



## 2 Henry Street, Fremantle – Customs House

### DEVELOPMENT APPLICATION

March 2017

## Document Control

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# Introduction

This report has been prepared by TPG + Place Match, on behalf of the landowner of No. 2 Henry Street, Fremantle, CBD Rev Holdco Pty Ltd in support of a multiple dwelling development at Lot 501 (No. 2) Henry Street, Fremantle (the subject site).

The subject site is located in the West End, Fremantle (1829 Onwards) which is a State Registered Heritage Place that recognises the subject site as generally making a primary contribution to the cultural heritage significance of that Place. Additionally, No. 2 Henry Street and Nos. 5, 7 and 9 Pakenham Street, have also been recognised as four individual places of cultural heritage significance through inclusion on the City of Fremantle's (City's) Heritage List.

The development is to include 122 multiple dwellings, comprising 42 one-bedroom dwellings, 73 two-bedroom dwellings and seven three-bedroom dwellings. It is serviced by 123 resident car parking bays and the development incorporates a number of large internal courtyards to the benefit of the residents. Significant conservation works are proposed to restore the historic facades of the buildings.

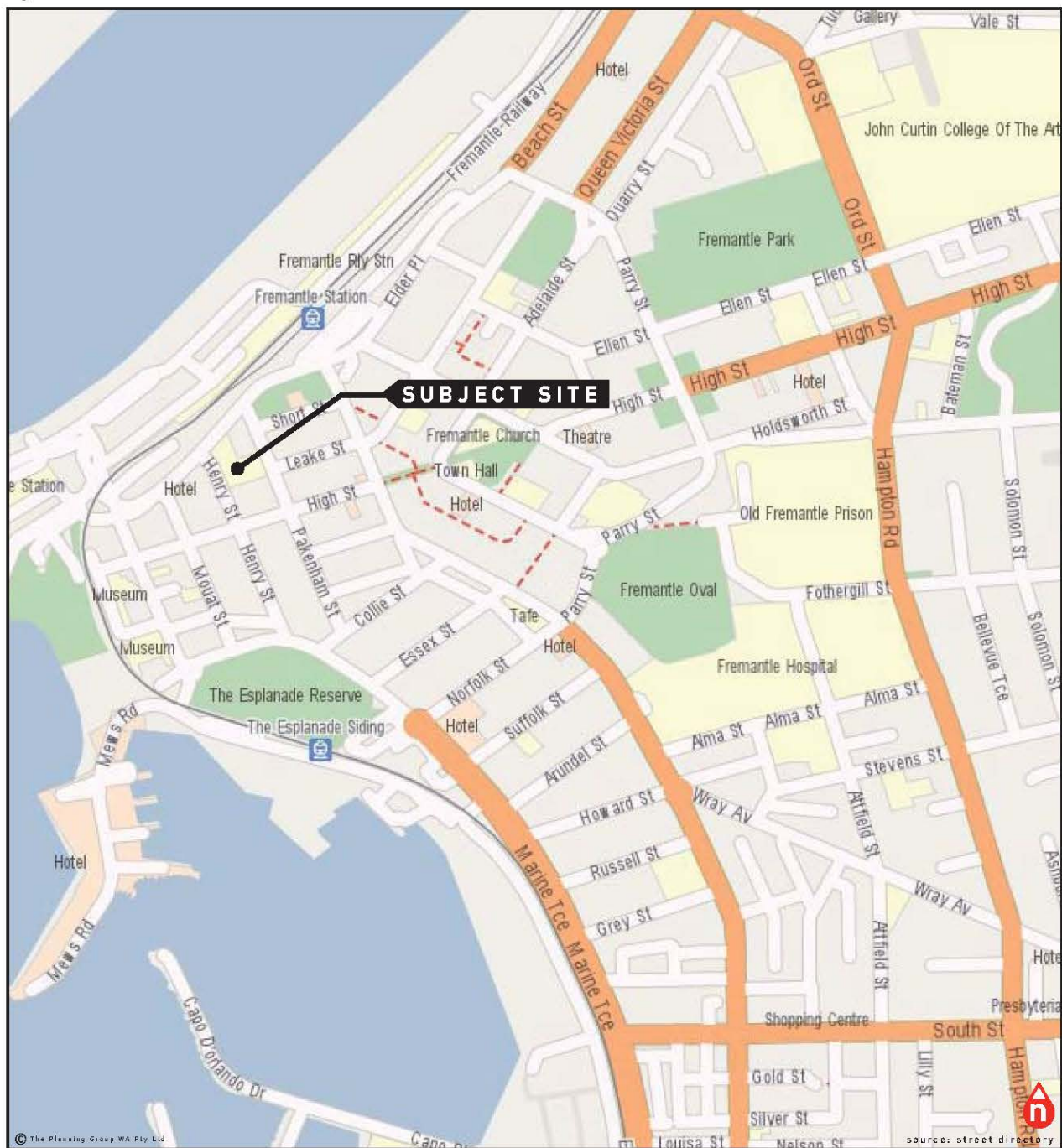
The proposed development is considered appropriate with respect to the site's prominent location and its proximity to public transport. The proposal will provide a high quality, architecturally designed building that will make a positive contribution to the existing historical West End and the amenity and diversity of the locality.

This report provides an overview of the subject site and the proposed development, as well as an assessment against the applicable planning framework and an examination of the planning merit of the proposal.

## Planning Approvals Required

The proposed development has an estimated cost of \$40.2 million and as such is a mandatory Development Assessment Panel application and requires the determination of the Metro South West Joint Development Assessment Panel (JDAP).

Figure 1 – Location Plan



# Site Description and Context

## Property Description and Tenure

The subject site is described as Lot 501 (No. 2) Henry Street, Fremantle and is located within the City of Fremantle (the City) local government area.

*Refer to Figure 1 – Location Plan*

The site has a total land area of 4,861m<sup>2</sup> and has a frontage of 65.04 metres to Henry Street, Fremantle, a 45.58 metre frontage to Pakenham Street, Fremantle and has a 29.36 metre frontage to Phillimore Street, Fremantle.

*Refer to Figure 2 – Site Plan*

*Refer to Figure 3 – Aerial Plan*

Table 1 below outlines the Certificate of Title particulars of the subject site. A copy of the Certificate of Title is included in Appendix A.

**Table 1 – Certificate of Title Details**

Lot	Plan/ Diagram	Volume	Folio	Registered Proprietor
501	35045	2548	69	CBD REV HOLDCO PTY LTD

*Refer to Appendix A – Certificate of Title*

## Site Context and Surrounding Development

The subject site is located in Fremantle’s West End, which is the original town centre of Fremantle as laid out in 1829. High Street forms its central spine with cross streets connecting the river and the ocean. Fremantle’s West End is rich in history and heritage with the predominant character generated by the buildings of the Gold Rush years (1880-1910). The West End hosts an array of boutique shops and cafés that offer immense layers of character and interest to the shopping and

dining experience. The West End is the gateway to the Roundhouse, Western Australia’s oldest public building and is also home to Notre Dame University.

The subject site is bound by Henry Street to the west, a mix of commercial development to the south, Pakenham Street to the east and commercial development and Phillimore Street to the north. Phillimore Street is characterised by imposing Federation-era offices originally associated with the harbour, including commercial premises and offices of shipping companies and agents. Henry and Pakenham Streets are characterised largely by its cross-streets of former bond stores, warehouses, business premises and light industrial buildings. These streets are narrow, with buildings of one to three storeys in height built to lot boundaries and without awnings, overhangs or verandahs. Overall, these streets are a highly intact collection of warehouses and commercial premises, with a uniformity of style, consistent use of classical motifs, and a strong horizontal emphasis paired with vertical door and window openings.

The Fremantle Train Station is located approximately 400 metres north east of the subject site, which is also well serviced by bus routes running along Phillimore Street; and the free Fremantle CAT bus services that operate within the Fremantle Central Area. The subject site is afforded convenient access to numerous hospitality uses and tourist attractions and is considered an ideal site for the enhancement of tourist accommodation.

