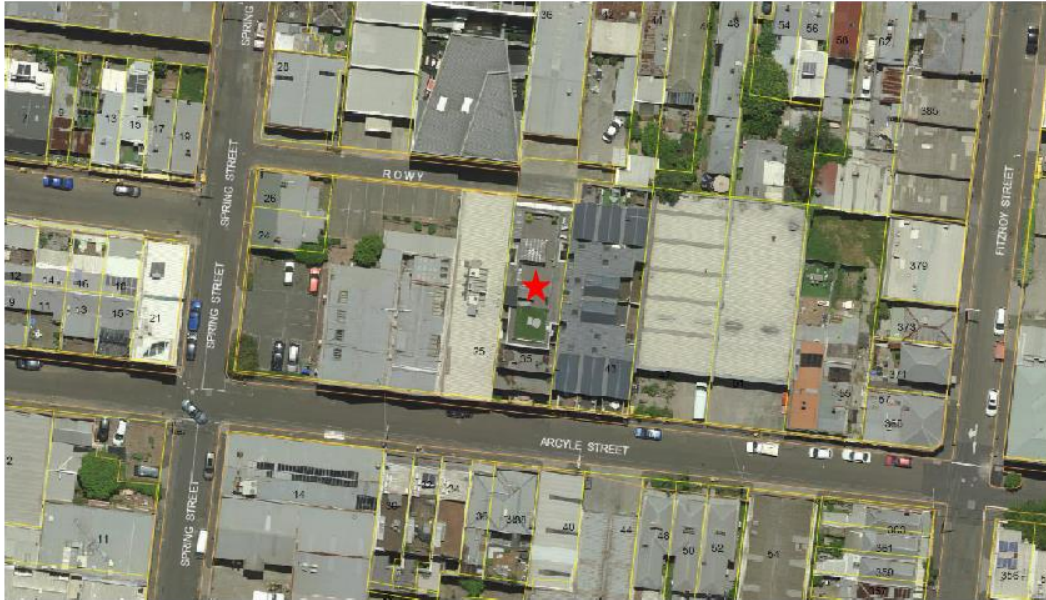


ATTACHMENT 1

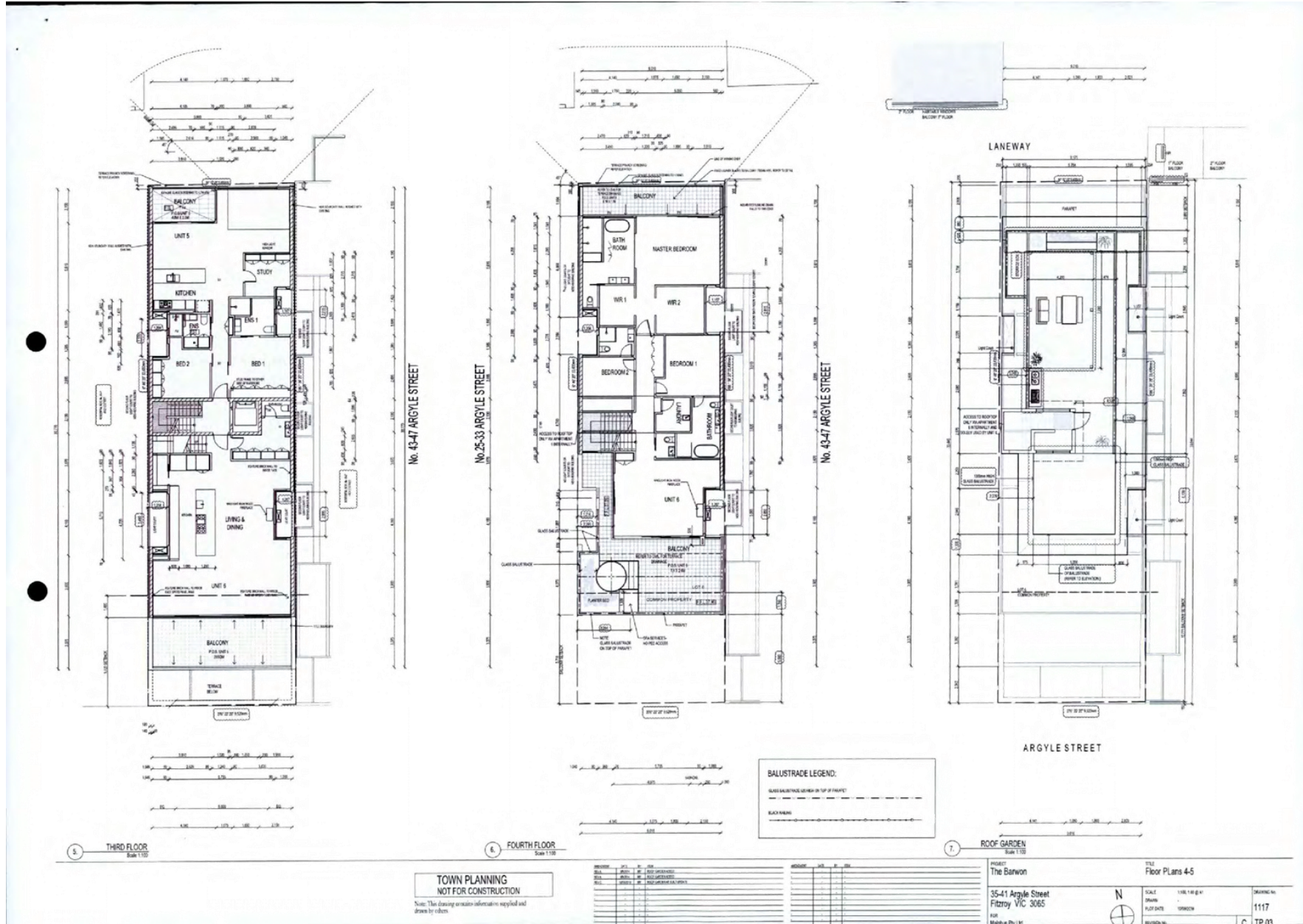
SUBJECT LAND: 35-41 Argyle Street, Fitzroy



↑ North

★ Subject Site

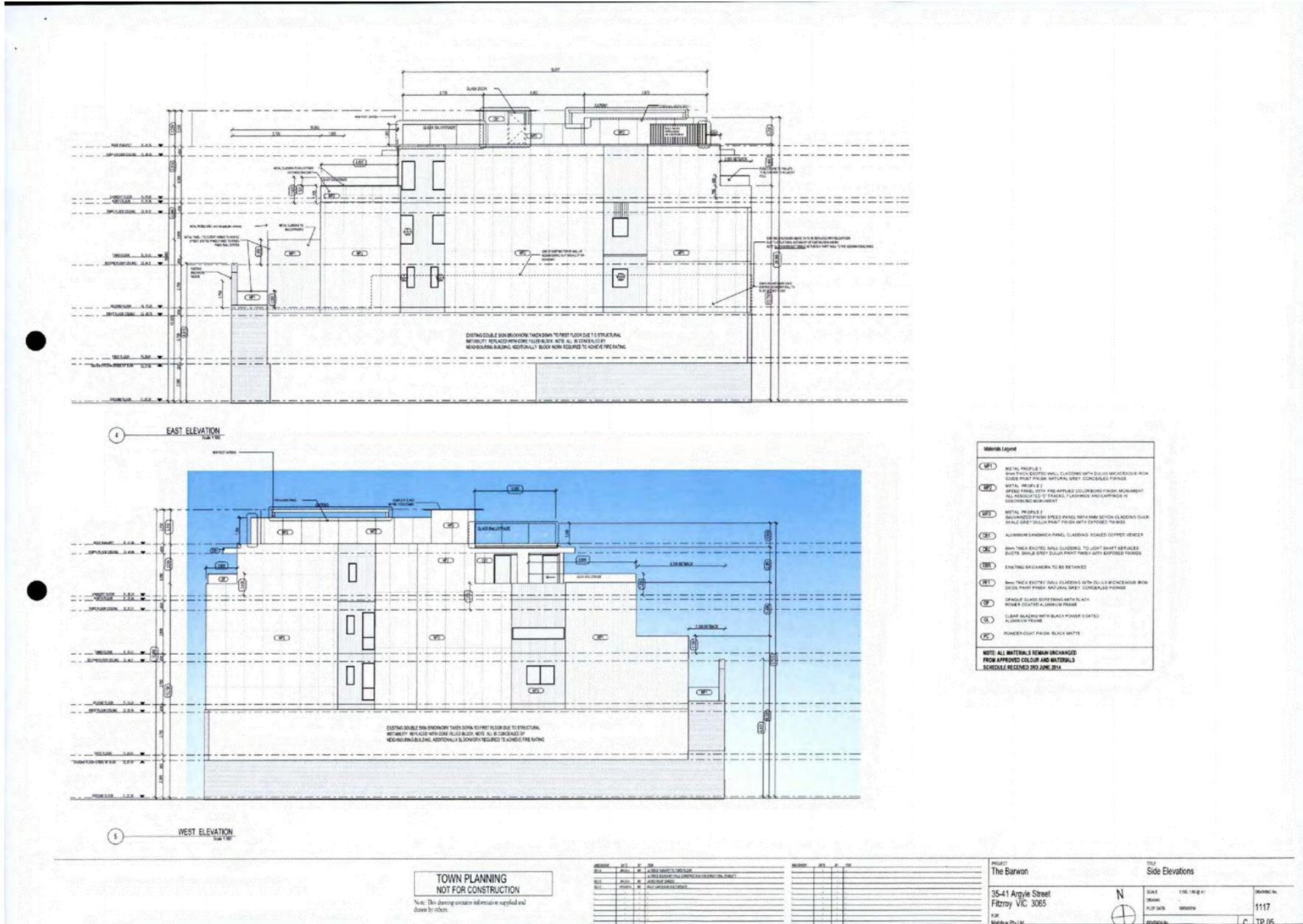
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



