

Our Ref: 19-248
Your Ref: 5.2015.417.1

28 June 2019

Chief Executive Officer
City of Vincent
244 Vincent Street
LEEDERVILLE WA 6007



Attention: John Corbellini – Executive Director, Planning and Place

Dear John,

DEVELOPMENT ASSESSMENT PANEL APPROVAL (DAP/15/00892) FOR 48-50 COWLE STREET, WEST PERTH – REGULATION 17A APPLICATION

Further to the Metro West Joint Development Assessment Panel (DAP) approval for the aforementioned site of 8 February 2016, and the subsequent DAP Form 2 approvals of 3 March 2017 and 23 October 2017, **element**, on behalf of the landowners, is pleased to enclose this Regulation 17A application seeking a further one (1) year extension to the approval period for the approved residential development at Lots 60 and 61 (Nos. 48-50) Cowle Street, West Perth (the subject site).

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* (the DAP Regulations), the applicant can elect for minor amendment applications to be determined by either the DAP or the responsible authority (the City of Vincent). In this instance, the applicant elects for the application to be determined by the City of Vincent as the responsible authority, in accordance with Regulation 17A of the DAP Regulations.

In accordance with the City of Vincent's requirements please find enclosed:

- A completed and signed City of Vincent 'Application for Development Approval Form';
- A completed and signed MRS Form 1;
- A completed and signed DAP Form 2;
- Copies of the previous DAP determination letters;
- Current copies of the Certificates of Title for the subject lots;
- Three (3) scaled copies of the development plans;
- One (1) electronic copy of all submitted plans and documentation; and
- A cheque payable to the City of Vincent for \$295, being the application fee payable to the City for an application under Regulation 17A of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

Subject Site

The subject site comprises Lots 60 and 61 (Nos. 48-50) Cowle Street, West Perth and is located within the City of Vincent local government area.

The site has a total land area of 4,008m², and maintains an 89.36 metre frontage to Cowle Street to the southwest and a 4.83 metre frontage to Victoria Street to the northwest.

The site is largely vacant pending development, however the existing Category B heritage listed house on site has been retained and is to be incorporated into the approved residential development.

The Certificate of Title details for the subject lots are summarised in the following table. Copies of the Certificates of Title are enclosed.

Lot	Plan	Volume/Folio	Site Area	Street Address
60	414285	2959/947	1,832m ²	48 Cowle Street, West Perth
61	414285	2959/948	2,176m ²	50 Cowle Street, West Perth

Lot 60 is owned by West Perth Management Pty Ltd, whilst Lot 61 is owned by Cowle Street Management Pty Ltd.

Both lots are burdened by easements for sewerage purposes and underground electricity purposes, but these do not inhibit the development as previously approved.

Lot 61 is also burdened by a right of carriageway easement in favour of Lot 60, which relates to the use of the central vehicle driveway as currently approved.

At the time of the issuing of the previous DAP determinations, it is noted that the site comprised Lots 10 and 41 (Nos. 48-70) Cowle Street. However, the site has since been resubdivided as detailed above, in order to reflect the intended staging of the development.

Project Background

At its meeting of 8 February 2016, the DAP granted conditional approval for the construction of a residential development on the subject site, comprising two separate four-storey buildings providing a total of 32 one-bedroom multiple dwellings, 37 two-bedroom multiple dwellings and five (5) three-bedroom multiple dwellings, along with associated car parking and residential facilities. The approved development incorporates the conservation and restoration of the existing Category B listed heritage property on site and, as a result, the application was approved with a 50% plot ratio bonus in accordance with Clause 20(2) of the City's then Town Planning Scheme No. 1 (TPS1), to allow for a plot ratio of 1.4961 (5,997m²). The development was initially granted approval with a standard two (2) year substantial commencement period that would run through until 8 February 2018.

