



Town of Cottesloe



Scheme Amendment No. 10

Local Planning Scheme No. 3

Lot 50 Eric Street Local Centre

Date April 2019

Production Details

Edition Details

Title	Scheme Amendment No. 10 – Eric Street Local Centre
Production date	March 2019
Prepared by	Town of Cottesloe with information supplied by Allering and Associates
Author	Jana Joubert (Coordinator Strategic Planning)
Editor	Mat Humfrey (Chief Executive Officer)
Review status	Draft for advertising
Copy number	1.0
Project name	Scheme Amendment No. 10
File number	SUB/2900

Modifications List

Version	Date	Amendments	Prepared by
Advertising	09/04/19	Modified scheme amendment number from 7 to 10 pre-advertising	JJ
Adoption			
Final Approval			
WAPC Endorsed			

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Form 2A

Planning and Development Act 2005 (as amended)

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of Cottesloe Local Planning Scheme No. 3 Scheme Amendment 10

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a. Amending Schedule 2 – Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A.U.10	Lot 50 (No.36) Eric Street, Cottesloe.	Medical Centre	(a) Use and/or development of the site for additional uses shall be subject to planning approval. (b) The sum total of 'Medical Centre' use shall be restricted to 300m ² Net Lettable Area (NLA).

- b. Modifying the scheme map by designating Additional Use No. 10 over Lot 50 Eric Street, Cottesloe, in accordance with the scheme amendment map.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the objectives of the zone to which it relates;
- The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a basic or complex amendment.

Dated this 27th day of FEBRUARY 2019

A handwritten signature in black ink, consisting of stylized cursive letters, followed by a horizontal line.

.....
(Chief Executive Officer)

1. Introduction

This scheme amendment proposes an amendment to Local Planning Scheme No. 3 (LPS3), to allow for the use of 'Medical Centre' on Lot 50 Eric Street, Cottesloe (Eric Street Local Centre) as an additional use.

The purpose of the amendment is to facilitate the diversification of the existing medical consulting facility in order to accommodate two additional medical practitioners, whilst maintaining local amenity and continuing to provide a mix of small-scale facilities that are in keeping with the objectives of the Local Centre Zone.

2. Background

The Eric Street Shopping Centre provides an important local activity focus and comprises a range of activities for the local community including:

- IGA Supermarket;
- Allied Health Services comprising physio, massage and chiropractic;
- Pharmacy 777;
- Retail shop outlets;
- Cimbalino Cafe;
- Gymnasium; and,
- Offices,

The Centre was subject to an award winning refurbishment in 2012 and forms an integral and well-presented part of the local Cottesloe area.

In early 2018, Council issued approval to use a portion of the Centre for Consulting Room purposes which is operated by M.Clinica. M.Clinica will commence its medical consulting services with the two consultants, but subject to this amendment, wishes to operate with up to four practitioners to accommodate a growing demand for specialist GP services comprising:

- GP/Specialist Dermatologist/skin/cosmetic procedures;
- GP/Specialist minor surgeon;
- GP/Specialist family planning/contraception anti-natal care; and
- GP/Specialist family practitioner/older adult.

The current zoning of the land as a 'Local Centre' allows both 'Consulting Rooms' and 'Hospital' uses, but does not presently allow for a 'Medical Centre'.

This Amendment seeks to rectify this anomaly by amending the Scheme to allow the use class of 'Medical Centre' as an additional use (Additional Use No. 10) under the Town of Cottesloe's Local Planning Scheme No. 3 (LPS3).

Furthermore, in order to safeguard the existing mix of land uses and ensure ongoing diversity of use, a condition is proposed to be added to the 'Conditions' column of Schedule 2 - Additional Uses at Additional Use No. 10 that restricts the use of 'Medical Centre' to a maximum net lettable area of 300m².

