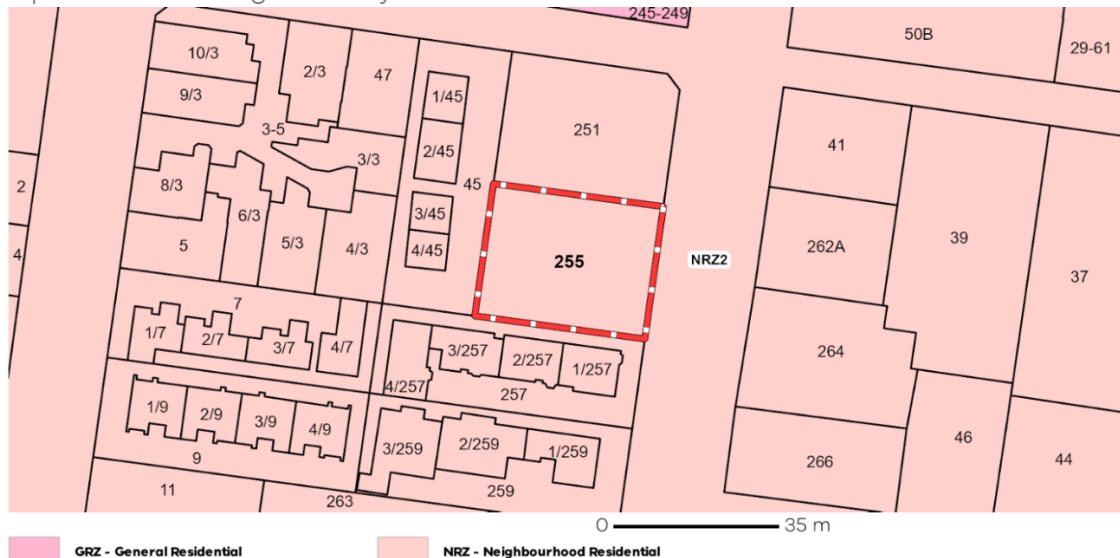


Figure 1. Subject land within surrounding zoning

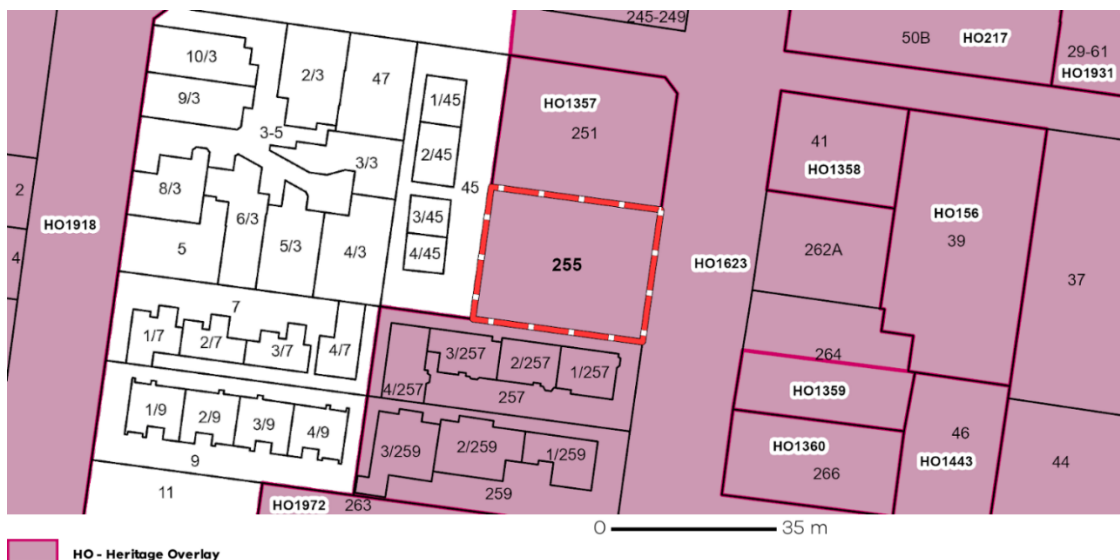


Figure 2. The land within the surrounding Heritage Overlay (Vicplan)

1.4 Aboriginal Cultural Heritage

No part of the subject land is affected by mapped areas of Aboriginal Cultural Heritage Sensitivity. Pursuant to Regulation 7 of the Aboriginal Heritage Regulations (2018), a cultural heritage management plan is required for an activity if–

a) All or part of the activity area for the activity is an area of cultural heritage sensitivity; and

b) all or part of the activity is a high impact activity.

Not meeting both items a) and b) above there is no compulsory requirement for a Cultural Heritage Management Plan.