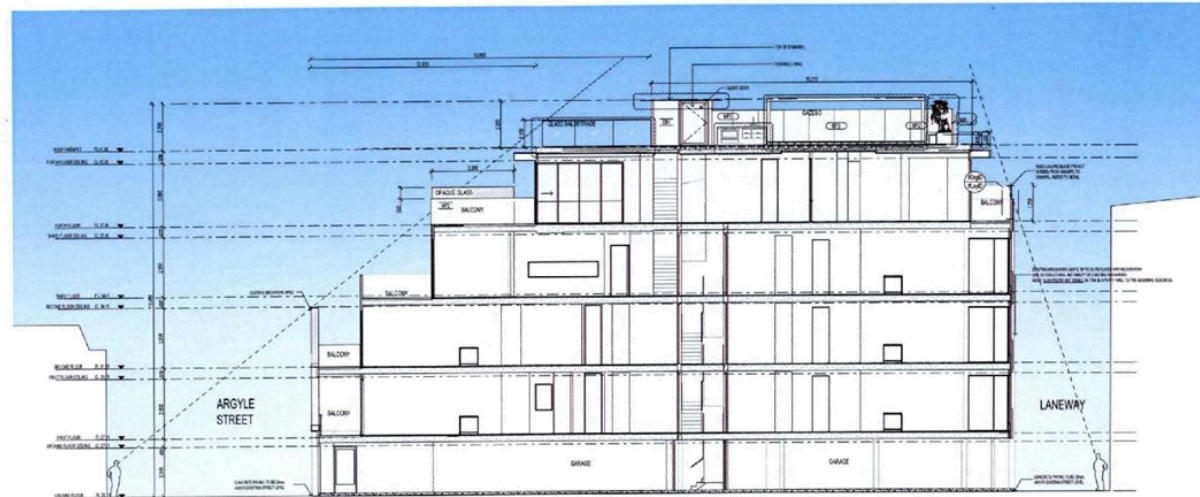
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



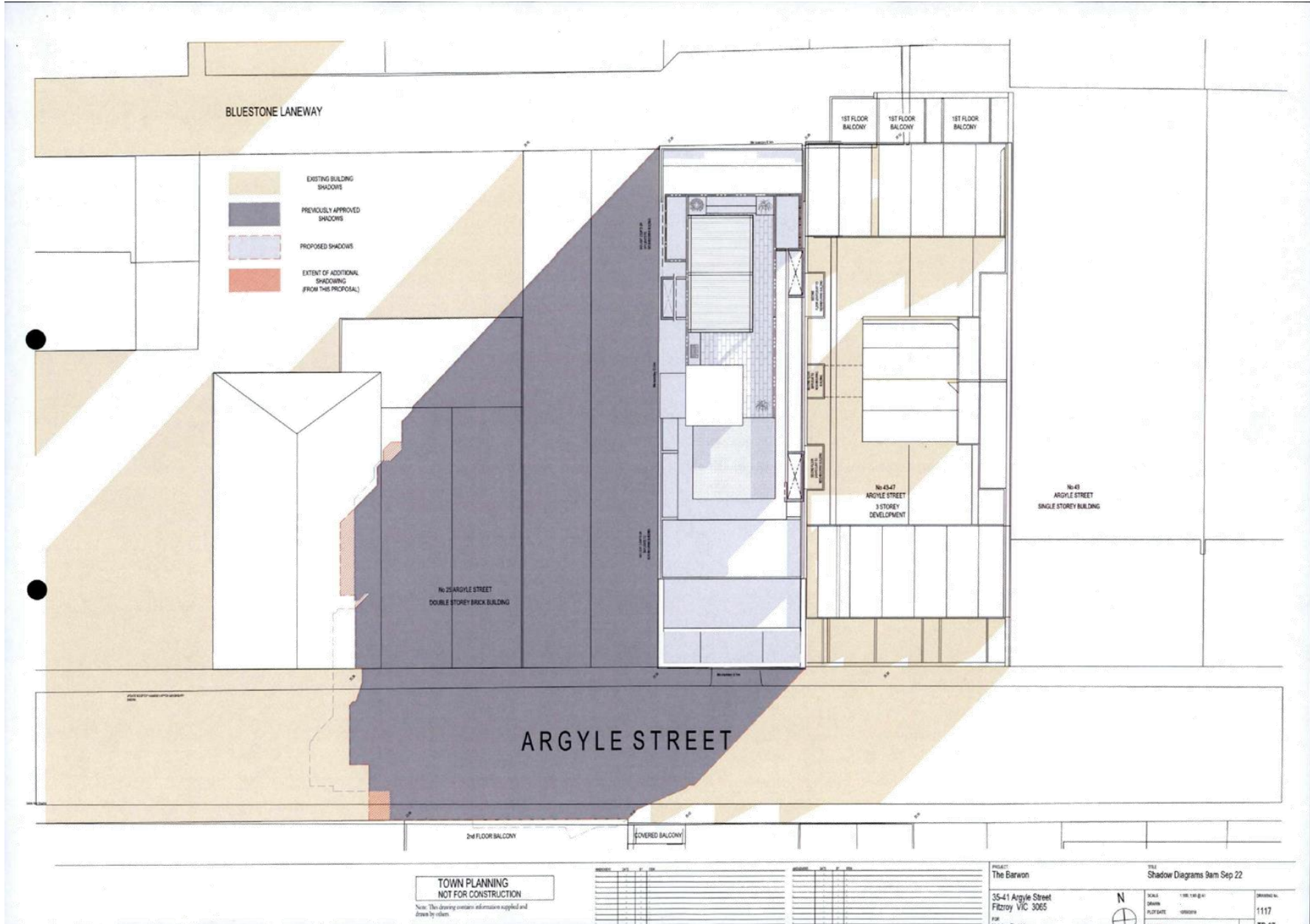
**TOWN PLANNING
NOT FOR CONSTRUCTION**

Note: This drawing contains information supplied and drawn by others.

