

POLICY NO: 3.5.22

CONSULTING ROOMS

INTRODUCTION

The purpose of this Policy is to provide guidelines for the establishment and operation of consulting rooms within the City of Vincent, by providing development controls and objectives to enhance the function and operation of these premises.

OBJECTIVES

1. To limit the activities associated with the consulting rooms so that there is no undue impact on the surrounding area.
2. To provide guidance in the exercising of discretion in determining planning applications for consulting rooms.
3. To ensure consulting rooms of a legitimate medical nature are not subject to controls to prevent the appearance of prostitution, brothel business, or an agency business associated with prostitution, escort agency business, and the like within the City of Vincent.
4. To ensure that consulting rooms of a sexual nature, for example prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like are not issued with a planning approval under the auspices of consulting rooms as defined in the City of Vincent Town Planning Scheme.

POLICY STATEMENT

1. DEFINITIONS

The City of Vincent Town Planning Scheme No.1 provides the following definition for 'Consulting Rooms':

Consulting Rooms means any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital.

For the purpose of this Policy, the definition of "Consulting Rooms" is to be categorised into three different categories. These are:

- Medical Consulting Rooms;
- Alternative Medicine Consulting Rooms; and
- Non-Medical Consulting Rooms.

Medical Consulting Rooms – any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a chiropractor, an optometrist, a podiatrist, or the like, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital or institutional building.

Consultants practicing as a Medical Consulting Room should be registered under any one (or more) of the following:

- Medical Act 1894; or
- Dental Act 1939; or
- Podiatrists Registrations Act 1989; or
- Chiropractors and Osteopaths Act 1991; or
- Physiotherapists Registration Act 1945; or
- Optometrists Act 1930; or
- Psychologists Registration Act 1976.

Uses that do not meet the abovementioned criteria will not be classified as *medical consulting rooms*.

Alternative Medicine Consulting Rooms – any building or part thereof used in the practice of an alternative medicine profession by a qualified homeopath, an acupuncturist, a Chinese medicine herbalist, an iridologist, a professional associated with a weight loss clinic, or the like or a person ordinarily associated with an alternative medicine practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital, health club, gymnasium or treatment that involves massage or treatment of a non-alternative medicine nature.

Consultants practicing in Alternative Medicine Consulting Rooms should be registered with the Australian Natural Therapist Association (ANTA), or similar. The disciplines recognised by ANTA and accredited by the Australian Natural Therapists Accreditation Board (ANTAB) are:

- Acupuncture;
- Aromatherapy;
- Ayurvedic Medicine;
- Chinese Herbal Medicine;
- Chiropractic/Osteopathy;
- Homoeopathy;
- Naturopathy;
- Nutrition;
- Oriental Remedial Therapy;
- Remedial Massage Therapy;
- Traditional Chinese Medicine; and
- Western Herbal Medicine.

Where an Act or Regulation does not exist in relation to the type of consultancy to be carried on in the proposed Alternative Medicine Consulting Rooms, proof of current accreditation from a legitimate and reputable alternative medicine association or organisation is to be submitted at the time of application.

Uses that do not meet the abovementioned criteria will not be classified as *alternative medicine consulting rooms*.

Non-Medical Consulting Rooms – any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like but does not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.

Beauty therapists should have completed a beauty therapy course certified by the ‘Training Accreditation Council’.

Where an Act or Regulation does not exist in relation to the type of consultancy to be carried on in the proposed non-medical consulting rooms, proof of current accreditation from a relevant legitimate and reputable association or organisation is to be submitted at the time of application.

Uses that do not meet the abovementioned criteria will not be classified as *non-medical consulting rooms*.

Brothel – any place where a brothel business is carried on, whether or not any other business or activity is carried on at that place.

Brothel Business – a business involving the provision of prostitution in the course of which acts of prostitution are performed at the place from which the business is carried on. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

Escort Agency – any building or part thereof used to arrange contacts between sex workers and clients with the intention of sexual activity taking place off site and where sex workers do not live on the property.

Massage Premises – are premises that provide therapeutic massage services and do not allow sexual activity to take place, be arranged, or be a public venue for sexual encounters.

Prostitution – when payment is consideration for sexual stimulation of a person (the "client") by means of physical contact between the client and another person (the "prostitute"), and it is irrelevant whether payment is in money or another form.

2. CAR PARKING AND VEHICULAR ACCESS

All car parking and vehicular access requirements is to be in accordance with the City’s Policy relating to Parking and Access.

3. SIGNAGE

All signage requirements is to be in accordance with the City's Policy relating to Signs and Advertising.

4. HOURS OF OPERATION

4.1 The hours of operation for a Consulting Room shall be limited to the following:

- 8:00am – 9:00pm, Monday – Friday
- 8:00am – 5:00pm, Saturday
- 11:00am – 5:00pm, Sunday and Public Holidays
- CLOSED Christmas Day, Good Friday and Anzac Day.

4.2 The City may consider an increase in the above hours of operation for a Medical Consulting Room only, provided that the amenity of the surrounding areas is not unduly affect.

4.3 The hours of operation may be limited for Consulting Rooms in Residential zones.

5. PLANNING APPLICATION PROCESS

5.1 Requirement for Planning Approval

An application for Planning Approval is required to be submitted to and approved by the City, prior to the operation of any Consulting Room.

Planning Approval will also be required from the change of use/operation of one Consulting Room to another, where the specific type of Consulting Room is proposed to change.

5.2 Written Submission

When applying for Planning Approval to operate a Consulting Room the following information is required to be submitted to the City:

- Information on the type of Consulting Room including what services will be provided;
- The maximum number of consultants and associated staff that will be working at any one time;
- The expected maximum number of customers/clients at the premises at any one time;
- The proposed hours and days of operation; and
- Information on the equipment that will be used.

5.3 Submission of Certificates

The City may request the applicant to submit copies of Consultants' certificates from a relevant legitimate and reputable association or organisation prior to the issue of Planning Approval.

Where the City has not requested the submission of the certificates prior to the issue of Planning Approval, a condition will be applied requiring the submission of the certificates prior to the first occupation of the proposed consulting room.

5.4 Issue of Planning Approval

In the event a Planning Approval is issued for a proposed Consulting Room, the following restrictions will be applied:

- 5.4.1 The approval for the proposed Consulting Room will be specific to the type of Consulting Room (eg. an approval for a physiotherapist is described as a Medical Consulting Room – Physiotherapist).
- 5.4.2 An Approval for a Non-Medical Consulting Room will be restricted to a period of 12 months only. Should the applicant wish to continue the use after that period, it will be necessary to re-apply to and obtain Planning Approval from the City prior to the continuation of the use.
- 5.4.3 The subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like.

Date Initially Adopted:	21 November 2006
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