A DAP Form 2 application was subsequently approved on 3 March 2017, which included a number of minor amendments to the previously approved development, including a minor plot ratio increase from 1.4961 to 1.5 (6,012m²).

At its meeting of 23 October 2017, the DAP considered and approved a further DAP Form 2 application that sought a two (2) year extension to the previous two (2) year substantial commencement period, to extend the validity of the development approval through to 8 February 2020.

The development is to be undertaken in a staged manner, with the two buildings to be constructed separately and managed by separate strata bodies once completed.

Proposed Extension of Time

This DAP Form 2 application seeks to extend the term of the existing planning approval only and does not propose any changes to the previously approved development, with the development to proceed in accordance with the existing approved plans.

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The extension is sought as a result of the proponent being unable to achieve substantial commencement of the approved development within the current approval period, which will expire on 8 February 2020.

Accordingly, a one (1) year extension to the current planning approval is sought, to enable the substantial commencement period to be extended through to 8 February 2021.

Applicable Planning Framework

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and is not affected by any reservations or Clause 32 resolutions under the MRS.

At the time of the issuing of the previous approval, and the subsequent DAP Form 2 approvals, the site was subject to the City's now repealed Town Planning Scheme No. 1 (TPS1), which identified the site as being zoned 'Residential' with a corresponding residential density coding of R80. However, since that time, the City has adopted its new Local Planning Scheme No. 2 (LPS2), which replaced TPS1. Notwithstanding, LPS2 retains the previous 'Residential' R80 zoning over the subject site that applied under TPS1.

In addition, it is noted that the City has also adopted a new Built Form Policy (Policy No. 7.1.1) since the original approval was issued. However, compliance with the Built Form Policy was considered at the time of issuing the previous extension of time approval in October 2017.

At a State level, we also note the recent gazettal of the first stage of the Design WA suite of documents, comprising State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) and State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments (SPP7.3), which has replaced Part 6 of the previous Residential Design Codes as of 24 May 2019.

The impacts of the abovementioned changes to the applicable planning framework are discussed in the Planning Assessment section of this correspondence (below).

Planning Assessment

In considering an application to amend an approval so as to extend the period in which an approved development must be substantially commenced, the relevant planning considerations include:

1. Whether the planning framework has changed substantially since the development approval was granted;
2. Whether the development would likely receive approval now;
3. Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval;
4. Whether the time originally limited was adequate in all of the circumstances; and
5. Was the developer seeking to "warehouse" the approval.

These matters are addressed below.

Points 1 and 2 – Would the Development Likely Receive Approval Now:

Points 1 and 2 (above) are addressed collectively, as the extent of change to the planning framework is a key consideration in determining whether a development would likely be approved now.

In this instance, and as noted above, there have been three primary changes to the planning framework since the original development application was considered by the City and approved by the DAP, being:

- The gazettal of the City's new LPS2, which replaced TPS1 as the primary statutory control on the development and use of land within the City of Vincent;
- The adoption of the City's new Built Form Policy; and
- The implementation of the first stage of Design WA, including SPP7.3, which has replaced Part 6 of the previous Residential Design Codes under which the proposal was originally assessed, and SPP7.0.

The implications of these changes are discussed below.

- LPS2

Whilst the adoption of a new local planning scheme is typically a not insignificant advancement in a local planning framework, it is considered that the adoption of the new LPS2 does not represent a substantial change to the planning framework as it pertains to the approved development on the subject site, on the basis that:

- LPS2 maintains an identical Residential R80 zoning to that which applied to the subject site under the former TPS1, which demonstrates a desire for similar land use and built form outcomes to those achieved under TPS1;
- 'Dwelling (multiple)' is still a permitted ('P') use in the Residential zone under LPS2;
- There is still discretion available to permit variations to the applicable plot ratio and building height requirements, as required to support the development previously approved; and
- The approved development is consistent with the objectives for the Residential zone under LPS2 in that it:
 - Contributes to the provision of a range of housing choice to meet the needs of the community; and
 - Provides a high quality design outcome that will enhance the residential streetscape along Cowle Street.

