



City of Nedlands

Minutes

Special Council Meeting 15 September 2020

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 at 5:30 pm on Tuesday 15 September 2020 at Adam Armstrong Pavilion, Beatrice Road, Dalkeith for the purpose of considering the Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands.

Declaration of Opening

The Presiding Member declared the meeting open at 5.35 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Her Worship the Mayor, C M de Lacy (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 Hollywood Ward
	Councillor J D Wetherall Hollywood Ward
	Councillor R A Coghlan Melvista Ward
	Councillor G A R Hay Melvista Ward
	Councillor R Senathirajah Melvista Ward
	Councillor N B J Horley (from 5.38 pm) Coastal Districts Ward
	Councillor L J McManus Coastal Districts Ward
	Councillor K A Smyth Coastal Districts Ward

Staff	Mr M A Goodlet Chief Executive Officer
	Mrs L M Driscoll Director Corporate & Strategy
	Mr P L Mickleson Director Planning & Development
	Mr J Duff Director Technical Services
	Mrs N M Ceric Executive Assistant to CEO & Mayor

Public There were 25 members of the public present and 3 attending online.

Press The Post Newspaper representative.

Leave of Absence Nil.
(Previously Approved)

Apologies Nil.

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.

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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.

Councillor Horley joined the meeting at 5.38 pm.

2. Addresses by Members of the Public

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

Mr Andrew Edwards, 14 Doonan Road, Nedlands (spoke in support of the recommendation)	Item 6
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Mr Justin Kennedy, 25 Louise Street, Nedlands (spoke in support of the recommendation)	Item 6
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Mrs Libby Newman, 22 Louise Street, Nedlands (spoke in support of the recommendation)	Item 6
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Mr Andrew Jackson, 3/114 Stirling Highway, Nedlands (spoke in support of the recommendation)	Item 6
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3. Disclosures of Financial / Proximity 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*.

4.1 Councillor Smyth – Item 6 - Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands

Councillor Smyth disclosed an impartiality interest in Item 6 - Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands. 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 23rd September 2020. As a consequence, there may be a perception that my 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, I will not stay in the room and debate the item or vote on the matter.

4.2 Mayor de Lacy – Item 6 - Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands

Mayor de Lacy disclosed an impartiality interest in Item 6 - Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands. Mayor de Lacy disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23rd September 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod's released to the local government sector in relation to a recent Supreme Court ruling, Mayor de Lacy declared she would leave the room and not participate in the debate, or vote on the matter. Mayor de Lacy advised that the Deputy Mayor will preside over the meeting.

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

Nil.

6. Responsible Authority Report for Lot 142 and 141 (21 – 23) Louise Street, Nedlands

Council	15 September 2020 SCM
Applicant	Mr Mark Young, Hillam Architects
Landowner	Maison Holdings No 3 Pty Ltd
Director	Ross Jutras-Minett A/Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Information Purposes	Item provided to Council for information purposes.
Reference	DAP/20/01782
Previous Item	Nil
Delegation	Not applicable – Joint Development Assessment Panel application.
Attachments	1. Responsible Authority Report and Attachments – available at: https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes

Councillor Smyth – Impartiality Interest

Councillor Smyth disclosed an impartiality interest her interest being that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23rd September 2020. As a consequence, there may be a perception that my 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, I will not stay in the room and debate the item or vote on the matter.

Mayor de Lacy – Impartiality Interest

Mayor de Lacy disclosed an impartiality interest her interest being that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23rd September 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeod's released to the local government sector in relation to a recent Supreme Court ruling, Mayor de Lacy declared she would leave the room and not participate in the debate, or vote on the matter. Mayor de Lacy advised that the Deputy Mayor will preside over the meeting.

Mayor de Lacy & Councillor Smyth left the room at 5.54 pm.

Deputy Mayor McManus assumed the chair.

Regulation 11(da) – Council wished to provide reasons for their decision and to nominate the representing councillors.

Moved – Councillor Coghlan

Seconded – Councillor Hay

Council Resolution

That Council:

- 1. notes the Responsible Authority Report (RAR) on the application for Lots 142 and 141 (Nos 21-23) Louise Street, Nedlands, for the development of seven grouped dwellings (two storeys in height) and six apartments (three storeys in height);**
- 2. agrees to appoint Councillor Coghlan and Councillor Senathirajah to coordinate Council's submission and presentation to the Metro Inner-North JDAP;**
- 3. supports the recommendation of deferral contained in the RAR; and**
- 4. recommends that the reasons for deferral for further redesign before the application can be considered properly for determination be expanded to include:**
 - a. A design response in compliance with Council's Local Planning Policies (LPP), including the Peace Memorial Rose Garden Precinct LPP, Residential Development: Single and Grouped Dwellings LPP, Waste Management LPP and Landscaping Plans LPP, which have not been adequately covered by the RAR;**
 - b. A design response that takes better account of the constraints arising from the approved design for 17-19 Louise Street and has better regard for compatibility with the locality in all respects;**
 - c. Reduction in the number of grouped dwellings from 7 to 5, to ensure the improved provision of building separation/setbacks, visual privacy, floorspace, open space/outdoor living areas, landscaping, solar access, amenity and streetscape appeal, as well as reduced traffic, parking and waste management impacts;**