Figure 2 – Site Plan

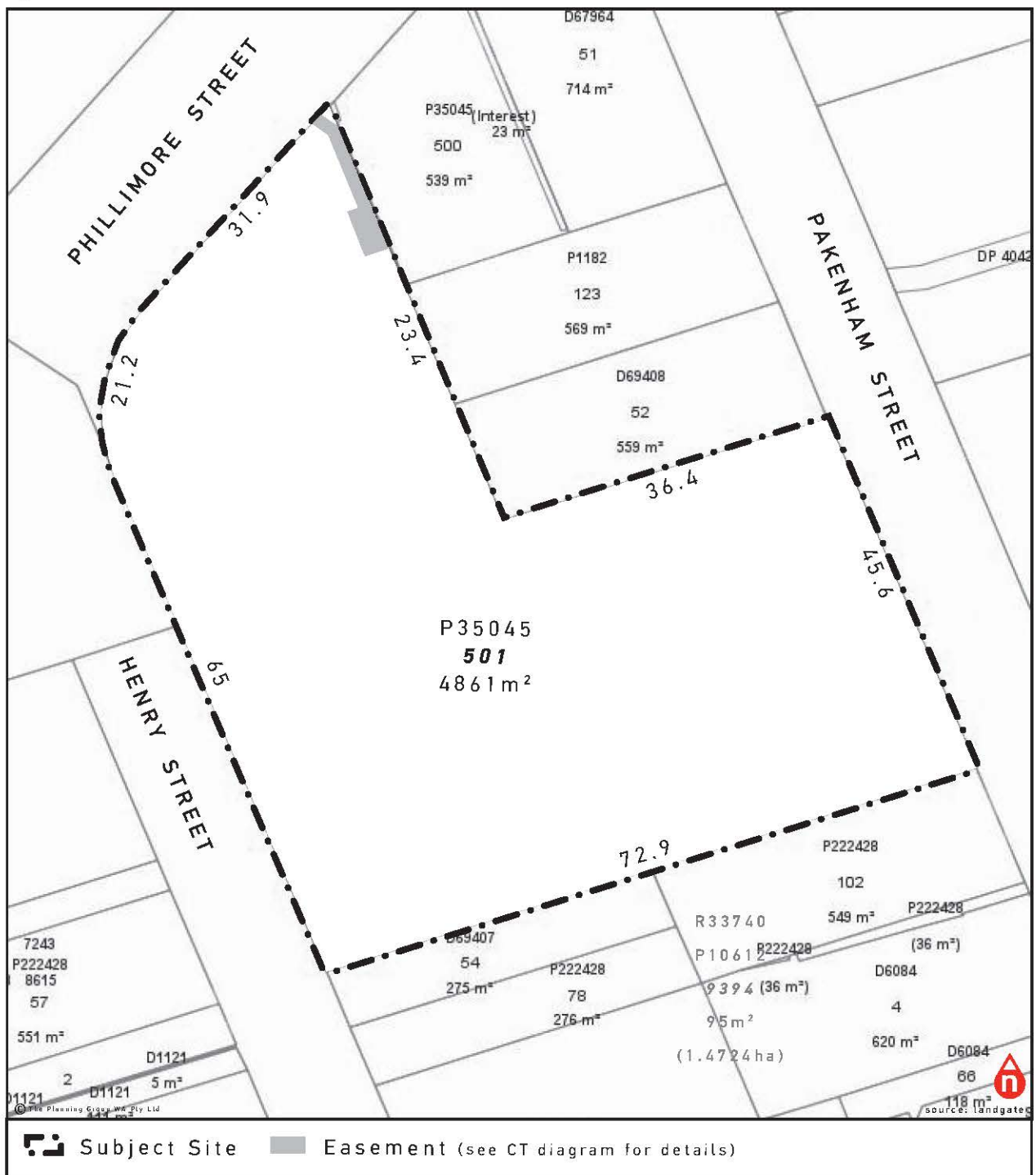


Figure 3 – Aerial Plan



## Heritage

### Heritage Council of WA

The *West End, Fremantle (1829 onwards)*, is on the State Register of Heritage Places. The subject site is recognised as generally making a primary contribution to the *West End, Fremantle (1829 onwards)*. The existing circa.1985 street frontage to Henry Street is identified within the Heritage Council assessment documentation as making a secondary contribution.

The statement of significance for the *West End, Fremantle (1829 onwards)*, is a comprehensive series of values which is included in full within the attached heritage impact statement. However, it can be said that the remaining historic facades contribute to the aesthetic value of the area and allow an interpretation of gold rush era warehouse architecture built in the Federation Free Classical.

### City of Fremantle

The four historic facades located at No. 2 Henry Street and Nos. 5, 7 and 9 Pakenham Street are each included on the City of Fremantle Municipal Heritage Inventory which forms the statutory heritage list under LPS4.

These facades are all that remains of the gold rush era warehouses that were largely demolished in 1985 to make way for the existing buildings on the site. The remaining facades have the following statements of significance:

#### 2 Henry Street (Category 2)

*The place is of historic significance as an example of a commercial building in the Old Port City of Fremantle dating from the gold rush period in the late nineteenth and early twentieth century. The building is not highly intact and recent fabric is not significant. The facade is an essential component of the Old Port City streetscape. The place is of social significance as evidenced by its classification by the National Trust.*

#### 5 Pakenham Street (Category 1B)

*The place is of historic significance as an example of a commercial building in the Old Port City of Fremantle dating from the gold rush period in the late nineteenth and early twentieth century. The facade is an important visual element in the Pakenham Street Streetscape.*

#### 7 Pakenham Street (Category 1B)

*The place is of historic significance as an example of a commercial building in the Old Port City of Fremantle dating from the gold rush period in the late nineteenth and early twentieth century. The facade is an important visual element in the Pakenham Street streetscape.*

#### 9 Pakenham Street (Category 1B)

*The place is of historic significance as an example of a commercial building in the Old Port City of Fremantle dating from the gold rush period in the late nineteenth and early twentieth century. The facade is an important visual element in the Pakenham Street streetscape*

## Contamination

A desktop search of the Department of Environment Regulation (DER)'s Contaminated Sites Database indicates that the site has no known contamination issues.

## Acid Sulphate Soils

A desktop search has indicated that the subject site is not impacted by acid sulphate soils.

# Proposed Development

The proposed development is a five storey building, comprising 122 multiple dwellings – 42 one-bedroom dwellings, 73 two-bedroom dwellings and seven three-bedroom dwellings. Car parking, residential stores and required service infrastructure are to be accommodated in the basement of the development. A total of 122 residential stores are provided along with 123 resident car parking bays.

The development includes the demolition of the internal structure of the heritage building and a full suite of conservation works to the historic facades which includes the removal of inappropriate aluminium framed windows and the circa 1985 Henry Street building.

The proposed development will present a high quality, architecturally designed built form that is sensitive to the heritage fabric. The proposed development is considered to be of an exceptional design quality that will make a significant contribution to the existing streetscape and the amenity and diversity of the locality.

*Refer to Appendix B – Hassell's Architectural Package*

## Development Composition

The development composition is summarised in Table 2 below.

**Table 2 – Development Composition**

Building Level	Development Particulars
Basement	Loading bay; 123 Residential bays; Services and refuse area; and 73 Residential stores.
Ground Floor	Residential lobby; Two bin storerooms; Communal landscaped areas; Bicycle storeroom; 12 one-bedroom dwellings; 15 two-bedroom dwellings; One three- bedroom dwelling; and 11 residential stores.
First Floor	14 one-bedroom dwellings; 14 two-bedroom dwellings; and Nine residential stores.
Second Floor	Six one-bedroom dwellings; 15 two-bedroom dwellings; One three- bedroom dwelling; and Nine residential stores.
Third Floor	Five one-bedroom dwellings; 17 two-bedroom dwellings; Two three- bedroom dwellings; and Nine residential stores.
Fourth Floor	Five one-bedroom dwellings; 12 two-bedroom dwellings; Three three-bedroom dwellings; and 11 residential stores.

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# Architectural Statement

## Client Brief

In early 2016 HASSELL was engaged to explore a number of uses for the 'Customs House' site. These functional studies varied between Student Housing, Commercial Re-use, Hotel, Short Stay Accommodation and Residential Apartments. The later typology proved to be the most appropriate given the scale of the site, the West End location and the opportunity to respond to a growing desire for residential presence within the heart of Fremantle.

