



City of Nedlands

# ***Agenda***

## ***Special Council Meeting***

***20 August 2020***

Dear Council Member

A Special Meeting of the City of Nedlands is to be held at 6.00 pm on Thursday 20 August 2020 online via Teams and livestreamed for the public and onsite in the Council Chambers, 71 Stirling Highway, Nedlands (Councillors Only) for the purpose considering the Responsible Authority Report for 79-81 Broadway, Nedlands.

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  
17 August 2020

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## City of Nedlands

**Notice of a Special Meeting of Council to be held online via Teams and livestreamed for the public and onsite in the Council Chambers, 71 Stirling Highway, Nedlands (Councillors Only) on Thursday 20 August 2020 at 6.00 pm for the purpose considering the Responsible Authority Report for 79-81 Broadway, Nedlands.**

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### 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** Nil.  
**(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 acting 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 531 (No. 79) and Lot 532 (No. 81) Broadway, Nedlands**

<b>Council</b>	20 August 2020
<b>Applicant</b>	Element
<b>Landowner</b>	Bhy Holdings 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>	DAP/20/01783
<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>

**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 24 July 2020 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lots 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands. The application proposes the development of a seven storey multiple dwelling development, comprising of 34 apartments and a shop tenancy at ground level.

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

**Recommendation to Council**

**That Council:**

- notes the Responsible Authority Report for the proposed 34 Mixed Use Development comprising of 34 Multiple Dwellings and a Shop at Lot 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands;**

2. **agrees to appoint Councillor ..... and Councillor ..... to coordinate the Council's submission and presentation to the Metro Inner-North JDAP;**
3. **does / Does not (delete one) support approval of the development; and**

**provides the following reasons for the Council's position on the application;**

- a. **The reasons listed in the RAR report;**
- b. ....
- c. ....

## **2.0 Background**

The City received the JDAP application for Lot 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands on 19 May 2020. The subject lot is zoned 'Mixed Use' and has a density code of R-AC3.

During the assessment period, the City Administration raised several concerns with the applicant regarding the design of the development primarily related to height, bulk, scale, building separation at Levels 4,5 & 6, visual privacy considerations and setbacks and its response to the local area and neighbouring R60 coded sites to the west. The applicant prepared amended plans and revised technical documents on the 24 July 2020, however, for the large part have remained unchanged.

In addition to the above, the applicant has provided another set of amended plans on the 12 & 13 August 2020. These modifications primarily relate to additional screening measures to address visual privacy concerns. Due to the timing, the City was unable to adequately assess these revisions in detail and they have therefore not been considered as the final attachment. It is generally noted however, that the screening measures are secondary to the City's primary concerns regarding height, plot ratio, building separation and setbacks.

The City submitted the RAR on the 17 August 2020, recommending that the JDAP refuse the application. A copy of the revised RAR and revised plans are attached to this report for your reference.

## **3.0 Application Details**

Development approval is sought for the construction of a seven (7) storey mixed use development comprising 34 residential apartments and a shop tenancy located at Lot 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands. The proposal can be summarised as follows:

- The proposed dwelling mix includes 20 x three-bedroom apartments and 14 x two-bedroom apartments. Apartment sizes vary from 93m<sup>2</sup> to 139m<sup>2</sup> in addition to balcony areas ranging from 19m<sup>2</sup> to 68m<sup>2</sup> for each apartment;
- The development proposes seven (7) storeys with an additional roof top terrace for communal amenities for residents. The height from the top of the seventh storey is 24.6m and a total height of 27.9m measured from the top of the roof top terrace at the relative natural ground level;
- 1 shop tenancy comprising of 90m<sup>2</sup> and located at ground level. The length of the tenancy parallel to Broadway is 14m with a maximum depth of 7m;
- Vehicle access is via Broadway located north-east of the subject lot;
- Parking is provided within the basement level, lower ground and upper ground levels and includes a total of 77 residential parking bays and 7 bays allocated for both visitors and commercial tenancy in a reciprocal arrangement and 1 ACROD bay;
- A total of 34 bicycle racks are proposed for each apartment and located within each storeroom, with an additional 20 bicycle racks located at the lower ground level designated for resident and commercial visitors and an additional 2 bicycle bays provided for the commercial tenancy outside the tenancy; and
- A total of 5 motorcycle bays are proposed within the basement level; and
- Deep soil area and landscaping is proposed predominately to the rear of the subject site with planting on structure throughout the development