Noting the above, the change from TPS1 to LPS2 is considered to be essentially administrative in nature, as it relates to development on the subject site. LPS2 simply brings the City's local planning scheme in line with model provisions for local planning schemes contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*, without substantively altering the land use and built form outcomes that can be achieved on, or are envisaged for, the subject site.

On the basis of the above, it is concluded that LPS2 does not fundamentally impact on the likelihood of the development to received approval now and does not constitute a substantial change to the planning framework in the context of the subject site.

- Built Form Policy

With respect to the adoption of the Built Form Policy, it is noted that whilst this was not in operation at the time of the issuing of the original 2016 approval, it was considered by the City and the DAP as part of the two Form 2 applications that were approved in 2017 based on positive recommendations from the City, with the Policy having been formally adopted in December 2016. This assessment concluded that the proposal was generally consistent with the Built Form Policy, as reflected in the below extract from the City's Responsible Authority Report for the application approved on 23 October 2017:

This application was assessed in accordance with the City's Built Form Policy and was found to be generally in compliance with it.

Given the above and noting that no changes are proposed to the approved development as part of this current Regulation 17A application, the proposal is deemed to be consistent with the City's Built Form Policy. Accordingly, the overall bulk and scale of the proposal is considered to

be consistent with the applicable planning framework, as established by the Built Form Policy, and the Policy is not seen as representing any impediment to the approval of this Regulation 17A application.

In addition to the above, it is also noted that the Built Form Policy has been consistent in its application across TPS1 and LPS2, providing additional continuity in the applicable local planning framework since the approval of the most recent DAP Form 2 approval on 23 October 2017, irrespective of the change in local planning scheme.

- Design WA

Fundamentally, Design WA is an initiative that is aimed at improving the design quality of built environment proposals throughout the State.

Design WA seeks to establish a coordinated strategy to achieve desired design outcomes that is based around three design quality mechanisms, being:

- The establishment of 10 key **Design Principles** to assist in defining what constitutes ‘good design’;
- The importance of independent **Design Review** as part of the development application process; and
- The importance of utilising competent and skilled architects with the necessary **Design Skills** to deliver good design outcome.

In this regard, it is noted that the approved development was designed by renowned architectural practice Cameron Chisholm Nicol (CCN). CCN is one of Perth’s most respected architectural firms, with an extensive portfolio of delivering quality architectural outcomes, and has been closely involved with the development of the Design WA suite of policies. Consequently, CCN not only have the necessary design skills to deliver high quality outcomes, but they have also been incorporating the key principles of Design WA into their work long before the adoption of the new suite of policies. This is reflected in the high quality design of the approved development.

The design quality of the development is further reinforced by the fact that the proposal went through a comprehensive process with the City’s Design Review Panel (DRP) both prior to, and as part of, the original development application process, resulting in the award of design excellence from the DRP.

On the basis of the above, the proposal is considered to represent a high quality design outcome that appropriately addresses the ten (10) Design Principles established under SPP7.0, as set out below.

1. Context and Character

The approved development responds appropriately to its predominantly residential context through the provision of a highly articulated built form that reduces the overall bulk and scale of the proposal and enables natural light and ventilation to be maintained to adjoining properties, whilst also responding appropriately to the form of the adjoining three storey apartment development at 30 Cowle Street. The development also retains an existing local heritage item as a key element of the built form and reflects a residential aesthetic through the diverse range of materials and finishes that define the overall built outcome.

The above ensures that the proposal sits comfortably in its context, as Cowle Street transitions from a predominantly single storey built form to accommodating multiple dwelling, multi storey developments of the type proposed. In this regard, the proposal also responds appropriately to the desired future character for the area, as established by the Residential R80 zoning under

LPS2, through the provision of a high quality residential infill development in a location that is well serviced by existing public transport services and surrounding amenities.