## Key Principles

1. Create a clear and distinct identity for each of the five heritage facades
2. Reinstate depth and activation to each of the five facades to create five individual buildings
3. Engage with the heritage levels, openings, rhythms and datums
4. Draw on the site's past and original uses as merchants to establish conceptual narrative
5. Express new as new in a contemporary and legible manner
6. Respond to the contextual nuances of each building
7. Port to City: A descending scale of medium to fine grain

## Cultural Response

In 1985 the Customs House site was re-developed into offices, retaining only the heritage facades of the historic fabric that stood before. Whilst the residential proposal looks to find ways of aligning with the proportions, scale and rhythms of the heritage fabric there is an opportunity to reference the mercantile history through conceptual narrative as means of reinforcing its cultural background.

Originally Falk and Co, the Phillimore and Henry Street buildings were a merchant site for the import of fine goods, watches, jewellery and silverware. These references and 'preciousness' find their way into the new architecture through the materiality and detailing.

Similarly with Pakenham Street, drawing on its Mercantile background as importers of spirits, wine and liquor through the Tolley + Co warehouse.

## Building Form, Scale and Architectural Language

The Customs House site is one of the largest parcels of land in Fremantle, with four distinct and unique heritage facades. The architectural response is to create a scheme that allows each of the heritage facades to become buildings once more and re-establish their identity as singular characters.

### Phillimore Street

The Phillimore Street heritage frontage runs along the port side road of Phillimore Street, wrapping the corner to continue along Henry Street and thus creating a strong corner presence. There are two distinct horizontal datums, largely informed by the window rhythms, with the larger grander datum towards the base.

The massing of the proposal is designed to be suggestive of three datums, in decreasing scale. Two heritage datums and one, contemporary new datum.

The ground floor is raised up to allow the internal level to engage with the window opening locations. The second and third floor fronting the heritage envelope form one bedroom mezzanine apartments. The two storey apartments work to utilise the commercial scale proportions of the facade in a new residential proposal. The third floor level is established by the level of the parapet, enabling the heritage fabric to create a 1m-1.2m balcony. This level is setback from the heritage fabric to create a 'recess' and clear break between the new and old.

The new fourth level is a formal and singular element that follows the contour of the heritage footprint. The architecture is clean and simple in its massing with framed proportions akin to the rhythms and breaks of the heritage fabric. The vertical louvres are repeated across the facade to provide both shelter to the south western winds, Western orientation and instil a sense of adornment. Previously known as Falk and Co Warehouse, the building was the location for the import of precious goods including watches, clocks and jewellery. The vertical louvres draw from the precious and ornate quality that comes from fine goods and precious detailing.

## Henry Street

The Henry Street building is the only new frontage to the site with no heritage interface. The architecture draws from the formal qualities of its adjacent architecture and transition in scale from port to city. The proposal is informed by two singular horizontal datums. The first base datum is in keeping with the Phillimore Street building levels to create a consistent level at the pedestrian interface, this also enables the carpark level below ground to occur. These ground level apartments therefore become walk up apartments which create a privacy buffer between passing residents and occupants whilst maintaining an active frontage.

The second datum is the line of the heritage parapet. The new architecture maintains this distinct horizontal level across the site with the new third and fourth levels setback. The scale of the building is in keeping with the Phillimore Street corner architecture, with setbacks and breaks between the neighbouring buildings to create relief and establish the building as its own address. The form is governed by street-facing balcony's, with formal vertical rhythms established to be in keeping with their heritage language and respectful of apartment layout proportions.

## Pakenham Street

There are three heritage facades fronting Pakenham Street with varying height, scale, character and materiality. The proposal looks to reinforce the three characters of these heritage buildings in creating three unique, boutique style residences, Marine House, Strelitz House and Tolley House. A courtyard is created behind these buildings to establish a fourth expression of a

cluster style building, with a single sided row of stacked apartments that face both courtyards.

Given the large variation of interior levels across the heritage fabric, there is consistency between Marine and Tolley House in the relationship to openings. The levels therefore have been dictated by these two buildings to mitigate the number of level changes across the site. Strelitz House remains as an independent building forming 3 two storey townhouse apartments.

The massing and scale of each of these buildings is playful and fine grain, referencing the merchants of its past history. Each building is treated slightly different in materiality, utilizing robust materials appropriate of its port location and its heritage counterpart. Consistently across the three buildings there are rhythms of proportions, notably Marine and Strelitz House are broken into thirds. The new architecture is an extension of these ratios to encourage a more rhythmic vertical proportion of the street compared to a horizontal banding as currently constructed.

## Site Arrival Experience and Permeability

The site is divided into three clusters, of which each is served by its own entry and lobby, unique to the building it serves. Whilst each entry is individual, they all share a clear and direct connection to the landscaped courtyard beyond.

## Phillimore Corner

The most formal and prominent entry, the Phillimore Street corner is anchored by a large canopy and retention of the tall wrought iron gates. The corner acts as a strong gesture and clear sense of address, suggestive of meeting place for both residents and visitors alike. The entry is grand with an outdoor character and continuation of external paving through the foyer. There are also bike racks to the courtyard landscape for visitors to the building.

## Henry Street Entry

A medium scale entry, the Henry Street Entry is a raised entry with a singular door threshold. The entry envelope is in proportion with the grid rhythms of the architecture in a centralized location to delineate its address from the Phillimore Street Entry. A large canopy projects from the facade to identify its entry presence.

## Pakenham Street Entry

There are five townhouses fronting Pakenham Street. In keeping with the key principles, these townhouses enter their residence directly from the street through a gated entry to enhance their expression as singular houses. The formal, shared entry to the remaining site and proposal is through the singular break in the heritage fabric. The proposal reinforces this break as an opportunity to provide depth to 'Marine House and 'Strelitz House' and create a clear point of arrival. The gate is visually permeable, suggestive of the 'pocket gardens' beyond, a common typology found across the Fremantle's West End.

## Activating Street Frontages

Across the site the location of the heritage windows and levels of the parapet have dictated the location of the floor plates. This guiding principle has enabled internal rooms to actively engage, look out and operate the windows for visual and ventilation purposes.

The wrought iron gates to each of the Pakenham Houses are also maintained as the primary entry thresholds. Behind each of these gates are semi-private porch spaces which act as a threshold space to the interior.

## Landscaping

### Central Courtyard

The central courtyard separates the Henry and Phillimore Street buildings from the Pakenham Street buildings by a minimum of 16m. The courtyard creates private outdoor amenity for residents of both buildings. There is a landscape buffer and screening between the ground level residents and the communal areas of the courtyard.

There are four programmatic elements within the landscape, accessed through paths that are extensions

of the three shared entry points of Phillimore, Henry and Pakenham Street. These are the Event Lawn, The Pavilion Hub, The Alfresco and The Shady Cloister. Each space draws on soft variation in planting, materiality, lighting and build up to create a sense of scale appropriate to the space. The urban shady cloister is a shady retreat, concealing views from above residents with trees to create privacy. Comparatively the alfresco, pavilion hub and event lawn are centred around areas of movement and are thus more social.

### Pakenham Courtyard

The Pakenham courtyard is a smaller scale landscape space with a more formal arrangement. The ground level space is quiet and calm with provision for seating under a shady tree. The landscape makes provision for a number of small groups in a more intimate setting. The lush trees located to the centre of the courtyard provide outlook for the surrounding perimeter circulation.

### Pakenham Roof Top

A unique offering to the Pakenham building is the provision of roof top garden space. These two spaces atop of Tolley and Marine House offer different scales of social activity. Garden Terrace is a vegetable and herb garden amenity, with outlook towards the greater scene of Fremantle. The Event Terrace is a port facing terrace with outlook towards the Port and larger spaces for congregation. Each terrace has a planting buffer to the Street edge to mitigate overlooking to the apartments below.

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# Planning Considerations

## Land Use Permissibility

### Metropolitan Region Scheme

The site is zoned 'Central City Area' under the provisions of the Metropolitan Region Scheme (MRS). The subject site is not impacted by other reservations. The proposed development is in line with the intent for the 'Central City Area' zone.

*Refer to Figure 4 – MRS Extract*

### City of Fremantle Local Planning Scheme No.4

Under the provisions of the City's Local Planning Scheme No. 4 (LPS 4), the subject site is zoned 'City Centre'. Table 3 below outlines the land use permissibility of the proposed land uses.

