



**NSLPP MEETING HELD ON 07/08/2024  
SECTION 4.55 APPLICATION REPORT**

**Attachments:**

1. Site Plan
2. Architectural Plans
3. Design Excellence Panel Report
4. Letters re fire engineering and BCA compliance

**ADDRESS:** 13-15 Allister Street Cremorne

**APPLICATION No:** 291/22/3

**PROPOSAL:** Modification of development consent to enable alterations to the approved development and amendment of specified conditions of consent, for alterations and additions to an existing residential flat building, demolition of remaining structures, amalgamation of lots and the provision of a 4-storey addition.

**PLANS REF:**

Plan Nos.	Issue	Description	Prepared by	Dated
DA01.03	P9	Site Plan	Team 2 Architects	08 July 2024
DA01.04	P8	Existing (Demolition) Ground Floor Plan	Team 2 Architects	08 July 2024
DA01.05	P10	Existing (Demolition) Level 1 Floor Plan	Team 2 Architects	08 July 2024
DA01.06	P10	Existing (Demolition) Level 2 Floor Plan	Team 2 Architects	08 July 2024
DA01.07	P7	Existing (Demolition) Level 3 Floor Plan	Rothelowman	30 January 2023
DA01.11	P15	Basement 02 Floor Plan	Team 2 Architects	06 February 2024
DA01.12	P17	Basement 01 Floor Plan	Team 2 Architects	25 March 2024
DA01.13	P20	Ground Floor Plan	Team 2 Architects	08 July 2024
DA01.14	P17	Level 1 Floor Plan	Team 2 Architects	08 July 2024
DA01.15	P17	Level 2 Floor Plan	Team 2 Architects	08 July 2024
DA01.16	P19	Level 3 Floor Plan	Team 2 Architects	08 July 2024
DA01.17	P17	Roof Plan	Team 2 Architects	08 July 2024
DA02.01	P13	Elevations	Team 2 Architects	08 July 2024
DA02.02	P13	Elevations	Team 2 Architects	08 July 2024
DA02.03	P9	Elevations	Team 2 Architects	08 July 2024
DA03.01	P11	Sections	Team 2 Architects	08 July 2024
DA03.02	P12	Sections	Team 2 Architects	08 July 2024
DA03.03	P5	Sections	Team 2 Architects	08 July 2024
DA 1/2	F	Landscape Site Plan	Andrew Davies	24 January 2023
DA 2/2	F	Landscape Plant Schedule and Notes	Andrew Davies	24 January 2023

**OWNER:** Cremorne JV Pty Ltd, trustee for Cremorne JV Unit Trust

**APPLICANT:** Winim Developments

**AUTHOR:** Jim Davies Executive Planner

**DATE OF REPORT:** 22 July 2024

**DATE LODGED:** 16 January 2024

**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This application seeks approval to modify the consent granted by the North Sydney Local Planning Panel at its meeting held on 5 July 2023, for alterations and additions to an existing residential flat building, demolition of remaining structures, amalgamation of lots and the provision of a 4-storey addition, on land at 13-15 Allister Street Cremorne.

The application must be determined by the Panel because the modifications sought require amendment of condition C42, a condition amended by the Panel in the granting of deferred commencement consent to the original development application (the consent became operational on 13 March 2024). Condition C42 specifies a maximum level of RL 88.3 for mechanical exhaust ventilation to be mounted on the roof. The proposed modification increases this level to RL88.69m.

The application has been considered by the North Sydney Design Excellence Panel, required by Clause 146 SEPP (Housing) 2021 as the architect who signed the design verification statement for the subject modification is not the same designer who designed the approved development.

The main amendments proposed to the design result from finished levels of the approved development requiring adjustment due to more accurate survey data being obtained for developing the design for construction and the design being adjusted to reflect the correctly surveyed levels. This has caused the maximum height of the building to increase, by 0.49m<sup>2</sup>, at the southwestern corner of the extension. The maximum height is 14.47m, 2.47m or 20.5% above the 12.0m maximum, as proposed by the subject application. The maximum height of the approved development is 13.98m, 1.98m (16.5%) over the LEP-prescribed limit.

### **Potential impacts**

While the height increase on the southern side of the extension has caused acceptable, minor, additional overshadowing of the multi dwelling housing at 1-11 Allister Street adjacent to the site, the submitted amendment would have caused the northwestern corner of the extension's level 3, a media room and bedroom, to become overly bulky and dominate the existing heritage-listed inter-war apartment building, which forms the northern part or element of the project.

The approved development was comparatively more balanced in composing the two elements, the contemporary extension and the heritage building, when viewed from the street. The originally proposed design change would have had unacceptable impacts on heritage values of the item, and have a jarring, disruptive effect on the streetscape and be arguably incompatible with local character. This was also observed when the modifications were reviewed by the Design Excellence Panel.

### **Design refinements**

Resulting from a site meeting and subsequent discussions, the design has been further modified to reconfigure the level 3 unit by relocating the media room to increase its setback to the front boundary, from 13.5m to 17.6m and to the side (northern) boundary, from 8.0m to 11.4m. This design refinement acceptably reduces the potential impacts described. It results in this bulk being shifted to the rear (the rear setback of level 3 reduces from 12.55 to 9.4m), which has no privacy impacts causes limited additional overshadowing.

These amendments result in the apparent height and scale of this element of the building being markedly reduced, as shown in the montages below, comparing the development as approved (above), as originally submitted with the subject application (middle), and as recommended for approval (below). In the author's opinion, the result improves the originally approved design.



***Approved development (Rothelowman Architects)***



***Submitted modification application (Team 2 Architects)***



***Recommended modification, following amendments (Team2 Architects)***

The application was notified to nearby residents and the Bennett-Harrison Precinct Committee. Eight submissions were received, raising the following key reasons for objecting to the proposal:

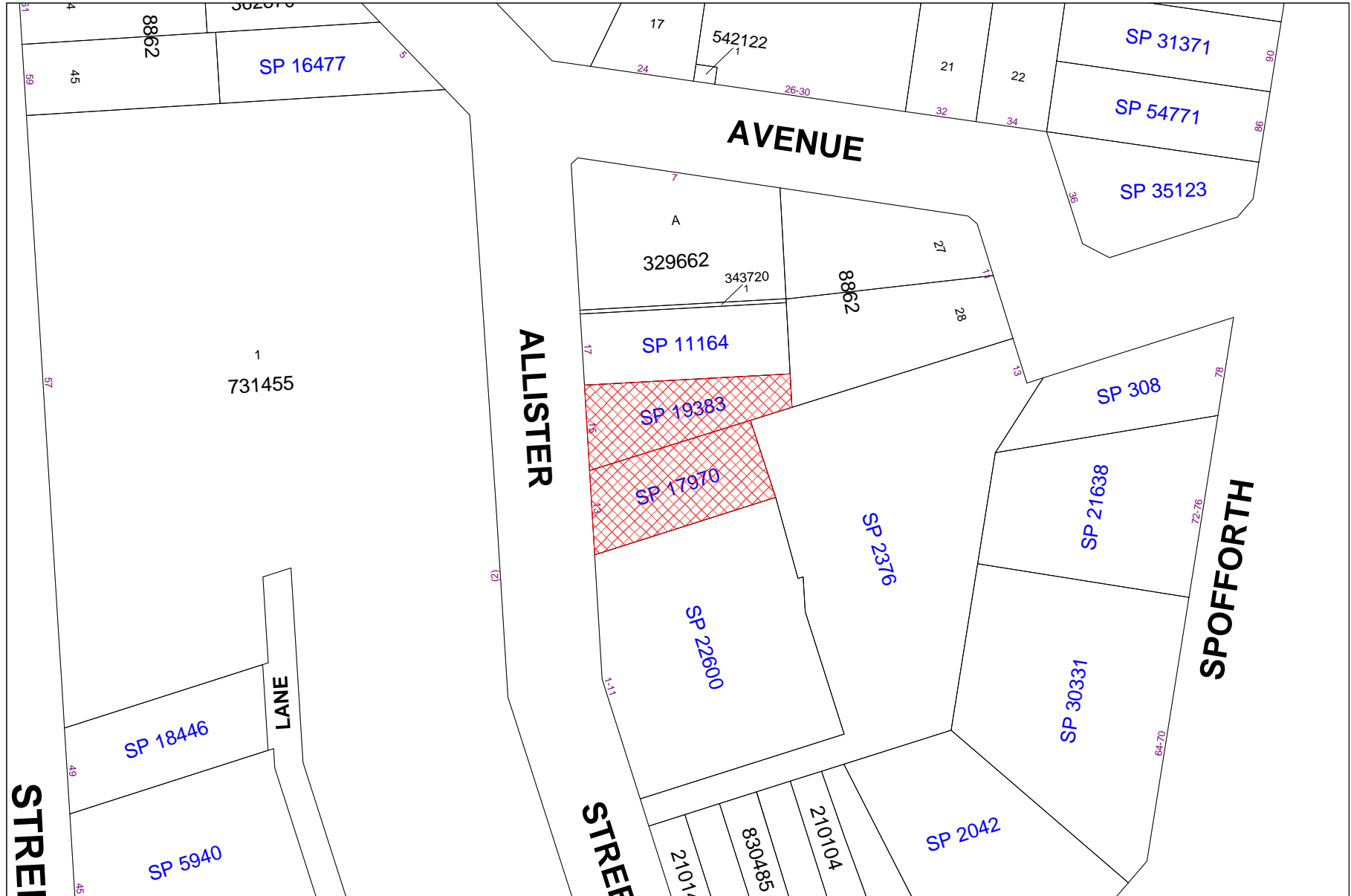
- Additional height will have unacceptable impacts on heritage and character.
- Overshadowing of housing south of the site is caused by the proposal.
- Reduced visitor parking will increase on-street parking demand.
- The top floor unit could be removed to ameliorate impacts.
- Original entry doors to individual apartments in the heritage building should remain in-situ and not allowed to be relocated as proposed.

This assessment concludes that the proposed modifications are satisfactory. Renotification was not deemed necessary, as the amended application resolves key concerns.

The proposed modifications as recommended, are reasonable and the application is recommended for **approval**.



**LOCATION MAP**



Property/Applicant    ● Submitters - Properties Notified

## DESCRIPTION OF PROPOSAL

### ***Amendments of the approved development***

The proposed modifications are detailed in this extract taken from the statement of environmental effects by Planning Ingenuity, adjusted for the amended design.

Table 1 List of proposed modifications and comment	
Modification	Comment
<b>Overall Development</b>	
Update the floor levels of heritage building per detailed survey	<p>Following approval of the original application, a Detailed Survey Plan has been prepared <i>Project Surveyors</i>. The Detailed Survey Plan has identified that the approved floor levels of the heritage item are incorrect, and must therefore be increased and also updated to ensure accurate documentation and construction. Specifically, the following is noted for the heritage item:</p> <ul style="list-style-type: none"> <li>• Ground Level: Increased by 230mm from approved RL74.9 to RL75.13;</li> <li>• Level One: Increased by 330mm from approved RL78.00 to RL78.33;</li> <li>• Level Two: Increased by 340mm from approved RL81.1 to RL81.44; and</li> <li>• Roof RL: Minor decrease to Roof RL of 54mm.</li> </ul> <p>Per the above, the finished floor levels of the heritage item have been increased.</p>
Modify floor levels of the contemporary wing to match the updated RL's of the heritage building	<p>Following the above, the floor levels of the approved contemporary wing have been modified to match the floor levels of the heritage item. This is required to ensure constructability and efficiency of building design and services. To maintain the approved floor levels of the contemporary wing would create inefficient steps in the floorplates, impacting accessibility, buildability and overall design coherence. The modified finished floor levels of the contemporary wing are as follows:</p> <ul style="list-style-type: none"> <li>• Ground Level: Increased by 230mm from approved RL74.9 to RL75.13;</li> <li>• Level One: Increased by 330mm from approved RL78.00 to RL78.33;</li> <li>• Level Two: Increased by 340mm from approved RL81.10 to RL81.44;</li> <li>• Level Three: Increased by 490mm from approved RL84.20 to RL84.690; and</li> <li>• Roof RL: Increased roof height of up to 490mm.</li> </ul> <p>It is noted that the finished floor level of Level 3 has been increased to accommodate the required building services and structures of the levels below. The ceiling height is designed to ensure compliance with the relevant ADG and <i>National Construction Code (NCC)</i> standards. As a result, the roof height (including lift overrun) of the contemporary wing has been increased to meet the relevant standards.</p>
Relocation of media room and bedrooms of Unit 3.01	<p>The media room and bedrooms have been modified and relocated within the eastern portion of the site. This has been proposed following advice provided by the Design Excellence Panel and Council, to minimise streetscape and heritage impact due to the revised finished floor levels (as set out above). The relocation of these elements will ensure the heritage item is viewed as dominant from the streetscape, reducing the impact of the contemporary addition (as originally approved). The relocation of built form further to the east does not result in any additional amenity impacts as appropriate setbacks and separation distances are maintained to the surrounding properties.</p>
Extent of demolition modified	<p>The extent of demolition has been modified slightly following input from structural engineers and detailed survey documentation. The demolition has also been considered by <i>GBA Heritage</i> in which it is acceptable.</p>
Modifications to external finishes and details	<p>The external finishes have been modified to replace 'Colorbond Mangrove' with 'Colorbond Woodland Grey' and has been considered acceptable by <i>GBA Heritage</i>.</p>

<b>Table 1 List of proposed modifications and comment</b>	
<b>Basement Levels 1 and 2</b>	
Reconfiguration of the internal layout including plant and services, storage, vehicle and bicycle parking	These changes have been made to improve the layout and efficiency of operation, in addition to incorporating the required building services following input from specialist consultants.
Integration of services and structural design	As above, the services and structural design has been modified following input from specialist consultants.
Driveway entry and OSD reviews	These elements have been amended following advice provided by civil engineers and will continue to meet the relevant standards and requirements.
Roller shutter and basement entry position shifted west	This has been shifted to allow for structural transfer of columns.
<b>Ground Floor</b>	
Raised Ground Floor RL to incorporate structures and services in Basement Level 1	The finished floor level has been raised to reflect the revised survey levels and to also incorporate the required structures and services in Basement Level 1.
Pedestrian ramps modified	This has been modified following advice from the relevant specialists.
Mailboxes relocated to pedestrian entry ramp	This has been relocated and is in a suitable location for the use of residents.
Rainwater tank relocated to underside of entry driveway	This has been modified following civil advice and construction development.
Provision of recycling bin cupboard	This has been provided to improve the functionality of the building for future residents.
Minor changes to landscaping due to services and structure	The proposal will provide for 35.8% at-grade landscaped area and 7.4% structured landscaping, for a total of 43.2% and is considered acceptable.
Minor internal layout changes for services, structure and demolition	This has been modified following specialist input.
Modified bin holding area	A bin holding area is located in accordance with Council requirements to enable access for waste collection.
<b>Levels 1 and 2</b>	
Contemporary wing floor levels updated per detailed survey	As above, the finished floor levels have been revised.
Minor internal layout changes for services, structure and demolition	As above, the internal layouts have been modified following specialist input.
<b>Level 3</b>	
Level 3 RL raised to incorporate roof structure, drainage and services requirements for Unit 3.01	In addition to the revised survey levels of the heritage item, the finished floor level has been modified to allow for services and structures whilst maintaining appropriate floor to ceiling heights.
Relocation of media room	As described, the media room and bedrooms have been revised and located to the east to mitigate any adverse streetscape and heritage impact due to the revised finished floor levels.
Garbage chute removed from this level	This item has been removed to mitigate visual and heritage impact as viewed from the streetscape. Given U3.01 is a penthouse level, the requirement to provide for a waste chute on this level is unnecessary given the adverse streetscape impacts.

Table 1 List of proposed modifications and comment	
Minor internal layout changes for services, structure and demolition	This has been modified following specialist input.
Provision of BBQ on terrace	This will provide for additional amenity without any adverse impact to the streetscape or neighbours.
Roof Plan	
Raised roof RL to accommodate height clearances	As outlined above.
Concrete roof modified to lightweight structure	This is provided to improve constructability and will not have any impact to the streetscape or character of the approved building.
Minor changes for services, structure and demolition	As outlined in this table.

### **Amendments to conditions**

Another extract from the submitted statement follows, describing the proposed changes to the conditions:

The proposal seeks to amend a number of conditions of consent as listed below. The conditions are to be modified and/or removed with deletions shown in "~~strike through~~" and additions in "**bold**" and "*italicised*".

#### **General change to conditions**

It is sought to amend the general conditions pertaining to the issuing of construction certificates as follows:

From '~~prior to the issue of any construction certificate~~' to '***prior to the issue of the relevant construction certificate***'

**Reason:** The general conditions are sought to be modified from '*prior to the issue of any*' to '*prior to the issue of the relevant*' construction certificate as to allow for flexibility during the construction process. That is, the current wording is restrictive and poses unreasonable requirements for the issuing of any construction certificate. To amend the wording will substantially improve construction process and as such, is requested to be altered.

### **Comment**

This request is consistent with amendments made to Council's standard conditions since the subject development application was approved. For consistency, it is also recommended to update references to the "Principal Certifier", the term used in the EP&A Act, rather than "Certifying Authority", where this appears in the consent and to refer to "the relevant or final Occupation Certificate" instead of "an" or "any" Occupation Certificate.

#### **Condition C1 Heritage Requirements**

It is requested that Condition C1 (c) and (d) as follows:

*C1. The following heritage requirements are to be met for the existing building to be retained located on No. 15 Allister Street:*

- a) Face brickwork and decorative brickwork on the exterior and the interior of the original dwelling is not to be painted.*
- b) Unpainted original interior Interwar joinery is not to be painted.*

c) Original Interwar glazed doors to the balconies are to be **either retained or be salvaged for re-use elsewhere on the site, sold or distributed to the community to retain the heritage asset.**

d) Original glazed apartment front doors to be **either retained or be salvaged for re-use elsewhere on the site, sold or distributed to the community to retain the heritage asset.** ~~Should changes be required for fire-upgrades, they are to be modified on the interior side with fire-rated material.~~

e) Interior doors that are to be removed as part of the demolition works are to be salvaged for re-use on site, sold, or distributed to the community to retain the heritage asset.

f) New windows and doors to be **timber-framed or aluminium framed to match existing.**

g) Original tiles in the common area lobby are to be retained and conserved.

h) Original wrought balustrade in the common area staircase is to be retained.

Reason: It is requested that the above conditions be modified to allow for flexibility during the construction process. The current wording is restrictive and changes to openings may be required to ensure compliance with the relevant Australian Standards, namely, fire standards. As such, it is requested that this condition be reworded to avoid delay and further Section 4.55 Modification Applications.

In terms of (f), it is requested that this condition also be modified to allow for flexibility where timber framed openings are not capable of compliance with the relevant Australian Standards.

### **Comment**

This modification is considered in the heritage assessment below. In summary, amendments to the above condition are necessary due to BCA requirements. Supporting correspondence has been submitted from the applicant's consultant fire engineer and building surveyor (Attachment 4). Keeping or modifying the doors as required by the original condition is not possible.

### **Condition C20 Allocation of Spaces**

It is requested to amend Condition C20 as follows:

*C20. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:*

<i>Residential</i>	<i>Parking Spaces</i>
<i>One Bedroom Apartments (1 space per apartment)</i>	<i>3</i>
<i>Two Bedroom Apartments (1 space per apartment)</i>	<i>4</i>
<i>Three Bedroom Apartments (Including 3 Accessible Parking Spaces) (1 or 2 spaces per apartment)</i>	<i>9</i>
<i>Visitor</i>	<i>3 2</i>
<i>Total</i>	<i>19</i>

*The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.*

Reason: In accordance with the above, it is requested Condition C20 be updated so that two (2) visitor spaces are required, as opposed to three (3) spaces. The provision of two visitor spaces is considered acceptable given the provision of on-street parking, relatively low number of apartments and accessibility of the subject site to public transport options.

To provide for an additional residential space will improve the amenity of future occupants and is considered to better serve the needs of the development.



**Comment**

This request is reasonable, on-street parking is available near the site, especially when the school across the road is closed, most of the kerb outside the school is a bus zone during mornings and afternoons during school days. Similar-sized residential flat proposals have been approved with 2 visitor parking spaces.

**Condition G18 Damage to Adjoining Properties**

It is requested to amend Condition G18 as follows:

*G18. On completion of the development the subject of this consent **and within 12 months following the issue of the Occupation Certificate**, ~~prior to the issue of the Occupation Certificate~~, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:*

- a) whether any damage to adjoining properties has occurred as a result of the development;*
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;*
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;*
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and*
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.*

*The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.*

*Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.*

*All costs incurred in achieving compliance with this condition shall be borne by the developer.*

**Reason:** There is currently legislation in place under the *Conveyancing Act 1919*, under *Clause 177 Duty of care in relation to support for land*, which protects adjoining neighbours. As such, the imposition of G18 has the potential to cause considerable delays for the issuing of an Occupation Certificate and is considered unnecessary where *Clause 177 of the Conveyancing Act 1919* protects the neighbouring properties. As such, it is requested that this condition be altered so that is required within 12 months following the issuing of the Occupation Certificate as to avoid unnecessary delays.

**Comment**

The proposed modification seeks to allow a report addressing the matters specified in paragraphs (a) to (e) of the condition to be provided within 12 months after issue of the final Occupation Certificate. The intent of the condition is to ensure damage resulting from the development and required repairs are recorded or carried out in a timely manner, i.e. before the completed development is occupied.

In acknowledgement that there can be delays with obtaining neighbours' agreements for repairs to be carried out for instance, or in obtaining permission to inspect the property, and there being no reason to prevent occupation, providing the report up to 12 months after the final certificate is issued, is reasonable.



However, this change to a standard condition and procedure means the report would have to be submitted to Council, as a record only, as following the issue of the final Occupation Certificate the Principal Certifier will have completed their work in relation to the development.

Further, it is likely that the Certifier may decline to be involved. Strictly speaking, the report required by the condition and any work or agreement arising from that report, is a matter between the parties – i.e. the developer and the owner of the property that requires inspection or has been damaged.

In the event of damage occurring, the owner of adjoining property could seek remedy under section 177 of the Conveyancing Act, which states that for the purpose of the common law of negligence, a duty of care exists in the relation to the right of support for land (subsection 1)

With this protection available in the event of damage occurring this section (subsection 9) allows action to be taken in negligence in relation to support of land being removed. An action in nuisance however may not be taken under this section (subsection 8).

As this is a matter of common law it is arguable whether the condition is necessary, but it has benefit in providing a procedure where by agreement between neighbour and developer can be reached, and there is a legal remedy available should agreement not be possible.

The applicant's request is reasonable in these circumstances.

Accordingly, the first paragraph of condition G18 is recommended to be amended as follows:

*G18. On completion of the development the subject of this consent, a report is to be prepared by an appropriately qualified consultant and is to be provided to Council within 12 months of the final Occupation Certificate being issued. The report is to address all relevant matters, including and not limited to:*

#### ***Amendments to the subject modification application***

Following lodgement, a site inspection on 21 February 2024 and subsequent discussions with the applicant, the subject modification application has been further modified, including changes to the design and to certain conditions of consent. These conditions have also been amended to include updated references to the Principal Certifier and construction and occupation certificates.

It is proposed to amend condition C42:

#### ***Mechanical Exhaust Ventilation***

*C42. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The ~~Certifying Authority~~ **Principal Certifier** must ensure that the building plans and specifications submitted, referenced on and accompanying the **issued relevant** Construction Certificate, fully satisfy the requirements of this condition.*

*The mechanical exhaust ventilation ducting mounted on the roof of the building is to have a maximum RL of ~~88.3~~ 88.69.*

*(Reason: To increase the maximum height allowed for this plant in line with the above-described adjustments resulting from accurate survey data and the need to align the levels of the extension and the existing building)*

### **Reducing the size and scale of the extension**

Further amending the design of Level 3, specifically the media room and bedroom in the north western corner of apartment U3.01, by:

- Increasing the street (western) setback by 4.1m from 13.5m to 17.6m ,
- Increasing the side (northern) boundary setback by 3.4m, from 8.0m to 11.4m, and
- Decreasing the rear (eastern) boundary setback by 3.15m, from 12.55m to 9.4m.

As mentioned, these amendments were made as the plans submitted with the subject application indicated that the amended design of this unit had unacceptable bulk, which dominated the heritage element of the development and had an unacceptable impact on streetscape and local character. Details of the amendment, including potential impacts, are examined regarding the Apartment Design Guide, later in this report.

### **Relocating the bin holding bay**

Condition C34 (d) requires provision of a temporary bin holding bay within 2.0m of the street boundary, to be accessible for garbage collection. A bin holding bay was shown in the plans first-submitted with the subject application, although it was too far from the street. The plans have been amended so the bin bay is located within the required 2.0m of the street. It however needs to be made accessible from within the development, as it currently only has a single access to the footpath, meaning that bins would have to be taken from the basement to the holding bay via the driveway and the public footpath. A path and a gate should be included on-site, so the holding bay can be accessed without having to use the public footpath, for safety and convenience.

Accordingly, condition C34 is amended to read:

### **Garbage and Recycling Facilities**

C34 An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by these premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2 m from the street boundary of the property, **and the holding bay is to be accessible both from the street for emptying and from within the property for conveying bins from the basement to the holding bay;**

- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Plans and specifications which comply with this condition must be submitted to the ~~Certifying Authority~~ **Principal Certifier** for approval prior to the issue of ~~any the relevant~~ Construction Certificate.

The ~~Certifying Authority~~ **Principal Certifier** must ensure that the building plans and specifications submitted, referenced on and accompanying ~~the issued~~ **the relevant** Construction Certificate, fully satisfy the requirements of this condition.

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

## STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979 - Local Development
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Housing) 2021 & Apartment Design Guide (ADG)
- SEPP (BASIX) 2004
- North Sydney LEP 2013
  - Zoning – R4 High Density Residential
  - Item of Heritage – Yes: Flat Building 15 Allister Street (I 1146)
  - In Vicinity of Heritage Items – Two California Bungalows (State-listed) at 7 and 11 Cranbrook Avenue (I0045 & I0046), SCEGGS Redlands school (I0067), and former Cremorne Hall at 2 Allister Street (I0068).
  - Conservation Area – No, Cremorne Conservation Area is south of the site

## POLICY CONTROLS

North Sydney Development Control Plan 2013

## DESCRIPTION OF LOCALITY

## RELEVANT HISTORY

### Previous applications

<b>Date</b>	<b>Action</b>
<b>5 July 2023</b>	<i>DA 291/22 determined by the North Sydney Local Planning Panel (deferred commencement consent)</i>

<b>7 December 21023</b>	<i>Information submitted to satisfy terms of deferred commencement.</i>
<b>13 March 2024</b>	<i>Applicant notified that deferred commencement condition had been satisfied and consent became operational from this date.</i>

### **Current Application**

<b>Date</b>	<b>Action</b>
<b>10 January 2024</b>	<i>Application lodged.</i>
<b>2 – 16 February 2024</b>	<i>Application exhibited for 14 days.</i>
<b>12 February and 5 March 2024</b>	<i>Amendments to the application requested.</i>
<b>February – March 2024</b>	<i>Amendments received, discussed, resubmitted.</i>
<b>14 May 2024</b>	<i>Application considered by Design Excellence Panel (Council’s Design Reference Panel per Housing SEPP 2021). The Panel’s report is Attachment 3.</i>
<b>18 June 2024</b>	<i>Meeting held with applicant to discuss Panel’s advice regarding key aspects of the design, means of conserving heritage apartment entry doors in situ and options to resolve the bulk and appearance of the upper level design modifications.</i>
<b>09 July 2024</b>	<i>Amended plans received in response to discussions held on 18 June. (Attachment 2). Applicant confirmed previous advice from consultant fire engineer and building surveyor that doors cannot be modified to remain in situ and comply with BCA fire-related requirements (Attachment 4).</i>

### **NOTIFICATION**

The application was notified for 14 days as described above.