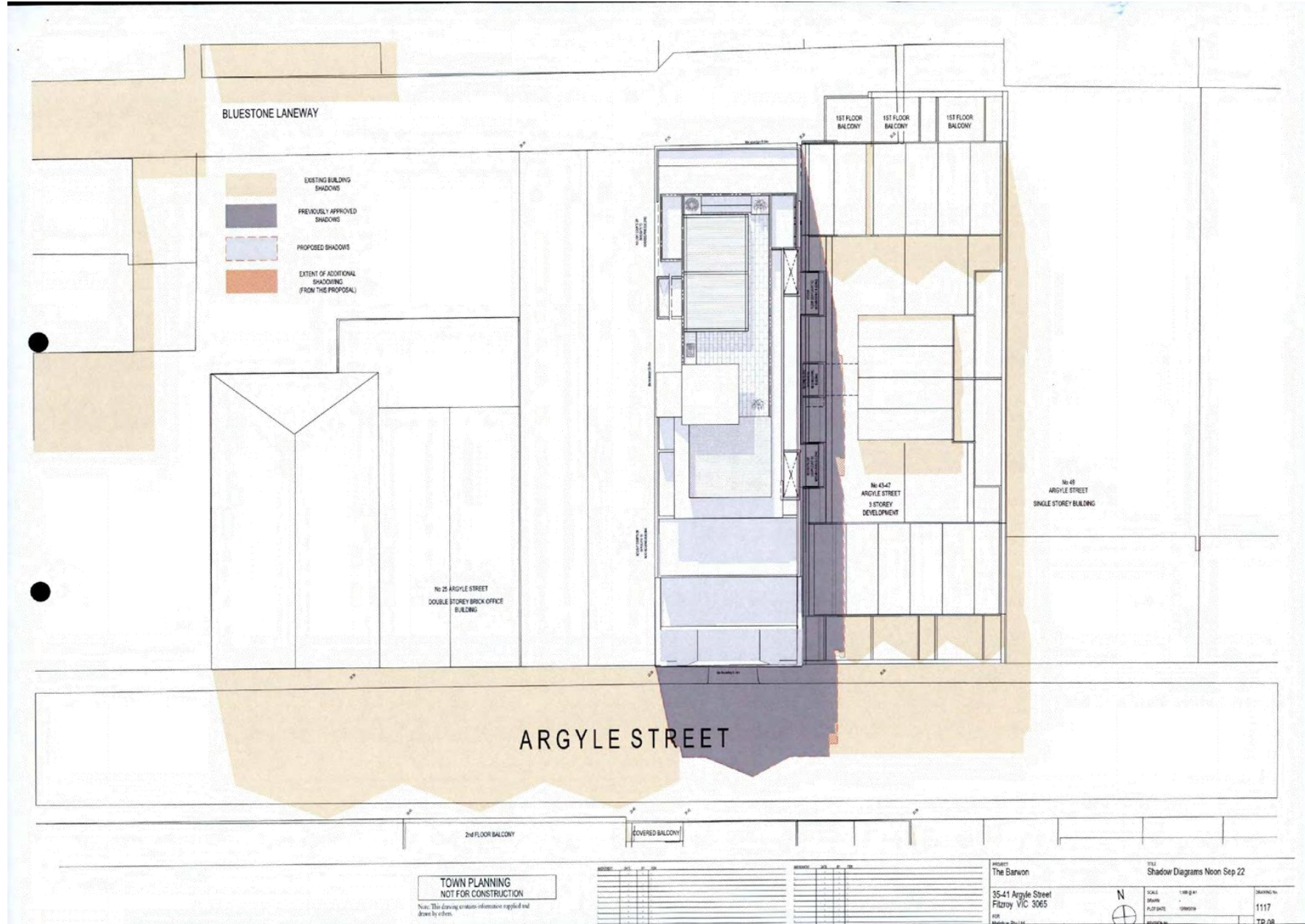
REVISION	DATE	BY	DESCRIPTION

PROJECT		TITLE	
The Barwon		Section	
35-41 Argyle Street Fitzroy VIC 3065		SCALE 1:100 (A1)	
DATE 10/08/18		DRAWING NO. 1117	
DRAWN BY [Signature]		CHECKED BY [Signature]	

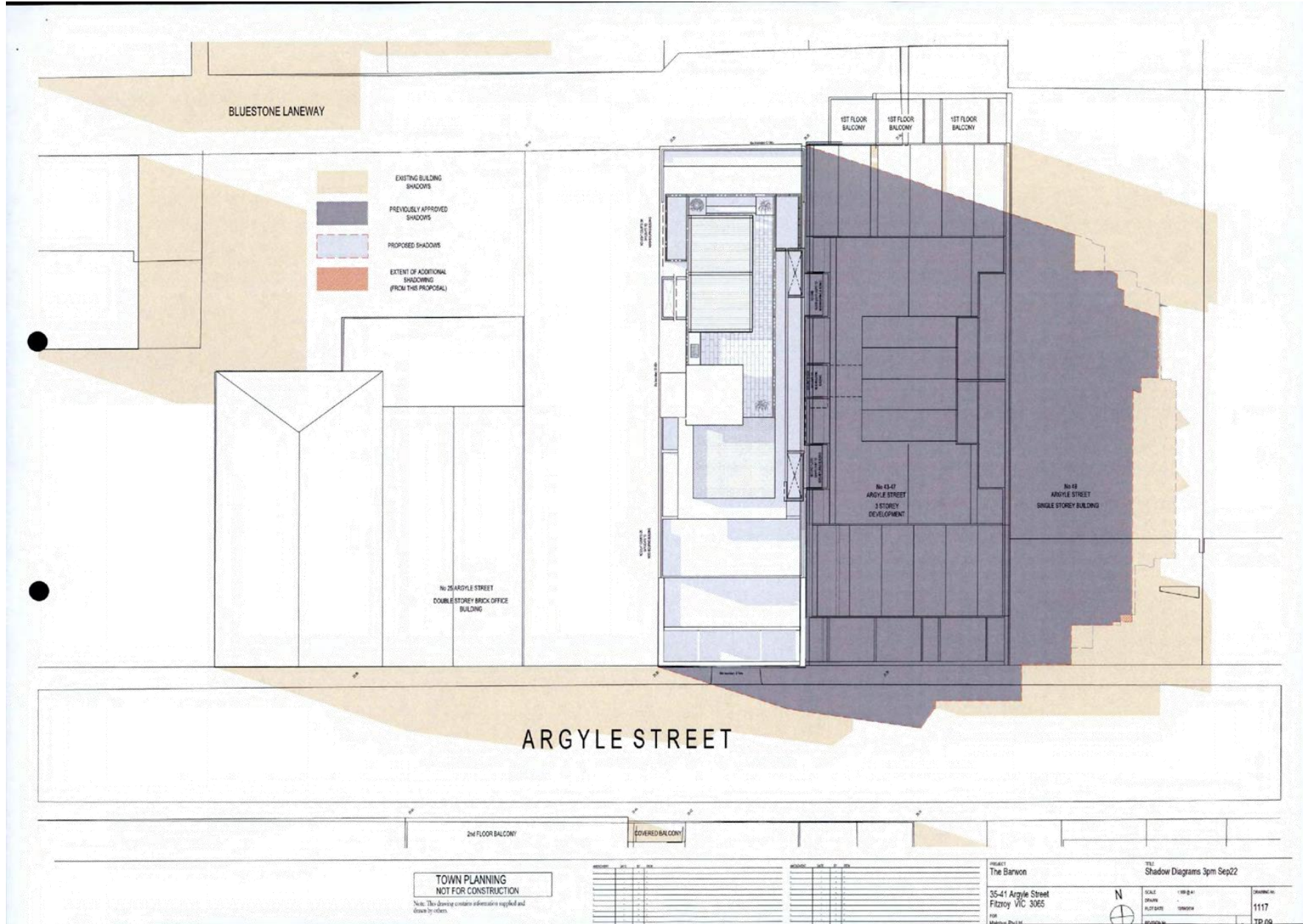
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Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



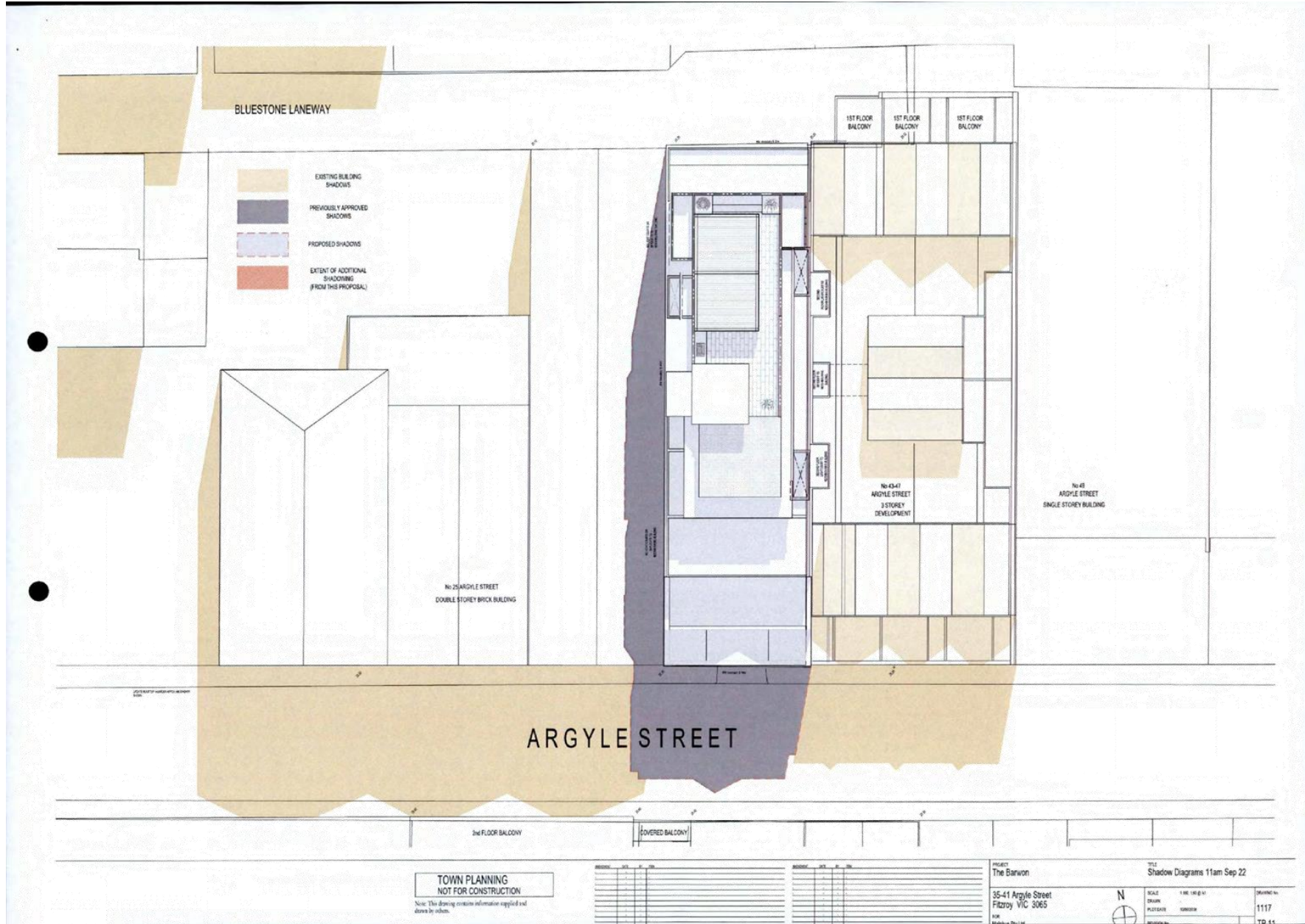
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



