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**Agenda**

**Council Committee Meeting**

**8 June 2021**

Dear Council Member

The next meeting of the Council Committee will be held on Tuesday 08 June 2021 in the Council Chamber at the City of Nedlands located at 71 Stirling Highway, Nedlands commencing at 7.00pm.

Please be aware COVID-19 2m² restrictions with 1.5m social distancing rules apply. Once the venue is at capacity no further admission into the room will be permitted. Prior to entry, attendees will be required to register using the SafeWA App or by completing the manual contact register prior to entry - as stipulated by Department of Health mandatory requirements.

The public can continue to participate by submitting questions and addresses via the required online submission forms at:

<http://www.nedlands.wa.gov.au/intention-address-council-or-council-committee-form>

<http://www.nedlands.wa.gov.au/public-question-time>



Ed Herne

Acting Chief Executive Officer

3 June 2021

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**City of Nedlands**

**Notice of a meeting of the Council Committee to be held in the Council Chambers, 71 Stirling Highway, Nedlands on Tuesday 8 June 2021 at 7 pm.**

###### Council Committee Agenda

# Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm and will draw attention to the disclaimer below.

# Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** None as at distribution of this agenda.

**Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council’s position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

# Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

# Addresses By Members of the Public (only for items listed on the agenda)

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

# Disclosures of Financial and/or Proximity Interest

The Presiding Member to remind Council Members and Employees of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other Council Members may allow participation of the declarant if the Council Member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other Council Members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

# Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Employees of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Council Members and Employees are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x ….. I disclose that I have an association with the applicant (or person seeking a decision). This association is ….. (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The Council Member or employee is encouraged to disclose the nature of the association.

# Declarations by Council Members That They Have Not Given Due Consideration to Papers

Council Members who have not read the business papers to make declarations at this point.

# Confirmation of Minutes

## Committee Meeting 11 May 2021

The Minutes of the Council Committee held 11 May 2021 are to be confirmed.

# Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

# Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

## Planning & Development Report No PD22.21

Planning & Development Report No PD22.21 to be dealt with at this point (copy attached yellow cover sheet).

PD22.21 Consideration of Development Application for 5 Grouped Dwellings at 15 Thomas Street, Nedlands

## Technical Services Report No TS11.21

Technical Services Report No TS11.21 to be dealt with at this point (copy attached blue cover sheet).

TS11.21 Requested Review of Street Tree Policy

## Community Services & Development Report No CSD07.21

Community Services & Development Report No CSD07.21 to be dealt with at this point (copy attached orange cover sheet).

CSD07.21 Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project

## Corporate & Strategy Report No’s CPS12.21 to CPS13.21

Corporate & Strategy Report No’s CPS12.21 to CPS13.21 to be dealt with at this point (copy attached green cover sheet).

CPS12.21 Nedlands Tennis Club – Liquor Licence Variation

CPS13.21 RFT 2020-21.03 Provision of City Finance System

# Reports by the Chief Executive Officer

## Annual Review of the City of Nedlands Register of Delegations

|  |  |
| --- | --- |
| **Committee** | 8 June 2021 |
| **Council** | 22 June 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Ed Herne, Acting Chief Executive Officer |
| **Attachments** | 1. Register of Delegations – with track changes 2. Register of Delegated Authority – final version for adoption |

**Recommendation to Committee**

**Council approves the delegations made to the Chief Executive Officer and Committees, as contained in the Register of Delegations, Attachment 2.**

**ABSOLUTE MAJORITY REQUIRED**

**Voting Requirement**

Absolute Majority.

**Executive Summary**

The City is required to review its Register of Delegations annually in accordance with section 5.46(2) of the Local Government Act 1995. This review has now been completed and is presented to Council for approval.

**Discussion/Overview**

**Background**

At least once every financial year, delegations from the Local Government Act 1995 and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

The last review was undertaken at the Ordinary Council Meeting on 25 February 2020. The Annual review has now been completed by the Acting Chief Executive Officer and is presented with the recommended changes where explained,

**Attachment 1** is the current Register of Delegations with track changes showing only one minor change one page 26 of the register the change being the removal of **Section 9.10 (1) and (2) – The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised.** This item is no longer required due to an update to the Local Government Act 1995 with a new 9.10 giving authority to the CEO to appoint persons or classes of person to be authorised without needing delegation from Council.

