



City of Nedlands

# ***Minutes***

## ***Special Council Meeting***

***4 March 2021***

### **Attention**

**These Minutes are subject to confirmation.**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

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## City of Nedlands

**Minutes of a special meeting of Council held in Council Chamber, 71 Stirling Highway, Nedlands on Tuesday 4 March 2021 at 8.00 pm for the purpose of considering the following items:**

1. Joint Development Assessment Panel Application for Mixed Use Development - comprising 22 multiple dwellings and office – No. 105 (Lot 544) Broadway, Nedlands
  2. Any Available Responsible Authority Reports
- 

### **Declaration of Opening**

The Presiding Member declared the meeting open at 8.00 pm and drew attention to the disclaimer below.

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

<b>Councillors</b>	Deputy Mayor L J McManus	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka (from 8.05 pm)	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor B Tyson	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

<b>Staff</b>	Mr J Duff	Acting Chief Executive Officer
	Mr A Melville	Acting Director Technical Services
	Mr T G Free	Director Planning & Development
	Mr E K Herne	Director Corporate & Strategy
	Mrs N M Ceric	Executive Officer

**Public** There were 4 members of the public present and 1 online.

**Press** Nil.

**Leave of Absence (Previously Approved)** Nil.

**Apologies** Councillor J D Wetherall Hollywood Ward

## **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.

### **1. 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.

Nil.

### **2. Addresses by Members of the Public**

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Ms Rosemary Rosario, 36 Kingsway, Nedlands  
(spoke in support of the recommendation) Item 6

Councillor Poliwka joined the meeting at 8.05 pm.

Mr Warrick Turton, 3 Elizabeth Street, Nedlands  
(spoke in support of the recommendation) Item 6

Miss Abbey Goodall, 251 St Georges Terrace, Perth  
(spoke in opposition to the recommendation) Item 6

### **3. Disclosures of Financial Interest**

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

### **4. Disclosures of Interests Affecting Impartiality**

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

#### **1.1 Councillor Smyth – Item 6 - Responsible Authority Report - Lot 544 (No. 105) Broadway, Nedlands – Mixed Use Development comprising 22 Multiple Dwellings and Office**

Councillor Smyth disclosed an impartiality interest in Item 6 - Responsible Authority Report - Lot 544 (No. 105) Broadway, Nedlands – Mixed Use Development comprising 22 Multiple Dwellings and Office. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th March 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate I intend to listen to Public Questions and Addresses as I believe this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

**1.2 Councillor Coghlan – Item 6 - Responsible Authority Report - Lot 544 (No. 105) Broadway, Nedlands – Mixed Use Development comprising 22 Multiple Dwellings and Office**

Councillor Coghlan disclosed an impartiality interest in Item 6 - Responsible Authority Report - Lot 544 (No. 105) Broadway, Nedlands – Mixed Use Development comprising 22 Multiple Dwellings and Office. Councillor Coghlan disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th March 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Coghlan declared she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate I intend to listen to Public Questions and Addresses as I believe this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

**5. Declarations by Members That They Have Not Given Due Consideration to Papers**

Nil.

6. **Lot 544 (No. 105) Broadway, Nedlands – Mixed Use Development comprising 22 Multiple Dwellings and Office – Responsible Authority Report**

<b>Council</b>	4 March 2021 – Special Council Meeting
<b>Applicant</b>	Planning Solutions
<b>Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality</b>	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.
<b>Director</b>	Tony Free – Planning & Development
<b>Acting CEO</b>	Jim Duff
<b>Attachments</b>	1. Responsible Authority Report and Attachments

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th March 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth declared she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate I intend to listen to Public Questions and Addresses as I believe this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

**Councillor Coghlan – Impartiality Interest**

Councillor Coghlan disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th March 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Coghlan declared she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate I intend to listen to Public Questions and Addresses as I believe this is a neutral position and does not predispose a bias for the JDAP.

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

Councillor Coghlan and Councillor Smyth left the meeting at 8.16 pm.

