



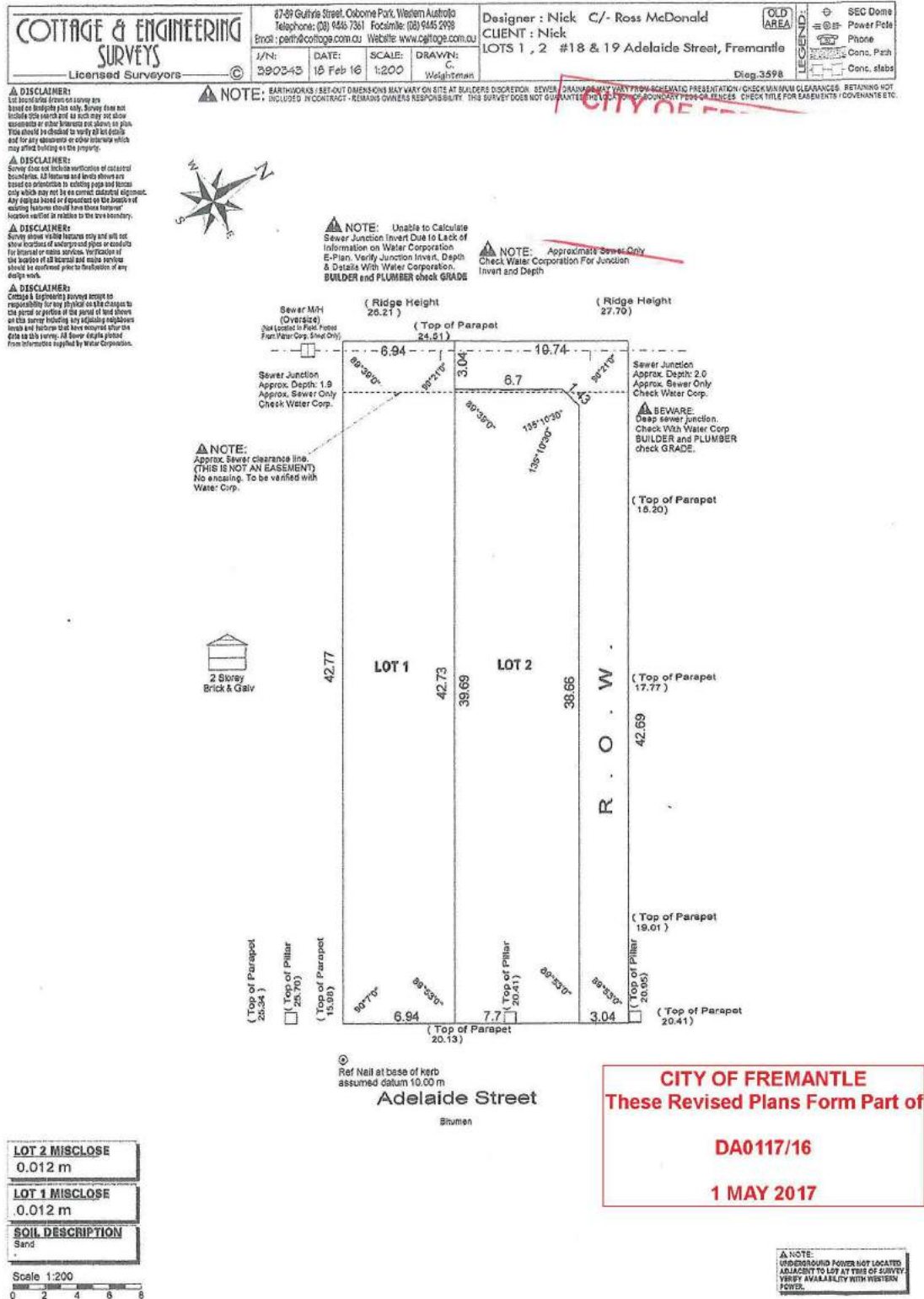
AGENDA ATTACHMENTS

Planning Committee

Wednesday, 7 June 2017, 6.00 pm

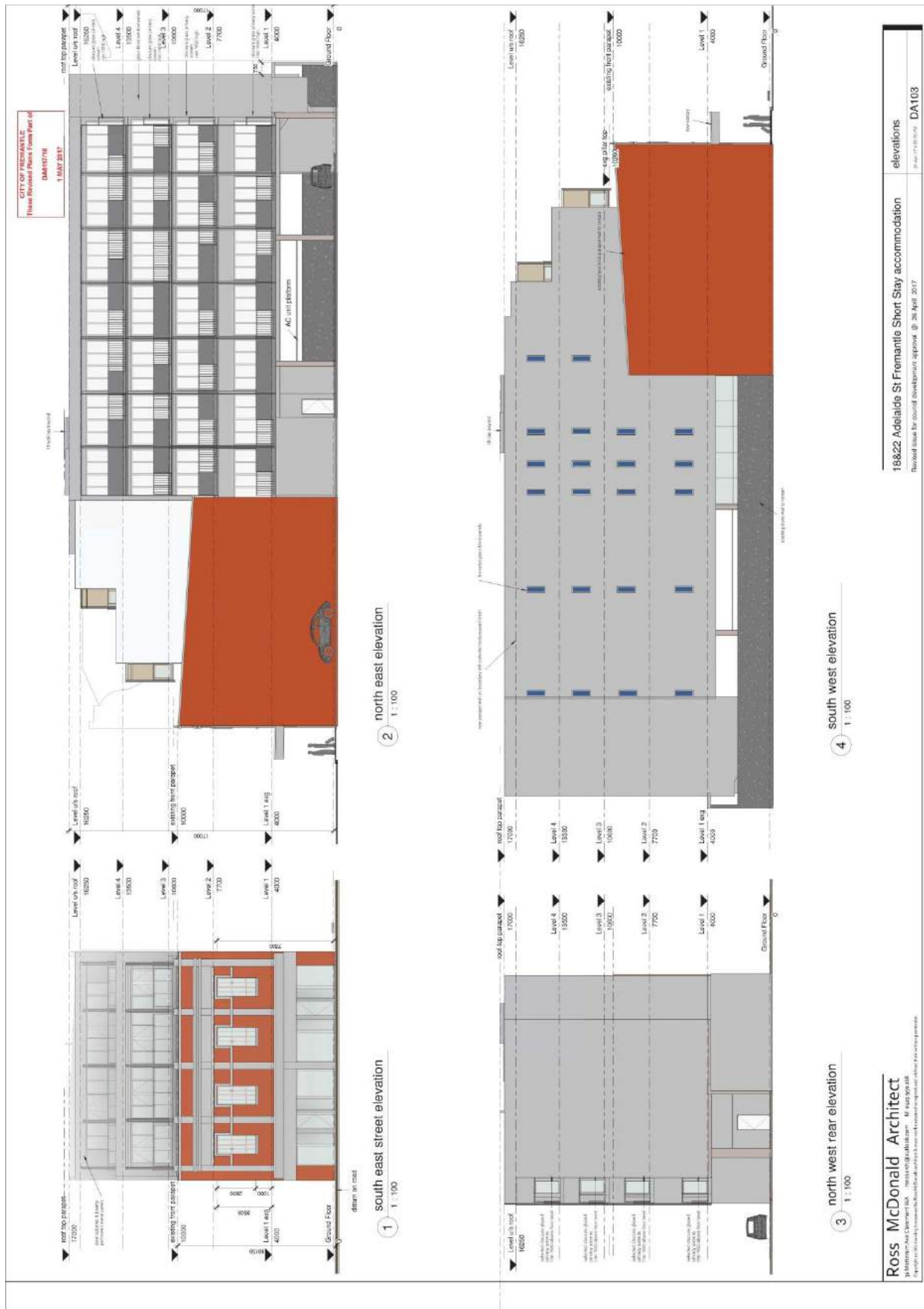
PC1706 -1 ADELAIDE STREET, NOS. 18-22 (LOTS 1 AND 2), FREMANTLE - FIVE (5) STOREY TOURIST ACCOMMODATION AND SHOP - (NB DA0117/16)