2.1 Location and Site Context

The established Eric Street centre, located on the corner of Eric and Chamberlain streets, is a comprehensive local centre, including a supermarket, several shops and a fitness centre, on two levels above car parking and service areas.

The subject site is zoned Local Centre with a density of R50.

2.2 Site area and ownership

The centre is singularly owned by Harmanis Holdings Pty Ltd and the tenancy seeking an additional use is currently operated by M.Clinica.

Table 1 – Lot details

Lot Number	Parcel	Address	Area/Size
Lot 50	52623	No. 36 Eric Street, Cottesloe	2025m ²

3. Planning Context

3.1 Strategic Planning Framework

3.1.1 Local Planning Strategy

The ToC Local Planning Strategy(the Strategy) identifies Eric Street Centre as a Local Centre, and identifies the need 'to improve the level of small-scale retail and commercial facilities that serve the community and surrounding areas, which would also contribute to providing local employment opportunities within these sectors.'

The ToC Strategy further encourages the 'fostering of the local economy and local employment in designated commercial centres and other activity nodes', as well as 'planned growth and redevelopment of commercial centres, subject to due processes and balanced with surrounding land uses and the amenity of the locality.'

The proposal is therefore consistent with the recommendations of the Strategy as its purpose is to facilitate the diversification of an existing commercial (medical) facility whilst maintaining local amenity and safeguarding the existing mix of land uses.

3.2 Statutory Planning Framework

3.2.1 Local Planning Scheme No. 3

The scheme amendment proposal is consistent with the following Local Planning Scheme Objectives for the Local Centre Zone:

- a) Provide the opportunity for small-scale shops, facilities and services for the community within the surrounding residential locality;*
- b) Encourage development which is compatible with the scale and amenity of the surrounding residential locality.*

3.2.2 ToC Town and Local Centre Design Guidelines

The Town of Cottesloe's Town and Local Centre Design Guidelines are concerned with achieving attractive buildings which have harmonious relationships with neighbouring buildings, spaces, the streetscape and locality.

The scheme amendment proposal does not involve redevelopment of the existing local centre building and the built form controls therefore does not apply.

4. Proposal

4.1 Nature of Business

M.Clinica seeks to undertake medical consulting out of the premises for up to four practitioners, focusing on key areas of medicine. Floor plans of the Eric Street Shopping Centre depicting the proposed Medical Centre in tenancy floor are included as Annexure 1. The local area would benefit from this specialist medical service as it will be aimed at addressing the identified health needs of the local residents. M.Clinica's model of healthcare is aligned with high quality patient care that is reflective of the GP specialists that will be on site. This involves patient attendance by appointment only and by private billing with no bulk billing arrangements proposed.

The nature of the typical length of appointments, and the types of services offered, will be longer in duration than typically experienced in a bulk billing general practice. This will result in lower patient number demand and consequently minimal disruption to the locality and to the Centre.

4.2 Staffing and hours of operation

M.Clinica proposes to employ GP specialists comprising of the following;

- GP/Specialist Dermatologist/skin/cosmetic procedures;
- GP/Specialist minor surgeon;
- GP/Specialist family planning/contraception anti-natal care;
- GP/Specialist family practitioner/older adult.

In addition, the clinic will include a practice Nurse, Senior Administration Officer and Receptionist.

Table 1 depicts the proposed hours of operation.

Days	Hours of Operation
Monday	8.00am – 6.00pm
Tuesday	8.00am – 6.00pm
Wednesday	8.00am – 6.00pm
Thursday	8.00am – 6.00pm
Friday	8.00am – 6.00pm
Saturday	9.00am – 1.00pm
Sunday	9.00am – 1.00pm
Public Holidays	Closed

The staff loading arrangements are arranged such that there will be no more than three GP/Specialists working within the Clinic during the initial stages subject to demand with scaling up to four practitioners at any one time as the practice progresses.

4.3 Parking

The medical Centre replaces a 'Shop' use. The technical parking requirements for the different land uses under LPS3 are listed in the table below.