The above is reflected in the City's summary comments from the original Responsible Authority Report (RAR), as reproduced below.

- *Cowle Street is currently experiencing a change to the existing streetscape appearance from single storey developments to multiple dwelling, multi storey developments;*
- *The development has achieved design excellence;*
- *The design of four separate buildings significantly articulates the proposed built form to reduce the overall bulk and ensures natural light and ventilation is available both on site and to the adjoining properties;*
- *The contemporary appearance of the dwellings will contribute positively to the future streetscape and redevelopment of the area;*

2. *Landscape Quality*

The development provides a significant amount of landscaped communal space at ground level, including deep soil areas for the planting of canopy trees. The landscaping proposal includes the planting of 16 new large (500 litre) trees, as indicated on the approved landscaping plan, along with additional small (100 litre) and medium (200 litre) sized trees.

The development utilises both hard and soft landscape elements to create an external environment that complements the built form of the proposal and provides a range of different spaces for residents. This will deliver a high quality landscaped setting for the development that provides appropriate shade and an excellent level of amenity for the future building occupants.

3. *Built Form and Scale*

As evidenced by the existing approvals, the built form, height and scale of the proposal is appropriate for the site and provides a highly articulated built form that will make a significant contribution to the streetscape and the amenity of the locality. This is reflected in the City's summary comments from the original Responsible Authority Report (RAR), as referenced above in relation to Context and Character.

4. *Functionality and Build Quality*

The approved development proposes a range of high quality, durable materials including masonry brick with both exposed and rendered finishes, fibre cement cladding, steel wall and roof cladding, and high quality glazing. This will minimise maintenance costs over the life cycle of the development and ensure an enduring design outcome that retains its quality over time.

All apartments are also of a generous size with large, functional rooms, and all services will be integrated into the design so as not to be visually intrusive when viewed from the street or neighbouring buildings, as per the terms of the original development approval.

5. *Sustainability*

All of the residential apartments within the development have a dual aspect, providing an outstanding level of cross ventilation and northern solar access. This will result in high levels of natural temperature regulation, which in turn will reduce energy consumption and operating costs over the life-cycle of the project.

6. *Amenity*

As noted above, all of the residential apartments within the development have a dual aspect, providing an outstanding level of cross ventilation and northern solar access, in excess of the

minimum requirements under SPP7.3. The apartments are also of a generous size, with large functional rooms and generously sized balconies.

Residential stores are also provided for all apartments, along with dedicated on-site parking for residents and visitors, and high quality communal landscaping areas.

7. Legibility

The building provides clearly defined pedestrian and vehicle entries, including direct pedestrian access to the ground floor units fronting Cowle Street. Internal circulation areas are also clearly defined and provide convenient access to all apartments within the development.

The development also enhances pedestrian movement within the adjoining public realm by consolidating vehicle access into a single crossover, thereby minimising breaks in the public footpath and enhancing the pedestrian experience along Cowle Street.

8. Safety

The development will provide for a significant increase in passive surveillance to Cowle Street and Dorrien Gardens, with balconies and major opening to habitable rooms fronting the surrounding public realm at all levels.

The development also provides clear distinction between public and private areas through the provision of a clearly design built edge, whilst all entries and internal circulation areas are clearly legible and will be provided with appropriate lighting in accordance with CPTED principles.

The provision of a single, consolidated vehicle access point will also enhance pedestrian safety and amenity on Cowle Street by minimising breaks in the public footpath.

9. Community

The proposal incorporates communal landscaped areas that encourage social interaction between residents, and provides activation and passive surveillance of Dorrien Gardens to the rear.

The development also offers appropriate diversity in product, with a mix of one, two and three-bedroom residential apartments that will cater for a diverse demographic of purchasers.