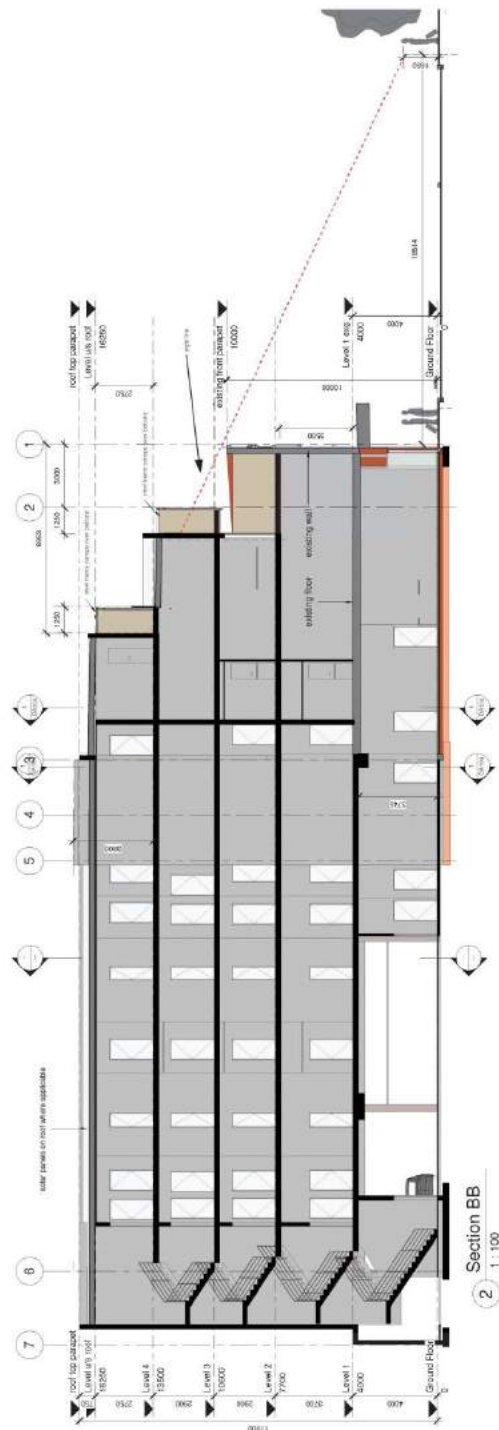
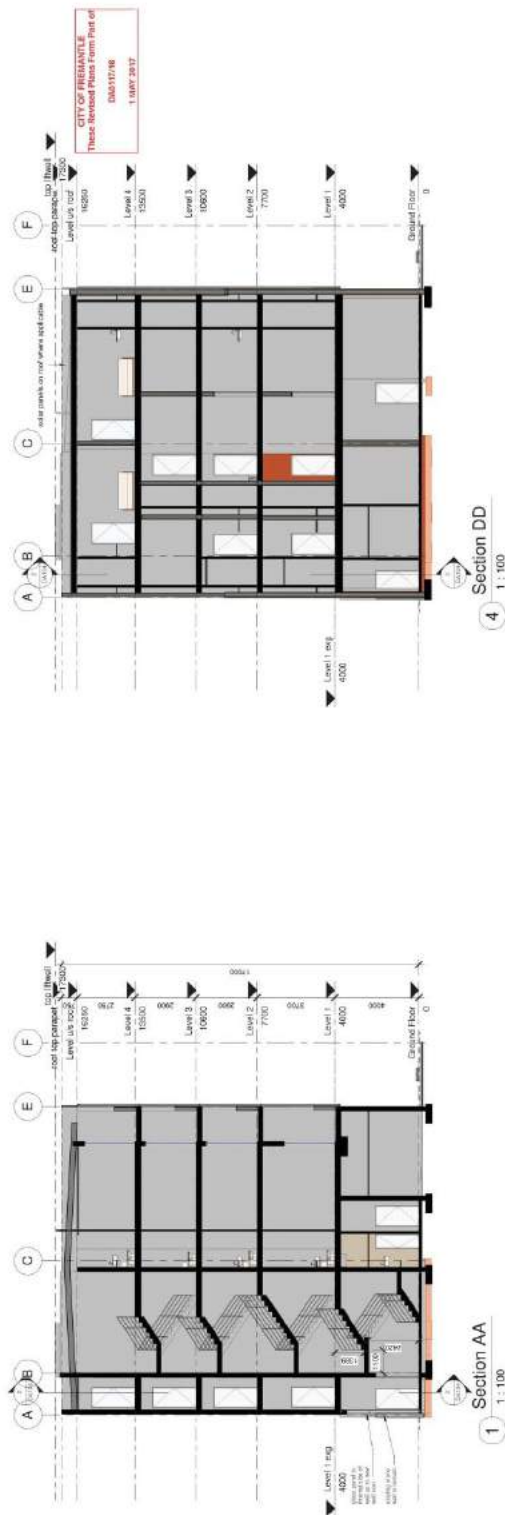
ATTACHMENT 1: Amended Development Plans