**Attachment 2** is the final updated Register of Delegations with the changes incorporated.

**Key Relevant Previous Council Decisions:**

Ordinary Council Meeting – 23 February 2021 – Amendment

Ordinary Council Meeting – 23 June 2020 – Annual Review & Amendment

Ordinary Council Meeting – 26 May 2020 – Amendment

Ordinary Council Meeting – 25 February 2020 - Amendment

Ordinary Council Meeting – 17 December 2019 – Annual Review

**Consultation**

The Acting Chief Executive Officer reviewed the Register of Delegations in consultation with the Executive Officer, Directors, Executive Manager Community and Managers to ensure the register complied with the requirements under the Local Government Act 1995 and the City’s day to day operations.

**Budget/Financial Implications**

Nil.

**Conclusion**

The Acting Chief Executive Officer has reviewed the Register of Delegations as required by the Local Government Act 1995 and is recommending the amendment as shown with track changes in the attached Register of Delegations be approved by Council.

## City of Nedlands Vexatious Complainants Policy

|  |  |
| --- | --- |
| **Committee** | 8 June 2021 |
| **Council** | 22 June 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Ed Herne, Executive Officer |
| **Attachments** | 1. City of Nedlands Vexatious Complainants Policy |
| **Confidential Attachments** | Nil. |

**Executive Summary**

This Policy establishes an approach for the CEO to deal with vexatious or unreasonable persistence complaints and customers.

The Policy sets out how the Council Members and City administration will deal with customers who:

* Cannot be satisfied,
* Make unreasonable demands,
* Constantly raise the same issue with different employees; and/or
* Are rude, abusive, inappropriate or aggressive/intimidating.

The Policy will apply to all complaints received from customers in relation to:

* A City policy, product, service, event, or facility.
* The service provided by a City Council Member, employee, or a contractor.
* A third party who is under the jurisdiction of the City – includes contractors, consultants, volunteers and work experience or placement employees.

It is intended to also apply to complaints made under Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates for election, where a complainant is unwilling to accept a decision in relation to a complaint, and persists in making the same, or similar complaints.

The Policy proposes several “difficult people” categories including:

* A person who cannot be satisfied
* A person who makes unreasonable demands
* A Person who constantly raises the same issue with different employees
* A Person who is Rude, Inappropriate, Intimidating, Angry, Threatening or Harassing.

The Policy proposes that the CEO make the determination, and although no right of appeal to Council is contemplated by the draft Policy, it is open for Council to direct that such a provision be made in the policy.

**Recommendation to Committee**

**That Council, by simple majority, adopt the City of Nedlands Vexatious Complainants Policy, as attached.**

**Discussion/Overview**

**Background**

Some local governments have experienced significant issues with people who will not accept a decision from the local government and persist with the complaint or request, often in the same, or similar terms, and sometimes to different Council Members or employees.

In the absence of a policy framework describing types of complaints and the thresholds and options available for dealing with vexatious complainants, it is difficult for the City to deal with such.

The draft policy draws on Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Consideration was given to approaches taken by other local governments in guiding drafting of proposed Policy and also to Guidelines on Complaint Handling (Ombudsman Western Australia January 2017).

At a Code of Conduct Council Member Workshop on 30 March 2021 the need for this policy was discussed. A draft policy was circulated to Council Members via email on Friday 23 April 2021 requesting feedback by Wednesday 7 May 2021. No feedback was received, and the draft policy is now presented for consideration and recommended for adoption.

**Strategic Implications**

**How well does it fit with our strategic direction?**

N/A.

**Who benefits?**

Council Members and administration by a significant reduction in vexatious complaints.

**Do we have the information we need?**

Yes, this aligns with local government best practice.

**Does this affect any CEO Key Result Areas?**

Nil.

**Budget/Financial Implications**

No specific financial implications arise from the adoption of this Policy.

**Conclusion**

It is timely for the City to consider and adopt a Policy which allows Administration to address and deal with vexatious complainants, in a considered and consistent manner and is therefore, recommended for adoption.

## CEO Recruitment & Selection Committee Independent Member Appointment

|  |  |
| --- | --- |
| **Committee** | 8 June 2021 |
| **Council** | 22 June 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Manager** | Shelley Mettam, Manager Human Resources |
| **CEO** | Ed Herne, Acting Chief Executive Officer |
| **Attachments** | 1. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination |
| **Confidential Attachment** | 1. Independent Member Application 1 2. Independent Member Application 2 3. Independent Member Application 3 4. Independent Member Application 4 5. Independent Member Application 5 |

**Executive Summary**

**Long Term CEO Recruitment – Independent Committee Member**

The Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination of a CEO require the inclusion of a suitable person to be an Independent Member of the CEO Recruitment & Selection Committee when recruiting a substantive CEO (Attachment 1).

