



City of Nedlands

# ***Agenda***

## ***Special Council Meeting 20 October 2020***

Dear Council member

A Special Meeting of the City of Nedlands is to be held on Tuesday 20 October 2020 at Adam Armstrong Pavilion, Beatrice Road, Dalkeith commencing at 5.30 pm for the purpose of considering Responsible Authority Report for a Mixed Use Development (29 Multiple Dwellings and Office use) at 137 and 139 Broadway, Nedlands and any available Responsible Authority Reports.

This meeting will also be livestreamed.

Due to COVID Restrictions the 2m<sup>2</sup>, with 1.5 metre social distancing rule applies. Once the venue is at capacity no further admission into the room will be permitted.

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>

Peter Mickleson  
Acting Chief Executive Officer  
16 October 2020

## Table of Contents

Declaration of Opening .....	3
Present and Apologies and Leave of Absence (Previously Approved) .....	3
1. Public Question Time .....	4
2. Addresses by Members of the Public.....	4
3. Disclosures of Financial Interest .....	4
4. Disclosures of Interests Affecting Impartiality.....	5
5. Declarations by Members That They Have Not Given Due Consideration to Papers.....	5
6. Responsible Authority Report for for a Mixed Use Development (29 Multiple Dwellings and Office use) at 137 and 139 Broadway, Nedlands .....	6
Declaration of Closure .....	9

## City of Nedlands

**Notice of a Special Meeting of Council to be held at 5:30 pm on Tuesday 20 October 2020 at Adam Armstrong Pavilion, Beatrice Road, Dalkeith for the purpose of considering Responsible Authority Report for a Mixed Use Development (29 Multiple Dwellings and Office use) at 137 and 139 Broadway, Nedlands and any available Responsible Authority Reports.**

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### Special Council Agenda

#### Declaration of Opening

The Presiding Member will declare the meeting open at 5.30 pm and will draw attention to the disclaimer below.

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

**Leave of Absence**                      Mayor, C M de Lacy  
**(Previously Approved)**

**Apologies**                              None 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.

**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 for a Mixed Use Development (29 Multiple Dwellings and Office use) at 137 and 139 Broadway, Nedlands**

<b>Council</b>	Special Council Meeting 20 October 2020
<b>Applicant</b>	Element Advisory Pty Ltd
<b>Landowner</b>	97 SPE Pty Ltd and Great Oneness Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  Information Purposes	Item provided to Council for information purposes.
<b>Reference</b>	DA20-50855 (DAP/20/01819)
<b>Previous Item</b>	Nil
<b>Delegation</b>	Not applicable – Joint Development Assessment Panel application.
<b>Attachments</b>	1. Responsible Authority Report and Attachments – available at: <a href="https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes">https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes</a>

### **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 mixed use development at Lots 685 and 686 (Nos. 137 and 139) Broadway, Nedlands (the subject site) received on 13 July 2020.

Revised plans were received on 17 September 2020 addressing landscaping, waste management and the acoustic report.

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 Mixed Use development comprising of 29 multiple dwelling and office use at Lots 685 and 686 (Nos. 137 and 139) Broadway, Nedlands;**

2. **agrees to appoint Councillor (insert names) and Councillor (insert names) 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. **provides the following reasons for the Council's position on the application:**
  - a. ...
  - b. ...

## **Background**

On 13 July 2020, the City received a development application for mixed use development comprising of 29 multiple dwellings and an office use at Lots 685 and 686 (Nos. 137 and 139) Broadway, Nedlands which is to be determined by the Metro-Inner North Joint Development Assessment Panel. The subject site is zoned 'Mixed Use' and has a density coding of R-AC3.

The City submitted the Responsible Authority Report (RAR) on 16 October 2020, recommending that the JDAP approve the application. A copy of the RAR and associated documents are attached to this report.

Consideration of the RAR by the JDAP is scheduled for 27 October 2020.

## **Application Details**

Development approval is sought for the construction of a six (6) storey mixed use development comprising 29 residential apartments and an office tenancy located at the subject site. The proposal can be summarised as follows:

- 29 multiple dwellings broken down as follows:
  - 14 x two-bedroom apartments
  - 15 x three-bedroom apartments
- A total of 67 resident car parking bays, 6 visitor car parking bays and 4 office car parking bays.
- 84m<sup>2</sup> commercial office tenancy fronting Broadway.
- 73.8m<sup>2</sup> resident communal space

## **Consultation**

The application was advertised in accordance with the requirements of a 'Complex' application as per City's Local Planning Policy – Consultation of Planning Proposals which included the following:

- 405 letters were sent to all City of Nedlands and City of Perth landowners and occupiers within a 200m radius of the subject site;
- A sign on site was installed at the frontage of the site for the advertising period;
- 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;
- A notice was affixed to the City's Noticeboard at the City's Administration Offices; and
- A community information session was held on 10 August 2020 and attended by 10 residents.

Administration received a total of 136 submissions during the public consultation period, of which 3 submissions were in support of the application and the remaining 133 submissions objected to the proposal. A total of 38 submissions (38 objections and 0 support) were received from within a 200m radius of the site.

A comprehensive list of issues raised during advertising including an officer and applicant response, is contained as Attachment 1.

## **Recommendation to JDAP**

The proposed mixed use development is considered to be consistent with the local planning framework and the relevant elements of the R-Codes Volume 2. For this reason, Administration is recommending the application be approved subject to conditions.

## **Conclusion**

Administration have prepared a RAR to the Metro Inner-North Joint Development Assessment Panel recommending conditional approval for the mixed use development at Lots 685 and 686 (Nos. 137 and 139) Broadway, Nedlands.

Council may wish to make a submission on the application to the Panel. This submission will be presented to the Panel for consideration at its meeting on 27 October 2020.

**Declaration of Closure**

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