ADELAIDE STREET VIEW

ROSS McDONALD ARCHITECT

ATTACHMENT 2: Previous PC Report

PC1701 - 2 ADELAIDE STREET, NOS. 18-22 (LOTS 1 & 2), FREMANTLE – FIVE (5) STOREY TOURIST ACCOMMODATION AND SHOP BUILDING (NB DA0117/16)

ECM Reference:	059/002
Disclosure of Interest:	Nil
Meeting Date:	11 January 2017
Responsible Officer:	Acting Manager Development Approvals
Actioning Officer:	Planning Officer
Decision Making Level:	Planning Committee
Previous Item Number/s:	Nil
Attachments:	<ul style="list-style-type: none"> 1: Development Plans 2: Applicant's Heritage Impact Statement 3: Schedule of Works 4: Indicative Streetscape 5: Transport Impact Statement 6: Internal Heritage Advice 7: SHO Advice 8: DAC Minutes – 11 April 2016 & 12 September 2016 9: Schedule of Submissions 10: Applicant's Response to Comments 11: Site Photos
Date Received:	14 March 2016
Owner Name:	Romano's Investment Holdings Pty Ltd
Submitted by:	Ross McDonald Architects Pty Ltd
Scheme:	City Centre Zone
Heritage Listing:	Adopted – Level 1B
Existing Landuse:	Restaurant, Shop
Use Class:	Tourist Accommodation
	Shop
Use Permissibility:	Tourist Accommodation - 'D'
	Shop – 'P'



EXECUTIVE SUMMARY

The application seeks planning approval for a five (5) storey Tourist Accommodation and ground floor Shop.

The proposal is referred to the Planning Committee (PC) due to discretions sought against the City's Local Planning Scheme No.4 (LPS4) and relevant Local Planning Policies (LPPs) in regards to the following:

- Discretionary wall height
- Car parking
- Land use

The above discretionary assessments are considered to be supportable and, as such, the application is recommended for conditional approval.

BACKGROUND

The subject site comprises two lots on the western side of Adelaide Street across from Kings Square. The rear of the site is accessed by a right-of-way (ROW) on the northern boundary that wraps around No. 22 Adelaide Street and terminates at the border of No. 18 Adelaide Street. This ROW also provides access to the rear of the adjoining northern lot, being No. 28 Adelaide Street. The lots are located outside of the West End Conservation Area and within Local Planning Area 1 – City Centre of Schedule 8 of LPS4 and within the area covered by Local Planning Policy 3.1.5.

The buildings fronting the street are Level 1B heritage listed while the later additions at the rear are not original. Additionally, a limestone wall stretching along most of the southern boundary of the site is considered to have some heritage value.

DETAIL

The application proposes the following additions and alterations:

- Five (5) storey addition predominantly to the rear of the existing heritage building and including ground floor car parking
- Change of use to a 40 unit 'Tourist Accommodation' and ground floor 'Shop'
- Façade refurbishments
- Internal layout changes and alterations of the existing heritage buildings

A copy of the development plans is included as Attachment 1.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the relevant provisions of LPS4, and relevant local planning policies. Discretion is sought against LPS4 and relevant Council local planning policies as follows:

- Discretionary wall height
- Onsite car parking

- Land use (Tourist Accommodation)

The above matters are discussed in detail in the Planning Comment section below.

CONSULTATION

Fremantle Port Authority (FPA)

The application was referred to the FPA as it is located within the Fremantle Port buffer Area 2. The FPA was satisfied with the proposal subject to the standard conditions for FPA Area 2. Those conditions have been included as part of the recommendation for approval.

Design Advisory Committee (DAC)

The application was required to be referred to the DAC under *LPP 1.9: Design Advisory Committee & Principles of Design* as it consists of a building greater than 11m or 3 stories in height in a zone other than a Residential or Industrial zone. The application was presented to the DAC on two occasions, being 11 April 2016 and 12 September 2016 with further comments provided on the amended plans on 1 October 2016.

The final DAC recommendation is as follows:

The DAC deems the proposed changes to be acceptable, with the recommendation that the intention to use PVs on the roof be included as a note on the drawings and that the proponents confirm BCA compliance for the bedroom windows of units 10, 20, 30 & 40, in terms of area of provided light and ventilation.

The applicant has since submitted amended plans indicating solar panels to be installed and modified the bedroom windows to increase the size of the openings and indicating the use of glass blocks.

The minutes of both meetings and the full additional comments are included as Attachment 8.

State Heritage Office (SHO)

The application was referred to the SHO as it is across the street from a State Heritage Registered place (St John's Anglican Church). At the State Heritage Office Development Committee Meeting of 20 December, the following advice was provided:

The proposed development at 18-22 Adelaide Street, Fremantle will have no discernible impact on the cultural significance of the registered places, and there is no objection. Full comments are included as Attachment 7.

The applicant has provided a Heritage Impact Statement, which concludes with the following:

- *The existing building is currently heavily modified and has intrusive elements impacting negatively on the heritage values of the building and the streetscape; and*
- *The new development will provide a well-adapted and conserved heritage building which will add to the value of the heritage fabric of the city.*

The full report is included as Attachment 2 and a full Schedule of Works is included as Attachment 3.

The City has completed an internal heritage assessment (Attachment 6) that supports the proposal subject to the following condition:

That the conservation works listed on the Heritage Impact Statement prepared by Palassis Architects and submitted as part of the development application are completed using traditional building materials and techniques to match the original.

Community

The application was deemed to be a significant application and was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretions were sought against the provisions of LPS4. At the conclusion of the advertising period, being 7 November 2016, the City had received 17 submissions. The following issues were raised (summarised):

- The 5 storey height is not in keeping with the nearby buildings and will dominate the skyline
- The small rear setback will block light and views from the rear units of the Woodsons building
- The design does not fit with the heritage of the building, the locality or the streetscape and should be improved
- The design will negatively impact the heritage of the building and the historic Kings Square
- Existing lack of parking in the area will be exacerbated
- Balconies present overlooking to the rear units of the Woodsons building
- The location in a predominantly retail area is not suitable for Tourist Accommodation

A more detailed list of comments received is included in the Schedule of Submissions in Attachment 9.