An advertising process inviting applications from ratepayers, residents or electors to perform the role of Independent Member of the CEO Recruitment and Selection Committee to recruit the Long-Term CEO, closed to applications on 7 May 2021.

Five applications were received and were presented to the CEO Recruitment & Selection Committee for review and consideration. Following the CEO Recruitment & Selection Committee’s review of the applications the Committee has recommended Mr Andrew Edwards be appointed as the Independent Member of the CEO Recruitment & Selection Committee to assist the Committee in the recruitment of a Long-Term CEO.

**Recommendation to Committee**

**Committee endorses the following recommendation:**

**That Mr Andrew Edwards be appointed to the CEO Recruitment & Selection Committee as the independent member until a Long-term Chief Executive Officer has been appointed.**

**Background**

**CEO Recruitment & Selection Committee Independent Member**

In accordance with Local Government CEO Recruitment and Selection Guidelines, there is a requirement for an Independent Member to be on the CEO Recruitment and Selection Committee for recruitment of the substantive CEO.

The guidelines state that the independent person cannot be a current elected member, human resources consultant or staff member of the local government. Examples of who the independent person could be include as follows:

* Former elected members or former staff members;
* Former elected members or former staff members of another local government;
* A prominent or highly regarded member of the community; or
* A person with experience in the recruitment of CEOs and senior executives.

An advertisement inviting suitable applications was placed in the Post Newspaper, on the City’s website, administration notice board, library notice boards and on YourVoice. The application period closed on 7 May 2021.

Five people applied for the role of Independent Member and their confidential applications are attached (Confidential Attachments 1-5).

**Key Relevant Previous Council Decisions:**

Extract Special Council Meeting Minutes - 8 April 2021

“2. instructs the Acting CEO to advertise via the Post Newspaper and Your Voice inviting a ratepayer, resident or elector to apply for the position of Independent Committee Member on the CEO Recruitment & Selection Committee. Participation in the CEO Recruitment & Selection Committee is an honorary role to assist the City in selecting the Long-Term CEO role at the City of Nedlands; and”

**Consultation**

N/A

**Strategic Implications**

Ensures appropriate governance and compliance with Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

**Budget/Financial Implications**

Nil.

**Conclusion**

The Committee was provided with information regarding applicants for the role of Independent Member of the CEO Recruitment & Selection Committee to assist in the recruitment of a Long-Term CEO.

The CEO Recruitment & Selection Committee are responsible for assessing these applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent member is to bring an impartial perspective to the process and reduce any perception of bias.

Therefore, the Committee following assessment of the five applications received recommend that Mr Andrew Edwards as the preferred candidate to be appointed as the Independent Member of the CEO Recruitment & Selection Committee until a Long-Term Chief Executive Officer has been appointed.

## Responsible Authority Report for 10 Multiple Dwellings – 24 Clark Street, Nedlands

|  |  |
| --- | --- |
| **Committee** | 8 June 2021 |
| **Applicant** | Tuscom Subdivision Consultants Pty Ltd |
| **Landowner** | Sincerity Holding Pty Ltd |
| **Director** | Tony Free, Interim Director Planning and Development Services |
| **Employee Disclosure under section 5.70 *Local Government Act 1995*** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia*.* |
| **Report Type**  Information Purposes | Items provided to Council for information purposes. |
| **Reference** | DA20-56042 (DA/20/01889) |
| **Previous Item** | Nil |
| **Delegation** | Nil |
| **Attachments** | 1. Responsible Authority Report and Attachments |
| **Confidential Attachments** | Nil |

1. **Executive Summary**

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration has prepared a Responsible Authority Report in relation to the revised plans received on 28 May 2021 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lot 421 (No. 24) Clark Street, Nedlands.

The purpose of this report is to inform Council of the recommendation to the JDAP and for Council to make its recommendation as the Responsible Authority.

