

26 May 2025

Emailed only

General Manager
North Sydney Council
100 Miller Street
NORTH SYDNEY NSW 2066

P 02 9936 8100

Attention: Mr Andrew Beveridge

DA30/2025 – 118-124 Benelong Road & 72 Gerard Street, Cremorne
RFI Response

Dear Andrew,

We refer to your letter of 20 May 2025 relating to matters for the proposed development that require resolution. We have reviewed the issues raised and provide the following response. In many instances we have suggested Conditions of Consent be provided to resolve the issues, as has been done on our previous projects within North Sydney Council.

We believe this further information and amendments to the plans suitably address these matters and will allow Council to recommend approval of the DA.

1. Waste Management

Council Comment: *Council's Waste Management Team have reviewed the proposal and raised concerns regarding the management of waste in the completed development, including the following matters:*

- a) *The residential waste bins need a temporary bin holding area for collection off the street and within 2-10 meters of the street alignment. The proposed holding bay must fit the minimum 16 x 240L bins. Please confirm that the proposed bin holding area can accommodate these bins.*

Response: We have completed our residential waste bin requirements using **Table 1** below, taken from the North Sydney DCP 2013 Waste Management Guide.

Table 1

Number of units	Minimum number of garbage receptacles to be stored	Minimum number of recycling containers to be stored
1-3	1 x 80L bin per unit	1 x 140L comingled mobile recycling bin per unit
4-12	1 x 80L bin per unit or 1 x 240L mobile bin shared between each 3 units	2 x 240L comingled mobile recycling bin
12+	1 x 240L mobile bin per every 3 units 660L bins permitted	As a guide, generally a set of 2 x 240L mobile bins for every 15 units or part thereof 660L bins permitted

Table 1 - North Sydney DCP 2013 Waste Management Guide

Using the above table, we have calculated there are 7.66 (8) x 240L mobile bins required for garbage and 4 x 240L mobile bins required for recycling, totalling 12 x 240L bins. The proposals waste management plan has nominated 12 x 240L bins accordingly.

The only mention of the size of the bin holding bay facility in the North Sydney Council Waste Management Guide is a “sufficient size to accommodate all waste from the building,” which the proposal complies with.

We kindly request Council confirm how the requirement for 16 bins was calculated, otherwise we propose no amendments in this regard.

- b) There needs to be separate functional bulky waste storage area to hold household clean up material. This room must be separate to the waste room.*

Response: We acknowledge Council’s request for a separate room to store bulky waste and household clean up material. We are comfortable for Council to provide a Condition of Consent that satisfies Council’s request.

- c) Provision for a 120L food waste bin must be made in the basement and bin holding area.*

Response: We acknowledge Council’s request to provide a 120L food waste bin in the basement and bin holding area. Subject to Council’s confirmation that our bin requirement calculations are correct, we encourage Council to include this provision as a Condition of Consent.

- d) A temporary holding bay for collections must be provided of sufficient size to accommodate the required garbage and recycling bins and located within 2-10 meters from the street boundary.*

Response: As stated in response to 1 a) of the RFI letter, based on our calculations we believe we have provided a temporary holding bay that is of sufficient size to accommodate the required garbage and recycling bins.

With regard to the suggestion a temporary holding bay should be located within 2-10 metres from the street boundary, the Waste Receptacles P6 under Section 1.5.12 Garbage Storage from the North Sydney Residential DCP 2013 states “P6 A garbage storage area should be located within 2m of the street boundary.”

As such, the proposed location is in accordance with the DCP, and no amendments are proposed in this regard.