Eight submissions were received.

Renotification of the amended application was deemed unnecessary, as the amended application resolves substantive issues, principally by reducing the size of the extension to make it less visible and bulky when viewed from the street. Amenity impacts of this design alteration are acceptable.

Regarding the entry doors to flats within the heritage element, although the outcome is not ideal, advice has confirmed that it is impractical to keep the doors and maintain them in situ. Having them used as internal access doors, as proposed, preserves them in the building, they would otherwise be used or discarded off-site. This is further discussed in the heritage assessment.

Other matters raised by submissions are considered in other parts of this report.

## INTERNAL REFERRALS

### Building

Council's Senior Building Surveyor advised as follows:

*The S4.55 Modified Development Application seeks approval for internal and external alterations and additions to an approved Residential Flat Building, including modifications to increase the finished floor levels.*

*The building is classified as a Class 2 building of Type A construction.*

*The application is supported by a BCA Compliance Capability Advice letter dated 15 December 2023 prepared by AI Consultancy which identifies that currently Unit 3.01 does not achieve compliance with the Deemed to Satisfy provisions of the NCC BCA with regards to room heights therefore the S4.55 purpose is to achieve BCA compliance in this regard.*

*No BCA Compliance Report accompanies the Modified Development Application however a review of the proposed Drawings revealed that the proposed development can likely comply with the NCC BCA, Volume 1.*

*It is noted that Condition C26 of the Development Consent No D291/22 requires for the building to be upgraded in the terms of fire safety and it is recommended this Condition C26 remain.*

*A detailed assessment of compliance with the Building Code of Australia 2022 will be undertaken by an appropriately registered Building Surveyor at the **relevant** Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.*

*Generally, the proposed works can comply with the NCC BCA, Volume 1.*

#### **Planner's comment:**

Condition C26 remains, as do other BCA-related conditions, in the original approval. As discussed below in relation to preserving entry doors to the units in the existing building, the applicant contended that, according to consultant advice, these doors cannot be kept in situ as this renders the building non-compliant with BCA fire safety requirements. Copies of these letters are attached to this report (Attachment 4). It is proposed to re-purpose these doors, by using them in openings to rooms within the units, so new fire-standard compliant doors can be used for entries of the units in the heritage element of the development.

The Panel should note that exhaustive investigations and discussions have occurred, involving the applicant, their consultants and Council heritage and building officers to preserve the doors in situ, which would have been the ideal heritage outcome. The doors as they face the building's entry foyers on each level complement the design detail of the remaining original interior design. A brief description of the building and a photo of one of the doors is provided below in the Conservation Planner's assessment.

## **Engineering**

Council's Development Engineer observed that a standard condition has been omitted from the original consent, requiring a covenant and restriction-as-to-user for the stormwater system being included for the development, in favour of Council.

## **Comment**

Inclusion of this condition, G8, is recommended.

## **Heritage**

Below is the Conservations Planner's assessment of the modifications proposed:

### **1. Heritage Status and Significance**

*13 Allister Street is a c1980s, three storey apartment building with two garages in the sub-floor. It has a flat roof and spandrels of faux shingles to the street façade and has consent to be demolished.*

*15 Allister Street is a heritage listed c1937 Interwar apartment building designed by architect Clifford H Finch, most probably as an investment property for client Mrs J Boulton. Finch is a notable architect known for his collaboration with John Burcham Clamp for the dwelling design at 36 Henry Street Gordon which is listed on the NSW Register of Significant Buildings (Australian Institute of Architects) and the Woy Woy Fire Station which is currently being considered for state heritage listing.*

*The subject brick building is designed in the Art Deco style with some Functionalist features. Its exterior is characterised by curved balconies, glazed doors, patterned brickwork, a sandstone base, sandstone crazy paving and two garages. It retains intact interiors including the tiled entrance foyer and staircase with exposed brick walls, timber and wrought iron balustrade. Within the apartments there are extant decorative Art Deco style cornices, joinery and exposed brick fireplaces.*

### **2. Heritage Impact Assessment**

#### **a) North Sydney LEP 2013 Clause 5.10**

##### **5.10 Heritage conservation**

**(1) the objectives of this Clause are as follows:**

- (a) to conserve the environmental heritage of North Sydney**
- (b) to conserve the heritage significance of heritage items and conservation areas, including associated fabric, settings and views**



*The amended design has updated the roof ridge height by 490mm and the residential floor levels by 230- 490mm in height on the heritage item. No objection is raised as this is a correction. The levels on the contemporary addition have also been amended to match the floor levels of the heritage item. This is also acceptable. As a consequence however, the roof height and lift overrun on the contemporary wing have increased in height. Although the new addition is perceived on the elevations to overwhelm the roof form of the heritage item, it is considered that the bulk of the new works will in reality, be located towards the rear of the heritage item such that they will not readily visible from the public domain. This may be seen on the perspective drawings at Figure 1. No objection is therefore raised.*

*No objection is raised to the minor landscape changes or to the re-organisation of the bin storage area as it is not located in front of the heritage item.*



**Fig 1. The roof form of the heritage item will not be overwhelmed by the proposed additions.**

**b) North Sydney DCP 2013**

*An assessment of the proposal, with reference to Part B Section 13 of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:*

*13.4 Development in the Vicinity of Heritage Items- The proposed development will not detract from the other heritage items in the vicinity and their streetscape presentation, including the state heritage listed properties at Nos 7, 11 and 24 Cranbrook Avenue. Other listed heritage items in the wider locality are separated from the subject site by the road, intervening development and/or have no direct visual or physical connection to the subject site.*

*13.5.1 Heritage Items – Objective O1 – Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item- The proposal retains the Interwar building at 15 Allister St and will largely retain its external form as well as its primary façade. This control is now satisfied.*

*It is not clear from the further amended drawings whether the glazed doors to the front balconies are to be retained. This is not supported as they are located on the primary façade and contribute to the aesthetic significance of the building. An amendment to condition C1 is recommended below. The amendment of condition C1 to allow replacement of all the original timber framed windows and doors on the heritage item is not supported as these contribute to its historic and aesthetic significance.*

*13.5.2 Form, Massing and Scale - Objective O1 To allow new alterations and additions to heritage items, where new work does not impact on the heritage significance of the heritage item- The heritage item is three storeys whilst the proposed addition be four storeys plus basement parking. The height of the addition will be also greater than that of the heritage item. Whilst both of these outcomes are generally considered poor heritage practice, no objection is raised in this particular circumstance as the applicant originally started the development application process with a no heritage listing and the retention of the Interwar building has been a negotiated outcome. In addition, the streetscape is highly eclectic including the contemporary Redlands School buildings and the monolithic apartment buildings.*

*13.5.5 Interior Layouts – Objective O1 To ensure that significant interior elements are retained and preserved. The additional demolition proposed to the interior of the units in the heritage item will result in additional loss of original ceilings, interior doors and the replacement of the original glazed front doors that address the common area. Amendments to condition C1 are recommended below.*

*13.5.6 Upgrading for Fire Safety, BCA – Objective O1 To ensure that buildings are constructed to an appropriate standard to ensure the safety of its occupants, whilst retaining heritage significance- Discussions with Council’s Building Surveyor and the applicant’s consultants have resulted in the understanding that it is not possible to have a deemed to satisfy engineered solution for the heritage item that allows retention of the glazed apartment entry doors. The use of the Heritage NSW heritage door kits on the interior of the glazed doors is not possible as the fire rating will only be -/30/30 FRL whilst the building code requires -/60/30 FRL. The condition C1 has been amended to acknowledge this as below.*

*The installation of fire shutters on the north elevation windows is acceptable. The proposed fire hydrant will be satisfactorily located away from the front façade of the heritage item.*



***The original glazed apartment entry doors will be replaced.***

*13.9.4 Materials - Objective O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.* No objection is raised to the change of exterior paint colour from green to grey. The proposed modification to heritage condition C1 f) to allow for aluminium windows is not supported on the original heritage listed Interwar building but they would be acceptable on the new addition.

### **3. Conclusion**

*The amended proposal is acceptable subject to the **further amendments** of the heritage condition C1 as below:*

#### ***Heritage Requirements***

- C1. The following heritage requirements are to be met for the existing building to be retained located on No. 15 Allister Street:*
- a) Face brickwork and decorative brickwork on the exterior and the interior of the original dwelling is not to be painted.*
  - b) Unpainted original interior Interwar joinery is not to be painted.*
  - c) **Original timber framed Interwar glazed doors to the balconies are to be either be retained or are to be replaced with new doors in the Interwar style with similar width frames and transoms that respond to the existing character of the heritage building. Salvaged doors are to be re-used on site, sold or distributed to the community to retain the heritage asset.***

- d) Original glazed apartment front doors **are** to be ~~either retained or be salvaged and re-used as doors to the primary bedrooms in those units. New replacement doors are to be designed in the Interwar style and are to be reflective of the design of the original front doors. Should changes be required for fire upgrades, they are to be modified on the interior side with fire rated material.~~
- e) Interior doors that are to be removed as part of the demolition works are to be salvaged for re-use on site, sold, or distributed to the community to retain the heritage asset. **New replacement doors are to be designed in the Interwar style and are to be reflective of the design of the original doors.**
- f) New **exterior** windows and doors are to be timber-framed **on the heritage item except for the balconies if necessary to comply with the NCC.** ~~or aluminium framed to match existing. Metal framed windows and doors may be used on the contemporary addition.~~
- g) Original tiles in the common area lobby are to be retained and conserved.
- h) Original wrought balustrade in the common area staircase is to be retained.
- i) **Where original decorative Art Deco ceilings and cornices are removed, these are to be replaced with ceilings and cornices to match the original style.**

Written concurrence with this condition is to be provided by a consultant heritage architect to the ~~Certifying Authority~~ **Principal Certifier** prior to the issue of ~~any the relevant~~ **any the relevant** construction certificate. **The Certifying Authority** must also ensure that the building plans and specifications submitted, referenced on and accompanying the ~~relevant issued~~ **relevant issued** Construction Certificate, fully satisfy the requirements of this condition.

**(Reason: ~~To ensure the building is conserved. To retain the character and detailing of the heritage item.)~~**

Please also apply the following standard condition:

**Heritage Architect to be commissioned C15**

- C10. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the ~~Certifying Authority~~ **Principal Certifier** prior to the issue of ~~any the relevant~~ **any the relevant** Construction Certificate.

*Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require an application under s96 of the Environmental Planning and Assessment Act 1979 or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.*

*(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)*

**Planner's comment:**

The amendments to condition C1 are reasonable in the circumstances, given that it is not possible to retain extant apartment entry doors in situ.

Condition C10, regarding appointment of a heritage architect to supervise the works, is already in the consent.

**EXTERNAL REFERRALS**

None required.

**CONSIDERATION**

Pursuant to section 4.55 (2) and (3) Environmental Planning and Assessment 1979, Council can modify a development consent having considered the following matters:

- The consent authority being satisfied the development will remain substantially the same as the development first granted consent.
- That the consent authority has consulted with Government authorities that were consulted during assessment of the original development application,
- That the application has been notified in accordance with the Regulations or Council's community engagement protocol.
- The reasons given by the consent authority for granting consent to the original development application.
- An assessment of the modification having regard to relevant matters specified for consideration by s. 4.15 (1) of the EP&A Act.

Accordingly, an assessment of the application to modify the subject development consent is provided:

1. ***Whether the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)***

**Evaluation:**

The applicant submits the modified development will be substantially the same as the approved development for these following reasons:

- Comparing the approved development with the modified development (as originally submitted), the applicant concludes "...there is no considerable difference in the visual or physical appearance of the building...
- "While remaining substantially the same modifications to floor levels are made and ceiling height adjusted to ensure compliance with the BCA and ADG.
- "...the contemporary wing will appropriately relate to the heritage item. Contextually, the approved built form and character is unchanged by the proposed modifications, including the increased building height."

Upon further modifications to reduce the height and apparent bulk of the topmost floor of the extension, as negotiated with and submitted by the applicant, these comments are concurred with.

2. ***Whether the application required the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?***

***Evaluation:***

The approved application did not require concurrence of a Minister or other approval body.

3. ***Was the modification application notified and if so, were there any submissions?***

***Evaluation:***

As described, the application was notified in accordance with Council's Community Engagement Protocol and eight submissions were received.

4. ***The reasons given by the consent authority for the grant of the consent***

***Evaluation:***

In granting consent to the original development application, the North Sydney Planning Panel reasoned as follows:

*The Panel is satisfied that the development is appropriate in its context for the subject site, provided that the heritage significant building can be retained. This will require details of the proposed underpinning and structural excavation to be demonstrated through a Deferred Commencement.*

*The Panel is satisfied the heritage assessment included consideration under clause 5.10 of the North Sydney LEP 2013 and treated the building as if it was a local heritage item and deferral of the matter was not warranted.*

*The outcome for the heritage-significant building with the development of the adjoining property is considered to provide a positive built form response for the locality. The use of a low overrun lift allows a better integration of this element into the overall built form.*

In response, the modification is consistent with the Panel's original decision:

- The modifications, as amended, reasonably retain the context of the heritage building and conserves the heritage building.
- Structural details have been confirmed to satisfy deferred commencement conditions and the consent became operational on 13 March 2024.



- Noted the inter-war building was treated as a heritage item under the North Sydney LEP 2013 and the approved development as proposed to be modified is consistent with the heritage provisions of the LEP. When the Panel determined the application, the draft LEP to include the building in the LEP's Heritage Schedule had been endorsed by Council, following public exhibition. The amendment to the LEP to include the building had not been published.
  - As recommended and negotiated with the applicant, the built form will be consistent with the locality. The rooftop plan remains well-integrated into the overall form of the development.
5. ***Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.***

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **SEPP (Biodiversity and Conservation) 2021**

#### **Chapter 2, Part 6.2 – Development in regulated catchments**

The following sections must be considered in approving an application to develop land in the Sydney Harbour Catchment:

- 6.6 Water quality and quantity
- 6.7 Aquatic ecology
- 6.8 Flooding
- 6.9 Recreation and public access
- 6.10 Total catchment management

***Evaluation:*** The modifications proposed do not alter the approved development's consistency with applicable provisions.

### **SEPP (Resilience and Hazards) 2021**

Section 4.6 of the policy requires the consent authority to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The proposed modification of the development does not alter consistency with the policy, as assessed when the original application was considered.

### **SEPP (BASIX) 2004**

A revised, valid BASIX Certificate (No. 1339113M\_03 dated 14 December 2023) has been submitted with the application to satisfy the policy.

The relevant condition is recommended to be modified to incorporate details of the revised certificate.

### **SEPP (Housing) 2021**

#### ***Chapter 4 – Design of residential apartment development***

Clause 146 (2) of the Policy required determination of the Panel, stating:

- (2) *If the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.*

**Design excellence panel**

As required by cl. 146, the application was referred to the North Sydney Design Excellence Panel. The panel's report is in Attachment 3.

The panel's key concern related to the design of the top level of the new extension and its relationship with heritage building and its impact on streetscape and local character.

**Assessment**

The proposal as recommended is consistent with the design principles of the SEPP, below, as concluded when the original proposal was assessed and approved.

As required by the EP&A Regulation, the proposed modifications are supported by submission of a design verification statement, prepared by a registered architect.

**Principle 1 – Context and neighbourhood character**

The amended design is consistent with neighbourhood character and properly designs for the heritage item which forms part of the development.

**Principle 2 – Built form & scale**

With amendments made the built form and scale of the modified proposal are acceptable.

**Principle 3 – Density**

Density of the modified development remains the same as that originally approved.

**Principle 4 – Sustainability**

Not affected by the modified proposal.

**Principle 5 – Landscaping**

The modified design includes an enlarged temporary bin holding area which is a Council requirement, included in the conditions of the existing consent. Although this slightly reduces landscaped area, the impact is acceptable.

**Principle 6 – Amenity**

Residential amenity for occupants of the development is substantially the same as in the approved development.

**Principle 7 – Safety**

Not affected by the modified proposal.

**Principle 8 – Housing diversity and social interaction**

Not affected by the modified proposal.

**Principle 9 – Aesthetics**

As originally submitted, the modified design included alterations to the top level unit which made it's built form less compatible with the streetscape and resulted in the new element physically and visually dominating the heritage item that forms the other element of the project.

Design refinements negotiated during assessment of the subject application have improved the bulk, scale and aesthetics of the composition and is similar to the approved form.

The series of images below illustrate the approved development, the modified proposal as first submitted with the application, and as recommended for approval by this report.



*Approved development (Rothelowman Architects)*



*Submitted modification application (Team 2 Architects)*



**Recommended modification, following amendments (Team2 Architects)**

The proposal has also been assessed against the relevant provisions of the ADG as follows:

<b>Amenity</b>	<b>Design Criteria</b>	<b>Comment</b>	<b>Complies</b>
<b>2F - Building Separation</b>	<p><i>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies (6m to boundary)</li> <li>• 9m between habitable and non-habitable rooms (4.5m to boundary)</li> <li>• 6m between non-habitable rooms (3m to boundary)</li> </ul>	The development, as proposed to be modified, is consistent with this design objective.	Yes
<b>3D- Communal Open Space</b>	<p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p>	The development, as proposed to be modified, is consistent with this design objective.	Yes
<b>3E - Deep Soil Zones</b>	<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> <li>• 3m minimum width</li> <li>• Minimum 7% of the site area</li> </ul>	The development, as proposed to be modified, is consistent with this design objective.	Yes

<b>3F - Visual privacy</b>	<p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <p><i>6m (between habitable rooms and balconies to boundaries)</i>  <i>3m (between non-habitable rooms)</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>
<b>3G – Pedestrian Access &amp; Entries</b>	<p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>
<b>3H – Vehicle Access</b>	<p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>
<b>3J – Bicycle and Car parking</b>	<p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> <li><i>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></li> <li><i>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></li> </ul> <p><i>The car parking needs for a development must be provided off street</i></p> <p><i>Parking and facilities are provided for other modes of transport</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>
<b>Amenity</b>	<b>Design Criteria</b>		
<b>4A - Solar and daylight access</b>	<p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective, despite alterations to the top level reasonably increasing overshadowing of the residential development south of the site, shown in submitted sun-view and shadow diagrams.</p>	<p>Yes</p>

<p><b>4B - Natural ventilation</b></p>	<p><i>All habitable rooms are naturally ventilated.</i></p> <p><i>The layout and design of single aspect apartments maximises natural ventilation.</i></p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents – At least 60% of apartments are naturally cross ventilated</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective. Relocation of a bedroom and the media room has not affected reasonable ventilation of this apartment.</p> <p>As was the case with the approved development, the media room has a skylight. Adequate ventilation of the room will need to be addressed by the applicant before a construction certificate is issued. Council's building surveyor has advised that the building is capable of BCA compliance.</p>	<p>Yes</p>
<p><b>4C - Ceiling Heights</b></p>	<p><i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.</i></p>	<p>All units have compliant floor to ceiling heights that are either equal to or exceed 2.7m.</p>	<p>Yes</p>
<p><b>4D 1 - Apartment size and layout</b></p>	<p><i>Apartments are required to have the following minimum internal areas: 50m<sup>2</sup> (1B), 70m<sup>2</sup> (2B), 90m<sup>2</sup> (3B)</i></p> <p><i>Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</i></p> <p><i>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</i></p>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>
<p><b>4D 2 - Apartment size and layout</b></p>	<ol style="list-style-type: none"> <li><i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i></li> <li><i>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i></li> </ol>	<p>The development, as proposed to be modified, is consistent with this design objective.</p> <p>The media room and stairwell have skylights above, for daylight. All open plan living areas are within 8.0m of a window.</p>	<p>Yes</p>
<p><b>4D 3- Apartment size and layout</b></p>	<ol style="list-style-type: none"> <li><i>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</i></li> <li><i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i></li> </ol>	<p>The development, as proposed to be modified, is consistent with this design objective.</p>	<p>Yes</p>



	<p>3. <i>Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> <li>• <i>3.6m for studio and 1 bedroom apartments</i></li> <li>• <i>4m for 2 and 3 bedroom apartments</i></li> </ul>		
<b>4E - Private open space and balconies</b>	<p><i>All apartments are required to have primary balconies as follows: Studio apartments - 4m<sup>2</sup></i></p> <p><i>1 bedroom apartments - 8m<sup>2</sup>, minimum depth 2m</i></p> <p><i>2 bedroom apartments 10m<sup>2</sup> minimum depth 2m</i></p> <p><i>3+ bedroom apartments 12m<sup>2</sup> minimum depth 2.4m</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p>2. <i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</i></p> <p><i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i></p> <p><i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i></p> <p><i>Private open space and balcony design maximises safety.</i></p>	The development, as proposed to be modified, is consistent with this design objective.	Yes
<b>4F - Common circulation and spaces</b>	<p>1. <i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	The development, as proposed to be modified, is consistent with this design objective.	Yes
<b>4G -Storage</b>	<p><i>Studio apartments- 4m<sup>3</sup></i></p> <p><i>1 bedroom apartments- 6m<sup>3</sup></i></p> <p><i>2 bedroom apartments- 8m<sup>3</sup></i></p> <p><i>3+bedroom apartments- 10m<sup>3</sup></i></p>	The development, as proposed to be modified, is consistent with this design objective.	Yes

## **NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)**

### **Permissibility**

The modifications do not alter the permissibility of the approved development. In the R4 High Density Residential zone, development for purposes of a residential flat building is permitted with consent.

### **Objectives of the zone**

The modified development would, if approved, be consistent with the zone's objectives:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

### **Principal Development Standards**

#### **Height of Building**

The following objectives for the permissible height limit of 12.0m pursuant to clause 4.3 in NSLP 2013 are stated below:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

The maximum height for buildings on the site is 12.0m.

The original development application was approved with a breach of the height limit of 1.98m or 16.5%, supported by a request to vary the standard as required by clause 4.6.

The maximum height of the development, as proposed to be modified is RL 88.69m. Although a request to vary the standard is not required for a modification application, the height variation proposed is similar to that approved and is consistent with the reasons given in support of the approved height breach.

In summary, having regard to the standard's objectives, the modified development's increased height:

- Results in the building conforming to and reflecting the slope of the land,
- Having reasonable impacts on views over the site from taller flat buildings in Cranbrook Avenue (views from other dwellings remain unaffected),
- Causes minimal additional overshadowing of housing to the south, demonstrated by submitted sun view and shadow diagrams,
- Does not adversely impact privacy, as considered in the original consent, and with inclusion of shutters on windows lower than the maximum height (i.e. there is no habitable space above the height control),
- Still results in the height and bulk of level 3 being reduced to remain compatible with adjacent development, compared to the approved development, and
- Also results in the building being compatible with streetscape and local character.

Planning grounds held to support the original approval are still relevant to the modified proposal:

- Despite the height breach the development is of 'good design'.
- Rooftop solar cells (the highest part of the development, with the lift over run) above the height maximum promote sustainability.
- Environmental impacts would be imperceptible.
- The variation is consistent with aims of the EP&A Act, promoting economic use of land and amenity of the built environment.
- As noted, the modified proposal is consistent with development standard and zone objectives and is therefore in the public interest.

### **Heritage Conservation**

Part of the subject site is a heritage item and is in the vicinity of several other heritage items, as listed by Schedule 5 of the LEP, and the following objectives apply:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

As reflected by the conservation planner's assessment, the modified proposal is consistent with relevant objectives.

### **NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

Assessment of the modification application respecting applicable DCP provisions is presented below.

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
<i>Provisions</i>	<i>Complies</i>	<i>Comments</i>
<b>1.2 Social Amenity</b>		
<b>1.2.1 Population Mix</b>	Yes	The modified development maintains the approved dwelling mix.
<b>1.2.2 Universal Design &amp; Adaptable Housing</b>	Yes	The modified development is consistent with this provision.
<b>1.2.3 Maintaining residential accommodation</b>	Yes	The modified development is consistent with this provision.
<b>1.2.4 Affordable Housing</b>	Yes	The modified development is consistent with this provision.
<b>1.2.5 Housing for Seniors and Persons with a Disability</b>	N/A	
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Yes	Despite the increase in height resulting from detailed design using accurate survey data (historic data was used at DA stage), the proposed design is relatively sensitive to the fall of the land and minimises earthworks.
<b>1.3.2 Bushland</b>	N/A	
<b>1.3.3 Bush Fire Prone Land</b>	N/A	
<b>1.3.4 Foreshore Frontage</b>	N/A	
<b>1.3.6 Views</b>	Yes	As discussed in relation to the LEP height standard, views are not noticeably impacted by the revised building height.
<b>1.3.7 Solar Access</b>	Yes	Consistency with ADG design objectives is not altered by proposed modifications.
<b>1.3.8 Acoustic Privacy</b>	Yes.	Compliance with this provision is unaffected by the proposed modifications.
<b>1.3.9 Vibration</b>	N/A	Site not located near a railway or arterial road.
<b>1,3,10 Visual Privacy</b>	Yes	Condition C46 remains, which requires screen planting on the southern boundary. Windows facing northwards will have fire shutters fitted, which may be used as screens.
<b>1.4 Quality built form</b>		
<b>1.4.1 Context</b>	Yes	As discussed, the modifications do not impact compatibility with the context of local built form.
<b>1.4.2 Subdivision Pattern</b>	N/A	
<b>1.4.3 Streetscape</b>	N/A	As above.
<b>1.4.4 Laneways</b>	N/A	
<b>1.4.5 Siting</b>	Yes	Siting does not change.
<b>1.4.6 Setbacks</b>	Yes	Setbacks are not proposed to be altered from those approved.
<b>1.4.7 Form Massing Scale</b> • Floor to ceiling height 2.7m	Acceptable on merit	All rooms comply with the minimum floor to ceiling height under the ADG
<b>1.4.8 Built Form Character</b>	Yes	As above for massing and siting.
<b>1.4.9 Dwelling Entry</b>	Yes	Not affected by the proposed modifications.
<b>1.4.10 Roofs</b>	Yes	The modified roof design is acceptable.

