



City of Nedlands

Agenda

Special Council Meeting 10 September 2020

Dear Council member

A Special Meeting of the City of Nedlands is to be held electronically (livestreamed) / onsite (Council Chamber, 71 Stirling Hwy, Nedlands) (Councillors Only) on Thursday 10 September 2020 at 6:00 pm for the purpose considering the Responsible Authority Report for 11 Multiple Dwellings at 40 Portland Street, Nedlands.

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
7 September 2020

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City of Nedlands

Notice of a special meeting of Council to be held electronically (livestreamed) / onsite (Council Chamber, 71 Stirling Hwy, Nedlands) (Councillors Only) on Thursday 10 September 2020 at 6:00 pm for the for the purpose considering the Responsible Authority Report for 11 Multiple Dwellings at 40 Portland Street, Nedlands.

Special Council Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 6.00 pm and will draw attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence None.
(Previously Approved)

Apologies Councillor N B J Horley Coastal Districts 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.

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.

3. Disclosures of Financial 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. Responsible Authority Report for 40 Portland Street, Nedlands – 11 Multiple Dwellings

Council	10 September 2020
Applicant	Urbanista Town Planning
Landowner	Wesion Development Pty 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 20-48204 (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

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 1 September 2020 for the Joint Development Assessment Panel (JDAP) Form 1 Application at 40 Portland Street, Nedlands. The application proposes the development of a two-storey building comprising eleven apartments.

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

Recommendation to Council

That Council:

1. notes the Responsible Authority Report for the proposed 11 Multiple Dwelling development at Lot 130 (No.40) Portland Street, Nedlands; and

2. **agrees to appoint Councillor (insert name) and Councillor (inert name) to coordinate the Council's submission and presentation to the Metro Inner-North JDAP and to send a submission letter to the Metro Inner-North JDAP that will:**
 - a. **inform the Panel of the current status of the City's Planning Framework;**
 - b. **express the view of Council majority, regarding the current development application at 40 Portland Street, Nedlands; and**
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. ...

2.0 Background

The City originally received the JDAP application for 40 Portland Street, Nedlands on 19 May 2020. The 2 storey building will comprise 11 multiple dwellings (apartments) of 1-2 bedrooms. The site is zoned Residential with a density code of R60. All surrounding properties are coded R60.

The application was first advertised for public comment in June / July 2020. Subsequent to this, revised plans were received and re-advertised during August 2020. The assessment is based on the revised plans.

The Metro Inner-North Joint Development Assessment Panel will consider the application on 17 September 2020.

3.0 Application Details

The applicant seeks development approval for a residential development comprising 11 multiple dwellings over 2 storeys, with 2 parking levels. The building is proposed as follows:

Ground Floor

- Two 1 bedroom 1 bathroom units
- Three 2 bedroom 2 bathroom units
- 11 resident car parking spaces
- 1 visitor car parking space
- 7 bicycle spaces (6 resident / 1 visitor)
- Bin storeroom
- Communal open space

Upper Floor

- Two 1 bedroom 1 bathroom units
- Four 2 bedroom 2 bathroom units

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 three weeks, commencing on 19 June 2020 and concluding on 10 July 2020.

Administration received a total of 124 submissions during the public consultation period, of which 1 submission was in support of the application and the remaining 125 submissions objected to the proposal.

Due to the receipt of revised plans, an additional 14-day advertising period was conducted between 13 August and 28 August 2020. An additional 87 submissions were received during this period. Of the submissions received, 1 was supportive of the proposal and 86 raised objections.

Recommendation to JDAP

The proposal was assessed against the element objectives of the Residential Design Codes Volume 2. This found that the development is generally compliant with the element objectives, with the exception of Visual Privacy. The non-compliance relates to the reliance of the development on screening to achieve visual privacy. The screening affects solar and daylight access, natural ventilation and outlook. The development is considered to still meet the relevant element objectives for solar and daylight access and natural ventilation. The only matter that cannot be resolved is outlook from habitable rooms due to the presence of the screening.

Given the high degree of 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.**

5.0 Conclusion

Administration has prepared a Responsible Authority Report to the Metro Inner-North Joint Development Assessment Panel recommending conditional approval for the development of 11 multiple dwellings at 40 Portland Street, 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 17 September 2020.

Declaration of Closure

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