In response to the above, the applicant submitted amended plans showing the following changes:

- Part of rear setback of the rear bedroom units (Units 10, 20, 30 and 40) increased from 0.75m to 1.2m, with the remainder set back at 3m
- Privacy screens added to the rear unit balconies to block views to the major openings of the Woodsons building

The applicant has also submitted a response to the above issues, which is contained as Attachment 10. A copy of the amended plans is included as Attachment 1.

PLANNING COMMENT

Local Planning Scheme No. 4 (LPS4)

Building Height

The subject site is located on the boundary of, but does not lie within, the West End Conservation Area. Therefore, the height requirements of Local Planning Area 1 – City Centre apply as indicated in the following table:

Element	Scheme	Proposed	Discretion
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	Requirement		
Maximum external wall height	14m and 4 storeys	17m and 5 storeys	+3m external wall height and +1 storey
Discretionary external wall height	17m and 5 storeys	17m and 5 storeys	Compliance with clauses 1.1 and 1.2

In order to grant the maximum discretionary height of 17m and 5 storeys, Council must be satisfied that the proposal complies with Schedule 8, Clause 1.1 of LPS4, which states:

1.1 Building height shall be limited to a minimum of two storeys and a maximum of four storeys (maximum external wall height of 14.0 metres as measured from ground level).*

Council may consent to an additional storey subject to —

- (a) the upper level being sufficiently setback from the street so as to not be visible from the street (s) adjoining the subject site,*
- (b) maximum external wall height of 17 metres, and*
- (c) compliance with clause 1.2 below.*

**Inclusive of parapet and spacing between floors*

Test (a) ~ setback: the “Visible from the street” line of sight was created to ensure that the additional discretionary height would not be visible from the street. The assumption was that the facade of the development at the street front boundary would reach the maximum permitted height and, therefore, the additional height would not be seen from the street. The intention was not to favour some development over others, but to present a uniform height and setback for upper floors when viewed from pedestrian level. For this reason, when calculating “visible from the street” measurement, officers consider it is appropriate to apply an interpretation which assumes a façade height of the maximum permissible 14m. Otherwise, the clause would have the effect of penalizing heritage buildings with a lower façade height, such as the one in the subject proposal.

This interpretation has been applied in the determination of several previous development applications where a similar situation existed, including 11 Queen Victoria Street and 7-15 Bannister Street.

Therefore to ensure a consistent approach to the assessment of comparable applications, officers consider it is appropriate to apply the ‘visible from the street’ assessment in this manner.

In this instance, the actual building height of the heritage Adelaide Street facade is lower than permitted, at approximately 10m high. The figure below illustrates the actual line of sight for the 10m high façade versus the line of sight if the existing façade was the maximum permitted height of 14m:

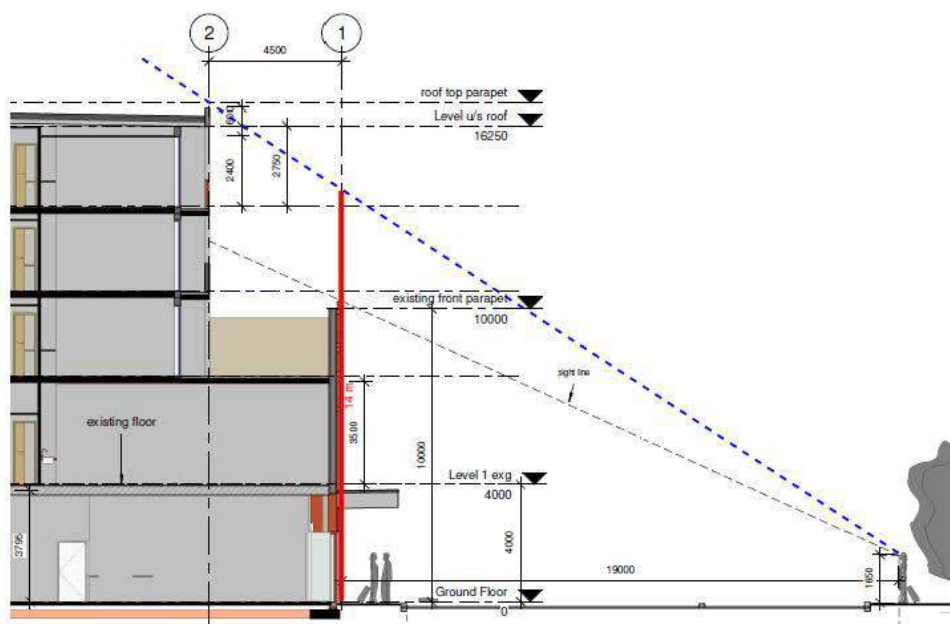


Figure 1: Line of sight - Black dashed line is the actual line of sight; blue dashed line is with maximum permitted facade height; red solid line is permitted 14m height
Based on the figure above, the proposal complies with the "Visible from the street" line of sight when measured against the permitted 14m façade height. The proposal therefore complies with Clause 1.1(a).

Test (b) ~ external wall height: the development proposes a maximum height of 17m and, therefore, complies.

Test (c) ~ compliance with Clause 1.2 of Schedule 8 of LPS4: This clause consists of four parts, each of which is discussed in turn below.

1.2 *In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following —*

(a) that the proposal is consistent with predominant height patterns of adjoining properties and the locality generally,

The City's interpretation of *adjoining* is that the property must be directly abutting another property's boundary. The table below indicates the heights of the adjoining street front properties and the rear adjoining property:

Height of Adjoining Lots		
Address	Wall Height	Roof Ridge Height
28 Adelaide Street (Northern adjoining site)	10.4m (façade) 2 storeys	Roof hidden below façade
6 Adelaide Street (Southern Adjoining Site)	15.3m (façade) 2 storeys	Roof hidden below façade

13 Cantonment Street – Woodsons Building (Rear)	14.5m 4 storeys + loft	16.2m (southern ridge) 17.7m (middle ridge)
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There is no set definition in LPS4 of the term '*consistent*', but it is considered that the term means '*compatible*' or '*in agreement*' with rather than '*identical to*' the predominant height pattern. Further, as the height of an individual storey can vary and the intent is to provide a uniform height, greater weight has been given to the proposed height rather than the number of storeys. An indicative streetscape drawing has been provided as Attachment 4 showing how the proposed height fits in with the adjoining buildings.