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
<i>Provisions</i>	<i>Complies</i>	<i>Comments</i>
<b>1.4.11 Dormers</b>	N/A	
<b>1.4.12 Materials</b>	Yes	Some external finish colours have been modified and are acceptable (see Architectural Sheet DA02.03)
<b>1.4.13 Balconies – Apartments</b> <ul style="list-style-type: none"> <li>• Min depth – 2m</li> <li>• Min area – 8m<sup>2</sup></li> </ul>	Yes	Not affected by the proposed modifications.
<b>1.4.14 Front Fences</b> <ul style="list-style-type: none"> <li>• No greater than 1m from front building line &amp; along front boundary</li> <li>• Transparent fences no greater than 1.5m with 50% solid construction</li> </ul>	Acceptable on merit	Due to the crossfall at the site's frontage, some wall-sections on the boundary, for planters, screens of booster hydrant assembly and gate to the bin holding area, are higher than 1.0m.
<b>1.5 Quality Urban Environment</b>		
<b>1.5.1 High Quality Residential Accommodation</b>	Yes	Apartment sizes still exceed the minima of the ADG, noting that only the Level 3 unit's floor area is being slightly reduced.
<b>1.5.2 Lightwells &amp; Ventilation</b>	Yes	Considered in the ADG assessment.
<b>1.5.3 Safety and Security</b>	Yes	Not affected by the proposed modifications.
<b>1.5.4 Vehicle Access and Parking</b> <ul style="list-style-type: none"> <li>• Part B – Section 10 – Car parking</li> <li>• Limit width of vehicle access to 2.5m</li> </ul>	Yes	Unchanged from the approved development, except visitor parking is proposed to be reduced from 3 to 2 spaces, which is acceptable.
<b>1.5.5 Site Coverage</b>	Yes	Not affected by the proposed modifications.
<b>1.5.6 Landscape Area</b>	Yes	Despite a slight reduction of landscaped area for the amended bin holding bay, the amount of landscape area, for common and private use, is acceptable.
<b>1.5.7 Excavation</b> <ul style="list-style-type: none"> <li>• RFB – No more than 70% of site</li> <li>• Min 50% unexcavated area at the rear</li> <li>• Min 30% unexcavated area at the front</li> <li>• Provision of min 1.5 wide landscaped strip alongside boundaries</li> </ul>	Yes	The modifications have not affected the excavated parts of the development.
<b>1.5.8 Landscaping</b> <ul style="list-style-type: none"> <li>• Planters – 110mm (diameter) x depth 135mm</li> <li>• Trees should provide 50% canopy cover over landscaped areas at maturity</li> </ul>	Yes	Landscaped area has been slightly modified by redesign of the temporary bin holding area.
<b>1.5.9 Front Gardens</b>	Yes.	Unaffected by the proposed modifications.

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
<i>Provisions</i>	<i>Complies</i>	<i>Comments</i>
<b>1.5.10 Private and Communal Open Space</b> <ul style="list-style-type: none"> <li>• Private open space at ground level – 4m min dimension &amp; 2m above ground level</li> <li>• Must be provided off living areas</li> <li>• Min communal open space between 25% &amp; 30% of the site area</li> </ul>	Yes.	Open space areas for communal and private use are unaffected by design amendments.
<b>1.5.11 Swimming Pools</b>	N/A	
<b>1.5.12 Tennis Courts</b>	N/A	
<b>1.5.13 Garbage Storage</b>	Yes	The temporary bin storage area is modified to comply with DCP requirements, to be within 2.0m of the street boundary, for collection. Garbage storage in the basement is acceptable, as approved.
<b>1.5.14 Site Facilities</b>	Yes	Storage and other facilities are the same as the approved development.
<b>1.5.15 Servicing of new lots</b>	N/A	
<b>1.6 Efficient Use of Resources</b>		
<b>1.6.1 Energy Efficiency</b>	Yes	A valid, revised BASIX certificate was submitted with the application.

### North Cremorne Planning Area - Part C of NSDCP 2013

The site is in the Murdoch Neighbourhood of the Cremorne Planning Area. Being substantially the same as the approved development, the modified proposal, as recommended for approval, is consistent with local character provisions of the DCP.

### LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

A condition of the original consent requires payment of a contribution towards local infrastructure and the proposed modification does not require alteration of this condition.

### ALL LIKELY ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

### ENVIRONMENTAL APPRAISAL

### CONSIDERED

- |    |   |     |
|----|---|-----|
| 1. | Statutory Controls  | Yes |
| 2. | Policy Controls   | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |

4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s.4.15 considerations of Environmental Planning and Assessment Act 1979	Yes

### SUBMITTERS CONCERNS

The application was notified to nearby properties and the Bennett-Harrison Precinct Committee for 14 days, 2 February – 16 February 2024. Council received eight submissions raising concern regarding the following matters.

<b><i>Issue of concern and objection</i></b>	<b><i>Response</i></b>
Increased breach of the height limit.	Considered in this report.
Increased bulk, scale and density of the building.	Considered in this report.
Approvals based on “errors” should not be modified to correct those “errors” to avoid a precedent.	It is not uncommon for designers to discover discrepancies such as those the subject application seeks to correct. Often the cause is the higher level of detail and hence accuracy required for construction drawings compared to drawings prepared for development applications.
Adverse impact on the streetscape and local character.	Considered in this report.
Increased overshadowing of dwellings immediately south of the site, which is not “negligible”.	Considered in this report.
Reducing visitor parking from 3 to 2 spaces will add to congestion in Allister Street.	Considered in this report.
The request that the condition requiring a report on damage to adjoining property be required within 12 months of the (final) occupation certificate being issued should be the subject of further study as adjoining property is at risk of being damaged.	Considered in this report.

<b><i>Issue of concern and objection</i></b>	<b><i>Response</i></b>
The top floor (1 apartment) should be removed, which would not “significantly impact” viability of the project.	Considered in this report.
Reduction of the number of apartments by one would “materially reduce housing supply”.	Considered in this report.
Steps had been taken to lower the overall building height before consent was granted to the development application.	Considered in this report.
Modification of the approval to alter the heritage-listed building. A condition of the consent presently states the inter-war apartment front-doors are to remain in-situ, whereas the subject application seeks approval to change the condition, to allow the doors to be relocated or sold to be used on another property.	Considered in this report.
Impact on harbour views from units in the site’s vicinity, in Cranbrook Avenue.	Considered in this report.

## **PUBLIC INTEREST**

The development as proposed to be modified is in the public interest for the reasons stated throughout this report.

## **SUITABILITY OF THE SITE**

The development as proposed to be modified remains suitable for the site.

## **CONCLUSION + REASONS**

This report has considered relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and is satisfactory.

The application proposes modification of the approved residential flat building’s alterations and additions. Development for this purpose is permissible with consent on the site, which is zoned R4.

Although necessary amendments to the application cause a further breach of the height control (with the maximum height increased from RL88.3m to RL88.69m) this is acceptable as the additional bulk of the modifications submitted have been amended to provide improved outcomes, in heritage and character terms. The additional height also has acceptable and negligible impacts on overshadowing of adjoining properties and maintains acceptable building separation with adjacent residential buildings.

This assessment also concludes the proposal is consistent with the Panel’s reasons for granting consent to the original development application.



Having regard to the merits of the proposal, the application is recommended for approval subject to modified conditions, included in the schedule to this report.

### HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Bennett-Harrison Precinct for 14 days, issues raised by submissions have been suitably considered.

### RECOMMENDATION

PURSUANT TO SECTION 4.55 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Application No. 291/22/3 to modify the consent for modification of the development consent to enable alterations to the approved development and amendment of specified conditions of consent, for alterations and additions to an existing residential flat building, demolition of remaining structures, amalgamation of lots and the provision of a 4-storey addition on land at 13-15 Allister Street Cremorne, subject to the amended conditions in the Schedule to this report.

#### A. Modify condition A1 to read:

#### Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan Nos.	Issue	Description	Prepared by	Dated
DA01.03	P9	Site Plan	Team 2 Architects	08 July 2024
DA01.04	P8	Existing (Demolition) Ground Floor Plan	Team 2 Architects	08 July 2024
DA01.05	P10	Existing (Demolition) Level 1 Floor Plan	Team 2 Architects	08 July 2024
DA01.06	P10	Existing (Demolition) Level 2 Floor Plan	Team 2 Architects	08 July 2024
DA01.07	P7	Existing (Demolition) Level 3 Floor Plan	Rothelowman	30 January 2023
DA01.11	P15	Basement 02 Floor Plan	Team 2 Architects	06 February 2024
DA01.12	P17	Basement 01 Floor Plan	Team 2 Architects	25 March 2024
DA01.13	P20	Ground Floor Plan	Team 2 Architects	08 July 2024
DA01.14	P17	Level 1 Floor Plan	Team 2 Architects	08 July 2024
DA01.15	P17	Level 2 Floor Plan	Team 2 Architects	08 July 2024
DA01.16	P19	Level 3 Floor Plan	Team 2 Architects	08 July 2024
DA01.17	P17	Roof Plan	Team 2 Architects	08 July 2024
DA02.01	P13	Elevations	Team 2 Architects	08 July 2024
DA02.02	P13	Elevations	Team 2 Architects	08 July 2024
DA02.03	P9	Elevations	Team 2 Architects	08 July 2024
DA03.01	P11	Sections	Team 2 Architects	08 July 2024
DA03.02	P12	Sections	Team 2 Architects	08 July 2024
DA03.03	P5	Sections	Team 2 Architects	08 July 2024
DA 1/2	F	Landscape Site Plan	Andrew Davies	24 January 2023
DA 2/2	F	Landscape Plant Schedule and Notes	Andrew Davies	24 January 2023

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**B. Amend all relevant conditions to:**

- I. replace the term “any Construction Certificate” or similar, with the term “the relevant Construction Certificate”,
- II replace the term “any Occupation Certificate” or similar, with either the term “the relevant Occupation Certificate ” or “final Occupation Certificate” as appropriate, and
- III replace the term "Certifying Authority" or similar, with the term "Principal Certifier".

**C. Modify condition C1 to read:**

**Heritage Requirements**

- C1. The following heritage requirements are to be met for the existing building to be retained located on No. 15 Allister Street:
- a) Face brickwork and decorative brickwork on the exterior and the interior of the original dwelling is not to be painted.
  - b) Unpainted original interior Interwar joinery is not to be painted.
  - c) ***Original timber framed Interwar glazed doors to the balconies are to be either retained or replaced with new doors in the Interwar style with similar width frames and transoms that respond to the existing character of the heritage building. Salvaged doors are to be re-used on site, sold or distributed to the community to retain the heritage asset.***
  - d) Original glazed apartment front doors ***are*** to be either retained or be salvaged for re-use elsewhere on the site, sold or distributed to the community to retain the heritage asset. ***New replacement doors are to be designed in the Interwar style and are to be reflective of the design of the original front doors. ~~Should changes be required for fire upgrades, they are to be modified on the interior side with fire rated material.~~***
  - e) Interior doors that are to be removed as part of the demolition works are to be salvaged for re-use on site, sold, or distributed to the community to retain the heritage asset. ***New replacement doors are to be designed in the Interwar style and are to be reflective of the design of the original doors.***
  - f) New ***exterior*** windows and doors are to be timber-framed ***on the heritage item except for the balconies if necessary to comply with the NCC.*** ~~or aluminium framed to match existing.~~ ***Metal framed windows and doors may be used on the contemporary addition.***
  - g) Original tiles in the common area lobby are to be retained and conserved.
  - h) Original wrought balustrade in the common area staircase is to be retained.
  - i) ***Where original decorative Art Deco ceilings and cornices are removed, these are to be replaced with ceilings and cornices to match the original style.***

Written concurrence with this condition is to be provided by the consultant heritage architect to the ~~Certifying Authority~~ **Principal Certifier** prior to the issue of ~~any~~ **the relevant** construction certificate. The ~~Certifying Authority~~ **Principal Certifier** must also ensure that the building plans and specifications submitted, referenced on and accompanying ~~the issued~~ **the relevant** Construction Certificate, fully satisfy the requirements of this condition.

(Reason: ~~To ensure the building is conserved.~~ **To retain the character and detailing of the heritage item.**)

**D. Modify Condition C20 to read:**

**Allocation of Spaces**

C20. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:

<b>Residential</b>	<b>Parking Spaces</b>
One Bedroom Apartments (1 space per apartment)	3
Two Bedroom Apartments (1 space per apartment)	4
Three Bedroom Apartments (Including 3 Accessible Parking Spaces) (1 or 2 spaces per apartment)	9
Visitor	<del>3</del> <b>2</b>
<b>Total</b>	<b>19</b>

The ~~Certifying Authority~~ **Principal Certifier** ensure that the building plans and specifications submitted, referenced on and accompanying ~~the issued~~ **the relevant** Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

**E. Modify Condition G18 to read:**

**Damage to Adjoining Properties**

G18. On completion of the development the subject of this consent, **a report is to be prepared by an appropriately qualified consultant and is to be provided to Council within 12 months of the final Occupation Certificate being issued.** The report is to address all relevant matters, including and not limited to:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the ~~Certifying Authority~~ **Principal Certifier** in accordance with this consent.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of ~~an~~ **the final** Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

**F. It is proposed to amend condition C42:**

**Mechanical Exhaust Ventilation**

C42. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The ~~Certifying Authority~~ **Principal Certifier** must ensure that the building plans and specifications submitted, referenced on and accompanying the ~~relevant issued~~ Construction Certificate, fully satisfy the requirements of this condition.

The mechanical exhaust ventilation ducting mounted on the roof of the building is to have a maximum RL of **88.69**.

(Reason: To increase the maximum height allowed for this plant in line with the above-described adjustments resulting from accurate survey data and the need to align the levels of the extension and the existing building)

**G. Amend condition C34 to read:**

**Garbage and Recycling Facility**

C34. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2 m from the street boundary of the property, **and the holding bay is to be accessible both from the street for emptying and from within the property for conveying bins from the basement to the holding bay;**

- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Plans and specifications which comply with this condition must be submitted to the ~~Certifying Authority~~ **Principal Certifier** for approval prior to the issue of ~~any the relevant~~ Construction Certificate.

The ~~Certifying Authority~~ **Principal Certifier** must ensure that the building plans and specifications submitted, referenced on and accompanying the ~~issued relevant~~ Construction Certificate, fully satisfy the requirements of this condition.

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

**H. Amend Condition C50 to read as follows:**

**BASIX Certificate**

C50. Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1339113M\_03 dated 14 December 2023 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

**I. Insert the Condition below after Condition G7 Utility Services, and adjust condition numbering in Section G of the conditions thereafter:**

**Covenant and Restriction (Stormwater Control Systems)**

- G8. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:
  - a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 13-15 Allister Street Cremorne requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);

- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording in the Instrument making reference to the Council files which hold:
  - (a) the Construction plans; and
  - (b) the “Work-as-Executed” (as built) plans;

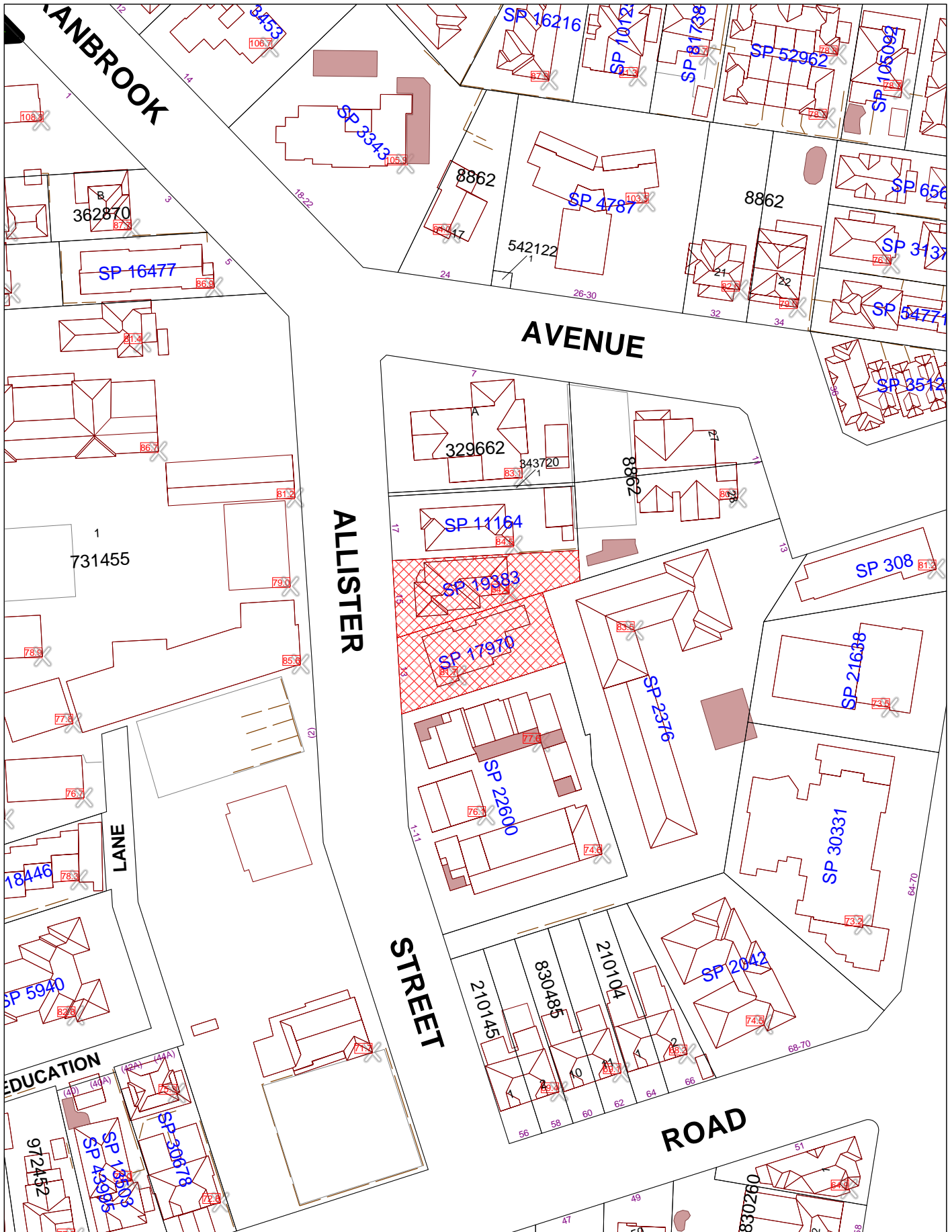
The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of the relevant Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council’s “Specification for the Management of Stormwater”.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of the relevant Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)



**North Sydney Council**

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.



Scale: 1:1200 approx.



Drawing Register - DA

No.	Title	Rev
DA00.00	Cover Sheet	P11
DA01.00	Existing Site Plan	P6
DA01.01	Demolition Plan	P5
DA01.02	Context Plan	P5
DA01.03	Site Plan	P9
DA01.04	Existing Ground Floor Plan	P8
DA01.05	Existing Level 1 Plan	P10
DA01.06	Existing Level 2 Plan	P10
DA01.07	Existing Level 3 Plan	P7
DA01.10	Basement 3 Floor Plan	P6
DA01.11	Basement 2 Floor Plan	P15
DA01.12	Basement 1 Floor Plan	P17
DA01.13	Ground Floor Plan-SA,SSA	P20
DA01.14	Level 1 Floor Plan	P17
DA01.15	Level 2 Floor Plan	P17
DA01.16	Level 3 Floor Plan	P19
DA01.17	Roof Plan	P17
DA02.01	Elevations	P13
DA02.02	Elevations	P13
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DA02.04	Perspectives	P9
DA02.06	Perspectives	P6
DA03.01	Sections	P11
DA03.02	Sections	P12
DA03.03	Sections	P5
DA04.01	Height Plane	P10
DA04.02	Solar POV	P7
DA04.03	Solar POV	P7
DA04.04	Solar POV	P7
DA04.05	Solar POV	P7
DA04.06	Shadow Diagrams	P6
DA04.07	Shadow Diagrams	P6
DA04.08	Shadow Diagrams	P6
DA04.09	Shadow Diagrams	P6
DA04.10	Shadow Elevation Diagrams	P6
DA04.11	Solar / Cross Ventilation Compliance	P6
DA05.01	Compliance Diagrams	P13
DA06.01	Development Summary	P15
DA07.01	Adaptable Plan - U102 & U202	P9
DA07.02	Adaptable Plans - UG02	P9
DA10.01	Notification Plan	P4
DA10.02	Notification Elevations	P4
DA10.03	Notification Elevations	P4



NATHERS Thermal Performance Specification - Cremorne (New Units only)			
<b>External Walls</b>			
Wall Type	Insulation	Colour	Comments
Brick Veneer	R2.5	Med - SA 0.475 - 0.70	Ground to Level 3, as per elevations
Metal Clad	R2.5	Med - SA 0.475 - 0.70	Level 1 to 3, as per elevations
SA - Solar Absorptance			
<b>Internal Walls</b>			
Wall Type	Insulation		Comments
Plasterboard Stud	None		Internally in units
Hebel Plasterboard on Stud	None		Party walls between dwellings
Concrete Panel, plaster on studs	None		Shared walls with stairs/lift
Plasterboard Stud	None		Shared walls with corridor
<b>Floors</b>			
Floor Type	Insulation		Comments
Concrete	R1.5		All units with suspended slab over carpark
Concrete	None		All units with adjoining unit below
<b>Ceilings</b>			
Ceiling Type	Insulation		Comments
Plasterboard	R2.5		All exposed ceilings throughout
Insulation loss due to downlights has been modelled in this assessment. A sealed exhaust fan has been included in every kitchen, bathroom, laundry and ensuite.			
<b>Roof</b>			
Roof Type	Insulation	Colour	Comments
Concrete with waterproofing membrane	None	Med - SA 0.475 - 0.70	All exposed roof as per plans
Metal Roof	R1.8 foil-faced blanket	Med - SA 0.475 - 0.70	All exposed roof as per plans
SA - Solar Absorptance			
<b>Glazing</b>			
Opening type	U-Value	SHGC	Glazing & Frame Type
Sliding + Fixed: <b>G.02, G.03, 1.02, 1.03</b>	4.8	0.59	e.g., Single glazed High performing Low-e clear Aluminium frame
Awning: <b>G.02, G.03, 1.02, 1.03</b>	4.8	0.51	e.g., Single glazed High performing Low-e clear Aluminium frame
Sliding + Fixed: <b>2.02, 2.03, 3.01</b>	4.1	0.52	e.g., Double glazed clear Aluminium frame
Awning: <b>2.02, 2.03, 3.01</b>	4.1	0.47	e.g., Double glazed clear Aluminium frame
U and SHGC values are based on the AFRC Default Windows Set. Glazing systems to be installed must have an equal or lower U value and a SHGC value ± 10% of the above specified values.			
<b>Skylights</b>			
Skylight Type	Frame Type		Comments
Velux - Fixed (U2.6 SHGC 0.24)	Timber and Aluminium		na
<b>Ceiling fans</b>			
Size	Location		Comments
1200mm diameter	Kitchen/Living area		Units: <b>1.02, 1.03, 2.02, 2.03, 3.01</b>

**KEY TO ARCHITECTURAL DRAWINGS**  
 1. Architectural drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to team 2 architects before proceeding with work.  
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DRAWING STATUS:		
<b>DEVELOPMENT APPROVAL</b>		
REV	REVISION DESCRIPTION	DATE
P1	FOR INFORMATION	05.08.22
P2	FOR INFORMATION	22.08.22
P3	Draft DA Issue	09.09.22
P4	DA Issue	13.09.22
P5	For Information	25.01.23
P6	RESPONSE TO COUNCIL RFI	30.01.23
P7	SA55 ISSUE	08.12.23
P8	Council RFI	06.02.24
P9	Council RFI #2	25.03.24
P10	Council RFI #3	05.06.24
P11	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
 Level 10, 255 George Street, Sydney NSW 2000

Client or Builder:  
 -  
 -

Project:  
**The Huntington**  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Cover Sheet**

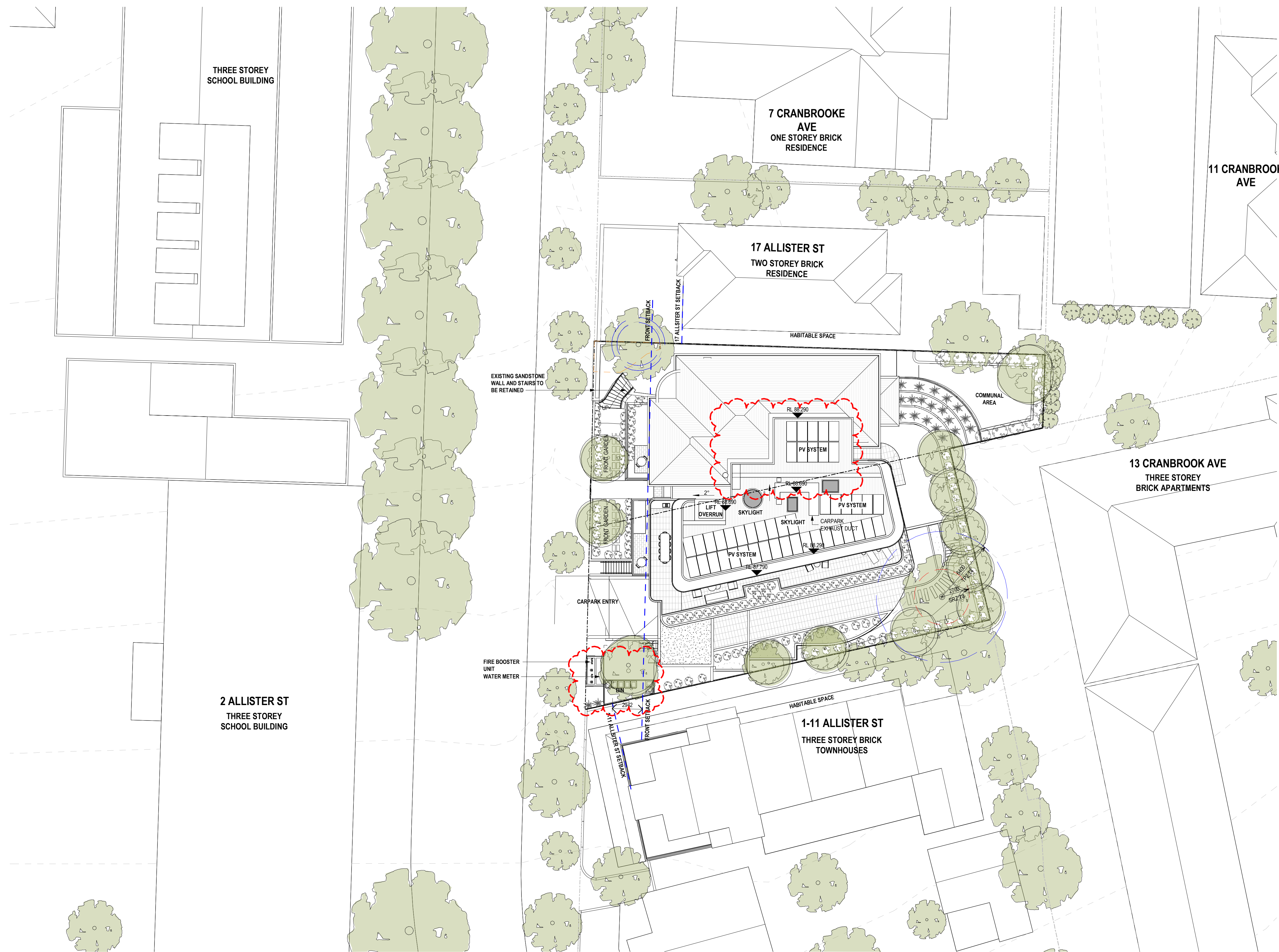
**TEAM 2 ARCHITECTS**  
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 E: info@team2.com.au  
 REG NO: 19940