**Regulation 11(da) – Council agreed that in the event that the MINJDAP was to approve the application it is important that the privacy of the adjacent properties is protected.**

Moved – Councillor Tyson

Seconded – Councillor Mangano

### **Council Resolution**

#### **Council:**

- 1. notes Administration’s recommendation that the proposed mixed-use development at Lot 544 (No. 105) Broadway, Nedlands be refused by the Metro Inner-North Joint Development Assessment Panel in the Responsible Authority Report (Attachment 1);**
- 2. considers the information in Attachment 1 relating to the proposed mixed-use development at Lot 544 (No.105) Broadway, Nedlands and makes its recommendation to the Metro Inner-North Joint Development Assessment Panel as the Responsible Authority;**
- 3. incorporates its recommendation into the Responsible Authority Report (Attachment 1) for the proposed mixed-use development at Lot 544 (No.105) Broadway, Nedlands;**
- 4. agrees to appoint Councillor Tyson to coordinate Council’s submission and presentation to the Metro Inner-North JDAP; and**
- 5. request that should the MINJDAP indicate that they are likely to approve the development application that the following conditions are included:**
  - a. that all balcony balustrades have opaque or frosted glass.**

**CARRIED UNANIMOUSLY 8/-**



## Recommendation to Council

### Council:

1. notes Administration's recommendation that the proposed mixed-use development at Lot 544 (No. 105) Broadway, Nedlands be refused by the Metro Inner-North Joint Development Assessment Panel in the Responsible Authority Report (Attachment 1);
2. considers the information in Attachment 1 relating to the proposed mixed-use development at Lot 544 (No.105) Broadway, Nedlands and makes its recommendation to the Metro Inner-North Joint Development Assessment Panel as the Responsible Authority;
3. incorporates its recommendation into the Responsible Authority Report (Attachment 1) for the proposed mixed-use development at Lot 544 (No.105) Broadway, Nedlands; and
4. agrees to appoint Councillor (insert name) and Councillor (insert name) to coordinate Council's submission and presentation to the Metro Inner-North JDAP.

## 1.0 Executive Summary

The purpose of this report is for Council to consider the Development Assessment Panel application (DAP/20/01871) that proposes a mixed-use development comprising 22 dwellings and office at Lot 544 (No.105\_ Broadway, Nedlands and make its recommendation to the Joint Development Assessment Panel as the Responsible Authority. Council's recommendation will be incorporated into the Responsible Authority Report (RAR) and lodged with the DAP Secretariat on 5 March 2021.

The application was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Consultation of Planning Proposals Local Planning Policy. The City provided a request for further information and modifications on 12 December 2020. The plans being considered by Council were received on 8 February 2021.

Despite several improvements, there remains deficient design elements that will negatively impact the adjoining properties, streetscape and locality.

The recommendation of this report is for refusal.

## **2.0 Background**

### **Site Description, Development Context and Landscape Features**

The site is located at No. 105 Broadway, Nedlands at the north-west corner of the street block bounded by Elizabeth Street, Broadway, Princess Road and Kingsway. Broadway forms part of the City's western boundary. On the eastern side of the Broadway, lies the City of Perth.

The site is 880.2m<sup>2</sup> in area, is oriented east-west, and has its primary street frontage to Broadway and secondary street frontage to Elizabeth Street. The site experiences a fall in natural ground level of approximately 5m from the rear boundary to the primary street.

Located on the western side of Broadway, the site is currently occupied by a two-storey office building. To the south-west, the site adjoins a Place of Worship. On the western side of Kingsway, lies Nedlands Primary School. To the immediate south, is a grouped dwelling development comprising 16 dwellings with individual owners. Directly opposite the site on the eastern side of Broadway lies the Broadway Fair shopping centre. A location plan, aerial and contour map are contained in **Attachment 1**.

The existing commercial building is not on the City's Municipal Heritage Inventory (MI) or the City's Heritage List.

### **Existing Character**

The existing neighbourhood character is varied. This locality has a mix of single, grouped and multiple dwellings as well as commercial and civic buildings. The site to the south of the site, is a grouped dwelling development comprising 16 dwellings. The properties to the north and immediate west are single houses, although three are the result of subdivision. Although the area is mixed, the character is described as one of significant separation between buildings, high amenity, generous landscaped streetscape character.