10. Aesthetics

The proposal as a whole represents an example of good design that responds appropriately to its context, as evidenced by the design excellence certification received from the City's DRP as part of the original development process. The design is a well-considered one that maximises the amenity of the proposed residential apartments, whilst providing a highly articulated built form that will make a significant contribution to the streetscape along Cowle Street.

The development also conserves the heritage listed building on site as an integral part of the overall design approach that is then reflected in the materiality of the new buildings. This provides a unique response to the history of the site and ensures the ongoing conservation of a significant heritage building for the enjoyment of future generations.

Points 3, 4 and 5: Whether the Proponent has Pursued Implementation of the Approval

Points 3, 4 and 5 are also addressed collectively, as they essentially all relate to the extent to which the proponent has actively pursued the implementation of the approval.

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In this instance, it is clear that the proponent has actively pursued the implementation of the approval in difficult market conditions, as evidenced by the following actions that have been undertaken since the original development was approved:

- Engaging a full consultant team to progress the design through to a full construction documentation set of drawings;
- Modifying the development through the DAP Form 2 application that was approved on 3 March 2017, to reflect the detailed design process and better respond to market demand;
- Demolishing redundant structures on site to make way for the proposed new development;
- Undertaking an extensive marketing campaign to assist in obtaining necessary pre-sales; and
- Re-subdividing the site in December 2018 to reflect the intended staging of the development and provide the necessary access easements to facilitate the use of the shared crossover.

As a result of the above, the proponent is well placed to lodge a building permit as soon as they received the necessary pre-sales to obtain construction finance, and it is clear that they are actively pursuing the implementation of the approval. With a number of pre-sales having already been obtained, the proponent is confident that this can be completed, and the project substantially commenced, with only a one (1) year extension to the current planning approval, as requested.

It is also noted that the project developer, M/Group, has a demonstrated track record of project delivery throughout the metropolitan region, including in the City of Vincent. In particular, M/Group has successfully delivered two residential apartments in the City of Vincent in the past three years, being the 39 unit M/24 project at 201 Carr Place, Leederville and the 30 unit M/25 project at 159 Walcott Street, Mount Lawley. This, in conjunction with their broader portfolio of successful project, serves to demonstrate M/Group's sincere commitment to ensuring the delivery of residential infill projects in the City of Vincent and the broader Perth metropolitan area.

The above reinforces that this project is entirely genuine, and that M/Group is not in the business of "warehousing" approvals for the purpose of increasing land values.

For the reasons outlined above, it is concluded that the proponent has actively pursued the implementation of the approval in a challenging residential apartment market and has not in any way sought to "warehouse" the approval. As such, a 12 month extension to the planning approval is considered reasonable in the context of the current residential apartment market, to enable sufficient time to finalise necessary pre-sales and achieve substantial commencement.

Planning Assessment Summary

Based on the assessment provided above, it is concluded that the proposed extension of time is entirely consistent with the established test for considering applications of this nature, and therefore warrants approval.

It is clear that the development would be capable of being approved now, irrespective of the changes in the planning framework, and that the development remains consistent with the vision for the area that has been established by the City. The proponent has also taken a number of significant steps to implement the approval and has a demonstrated track record of project delivery within the City of Vincent.

Furthermore, it is reiterated that the proposed development will provide for a high quality redevelopment of the subject site, incorporating the retention and restoration of the Category B listed heritage building on site, and will make a significant positive contribution to the streetscape

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and the amenity of the locality. As such, the development is observed to be entirely consistent with the principles of orderly and proper planning, and has significant planning merit.

Conclusion

We trust the information provided will assist the City in its assessment of the proposed extension to the approval period, and we look forward to the City's favourable consideration of this Regulation 17A application.

Should you have any queries or require clarification on any of the matters presented herein, then please do not hesitate to contact George Ashton or the undersigned on (08) 9289 8300.