MELBOURNE  
 204/9-11 Clarendon St  
 South Yarra VIC 3141  
 A/N: 72 104 833 807

REG VIC: 19340

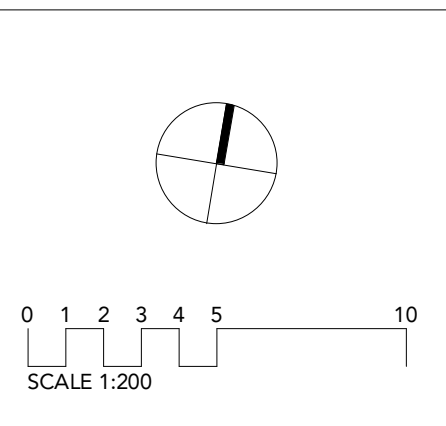
Project #	Scale	Doc	Sub
1197		EP	IN
Revision No.		Doc	
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P9	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:  
 -

Project:  
**The Huntington**  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Site Plan**

**TEAM 2 ARCHITECTS**  
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MELBOURNE  
 204/9-11 Clarendon St  
 South Yarra, VIC 3141  
 A/N: 72 104 833 507

Project #  
**1197**

Scale:  
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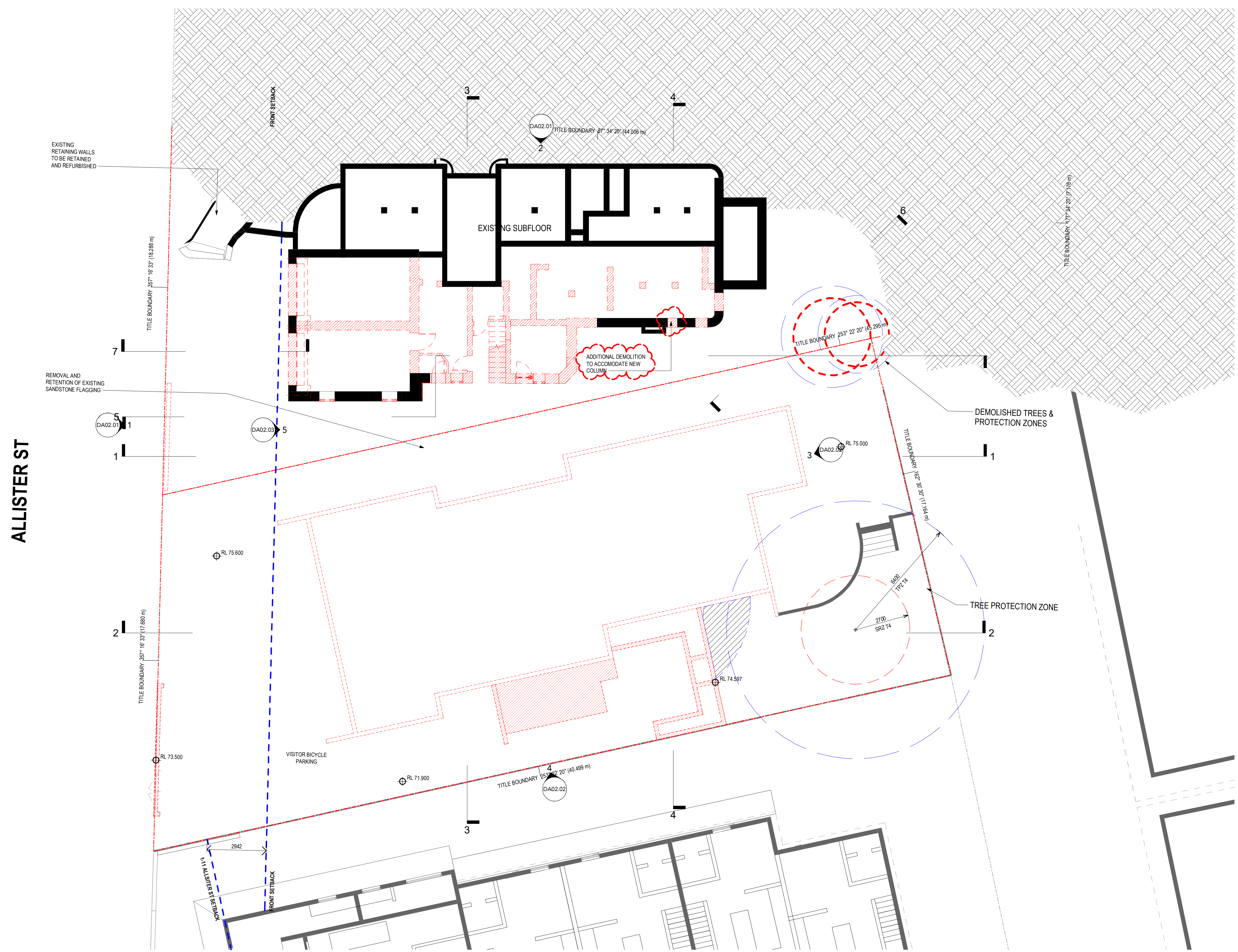
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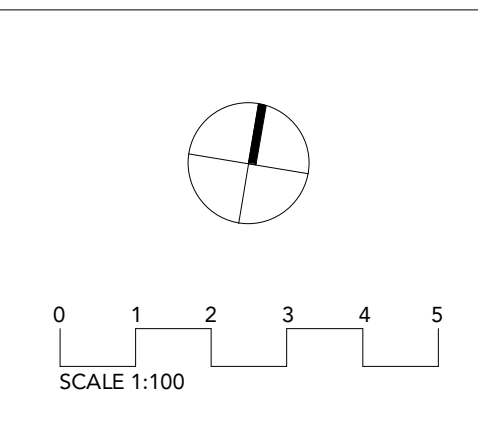
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P1	FOR REVIEW	10.06.22
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P7	S4.55 ISSUE	08.12.23
P8	Council RFI#4	08.07.24

Client or Builder:  
 WINIM Developments Pty Ltd  
 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:  
 -  
 -

Project:  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
 Existing Ground Floor Plan

**TEAM 2 ARCHITECTS**

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 South Yarra, VIC 3141  
 A/N: 72 104 833 807

REG VIC: 19340

Project # 1197  
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 Date indicated  
 Status EP  
 IN

DA01.04 P8



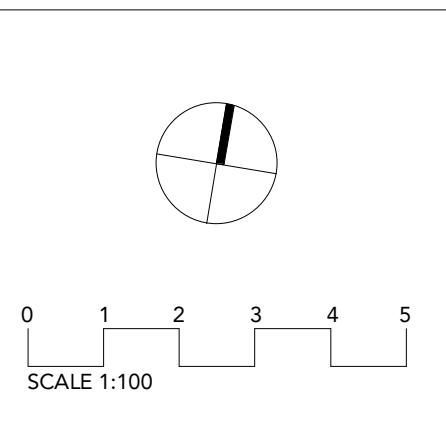


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P10	Council RFI#4	08.07.24

Client or Builder:  
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 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:  
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Project:  
**The Huntington**  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Existing Level 1 Plan**

**TEAM 2 ARCHITECTS**

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 South Yarra VIC 3141  
 A/N: 72 104 833 507

REG VIC: 19340

Project # 1197  
 Scale As  
 Date 04/11/24  
 Status EP IN  
 Revision No. indicated  
 Date: **P10**



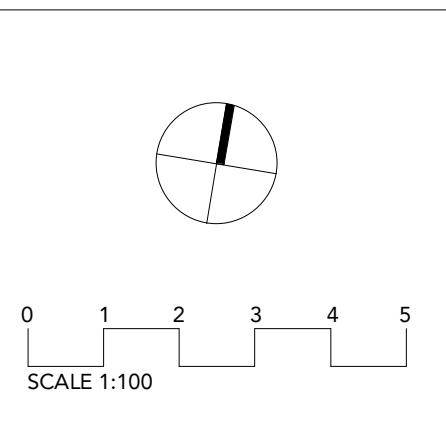


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P10	Council RFI#4	08.07.24

Client or Builder:  
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 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Project:  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
 Existing Level 2 Plan

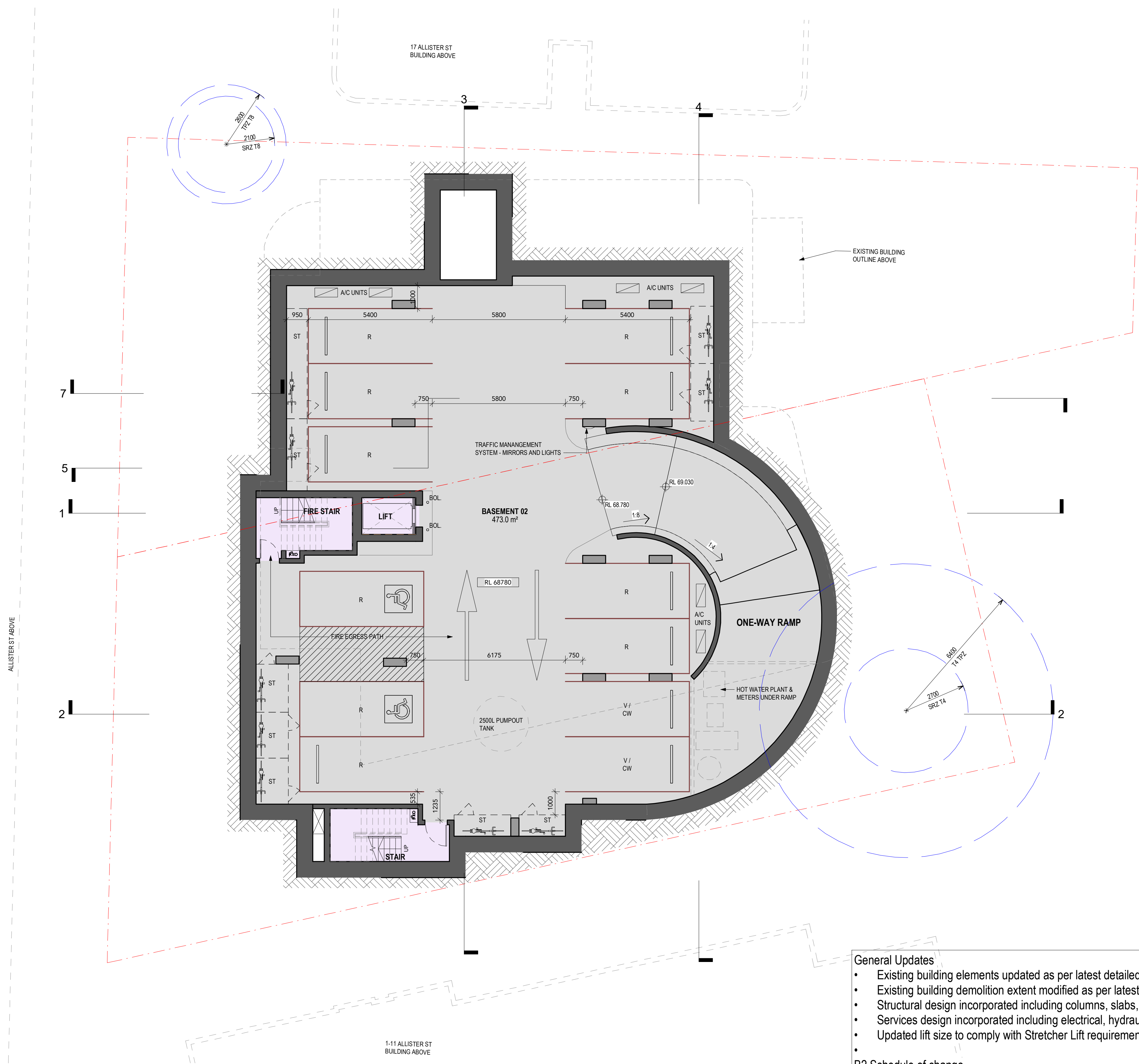
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 204/9-11 Claremont St  
 South Yarra VIC 3141  
 A/N: 72 104 833 507

REG VIC: 19340

Project #	Scale	Disc	Stat
1197	As	EP	IN
Drawn No:	indicated	Disc:	
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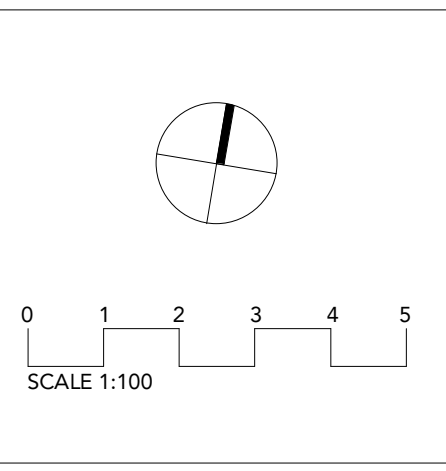


- General Updates**
- Existing building elements updated as per latest detailed survey e.g. wall locations, wall thicknesses, door & window sizes & positions
  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
- B2 Schedule of change**
- General reconfiguration of plant, parking, storage and bicycle provision
  - Lift size updated to comply with Stretcher Lift requirements
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.

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REV	REVISION DESCRIPTION	DATE
P4	FOR INFORMATION	29.07.22
P5	FOR INFORMATION	10.08.22
P6	FOR INFORMATION	22.08.22
P7	Client Review	05.09.22
P8	For Coordination	09.09.22
P9	Draft DA Issue	09.09.22
P10	DA Issue	13.09.22
P11	For Information	12.01.23
P12	For Information	23.01.23
P13	RESPONSE TO COUNCIL RFI	30.01.23
P14	S455 ISSUE	08.12.23
P15	Council RFI	06.02.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
Level 10, 255 George Street, Sydney NSW 2000

Client or Builder:  
-

Project:  
**The Huntington**  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Basement 2 Floor Plan**

**TEAM 2 ARCHITECTS**

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REG NO: 9940

MELBOURNE  
204/9-11 Clarendon St  
South Yarra VIC 3141  
ABN: 72 104 633 507

REG VIC: 19340

Project #  
**1197**

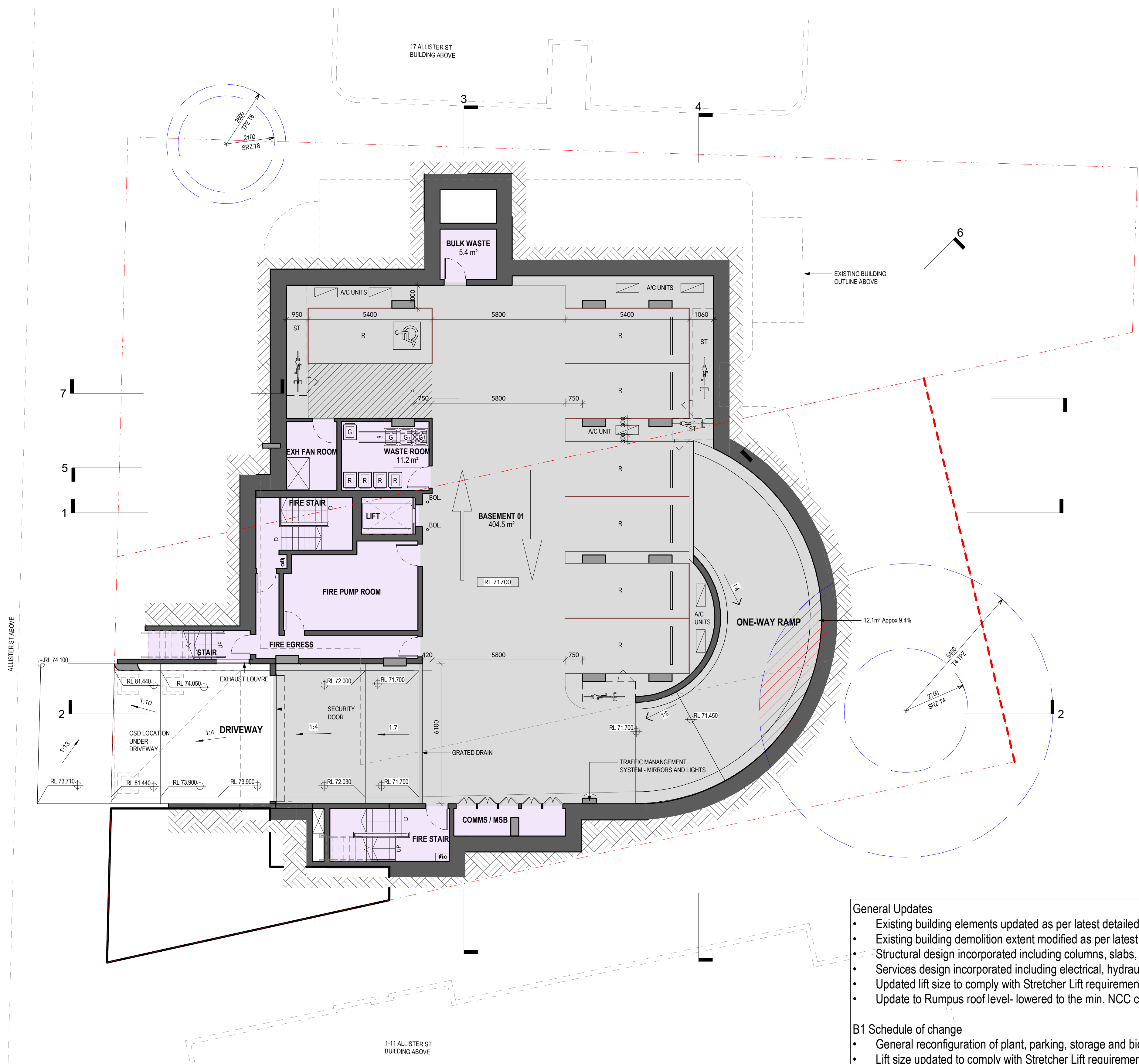
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Status  
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Drawings No.  
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Rev.  
**P15**

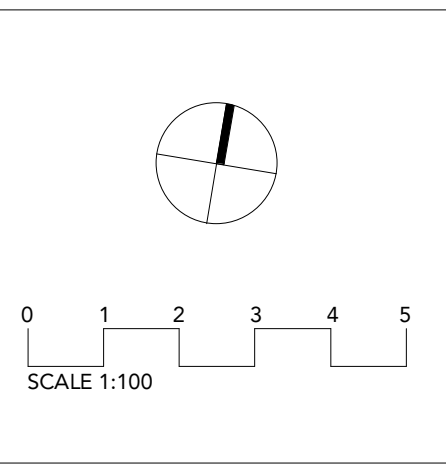


- General Updates**
- Existing building elements updated as per latest detailed survey e.g. wall locations, wall thicknesses, door & window sizes & positions
  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
  - Update to Rumpus roof level- lowered to the min. NCC compliant height
- B1 Schedule of change**
- General reconfiguration of plant, parking, storage and bicycle provision
  - Lift size updated to comply with Stretcher Lift requirements
  - Entry driveway & OSD/ RWT modified as per civil/ stormwater advice
  - Roller shutter & Basement entry position shifted west to allow for structural transfer of columns in S-E unit balconies
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.

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REV	REVISION DESCRIPTION	DATE
P6	FOR INFORMATION	22.08.22
P7	Client Review	05.09.22
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P17	Council RFI #2	25.03.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:  
 -  
 -

Project:  
**The Huntington**  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Basement 1 Floor Plan**

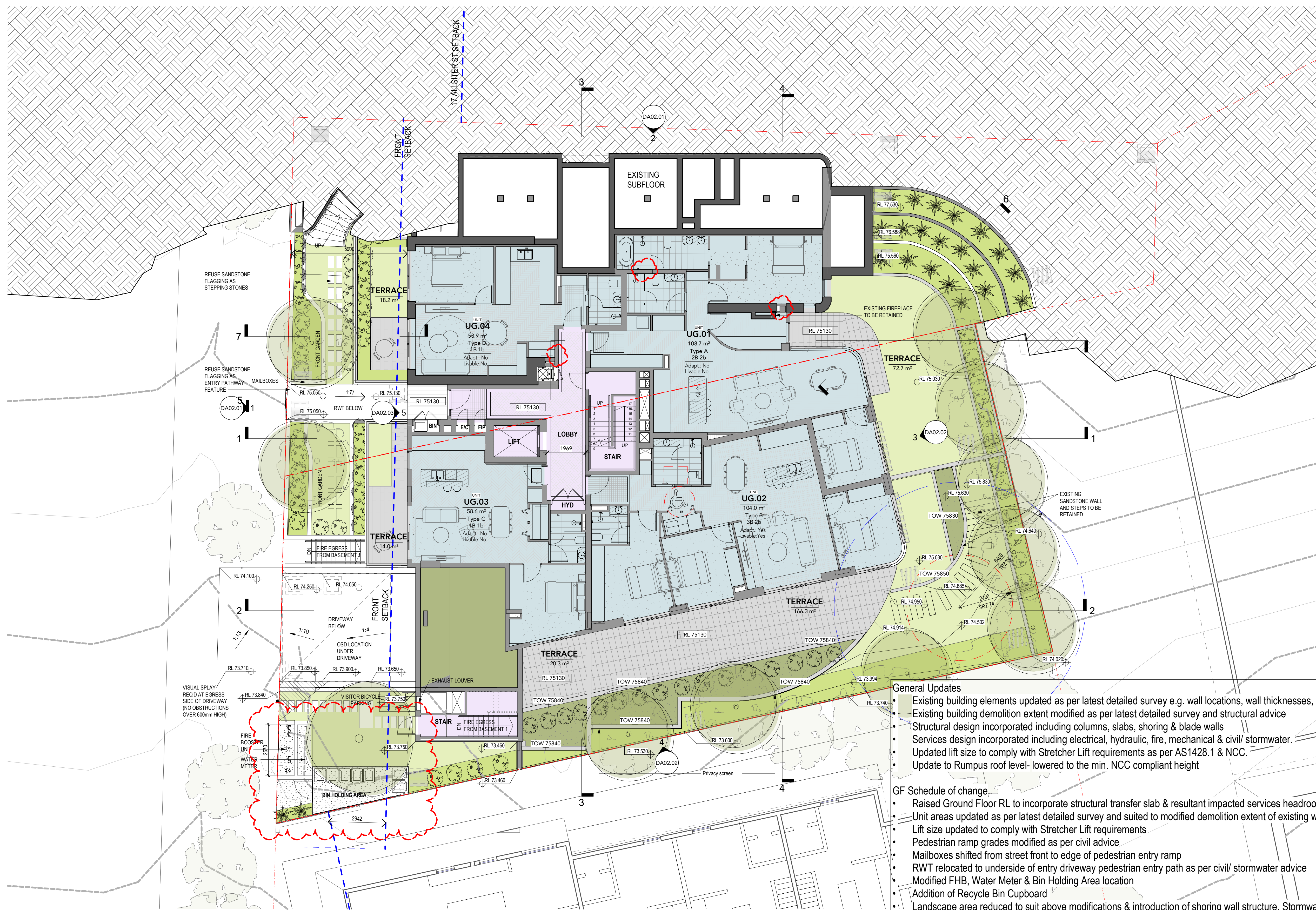
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 E: info@team2.com.au  
 REG NO: 9940

MELBOURNE  
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 South Yarra VIC 3141  
 ABN: 72 104 633 507

REG VIC: 19340

Project #	Scale	Doc	Sub
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Revision No.		Rev	
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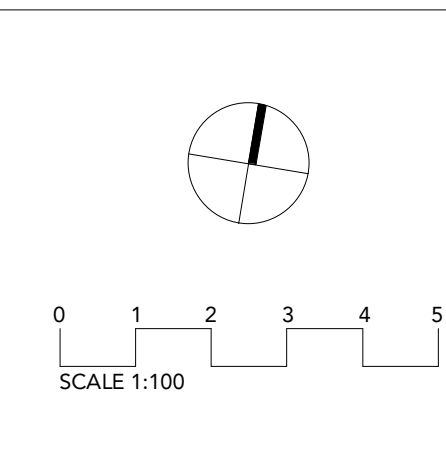


- General Updates**
- Existing building elements updated as per latest detailed survey e.g. wall locations, wall thicknesses, door & window sizes & positions
  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
  - Update to Rumpus roof level- lowered to the min. NCC compliant height
- GF Schedule of change**
- Raised Ground Floor RL to incorporate structural transfer slab & resultant impacted services headroom clearances on Basement 1
  - Unit areas updated as per latest detailed survey and suited to modified demolition extent of existing walls
  - Lift size updated to comply with Stretcher Lift requirements
  - Pedestrian ramp grades modified as per civil advice
  - Mailboxes shifted from street front to edge of pedestrian entry ramp
  - RWT relocated to underside of entry driveway pedestrian entry path as per civil/ stormwater advice
  - Modified FHB, Water Meter & Bin Holding Area location
  - Addition of Recycle Bin Cupboard
  - Landscape area reduced to suit above modifications & introduction of shoring wall structure. Stormwater pits and privacy screens added
  - Minor internal layout changes due to incorporation of Structural design including columns, slabs & blade walls
  - Minor internal layout changes due to incorporation of Services design including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated Bin Holding Area for streetscape improvement.
  - Demolish an additional section of the existing wall to accommodate a new column supporting the extension of level 3.
  - Additional columns added at another 2 locations as per advice from structure eng.