The properties located on the eastern side of Broadway, proximate to the site have been redeveloped with multiple dwellings and grouped dwellings, the most recent approvals being two 6-7 storey multiple dwelling developments comprising of 29 apartments at 150 Broadway and 27 multiple dwellings 147 Fairway, Crawley within the R80 code in the City of Perth.

### **Future Character**

At the time of finalising this report policy work is underway to define the desired future character. Council adopted Local Planning Policy Interim Built Form Guidelines for Broadway Mixed Use Zone (Interim Guidelines). Work is also underway on the preparation of a policy which addresses the built form.

The City engaged consultants Hassell to complete a local distinctiveness study, context analysis and built form modelling to inform built form controls within the Broadway Precinct Local Plan. The focus has been to uncover elements that make a positive contribution to local distinctiveness and the opportunities for enhancement. The local distinctiveness study and context analysis is intended to inform a draft policy that is to be referred to Council in early 2021. The study will also be used to inform built form modelling, which will test different development scenarios for the precinct. Once these development scenarios are reviewed through community engagement, a policy will be drafted for the precinct, which will define appropriate built form controls that may form an amendment to the Scheme.

It is expected that built form controls will seek to ameliorate the impacts of the transitions in density coding, such as on this site which is coded R-AC3 and interfaces with R60 to the west and equates to a default interface of 6 storey down to 3 storey height. It is noted that the local planning framework is currently unresolved, and that minimal weight should be afforded to a Council-adopted local planning policy which either seeks to vary built form provisions contrary to the Local Planning Scheme 3 and/or requires Western Australian Planning Commission (WAPC) approval.

Reference can be made to the desired streetscape character outlined and illustrated in Appendix 2 of the Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2). Being Mixed Use R-AC3, adjacent to Residential R60, the streetscape character is designated as a ‘mid-rise urban centre’, before transitioning to a ‘medium-rise residential setting’ at the rear. Proposed buildings are to reflect the prevailing or planned pattern of side and street setbacks and take advantage of the location, aspect and orientation of the site. For the site, pedestrianised street frontages are encouraged to achieve pedestrian scale at the street frontage.

### **Application history**

There are no recent planning approvals or decisions relevant to the application.

A preliminary assessment was submitted to the City in October 2019 and a second in November 2019. The City has provided consistent advice to the applicant in relation to the concerns about the design, bulk, scale, form, parking and landscaping. Only minor modifications have been made to the proposal, demonstrated by the figures below:

Elevation	October 2019	November 2019
North, east, west and south elevations.		

The key issues identified and communicated to the applicant prior to lodgement are consistent with the reasons cited in the RAR for refusal.

**Referrals/consultation with Government/Service Agencies**

The application did not warrant referral to State Government or service agencies.

**Design Review Panel Advice (DRP)**

In lieu of a Design Review Panel, the elements of the R-Codes Vol. 2 that require architectural and landscape consideration were referred to a consultant architect and landscape architect. The City’s architectural and landscape design review and an applicant response to the review is provided in **Attachment 1**.

The architectural peer review assessment against State Planning Policy 7.0 is outlined below. The peer review uses ratings between 0-3, with 0 being not supported and 3 being fully supported. The development received a rating of 9 out of a possible 30.