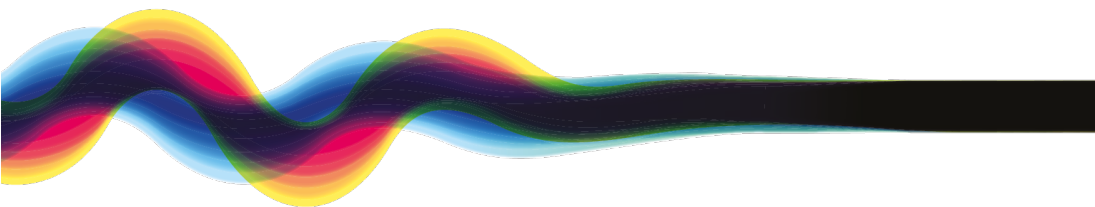
Yours sincerely

element



Daniel Lees
Principal - Planning

Encl.



Our Ref: 19-248
Your Ref: 5.2019.242.1

17 October 2019

Chief Executive Officer
City of Vincent
244 Vincent Street
LEEDERVILLE WA 6007

Attention: Clair Morrison – Urban Planner

Dear Clair,

EXTENSION OF TIME APPLICATION FOR APPROVED MULTIPLE DWELLING DEVELOPMENT AT 48-50 COWLE STREET, WEST PERTH – RESPONSE TO COUNCIL DEFERRAL OF 15 OCTOBER 2019

On behalf of the landowner, **element** is pleased to provide the following additional justification in support of the extension of time application for the approved multiple dwelling development at 48-50 Cowle Street, West Perth (the subject site), in response to the recent decision of Council to defer determination of the application.

It is understood that the Council's reason for deferring the application is to enable further assessment to be undertaken by the City's officers to consider the changes that have occurred to the planning framework since the original approval was issued, and the likelihood of the development being approved in light of the City's new Local Planning Scheme No. 2 (LPS2) not having replicated Clauses 20 and 27 of the previous Town Planning Scheme No. 1 (TPS1). This concern appears to relate specifically to two of the key considerations when considering an extension of time application, which are:

- a. Whether the planning framework has changed substantially since the development approval was granted; and
- b. Whether, having regard to any relevant changes in the planning framework, the development would likely receive approval now.

As per our correspondence of 28 June 2019, we acknowledge that there have been changes in the applicable planning framework since the time of the original approval for the subject site, with the key changes being:

- The adoption of the City's new LPS2, which has replaced the previous TPS1 under which the original proposal was assessed;
- The adoption of the City's new Built Form Policy (Policy 7.1.1); and
- The gazettal of the first stage of the Design WA suite of documents, comprising State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) and State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments (SPP7.3), which has replaced Part 6 of the previous Residential Design Codes as of 24 May 2019.

However, as detailed in our correspondence of 28 June 2019, these changes are not considered to fundamentally impact the ability or the likelihood of the development to receive approval now, because:

- LPS2 maintains the same zoning, residential density and land use permissibility requirements for the site as TPS1, demonstrating a desire for similar land use and built form outcomes to those achieved under TPS1;
- The approved development remains consistent with the objectives for the Residential zone under LPS2 in that it:
 - Contributes to the provision of a range of housing choice to meet the needs of the community; and
 - Provides a high quality design outcome that will enhance the residential streetscape along Cowle Street;
- Noting the above, the change from TPS1 to LPS2 is considered to be essentially administrative in nature, as it relates to development on the subject site. LPS2 simply brings the City's local planning scheme in line with model provisions for local planning schemes contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*, without substantively altering the land use and built form outcomes that can be achieved on, or are envisaged for, the subject site;
- The provisions of the City's Policy 7.1.1 were considered by the City as part of the two previous amendment applications that were approved in 2017 based on positive recommendations from the City, with those assessments concluding that "*This application was assessed in accordance with the City's Built Form Policy and was found to be generally in compliance with it*";
- The proposal is observed to be consistent with the Design WA suite of documents, as detailed below and in our correspondence of 28 June 2019; and
- There is still discretion available to permit variations to the applicable plot ratio, building height and setback requirements under the current planning framework, as required to support the development previously approved.