Although the proposal includes 5 storeys, the 17m wall height could be considered consistent with the roof ridges (lofts) of the Woodsons building and compatible with the façade of the adjacent building at 6 Adelaide Street, particularly as the heritage streetscape façade of the subject site remains unchanged while the additional height is set back towards the rear of the site. The development is therefore considered consistent with the adjoining buildings.

LPS4 provides no definition of the '*locality generally*', but has been previously taken by the City to mean within approximately 200m of the subject site. As the subject site is located directly across from Kings Square, it is reasonable to consider Kings Square the reference point and give greater weight to those buildings surrounding and facing onto Kings Square.

The map and table below depict the location of a number of tall buildings within the locality (approximately 200m) of the subject site, beginning with those buildings fronting Kings Square:



Height of Buildings Within the Locality				
	Address	Building height	Relative direction	Distance from site

1.	36-38 Adelaide Street (cnr Adelaide St and Queen St)	15.8m 17.9m (lift overrun)	North	40m
2.	22 Queen Street	~18.1m	North-east	95m
3.	2 Newman Court (Myer)	~19.00m	East	132m
4.	10-14 William Street (Queensgate Building)	~22.2m	South-east	131m
5.	Town Hall Clock Tower	~16m ~31m	South-east	46m
6.	120 High Street	18.42m	South-west	40m
7.	Queensgate Carpark	~22.5m	South-east	200m
8.	23 Adelaide Street (Johnson Court)	26.748m	North	168m
9.	98 High Street (National Hotel)	17.3m (Balustrade) 19.8m (Lift overrun) ~20.5 (Cupola)	South-west	112m
10.	80 High Street (Backpackers)	16.8m	South-west	185m

Based on the table above, the proposed 17m height could be considered to be in keeping with developments within the wider locality. Notably, the proposed height is lower than three of the four tall buildings facing the reference point of Kings Square and is considered consistent with those heights.

The majority of the height of the subject site would be set back from the street and surrounded on all sides by buildings. The extra storey would therefore not be visible to pedestrians except from within Kings Square. Additionally, the subject lot is a predominantly east-west oriented rectangle so that the narrow end faces the street. This will further assist in hiding the bulk of the building from view. The existing façade height will also remain the same and retain consistency with the streetscape.

The middle loft of the Woodsons building and the top floor of 120 High Street, being both in close proximity to the subject site and exceeding the proposed height, will assist in making the upper floor read as consistent with nearby height patterns. The isolation of the top floor of 120 High Street is a large factor in what makes that particular building noticeably higher than surrounding buildings. In contrast, the subject proposal would fit in with the surrounding block of buildings, minimising the perceived additional height and bulk.

The proposal is therefore considered consistent with the predominant height patterns of adjoining lots and the locality generally.

(b) the proposal would not be detrimental to the amenity of adjoining properties or the locality,

The proposed height and rear boundary setback will have the greatest amenity impact on the Woodsons building (No. 13 Cantonment Street) located at the rear of the subject site.

The figure below shows the interaction between the rear of the proposed development and the rear of the Woodsons building. The two windows shown on the Woodsons building are to the lounge rooms of units 30 and 31 on the first floor, and units 12 and 13 on the second floor. The vent is to a tiled court on the first floor and a void on the second floor. The bottom two floors of the Woodsons building consist of blank walls with a ventilation opening to the car park abutting the ROW.

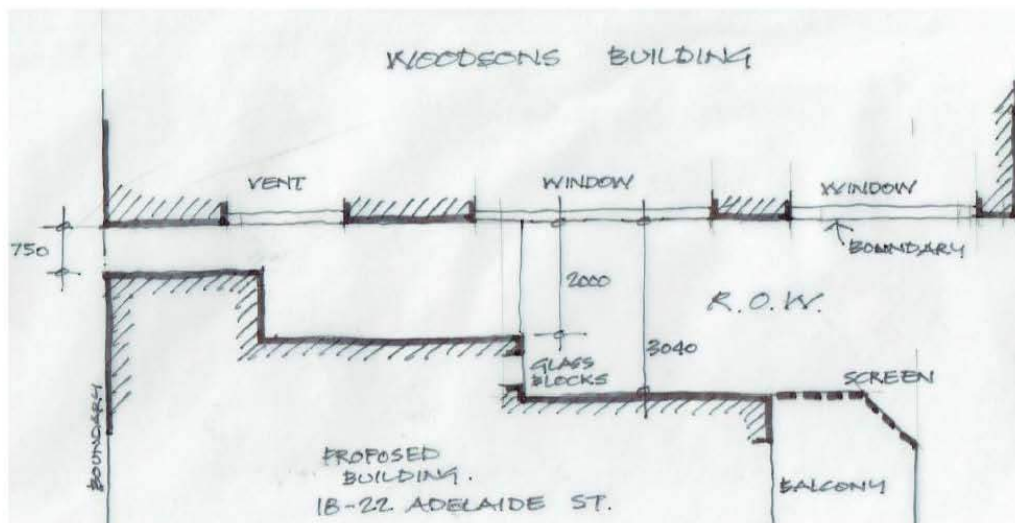


Figure 2: Interaction between rear of proposed development and Woodsons building.

It is acknowledged that the proposed development will have an impact on views, light and ventilation to the major openings of the lounge rooms of the Woodsons units on the south-eastern rear of each floor (Units 12 and 13 on the first floor and units 30 and 31 on the second floor) and the tiled light court and void. Units 13, 30 and 31 have additional openings for light that remain unaffected by this proposal while unit 30 will be the most impacted but still retain access to sunlight as it retains a tiled light court with a void above for additional light. See figures below.