- d. **Redesign of the basement internally to ensure full on-site provision of all visitor parking bays and all domestic (non-bulk) waste collection in the basement; and**
- e. **All boundary fencing to Louise Street and Jenkins Avenue being low and/or visually permeable, to ensure streetscape appeal, passive surveillance and interactive frontages in accordance with the R-Codes and Council's LPP requirements, as well as to provide more perimeter landscaping presenting to the streets.**

**CARRIED 9/2
(Against: Crs. Bennett & Mangano)**

Recommendation to Council

That Council:

1. notes the Responsible Authority Report for the proposed seven grouped dwellings (two storeys in height) and six apartments (three storeys in height) at Lot 142 and 141 (21 – 23) Louise Street, Nedlands;
2. agrees to appoint Councillor (insert name) and Councillor (insert name) to coordinate the Council's submission and presentation to the Metro Inner-North JDAP;
3. does / does not (remove one) support approval of the development; and
4. provide specific reasons in the case of refusal, and conditions in the case of approval:
 - a. ...
 - b. ...

1.0 Executive Summary

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration have prepared a Responsible Authority Report (RAR) in relation to the revised plans received on 26 August 2020 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lot 142 and 141 (21 – 23) Louise Street, Nedlands. The application proposes the development of seven grouped dwellings (two storeys in height) and six apartments (three storeys in height).

The purpose of this report is to inform Council of Administration's recommendation to the JDAP.

2.0 Background

The City received the JDAP application for Lot 142 and 141 (21 – 23) Louise Street, Nedlands on 4 May 2020. The subject lot is zoned 'Residential' and has a density code of R60.

During the assessment period, Administration raised issues/requested further information regarding a number of issues. The applicant prepared amended plans and revised technical documents, which were provided on 26 August 2020.

The City submitted the RAR on the 10 September 2020, recommending that the JDAP defer the application. A copy of the RAR and revised plans are attached to this report for your reference.

3.0 Application Details

Apartments

- Located to the north of the site, with frontage to Louise Street;
- Three storeys in height;
- 6 three-bedroom dwellings;
- 14 resident car parking bays at basement level;
- 2 visitor car parking bays within the basement (shared with grouped dwellings);
- Bin store located at ground level, with bin collection from Louise Street; and
- Deep soil planting at ground level and on-structure planting for upper levels.

Grouped Dwellings

- Located to the south of the site, with frontage to Jenkins Avenue;
- Two storeys in height;
- 7 three-bedroom dwellings;
- 14 resident car parking bays at basement level;
- 2 visitor car parking bays within the basement (shared with apartments);
- Individual bin stores provided for each unit at ground level, with bin collection from Louise Street; and
- Landscaping provided at ground and upper levels.

Vehicle access to the subject site is proposed to be via Jenkins Avenue to a basement parking level, which is shared between the apartments and grouped dwellings.

4.0 Consultation

The City's Local Planning Policy – Consultation of Planning Proposals (Consultation LPP) states that the development proposal for multiple dwellings is classified as a Complex Application.

In accordance with the Consultation LPP, the application was advertised for a period of 21 days, commencing on 13 June 2020 and concluding 4 July 2020 and included the following forms of notification:

- 124 letters were sent to City of Nedlands landowners and occupiers within a 200m radius of the site;
- A sign on site was installed on the frontage of the site;
- An advertisement was uploaded to 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;
- Social media post on the City's Social Media platforms;
- A notice was affixed to the City's Noticeboard at the City's Administration Offices; and
- An in-person community information session was held at Council Chambers on 22 June 2020.

At the conclusion of advertising, the City received 80 submissions on the proposal, 73 submissions objecting to the proposal and 7 in support. A summary of the submissions is included in Attachment 1.

5.0 Recommendation to JDAP

There are several issues that remain outstanding with the internal amenity of the development, namely relating to solar access, visual privacy, outlook and pedestrian access. On this basis, the RAR recommends that the application is deferred for a period of 60 days to allow the applicant to make further amendments to the proposal to address these issues.

6.0 Conclusion

The subject site forms an important role in transitioning the built form down from the anticipated mixed-use high-density development along Stirling Highway. The proposal successfully mitigates potential conflicts in land use and built form within this transition area and is considered to contribute positively to the public realm.

Notwithstanding the merits of the development from the public realm and surrounding properties, there are several issues that remain outstanding with the internal amenity of the development. If the development were to be amended to address these issues, Administration considers that it would be a positive addition to housing diversity within the locality.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 6.18 pm.