Notwithstanding, a specific response to the issue raised with respect to the removal of Clauses 20 and 27 of TPS1 is provided below.

For context, these previous provisions of TPS1 enabled the following:

- In the case of Clause 20(2)(b), a plot ratio bonus of up to 50% where the proposed development conserved or enhanced an existing dwelling that was worthy of protection, something that the development achieved by virtue of the conservation and enhancement of the existing heritage building on site; and
- In the case of Clause 27, the ability for Council to vary any "site or development requirement" of TPS1 to facilitate the conservation of a heritage place.

With respect to Clause 27 of TPS1, the reason that this has not been replicated in LPS2 is simply because an almost identical provision is now contained within the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which automatically apply to all local planning schemes and therefore rendered Clause 27 entirely superfluous. The exact same level of discretion to permit variations for the retention of heritage places that existed under TPS1 still exists under LPS2, via Clause 12 of the Deemed Provisions. Therefore, Clause 27 has effectively been replicated in LPS2, and this aspect of the change in the planning framework is considered to be of no consequence to this application for an extension of time.

We would also contend that the existence of Clause 12 of the Deemed Provisions partly explains the removal of Clause 20(2)(b) of TPS1, as plot ratio is simply another "site or development requirement" that can be varied in accordance with Clause 12 of the Deemed Provisions. Furthermore, the plot ratio requirements applicable to the site are now derived from SPP7.3, which is intended as a performance-based policy, not a deemed-to-comply check. In this regard, SPP7.3 clearly states the following:

“Applications for development approval need to demonstrate that the design achieves the objectives of each design element. While addressing the Acceptable Outcomes is likely to achieve the Objectives, they are not a deemed-to-comply pathway and the proposal will be assessed in the context of the entire design solution to ensure the Objectives are achieved. Proposals may also satisfy the Objectives via alternative means or solutions.”

In this regard, it is noted that the proposal simply needs to demonstrate consistency with the relevant Element Objective under Section 2.5 – Plot Ratio of SPP7.3, which reads as follows:

O 2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.

Therefore, whilst the associated Acceptable Outcome may indicate a plot ratio of 1.0 for sites coded R80, the ultimate question, irrespective of the proposed plot ratio, is whether the bulk and scale of the development is appropriate for the existing or planned character of the area. In this regard, we would contend that the proposal is clearly consistent with the planned character of the area on the basis that:

- The change from TPS1 to LPS2 is essentially administrative nature, with no change to the zoning, residential density and land use permissibility requirements applicable to the site, which clearly demonstrates a desire for similar land use and built form outcomes to those achieved under TPS1;
- The original application and all subsequent DAP Form 2 applications have been supported by the City’s officers, the City’s independent Design Review Panel (DRP) and the Metro West Joint Development Assessment Panel (JDAP). This clearly demonstrates that the City’s officers, the DRP and the JDAP all consider the proposal to be contextually appropriate for the site, regardless of any variations sought to the applicable built form controls;
- This extension of time application has similarly been supported by both the City’s officers and the DRP, with the DRP noting that *“The development is designed sensitively to the context even though it is over plot ratio and height”*; and
- The City’s original Responsible Authority Report (RAR) concluded that:
 - *“Cowle Street is currently experiencing a change to the existing streetscape appearance from single storey developments to multiple dwelling, multi storey developments;*
 - *The development has achieved design excellence;*
 - *The design of four separate buildings significantly articulates the proposed built form to reduce the overall bulk and ensures natural light and ventilation is available both on site and to the adjoining properties;*
 - *The contemporary appearance of the dwellings will contribute positively to the future streetscape and redevelopment of the area”.*

Therefore, irrespective of the specific plot ratio bonus provisions in the previous TPS1, or the Acceptable Outcomes of SPP7.3, it is clear that the proposal is consistent with the overarching Element Objective of SPP7.3 and is fundamentally an appropriate built form outcome for the site, having regard to its immediate context and the applicable planning requirements.