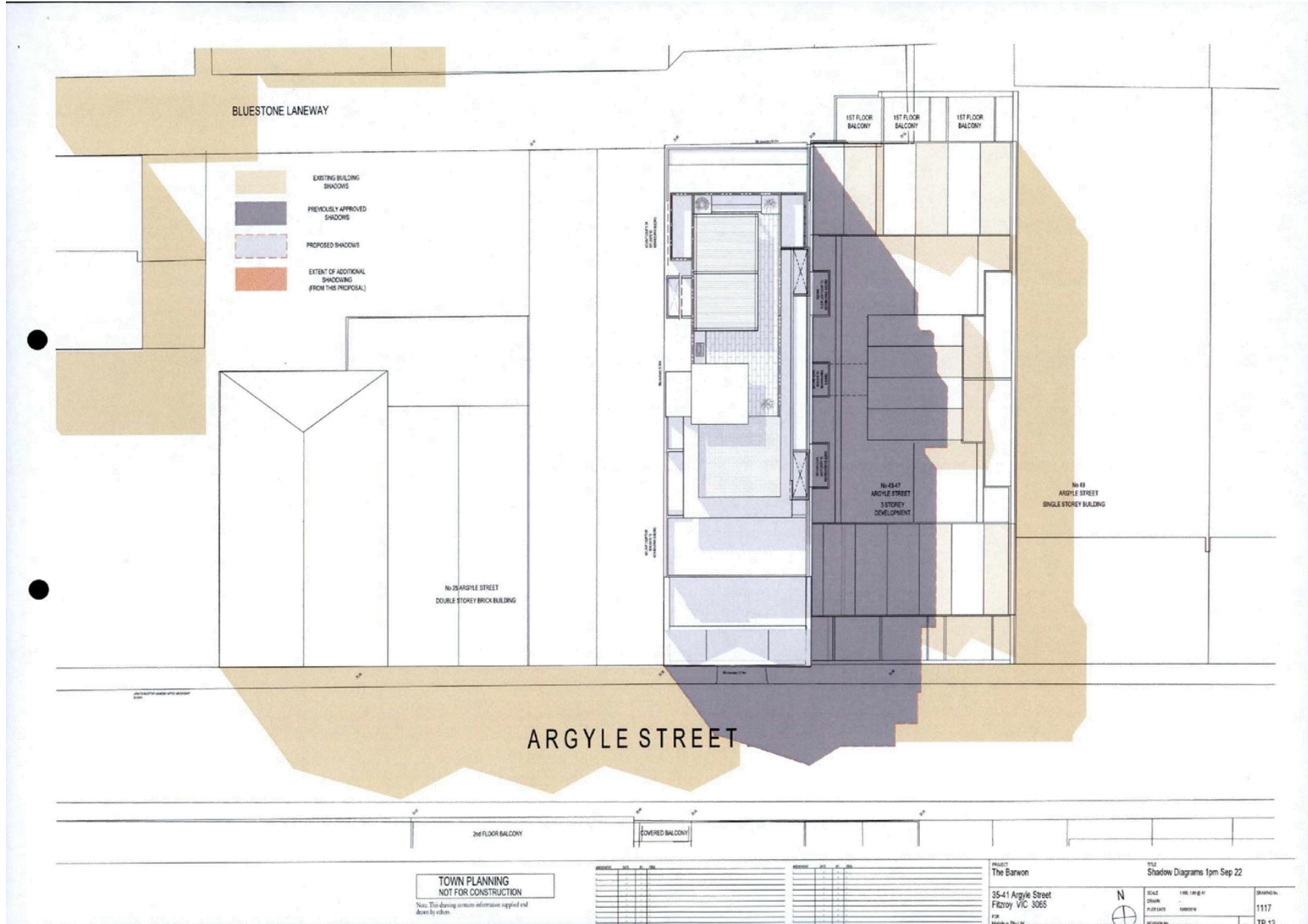
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



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Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

**City of Yarra
Heritage Advice – s.72 Amendment**

Application No.:	PLN11/0429.04
Address of Property:	35-41 Argyle Street, Fitzroy
Planner:	Laura Condon
Yarra Planning Scheme References:	STATE POLICY: <ul style="list-style-type: none"> • Clause 15.03 Heritage LOCAL POLICY: <ul style="list-style-type: none"> • Clause 21.05-1 Built Form (Heritage) • Clause 43.01 Heritage Overlay • Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay
Heritage Overlay No. & Precinct:	HO334 South Fitzroy Precinct
Level of significance:	Warehouse/workshop, Contributory, constructed 1870-1910 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)
General description:	Amendment to previously approved proposal involving alterations to balcony at level 4 and roof deck
Drawing Nos.:	Set of four drawings entitled "The Barwon, 35-41 Argyle Street Fitzroy", received by Council and date stamped 20 Mar 2019

PERMIT BACKGROUND:

The original planning permit for development of this site was issued 07 September 2011. In February 2013 approval for an additional floor level was granted however the balustrading associated with the floor level was to be setback 1.5m from the façade of the floor level below. No roof decks were proposed as part of that amendment. An outline of the approved scheme is shown in red on the image below.

In February 2015 an amendment for a roof terrace was lodged. The balustrading for the roof deck was approved on the basis that it would be setback about 16 metres from the front boundary of the site and therefore concealed from the street.



Above: Amendment for additional roof terrace submitted Feb 2015. Previously approved scheme (Feb 2013) outlined in red.

Yarra Heritage Advice
35-41 Argyle Street, FITZROY
Application no. PLN11/0429.04

Diahnn McIntosh

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

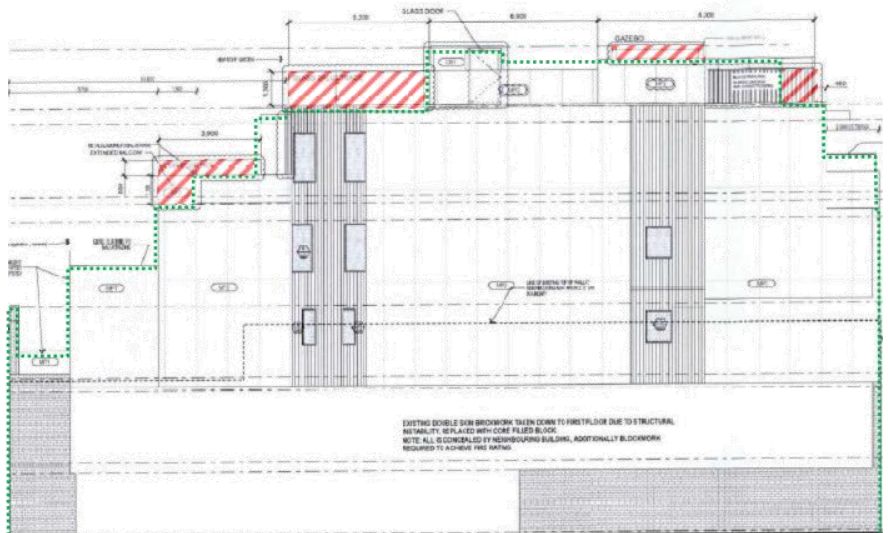
Demolition works on the site commenced in early 2014. Construction on the approved works was carried out over a few years. By November 2016 it appears that the balcony to Level 4 did not include the 1.5m front setback for the balustrading or the 4.15m front setback for the roof deck balustrading as shown on the endorsed drawings.



ASSESSMENT OF AMENDED WORKS:

The proposed amendments are as follows:

- **Level 4:** Extension of previously proposed front balcony, including new balustrading materials and minor change to size and location of supporting piers
- **Roof level:** new storage box, timber stud frame, change to stair egress, extension of terrace towards the front, new pergola/barbeque area to the north, extension of northern wall and air conditioning units

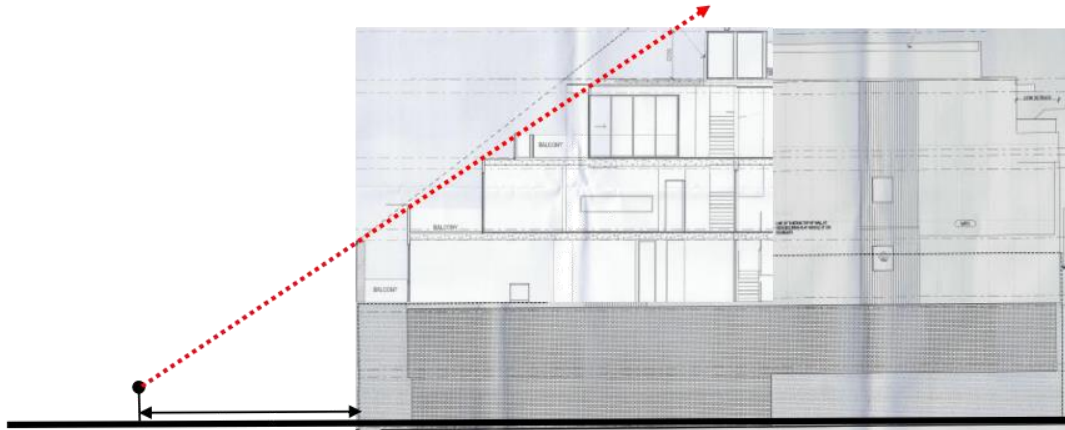


Above: Current side elevation. Green building outline has been approved. Red hatched areas are new works