**Table 3 – Land Use Permissibility**

Proposed Land Use	Permissibility
Multiple Dwellings.	D

*Refer to Figure 5 - LPS 4 Extract*

Figure 4 – MRS Extract

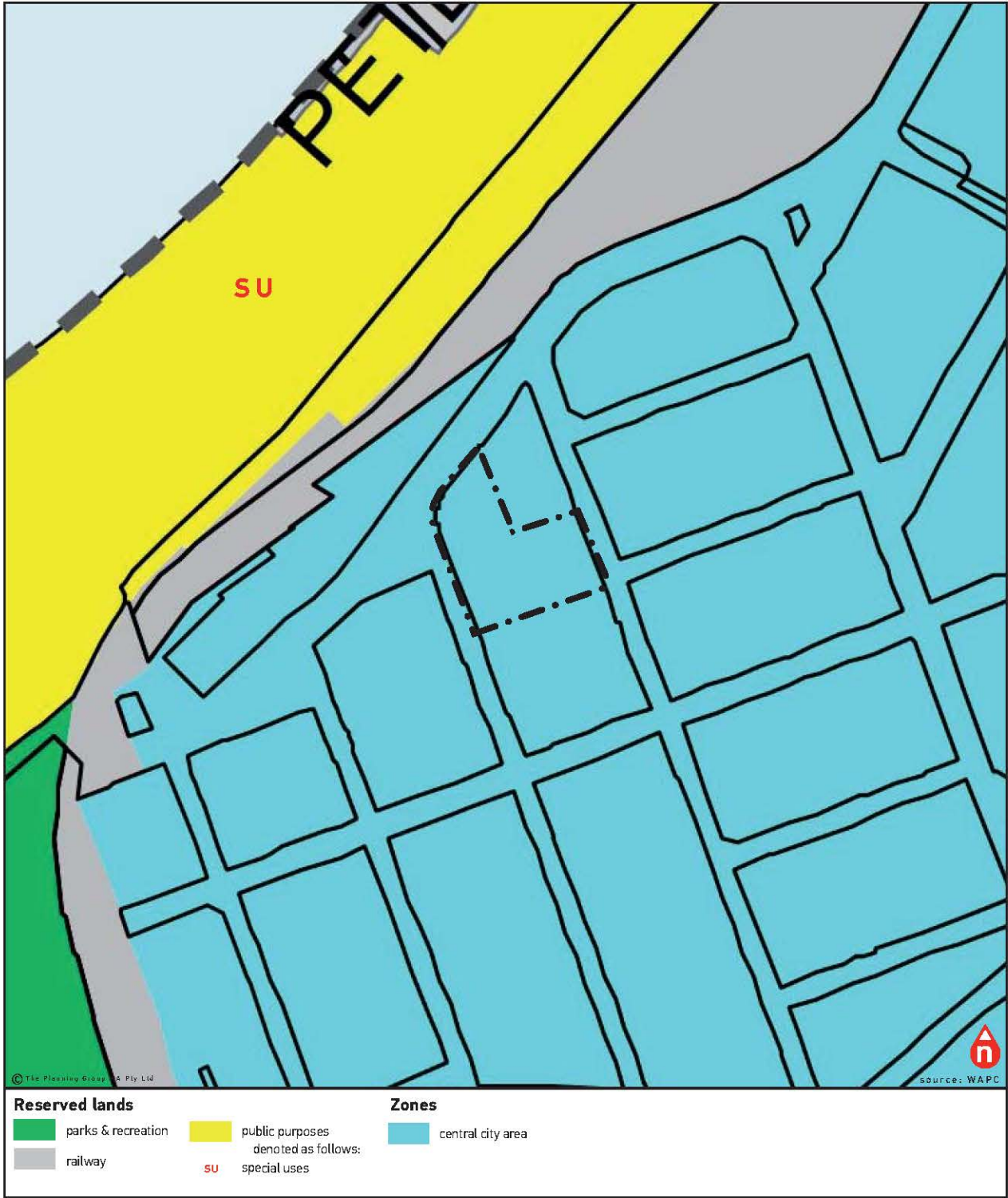
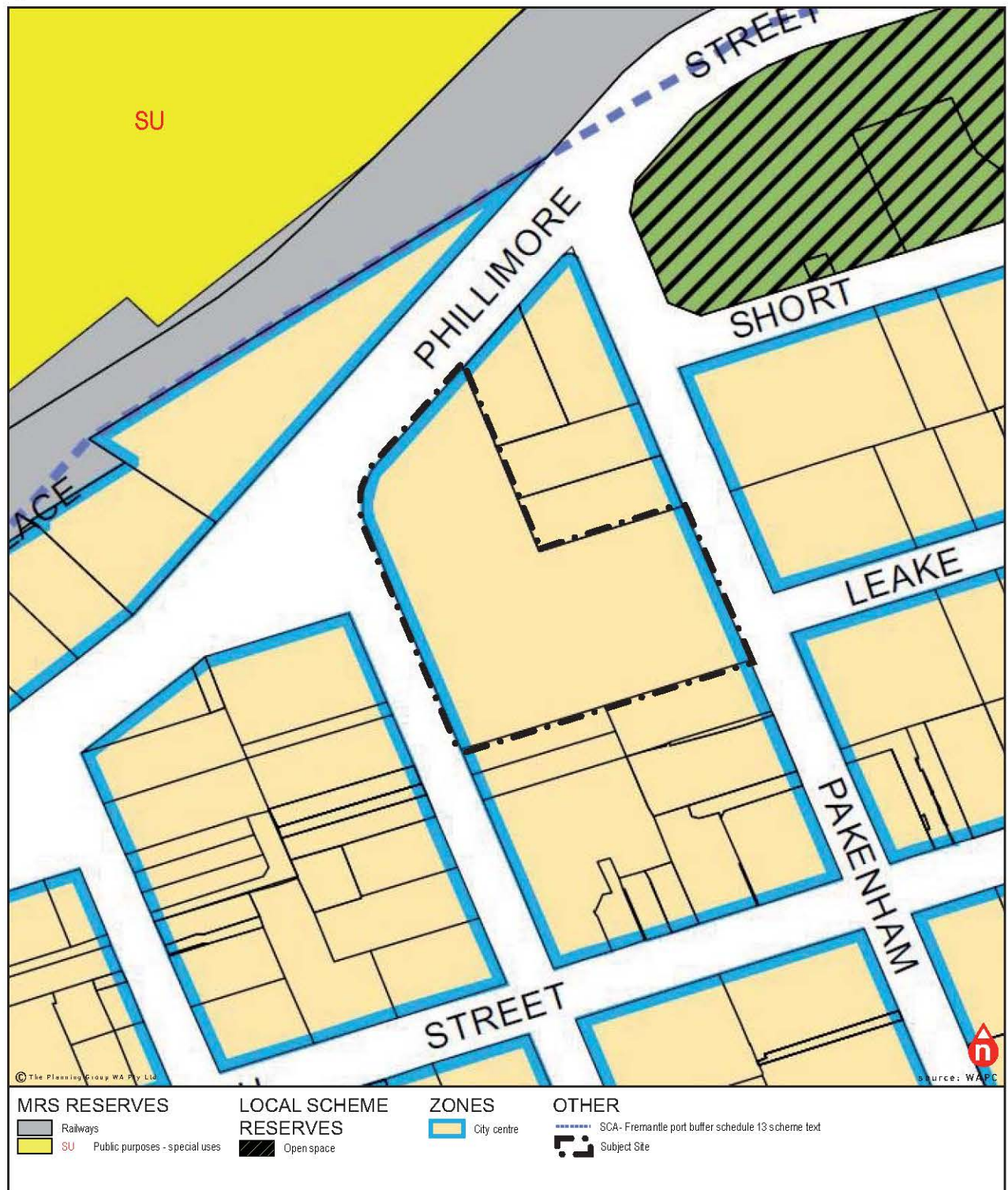


Figure 5 - LPS4 Extract



## Development Standards

The assessment of the development against the relevant requirements under LPS 4 and the R-Codes are outlined in Table 4 below.