For the same reason, the proposed building height and setbacks can also be considered entirely appropriate for the site and consistent with the intent of SPP7.3 to achieve contextually appropriate outcomes. These matters have also been addressed in detail in the City’s report to Council, with the key points being that:

- The overall height, bulk and scale has previously been deemed contextually appropriate for the site by the City’s officers, the DRP and the JDAP;
- The proposal presents a highly articulated built form that breaks up the bulk and scale of the building as viewed from the street and surrounding buildings;

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- The development provides an appropriate height interface with Dorrien Gardens and the existing three storey multiple dwelling development to the southeast of the site;
- The proposal provides an appropriate two storey height interface at the boundary with the existing single house development to the northwest;
- The street setbacks are consistent with the retained heritage building on site and those of the existing multiple dwelling development to the southeast;
- The overshadowing impact of the proposed development at Midday on June 21 does not adversely affect any other properties in the locality, with the extent of shadow impact contained primarily within the Cowle Street road reserve; and
- The proposed side and rear setbacks:
 - Reflect the existing lot boundary setbacks and design characteristics of the Cowle Street streetscape;
 - Provide a sympathetic, transitional relationship with the existing single house to the northwest of the subject site, with a two storey height transition at the boundary interface;
 - Respond to the corresponding setbacks of the existing multiple dwelling development to the southeast, with lot boundary walls that correspond with those on the adjoining site;
 - Provide adequate building separation that is proportionate to the height of the proposed development;
 - Allow adequate access to natural light and ventilation for the proposed dwellings and adjoining properties; and
 - Due to the orientation of major openings and outdoor living areas, do not result in any visual privacy impacts on adjoining properties, whilst still maximising passive surveillance of Cowle Street and Dorrien Gardens.

In addition, the City's report to Council also more broadly considers the consistency of the proposal with SPP7.3 as a whole and concludes that the proposal meets all relevant Element Objectives, resulting in a recommendation for approval from the City's officers.

Accordingly, it is concluded that the proposal is not only capable of being approved, but it is likely that it would be approved if it were to be considered now against the current town planning framework, inclusive of the built form variations proposed.

Summary and Conclusion

Based on the assessment provided above, it is clear that the development would be capable of being approved now, irrespective of the changes in the planning framework. The development remains entirely consistent with the vision for the area that has been established by the City's new LPS2, and therefore it is concluded that the proposed development would also be entirely likely to be approved now when considered against the current town planning framework.

Furthermore, the proponent has also taken a number of significant steps to implement the approval and has a demonstrated track record of project delivery within the City of Vincent, as discussed in detail in our correspondence of 28 June 2019.

The proposed development will provide for a high quality redevelopment of the subject site, incorporating the retention and restoration of the Category B listed heritage building on site, and will make a significant positive contribution to the streetscape and the amenity of the locality. As such, the development is observed to be entirely consistent with the principles of orderly and proper planning, and has significant planning merit.

We trust the information provided will assist the City in its further assessment of the proposed extension to the approval period, and we look forward to Council's favourable consideration of this application for planning approval.

EXTENSION OF TIME APPLICATION FOR APPROVED MULTIPLE DWELLING DEVELOPMENT AT 48-50 COWLE STREET,
WEST PERTH – RESPONSE TO COUNCIL DEFERRAL OF 15 OCTOBER 2019

Should you have any queries or require clarification on any of the matters presented herein, then please do not hesitate to contact Dan Lees or the undersigned on (08) 9289 8300.

Yours sincerely

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A handwritten signature in black ink, appearing to read 'G Ashton', written over a horizontal line.

George Ashton
Senior Consultant - Planning

Encl.