#### **4.0 Consultation**

The City's Local Planning Policy – Consultation of Planning Proposals states that the development proposal for multiple dwellings is classified as a “Complex” Application. In accordance with this policy, the application was advertised for a period of 21 days from 6 June 2020 until 27 June 2020. At the conclusion of advertising the City received a total of 228 submissions, with 14 in support, 213 objecting and 1 whom neither supports or objects.

As per the requirements of the City's Local Planning Policy – Consultation of Planning Proposals, the amended plans received on the 24 July 2020 and 13 & 14 August 2020 were not publicly advertised as they proposed no additional impacting modifications to the original plans. However, the plans were placed on the City's Your Voice page for the information of interested residents, providing an opportunity for review with comments likely to be presented via deputations to the JDAP.

## **5.0 Amendments to the Development Application Plans**

The applicant submitted revised plans and technical information on 24 July 2020 that differed from the plans as advertised. Those modifications to plans are summarised below:

- The car parking space adjacent to the front lot boundary at ground level has been removed and replaced with a low-level planter;
- The gate into the car parking area at ground level has been relocated west to address queuing issues and potential conflict with pedestrians at peak hours;
- One (1) additional car parking bay is proposed to be allocated to the commercial tenancy and residential visitor car parking bay. A total of 8 bays have been proposed inclusive of one (1) ACROD bay. Car parking bay widths have been increased to 2.6m;
- Signage zone is shown on the plans and has been incorporated within the aesthetics of the building; and
- Modification to Level 6 (Storey 7) roof material and darker colour has been incorporated to reduce its visual prominence as viewed from the street.

Additional and/or amended technical and supporting information was also provided:

1. Revised Development Application Report, Justification and Plans (version 2)
2. Additional Photomontage renders of the development as viewed from the rear and primary street
3. Long range views from inside the apartments (version 1)
4. Setback Average Sectional Detail (version 1)
5. Overshadowing Diagrams (version 1)
6. Revised Solar Access Diagrams (version 2)
7. Revised Landscape Plan (version 2)
8. Revised Traffic Impact Statement (version 2)
9. Revised Acoustic Assessment (version 3)
10. Revised Waste Management Plan (version 2)

## **6.0 Recommendation to JDAP**

The City considers that several Element Objectives and Acceptable Outcomes are not achieved and has a number of concerns regarding the development and its provision of amenity for surrounding landowners and future residents. The cumulative impact of the unresolved elements of the proposed development primarily include:

- The height of 7-storeys is inconsistent with the future scale of an R-AC3. The height presents as a 6-storey interface to the adjoining R60 coded lots and between 7-8 storeys as viewed from Broadway;

- The minimum nil street setbacks from Upper Ground onwards does not adequately align with the future character expectations;
- Reduced building separation from Levels 4,5 & 6 does not provide for adequate setbacks that adequately align with the future character expectations and protection of internal and external amenity;
- The plot ratio of 2.49 does not align with an R-AC3 code or 'mid-rise urban centre'. It is representative of a R-AC2 or 'high density urban centre'; and
- Subsequent impacts to visual privacy, extent of overshadow and amenity.

This indicates that the proposal does not fit comfortably within the building envelope (to the extent this can be determined); that the massing of the buildings is not suitable, and as such the proposal is considered to represent over development of the site. Consequently, it is considered that the overall bulk and scale of development is not appropriate for the existing or planned character of the area.

## **7.0 Conclusion**

The City received the JDAP application for Lot 531 (No.79) and Lot 532 (No.81) Broadway, Nedlands on 19 May 2020. The subject lot is zoned 'Mixed Use' and has a density code of R-AC3.

Administration is not satisfied that the applicant has adequately resolved the development issues discussed in this report.

**Declaration of Closure**

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