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P19	Council RFI #3	05.06.24
P20	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
Level 10, 255 George Street, Sydney NSW 2000

Client or Builder:  
The Huntington  
13-15 Allister Street, Cremorne Lot 1, DP439695 & Lot 29 DP8862

Project:  
The Huntington  
13-15 Allister Street, Cremorne Lot 1, DP439695 & Lot 29 DP8862

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204/9-11 Clarendon St  
South Yarra VIC 3141  
ABN: 72 104 833 507

Project #  
1197

Scale  
1 : 100

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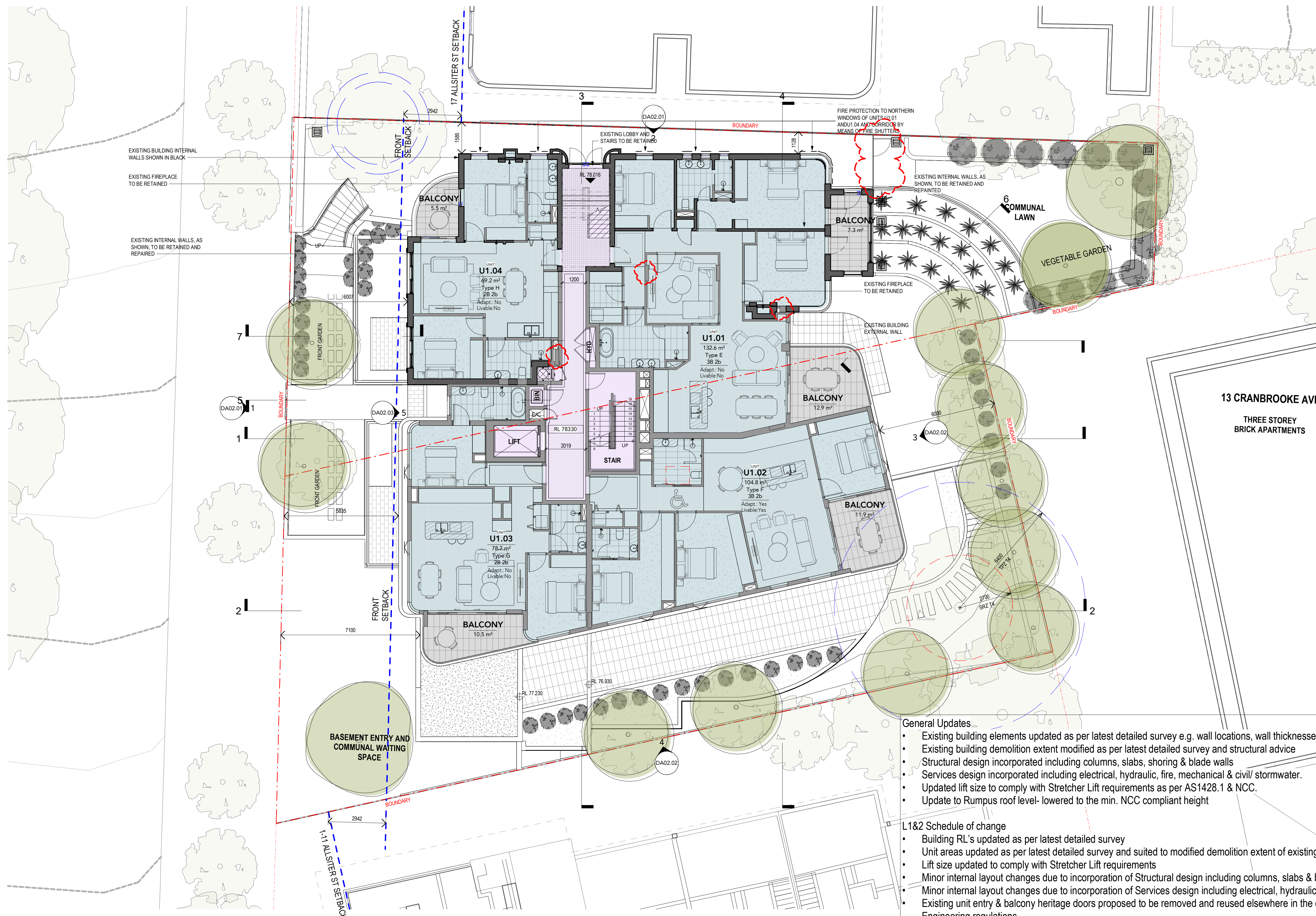
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P20





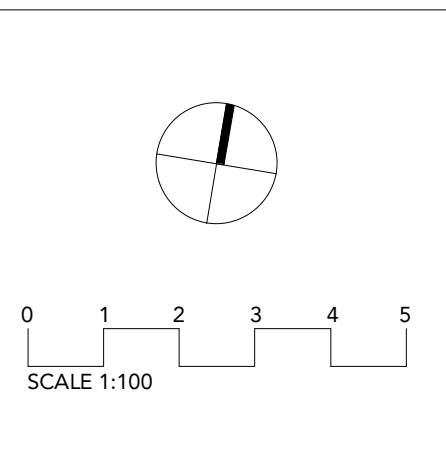
13 CRANBROOKE AVE  
THREE STOREY  
BRICK APARTMENTS

- General Updates**
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  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
  - Update to Rumpus roof level- lowered to the min. NCC compliant height
- L1&2 Schedule of change**
- Building RL's updated as per latest detailed survey
  - Unit areas updated as per latest detailed survey and suited to modified demolition extent of existing walls
  - Lift size updated to comply with Stretcher Lift requirements
  - Minor internal layout changes due to incorporation of Structural design including columns, slabs & blade walls
  - Minor internal layout changes due to incorporation of Services design including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Existing unit entry & balcony heritage doors proposed to be removed and reused elsewhere in the development to comply with Fire Engineering regulations
  - Fire shutters added to northern windows of existing building as means of fire protection
  - Demolish an additional section of the existing wall to accommodate a new column supporting the extension of level 3.
  - Additional columns added at another 2 locations as per advice from structure eng.
  - Additional gate and fence added for communal garden.

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DRAWING STATUS:

REV	REVISION DESCRIPTION	DATE
P6	FOR INFORMATION	22.08.22
P7	Client Review	05.09.22
P8	For Coordination	09.09.22
P9	Draft DA Issue	09.09.22
P10	DA Issue	13.09.22
P11	For Information	12.01.23
P12	For Information	25.01.23
P13	RESPONSE TO COUNCIL RFI	30.01.23
P14	S455 ISSUE	08.12.23
P15	Council RFI	06.02.24
P16	Council RFI #2	25.03.24
P17	Council RFI#4	08.07.24

Client or Builder:  
WINIM Developments Pty Ltd  
Level 10, 255 George Street, Sydney  
NSW 2000

Client or Builder:  
The Huntington  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Project:  
The Huntington  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

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REG NO: 19940

MELBOURNE  
204/9-11 Clarendon St  
South Yarra VIC 3141  
ABN: 72 104 633 507

REG VIC: 19340

Project # 1197  
Scale 1:100  
Date 08/07/24

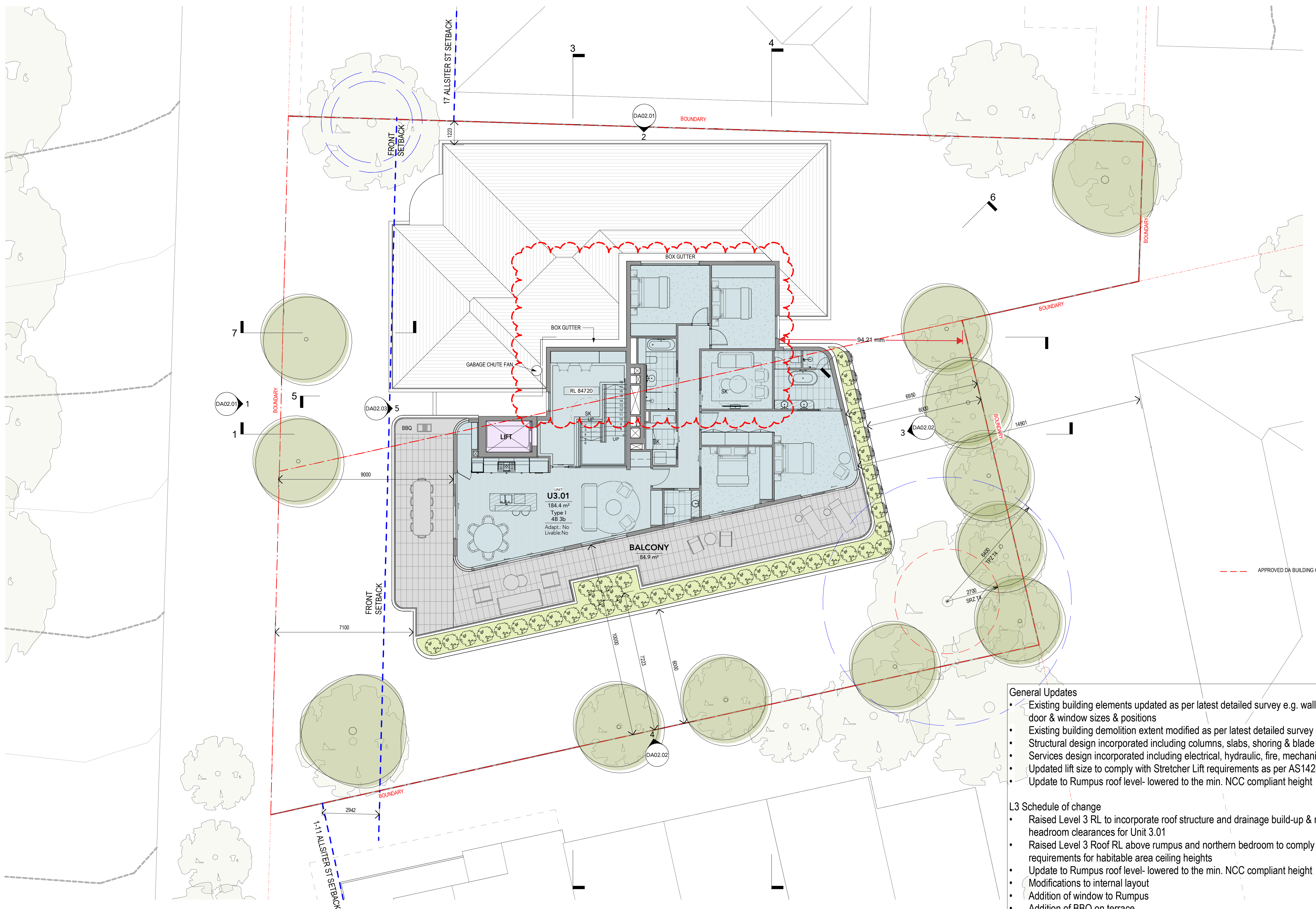
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Sub: IN

DA01.14 P17







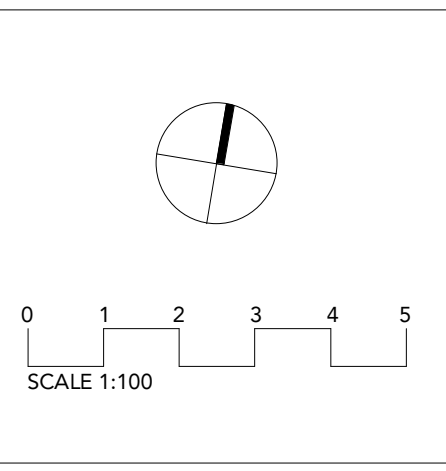


- General Updates**
- Existing building elements updated as per latest detailed survey e.g. wall locations, wall thicknesses, door & window sizes & positions
  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
  - Update to Rumpus roof level- lowered to the min. NCC compliant height
- L3 Schedule of change**
- Raised Level 3 RL to incorporate roof structure and drainage build-up & resultant impacted services headroom clearances for Unit 3.01
  - Raised Level 3 Roof RL above rumpus and northern bedroom to comply with ADG and NCC requirements for habitable area ceiling heights
  - Update to Rumpus roof level- lowered to the min. NCC compliant height
  - Modifications to internal layout
  - Addition of window to Rumpus
  - Addition of BBQ on terrace
  - Deletion of window from Master Ensuite shower for waterproofing compliance
  - Re-layout level 3 with Rumpus located to the back of the building.
  - Update to Garbage Chute- chute access to Level 3 deleted. Residents of Level 3 to use stairs to access Recycle Cupboard & Garbage Chute on Level 2

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P8	For Coordination	09.09.22
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P18	Council RFI #3	05.06.24
P19	Council RFI#4	08.07.24

Client or Builder: WINIM Developments Pty Ltd  
Level 10, 255 George Street, Sydney NSW 2000

Project # 1197  
Scale: As  
Date: 08.07.24

Project Name: The Huntington  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

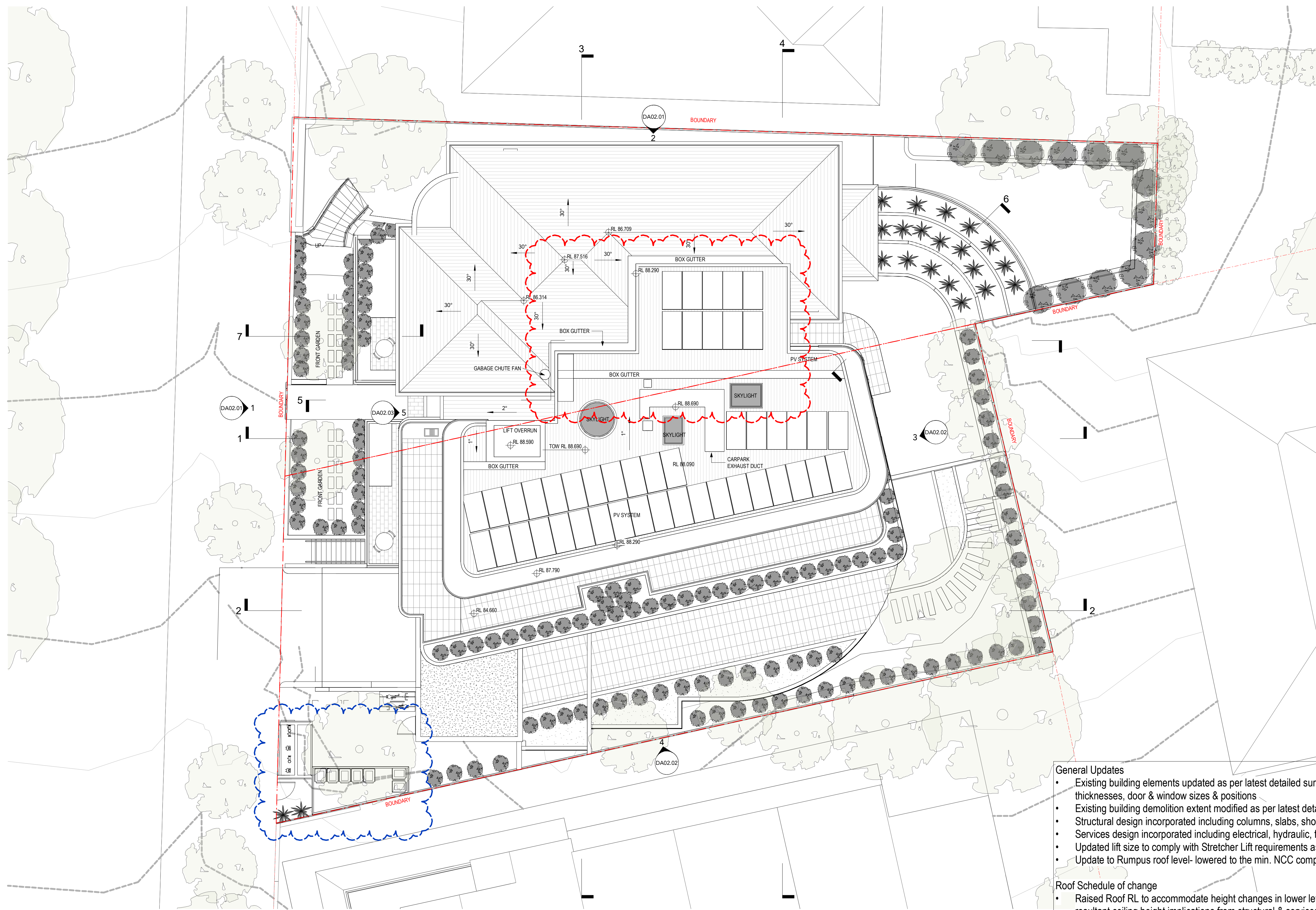
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ABN: 72 104 833 507

REG VIC: 19340

Project # 1197  
Scale: As  
Date: 08.07.24  
Status: EP IN  
Drawing No: DA01.16  
Sheet: P19



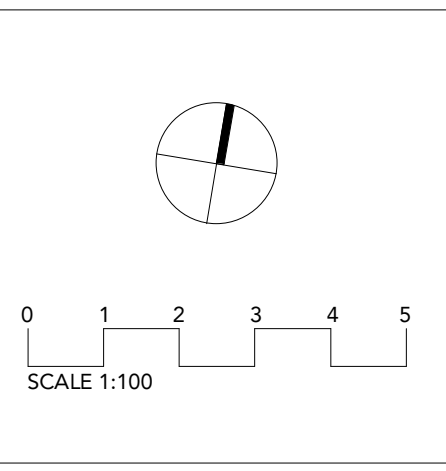


- General Updates**
- Existing building elements updated as per latest detailed survey e.g. wall locations, wall thicknesses, door & window sizes & positions
  - Existing building demolition extent modified as per latest detailed survey and structural advice
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Updated lift size to comply with Stretcher Lift requirements as per AS1428.1 & NCC.
  - Update to Rumpus roof level- lowered to the min. NCC compliant height.
- Roof Schedule of change**
- Raised Roof RL to accommodate height changes in lower levels as per latest detailed survey and resultant ceiling height implications from structural & services coordination
  - Concrete roof modified to lightweight structure
  - Structural design incorporated including columns, slabs, shoring & blade walls
  - Services design incorporated including electrical, hydraulic, fire, mechanical & civil/ stormwater.
  - Roof modified to capture changes in level 3.

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P16	Council RFI #3	05.06.24
P17	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
Level 10, 255 George Street, Sydney  
NSW 2000

Client or Builder:  
-

Project:  
**The Huntington**  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Roof Plan**

**TEAM 2 ARCHITECTS**

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South Yarra VIC 3141  
ABN: 72 148 633 507

REG VIC: 19340

Project #  
**1197**

Scale  
**1 : 100**

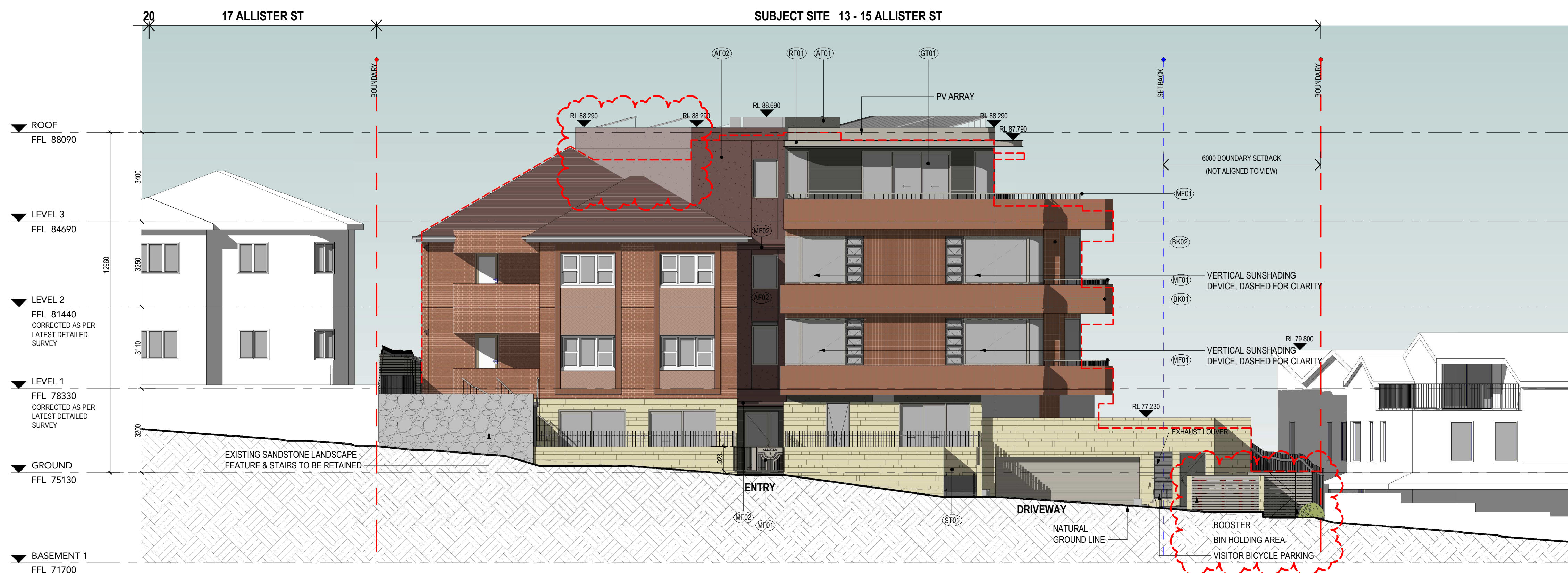
Disc  
**EP**

Sub  
**IN**

Drawn No.  
**DA01.17**

Rev.  
**P17**





**Material Legend**

	AF01 FINISH LOCATION	APPLIED FINISH, EQ TO 'COLORBOND WOODLAND GREY' EXTERNAL WALLS
	AF02 FINISH LOCATION	APPLIED FINISH, EQ TO 'BURNISH COPPER' EXTERNAL WALLS
	BK01 FINISH LOCATION	FACE BRICK, EQ TO 'AUSTRAL GERTRUDES BROWN' EXTERNAL WALLS
	BK02 FINISH LOCATION	TILE CLADDING, EQ TO 'AUSTRAL CAPITOL RED' EXTERNAL WALLS
	GT01 FINISH LOCATION	CLEAR GLAZING GLAZED DOORS AND WINDOWS
	MC01 FINISH LOCATION	HORIZONTAL CLADDING 'COLORBOND WOODLAND GREY' EXTERNAL WALLS
	MF01 FINISH LOCATION	METAL FINISH 'COLORBOND WOODLAND GREY' WINDOWS & DOORS, METAL WORK AND BALUSTRADES
	MF02 FINISH LOCATION	METAL FINISH 'BURNISH COPPER' WINDOWS & DOORS, METAL WORK AND BALUSTRADES
	RF01 FINISH LOCATION	METAL DECK ROOFING 'COLORBOND WOODLAND GREY' ROOF, AWNINGS AND FLASHING
	RF02 FINISH LOCATION	METAL DECK ROOF 'COLORBOND BURNISH COPPER' AWNINGS AND FLASHING
	ST01 FINISH LOCATION	SANDSTONE SPLITFACE CLADDING EXTERNAL WALLS, FRONT FENCE AND PLANTERS

1 - WEST ELEVATION

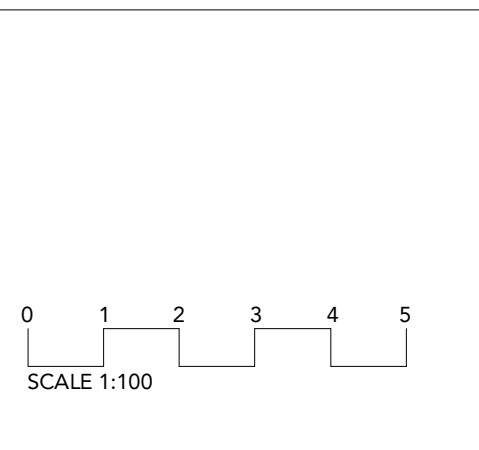


2 - NORTH ELEVATION

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P3	Draft DA Issue	09.09.22
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P9	\$4.55 ISSUE	08.12.23
P10	Council RFI #1	06.02.24
P11	Council RFI #2	25.03.24
P12	Council RFI #3	05.06.24
P13	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
Level 10, 255 George Street, Sydney NSW 2000

Client or Builder:  
-

Project:  
**The Huntington**  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Title:  
Elevations

**TEAM 2 ARCHITECTS**

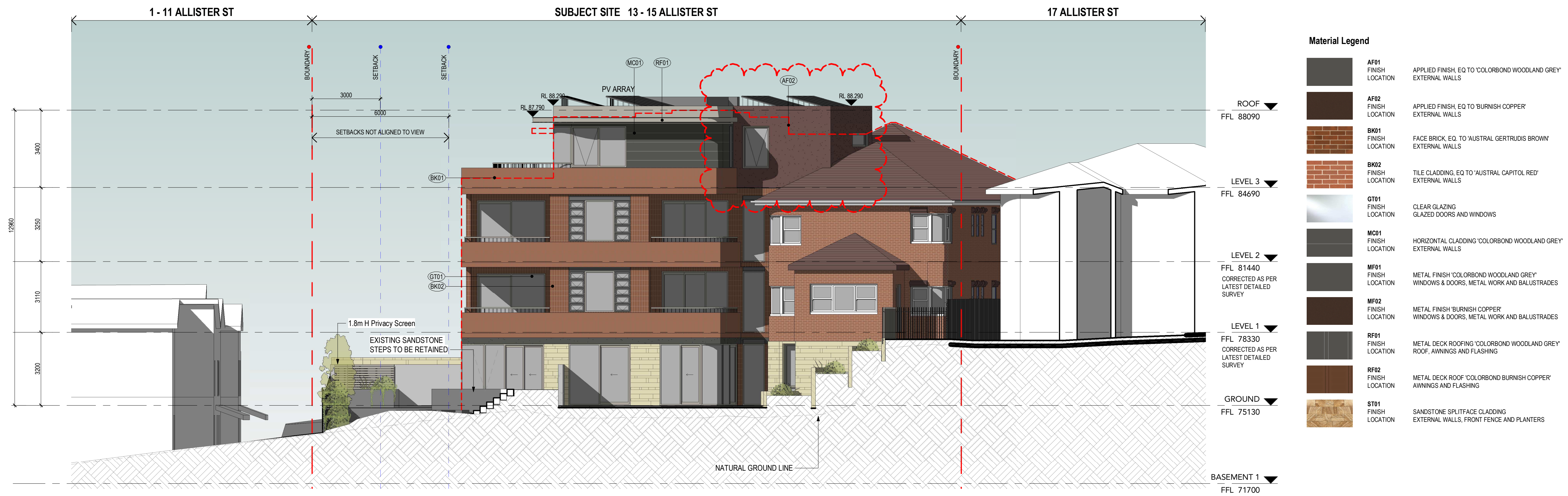
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South Yarra VIC 3141  
ABN: 72 104 833 507  
REG VIC: 19340

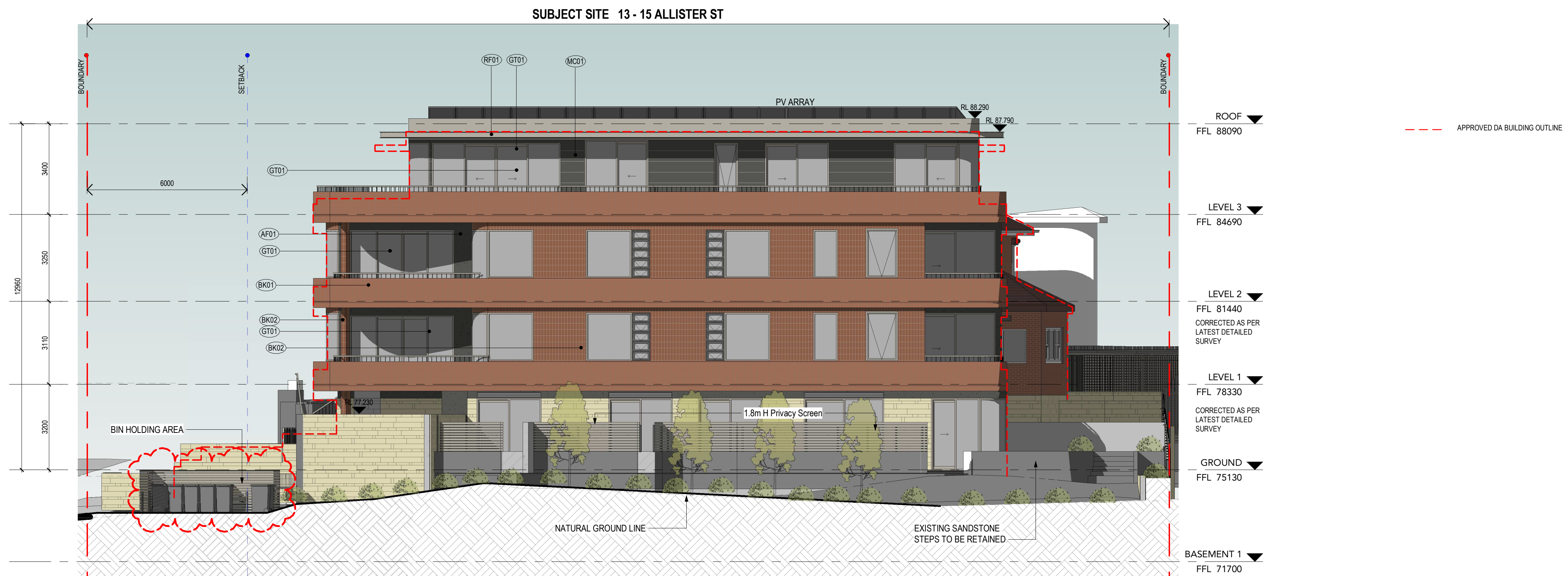
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Status IN