Table 4 – Assessment under LPS 4 and R-Codes

Development Standard	Source	Requirement	Proposed
<b>Maximum Height</b>	LPS 4	<p>Three storeys (maximum external wall height of 11 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).</p> <p>Council may consent to an additional storey subject to:</p> <ul style="list-style-type: none"> <li>a) the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site,</li> <li>b) maximum external wall height of 14* metres, and</li> <li>c) compliance with clause 1.2. – <ul style="list-style-type: none"> <li>(a) In granting consent to the maximum height prescribed, Council shall be satisfied in regard to all of the following—</li> <li>(b) that the proposal is consistent with predominant, height patterns of adjoining properties and the locality generally,</li> <li>(c) the proposal would not be detrimental to the amenity of adjoining properties or the locality,</li> <li>(d) the proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and</li> <li>(e) any other relevant matter outlined in Council's local planning policies.</li> </ul> </li> </ul>	<p>A five storey development with a maximum height of 19.88 metres. The proposed variation can be approved under the provisions of the City of Fremantle Local Planning Policy 2.20 – Discretion to Vary Local Planning Scheme Site or Development Requirements for Heritage Purposes (LPP 2.20). Refer to the discussion later in this report under LPP 2.20.</p>
<b>Building Size</b>	R-Codes	<ul style="list-style-type: none"> <li>• Development to comply with a maximum plot ratio of 2:1 - 9,722m<sup>2</sup> plot ratio area</li> </ul>	<p>Non -compliant.</p> <p>The development has a plot ratio floor area of 10,407m<sup>2</sup>.</p> <p>Refer to discussion below.</p>
<b>Street surveillance</b>	R-Codes	<ul style="list-style-type: none"> <li>• Street elevation to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street.</li> <li>• Habitable room windows or balconies to face the street.</li> </ul>	<p>Compliant.</p> <p>The design incorporates both balconies and windows to habitable rooms overlooking the streets to provide sufficient street surveillance. The access points are clearly identifiable from the street and provide safe access to the building.</p>
<b>Sight lines</b>	R-Codes	<p>Walls, fences and other structures truncated or reduced to no higher than 0.75m with 1.5 m of where walls, fence, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</p>	<p>Considered to comply.</p> <p>The proposed driveway off Henry Street provide sufficient sightlines with the use of permeable balustrading to allow for safe access.</p>
<b>Building appearance</b>	R-Codes	<p>Buildings that comply with the provisions of a special control area, with the provisions of a local planning policy made under the scheme or with the provisions of the scheme, in respect of the design of carports and garage, the colour, scale, materials of retaining walls and the extent to which the upper levels of building as viewed from the street should be limited.</p>	<p>Compliant.</p> <p>The proposed development is in keeping with the heritage fabric of the West End.</p>

Development Standard	Source	Requirement	Proposed
Outdoor living areas	R-Codes	<ul style="list-style-type: none"> <li>One balcony or equivalent accessed directly from a habitable room with a minimum area of 10 m<sup>2</sup> and a minimum dimension of 2.4 metres.</li> </ul>	<p>Non-compliant.</p> <p>The development includes 17 dwellings with no balconies and four dwellings with small balconies.</p> <p>Refer to discussion below.</p>
Parking	R-Codes	<ul style="list-style-type: none"> <li>Less than 110m<sup>2</sup> and/or 1 bedroom – 1 bays: 113 bays</li> <li>110m<sup>2</sup> or greater and/or 3 or more bedrooms – 1.25 bays: 11.28 (12) bays</li> <li>Visitors car parking spaces (per dwelling) – 0.25 bays: 30.5 (31) bays</li> </ul>	<p>Non-Compliant.</p> <p>123 residential bays provided.</p> <p>No Visitor parking provided.</p> <p>Refer to the discussion below.</p>
Bicycle Parking	R-Codes	<ul style="list-style-type: none"> <li>One bicycle space for each three dwellings to residents – 40.6 (41 bays)</li> <li>One bicycle space to each 10 dwellings for visitors – 12.2 (13 bays)</li> <li>54 bays required</li> </ul>	<p>Compliant.</p> <p>56 resident bike bays provided.</p> <p>14 visitor bike bays provided.</p>
Design of car parking spaces	R-Codes	<ul style="list-style-type: none"> <li>Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1.</li> </ul>	<p>The proposed resident parking complies with the Australian Standards.</p>
Vehicular access	R-Codes	<ul style="list-style-type: none"> <li>Vehicle access limited to one opening per 20m street frontage that is visible from the street.</li> <li>Access to onsite car parking spaces to be provided <ul style="list-style-type: none"> <li>Where available from a right of way available for the lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;</li> <li>From a secondary street where a right of way does not exist; or</li> <li>From the primary street frontage where no secondary street or right of way exists.</li> </ul> </li> <li>Driveway to be designed for two way access to allow vehicles to enter the street in forward gear;</li> <li>Driveways to be adequately paved and drained.</li> </ul>	<p>The two way vehicle access is provided off Henry Street. The proposed access arrangement allows for ease of access to the site and will be paved and drained. This is considered appropriate.</p>
Stormwater management	R-Codes	<ul style="list-style-type: none"> <li>To be contained onsite</li> </ul>	<p>The stormwater is proposed to be contained onsite.</p>
Privacy setbacks	R-Codes	<ul style="list-style-type: none"> <li>Major openings to bedrooms and studies – 3 metres</li> <li>Major openings to habitable rooms other than bedrooms and studies – 4.5 metres</li> <li>Unenclosed outdoor active habitable spaces – 6 metres</li> <li>or provided with permanent screening to restrict reviews.</li> </ul>	<p>Compliant.</p> <p>All of the openings and balconies are appropriately set back or screened.</p>
Solar access for adjoining sites	R-Codes	50% of the site area	<p>Complies. See overshadowing diagram in Appendix B.</p>
Dwelling Size	R-Codes	<p>Minimum 20% one bedroom dwellings, up to a maximum of 50% of the development; and</p> <p>Minimum of 40% two bedroom dwellings;</p> <p>Dwellings not to be smaller than 40m<sup>2</sup> plot ratio area.</p>	<p>Compliant.</p> <p>34.4% - one-bedroom dwellings</p> <p>59.8% - two-bedroom dwellings</p> <p>5.7% - three-bedroom dwellings</p>

Development Standard	Source	Requirement	Proposed
Utilities and facilities	R-Codes	<p>4m<sup>2</sup> external storeroom with a minimum dimension of 1.5m for each dwelling (City's Local Planning Policy 2.1 – External Storage Areas for Grouped and Multiple Dwellings (LPP 2.1) allows for internal storerooms)</p> <p>Bin store to be provided that is;</p> <ul style="list-style-type: none"> <li>- conveniently located;</li> <li>- accessible to residents;</li> <li>- adequate in area to store all rubbish bins; and</li> <li>- fully screened from view from the street.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed storerooms are considered to meet the design principles. 122 storerooms are provided. 57 stores are smaller than the requirement at 3m<sup>2</sup>. These storerooms are of a sufficient size to be practical and allow for general storage. All the stores are located to be convenient for residents and is not visible to the street.</li> <li>• Compliant. The bin store is located in the basement, with a detailed waste management plan.</li> </ul>

## Building Size – Plot Ratio

The proposed development at a plot ratio of 2.14:1 (10,407m<sup>2</sup>) in lieu of a plot ratio of 2:1 (9,722m<sup>2</sup>) is considered appropriate for the site. The building bulk and scale as proposed is not significantly different to that of a building compliant with the requirement. The proposed upper floors are setback to not negatively impact on the streetscape and reduces the impact of perceived building bulk. The design allows for internal courtyards that breaks up the building internally and provide the residents with an increase level of amenity. The proposed variation is also interlinked with the variation on building height, which can be approved under LPP 2.20.

## Outdoor Living Areas

The proposed outdoor living areas are not complying with the deemed to comply requirements of the R-Codes. The mezzanine one-bedroom apartments have been designed without an outdoor area to allow for the best internal use of the apartments with large spaces and sufficient natural light. Some of the one-bedroom dwellings with balconies facing the internal courtyards have 9m<sup>2</sup> balconies. Overall, the reason for these variations is the constraint presented by the structure of the heritage building and the workable building footprint. The provision of internal courtyards that is easily accessible to all residents will provide the needed open space and recreational area for the residents to enjoy. It is considered that the provision of a communal open space with dwellings with generous internal

layouts are better than small and pokey dwellings with individual balconies. In addition, the proposal allows for the appropriate conservation of the heritage structure. As such, it is considered that this proposed variation can be approved under the provisions of LPP 2.20.

