

# **TOWN OF COTTESLOE**



## **FULL COUNCIL MEETING MINUTES**

**SPECIAL MEETING OF COUNCIL  
HELD IN THE  
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, MONDAY, 03 APRIL, 2006**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	2
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	2
3	PUBLIC QUESTION TIME.....	2
4	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
5	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	2
6	PUBLIC STATEMENT TIME.....	2
7	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
8	REPORTS OF COMMITTEES AND OFFICERS.....	3
8.1	MANAGER DEVELOPMENT SERVICES.....	3
	8.1.1 LODGEMENT WITH WAPC OF DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING POLICIES IN SUPPORT OF DRAFT TPS3	3
9	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....	5
10	MEETING CLOSURE.....	7

**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Mayor announced the meeting opened at 7.00 pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**Elected Members**

Mayor Kevin Morgan  
Cr Patricia Carmichael  
Cr Jo Dawkins  
Cr Arthur Furlong  
Cr Peter Jeanes  
Cr Bryan Miller  
Cr Victor Strzina  
Cr John Utting  
Cr Jack Walsh  
Cr Ian Woodhill

**Officers**

Mr Stephen Tindale	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mrs Jodie Peers	Executive Assistant

**Apologies**

Cr Daniel Cunningham

**3 PUBLIC QUESTION TIME**

Nil

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**6 PUBLIC STATEMENT TIME**

Nil

**7 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## 8 REPORTS OF COMMITTEES AND OFFICERS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 LODGEMENT WITH WAPC OF DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING POLICIES IN SUPPORT OF DRAFT TPS3

**File No:** D2.5  
**Author:** Mr Andrew Jackson  
**Author Disclosure of Interest:** Nil  
**Report Date:** 29 March 2006  
**Senior Officer:** Mr Stephen Tindale

---

#### SUMMARY

- In July 2005 the Minister for Planning and Infrastructure gave notice to the Council to complete draft Town Planning Scheme No. 3 (TPS3) and lodge it with the Western Australian Planning Commission (WAPC) by December 2005. An extension to the end of February 2006 was subsequently granted.
- On that date Council having completed and adopted draft TPS3 submitted it to the WAPC for consideration for consent to advertise.
- The *Town Planning Regulations 1967* require that a scheme be supported by a Local Planning Strategy (LPS) which describes the local government's strategic local planning direction as well as related regional planning requirements.
- A further 30 days was allowed for Council to complete and lodge its draft LPS,
- A draft LPS has now been prepared and Council is required to resolve to forward this to the WAPC for certification.
- Following certification Council is to advertise the LPS and it is only after the advertising process has been finalised that Council is to adopt the Strategy.
- Council has also prepared particular draft Local Planning Policies (LPP) in connection with draft TPS3 and the draft LPS.
- A draft Beachfront Policy and draft Parking Policy have been prepared and Council intends that these be forwarded to the Commission for information.

#### CONSULTATION

N/A.

#### STATUTORY ENVIRONMENT

##### Draft LPS

- Regulation 12A of the *Town Planning Regulations 1967* requires that if a zoning scheme is prepared a local government is also to **prepare** a LPS that:
  - (a) sets out the long term planning directions for the local government;

- (b) applies State and regional planning policies; and
- (c) provides the rationale for the zones and other provisions of the scheme.
- The local government is then to **forward** the LPS to the WAPC.
- Under Regulation 12B the WAPC is required to **certify** that the LPS satisfies the above requirements.
- The local government is then to **advertise** the LPS.
- It is only after the advertising and review of the LPS in light of submissions that the local government is to **adopt** the LPS (with such modification as appropriate) and then **submit** it to the WAPC for **endorsement**.

### Draft LPP

- LPPs are intended to be adopted under TPS3 (once operative) to augment the scheme provisions.
- While LPPs do not bind a local government, they assist in making determinations, particularly in the exercise of discretion, and provide direction and guidance to all concerned regarding the application of the scheme provisions.
- LPPs are a local-level planning matter and the WAPC does not have a role in preparing, certifying or approving of them (unless they affect regional interests).
- Council nonetheless considers that the subject two draft policies regarding the beachfront and parking go hand-in-hand with draft TPS3 and the draft LPS.
- It would therefore be useful for the WAPC to receive the draft policies for information and any feedback in relation to its consideration of draft TPS3 and the draft LPS.
- The LPPs are to be officially created under the provisions of draft TPS3 once it is in place.
- This will require that they are advertised and reviewed in light of submissions before being adopted.

### CONCLUSION

- Council needs to resolve to forward the draft LPS and draft LPPs to the WAPC, however, Council is not required to adopt either at this stage of the statutory processes involved.
- The LPS is to be forwarded in accordance with the *Town Planning Regulations* for certification that the Regulations have been met.
- The LPPs are to be forwarded for information in support of draft TPS3 and the draft LPS.