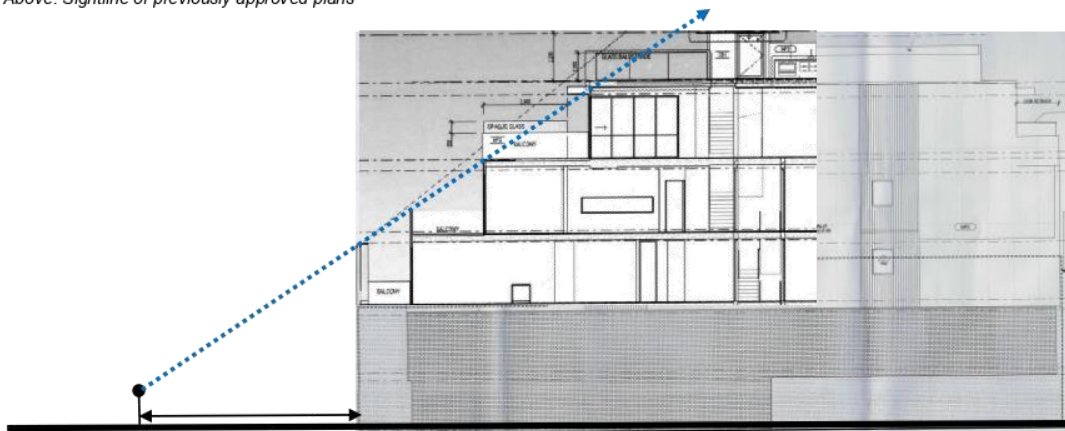
Yarra Heritage Advice
35-41 Argyle Street, FITZROY
Application no. PLN11/0429.04

Diahnn McIntosh

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice



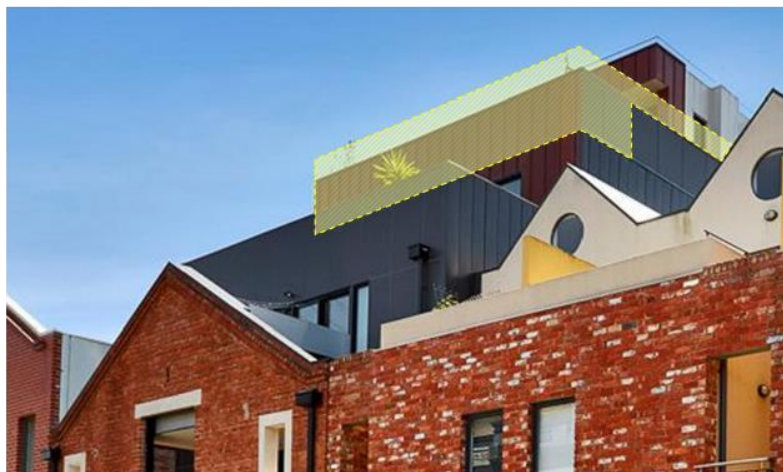
Above: Sightline of previously approved plans



Above: Sightline of currently proposed plans

Comments regarding Level 4 front balcony.

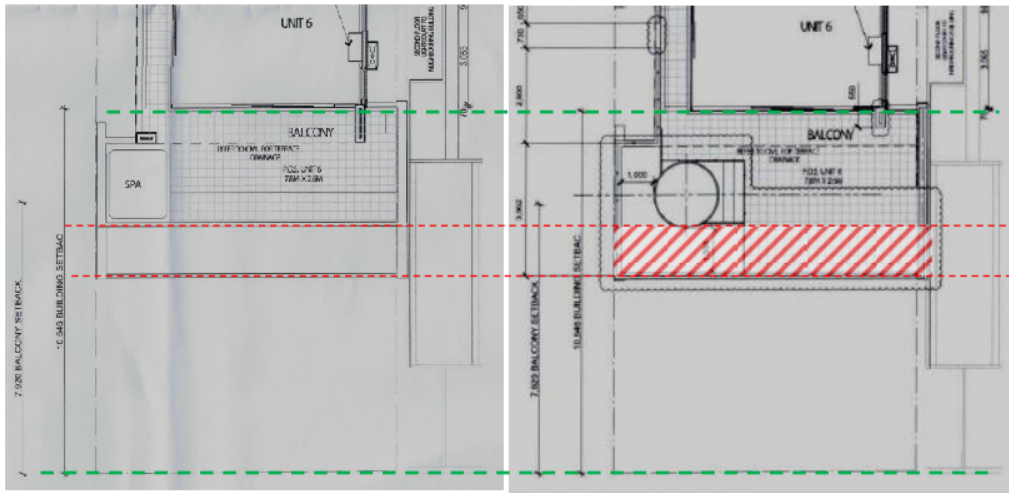
The image below shows the extent of additional balcony area and associated balustrading shaded yellow.



Above: April 2019 (current conditions) with area of additional balcony and balustrading shown hatched in yellow

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

The plans below show the extent of addition floor area hatched in red.



Above: Previously approved plans

Above: Currently proposed plans

The extent of additional balcony proposed was previously proposed as part of Amendment PLN11/0429.03. At that time it was identified that the extent of built form was excessive and would result in an addition that would overwhelm the scale of the remaining portion of the original building.

The original building proposal was approved on the basis that it was almost entirely within the envelope of acceptable development for contributory buildings. The previously approved amendment (no. 3) was approved on the grounds that despite being of different appearance, the proposed development continued to be essentially within the envelope for appropriate development.

Due to the construction of the additional balcony at level 4 and the associated balustrading, the scale of level 3 appears to have increased substantially. It is no longer concealed by level 2 as it was originally intended.

Given that the terrace associated with level 4 is in the same ownership as the expansive roof deck, the need for additional floor space seems unjustified (even more so considering the additional floor area proposed for the rooftop deck above).

It is already evident on the balcony of level 3, large pot plants and other paraphernalia can often be seen over balustrading of normal height. The aim of setting the level 4 balcony back in amendment no. 3 was to mitigate against the visible clutter that can be created when movable items are visible from the street. Although there is currently no visible vegetation on the level 4 balcony, the positioning of a garden bed immediately adjacent to the front could, in time, easily result in more vegetation being visible from the street. As the aim of any addition to a heritage building should be to minimise its visual impact, the appearance of vegetation, combined with a very bulky form, will not be recessive and instead will further dominate the remains of the heritage building.

On the grounds that the setback of the level 4 balcony has been previously considered in amendment 3, the current amendment for the same additions to level 4 is considered unacceptable.

Changing the external materials of the balustrading associated with the additional balcony area will not diminish the negative impact of the addition built form.

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

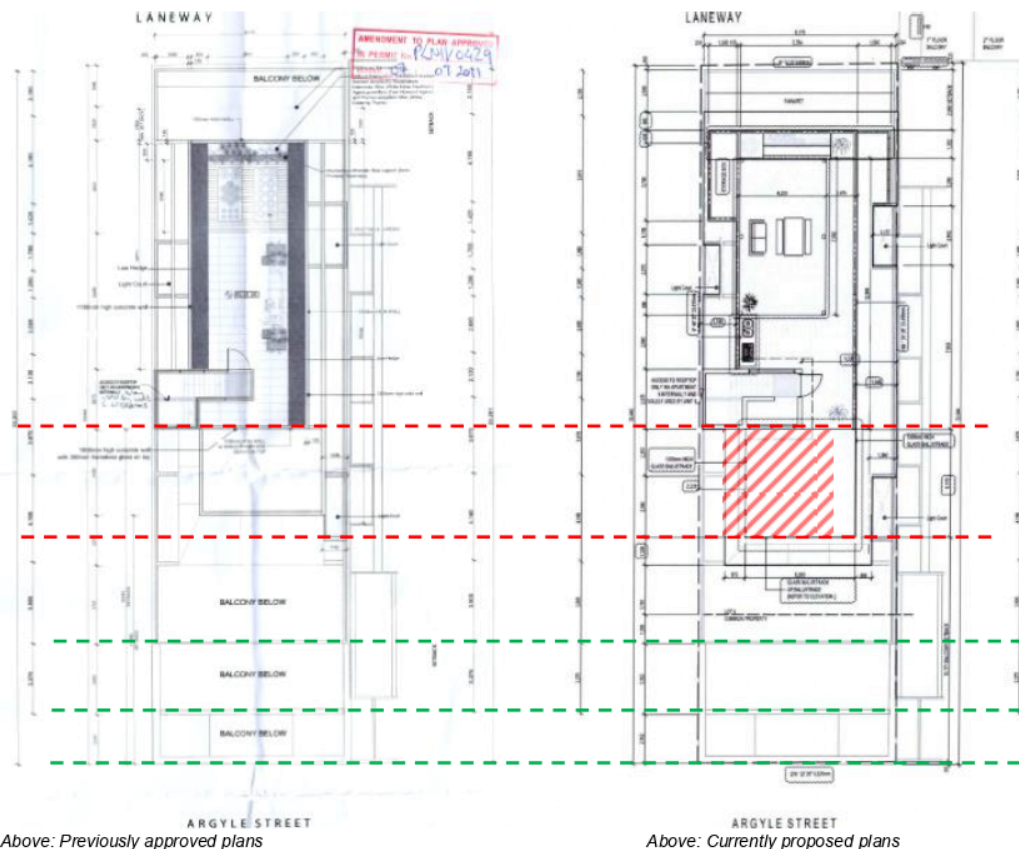
Comments regarding proposed roof deck:

The currently proposed amendment involves extending the previously approved roof deck forward and increasing the bulk of the stair access structure.