<b>Assessment of SPP 7.0</b>		
<b>Design Principle</b>	<b>Peer Review Comment based on initial plans and revised plans received 3 April 2020</b>	<b>Rating</b>
<b>Context and character</b>	<p>Unfortunately, the amended application has not made any modifications to the design to warrant a change in the assessment. The design still lacks a concept or attempt to demonstrate a clear and logical understanding of connect. The applicant suggest context is diverse therefore the design proposal should similarly be diverse.</p> <p>Good Design is the creation of design outcomes that have a consistency of thought and thoroughness of consideration in the developed outcome. A random and mixed position without a clear logic, as demonstrated in the additional information provided by the applicants Synthesis diagram (p99) does not constitute a design strategy, nor does it show any clear approach to building a connection to character.</p> <p>Further to his, additional photographs of a range of surrounding buildings were provided (pages 84 – 95). However, there was a significant lack of analysis or interpretation. As such they add little value to the understanding of the applicant’s approach to context and place. The applicants have not addressed the importance of the corner treatment within the design. The ground level is poorly resolved with no consideration to the quality of the street level experience. The minimal setback, lack of pedestrian facilities and cheap commercial aesthetics are contrary to the area.</p> <p>Creating user friendly pedestrian experiences will have a significant impact on the quality of the development. The additional advice provided with the amended documents suggest that a vital interface will be provided. The ground floor elevation to Broadway has only one set of doors to the commercial office space of approximately 150m<sup>2</sup>. At best this could accommodate 12 – 15 people. There is minimal setback and no opportunity for alternative uses to be considered. Combined with a lack of pedestrian amenity its arguable that the development will contribute anything to the area that could be considered an improvement and a contribution to a sense of place.</p>	0

	<p>Application is not supported. No additional information was provided that helped demonstrate a clear interpretation of context and place that would enhance the distinctive character of the area. A complete redesign is recommended to address these concerns.</p>	
<p><b>Landscape Quality</b></p>	<p>It is acknowledged that quite a few minor changes have been made with regard to the landscape on this project and in addition to that other items have been further clarified. Hence the comments below are those points still found to be outstanding.</p> <p>The duplication of the vehicular access points is still an issue (in so far as they compromise the streetscape - primarily through limiting the extent of active frontage and hence passive surveillance as well as detrimentally affecting the aesthetics of the building on two facades).</p> <p>No existing vegetation has been retained on site. As such there is a requirement in SPP7.3 to provide at least 10% true deep soil area, i.e., not on slab. This amounts to 88.24m<sup>2</sup>. Where the 10% 'true' deep soil area cannot be provided the shortfall is required to be doubled with 'on-slab deep soil' area(s). They now calculate that only 6m<sup>2</sup> of 'true' deep soil area is being provided, hence the total 'on-slab' deep soil required on this site to make up the balance is 164.48m<sup>2</sup>. It should also be noted that deep soil 'on-slab' must be at least 1.0m deep and at least 2.0m wide where trees are being provided, refer to Fig 3.3f and Table 3.3b in SPP7.3 respectively. The landscape plans indicate that a total of 166.5m<sup>2</sup> 'deep soil on-slab' has been provided. Whilst some of this is paved the landscape could be considered to be compliant in meeting the deep soil requirements of SPP7.3.</p> <p>One tree is shown on the landscape plan as being proposed to be removed from the verge in order to allow for one of the two driveway access/egress points. This is an unfortunate outcome. However, even if the number of driveway access points were limited to one, it is likely that this would come off Elizabeth Street in which case it is probable that this tree would be 'lost' anyway. To relocate the driveway would almost certainly cause a significant reduction in efficiency to the car parking layout which is hard to justify in this context. No details of the tree have been provided. However, it appears</p>	<p>1</p>