**Recommendation to Committee**

**That Council:**

1. **adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands included at Attachment 1;**
2. **instructs the CEO to incorporate Council’s Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands; and**
3. **appoints Councillor (insert name) and Councillor (insert name) to coordinate Council’s submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 24 Clark Street, Nedlands.**

**Voting Requirement**

Simple Majority

1. **Background**

**2.1 Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R60 |
| **Land area** | 911m2 |
| **Land Use** | Proposed – Residential (Multiple Dwelling) |
| **Use Class** | ‘P’ - Permitted use |

**2.2 Locality Plan**

Lot 421 (No. 24) Clark Street, Nedlands (the site) is located within the street block bounded by Clark Street to the north, Broadway to the east, Edward Street to the south and Bruce Street to the west.

The site experiences a slope in natural ground level of approximately 0.7m from the front boundary (north) to the rear boundary (south). The land abutting the site is zoned R60, however lots further to the east of the site are zoned R160 and R-AC3 abutting Broadway.

The site previously contained a residential dwelling, which has since been demolished and the site cleared. An aerial map of the site is provided below.

A picture containing store, shop, warehouse

Description automatically generated

**Aerial Map**

**2.3 Background**

On 26 October 2020, the City received a Development Application for a Multiple Dwelling Development comprising of 10 apartments at the site. This application is to be determined by the Metro Inner-North Joint Development Assessment Panel (JDAP).

1. **Application Details**

The applicant seeks development approval for a four (4) storey Multiple Dwelling comprising of 10 apartments. The development is proposed as follows:

* A ground floor level comprising two (2) x studio apartments, bin store, storerooms, resident lobby and six (6) bicycle rails;
* Levels 1 and 2 comprising of four (4) x 2-bedroom apartments;
* Roof level (Level 3) comprising of a communal outdoor living area for residents only (no public access). An enclosed plant room and air-conditioning units are also located on this level; and
* A total of 10 resident car parking spaces will be provided at ground level to the rear of the development. Three (3) visitor car parking spaces are also to be provided.

1. **Consultation**

In accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, the development proposal is considered a Complex Application. The application was advertised for over four weeks, commencing on 22 January 2021 and concluding on 18 Feburary 2021. Additional consultation time was granted to accommodate the rescheduled community information session that was cancelled due to the WA Government mandatory lockdown between 31 January – 5 February 2021.

Administration received a total of 29 submissions during the public consultation period, of which:

* 2 submissions were in support of the application;
* 1 submission was neither supportive nor objecting; and
* 26 submissions objected to the proposal.

Due to the number of concerns raised during public consultation, a separate summary of the submissions is contained in **Attachment 1**.

1. **Assessment of Statutory Provisions**

**5.1 Design Review**

For this application, an architectural and landscape architectural design review was undertaken. A copy of the architectural and landscape architectural design review against State Planning Policy 7.0 - Design of The Built Environment (SPP 7.0) is contained in **Attachment 1**. A meeting was also held to allow the applicants an opportunity to present to the City’s consultants and address any queries.

A summary of the proposal against SPP 7.0 is provided below, noting that since the original application was submitted, further information and amended development plans were provided by the applicant in response to the initial comments of the City’s consultants. The table below demonstrates aspects of the development proposal that the City’s consultants are supportive of.

|  |  |
| --- | --- |
| **Legend** | |
| **3** | Supported |
| **2** | Supported with conditions |
| **1** | Further information required |
| **0** | Not supported |

|  |  |  |
| --- | --- | --- |
| **SPP 7.0 Principles** | **Architectural design review** | **Landscape Architectural design review** |
| Principle 1: Context and Character | **3** | **N/A** |
| Principle 2: Landscape Quality | **3** | **3** |
| 1. 3.2 Orientation | **1** |
| 1. 3.3 Tree Canopy and Deep Soil Areas | **3** |
| 1. 3.4 Communal Open Space | **3** |
| 1. 3.6 Public Domain Interface | **1** |
| 1. 4.12 Landscape Design | **3** |
| 1. 4.16 Water Management Conservation | **3** |
| Principle 3: Built Form and Scale | **3** | **N/A** |
| Principle 4: Functionality and Built Quality | **1** | **N/A** |
| Principle 5: Sustainability | **2** | **N/A** |
| Principle 6: Amenity | **3** | **N/A** |
| Principle 7: Legibility | **3** | **N/A** |
| Principle 8: Safety | **3** | **N/A** |
| Principle 9: Community | **3** | **N/A** |
| Principle 10: Aesthetics | **3** | **N/A** |

The proposal is considered consistent with the 10 design principles of SPP 7.0.