Land Use	LPS3 Parking Requirement	Requirement for Tenancy 4
Shop	1 space to every 20 square metre of gross floor area	8.5 (9) spaces
Medical - Consulting Rooms	1 spaces to every 25 square metres of	7 spaces
Medical - Medical Centre	4 spaces to each practitioner	12 initially and scaling up to 16 as the practice progresses

In practice, however, parking requirements for the Eric Street shopping Centre have proved to be less than would have been indicated by the sum of the requirements for each shopping centre tenancy for the following reasons:

The shopping centre allows for multiple activities within a single trip, with patrons having the benefit of accessing other facilities as well as the GP clinic, including the pharmacy, physiotherapy and IGA. Additionally, the coffee shop will provide a complementary function within the centre and only provide for a limited number of separate trips;

There are a number of on-street parking bays which are used by patrons of Eric Street Shopping Centre.

In line with the objectives of the Local Centre zone, the Eric Street Shopping Centre provides small-scale shops, facilities and services for the community within the surrounding residential locality. For this reason, a proportion of its customers will walk to the shopping centre.

In addition a number of sources regarding traffic generation rates for medical centres, including the Trip Generating Manual, 7th Edition Institute of Transportation Engineers (2003) have found that parking generation rates are significantly lower than the rates quoted in LPS3. This indicates that the demand for parking should be lower at 4 bays per 100m² which is consistent with the LPS3 parking requirements for Consulting Rooms. Given that Tenancy 4 has an area of 168.9m², the parking required would be 7 bays, or two bays less than for the previous Shop use. It is also notable that the M Clinica GP Practice will offer specialist services which will typically warrant longer appointment times, which will also serve to reduce patient parking requirements.

The above assessment of parking needs is corroborated by evidence of parking patterns within the Eric Street Shopping centre car park. Clause 5.8.5 of LPS3 provides Council with discretion to vary parking requirements in the local Centre zone having regard to the likely patterns of usage:

5.8.5 Except in the Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel or Development zones, in assessing the number of parking spaces required for a development containing more than one use, the local government may have regard to the likely patterns of usage, in particular the likely maximum use of the development at any time, and may reduce the number of parking bays required.

At present the Eric Street Shopping Centre consistently has surplus parking bays despite the fact that the M.Clinica GP Consulting rooms are now operating with two medical practitioners. For the reasons explained above and the evidence provided by existing patterns of usage, it can be considered that the parking requirements for the proposed medical centre should be a lesser number than that required by the scheme in Table 3.

5. Planning Justification

The proposal to include a 'Medical Centre' use within the Eric Street Shopping Centre provides an opportunity for the provision of local medical services to the community within an Activity Centre environment. The co-location of activities will have positive benefits, including sharing of trips and complementarity between Allied Health providers leading to sustainable planning outcomes. It encourages the continued activation of the centre in a manner and location that minimises disruption to the local community.

The limited area of Tenancy 4 at 169 square meters serves to provide limits to the future size of the Medical Centre, which will only realistically be able to accommodate four medical practitioners at a maximum. At this size, the proposed medical centre will be consistent with the Scheme's objective to provide small scale services and facilities and to encourage developments which are compatible with the scale and amenity of the surrounding locality. In this way, the proposed Additional use is appropriate and aligns with the intended character of a Local Centre zone. Further, the proposal to incorporate the Scheme Amendment by way of an Additional Use zone ensures that the proposal for a Medical Centre applies to the Eric Street Centre only with no impact or prejudicial effect on any other 'Local Centres' under LPS3.

Also, in order to safeguard the existing mix of land uses and ensure ongoing diversity of use, a condition has been added to the 'Conditions' column of Schedule 2 - Additional Uses at Additional Use No. 10 that restricts the use of 'Medical Centre' to a maximum net lettable area of 300m².