DA02.01 P13





3 - EAST ELEVATION

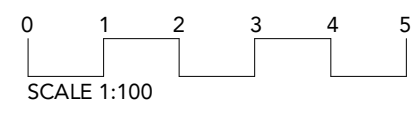


4 - SOUTH ELEVATION

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P12	Council RFI #4	08.07.24



Client or Builder: WINIM Developments Pty Ltd  
 Level 10, 255 George Street, Sydney NSW 2000

Client or Builder: -  
 Project: The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

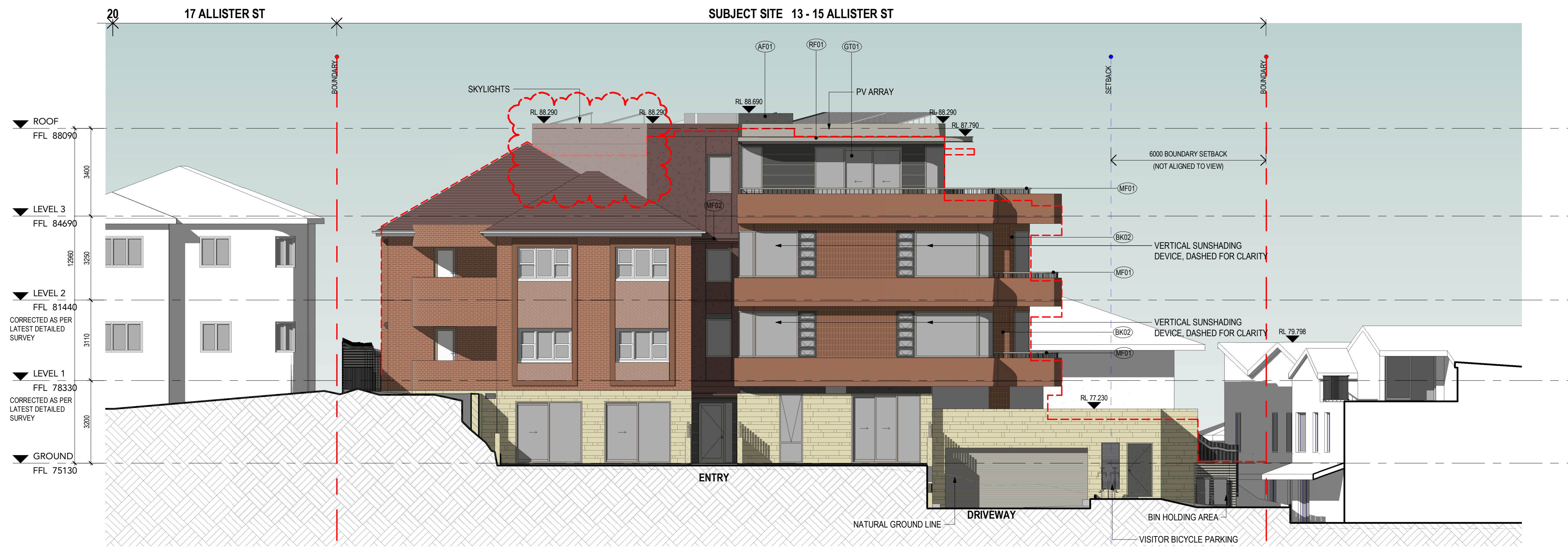
Project: The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

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MELBOURNE  
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 South Yarra VIC 3141  
 ABN: 72 104 833 507

Project # 1197 Scale: As  
 Date: 04/11/24  
 Status: EP IN  
 Drawn: indicated  
 Title: Elevations  
 Drawing No: DA02.02  
 Rev: P13





**Material Legend**

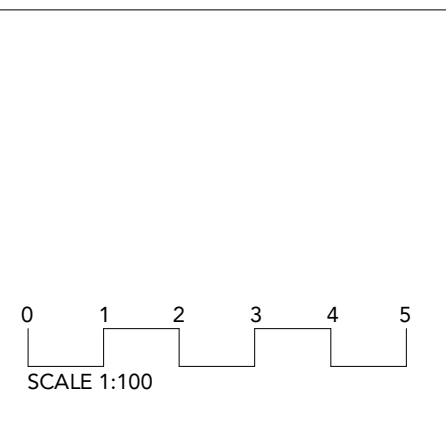
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5 - WEST ELEVATION (INTERNAL)

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P9	Council RFI#4	08.07.24

Client or Builder:  
**WINIM Developments Pty Ltd**  
Level 10, 255 George Street, Sydney  
NSW 2000

Client or Builder:  
-

Project:  
**The Huntington**  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Title:  
**Elevations**

**TEAM 2 ARCHITECTS**

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South Yarra VIC 3141  
ABN: 72 104 633 507

REG VIC: 19340

Project #  
**1197**

Scale:  
**1 : 100**

Drawn by:  
**EP**

Checked by:  
**IN**

Drawn by:  
**DA02.03**

Checked by:  
**P9**





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Client or Builder:

WINIM Developments Pty Ltd  
 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder:

The Huntington

13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Perspectives



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 REG NO: 19940

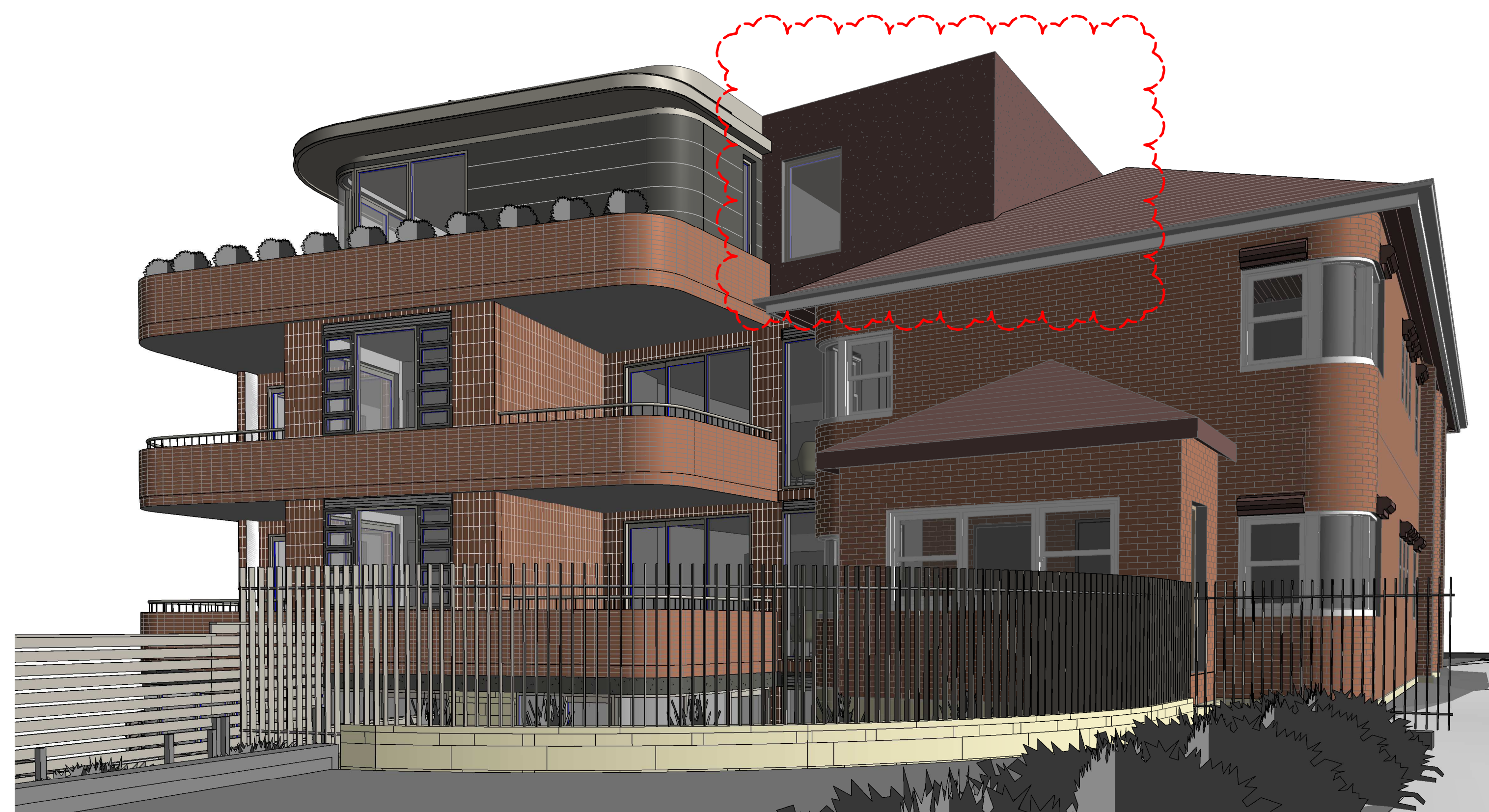
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 204/9-11 Clarendon St  
 South Yarra VIC 3141  
 A/N: 72 104 833 507

REG VIC: 19340

Project # 1197  
 Scale: -  
 Date: 08/07/24  
 Drawn by: EP  
 Checked by: IN

DA02.04 P9





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P6	Council RFI#4	08.07.24

Client or Builder:

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 Level 10, 255 George Street, Sydney  
 NSW 2000

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13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Perspectives



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 St Leonards NSW 2065  
 T: + 61 2 9432 3166  
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 REG NO: 19940

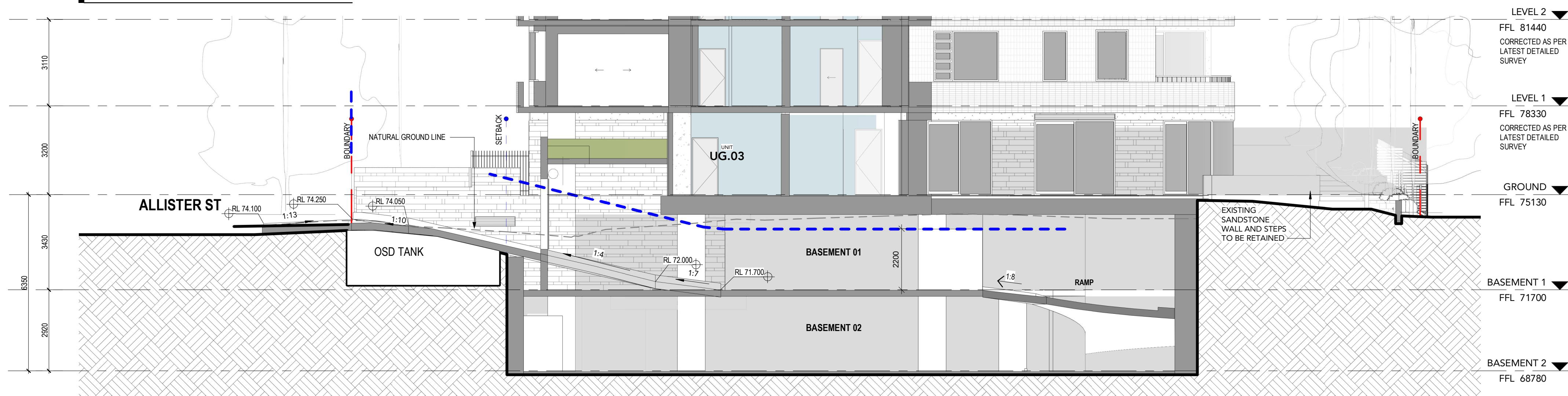
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 204/9-11 Clarendon St  
 South Yarra VIC 3141  
 A/N: 72 104 833 507

Project # 1197  
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 Date: 08/07/24  
 Drawn by: EP  
 Checked by: IN  
 Drawing No: DA02.06  
 Revision: P6





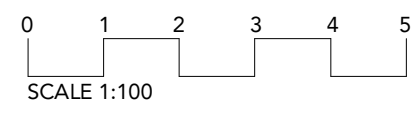
Section 1



Section 2

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P2	FOR INFORMATION	22.08.22
P3	Draft DA Issue	09.09.22
P4	DA Issue	13.09.22
P5	For Information	25.01.23
P6	RESPONSE TO COUNCIL RFI	30.01.23
P7	RFI ISSUE	21.04.23
P8	S4.55 ISSUE	08.12.23
P9	Council RFI #2	25.03.24
P10	Council RFI #3	05.06.24
P11	Council RFI#4	08.07.24

Client or Builder  
 WINIM Developments Pty Ltd  
 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Project  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

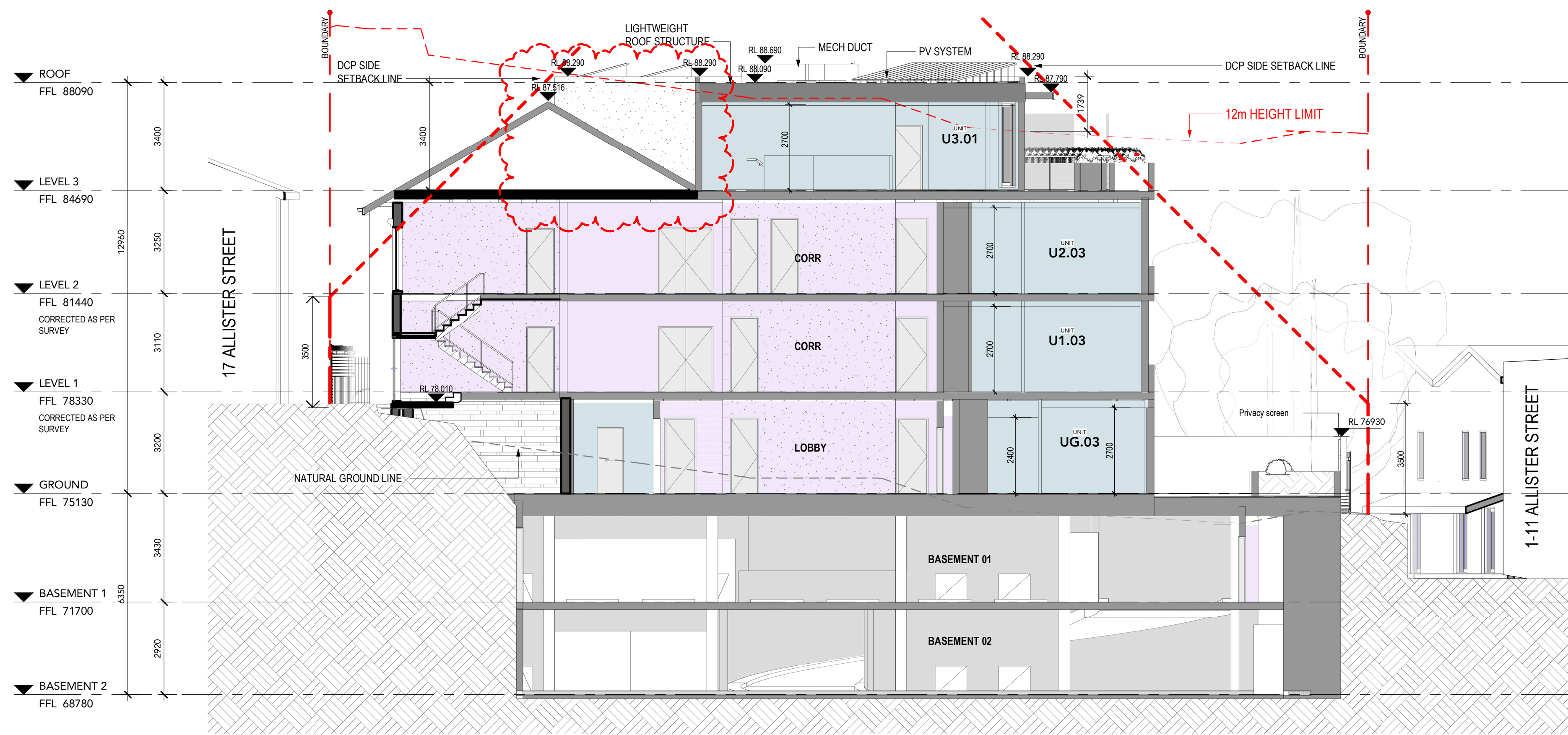
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 REG NO: 19940

MELBOURNE  
 204/9-11 Claremont St  
 South Yarra, VIC 3141  
 A/N: 72 104 833 507

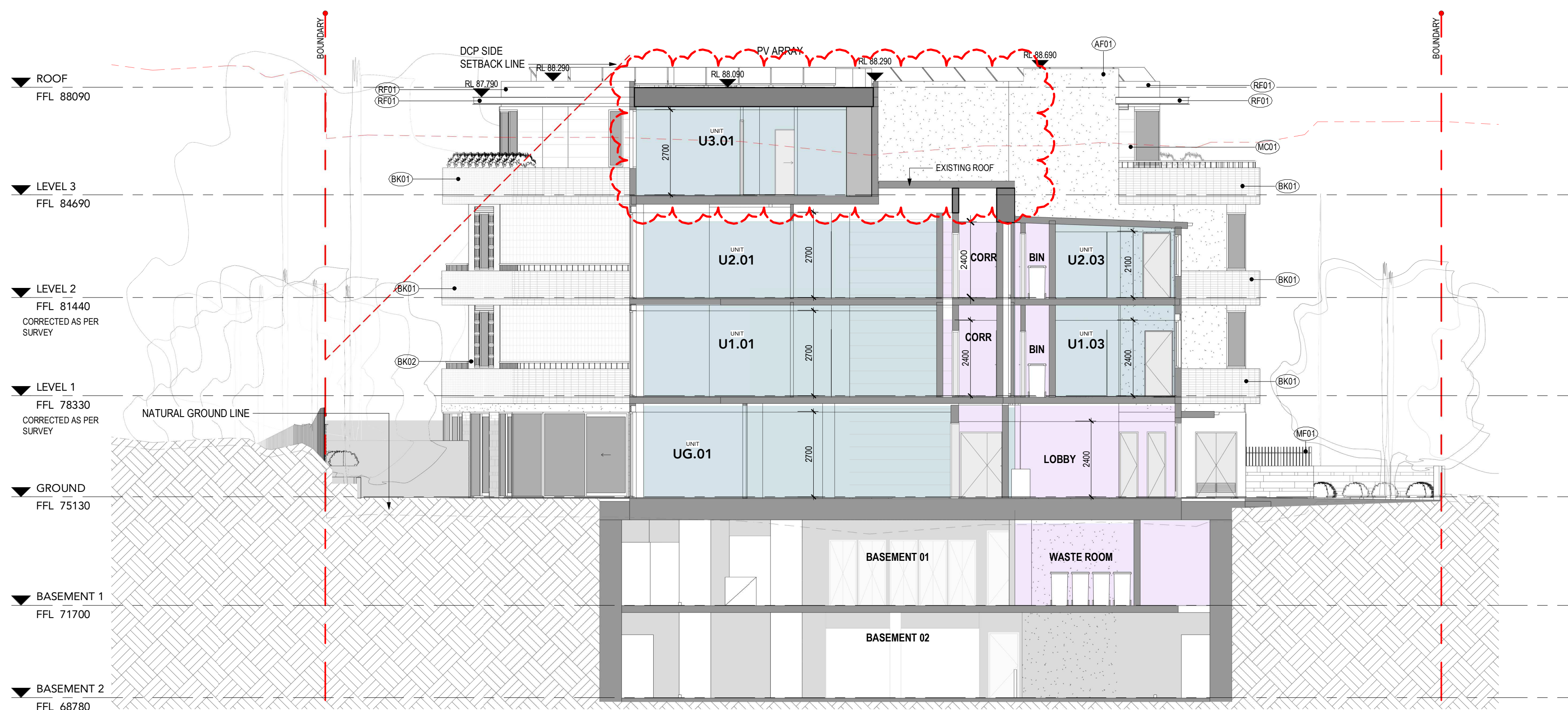
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 Date 11/08/24  
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 Checked by IN

REG VIC: 19340  
 DA03.01  
 P11





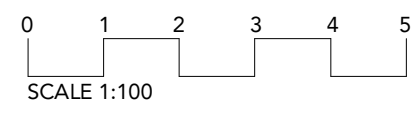
Section 3



Section 5

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P11	Council RFI #3	05.06.24
P12	Council RFI#4	08.07.24

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 Level 10, 255 George Street, Sydney  
 NSW 2000

Client or Builder  
 -  
 -

Project  
**The Huntington**  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title  
**Sections**

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 South Yarra VIC 3141  
 ABN: 72 104 833 507

REG VIC: 19340

Project #  
**1197**

Scale  
**1 : 100**

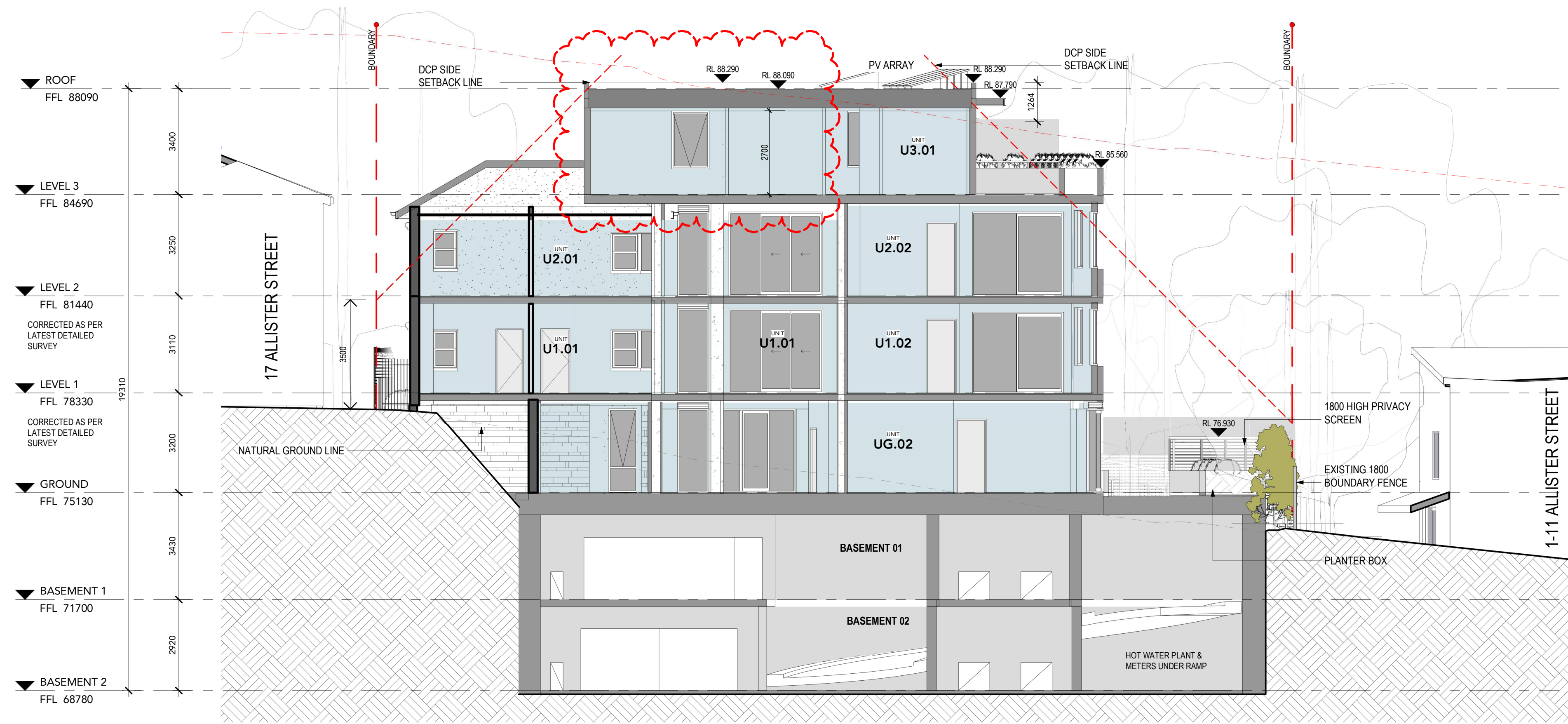
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Checked  
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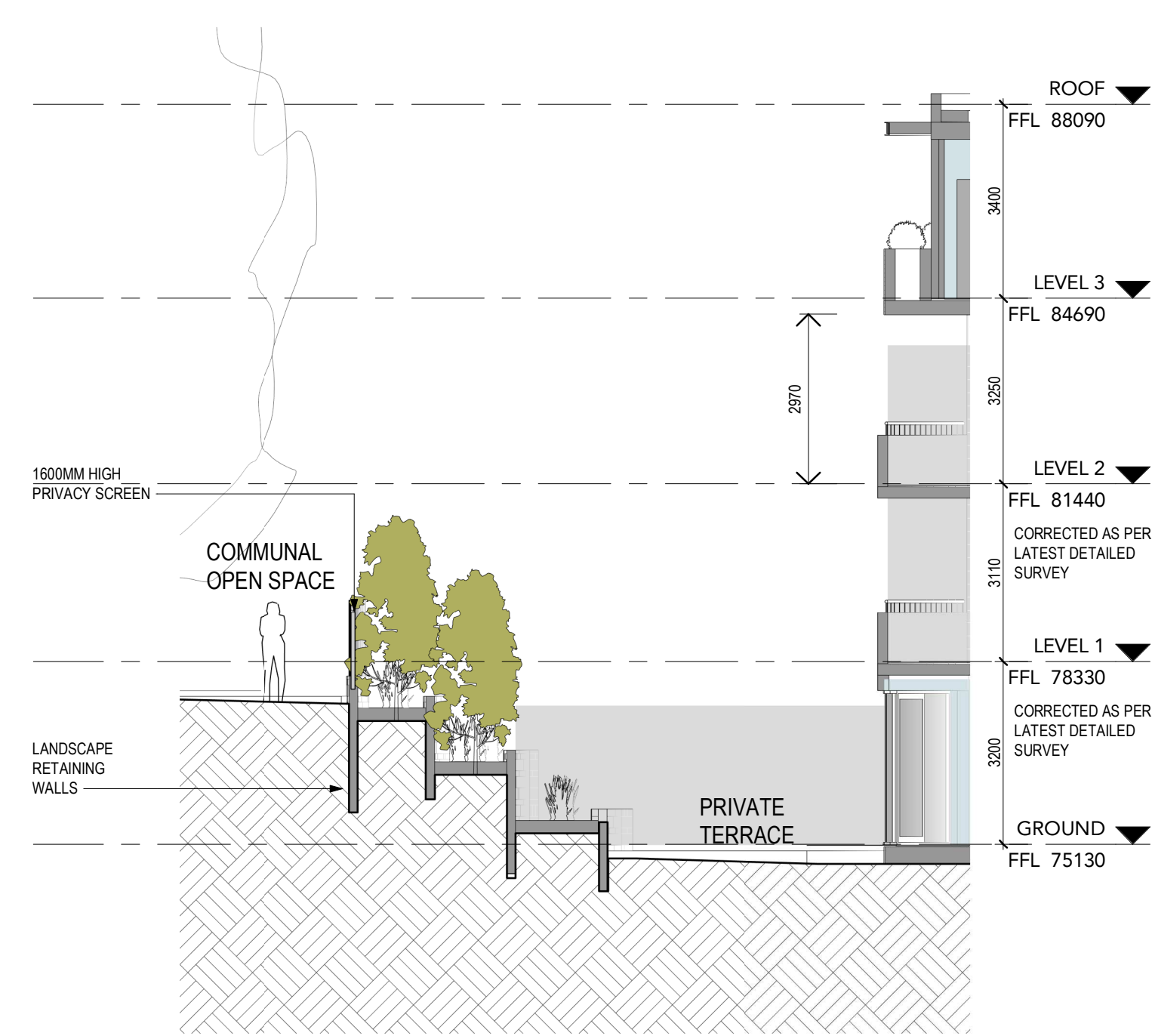
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Rev.  
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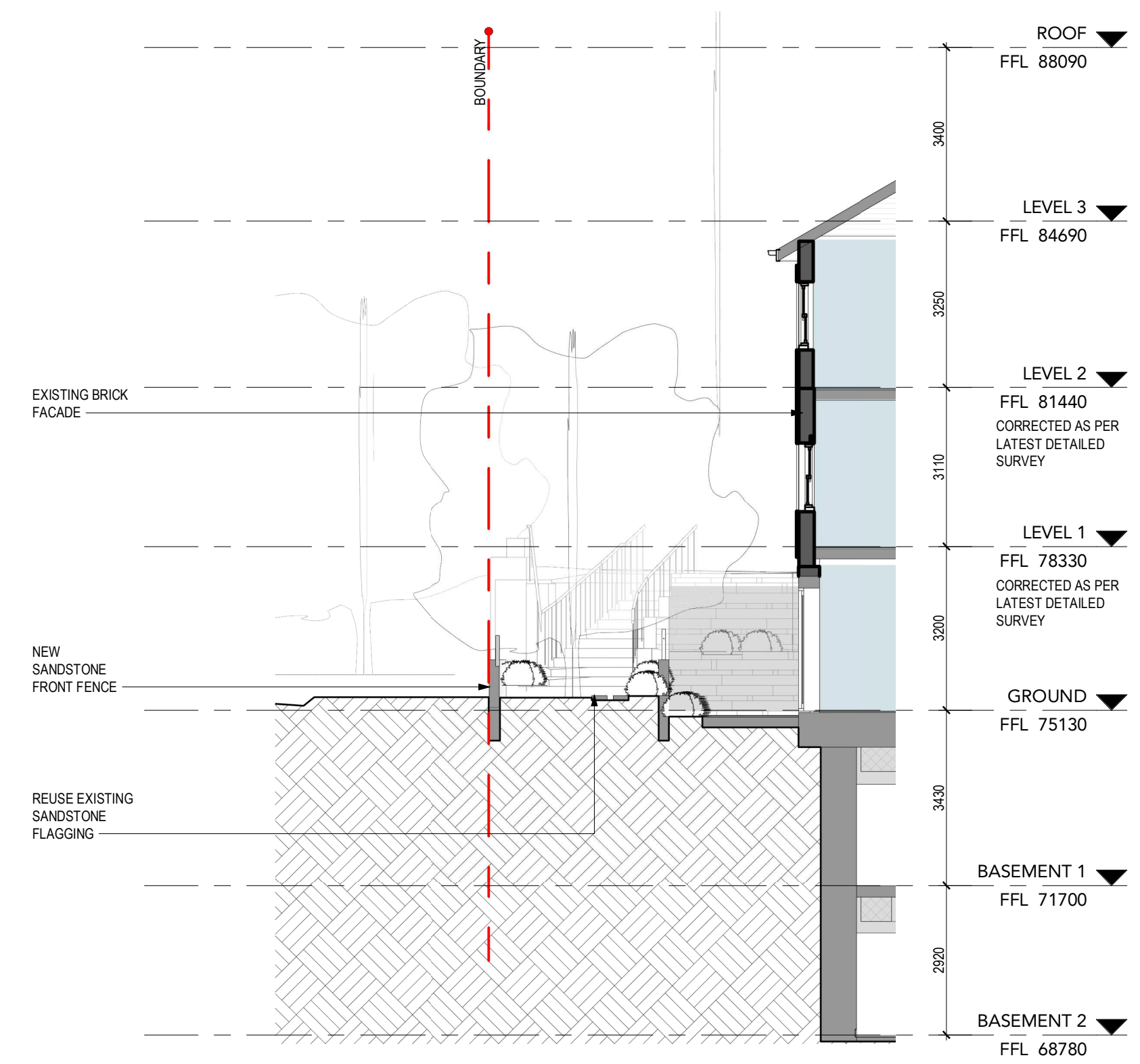