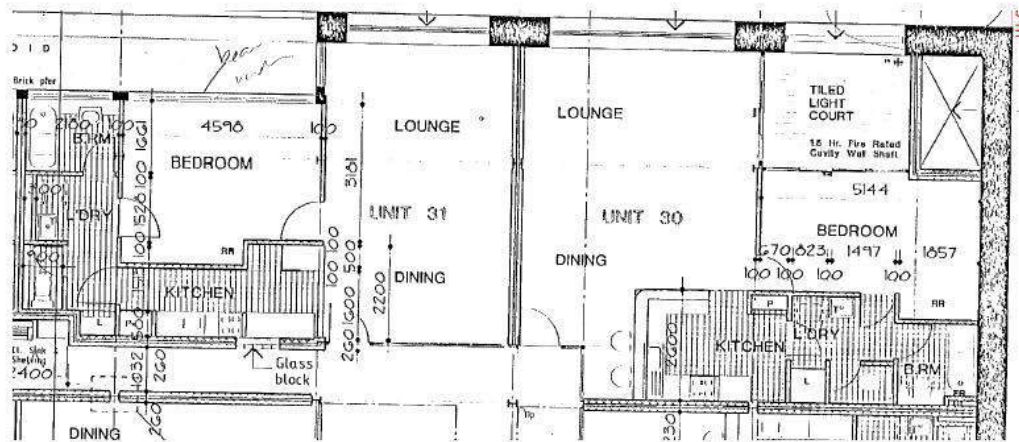


Figure 3: First floor - Unit 31 has a bedroom window largely unaffected by the subject proposal. Unit 30 has a tiled light court with void above.

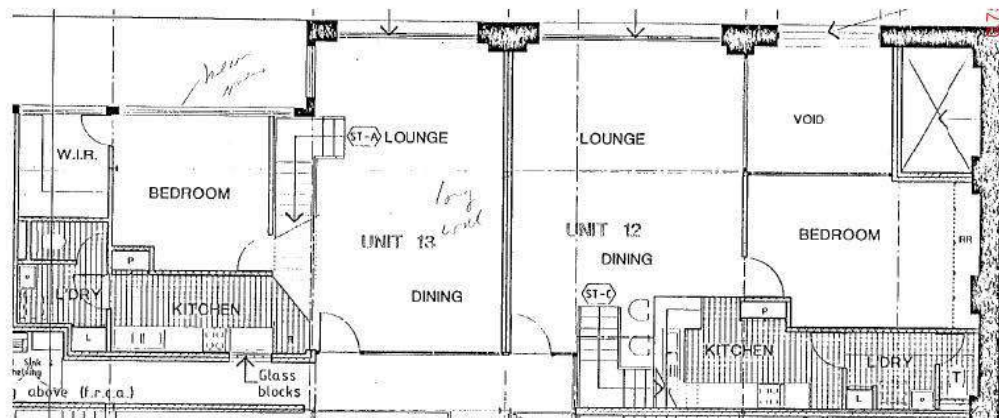


Figure 4: Second floor - Unit 13 has a bedroom window and loft largely unaffected by this proposal. Unit 12 has loft windows above.

The above amenity impacts are likely largely unavoidable for any major development on the subject site, as the major openings of the Woodsons building are located on the boundary with a nil setback to the subject site and, thus, will be particularly impacted by any form of development.

The existing situation is somewhat rare, as major openings are commonly set back from the boundaries of their respective lots. Had the Woodsons building been proposed today in its current configuration, it would likely not be approved due to these openings on the boundary. The primary issue to consider, therefore, is whether the proposed setbacks are sufficient to minimise the impact of amenity to the adjoining lot, considering the unusual placement of the windows on the boundary.

The amenity assessment is further compounded by the fact that the current proposal is for non-residential development and there are no specific lot boundary setback requirements for non-residential buildings in this area. Further, both the R-Codes and the City's policy *LPP2.4: Boundary Walls in Residential Development* permit new boundary walls to be built up against existing boundary walls, the assumption being that boundary walls will not have

major openings. A nil boundary setback would obviously severely impact the amenity of the adjoining Woodsons building and, had this been proposed, the discretionary height would not be supported. However, the proposed building has been set back to varying degrees to provide light and ventilation to the Woodsons units.

Notwithstanding the permitted nil boundary setback, standard R-Code setbacks based on default R-AC3 zoning for this lot would otherwise require the proposed building be set back only 4m from the rear boundary. Considering there is currently proposed a mostly 3m setback to the boundary directly facing the existing windows, the 1m variation would have minimal impact on the amenity of the Woodsons units. Even a permitted 4 storey (14m) high building with the required 4m setback would restrict views and light, particularly to the lower units of the Woodsons building. In this respect, it is considered the proposal would not have much more of an impact than a fully compliant (in terms of setbacks) development.

The proposal having been through a number of amendments, officers consider that the proposed setbacks now strike a reasonable and acceptable balance between the amenity of the adjoining lot and the ability to suitably develop the subject site.

(c) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and

The proposal is considered to meet this requirement for the following reasons:

- The proposal is consistent with the heritage conservation objectives of the site through the adaptive re-use of the heritage building.
- The upper floor setback is designed to reflect and preserve the heritage nature of the retained building.
- The State Heritage Office provided comment that the proposal would have no impact on the nearby sites located on the state heritage register.
- The Schedule of Works provides evidence that the heritage building is appropriately repaired.
- The reduced upper floor setback is partly a result of lining up the floor levels to take advantage of the existing heritage openings as recommended by the DAC.

(d) any other relevant matter outlined in Council's local planning policies.

The proposal is considered consistent with LPP 3.1.5, which is further discussed below.

Minor Projections

Element	Scheme Requirement	Proposed	Discretion
Minor Projection – Lift Overrun	+4m above maximum height subject to area of projection being no more than 10% of roof area	+0.2m above maximum height, and area less than 10% of roof area	Complies

It is not uncommon for minor projections, such as lift overruns, to exceed the maximum allowable height in any local planning area. Clause 4.8.1.3 of LPS4 states:

Excluding development within the Residential zone, Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria—

- (a) The minor projection being no more than 4 metres above the highest part of the main building structure; and*
- (b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.*

For the purpose of this clause, 'minor projection' will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

The lift overrun is less than 4 metres above the highest part of the main building and considerably less than 10% of the total roof area (approximately 2%). The minor projection is therefore supported.

Visual Privacy

The proposal is for non-residential development and, as such, there are no requirements for visual privacy setbacks or screening. Nevertheless, in response to neighbour concerns for privacy and acknowledging that tourist accommodation may be occupied in a manner similar to residential development in terms of the use of balconies, the applicant has provided amended plans that include screening the rear balconies of all floors to block views into the Woodsons building units.