Further, the permissibility of a medical centre within a Local Centre zone is consistent with the use permissibility in other local governments in the western suburbs. A review of ten Local

Governments found that Medical Centres (or an equivalent facility from which three or more practitioners operate) are either permitted or discretionary uses in Local Centre zones within the Town of Claremont, City of Fremantle, City of Stirling, City of Subiaco and City of Vincent. Additionally, Medical Centres (or an equivalent facility from which three or more practitioners operate) are either permitted uses or discretionary use in the zones which could be considered equivalent to the Local Centre zone for the remaining Local Governments reviewed, including City of Canning, Town of East Fremantle, Town of Mosman Park, City of Nedlands and City of South Perth. In that respect the review affirmed that a Medical Centre is both a capable and appropriate use in a Local Centre zone.

In regard to parking, as explained in Section 6, it can be considered that the present parking provision is adequate to accommodate parking demand such that no undue or adverse effects will be caused by the proposed medical centre. The specialist nature of the services offered will provide a service to the local community with minimal disruption to the neighbourhood noting the likely appointment duration and proposed nature of the clinical services offered.

The proposed Medical Centre is considered to provide a positive effect on the amenity of the area.

6. Conclusion

An additional use of a 'Medical Centre' with conditions would allow the owners of the Eric Street Local Centre to diversify their operations whilst maintaining local amenity and continuing to provide a mix of small-scale facilities that are in keeping with the objectives of the Local Centre Zone.

The existing building is able to easily accommodate an additional two medical practitioners without exceeding 300m², and any additional design requirements such as parking will be addressed at development application stage.

Amending Page

Planning and Development Act 2005 (as amended)

Amendment 10 to Town of Cottesloe Local Planning Scheme No. 3

The Town of Cottesloe under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

- c. Amending Schedule 2 – Additional Uses as follows:

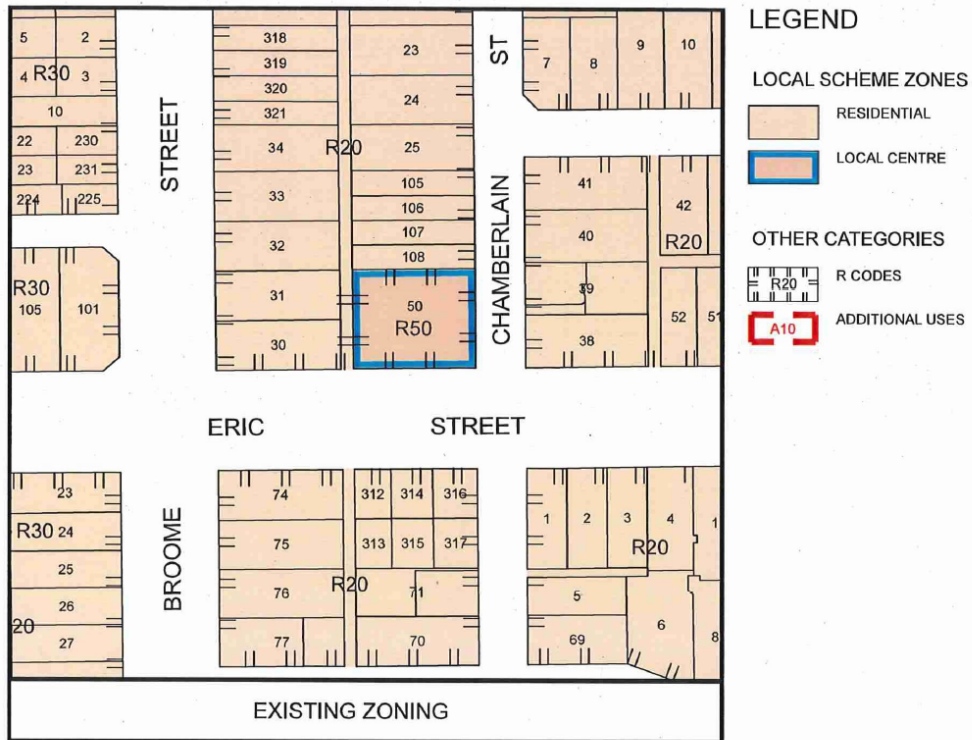
No.	Description of Land	Additional Use	Conditions
A.U.10	Lot 50 (No.36) Eric Street, Cottesloe.	Medical Centre	(a) Use and/or development of the site for additional uses shall be subject to planning approval. (b) The sum total of 'Medical Centre' use shall be restricted to 300m ² Net Lettable Area (NLA).