2. Landscape Impacts

Council Comment: *Council's Landscape Development Officer has reviewed the proposal, and the following matters are raised for your attention for modifying the plans and the landscaped outcome:*

- a) *N3 Jacaranda mimosifolia (10x10m) located in the Council verge on the corner of Benelong Road and Gerard Lane shall be removed and replaced with 1 x Jacaranda mimosifolia (500-litre pot size) in approximately the same location.*
- b) *N6 Callistemon viminalis (5x4m), and N5 & N6 Prunus cerasifera 'Nigra' (to 3x3m) located in the Council verge – Benelong Road frontage shall be removed. 6 x new Tristaniopsis laurina 'Luscious' (150-litre pot size) shall be planted between N3 and N7 (Tristaniopsis laurina 'Luscious').*
- c) *1 x Lophostemon confertus (200-litre pot size) shall be planted in the Council verge on the Gerard Street frontage between N1 and N2 (Tristaniopsis laurina).*

Response: We acknowledge Council's comments surrounding the selection of trees to be planted on council property.

We are comfortable for Council to provide Conditions of Consent requiring the planting of the above trees on Council property in the suggested locations.

- d) *All overhead services across both the Gerard Lane and Benelong Road frontages shall be undergrounded to allow for unimpeded canopy growth of site and public trees. Council's Design Excellence Panel has also recommended further investigation be undertaken in this regard.*

We refer to the below excerpt from Page 26 of the submitted SEPP 65 & Architectural Design Verification Statement surrounding the undergrounding of overhead services.

The development allows for the retention of all surrounding street trees located on Benelong Road and Gerard Street. The undergrounding of the power lines on Benelong Road will significantly enhance the streetscape by allowing the crowns of the existing trees to flourish. The proposal also makes for provision for 2 new street trees to be located along Benelong Road to complement the existing lush outlook.

We underground the powerlines surrounding all our sites as it provides an improved amenity for both the future purchasers and the community.

Should Council wish to make the undergrounding of powerlines a Condition of Consent, we are comfortable with this provided the extent of undergrounding is made clear. Please see below proposed wording for a Condition of Consent:

"All overhead electricity and other lines (existing and proposed along the Gerard Lane & Benelong Road site frontages) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of Construction Certificate CC1. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition."

- e) *An alternative landscape treatment to the planting of a lone *Livistona australis* in the centrally located planter box on the Benelong Road frontage, that better addresses street presentation, includes additional tree canopy, and helps to soften the bulk and scale, is required.*

Response: We have discussed the tree referred to in point e) with our Landscape Architect and they have recommended to replace the *Livistona australis* with a *Banksia Integrifolia* (Coastal Banksia). We believe that this species better addresses the street presentation and includes additional tree canopy.

If Council is comfortable with this tree selection, we encourage Council to include this tree or another suitable tree as a Consent Condition.

Council Comment: *The above should be demonstrated within an amended Landscape Plan, and the Arboricultural Report should be updated accordingly.*

Response: We believe the above matters can be resolved through Conditions of Consent as opposed to the amendment of the Landscape Plans, and fail to understand why the Arborist Report requires updating.

3. Design Excellence Panel Matters

Council Comment: *Council's Design Excellence Panel have reviewed the proposal and, while generally supportive of the scheme, have noted the following matters against the 9 Design Quality Principles set out in the SEPP (Housing) 2021 and the NSW Apartment Design Guide (ADG) for further consideration and amendments:*

- a) **Principle 2 (Built form and Scale)** – *The building mass at the corner of Benelong Road and Gerard Street was discussed with the panel, recommending some further study in this area. A more highly articulated corner could be provided that may involve the extension of the Level 3 floor plan at this corner.*

Response: The design has been proposed following the undertaking of a detailed site, context and environmental analysis by urban designers, Bonus + Associates (refer to the submitted Urban Design Study). This analysis, coupled with an overlay of the relevant development controls has resulted in a building envelope that reflects all these considerations and provides the basis for a design that respects its neighbours and context, has minimal environmental impacts and is predominantly compliant with the planning controls.