It should be noted considerable modifications to the development proposal has already been undertaken by the applicant based on the advice of theindividual architectural and landscape architect engaged by the City, prior to the City’s formal DRP which was only established in May 2021**.**

**5.2 Residential Design Codes Volume 2 (R-Codes)**

A summary of the design elements that were identified as not meeting the Acceptable Outcomes of the R-Codes is outlined in the table below.

An assessment of the proposal against the R-Codes is detailed in full in **Attachment 1**.

|  |  |  |  |
| --- | --- | --- | --- |
| **R-Codes Element** | **Proposed** | **Acceptable Outcomes** | **Element Objectives** |
| Element 2.2- Building Height | 4 storeys and 14.6m overall building height from Natural Ground Level (NGL) | 3 storeys and 12.0m overall building height from Natural Ground Level (NGL) | Element Objectives 02.2.1, 02.2.2, 02.2.3 and 02.2.4 is achieved. |
| Element 2.5- Plot Ratio | 0.95 or 864m2 (19% increase) | 0.8 or 729m2 | Element Objectives 02.5.1 is achieved. |
| Element 3.5- Visual Privacy | Apartments 1 and 2 bedroom habitable room window is solely provided with a highlight window. | Habitable room windows without excessive reliance on high sill levels or permanent screening of windows. | Element Objectives 03.5.1 is achieved. |
| Element 4.5- Circulation and Common Spaces | The width of circulation corridors proposed is between 1.35m - 1.44m. | Circulation corridors are a minimum 1.5m in width | Element Objectives 04.5.1 and 04.5.2 is achieved. |

1. **Recommendation to JDAP**

Administration recommends that Council adopts the Officer Recommendation contained in the Responsible Authority Report to recommend approval of the development, as included in **Attachment 1**.

In the event that Council resolves to recommend to the JDAP that the application should be refused, the following is provided to assist:

It is recommended that the Metro Inner-North JDAP resolves to:

1. **Refuse** DAP Application reference DAP/20/01889 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No. 3, subject to the following reasons:
2. The development is inconsistent with the streetscape character of Clark Street as a result of the proposed height, bulk and scale does not accord to the following:
3. Clause 67(2)(a)(b)(m) and (n) of the Planning and Development (Local Planning Scheme) Regulations 2015.
4. Aims of the Scheme under Clause 9(a) of the City of Nedlands Local planning Scheme No. 3.
5. Residential zone objectives under Clause 16 of the City of Nedlands Local planning Scheme No. 3.
6. Having regard to State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, the height, bulk and scale of the proposed development is inappropriate to the context and local character and will result in unreasonable adverse internal and external amenity impacts given that it does not achieve an appropriate building envelope or massing as the development does not adequately satisfy:
7. Element 2.2 (Building Height) Element Objectives O2.2.1, O2.2.2 and O2.2.4 as it creates a bulk and scale that adversely affects the amenity of the surrounding single houses.
8. Element 2.5 (Plot Ratio) Element Objective O2.5.1 as it far exceeds the bulk and scale of a building coded R60 and its massing will unreasonably impact to surrounding single houses.
9. Element 3.5 (Visual Privacy) Element Objective O3.5.1 as Apartment 1 and 2 bedroom habitable room window is solely provided with a highlight window.
10. Element 4.5 (Circulation and Common Spaces) Element Objectives 04.5.1 and 04.5.2 as circulation corridors in the development does not meet a minimum of 1.5m in width
11. **Conclusion**

Council is requested to consider the proposed development as the Responsible Authority. It is requested that Council makes a recommendation to the JDAP to either approve or refuse the application.

The application has been assessed in accordance with the planning framework and in instances where the proposal does not satisfy a provision or statute, a condition has been recommended to address the requirement.

Administration acknowledges the proposal represents a change to the existing character of the locality. That notwithstanding, there are multiple sites within the street that are likely to take advantage of the R60 density codes over time. Clark Street provides an important transition between the newly coded Mixed Use R-AC3 (along Broadway) with default height of six (6) storey to then a five (5) storey default height for R160 and to a default height of three (3) storey in areas codes R60.

The potential changes in the form of subdivision, grouped dwellings and multiple dwellings can be managed through appropriate siting and design. Administration is of the view that the subject application has appropriately considered façade, street setback, form, and streetscape presentation in order to achieve the relevant element objectives of the R-Codes or can be made capable by the application of conditions.

It is recommended Council adopt the Officer Recommendation contained in the Responsible Authority Report to approve the development.

# Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

# Confidential Items

Any confidential items to be considered at this point.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.