- d. Modifying the scheme map by designating Additional Use No. 10 over Lot 50 Eric Street, Cottesloe, in accordance with the scheme amendment map.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the objectives of the zone to which it relates;
- The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a basic or complex amendment.

Amending Map



SCALE: 1:2500
DATE: 29.06.2018

Amendment No. 10

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Adoption Page

Adopted for Advertising

Adopted for advertising of Scheme Amendment 10 to the Town of Cottesloe Local Planning Scheme No. 3, in accordance with the *Planning and Development Act 2005*, by resolution of the Council of the Town of Cottesloe at its Ordinary meeting of the Council held on the 26th day of February 2019.

Mayor

Phil Angers

Signed: _____

Chief Executive Officer

Mat Humphrey

Signed: _____

Final Approval

Adopted for final approval by resolution of the Town of Cottesloe at its Ordinary Meeting of the Council held on the _____ day of _____, 20 ; and the Common Seal of the Town of Cottesloe was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Phil Angers

Signed: _____

Chief Executive Officer

Mat Humphrey

Signed: _____

Common
Seal

Recommended/Submitted for Final Approval

Delegated under Section 16 of the
Planning and Development Act 2005

Signed: _____

Final Approval Granted

Minister for Planning

Schedule of Submissions

Scheme Amendment No. 10 to LPS3 (Eric Street Local Centre)



No.	Name and Address	Submission	Officer Response
Support with conditions			
1	Len and Rhonda Weir 4 Chamberlain Street COTTESLOE	<p>Parking problems in Chamberlain Street</p> <p>Parking in Chamberlain Street is over-crowded with cars parking to use Eric Street shopping center. They clutter the street (which is a residential area) to the extent that it is difficult, sometimes impossible to back out of our driveway.</p> <p>They park on our manicured lawns, plus run over / park their cars on our sprinkles causing them to break and require replacing / constant maintenance.</p> <p>Last week I met with David Lappan, who came out to inspect the position of the parking signs on south Chamberlain Street (south of Eric Street intersection). We have requested the parking to be shifted one car length further into Chamberlain Street for safety reasons as discussed with David (to allow vehicles turning off Eric Street room to navigate parked or oncoming cars). 5+ years ago, we had previously had this changed via consultation with Town Planning however the signs have since been re-positioned.</p> <p>We feel that parking for the Eric Street shopping center is most inadequate (and the undercover parking is poorly utilised by shoppers</p>	<p>Noted – comments below.</p> <p>The proposal does not involve the development or redevelopment of the site or any part thereof.</p> <p>The amending text as advertised proposes an additional use of Medical Centre as a discretionary use, or a 'D-Use'. This will enable the existing consulting rooms to operate with 4 practitioners, instead of the currently permissible 2 practitioners.</p> <p><i>Note: A 'D-Use' means that the use is not permitted unless the local government has exercised its discretion in granting development approval.</i></p> <p>At the conclusion of the scheme amendment process the proponent would be required to apply for a change of use, at which time the applicant would need to demonstrate that they satisfy any parking</p>