Car Parking

Use	Required	Provided	Variation
Tourist Accommodation	1 bay: 1 unit (40 bays)	12 bays	28 bays
Shop	1:20 m ² nla (130m ² = 7 bays)	0 bays	7 bays
Total =	47 bays	12 bays	35 bays

The car parking shortfall is supported under clause 4.7.3.1 of LPS4 for the following reasons:

- The site is constrained by virtue of being a narrow, heritage listed site surrounded by other heritage listed buildings, leaving no room to provide additional on-site parking beyond the ground floor.
- The subject site is located within the City Centre less than 100m from multiple bus stops and less than 250m from the Fremantle train station.
- The subject site is located within the City Centre and close to a range of retail and restaurants able to be utilised without the need for a vehicle.
- According to the transport impact statement (Attachment 5), the majority of trips generated are likely to be associated with public transport, taxi, walking or cycling.

- Tourist accommodation in city centre locations is frequently occupied by visitors to have chosen to travel by means other than private car.

A condition has been imposed requiring a transport management plan showing how the applicant intends to manage car parking onsite and promote a reduction in car use.

Land Use

A 'Shop' is a 'P' use in the City Centre Zone and does not require planning approval.

Tourist Accommodation is a 'D' use, which requires an assessment against the objectives of the zone. Clause 3.2.1(b) of LPS4 states, *inter alia*:

Development within the city centre zone shall—

- i. provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- iii. conserve places of heritage significance the subject of or affected by development.*

The proposal complies with the objectives in the following ways:

- The development increases the potential for tourism activity to stimulate growth of recreation and entertainment services.
- Provision of tourist accommodation is consistent with the region-serving role of the centre.
- The proposal conserves and protects the heritage value of the existing buildings.

LPP 2.13: Sustainable Buildings Design Requirements

The building is required to achieve a rating of not less than 4 Star Green Star as per the policy and a condition has been included in this regard.

LPP 2.19: Contributions for Public Art and/or Heritage Works

The development is required to contribute to public art and/or heritage works as it involves a development with a gross lettable area in excess of 1000 m². A condition has been included in this regard.

LPP 3.1.5: Precinct 5

The proposed Tourist Accommodation is consistent with the precinct vision articulated in the policy, particularly with respect to providing a diverse mix of uses that generate activity throughout the week and into the evening.

In terms of character, the lot is located in the overlap between Area A (Gold rush mixed use influence) and Area C (Contemporary influence). The proposal has been designed in a way to retain the heritage openings of the ground floor shopfront and the simple tuck-pointed brick wall construction and nil side boundary setbacks consistent with Area A. The design thus reflects the desired traditional streetscape of Area A whilst remaining functional and

working purpose rather than being over-refined or decorative in accordance with the desired character of Area C.

The design reinforces views across Kings Square from the upper levels and provides passive streetscape surveillance of the primary street and the primarily blank walls of the right-of-way.

The proposed development is therefore consistent with LPP 3.1.5.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City's following strategic documents:

Strategic Community Plan 2015-25

- Increase the number of visitors to Fremantle.

Economic Development Strategy 2015-2020

- Program Area 1 – Place Management, Activation and Urban Realm
- Program Area 4 – Attraction of Business, Industry and Investment

OFFICER'S RECOMMENDATION

MOVED: Cr J Strachan

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Five (5) Storey Tourist Accommodation and Shop at Nos. 18-22 (Lots 1 & 2) Adelaide Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 3 November 2016. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.
3. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the City to the satisfaction of the Chief Executive Officer, City of Fremantle addressing the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure within the road reserve;
 - c) Protection of street trees;
 - d) Security fencing around construction sites;
 - e) Gantries;
 - f) Access to site by construction vehicles;
 - g) Contact details;
 - h) Site offices;
 - i) Noise - Construction Work and Deliveries;
 - j) Sand drift and dust management;
 - k) Waste management;
 - l) Dewatering;

- m) Traffic management; and
- n) Works affecting pedestrian areas.

The approved Construction Management Plan shall be adhered to throughout the construction of the new development.

4. Prior to the issue of a Building Permit, Nos. 18 and 22 (Lots 1 and 2) Adelaide Street, Fremantle, are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to the issue of a Building Permit, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. Prior to the issue of a Building Permit, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$3.25 million the contribution to be made is \$32,500.
7. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
8. Prior to occupation, a Transport Management Plan is to be submitted demonstrating how the development will manage onsite car parking and promote reduced car usage to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle

- a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
 - b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
10. The conservation works listed on the Heritage Impact Statement prepared by Palassis Architects and submitted as part of the development application are completed using traditional building materials and techniques to match the original to the satisfaction of the Chief Executive Officer, City of Fremantle.
11. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer, City of Fremantle.

Advice Notes:

- i. In relation to condition 6 relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 7 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.

Cr J Strachan MOVED an amendment to the Officer's Recommendation to include the following wording condition 12:

- 12. Prior to occupation of the development approved as part of DA0117/16 on plans dated 3 November 2016, the concrete flooring in No. 18 Adelaide Street, Fremantle, shall be removed and replaced with a traditionally constructed timber floor to the satisfaction of the Chief Executive Officer, City of Fremantle. The works shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building.**

CARRIED: 7/0

For	Against
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

Cr J Strachan MOVED an amendment to the Officer's Recommendation to include the following wording Advice note ii.:

- ii. The applicant is advised that this approval is for Tourist Accommodation only, and that a change of use to Multiple Dwelling for some or all of the rooms will require further Development Approval and assessment of car parking and land use.**

CARRIED: 7/0

For	Against
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

COMMITTEE DECISION

Cr J Strachan MOVED to defer the item to the next appropriate Planning Committee meeting in order for the applicant to submit amended plans that make the development more consistent with the predominant height patterns of buildings adjoining the development in accordance with Clause 1.1a and 1.2 of Schedule 8 of Local Planning Scheme No. 4 and to allow for further review by the Design Advisory Committee, having regard to the amenity of adjoining properties and presentation of the development to the public realm. The applicant is advised that “visible from the street” is interpreted as setting back the upper level from the street so as not to be visible from the street based on the façade height of the existing heritage building.