	<p>to be an immature <i>Grevillea robusta</i> 'Silky Oak' (an east coast tree). This species tends to be rather short lived in WA and the landscape plans indicate that its loss will be made up by its replacement with <i>Agonis flexuosa</i> 'WA Peppermint' (an endemic / local species).</p> <p>Further to the above the site survey and Google Street View appear to indicate that the information about the number of verge trees, as shown on the landscape plan, is not accurate. Rather than the four nominated on plan it would appear that there are seven trees in total. Most of these appear to be of moderate size only.</p> <p>However, it is recommended that the retention of these trees be conditioned and that any replacement tree takes these existing trees into consideration.</p> <p>Some of the planter areas, particularly on the Ground Floor Upper level, appear to be barely wide enough to support any meaningful planting and in fact they could struggle to support any planting at all.</p> <p>The configuration of the main landscape area on the first floor still compromises the privacy of Unit 1. It could be argued that this location is inappropriate for communal use (and should therefore logically be accessible only from Unit 1).</p> <p>Further to the above it should be noted that SPP7.3 requires that developments of over 10 dwellings in size provide 6m<sup>2</sup> of 'communal open space' per dwelling. If the abovementioned first floor landscape area were to become private, then technically this development would no longer comply with the 'communal open space' requirement. This 'predicament' is a product of the original site planning and without changing it neither of the outcomes represented above meet the criteria of 'design excellence'.</p> <p>Drawing SK09 has a note on the eastern edge stating 'glazing for safety' which points to a line inside the outer edge of the planter in this same vicinity. The same detail appears to continue around the northern side of the building. This detail</p>	
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	<p>would appear to hinder ease of access and hence the ability to maintain this planting.</p> <p>Overall, the landscape plans propose a reasonable range of plant species for each of the various physical locations with their respective microclimatic conditions.</p> <p>The provision of the ‘Residents Terrace’ is a significant positive attribute of the proposal. Though the narrow strip of landscape on the southern side of the walkway leading to this area may be problematic due to its narrowness for most of its length plus the fact that it will be in shade for much of the time and as such it will be difficult to maintain and prone to failure.</p> <p>Further explanation should be provided with regard to the chosen rationale for what appears to be the public art as shown on the Elizabeth Street elevation. No consideration seems to have been given as to the implications regarding the angle of the street and its impact upon the ‘artwork’, i.e., it is not ‘purpose commissioned’ and as such it is not effectively integrated into the architectural expression.</p> <p>Notwithstanding the issues raised above, some of which could be conditioned, with one exception, the quality of the landscape is considered to be of a sufficiently high standard to warrant supporting the proposal. That one exception relates to item 2g above which is really a site planning issue, i.e., the close proximity of the main landscape area on the first floor in relation to compromising the privacy of Unit 1.</p>	
<p><b>Built form and scale</b></p>	<p>The applicants have made no adjustment to the design and as such all of the prior concerns are still applicable. The development is excessive in bulk and scale. Every aspect of the development is significantly out of scale with the area. This is created by a combination elements. The plot ratio is significantly over the allowable ratio. The minimum building setbacks on all sides have not been achieved. The size and extent of parapet walls to the west and south further enhance the oversized scale of the development. Further to this the building design has an enhanced sense of verticality through the repetitive building</p>	<p>0</p>



	articulation. Greater sophistication in the articulation of built form is required.	
<b>Functionality and build quality</b>	The applicant has not significantly amended the design and therefore the previous concerns are still applicable. There are considerable concerns about the functionality of this design. The applicant has advised that the office space has only been provided as a sleeve to the podium carparking. This is a poor justification for a design and is not an appropriate reason for poorly considered design and inefficient layout. Unusable commercial space is unlikely to be leased, which could in turn lead it being empty for extended periods of time. Given the significance of the commercial space as the interface of the building to Broadway empty office would be undesirable. The overall development has used minimum standards for circulation, movement and room sizes throughout.	1
<b>Sustainability</b>	The development has been designed to maximise access to the northern orientation. The overall design has achieved the minimum requirements for sustainable design. There is concern about the quality of the office space with its extensive glazing to the east and north. Given the small size of this space the heat loads are likely to create a high energy demand to create a comfortable space. The design of the office space needs to be redesigned to address considerable heat gain issues which will have serious impacts on the comfort of the spaces and be entirely inefficient in its energy usage.	2
<b>Amenity</b>	<p>The applicant has not made any effort to adjust the design. The bulk and scale of this development creates significant compromises to the amenity of the surrounding property. The size of the boundary walls to the south and west will have significant negative impacts on the neighbours. The height of the development will ensure that at least 2 of the units to the south will receive no natural light. Further to this the 5 and half storey elevation facing the property on the western boundary will have a significant impact.</p> <p>Application is not supported. The impacts it will have on the adjoining properties will be significant. A complete redesign is required.</p>	0
<b>Legibility</b>	Circulation width to a number of the apartments do not meet the minimum standards of SPP7.3. There are also some units that have openings to bedrooms and kitchen spaces facing onto common circulation spaces. Additional information required	1