## Car Parking

The proposed car parking comprises 123 residential bays and no visitor bays. The proposed car parking is considered to meet the relevant design principles as set out below.

The car parking numbers are considered to be appropriate for the anticipated demand for the development. This is due to the proximity of development to high frequency public transport. The development also has the benefit of on street car parking within walking distance and these will be available at the times when residents usually have visitors and are home, being after hours and on weekends.

## Local Planning Policy Requirements

### DGF14 – Fremantle West End Conservation Area Policy City of Fremantle

Under the Fremantle West End Conservation Area Policy (DGF 14) the subject site is located within the West End area. DGF 14, seeks to identify, preserve and enhance

the cultural significance of the Fremantle West End Conservation Area and to encourage sympathetic re-development.

*The City's Heritage Assessment Local Planning Policy 1.6 sets out such that a Heritage Assessment is required for 'all development on property located within the West End Conservation Area.' A Heritage Assessment has been prepared and is contained within Appendix C of this report. The Heritage Impact Assessment examines the impact of the proposal on the broader West End area and the four historic facades, which have been recognised as a places of cultural heritage value in their own right.*

*Overall the Heritage Assessment finds that the proposal is in line with that of the West End Conservation Area Policy, which sets out 'the aim of designing a respectful new building is not to create uniformity'... 'it is Council's intention that architects and designers interpret the principles in ways that are expressive of their own individual design approaches. Direct copying of historic designs, and use of reproduction details will not be encouraged...' The Assessment concludes that the development has had due regard to and will generally have a positive impact on the heritage values of both the existing heritage facades and broader West End Conservation Area, as summarised below:*

- Reconstruction of floor levels to correspond to openings in the historic facades allowing windows to be operable with activity behind will enhance the heritage fabric
- Giving each historic façade its street address back and returning its identity to reinforce the urban grain of the West End
- Reactivation of blocked and underused doorways and resultant reactivation of the immediate streetscape
- Reconstruction and conservation of heritage fabric will ensure the ongoing contribution of these historic facades to the West End and enhance the authenticity of interpreting these historic warehouses by using traditional materials and details.
- Reactivation of historic cart ways and landscaped courtyards allows an understanding of the historic streetscape and operation of the West End warehouses.

Under DGF 14, it is noted that the appropriate setbacks for a site in the West End is that which is dominant in the area. For the West End this is nil front and side setbacks. It is considered that the proposed setbacks are appropriate as the development is working with the existing building and its existing setbacks.

*Refer to Appendix C - Heritage Impact Statement*

## City of Fremantle Local Planning Policy 2.10 - Landscaping of Development and Existing Vegetation on Development Sites

The objective of the City's Local Planning Policy 2.10 – Landscaping of Development and Existing Vegetation on Development Sites (LPP 2.10) is to provide guidance on the requirement and assessment of landscape plans and where Scheme and Policy requirements can be varied in relation to planning applications, which contain tree(s) and vegetation, considered worthy of conservation. LPP 2.10 outlines the details that are to be provided on a landscaping plan and what can be done with existing vegetation. Details of the proposed landscaping has been provided in the architectural package.

*Refer to Appendix B –Hassell's Architectural Package*

## City of Fremantle Local Planning Policy 2.13 – Sustainable Buildings Design Requirements

The purpose of the City's Local Planning Policy 2.13 – Sustainable Buildings Design Requirements (LPP 2.13) is to create sustainable building design requirements for new commercial, mixed use and multi-residential developments.

LPP 2.13 requires development to achieve a 4 Star Green Star rating. It also outlines Council's discretion to waive the requirements of LPP 2.13 in an instance where the development is for the refurbishment of a building included on the Heritage list or is in a Heritage Area and the Council is of the opinion that the Green Star requirement will detrimentally impact on the heritage values of the building.

The development is to comply with the 4 Star Green Star rating. This can be conditioned as part of the approval.

The design does include ESD considerations which are:

- Photovoltaic Cells
- Irrigation - All roofs are pitched in a direction where rainwater run off from the large metal roofs can be used for irrigation of the courtyard landscapes. Native and hardy plants are proposed to the landscaped areas, suitable for harsh salty conditions and supportive of reduced water consumption.
- Cross Ventilation - 100% of apartments to the Pakenham Building are designed to have cross ventilation. Where possible cross ventilation has been implemented to both the corner apartments and core adjacent apartments of the Henry and Phillimore Street buildings. The core lobby at each level also opens up towards a naturally lit open space to limit artificial lighting to corridors and create cross ventilation within the Henry Street building.

## City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source

The objective of the City's Local Planning Policy 2.18 – New Residential Developments in the City Centre zone – Noise from an Existing Source (LPP 2.18) is to address the issue of noise when considering new residential developments in the City Centre zone in close proximity to existing noise producing uses. LPP 2.18 stipulates that new residential development within close proximity to recognised non-residential land use should be constructed such to minimise noise impacts. Noise attenuation measure should address sound attenuation and vibration protection and be compliant with the Environmental Protection (Noise) Regulations 1997.

Noise attenuation has been taken into consideration in the development of the design. However the details of the noise attenuation will be specified as part of the detailed design of the development. It is considered that an Acoustic Report can be conditioned if required.

## City of Fremantle Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works

The purpose of the City's Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works (LPP 2.19) is to provide criteria against which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute a percentage of the development's total cost to the development of public art works and/or heritage works. Development of the subject site is required to contribute a monetary amount equal in value to one per cent of the estimated development cost.

The Council may waive the requirement for the public art/heritage work(s) contribution in cases where a development incorporates public art work(s) to the same value as specified in Clause 2 and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site, subject to being satisfied in relation to all of the following:

- a) "The details of the proposed public art work shall be set out as part of the application for Planning Approval. Prior to determining the application, Council shall seek relevant professional advice with regard to the appropriateness and artistic merit of the proposed public art work."*
- b) "Where the public art/heritage work is to be located on private land, the public art work and/or heritage works shall be maintained by the owner(s) of the land to the satisfaction of the Council."*
- c) "Where the public art/heritage work is to be located within a crown reserve, the owner(s) of the subject development is required to enter into a legal agreement with the City undertaking to maintain the public art/heritage work to a standard specified by the City and, if required, to temporarily remove the public art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works."*

The requirement for public art/heritage works to a value of one percent is noted. This can be conditioned appropriately as part of the approval.

## City of Fremantle Local Planning Policy 2.20 – Discretion to Vary Local Planning Scheme Site or Development Requirements for Heritage Purposes

LPP 2.20 outlines that development standards such as height can be varied where the proposed variations are to the benefit of heritage outcomes. Outlined below is the proposed heritage conservation outcomes and the reasons for the variation to the building height.

Under LPS4 the site has a maximum allowance for three storeys and 11 metres. The height of 11 metres can be 14 metres where certain criteria are met. The proposed building is a five-storey development with a basement. The basement is not classified as a storey as it has more than 50 % of its volume underground. The proposed building height is 19.88 metres. The proposed height variation can be approved under LPP 2.20. The height variation is due to the constraints presented by the heritage nature of the building and working within the heritage fabric of the building. The proposed height is considered to be appropriate for the site's location and the height transition from the cranes at the port to the lower streetscape experience presented by the Esplanade Park to the south of the development. In addition to this height transition, the proposed works include the following heritage aspects that will greatly benefit the community:

Under LPP 2.20 the City can vary the provisions of LPS 4 for a development proposal. In this proposal, there is a request that height is varied to accommodate up to five storeys. To enable this policy the proposal must include information which clearly demonstrates that an outcome of the proposed variation(s) will be to either:

- a. Facilitate the built heritage conservation of a heritage listed place; or
- b. Enhance or preserve heritage values in a heritage area.

The following statement of justification has been prepared to provide a clear rationale for the design approach and explains how it achieves the outcomes referred to in LPP 2.20.

- a. The physical relationship (including the nature and extent of the relationship) between the elements of the proposed development which require the variation and one of the heritage outcomes referred to above.