Section 4



Section 6

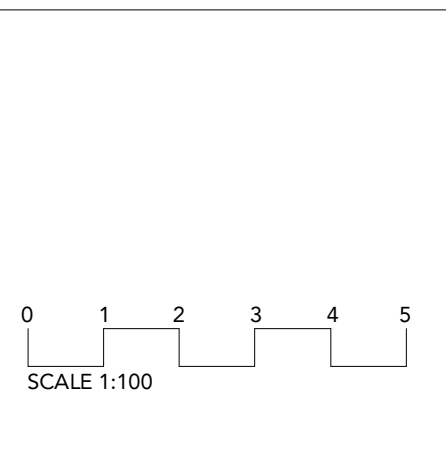


Section 7

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P5	Council RFI#4	08.07.24

Client or Builder  
WINIM Developments Pty Ltd  
Level 10, 255 George Street, Sydney  
NSW 2000

Client or Builder  
Project #  
1197  
Scale  
1 : 100  
Date  
04/11/24  
Status  
IN

Project  
The Huntington  
13-15 Allister Street, Cremorne  
Lot 1, DP439695 & Lot 29 DP8862

Title  
Sections

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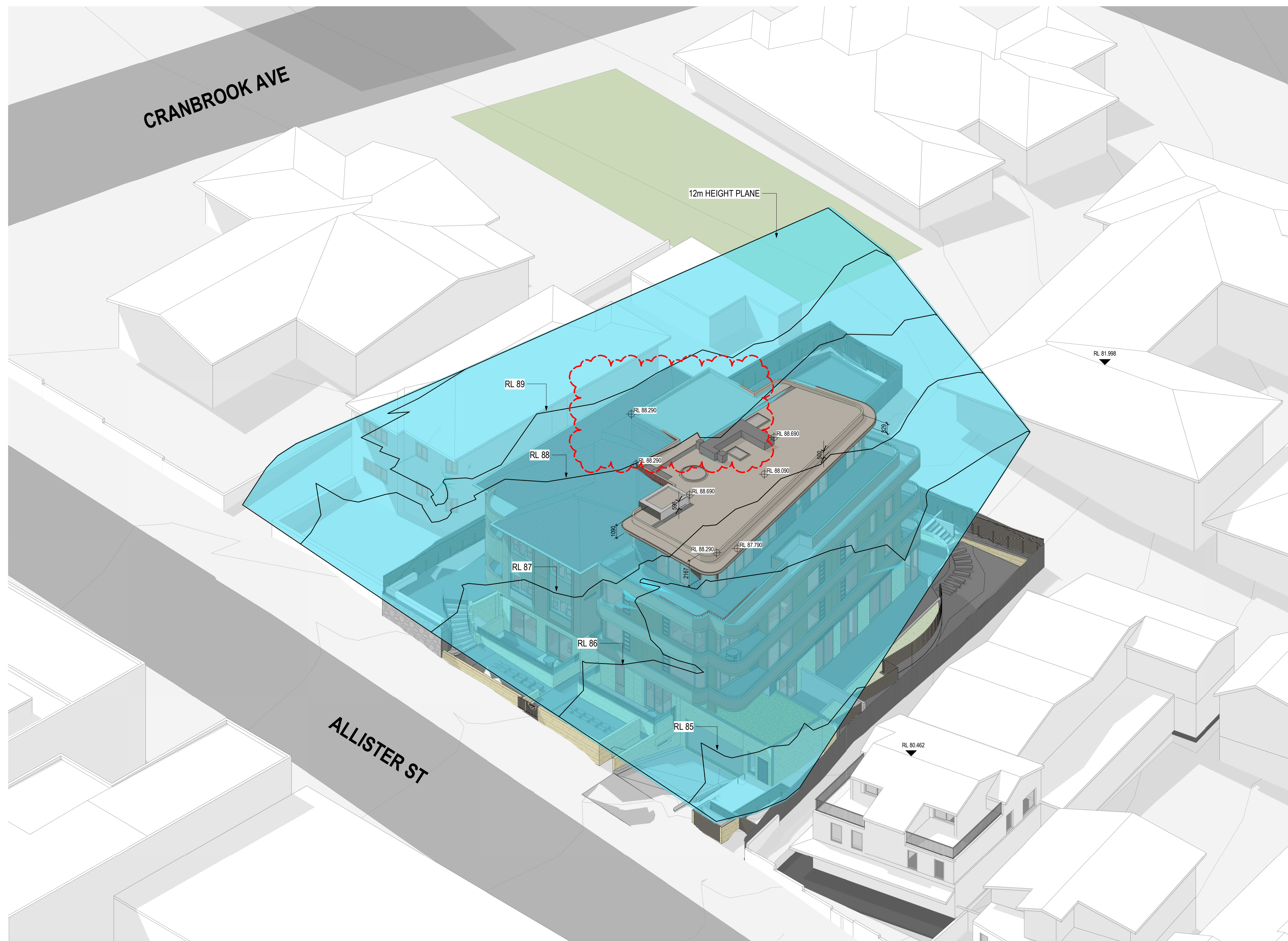
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DA03.03 P5





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Title:  
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REG VIC: 19340

Project # 1197  
 Scale: -  
 Date: 08.07.24

Disc: EP  
 Status: IN

DA04.01 P10





SHADOW - 0900 JUNE - EXISTING



SHADOW - 1000 JUNE - EXISTING



SHADOW - 1100 JUNE - EXISTING



SHADOW - 0900 JUNE - PROPOSED



SHADOW - 1000 JUNE - PROPOSED

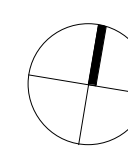


SHADOW - 1100 JUNE - PROPOSED

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- PROPOSED ADDITIONAL OVERSHADOWING



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P6	Council RFI#4	08.07.24

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 Date:  
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 Shadow Diagrams

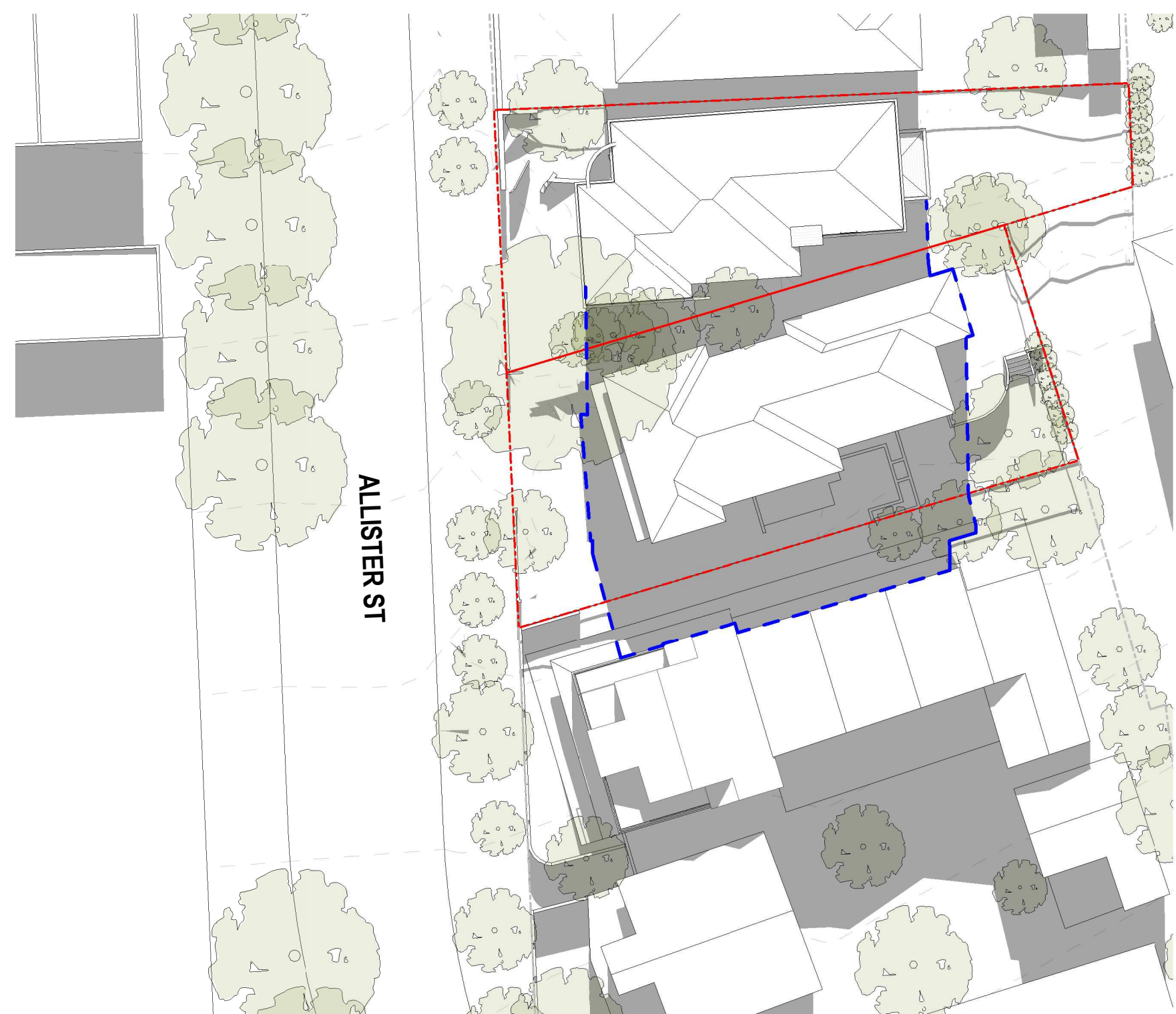
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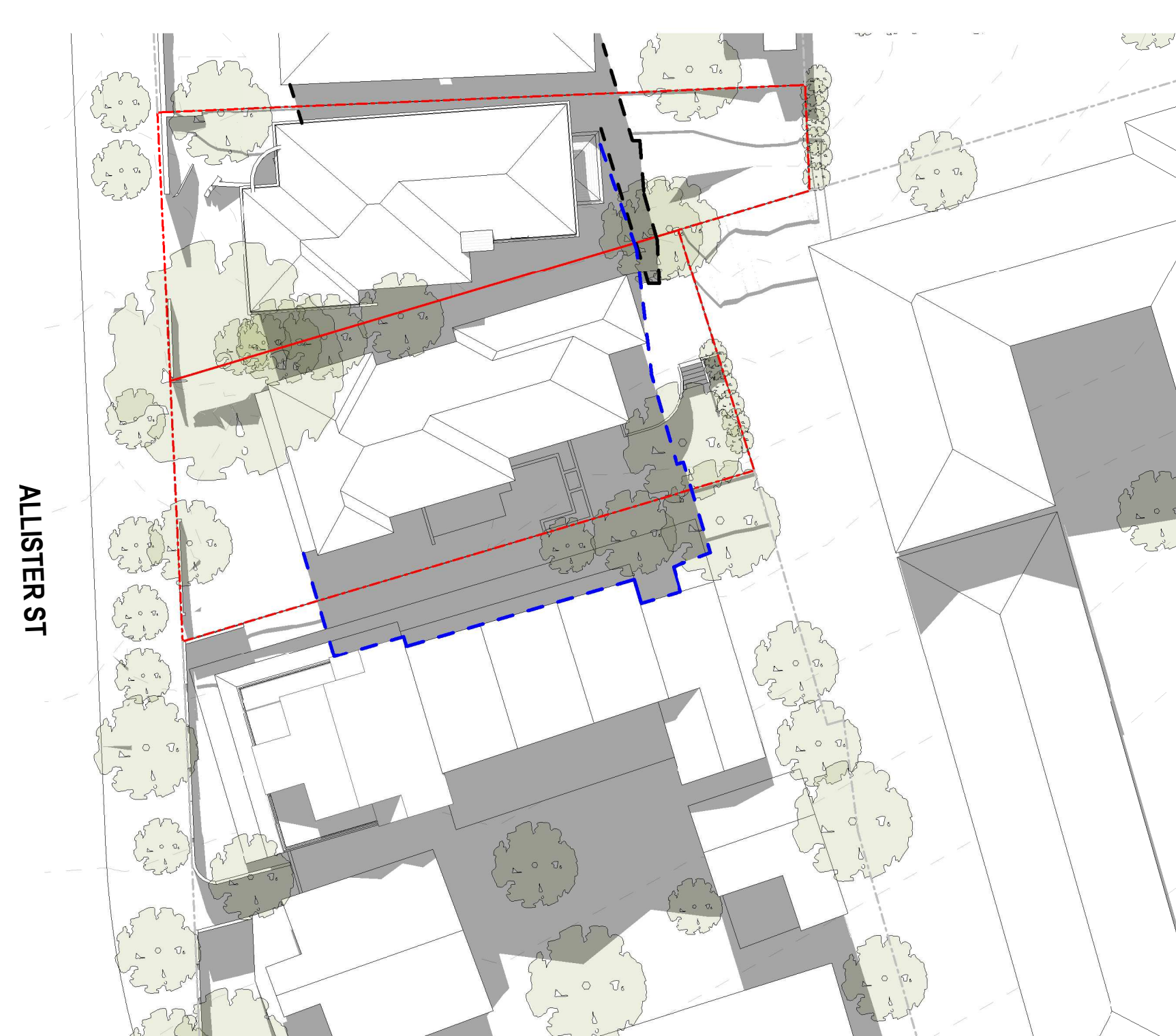
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 Project # 1197  
 Scale As  
 Date indicated  
 Title DA04.06  
 Sheet P6





SHADOW - 1200 JUNE - EXISTING



SHADOW - 1300 JUNE - EXISTING



SHADOW - 1400 JUNE - EXISTING



SHADOW - 1200 JUNE - PROPOSED



SHADOW - 1300 JUNE - PROPOSED

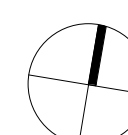


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Client or Builder:  
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 Scale:  
 As  
 Date:  
 Indicated  
 Drawing No.:

Project:  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862  
 Title:  
 Shadow Diagrams

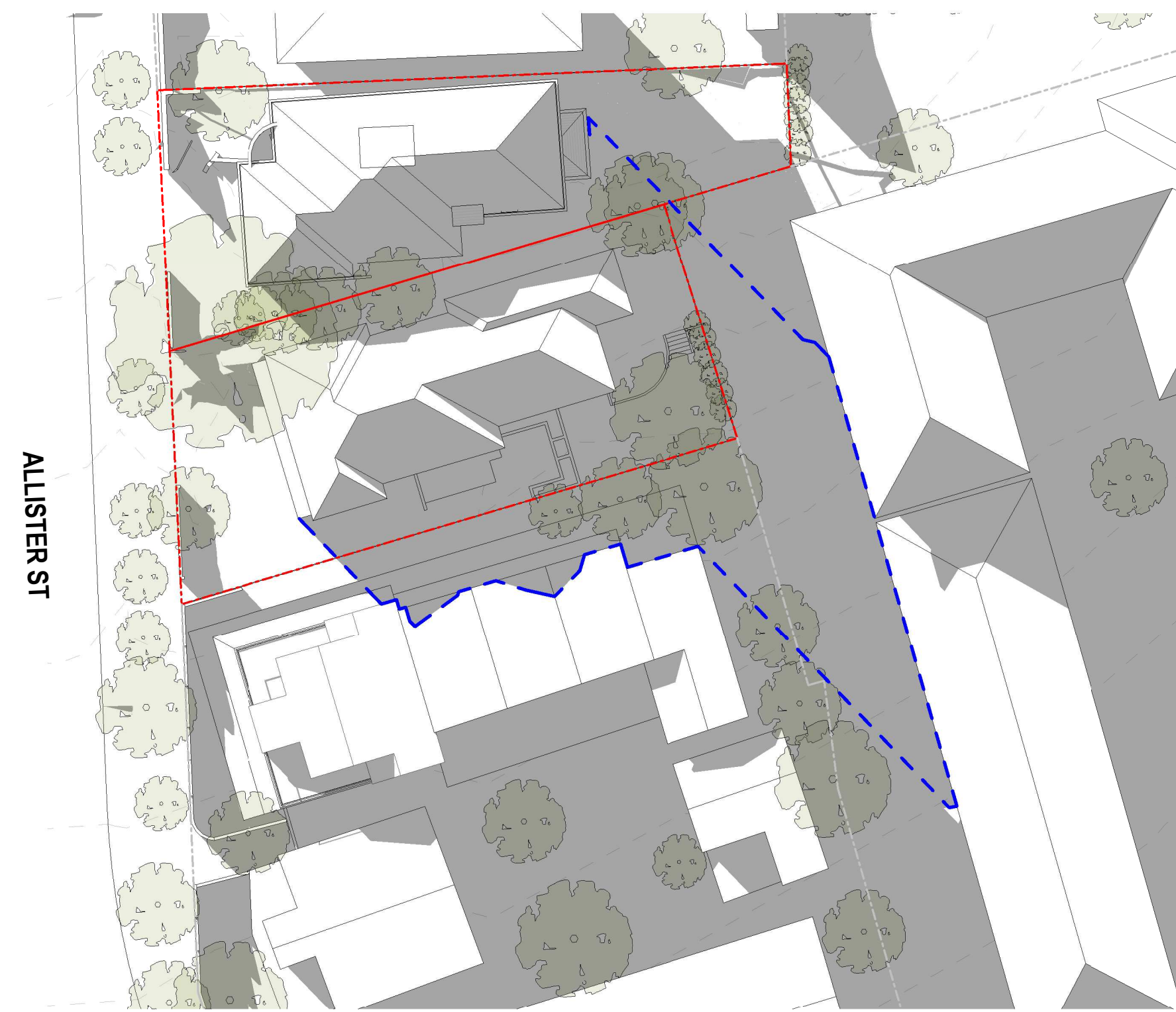
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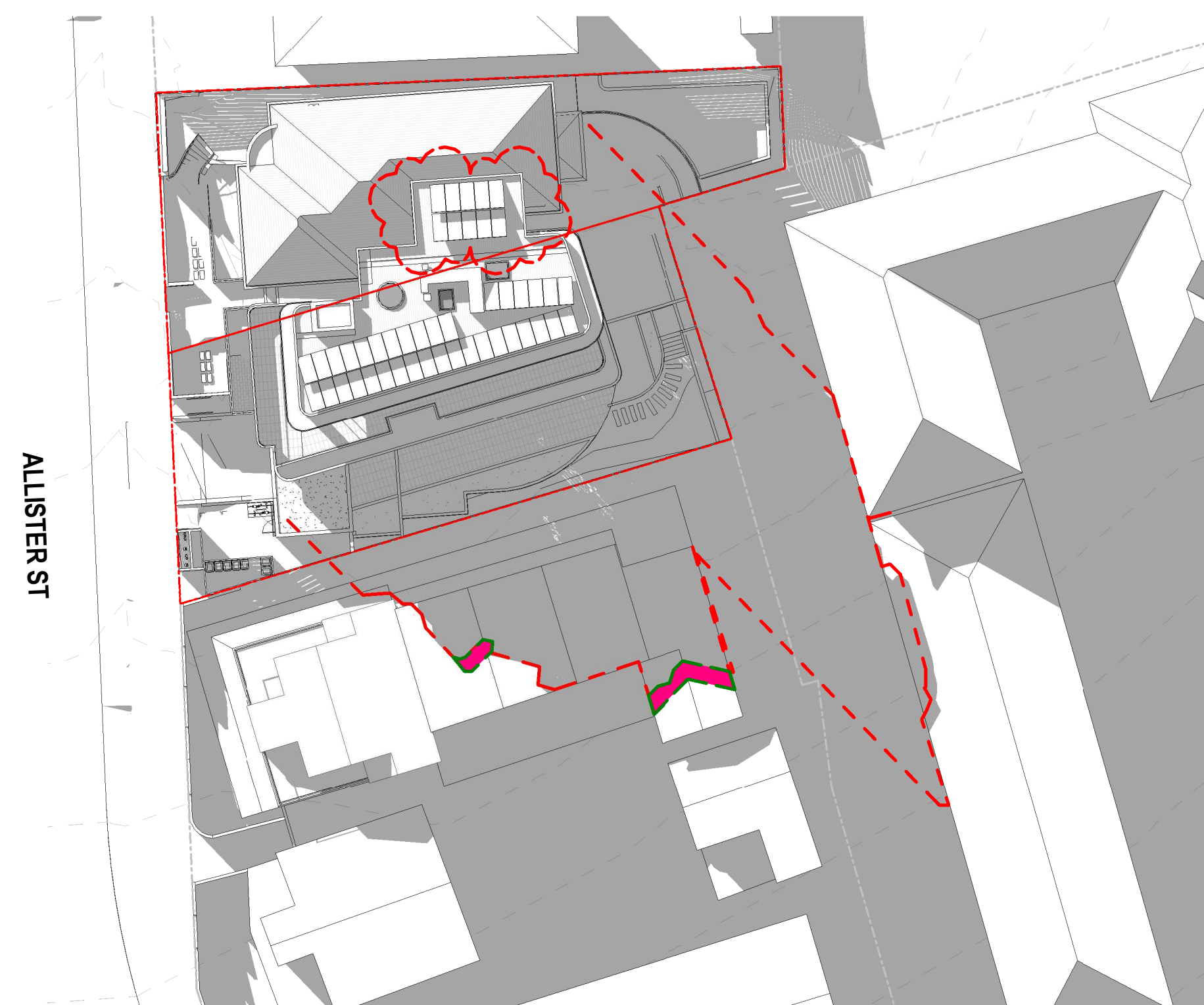
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Project No.:	1197
Drawing No.:	DA04.07
Sheet No.:	P6





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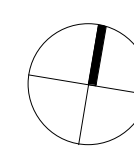
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PROPOSED ADDITIONAL OVERSHADOWING



