



City of Nedlands

Agenda

Council Committee Meeting

1 December 2020

Dear Council Member

The next meeting of the Council Committee will be held on Tuesday 1 December 2020 in the Adam Armstrong Pavilion located at Beatrice Road, Dalkeith commencing at 7.00pm.

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>

Mark Goodlet
Chief Executive Officer
27 November 2020

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Adam Armstrong Pavilion, Beatrice Road, Dalkeith on Tuesday 1 December 2020 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 Councillor N R Youngman Dalkeith Ward
(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.

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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.

2. 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.

3. Disclosures of Financial and/or Proximity Interest

The Presiding Member to remind 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.

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 members may allow participation of the declarant if the 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 members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

4. Disclosures of Interests Affecting Impartiality

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

Councillors and staff 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 member or employee is encouraged to disclose the nature of the association.

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

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

6. Confirmation of Minutes

6.1 Committee Meeting 10 November 2020

The Minutes of the Council Committee held 10 November 2020 are to be confirmed.

7. 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.

8. 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.

8.1 Planning & Development Report No's PD55.20 to PD57.20

Planning & Development Report No's PD55.20 to PD57.20 to be dealt with at this point (copy attached yellow cover sheet).

- PD55.20 Local Planning Scheme 3 – Local Planning Policy Waste Management and Guidelines - Proposed Amendments to Policy
- PD56.20 Amendments to the Parking Local Planning Policy (Residential Aged Care) Consideration of Submissions
- PD57.20 Built Form Modelling and Traffic Modelling Project, Nedlands Town Centre, Broadway and Waratah Village – Budget Allocation

8.2 Technical Services Report No's TS20.20

Technical Services Report No's TS20.20 to be dealt with at this point (copy attached blue cover sheet).

TS20.20 Capital Works Program Mid-Year Review Update

8.3 Community Development No's CM11.20

Report No's CM11.20 to be dealt with at this point (copy attached orange cover sheet).

CM11.20 Hollywood Subiaco Bowling Club – Request for financial support

8.4 Corporate & Strategy Report No's CPS30.20

Report No's CPS30.20 to be dealt with at this point (copy attached green cover sheet).

CPS30.20 List of Accounts Paid – October 2020

9. Reports by the Chief Executive Officer

9.1 Responsible Authority Report – 97 Smyth Road, Nedlands – 12 Multiple Dwellings

Committee	1 December 2020
Applicant	Urbanista Town Planning / AoYo Real Estate Pty Ptd
Landowner	AoYo Real Estate Ptd Ltd
Director	Peter Mickleson – 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	DA 20-52231 (DAP/20/01834)
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

1.0 Executive Summary

An application for the development of 12 multiple dwellings in a three storey building at 97 Smyth Road, Nedlands was received on 11 August 2020. The application has been made to the Metro Inner-North Joint Development Assessment Panel (JDAP). Administration has prepared a Responsible Authority Report (RAR) in accordance with the DAP Regulations.

The purpose of this report is to provide Council the RAR as prepared by Administration and to allow Council to consider making a submission to the JDAP.

Recommendation to Council

That Council:

1. notes the Responsible Authority Report for the proposed 12 Multiple Dwelling development at 97 Smyth Road, Nedlands.

2. **agrees to appoint Councillor..... and Councillor.....to co-ordinate 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. **provides the following reasons for the Council's position on the application**
 - a. ...
 - b.

2.0 Background

The City originally received the JDAP application for 97 Smyth Road, Nedlands on 11 August 2020. The 3-storey building will comprise 12 multiple dwellings (apartments) of 1-2 bedrooms. The site is zoned Residential with a density code of R60. Surrounding properties to the north and west are coded R60. The property immediately to the south is coded R160.

The application was advertised for public comment from 19 September to 16 October 2020.

The Metro Inner-North Joint Development Assessment Panel will consider the application on 3 December 2020.

3.0 Application Details

The applicant seeks development approval for a residential development comprising 12 multiple dwellings over 3 storeys, with ground level parking. The building is proposed as follows:

- A ground floor comprising one 1 bedroom 1-bathroom apartment and one 2-bedroom 2-bathroom apartment.
- Two upper floors will each comprise two 1 bedroom 1-bathroom studio apartments and three 2-bedroom 2-bathroom apartments.
- Communal facilities comprising open space, alfresco with BBQ and indoor communal area.
- A total of 15 resident car parking spaces will be provided at ground level. Three visitor car parking spaces are to be provided.

4.0 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 three weeks, commencing on 19 September 2020 and concluding on 16 October 2020.

Administration received a total of 12 submissions during the public consultation period, of which 10 objected, 1 supported and 1 provided neither support nor objection to the development.

5.0 Recommendation to JDAP

The proposal was assessed against the element objectives of the Residential Design Codes Volume 2. This found that the development is compliant with the element objectives. Although generally consistent with the acceptable outcomes for visual privacy, a number of conditions are recommended to address the concerns of neighbouring properties.

Given the compliance with the element objectives of the R-Codes and the aims and objectives of the Scheme, Administration is recommending the application be approved with conditions.

6.0 Conclusion

Administration has prepared a Responsible Authority Report to the Metro Inner-North Joint Development Assessment Panel recommending conditional approval for the development of 12 multiple dwellings at 97 Smyth Road, Nedlands. Council may wish to make a submission to the Panel on the application. This submission will be presented to the Panel for consideration at its meeting on 3 December 2020.

10. Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

11. 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.