CARRIED: 7/0

For	Against
Cr Dave Coggin Cr Jon Strachan Cr Simon Naber Cr Doug Thompson Cr Hannah Fitzhardinge Cr Ingrid Waltham Cr Jeff McDonald	

ATTACHMENT 3: DAC Minutes

1	<p>18-22 Adelaide Street, Fremantle</p> <p>The Planning Officer made a presentation to the Committee The Applicant did not present to the Committee or attend the meeting</p>
	<p>As the proposal was presented to the DAC as a result of the item being deferred by the Planning Services Committee, specific comment was sought from the DAC in response to the revised height and setback of the upper level addition. The following general comments were made by DAC and the Planning department:</p> <p>GENERAL COMMENTS</p> <p>The revised design is consistent with the pattern of development in the adjoining streetscape, enhances the dominance of the main facade of the retained building and the upper level of the addition is successfully set back as to make it less visible from the street.</p> <p>The use of the Residential Design Codes to guide the revised rear boundary setback which is considered to adequately minimise the impact of the development on the amenity of the occupants of the property to the rear.</p> <p><u>DESIGN ASSESSMENT</u></p> <p>HOW CAN THE PROPOSAL BE IMPROVED</p> <p>The applicant is encouraged to explore the removal of the chamfered and glazed edge of the balconies to the north-west corner and to incorporate the use of the roof of the third level as balcony space for the adjacent rooms on the fourth level.</p> <p>The decision to reduce the visual bulk of the floors visible from Kings Square is supported and, to strengthen this ambition, the applicant is encouraged to explore further the potential to have the addition read as a thin light-weight frame with glazed infill panels.</p> <p><u>RECOMMENDATION</u></p> <p>The DAC having considered the revised proposal for 18 – 22 Adelaide Street, Fremantle advises that it supports the amendments.</p>

ATTACHMENT 4: Heritage Comments



Heritage comments - internal

Address: 18-22 Adelaide Street
Application number: DA0117/16
Proposal: 5 Storey tourist accommodation and shop
Requesting officer: Nathan Blumenthal
Date: 07 April 2017

Heritage comment:

The building at 18-22 Adelaide Street is included on the Municipal Heritage List and is management category 1B on the Municipal Heritage Inventory. This means that the City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.

Existing building

The existing is a two-storey, brick construction, Federation Free Style, retail/commercial building, built c1890. The front façade consists of a full width shopfront at both ground and at first floor levels. It has tuck-pointed brickwork with rendered pilasters extending through a rendered cornice to a brick parapet. The parapet conceals the medium pitched corrugated iron clad roof. There are multi-paned timber framed casement windows to the first floor.

18-22 Adelaide Street is typical of other buildings built in central Fremantle during the Gold Rush period, in that the design of the building displays a clear hierarchy of parts. Considerable attention was given to the design of a suitably imposing street frontage, whereas the minor facades, although well built, were more utilitarian in appearance.

The appreciation of the historic character of the immediate context of 18-22 Adelaide Street has been distorted by the painting of the front facades of not only no. 18-22, but also of nos. 6, 28, 30-32 and 34 Adelaide Street. The removal of paint from all these buildings would greatly enhance their contribution to the urban character of Kings Square. The conservation works proposed for the front façade are therefore strongly supported.

The proposed development

In outline the proposed development consists of the adaptation of the existing heritage listed building facing Adelaide Street, and the construction of a new five-storey short-stay building located mainly in the area behind the existing building.

The adaptation of the existing building includes the removal of the roof and the construction of three storeys of short stay accommodation above. The adaptation of the ground level would provide a new, wider, commercial /retail unit and an entrance to the short-stay accommodation. The upper floor of the retained building would be adapted to provide short-stay accommodation and a roof terrace.

The construction of the new block will include demolition of those parts of the additions that do not contribute to the heritage values of the existing building.

Conservation of the heritage listed building

The Burra Charter provides the following guidance that is considered pertinent to this proposal:

- Conservation means all the processes of looking after a place so as to retain its cultural significance.
- Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.
- Traditional techniques and materials are preferred for the conservation of significant fabric. In some circumstances modern techniques and materials, which offer substantial conservation benefits, may be appropriate.
- Relative degrees of cultural significance may lead to different conservation actions at a place.
- New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.
- New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.
- Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.

Impact on the heritage fabric

The original two-storey building has undergone changes that have affected the authenticity of both the exterior and the interior of the building. The changes have generally reduced the quality of the building and include:

Exterior:

- The rear additions are relatively recent and of poor quality and do not contribute to the significance of the building.
- Originally the upper level of the front façade was unpainted tuck-pointed brickwork and render. The rendered elements have been painted on both buildings and the brickwork of the front facade of No.22 has also been painted.
- The Shopfronts and the awning are not original.

The interiors are generally of a low level of intactness:

- A concrete slab has been laid in No.18
- Ceilings are not original and are set at a lower level than the original ceilings.
- Original internal staircases have been removed.

Acceptability of new works

New additions are set back from the front face of the building. The rectangular form of the additions complements the form of the retained building. The new additions will complement the existing building, particularly in the way the front façade is modulated to align with the cement rendered pilasters of the original.

It is considered that this design approach has achieved a clear, coherent and appropriate relationship between the new works and the retained building. It is also considered that the design of the front façade provides an appropriate transition between the more elaborate front façade and the utilitarian design of the rear. The removal of paint from the front facade will enhance the building's contribution to the historic character of its immediate context, which includes Kings Square.

It is also considered that the additions will complement and do not distort or obscure the cultural significance of the original building, or detract from its interpretation and appreciation. The new work respects the significance of the original building through consideration of its siting, bulk, form, scale, character, colour, texture and material, while avoiding imitation. The additions are therefore considered to be acceptable.

The low level of intactness of the interior of the retained building means that the new works should not materially harm the heritage values of the building.

Required conservation works

The heritage-listed building should be conserved. The conservation of the original fabric of the building must be undertaken using traditional building materials and techniques that

can demonstrably be shown to match the original. The required conservation works should include the removal of the concrete slab from the ground floor of No.18 and its replacement with a traditionally constructed timber floor.

It should be noted that the requirement to conserve the original fabric of the building using of traditional building materials and techniques to match the original derives from a preference that is not based purely on a desire for authentic reconstruction but also because, over time, it can be demonstrated that these methods do not cause the deterioration of the significant fabric of the building and therefore aid its conservation.

Recommendation

That the current proposal be supported on heritage grounds with the following condition:

- That the conservation works listed on the Heritage Impact Statement prepared by Palassis Architects and submitted as part of the development application are completed using traditional building materials and techniques to match the original.

Alan Kelsall
Heritage Coordinator