		<p>/ center customers), and has never been provided for.</p> <p>Broadly, we do not have any objection to the plans to an additional use of the Medical Centre at 50 Eric Street, apart from the existing parking (and future parking pressure) pressures on south Chamberlain Street.</p>	<p>requirements under the Scheme.</p> <p>Parking is therefore a consideration that will be addressed at development application stage.</p>
Objections			
2	<p>Daria, Sinitsyna and Robin Longley</p> <p>2 Chamberlain Street COTTESLOE</p>	<p>Parking congestion - Chamberlain Street</p> <ul style="list-style-type: none"> - Between Eric St and Clarendon St - Our street is over-congested most mornings between 8:30am – 11am - Patrons of Eric St shopping centre prefer to park along Chamb. St rather than use the Parking Bays underneath the shopping centre - This proves t be both an inconvenience, cost and safety concern - Suggest either (1) Make parking 'Residents Only' on Chamberlain St or (2) Limit parking to 15 minutes only 	<p>Noted – comments below.</p> <p><u>Refer to comments on Submission No. 1 above.</u></p>

		<p>LEGEND</p> <p>LOCAL SCHEME ZONES</p> <p>RESIDENTIAL</p> <p>LOCAL CENTRE</p> <p>OTHER CATEGORIES</p> <p>R CODES</p> <p>AGRICULTURAL</p> <p>EXISTING ZONING</p> <p>SCHEME (AMENDMENT) MAP</p> <p>SCALE 1:500</p> <p>DATE: 2008/2014</p> <p>Amendment No. 10</p> <p>Dasha Longley-Sinclair + Robin Longley Owners + Residents 2 Chamberlain R</p> <p>x Parking Congestion x Safety Concern x Damage to Property x Inconvenience x Patrons not using Carpark under shopping centre</p>	
3	RJ and LO Armstrong 8A Chamberlain St COTTESLOE	<p>1. PARKING: the shopping centre does not have enough parking at present – it cannot take any more additional cars trying to park.</p> <p>2. TRUCKS: Already the delivery trucks that service the IGA and coffee shops are large in number and size and impact directly on the surrounding neighbours doing 3 point turns in residential</p>	<p>Noted – comments below:</p> <p><u>Refer to comments on Submission No. 1 above.</u></p>

		<p>driveway – arriving at 5am some morning – radio blaring lights on, slamming doors etc. We the neighbours already put up with large numbers of trucks, the area can't take any more!!!</p> <p>3. NOISE: Currently we put up with noise of trucks and public visiting centre from 6am – 8pm. 14 hours a day 6 days per week – we cannot accept any more traffic noise. We are entitled to peace and quiet in our own homes.</p> <p>We, the surrounding neighbours of Eric Street Shopping Centre refuse to accept any further development of shopping centre that creates more parking problems, truck delivery problems and no more noise, car doors slamming, truck engines revving and banging down loads etc. We are greatly opposed to this proposal.</p> <p>The Cottesloe area is already serviced excessively with Doctors Rooms, Physiotherapy Rooms and Medical Premises at</p> <ol style="list-style-type: none"> 1. Eric Street G.P. Rooms 2. Ashton Avenue Medical centre 3. Cottesloe Medical Centre 4. Claremont GP Rooms on Bayview Terrace 5. Bulk Billing G.P. Rooms on Claremont Highway opposite Christ Church School 6. Bethesda Hospital and all associated medical services 7. They are only the ones I know about – there must be loads more!!!! <p>We do not need any more medical centres in our area – there is already an over-supply.</p> <p>No more development at the Eric street Shopping Centre Please.</p>	
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Late submissions			
1	David Coffey 1 Chamberlain Street COTTESLOE	<ol style="list-style-type: none"> 1. Our road is residential 2. We bought our house as residential 3. We would like our road to be residential owner parking only <p>NOTE – [Illegible] buildings underneath parking area underused compared to our road every day</p> <p>NOTE – Please thank senior paid Councillors for replying to an owner of property. Now 2018. Most encouraging to see where a property owner stands as opposed to a paid Council employee.</p>	<p>Noted – comments below:</p> <p><u>Refer to comments on Submission No. 1 above.</u></p>