The previously approved amendment (no. 3) required the balustrading of the roof deck to be setback about 16 metres from the front boundary of the site. At that setback it was considered that the visibility of any movable and non-movable elements located on the roof terrace would be very limited, even from oblique angles.

The 16 metre setback and the reduced bulk of the stair enclosure structure were both negotiated outcomes from the previous amendment which was originally proposed to be much the same as the current proposal.

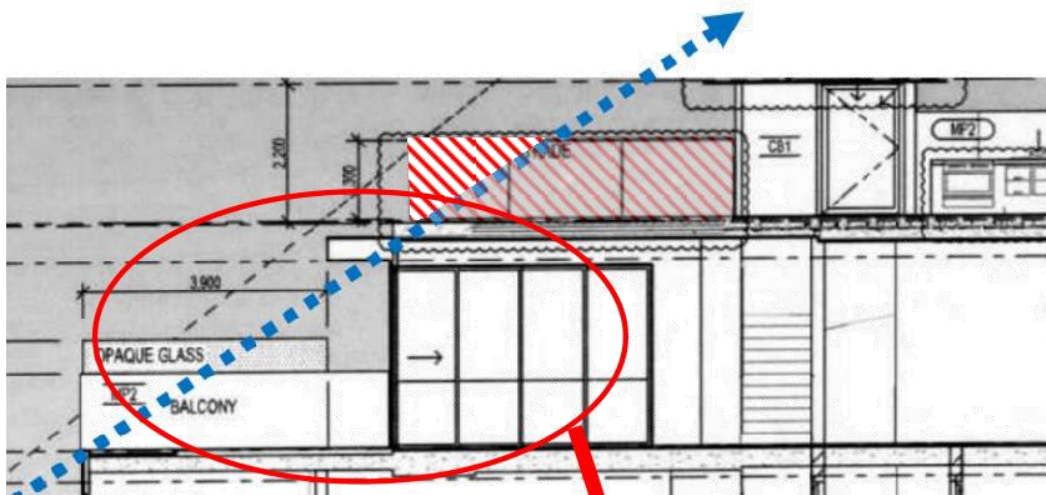
Based on the current situation, it appears that despite having submitted modified drawings to show the negotiated outcome of amendment no.3, the applicant proceeded to construct the larger rooftop deck as was originally proposed.



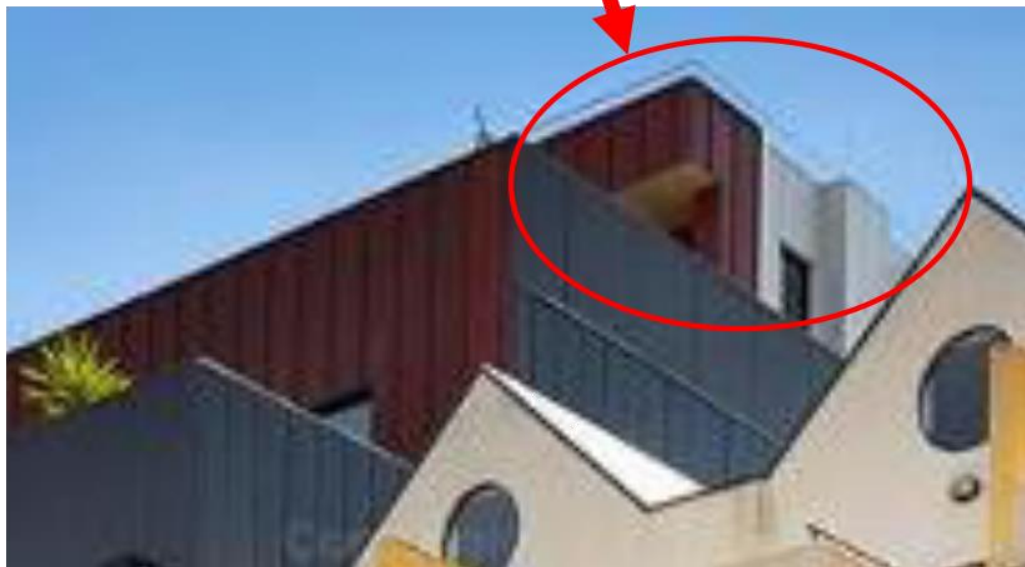
Above: Previously approved plans

Above: Currently proposed plans

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice



Above: Extent of visibility of currently proposed additional rooftop decking



A comparison of the diagram (above) and a photo of the current street view (below) seem to indicate that what has been constructed is not consistent with the drawings submitted.

Based on the drawing extract above it appears that the extent of floor level 4 that is visible from the street should be little more than a narrow eave. The drawing also indicates that the front portion of floor level 4 should be lightweight and glassy in appearance.

What is currently visible from the street is a chunky eave and a built form that is bulky and solid in appearance. This change in appearance, together with the addition balcony area, is making the overall addition to the heritage building appear substantially more dominating in appearance than was originally intended when first approved.

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

RECOMMENDATION:

1. The entire front section of floor level 4 including the balustrading to the balcony, façade detailing and eaves must be reconstructed in accordance with the plans approved in Amendment 3.
2. The proposed balustrading associated with the rooftop deck must be constructed and setback in accordance with the plans approved in Amendment 3.

SIGNED:



Diahnn McIntosh

DATED: 15 May 2019

Helping you understand your planning needs



PLANNING PERMIT (Amended)

Permit No: PLN11/0429

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

35-41 Argyle St Fitzroy VIC 3065

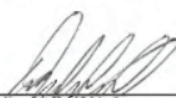
THE PERMIT ALLOWS:

Development of the land for alterations and additions to the existing building, including a three storey addition (to a total of five storeys plus roof top terrace), a reduction in the car parking requirements of the Scheme and part demolition.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans received at Council on the 27 February 2012 but modified to show:
 - a) *A demolition plan;
 - b) *Residential door on Argyle Street to open within title boundaries;
 - c) *Revised material schedule;
 - d) *The location of bin storage in the garage to be clearly annotated;
 - e) the full extent of demolition, including the removal of brickwork to allow for the conversion of the ground floor western window to a door;
 - f) an increase in roller door width and/or an increased roller door setback from the laneway to provide access for an 85th percentile vehicle to the garages of units 2 and 3
 - g) the provision of a water tank(s). A note must detail:
 - i. the expected amount of water to be collected;
 - ii. the capacity of the tank(s); and
 - iii. how the water will be reused;
 - h) the location of pits and meters;
 - i) *Replacement of all relevant plan notations from the previously endorsed plans; and
 - j) *Notation that the roof terrace be used solely by Unit 6.
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Date: 07 September 2011



 Danielle Connell
 Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Page 1 of 4

For more information call 9205 5555 or visit www.yarracity.vic.gov.au

Attachment 4 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)

3. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated by the Permit holder, at their cost, to the satisfaction of the Responsible Authority.
4. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be to the satisfaction of the Responsible Authority and must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur, and the method of presentation of bins for collection (with particular emphasis on Units 2 and 3). Waste collection from the development must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.
5. Before the development starts, an acoustic report, prepared by a suitably qualified expert must be submitted and endorsed to the satisfaction of the Responsible Authority. The endorsed report will then form part of the permit. The report must:
 - a) detail any industrial and commercial uses within close proximity of the site;
 - b) if necessary due to the nature of the uses surrounding the site, include sound monitoring to establish noise levels; and
 - c) recommend any acoustic treatments to ensure the internal amenity of future residents.
6. Before any development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:
 - a) a pre-conditions survey of all adjacent Council roads and footpaths;
 - b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - e) on site facilities for vehicle washing;
 - f) methods for management of noise and general nuisance;
 - g) site security;
 - h) waste and stormwater treatment;
 - i) construction program;
 - j) preferred routes for trucks delivering to the site;
 - k) parking facilities for construction workers;
 - l) delivery and unloading points and expected frequency;
 - m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
7. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Date: 07 September 2011



 Danielle Connell
 Signature for the Responsible Authority

Attachment 4 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)

8. This permit will expire if:
- a) the development is not commenced within two (2) years from the date of this permit;
 - b) the development is not completed within four (4) years from the date of this permit.
- The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three months afterwards.

NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

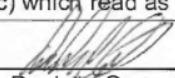
This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

As the site is affected by an Environmental Audit Overlay, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the requirements of Clause 45.03-1 must be met.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
31 July 2012	Pursuant to Section 74 of the <i>Planning and Environment Act (1987)</i> the following amendments were made; <ul style="list-style-type: none"> • Endorsed plans amended to include a fire hydrant booster cupboard and window lintel in the south-western corner of the façade.
22 May 2013	Pursuant to Section 74 of the <i>Planning and Environment Act (1987)</i> the following amendments were made; <ul style="list-style-type: none"> • Endorsed plans amended to include an additional fifth storey, the rearrangement of the second, third and fourth storey and the rearrangement of the garage. • An amended preamble which formerly read as follows: <i>Development of the land for alterations and additions to the existing building, including a two storey addition (to a total of four storeys), plus a roof deck and part demolition.</i> • Deletion of condition 1 b) (ii) and 1 c) which read as follows:

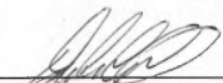
Date: 07 September 2011


 Daniëlle Connell
 Signature for the Responsible Authority

Attachment 4 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)

	<p>1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans (TP01-TP08 prepared by Antarctica) but modified to show:</p> <ul style="list-style-type: none"> b) floor plans and elevations with the correct laneway width and subsequently provide: <ul style="list-style-type: none"> ii. a separate pedestrian entry to units 2 and 3 despite the above condition; c) the provision of lighting to the northern ground level facade to provide safety for the pedestrian entry points. A note must confirm that the lights will be located and baffled so as not to result in unreasonable light spill to adjoining properties. <ul style="list-style-type: none"> • Amended condition 1 requirements to read as follows: <ol style="list-style-type: none"> 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans received at Council on the 27 February 2012 but modified to show: <ul style="list-style-type: none"> a) A demolition plan, b) Residential door on Argyle Street to open within title boundaries, c) Revised material schedule, d) The location of bin storage in the garage to be clearly annotated. • And subsequent re-numbering of conditions.
<p>29 May 2015</p>	<p>Pursuant to Section 74 of the <i>Planning and Environment Act (1987)</i> the following amendments were made;</p> <ul style="list-style-type: none"> • Amendment to allow for the construction of a roof top garden. • Amended permit preamble which formerly read as follows: <i>The development of the land for alterations and additions to the existing building, including a three storey addition (to a total of five storeys) and a reduction in the car parking requirements of the Scheme and part demolition.</i> • New conditions 1 i) and j) included on the permit.

Date: 07 September 2011



 Danielle Connell
 Signature for the Responsible Authority

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

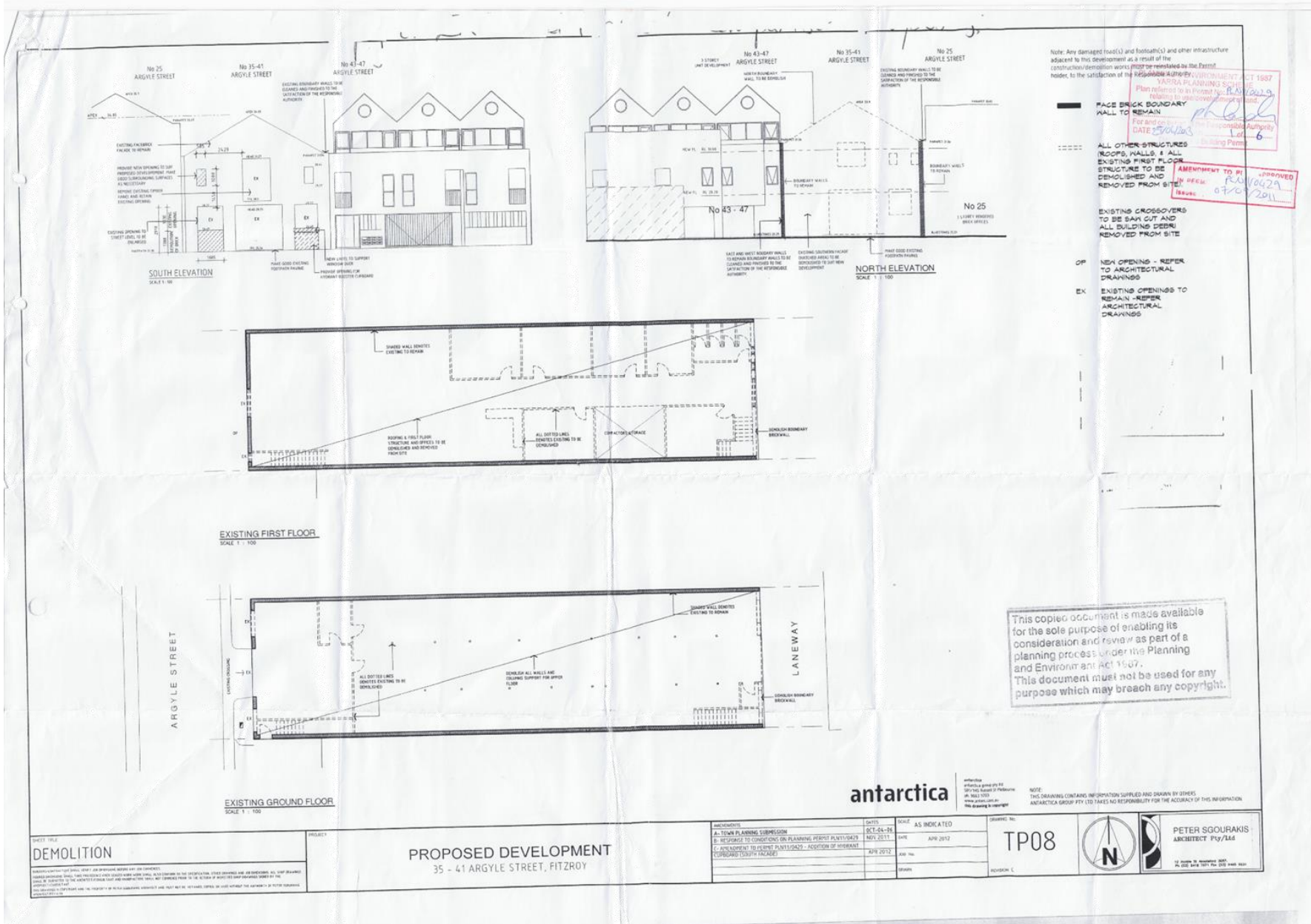
* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

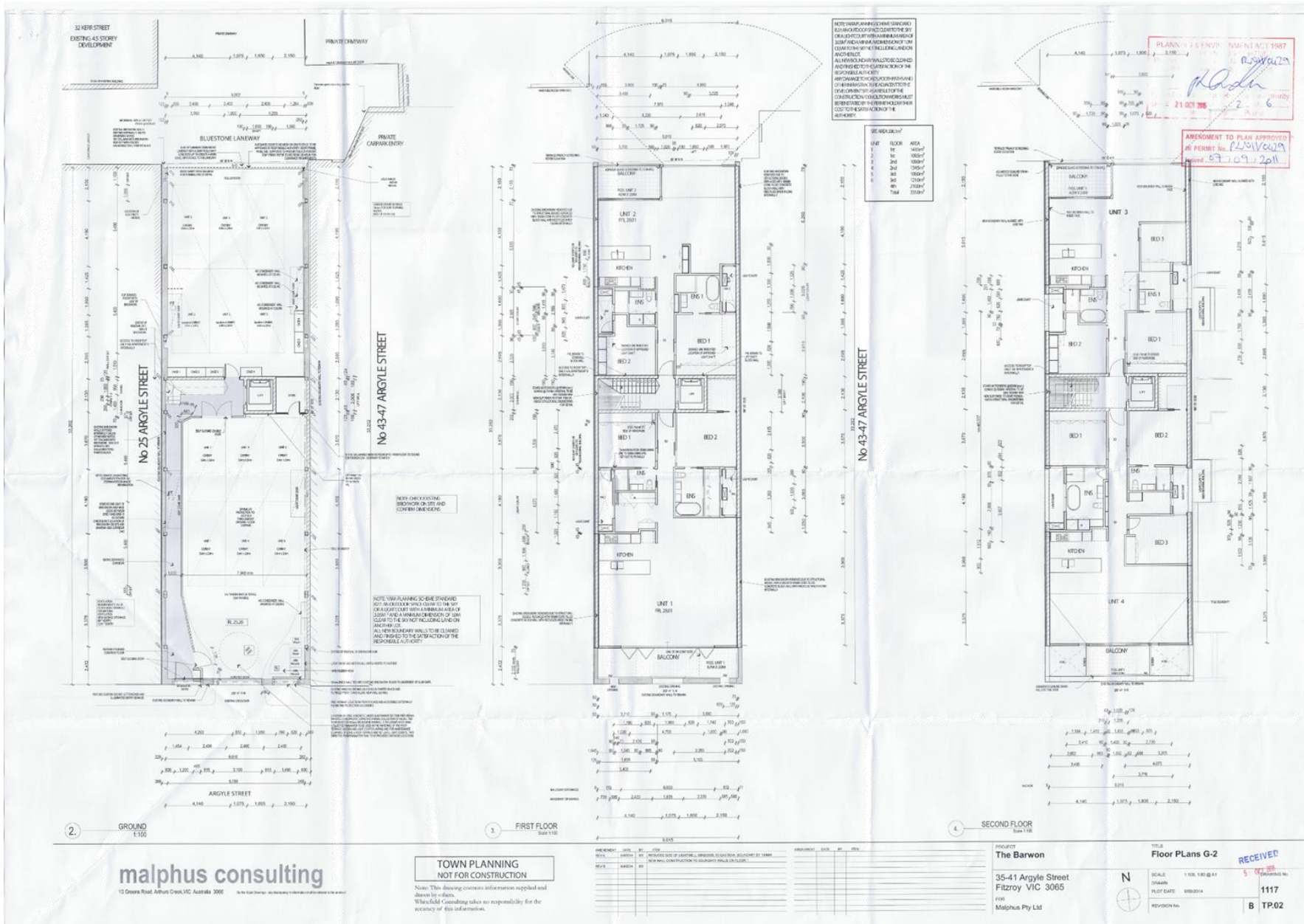
* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