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Project:  
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 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
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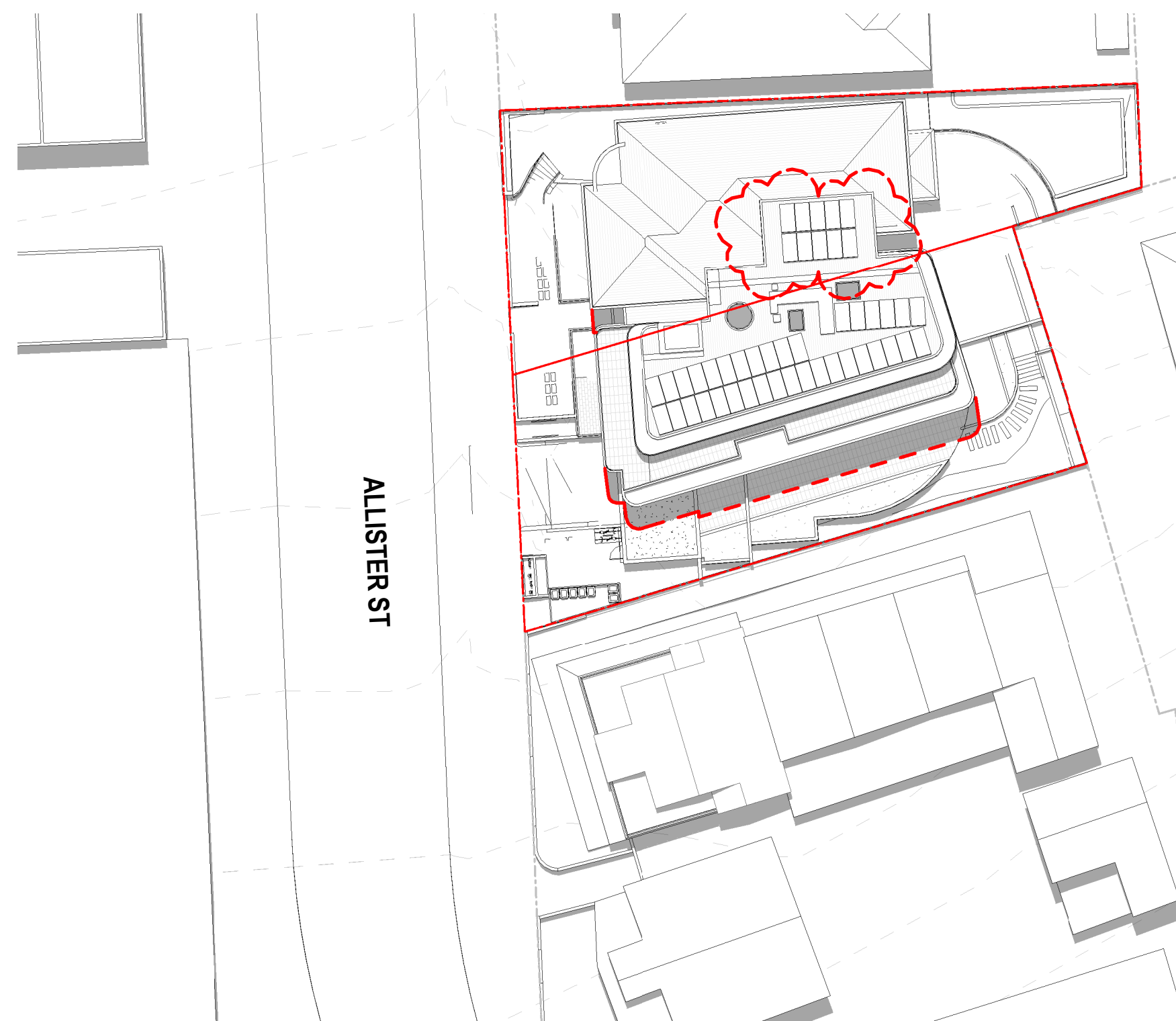
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 E: info@team2.com.au  
 REG NO: 9940 REG VIC: 19340

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 Drawn: EP  
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 Project No: DA04.08  
 Sheet: P6





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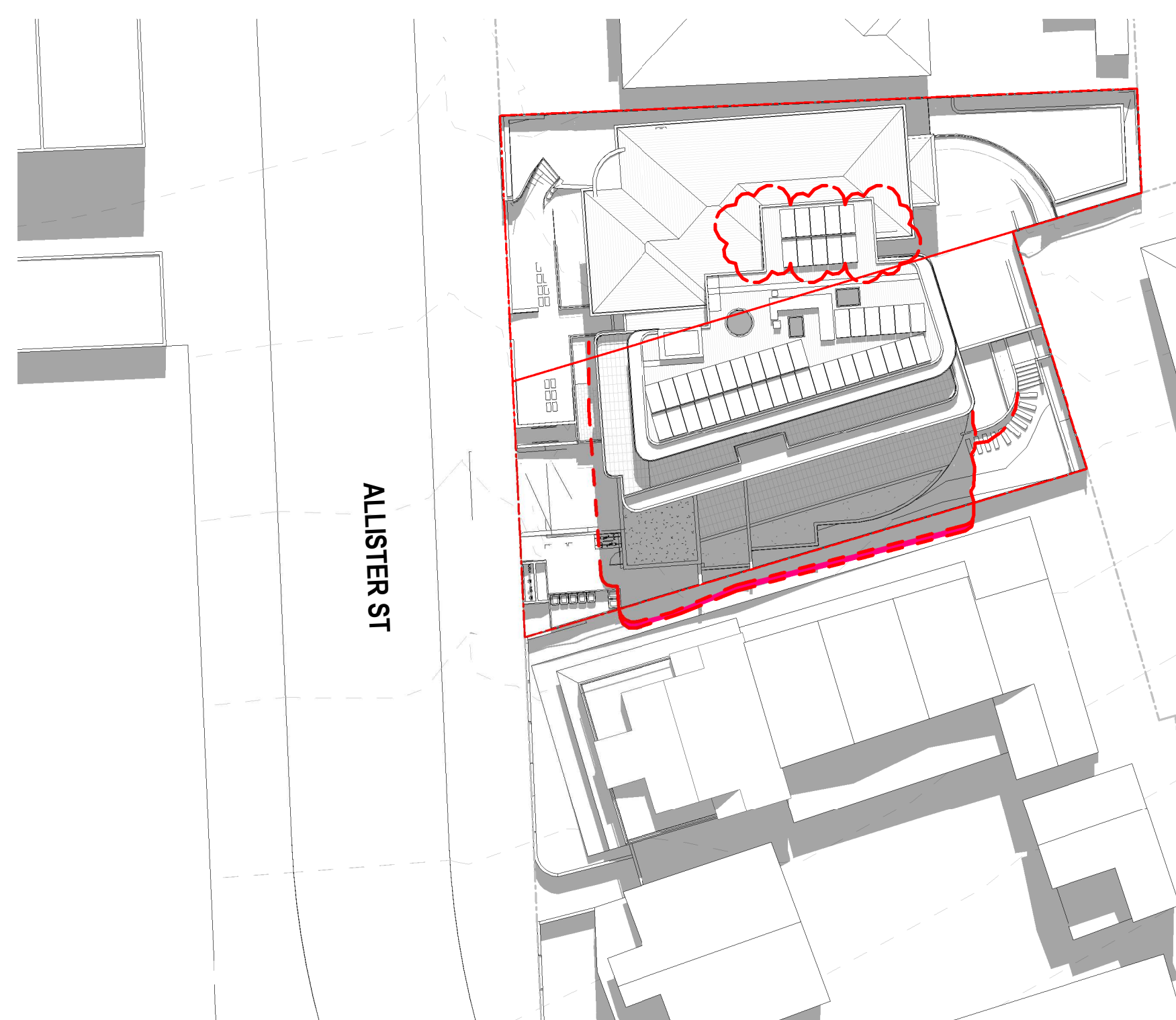
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SHADOW - 1500 DEC - PROPOSED



SHADOW - 0900 MAR - PROPOSED



SHADOW - 1200 MAR - PROPOSED



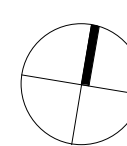
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PROPOSED ADDITIONAL OVERSHADOWING



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 NSW 2000

Client or Builder:

Project:  
 The Huntington  
 13-15 Allister Street, Cremorne  
 Lot 1, DP439695 & Lot 29 DP8862

Title:  
 Shadow Diagrams

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REG VIC: 19340

Project # 1197 Scale: As Date: 04/11/24  
 Drawn: EP  
 Checked: IN  
 Status: indicated  
 Drawing No: DA04.09  
 Sheet: P6





**DA No:** 291/22/3

**PAN:** 403338

**ADDRESS:** 13-15 Allister Street Cremorne

**PROPOSAL:** **Modifications to consent for alterations and additions to a residential flat building of 13 apartments and two levels of basement parking**

**DATE** 14 May 2024

## ATTENDANCE

*Chair* Peter St Clair

*Panel Members* Dave Tordoff, Lucy Creagh, Andrew Cattanach

*Council staff* Jim Davies, Lucinda Varley

*Applicant* Scott Timmins, Isha Negi, Jonathan Jospeh, Shabnam Mehr

## PANEL COMMENTS

### Principle 1: Context and neighbourhood character

- a) The increased height of the Level 3 media room and bedroom will have a detrimental impact on the local character, streetscape and heritage element qualities of the development (flat building No 15 Allister Street – local heritage item I1146). The integrity and prominence of the heritage element would be reduced by the proposed alterations. Based on the revised survey information and proposed amended built form it is suggested that the level 3 media room is removed.

### Principle 2: Built form and scale

- a) The architect explained that modifications to the approved development are proposed due to a more accurate survey of the site being taken since consent was granted, noting data relied on for the DA was partly derived from old plans of the extant heritage building.
- b) Ground level and levels above of new extensions are increased to match the floor levels of the heritage building.
- c) The media room's proposed floor to ceiling height is 2.4m. The remainder of the level 3 unit has a floor to ceiling height of 2.7m (Section 3, Drawing DA03.02, 25 03 2024). This complies with the BCA, but not the ADG. The proposed reduced ceiling height of the media room is not supported.
- d) The height is proposed to be modified to a maximum of 2.167m above the 12.0m height standard. The height plane shows that the roof and structures thereon significantly exceed the standard (DA04.01, 25 03 2024).
- e) The lift shaft is increased in depth (east to west) from 1.8m to 2.2m, for emergency services. This brings the lift shaft's western wall 0.4m closer to the street, without



altering the main building envelope (i.e. adding bulk) below the roof. The Panel also noted the lift overrun may have to be approximately 0.5m higher than shown. This aspect of the design should be reviewed.

- f) The waste chute shaft/ventilation fan should not be exposed to view from the public domain. The chute should be located within the building envelope. Whilst it was noted that the approved plans also show an exposed chute, the proposed amendments compound this issue, and the waste chute was exposed in the last round of drawings presented to the DEP.
- g) Panel members' comments regarding impacts of the proposed modifications:
- Additional height and layers of bulk have been added without appropriate consideration to maintaining the original design principles, exacerbating an already complex relationship between the existing building and new works at third floor and roof levels.
  - Some of the positive aspects of the approved design, such as the dominance of the ridge line of the heritage building and a clear horizontal alignment of the eaves of the heritage building with the soffit of the new work, are now lost.
  - Whether the heights of levels can be adjusted to match the eave heights of the new and extant elements of the development should be investigated.
  - Modifications have resulted in the development's design quality and merit being reduced.
  - The alterations should be "rationalised" to restore the design integrity of the approved design. This may involve the reconsideration of the Level 3 media room and adjacent bedroom which now provide an unsatisfactory built form.
  - Investigation of the management of bins and redesign of the bin storage area is recommended, as the presentation of this element to the street could be improved.

### **Principle 3: Density**

Not discussed.

### **Principle 4: Sustainability**

Not discussed.

### **Principle 5: Landscape**

- a) Public domain – The approval allows removal of the large tree at the front of the site. The large eucalypt at the rear of No 13 is to be retained, the levels and retaining wall near the tree will not be amended to protect its root zone.
- b) Communal open spaces – Access directly from Unit 1.01 to the communal lawn in the site's north-eastern corner results in the privatising of this space. This should be reconsidered.

### **Principle 6: Amenity**

- a) Utilities/Building services

Fire hydrants and valves have been relocated to comply with Fire Brigade requirements.



The garbage bin temporary holding area is relocated to comply with DCP provisions. Whether the bay was large enough was questioned. The applicant replied that 10 bins as provided for, exceeds Council's minimum requirements for 7 bins (According to the planner's report to the North Sydney Local Planning Panel, a minimum 5 x 240l waste bins and 2 x 240l co-mingled recyclables bins are required). The Panel encourage rationalisation of the number of bins to minimise spatial requirements and management issues, and to further assist in the resolution of any bin storage area to the street.

The panel was also concerned that the new garbage bin temporary holding area could only be accessed via the footpath, and not from within the property boundary, meaning the transfer of bins from the garbage room to the holding area could not be wholly undertaken from within the property.

The transfer of bins was to be by 'property management' however this was questioned as properties of this scale typically do not have onsite management. The fact that bins were transported with a hand operated mechanical bin trolley along a very steep ramp was also a concern. The panel considered that this, combined with the issues identified above, could result in an unsatisfactory function and street frontage aesthetic.

Any review of waste management facilities should also revisit the operational parameters to ensure they are coordinated.

Fire shutters will be provided to windows on the heritage building's northern façade for fire safety.

- b) Solar and daylight access – Sun-view diagrams submitted with the original DA indicate ADG-compliant solar access for the units in the proposed development. This is not altered by the modified development.
- c) Shadow impacts – Additional overshadowing caused by additional height has negligible, acceptable impacts on the adjacent building.

#### **Principle 7: Safety**

Not discussed.

#### **Principle 8: Housing diversity and social interaction**

Not discussed.

#### **Principle 9: Aesthetics**

- a) Maintenance – The Panel noted the roof design which included a high number of box gutters and limited overflow points may lead to leakages and should be reconsidered.

#### **Recommendations to Achieve Design Excellence**

The Panel does not support the proposed development in its current form. An amended proposal should be prepared, satisfactorily addressing the issues identified in this report.

**Development Services Manager's Note**

The outcome of this review by the Design Excellence Panel is not determinative and is but one of many inputs into the assessment process. Applicants are urged to have high regard to the panels' input and respond accordingly.

25 March 2024

Our ref: S22185

Rev: 1

WINIM Developments Pty Ltd  
 Scott Timmins  
 Level 10, 255 George Street, Sydney NSW 2000

Dear Scott

## Re: CAN01 – Comments Regarding SOU Doors.

### Project: 13-15 Allister St, Cremorne NSW 2090

This Consultant Advice Note (CAN) has been prepared to discuss the existing SOU doors which open directly onto the public corridor within the heritage component of the development.

## 1. Background

Voss Grace + Partners (VG+P) understand that the doors installed in the existing building are considered to have heritage significance and council has requested that they be retained. These doors are of timber and glass construction.

Our response to this issue will discuss the following:

- If the doors can meet the DtS requirements of the BCA.
- If the doors could meet the relevant Performance Requirements of the BCA.

## 2. Heritage Experience

Carl Voss, Managing Director of VG+P, has over 20 years of experience in fire safety engineering, including a significant amount of experience in heritage buildings. Some examples of heritage projects Carl Voss, Managing Director of VG+P has worked are listed below:

- |  |   |
|--|---|
| – Chief Secretary's Building<br>121 Macquarie St, Sydney           | – National Trust Centre<br>Upper Fort St, Millers Point |
| – Lands Building<br>23-23 Bridge St, Sydney                        | – Hotel Steyne<br>75 The Corso, Manly                   |
| – Department of Education Building<br>35–39 Bridge Street, Sydney  | – State Library NSW                                     |
| – Bidura Metropolitan Remand Centre<br>357 Glebe Point Rd, Glebe   | – 20-22 Raglan St, Mosman                               |
| – Richmond Villa<br>116–122 Kent Street, Millers Point             | – 11 Barrack St, Sydney                                 |
| – Glover Cottages<br>124-134 Kent St, Millers Point                | – 100 Harris St, Pyrmont                                |
| – Sydney Church of England Grammar<br>School (Shore), North Sydney | – Marrickville Community Hub, Marrickville              |

Having worked on a variety of heritage listed buildings in both Sydney and overseas, we understand the importance of maintaining the heritage fabric where possible. This is the reason Carl Voss was Property NSW's consultant of choice for advice on some of the city's most important heritage assets. In particular ensuring where possible that heritage fabric can be maintained while ensuring an appropriate level of fire life safety.



## 3. Fire Engineering Findings

### 3.1 DtS compliance

The development is a six-storey building, and is subject to BCA Type A construction requirements. BCA Clause C4D12(4) states:

*“Except as provided in (5), protection for a doorway must be at least—*

*A) in a building of Type A construction — a self-closing -/60/30 fire door; and*

*B) in a building of Type B or C construction — a self-closing, tight fitting, solid core door, not less than 35 mm thick.”*

Based on VG+P's investigation we do not believe the doors in question are capable of achieving an FRL of -/60/30, noting that the existing doors including a large glass panel would not comply even with the reduced solid core requirements for Type B or C construction.

Based on the construction, VG+P note that we are not aware of any test report which would show that the doors achieve an FRL of -/60/30.

Similarly, VG+P note our opinion that the doors would fail any testing, if they, or a representative sample, were made up for testing purposes. VG+P note that the ISO-834 heating curve used in the AS 1530.4 - 2014 fire resistance testing, subjects the door to a temperature of 945 °C after 60 min.

Notwithstanding the unknown performance of fixings, exposure to these temperatures would lead to glass cracking and failure, likely within the first few minutes of the test. Likewise, after some time the timber frame and leaf would be charred, and are likely to fail prior to completion of the test, recognising that typical timber charring is approx. 1 mm/min. notwithstanding the bowing that would occur to the door due to temperature differentials which often causes non fire rated doors to fail in the test within 10-15 minutes.

### 3.2 Performance Solution

As DtS compliance is not possible, the second pathway would be a via a Performance Solution.

#### 3.2.1 Relevant Performance Requirements

A Performance Solution would need to satisfy Performance Requirements C1P2, and E2P2. These performance requirements generally relate to the spread of fire, and maintenance of tenable conditions in evacuation routes as well as facilitating Fire fighter intervention (and safety).

The relevant Performance Requirements are replicated in Figure 1 and Figure 2 below for ease of reference.

**C1P2 Spread of fire**

[2019: CP2]

- (1) A building must have elements which will, to the degree necessary, avoid the spread of fire—
- (a) to *exits*; and
  - (b) to *sole-occupancy units* and *public corridors*; and
  - (c) between buildings; and
  - (d) in a building.
- (2) Avoidance of the spread of fire referred to in (1) must be appropriate to—
- (a) the function or use of the building; and
  - (b) the *fire load*; and
  - (c) the potential *fire intensity*; and
  - (d) the *fire hazard*; and
  - (e) the number of *storeys* in the building; and
  - (f) its proximity to *other property*; and
  - (g) any active *fire safety systems* installed in the building; and
  - (h) the size of any *fire compartment*; and
  - (i) *fire brigade* intervention; and
  - (j) other elements they support; and
  - (k) the *evacuation time*.

**Applications**

C1P2(1)(b) only applies to a Class 2 or 3 building or Class 4 part of a building.

*Figure 1: BCA Performance Requirement C1P2 excerpt (BCA 2022)*

**E2P2 Safe evacuation routes**

[2019: EP2.2]

- (1) In the event of a fire in a building the conditions in any *evacuation route* must be maintained for the period of time occupants take to evacuate the part of the building so that—
- (a) the temperature will not endanger human life; and

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**E2P2****Services and equipment**

- (b) the level of visibility will enable the *evacuation route* to be determined; and
- (c) the level of toxicity will not endanger human life.
- (2) The period of time occupants take to evacuate referred to in (1) must be appropriate to—
- (a) the number, mobility and other characteristics of the occupants; and
- (b) the function or use of the building; and
- (c) the travel distance and other characteristics of the building; and
- (d) the *fire load*; and
- (e) the potential *fire intensity*; and
- (f) the *fire hazard*; and
- (g) any active *fire safety systems* installed in the building; and
- (h) *fire brigade* intervention.

**Limitations**E2P2 does not apply to an *open-deck carpark* or *open spectator stand*.*Figure 2: BCA Performance Requirement E2P2 excerpt (BCA 2022)***3.2.2 Meeting the Performance Requirements**

With regard to a Performance Solution, VG+P have the following reservations with respect to meeting the Performance Requirements:

1. The bounding construction of sleeping accommodation buildings (Class 2 and 3) is present throughout all types of construction (Type A, B and C), as is the requirement to introduce fire resisting doors. The protection of the public corridor is the key fire safety feature within a Class 2 building that protects occupants who may be sleeping when a fire occurs within the building. International guidance such as BS PD 7974-6 (2019) which is based on numerous studies, outlines that evacuation from sleeping areas is long and unpredictable, meaning that the corridor must be protected from fire and smoke for a long duration. As such, some form of protection is a must, otherwise the corridor would become rapidly untenable, putting additional occupants at risk.
2. VG+P have discussed options with the design team such as the addition of fire rated panels to the doors, or drencher protection of the doors. However, VG+P note that the heritage nature of the doors will mean that the assembly as a whole will deviate from the testing of the fire rated glass (typically tested within a concrete filled frame), or furnace tested drencher (wall wetting sprinkler) installation standards such as Reliable WP, bulletin 181, where metal framed windows are tested to ASTM E-119 (similar to ISO-834).

3. Engineering judgment could be applied to these deviations; however it is our judgement based on years of experience that these doors would fail testing and do not provide a sufficient level of redundancy in a building containing sleeping occupants.
4. With regard to drenchers, VG+P note the following issues:
  - a. The drencher would be needed on the inside of a door that swing inwards. It is not possible locate a sprinkler had here as the head is required to sit approx. 100 mm below the frame. As a result it would be struck by the door leaf during normal operation.
  - b. The drencher system is subject to water supply failure, as it is an active method of protection. This decreases the reliability of the fire safety design as there is now no redundancy.
5. The building is proposed to be sprinkler protected throughout, due to having a rise in storeys exceeding four (4) as per Clause E1D4. It is recognised that the sprinkler system will likely limit the severity of exposure to a fire, however, it is noted that light hazard residential sprinklers are spaced widely throughout the apartments, and a fire nearby the door, or a shielded fire, could break the glazing prior to sprinkler activation. If additional sprinkler heads were located close to the door, the act of the sprinklers activating could also cause the glazing to break due to thermal shock. Hence, even a sprinkler-controlled fire could result in smoke pouring into the common corridor, affecting the egress of all other occupants.
6. As noted above, because the sprinkler system is already required in addition to the fire doors, it is not be appropriate to rely solely on this system to justify deviations with the door assembly via a Performance Solution.
7. VG+P have contact FRNSW to discuss this issue as we do not believe they would support the solution either. While the conversation was 'off the record' as they have not seen the drawings, they stated that they were happy to be quoted saying that they had serious concerns about how the Performance Requirements could be met. VG+P note that we would not submit this issue in a Fire Engineering Brief Questionnaire (FEBQ) given we do not believe it is appropriate to begin with.

We encourage Council to contact FRNSW directly if they wish to discuss this further. We spoke to Daire Flemming, Manager of the Fire Safety Advisory Unit.

## 4. Past Precedent

We understand that Council have suggested two previous buildings where there is precedence for similar doors to SOU's. I refer to an extract from this correspondence below:

- *Condition C1 c) and d) be retained as per the existing consent to ensure that the original glazed Interwar heritage doors are retained as required for heritage items elsewhere across the LGA. The interwar apartment building, 'The Rockfort' at 59 Upper Pitt St Kirribilli and 'The Mayfair' at 21 Holbrook Ave, Kirribilli are good examples where glazed doors are retained.*

We and the design team have been able to investigate The Rockfort and Mayfair projects and indeed note the similarities with non-fire rated timber doors with glazed elements. However these doors do not meet the Performance Requirements of the BCA and there is no evidence to suggest that they have been approved as such. For example, there is no reference to a Fire Engineering report on either of their Annual Fire Safety Statements (AFSS). This therefore leads us to believe the works were likely approved by council under a Fire Safety Order as opposed to via a DA.

This is an important aspect to determine, as the Fire Safety Order process is specifically 'designed' to not only give Councils the power to require existing buildings be brought up to contemporary compliance, but to do it in a way that is as far as reasonably practicable. Put differently, it allows Councils to accept a design

that meets a lower level of performance than that required by the BCA, provided it is demonstrated to provide an as much improvement as possible – to Councils satisfaction.

This is simply not possible under a DA as we are required by law to demonstrate compliance with the BCA. If the subject doors at Allister St were the subject of a Fire Order, we would prepare an upgrade strategy or risk assessment as opposed to a Fire Engineering Report. The outcome of that strategy may indeed be similar to The Rockfort or The Mayfair. However, the key difference under a Fire Safety Order is that our conclusion would be:

*'The proposed design does not meet the Performance Requirements of the BCA, however it improves the fire life safety of SOU entrance doors to a level as far as is reasonably practicable, given the heritage restraints imposed by Council.'*

This same conclusion cannot be drawn under a DA.

## 5. Conclusion

VG+P and its staff have work extensive experience in heritage buildings. We are always cognisant of heritage restraints and will always seek to work within the bounds of these restraints where it is ethical to do so.

Where maintaining a heritage element is detrimental to fire life safety then naturally this means the Performance Requirements cannot be met and compliance with the BCA cannot be achieved. We note there are no concessions provided within the BCA for items of heritage significance..

It is our professional opinion that the subject SOU doors must be replaced with BCA compliant fire rated doors to ensure compliance with the BCA and to provide appropriate protection to the occupants in the event of a fire.

### **Carl Voss**

Accredited Fire Safety Engineer BDC 1843

Managing Director

**Voss Grace + Partners**

0499 903 015

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5 May, 2024

Our Ref: 23163B

WINIM Developments Pty Ltd  
Level 10, 255 George Street  
Sydney NSW 2000

**Attention:** Scott Timmins

**Email:** stimmins@winim.com.au

**BCA Compliance Advice**  
**Residential Unit Building Development with Basement Carpark Development**  
**13-15 Allister Street, Cremorne**

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This letter is to provide advise in relation to the proposal to separate the fire safety elements of the building for the purpose of the construction certificate with other elements such as the existing doors to the sole occupancy units being addressed separately under a Fire Order issued by Council,

In this regard its noted that there are requirements that a principal certifier must certify when issuing an occupation certificate under clause 6.10 of the Environmental Planning and Assessment Act 1979 No 203, see clause below.

**6.10 Restrictions on issue of occupation certificates** (cf previous s 109H)

1. An occupation certificate must not be issued unless any preconditions to the issue of the certificate that are specified in a development consent have been complied with.
2. An occupation certificate must not be issued to authorise a person to commence occupation or use of a new building (or part of a new building) unless—
  - (a) a development consent is in force with respect to the building (or part of the building), and
  - (b) in the case of a building erected pursuant to a development consent (other than a complying development certificate), a construction certificate has been issued with respect to the plans and specifications for the building (or part of the building), and
  - (c) the completed building (or part of the building) is suitable for occupation or use in accordance with its classification under the Building Code of Australia, and
  - (d) such other requirements as are required by the regulations to be complied with before such a certificate may be issued have been complied with.
3. An occupation certificate must not be issued to authorise a person to commence a new use of a building (or of part of a building) resulting from a change of building use for an existing building unless—
  - (a) a development consent is in force with respect to the change of building use, and
  - (b) the building (or part of the building) is suitable for occupation or use in accordance with its classification under the Building Code of Australia, and
  - (c) such other requirements as are required by the regulations to be complied with before such a certificate may be issued have been complied with.





In particular, clause 2(c) requires the principal certifier to certify that the completed building (or part of the building) is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

The omission of fire rated doors to each of the sole occupancy units without there being a suitable performance solution available, is a significant fire safety issue which would prevent the principal certifier from issuing an occupation certificate for the project.

Therefore, it is recommended that DTS compliant fire doors be permitted to be installed to each sole occupancy unit opening into the public corridors and an alternative methodology be considered to preserve the existing doors with heritage significance to areas of the project where they will not compromise the fire safety and subsequent life safety of the occupants of the building.

Yours Faithfully,

Paul Prestidge  
Director  
Building Surveyor – Unrestricted  
**For Ai Consultancy**