### POLICY IMPLICATIONS

N/A

**STRATEGIC IMPLICATIONS**

*Strategic Plan Action Plans 2005/6* in furtherance of:

- Goal 3: Environmental Management
- Strategy 3.1: Progress Town Planning Scheme No. 3
- Action 26: Compile official documentation – Local Planning Strategy, Scheme Text and Map
- Action 27: Lodge with WAPC.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council forward to the Western Australian Planning Commission:**

- (1) The Town of Cottesloe draft Local Planning Strategy dated March 2006 prepared pursuant to Regulation 12A of the *Town Planning Regulations 1967* to support draft Town Planning Scheme No. 3; and**
- (2) For the Commission's information, draft Beachfront and Parking Local Planning Policies, with advice that the policies:**
  - a. have been prepared in working draft form only;**
  - b. are provided for information only at this stage in support of draft Town Planning Scheme No. 3; and**
  - c. have yet to be officially created under Town Planning Scheme No. 3.**

**8.1.1 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Walsh

**That Council forward to the Western Australian Planning Commission the Town of Cottesloe draft Local Planning Strategy dated March 2006 prepared pursuant to Regulation 12A of the *Town Planning Regulations 1967* to support draft Town Planning Scheme No. 3**

Carried by Absolute Majority 9/1

*The vote was recorded:*

<i>For:</i>	<i>Against:</i>
<i>Mayor Morgan</i>	<i>Cr Jeanes</i>
<i>Cr Carmichael</i>	
<i>Cr Utting</i>	
<i>Cr Dawkins</i>	
<i>Cr Furlong</i>	

*Cr Miller*  
*Cr Strzina*  
*Cr Walsh*  
*Cr Woodhill*

### **DECLARATIONS OF INTEREST**

**Cr Furlong** made declarations of interest in relation to:

- (1) the ownership of property within the proposed Foreshore Centre Zone which may be affected by the proposed Beachfront Planning and Parking policies; and
- (2) a proximity interest to Special Development Zone A (OBH site) which may be affected by the Beachfront Planning and Parking Policy.

*Cr Furlong left the meeting at 7.21pm and did not participate in the debate or vote thereon.*

**Cr Carmichael** made a declaration of interest in relation to the ownership of property within the proposed Foreshore Centre Zone which may be affected by the proposed Beachfront Planning and Parking policies.

*Cr Carmichael left the meeting at 7.23pm and did not participate in the debate or vote thereon.*

### **8.1.2 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Walsh

**That Council forward to the Western Australian Planning Commission for the Commission's information the draft Beachfront Planning Policy, with advice that the policy:**

- a. **has been prepared in working draft form only;**
- b. **is provided for information only at this stage in support of draft Town Planning Scheme No. 3; and**
- c. **has yet to be officially created under Town Planning Scheme No. 3.**

Carried by Absolute Majority 6/2

*The vote was recorded:*

<i>For:</i>	<i>Against:</i>
<i>Mayor Morgan</i>	<i>Cr Jeanes</i>
<i>Cr Utting</i>	<i>Cr Dawkins</i>
<i>Cr Miller</i>	
<i>Cr Strzina</i>	
<i>Cr Walsh</i>	
<i>Cr Woodhill</i>	

### **DECLARATIONS OF INTEREST**

**Mayor Morgan** made declarations of interest in relation to:

- (1) a proximity interest to the multiple dwelling at No 86 Marine Parade which may be affected by the proposed Parking Policy; and
-

- (2) his property at 1 Pearse Street being part of a grouped dwelling which may be affected by the proposed Parking Policy.

*Mayor Morgan left the meeting at 7.34pm and did not participate in the debate or vote thereon.*

**Cr Strzina** made declarations of interest in relation to:

- (1) a proximity interest to a grouped dwelling on the corner of Marine Parade and Deane Street which may be affected by the proposed Parking Policy; and
- (2) his property at 3B Deane Street being part of a grouped dwelling which may be affected by the proposed Parking Policy.

*Cr Strzina left the meeting at 7.34pm and did not participate in the debate or vote thereon.*

In the absence of Mayor Morgan, Deputy Mayor Cr Miller chaired the meeting.

**8.1.3 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Walsh

**That Council forward to the Western Australian Planning Commission for the Commission’s information the draft Parking Policy, with advice that the policy:**

- a. **has been prepared in working draft form only;**
- b. **is provided for information only at this stage in support of draft Town Planning Scheme No. 3; and**
- c. **has yet to be officially created under Town Planning Scheme No. 3.**

Carried by Absolute Majority 6/0

*Mayor Morgan, Cr Carmichael, Cr Furlong and Cr Strzina returned to the meeting at 7.35pm.*

**9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

Nil

**10 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7.36pm

CONFIRMED: MAYOR ..... DATE: ...../...../.....