	to demonstrate how the requirements of SPP 7.3 have been met. Consider the redesign of the units to create better separation of common areas and private spaces	
<b>Safety</b>	No comments. Application supported.	3
<b>Community</b>	The applicant has made no effort to address the previous review comments. The development has filled the site, creating little space at street level for public engagement. Given the prominent location the development has not maximised the design opportunity provided by its corner location. There is no space for public engagement on either street at ground level. The poor design of the commercial space has no potential for adaption. The application is not supported.	0
<b>Aesthetics</b>	The applicants have made very little adjustments to the design aesthetics. All of the previous concerns are still relevant to meet the requirements of Design WA. The design needs considerable work in order to create an elegant composition. There is a general lack of co-ordination in the elevational treatment. Fenestration is seemingly random in its placement and size. There is no clear logic that is driving the choice or distribution of materials. The top of the building lacks a clear resolution. The south elevation in particular is very imposing with large featureless expanses of brickwork separated by open walkways that is visually similar to public housing blocks. The aesthetics are also negatively impacted by the excessive bulk and scale creating a heavy and imposing building that is in extreme contrast to the surround area and its desired future character.	0

### Planning Assessment

The proposal has been assessed against all the relevant legislative requirements of LPS 3, State and Local Planning Policies outlined in the legislation and Policy section of this report. In determining the application, the following matters have been identified as either design deficiencies, matters raised in public consultation or require a condition to meet the relevant provision:

Summary of Planning Assessment				
Element	Satisfies Objectives	Condition needed to satisfy objectives	Modifications needed to satisfy Objectives	Substantial redesign required
Building height			✓	
Street setback			✓	
Side and rear setback			✓	
Plot ratio			✓	
Building separation			✓	
Orientation				✓
Tree Canopy	✓			
Communal open space	✓			
Visual Privacy	✓			
Public Domain Interface			✓	
Pedestrian access and entries			✓	
Vehicle Access			✓	
Parking				✓
Private open space			✓	
Circulation and common spaces				✓
Noise		✓		
Universal design		✓		
Façade design				✓
Roof design				✓
Landscape design			✓	
Mixed Use				✓
Water Management		✓		
Waste Management		✓		
Traffic	✓			
Amenity				✓

The full assessment is contained in **Attachment 1**. Editing and formatting changes may occur before the RAR is lodged with DAP to bolster the rationale for the refusal recommendation.

## 4.0 Consultation

In accordance with the City's Local Planning Policy – Consultation of Planning Proposals, the development was advertised for a period of 21 days, commencing 31 October 2020 and concluding 21 November 2020. Public consultation consisted of:

- Letters sent to all City of Nedlands and City of Perth landowners and occupiers within a 200m radius of the site (letters);
- A sign on site was installed at the site's frontage for the duration of the advertising period;
- An advertisement was published on the City's website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in The Post newspaper published on 31 October 2020;
- A Social media post was made on one of the City's Social Media platforms;
- A notice was affixed to the City's Noticeboard at the City's Administration Offices; and
- A community information session was held by City Officers on 11 November 2020, where approximately 30 residents and elected members were present.

At the close of the advertising period, the City received a total of 103 submissions, of which 2 submissions were in support of the application, and the remaining 101 submissions objected to the proposal.

A summary of the key issues raised in public consultation are tabled below.

<b>Issue Raised</b>	<b>Officer comments</b>
<ul style="list-style-type: none"> <li>• <b>Building Height</b></li> </ul>	<p>Objection partially supported.</p> <p>While the number of stories is supported, the City does not support the proposed massing of the development which results in an imposing facade when viewed from Kingsway. The proposed massing does not adequately provide for a transition towards the land coded R60.</p> <p>Further discussion of building height is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Plot ratio / Bulk and Scale</b></li> </ul>	<p>Objection supported.</p> <p>The City notes that the R-Codes Vol. 2 is a performance-based policy, which promotes good design over rigid development controls. However, the City is of the view that the additional plot ratio has not been justified and is not supported on design grounds.</p>