1.5 Permit Triggers - The reason a permit application is required

Provision	Permit Trigger	Reason
Section 72 The Planning and Environment Act	Yes	Section 72 of the Planning and Environment Act states that: <i>"(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit."</i>
Clause 32.09 Neighbourhood Residential Zone	N/A	A permit is required under the provisions of the Zone for the use of the land for a medical centre. A permit has been granted. This application represents an Amendment to that permit.
Clause 52.06 Car Parking	No	Clause 52.06 applies if an existing use is increased by a measure specified in Column C to table 1 of Clause 52.06-5 for that use. The subject land is located in a category 2 area of the CPR Maps which generates a requirement for on site car parking at a rate of 3.5 spaces for every 100sqm of LFA. There is 389sqm of LFA on the subject land generating a requirement of 13 (13.615) car parking spaces. 19 car parking spaces exist on the subject land.
Clause 52.34 Bicycle Parking	No	Clause 52.34-1 states that an existing use must not be increased until the required bicycle facilities associated and signage has been provided on the land. See attached Application plans.

2. Site and Locality Analysis

2.1 Site & Locality Analysis

The subject land is a single rectilinear shaped parcel of land on the western side of Pakington Street approximately 160m south of the Pakington Street, Aberdeen Street intersection. The land is approximately 1,030m² in area and was recently for a permit for the use of land as a medical centre.

The surrounding locality has predominately been developed for residential uses, with some examples of non-residential uses within the immediate streetscape. Ariston house which includes community health and child care centre is located approximately 50m north of the subject land. Beyond that is located Australian Clinical Labs and Bendigo Bank. Geelong Lutheran College is located opposite Australian Clinical Labs further north of the subject land. Pakington Hill office complex is located just 130m south of the subject land.

Approximately 440m north of the site is located the commencement of the Geelong West commercial precinct, while approximately 780m south of the subject land on Pakington Street is located the Newtown/Chilwell commercial precinct.



Figure 3. Subject land viewed from Pakington Street

3. The Planning Provisions

The following section is a review of the relevant provisions of the Scheme as they specifically relate to the proposal. Relevant strategic planning considerations are also contained within.

3.1 Planning Policy Framework

The PPF contains the overarching objectives and principles of planning in Victoria. The PPF contains the broader objectives on which regional and local planning policy builds upon in the context of the finer grained local environment. The following clauses of the PPF are most relevant to the proposal:

Clause 11 – Settlement

Clause 11.03-6S Regional and Local Places seeks to *to facilitate integrated place-based planning*

By integrating relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

With consideration to the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Clause 13 – Amenity, Human Health and Safety

Clause 13.07-1S Land use compatibility aims “protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies toward the achievement of the above objective include:

- *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.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 17 - Economic Development

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Clause 17.01-1S Diversified Economy seeks to strengthen and diversify the economy by supporting rural economies to grow and diversify.

Clause 17.02-1S - Business aims to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategies toward the achievement of the above objectives include:

- Locate commercial facilities in existing or planned activity centres.

3.2 Municipal Planning Strategy

The Municipal Planning Strategy outlines local strategic planning directions and identifies the specific contextual matters relevant to Greater Geelong. The following clauses of the MPS are relevant to and speak directly to the proposal:

Clause 02.02 - Vision identifies the following *key land use and development aspirations that support the vision are to facilitate:*

- *A prosperous economy that supports jobs and education opportunities.*

Clause 02.03-3 Environmental Risks and amenity contextualises Clause 13.07-1S and recognises that *non-residential uses can reduce the amenity of residential areas through impacts from traffic, car parking, hours of operation, appearance and noise. In order to maintain the residential character and amenity of an area it is important that non-residential uses are well-located and managed. To protect residential areas it is important to discourage the encroachment of incompatible uses.*

The strategic direction seeks to *encourage a balance between the need for goods and services that serve local residents and workers and the potential for negative impacts on residential amenity.*

Clause 02.03-7 Economic Development

There is a need to provide support for ongoing employment and economic development in the Geelong region.

3.3 Local Planning Policy

Local Planning policy builds upon the Planning Policy Framework and contextualises future land use and planning policy direction. The following specific local planning policy is relevant or speaks to the proposal.

Building further on **Clause 13.07-1S, Clause 13.07-1L-01 Non residential Uses in Residential Zones** seeks to provide for non-residential uses that serve the needs of the local community, and to support non-residential uses that are compatible with the residential character, scale and amenity of neighbourhoods.