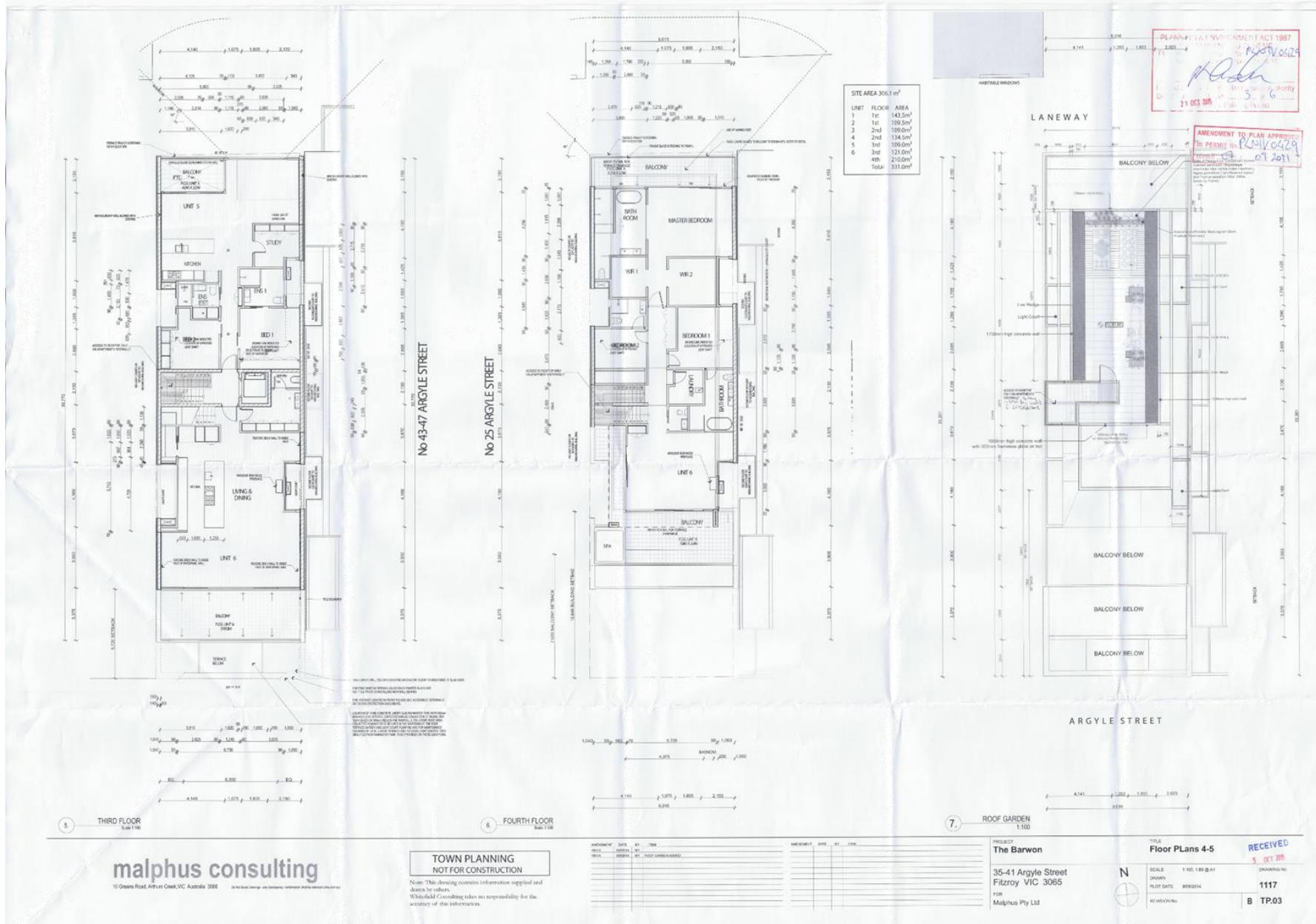
Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



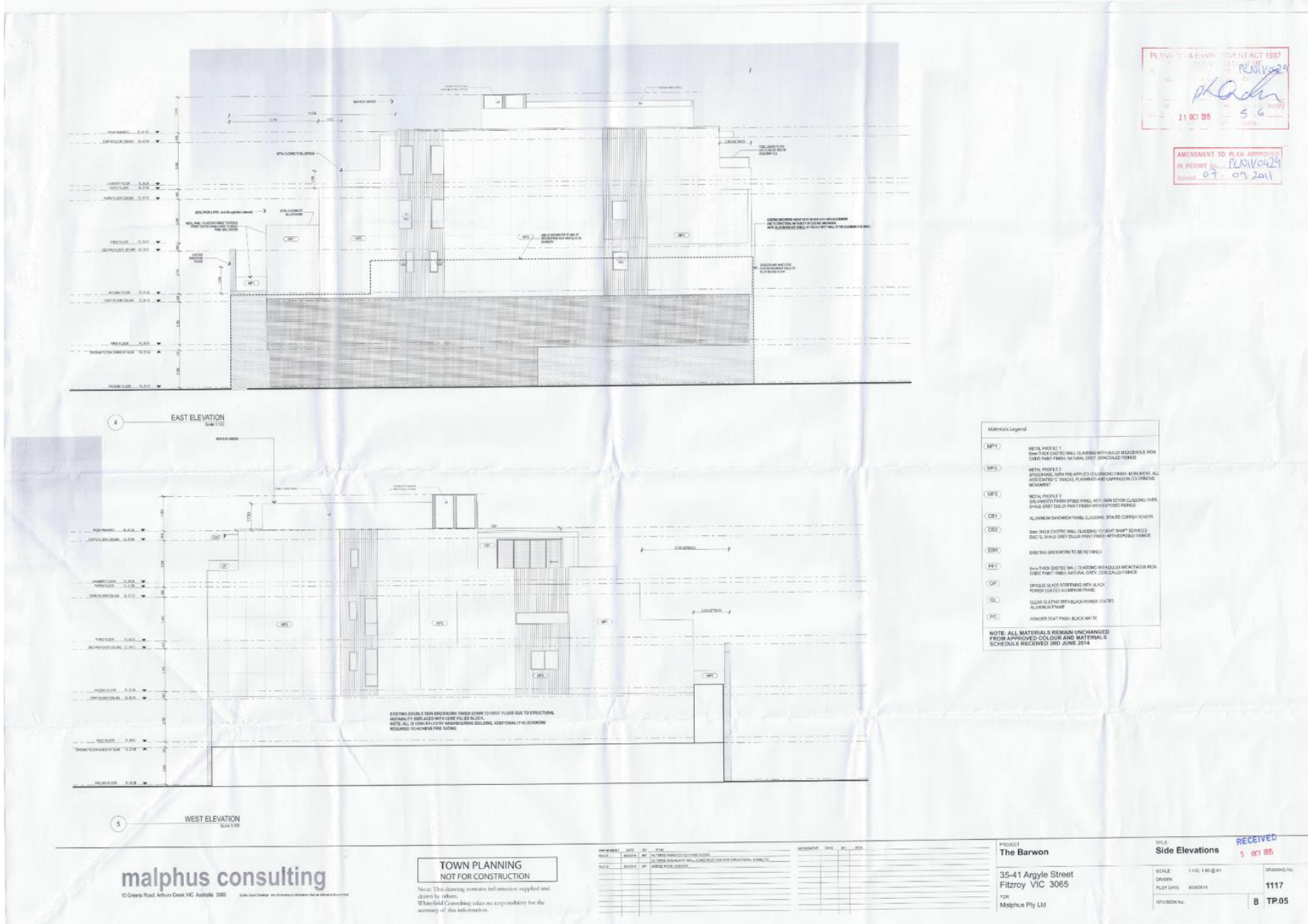
Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



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Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans

PLEASE REFER TO ACT 1987
 21 OCT 2015
 6 6 2015

AMENDMENT TO PLAN APPROVED
 IN PERMIT NO. PLN110429
 DATED 07.09.2011

malphus consulting
10 Green Road, Arden Creek VIC 3086

**TOWN PLANNING
 NOT FOR CONSTRUCTION**

Note: This drawing contains information supplied and drawn by others. Warfield Consulting takes no responsibility for the accuracy of this information.

NO.	DATE	BY	REVISION

NO.	DATE	BY	REVISION

PROJECT
 The Barwon

**35-41 Argyle Street
 Fitzroy VIC 3065**

FOR
 Malphus Pty Ltd

TITLE
 Section

SCALE 1:100 1:50 @A1

DRAWN BY 983214

PLOT DATE 08/02/14

REVISION NO. B TP.06

DRAWING NO. 1117

RECEIVED
 8 OCT 2015