



City of Nedlands

Agenda

Special Council Meeting

19 May 2020

Dear Council Member

A Special Meeting of the City of Nedlands is to be held on Tuesday 19 May 2020 online via Teams commencing at 5.30 pm for the purpose of considering Responsible Authority Report for Lot 689 (5) Hillway, Nedlands – 10 Multiple Dwellings.

A Livestream link for the public is available on the City's website.

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
15 May 2020

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City of Nedlands

Notice of a Special Meeting of Council to be held online via Teams on Tuesday 19 May 2020 at 5.30 pm for the purpose of considering Responsible Authority Report for Lot 689 (5) Hillway, Nedlands – 10 Multiple Dwellings.

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.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence Councillor W R B Hassell Dalkeith Ward
(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 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. Lot 689 (5) Hillway, Nedlands – 10 Multiple Dwellings

Council	19 May 2020
Applicant	Element
Landowner	Yi-Jin Kuok
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 20-43894 (DAP/20/01741)
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 4 May 2020 for the Joint Development Assessment Panel (JDAP) Form 1 Application at 5 Hillway, Nedlands. The application proposes the development of a six storey building comprising ten apartments.

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

2.0 Recommendation to Council

That Council:

- 1. notes the Responsible Authority Report for the proposed 10 Multiple Dwelling development at Lot 689 (No.5) Hillway, Nedlands;**
- 2. agrees 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 5 Hillway, Nedlands; and**
 - c. provide specific reasons in the case of refusal, and conditions in the case of approval.**

3.0 Background

The City originally received the JDAP application for 5 Hillway, Nedlands on 15 January 2020. The 6 storey building will comprise 10 multiple dwellings (apartments) of 2-3 bedrooms. The first two levels of the building are utilised for vehicle parking and utilities. The site is located at the edge of the Mixed Use R-AC3 zone and abuts Residential R60 zoned land on two sides to the southwest and northwest.

Revised plans were received in April and again on 4 May 2020 that take into account the recommendations of the applicant-arranged Design Review Panel. This approach was taken by the applicant to respond to the comments received during the City's architectural Design Review. Administration has not completed the RAR, with this lodged on 14 May 2020. The Metro Inner-North Joint Development Assessment Panel will consider the application on 22 May 2020.

4.0 Application Details

The applicant seeks development approval for a residential development comprising 10 multiple dwellings over 4 storeys, with 2 parking levels. The building is proposed as follows:

Basement (Level 1)

- Entry lobby
- Eight (8) resident parking bays
- One (1) visitor bicycle space
- Two (2) visitor parking bays
- Two bin storage rooms and hard/bulky waste storage
- Four (4) 8m² storerooms
- Pump room and tanks

Level 2

- Fourteen (14) resident parking bays
- 15m² bicycle storeroom
- Three (3) 7m² storerooms
- One (1) 9m² storeroom
- Two (2) 11m² storerooms
- Toilet and cleaner room

Level 3

- Two (2) 2 Bedroom apartments
- One (1) 3 Bedroom apartment meeting Silver Level standard of the Liveable Housing Design Guidelines with private courtyard and swimming pool
- 82m² deep soil planting area
- Landscaping areas over the Level 3 slab

Level 4

- Two (2) 2 Bedroom apartments
- One (1) 3 Bedroom apartment meeting Silver Level standard of the Liveable Housing Design Guidelines

Levels 5 and 6

- Two (2) 3 Bedroom apartments on each floor

5.0 Consultation

The City's Local Planning Policy – Consultation of Planning Proposals states that the development proposal for mixed use development including multiple dwellings is classified as a Complex Application. In accordance with the policy, the original application was advertised for a period of 21 days commencing on 31 January 2020 and concluding 21 February 2020. At the conclusion of advertising, the City received 167 submissions, being 165 objections to the proposal, 1 submission in support and 1 submission providing conditional support.

As per the requirements of the City's Local Planning Policy – Consultation of Planning Proposals, the amended plans received in April 2020 were not publicly advertised as they proposed minor changes only that did not impact on the overall development intent or effect on adjoining properties.

6.0 Recommendation to JDAP

The assessment of the development against the element objectives of the R-Codes Volume 2 identified a significant number of non-conformances. These are outlined below:

- Building height
- Setbacks
- Plot ratio / bulk
- Building separation
- Overshadowing
- Visual privacy
- Solar access / daylight
- Natural ventilation
- Public domain interface
- Pedestrian access and entries
- Car and bicycle parking
- Façade design
- Roof design

In addition to the above, the development is considered not to meet a number of aims and objectives of Local Planning Scheme No.3 (LPS 3). It is also considered not to meet a number of objectives of the Mixed Use zone.

Consequently, the proposal was recommended for refusal.

7.0 Conclusion

The proposed development at 5 Hillway, Nedlands is located on the outer edge of the Mixed Use R-AC3 zone. It abuts Residential R60 properties to the southwest (side) and northwest (rear). The building as proposed does not allow for appropriate transitioning to the lower density code. The impacts on the property to the southwest are considered to be significant, particularly in relation to overshadowing and height and bulk.

It is recommended that Council supports the Administration's recommendation of refusal.

Declaration of Closure

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