The use is existing from the land and ongoing, the proposal is seeking to increase the intensity of the use from the land. As such the strategies identified with respect to location have already been considered by the Responsible Authority and have been deemed to be appropriate with respect to a commercial operation. The following strategies with consideration to amenity impacts are relevant:

- *Protect the amenity of the surrounding area from:*
 - *Noise, light and odours emitted from the site.*
 - *Disturbance associated with the hours of operation.*
 - *Manage the loading and unloading of vehicles to minimise detrimental impacts on residential amenity.*

Policy guidelines look to consider the following:

- *Encouraging non-residential uses to locate on sites where they will not unreasonably affect the amenity of the surrounding residential area due to existing conditions or locational attributes.*
- *Whether noise attenuation measures should be provided.*
- *Designing or locating all external noise sources (such as air-conditioning, heating, plant equipment etc) to minimise noise emissions to adjoining properties.*

The proposal is seeking a waiver of 6 car parking spaces. The following strategies are applicable:

- *Locate car parking areas so they do not dominate the streetscape by locating them at the side or rear of the site.*
- *Support uses where the traffic generated by the use can be accommodated within the surrounding street network.*
- *Support uses that can accommodate parking on site and do not create significant increases in on-street parking demand.*

Clause 17.01-1L-01 - Diversified economy - Greater Geelong seeks to:

Support industry development in the following strategic growth sectors:

- Health

3.4 Neighbourhood Residential Zone

The subject land is fully contained within the surrounding Neighbourhood Residential Zone. The purpose of the Zone is to:

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

The purpose anticipates the need for alternative land uses which serve the community's needs in appropriate locations. The land has been used for a medical centre for a period in excess of 33 years servicing the health needs of the surrounding community, suggesting that evidently the land is an appropriate location having a net positive impact on the community.

A medical centre is a section 1 use meeting a number of conditions including having access to or adjoining a road in a transport zone which the land does not.

The decision guidelines are assessed in detail in Section 4 of this report to follow.

3.5 Particular Provisions

CLAUSE 52.06 - CAR PARKING

Clause 52.06 applies if an existing use is increased by a measure specified in Column C to table 1 of Clause 52.06-5 for that use.

The permit currently limits the operation of the centre to three practitioners at any one time. The proposal seeks to increase the maximum number of persons providing health services at any one time to four (4).

Clause 52.06 applies if an existing use is increased by a measure specified in Column C to table 1 of Clause 52.06-5 for that use. The subject land is located in a category 2 area of the CPR Maps which generates a requirement for on site car parking at a rate of 3.5 spaces for every 100sqm of LFA.

There is 389sqm of LFA on the subject land generating a requirement of 13 (13.615) car parking spaces.

19 car parking spaces exist on the subject land. There is no shortfall associated with the proposed use on the land.

CLAUSE 52.34 - BICYCLE PARKING

Clause 52.34-1 states that an existing use must not be increased until the required bicycle facilities associated and signage has been provided on the land. The provision of a bicycle hoop servicing 2 x bicycle spaces has been provided on the attached plans.

4. Planning Assessment

Having reviewed the relevant planning provisions in Section 3 above. This section of the report provides an assessment of the relevant policy and the merits of the proposal. Clause 71.02-3 states that “*planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*”

The key planning considerations are:

- Will the increase in practitioners from the land cause any adverse amenity impacts?
- Will the proposed works cause any impact on the significance of the heritage precinct?
- Clause 65 Decision Guidelines

4.1 Will the increase in practitioners from the land cause any adverse amenity impacts?

The use is existing and ongoing and has been so for some time without complaint or significant issue. The consideration for amenity impacts arises as a result only of the proposed increase in the maximum number of practitioners on site at any one time.

The proposed increase in the number of practitioners has the capacity to generate additional traffic and on site parking requirements. There is no shortfall to the statutory demand for on site car parking.

The occurrence potential for amenity impacts is considered low and the impact potential arising as a result of a potential occurrence is likewise considered low.

Vehicle movement and interaction within the car parking area is not expected to realistically increase under the proposal. The hours of operation will remain unaltered.

There are expected to be no impacts to amenity with an increase of one permitted practitioner.

4.2 Clause 65 Decision Guidelines

The proposal would see the use of an existing commercial premises for a commercial purpose.

The proposal would have a negligible affect on the environment. There is no native vegetation removal proposed. Off site amenity impacts are entirely manageable and considered appropriate given the particular context.

Factors relating to land degradation, flooding, fire hazard, stormwater and native vegetation loss are not relevant to the proposal at hand.

The proposal is clearly of net community benefit and would facilitate a new business enterprise into the local market.

5. Conclusion

The previous section of this report reviewed and assessed the relevant State and Local planning policy as it applies to the proposal, limited though they are. It is clear that the proposal is well supported by the relevant provisions of the scheme that call upon the Responsible Authority to “support” “facilitate”, “ensure”, “promote” and actively work toward the achievement of proposals such as this.

5.1 Should a permit be granted?

The proposal responds positively to the relevant provisions of the Geelong Planning Scheme and consistent with the objectives of the zone.

All relevant matters such as amenity impacts, landscape character and environmental impacts have been considered. The proposal achieves a high level of accordance with the scheme and is representative of a positive and orderly planning outcome.

The proposal provides the opportunity for increased economic impact.

It is submitted that the proposal achieves a good planning outcome and is recommended that a permit be granted.



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