<b>Issue Raised</b>	<b>Officer comments</b>
	Further discussion of plot ratio is provided in in the Officer Comments of the RAR.
<ul style="list-style-type: none"> <li>• <b>Side/rear setback</b></li> </ul>	<p>Objection supported.</p> <p>The side and rear setbacks have not been adequately justified. The City requested the applicant to make modifications to both the side and rear setback due to the adverse amenity impacts associated with the open access walkways and of the separation needed to the rear. The City is of the view that the revised plan does not address these issues.</p> <p>Further discussion of side and rear boundary is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Overshadowing</b></li> </ul>	<p>Objection partially supported.</p> <p>The development requires increased setback from the rear boundary to increase solar and daylight access to the rear of the southern adjoining property.</p> <p>Further discussion of overshadowing is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Visual Privacy</b></li> </ul>	<p>The development features appropriate screening or setback to mitigate visual privacy impacts.</p> <p>Further discussion of privacy is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Vehicle access</b></li> </ul>	<p>Objection supported.</p> <p>The Elizabeth Street access to the residential visitor bays is not supported by the City's Technical Services.</p>
<ul style="list-style-type: none"> <li>• <b>Traffic</b></li> </ul>	<p>Objection not supported.</p> <p>The applicant's Transport Impact Statement (TIS) concludes that the development does not adversely affect the road capacity. The TIS has been reviewed by the City's Technical Services is supported.</p> <p>Further discussion of traffic is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Parking</b></li> </ul>	<p>Objection is supported.</p> <p>The application does not provide sufficient parking for the office land use.</p> <p>The residential dwellings are not provided with sufficient visitor parking bays.</p>

Issue Raised	Officer comments
	Further discussion of parking is provided in in the Officer Comments of the RAR.
<ul style="list-style-type: none"> <li>• <b>Amenity</b></li> </ul>	<p>Objection supported.</p> <p>The proposal's character, form, massing, bulk and scale will adversely affect the amenity of the adjoining properties and streetscape. The development has not adequately mitigated this amenity impact.</p> <p>Further discussion of amenity is provided in in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Design</b></li> </ul>	<p>Objection supported.</p> <p>The City has sought peer review of the architectural design and landscape design. Both the architectural peer review and landscape review do not the support the application. The peer review comments are contained as <b>Attachment 1</b>.</p>
<ul style="list-style-type: none"> <li>• <b>Land use</b></li> </ul>	<p>Objection partially supported.</p> <p>The City acknowledges the office layout requires further modification to ensure it is an adaptable commercial space. An assessment of the land use, scheme objectives and clause 32.4 of LPS 3 is provided in the Officer Comments of the RAR.</p>
<ul style="list-style-type: none"> <li>• <b>Development bonus</b></li> </ul>	<p>Objection not supported.</p> <p>A common objection was raised by residents relating to the application of the Acceptable Outcomes. The basis of the objection was that neither Administration nor the decision-maker should allow any development to exceed the Acceptable Outcome as there is no planning instrument that sets out the desired metrics for development bonus. While the City acknowledges there is no such adopted policy, the R-Codes Vol. 2 is a performance-based policy, the intent of which is to promote good design over rigid development controls.</p>
<ul style="list-style-type: none"> <li>• <b>Tree canopy / Deep Soil / Landscaping</b></li> </ul>	<p>Objection partially supported.</p> <p>The proposal does not currently meet Element 4.12 – Landscaping. Although some objectives (impact on neighbouring trees) could be achieved through conditions, there are fundamental concerns with the landscape response.</p> <p>Further discussion of Design Element 3.3 and 4.12 are provided in the Officer Comments of the RAR.</p>

## 5.0 Recommendation to JDAP

Refusal. See **Attachment 1** for refusal reasons.

## 6.0 Conclusion

The City acknowledges the modifications made by the applicant in response to two preliminary reviews, the architectural and landscape architect reviews, and the City's assessment as part of the application. However, the changes made do not materially address the concerns relating to bulk and scale, lack of site planning, orientation, façade and roof design, all of which have an impact on the character of the locality, streetscape and impact on the amenity of the adjoining property to the south and west.

In its current form, the City is of the view that substantial modifications are required to the upper levels in order to address the amenity impacts.

For the reasons cited in the report and **Attachment 1**, the City recommends the application be refused.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 8.35 pm.