- The proposal seeks to reinstate the original floor levels behind the heritage facades. This highly positive outcome will mean that windows and openings will no longer have floor plates cutting across and the windows will provide natural light into the new residential units. By reinstating original floor levels in this former warehouse means that the floor to ceiling heights are over and above what is ordinarily expected in modern apartments. Therefore, in order to meet a feasible yield for the development apartments are proposed on additional storeys above the existing heritage height datum.
- The Phillimore Street façade is a 14.68-metre-high heritage façade that originally accommodated 2.5 floors. In modern construction, a building of this height would ordinarily accommodate a 4-5 storey building quite comfortably. In order to accommodate sufficient yield to offset conservation and development costs some additional height is required.
- b. Whether and, if so, how the heritage outcomes achieved through the variations make a contribution to the public realm (e.g. streetscape);
  - The proposal will ensure the retention and conservation of the facades, which will have a positive impact on the West End of Fremantle. By retaining these facades and incorporating new development behind will provide a well-considered balance of conservation and adaptation. The new contemporary architecture will provide a complementary juxtaposition to the streetscape and invigorate the historic West End.
- c. Whether the extent of the variation (e.g. additional building height) is the minimum necessary to achieve the heritage outcome;
  - The height of the new development is dictated by the location of the windows on the existing heritage facades and the viability associated with the retention and conservation of the historic facades. It is acknowledged that heritage conservation works and development within a heritage site costs are higher than new residential building on an unencumbered site.
  - Removing all aluminium framed windows on the facades and replacing with timber framed

windows in addition to removing inappropriate external treatments to the heritage fabric will be a substantial benefit to the character of the individual buildings and the West End. The extent of this work is considerable and expensive but the outcome will enhance the ability to appreciate the authenticity of the historic fabric and its contribution to the West End. To offset this conservation cost it is reasonable to expect that some enabling development is provided. In this case that requires to be over and above what can be physically accommodated within the confines of the heritage facades.

- The size of the land holding could ordinarily support a greater yield of apartments, however the heritage context has been taken into consideration and the yield has been reduced to an acceptable level without detrimentally forcing additional apartments into the development.
- d. The proportionality between the nature and extent of the variation sought and the heritage values and level of the heritage significance of the place or area;
  - Generally, the proportions of the new height is lesser in scale than the underlying facades meaning that the heritage component of the development will retain primacy on the lot.
  - Historically heights of building's have increased over time as demands have changed and this is apparent in the West End. For example, No.5 Pakenham Street had an additional storey added in 1903 as demands increased on the commercial warehouse. The proposal is the next development in the evolution of these buildings and the history of the West End.
  - The key views and vistas into the West End have been assessed as part of this proposal. It is clear that the proposed development is of a scale that will have negligible visible impact on the West End generally.
- e. The spatial relationship (including degree of proximity) between the place or heritage area (as the case may be) and the development in respect of which a variation is sought.
  - The existing façade to Phillimore Street dominates the immediate context surrounding it and acts as a gateway landmark to the West

End. The proposed height variation will only serve to enhance this prominent corner location and thereby enhance the presence of this heritage place. Corner landmarks and entry statements are recognised within the State Heritage Registration documentation as being a feature of the West End's character.

- The new vertical additions proposed for the Pakenham Street elevation have been designed to accord with the facades. This allows the identity of each heritage place at Nos. 5, 7 and 9 Pakenham Street to be realised as individual addresses. By aligning with the heritage facades, the new vertical elements are clearly articulated as separate addresses.
- The development proposal acknowledges the State registered place at No. 10 Henry Street and steps down in deference of this lowering of the streetscape context.
- f. Other relevant issues:
  - Car parking has been neatly accommodated in the basement level which was originally designed for utilitarian purposes. By retaining this functionality rather than providing basement accommodation has meant that the apartments are located within or above the heritage facades.

## City of Fremantle Local Planning Policy 2.30 – Fremantle Port Buffer Area Development Guidelines

The City's Local Planning Policy 2.30 – Fremantle Port Buffer Area Development Guidelines (LPP 2.30) has the following objectives:

- *"To provide clear development guidelines that seek to minimise potential impacts that may arise from the Port.*
- *To promote land use compatibility between the Port and surrounding urban area.*
- *To enable continued urban development around the port whilst maintaining efficient operation of the Port.*
- *Outline clear administrative processes for referral and liaison between the Fremantle Ports and Fremantle City Council."*

The subject site is identified to be in Buffer Area 2 under Schedule 13 of LPS 4. Buffer Area 2 is identified as having potential risk and amenity considerations, which includes:

- a) *"Ingress of toxic gases in the event of an incident within the Port,*
- b) *Shattering or flying glass as a consequence of explosion within the Port,*
- c) *Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required), and*
- d) *Odour."*

Pursuant to LPP 2.30 development in Buffer Area 2 is required to meet specific development standards.

The following built form requirements shall apply to the following categories of development:

- a) *"All residential development other than alterations and additions to existing dwellings.*
- b) *All non-residential development other than refurbishment / renovations (not involving a nett increase in floor area) to existing buildings and non-residential change of use proposals."*

Within Area 2, buildings shall be designed so as to incorporate all of the design and construction features outlined as follows:

#### **Windows and openings**

- a) *"Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6 mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3 mm.*
- b) *All safety glass shall be manufactured and installed to an appropriate Australian Standard."*

#### **Air - conditioning systems**

All air conditioning systems shall incorporate the following features:

- a) *"multiple systems to have internally centrally located shut down point and associated procedures for emergency use,*
- b) *preference for split "refrigerate" systems"*

#### **Construction**

- a) *"Quiet house design guidelines shall be applied to residential developments.*
- b) *All developments shall incorporate roof insulation."*

Council does however recognise that the requirements may not be possible to achieve in the case of the proposals involving the adaptation/reuse of buildings of conservation and heritage significance. The Council may accept alternative built form treatments subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified to Council through submission of professionally prepared and certified reports.

#### **Notification and Memorials on Title**

LPP 2.30 requires a notification to be placed on title advising of the potential amenity impacts associated with living/working in proximity of the Port.

#### **Referral requirement**

The development application will be referred to the Fremantle Ports for comment. This is due to the requirement for referral where applications for developments have the potential to accommodate 20 or more persons on a full or part-time basis.

The requirements of LPP 2.30 is noted and has been considered in the design. The details of the aspects to be included will be decided in detail at detailed design stage. The requirements under LPP 2.30 can be appropriately conditioned.

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# Other Considerations

## Transport Impact Statement

A transport impact statement has been prepared in support of the development by Transcore which finds that the development has very good accessibility by the existing road, pedestrian and cyclist network and enjoys very good public transport coverage through existing bus and train services.

The traffic report concluded as follows:

- *“The traffic analysis shows that the traffic generation of the proposed development is moderate and as such would have no significant impact on the surrounding road network.*
- *The development traffic can be accommodated by the existing standard of the surrounding roads and intersections without a need for any traffic management measures.*
- *No particular transport or safety issues have been identified for the proposed development.*
- *The traffic-related issues should not form an impediment to the approval of the proposed development.”*

*Refer to Appendix D – Transcore Transport Impact Statement*

## Waste Management

A waste management plan has been prepared in support of the development by Bowman & Associates Pty Ltd. This plan outlines private collection of both general waste and recycling on a daily basis.

*Refer to Appendix E – Bowman & Associates Pty Ltd Waste Management Plan*

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# Conclusion

This report has been prepared by TPG + Place Match in support of a development application relating to a proposed multiple dwelling development at Lot 501 (No. 2) Henry Street, Fremantle.

Based on the above report it is considered that the proposed development is largely consistent with the strategic and statutory planning framework provisions that relate to the subject site. Variations are proposed however these are not considered to compromise the orderly and proper planning of the area but rather facilitate a development, which will establish a new and exciting paradigm for sensitive infill development in the West End Conservation Area. The design of the development has evolved with the support of the Design Advisory Committee in a manner, which respects the character of the West End Conservation Area, whilst being of its own time.

This report concludes that the proposed form of development is appropriate for the site and that, when completed, will make a positive contribution to the built form, heritage and amenity of the West End and the broader Fremantle City Centre. Furthermore, the site is ideally located to support the 122 multiple dwellings in terms of accessibility to transport and surrounding facilities. Accordingly, it is respectfully requested that the City supports the application, and that the Metropolitan South West Joint Development Assessment Panel approve the proposed development.

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# Appendix A

## Certificate of Title

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WESTERN



AUSTRALIA

REGISTER NUMBER  
**501/DP35045**DUPLICATE  
EDITION  
**11**DATE DUPLICATE ISSUED  
**15/2/2016**

# **RECORD OF CERTIFICATE OF TITLE** UNDER THE TRANSFER OF LAND ACT 1893

VOLUME  
**2548**FOLIO  
**69**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES



## **LAND DESCRIPTION:**

LOT 501 ON DEPOSITED PLAN 35045

## **REGISTERED PROPRIETOR:** (FIRST SCHEDULE)

CBD REV HOLDCO PTY LTD OF LEVEL 17, 101 COLLINS STREET, MELBOURNE, VICTORIA  
(AN N245779 ) REGISTERED 8 FEBRUARY 2016

## **LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:** (SECOND SCHEDULE)

1. G782284 LEASE TO THE COMMONWEALTH OF AUSTRALIA OF CARE OF AUSTRALIAN CUSTOMS SERVICE, CUSTOMS HOUSE, 5 CONSTITUTION AVENUE, CANBERRA, AUSTRALIAN CAPITAL TERRITORY EXPIRES: SEE LEASE. REGISTERED 4.5.1998.
2. G782285 LEASE TO THE COMMONWEALTH OF AUSTRALIA OF CARE OF CENTRELINK, E WEST 3, B BLOCK, ATHLON DRIVE, GREENWAY, AUSTRALIAN CAPITAL TERRITORY EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 4.5.1998.
3. EASEMENT BENEFIT - SEE DEPOSITED PLAN 35045 AND INSTRUMENT I572975.
4. EASEMENT BURDEN - SEE DEPOSITED PLAN 35045 AND INSTRUMENT I572976
5. \*I933019 CAVEAT BY COMMONWEALTH OF AUSTRALIA AS TO PORTION ONLY. LODGED 28.6.2004.
6. \*L914275 CAVEAT BY MINISTER FOR WORKS AS TO PORTION ONLY LODGED 20.4.2012.
7. \*M795780 CAVEAT BY COMMONWEALTH OF AUSTRALIA AS TO PORTION ONLY. LODGED 14.10.2014.
8. \*M807024 CAVEAT BY COMMONWEALTH OF AUSTRALIA AS TO PORTION ONLY. LODGED 24.10.2014.
9. \*M807026 CAVEAT BY COMMONWEALTH OF AUSTRALIA AS TO PORTION ONLY. LODGED 24.10.2014.
10. M913149 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 13.2.2015.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

## **STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 501/DP35045

VOLUME/FOLIO: 2548-69

PAGE 2

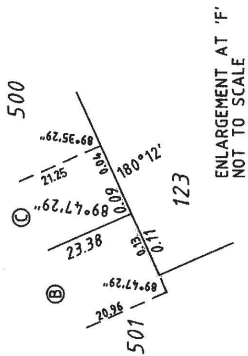
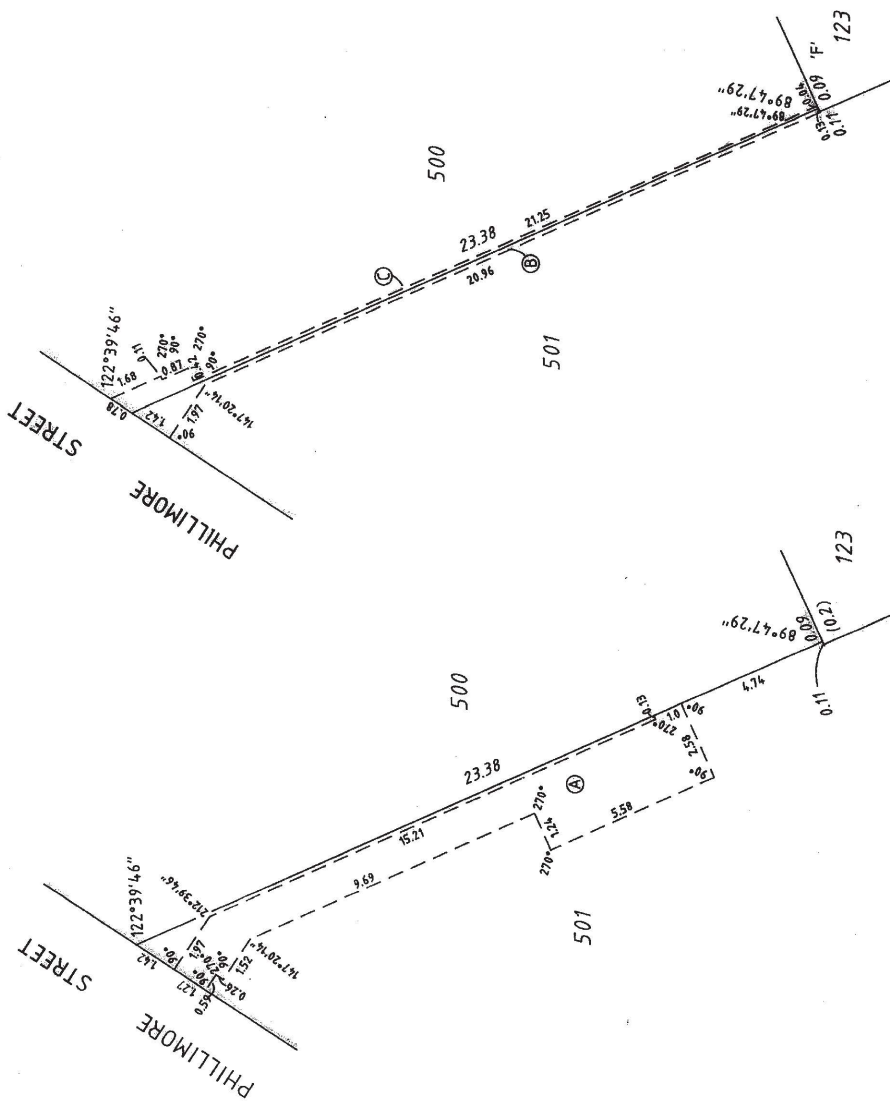
and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP35045.  
PREVIOUS TITLE: 1729-399.  
PROPERTY STREET ADDRESS: 2 HENRY ST, FREMANTLE.  
LOCAL GOVERNMENT AREA: CITY OF FREMANTLE.

NOTE 1:	M913136	SECTION 138D TLA APPLIES TO CAVEAT H686469
NOTE 2:	M913137	SECTION 138D TLA APPLIES TO CAVEAT I365943
NOTE 3:	M913138	SECTION 138D TLA APPLIES TO CAVEAT I441042
NOTE 4:	M913139	SECTION 138D TLA APPLIES TO CAVEAT I449660
NOTE 5:	M913140	SECTION 138D TLA APPLIES TO CAVEAT J578628
NOTE 6:	M913141	SECTION 138D TLA APPLIES TO CAVEAT J653966
NOTE 7:	M913142	SECTION 138D TLA APPLIES TO CAVEAT K343244
NOTE 8:	M913143	SECTION 138D TLA APPLIES TO CAVEAT K911839
NOTE 9:	M913144	SECTION 138D TLA APPLIES TO CAVEAT L206503
NOTE 10:	M913145	SECTION 138D TLA APPLIES TO CAVEAT L569854
NOTE 11:	M913146	SECTION 138D TLA APPLIES TO CAVEAT M206102

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FOR HEADING SEE SHEET 1



FP-0614-001-Ver1.0

SCALE: 1:150  
ALL DISTANCES ARE IN METRES

DEPARTMENT OF LAND ADMINISTRATION <b>DEPOSITED PLAN</b> <b>35045</b>	
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE: 115894 DATE: 5/12/2002 Delegated Under s.28 WAPC Act 1985 DATE: 12/03/03	SHEET 2 OF 2 EDITION 1 VERSION 1

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(A)	EASEMENT (FRONTYARD)	SECTION 136C OF THE TLA	THIS PLAN & (1 572976)	LOT 501	LOT 500	
(B)	EASEMENT (PARTY WALL)	SECTION 136C OF THE TLA	THIS PLAN & (1 572976)	LOT 501	LOT 500	
(C)	EASEMENT (PARTY WALL)	SECTION 136C OF THE TLA	THIS PLAN & (1 572975)	LOT 500	LOT 501	

# Appendix B

## Hassell's Architectural Package

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