This has been recognised by the Design Excellence Panel (DEP), as it was noted at Item 7 of the DEP Minutes *"The building form is well articulated to respond to the current subdivision pattern and the existing benching of the site from Gerard St down to Gerard Lane. Buildings setbacks are consistent with the ADG objectives and increased with building height to provide amenity to neighbours and reduce visual bulk."*

In addition, the DEP specifically commended the Urban Design Report and building design on Page 1 of the minutes, where it was stated *"The Panel commends the team for the thoroughness of the Urban Design Report and overall quality of the Architectural Proposal."*

We have considered this recommendation with the project's Architect, Urban Designer and Town Planner as requested by the DEP and whilst the extension of the building in the location proposed

may provide additional articulation when viewed from the south on Gerard St, this would also result in an unbalancing of the Gerard St façade (shown in **Figure 1** below) and will also provide for a more dominant building form when viewing the proposal from Benelong Road looking towards Gerard St.



Figure 1: Gerard St facade

Further, by extending this apartment towards Benelong Road, to maximise light and to take advantage of the views, windows and balconies would need to orientate towards the north. This would result in significant overlooking of Apartment 301, which would be a negative outcome for the project.

As such, we are comfortable with the design of the building as proposed and advise Council that we do not propose any amendments to the building design.

- b) **Principle 4 (Sustainability)** – The panel recommended that the basement level be organised to allow for FOGO waste removal, which is expected to commence in 2028. The design should also make allowance for electric vehicle recharging.*

Response: We note Council have requested at Item 1 c) of the RFI letter that a 120L food waste bin be provided in the basement. As stated above, we are comfortable for Council to provide a Condition of Consent requiring this, therefore satisfying the FOGO requirements.

We confirm that the residential parking spaces will be provided with all the necessary provisions to allow for an EV charger to be installed, should the user wish to do so. The building will be supplied with a Load Management System, allowing for EV's to be charged whilst also managing the rest of the building's electrical demands without failure. We are comfortable for Council to propose a Condition of Consent regarding this.

The use of photovoltaic solar panels is supported. The incorporation of battery storage should also be considered, in order to achieve a more self-sufficient development and benefit nighttime power usage.

Response: Whilst we acknowledge that battery storage could benefit nighttime power usage, the reality is the technology for reliable battery storage is not yet at a point where our Company is comfortable providing this within our projects. The currently available systems are problematic and not fit for purpose and will become liabilities to the Owners Corporation in the future.

The building will be futureproofed to allow for the installation of batteries in the future, should the Owners wish to pursue this.

The panel supports the use of fixed batten privacy screens, however recommends incorporation of additional sun-shading to bedrooms and living rooms particularly to the west elevation on Benelong Road. These should be consistent with Part 4A of the ADG.

Response: We are comfortable for Council to provide a Condition of Consent requiring motorised horizontal venetian blinds to the living room and bedroom windows of the western façade of Apartments LG01, 101, 106, 201, 206, 301 and 303.

We have used motorised horizontal venetian blinds on our previous projects, including Eleve located at 131-139 Holt Avenue, Cremorne, as shown on the bedroom windows in the CGI at **Figure 2** below and at Phi, located at 96-100 Spofforth St, Cremorne, as shown on the windows of **Figure 3** below. The product selected for Eleve & Phi and that we propose to use in the subject development are the 'Warema External Venetian Blind E80'.



Figure 2: Motorised operable horizontal louvres, Eleve located at 131-139 Holt Avenue, Cremorne

Please see below proposed wording for a Condition of Consent requiring the inclusion of these blinds:

“All living room and bedroom windows to apartments LG01, G01, G06, 101, 106, 201, 206 and 303, located on the Benelong Road elevation, are to be supplied with external motorised horizontal venetian blinds (the “Venetian Blinds”). The Venetian Blinds are to be installed on the external face of the building.

The Venetian Blinds must be “Warima External Venetian Blind E80” or similar, as determined by the Certifying Authority.

The Certifying Authority must ensure the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate 3, fully satisfy the requirements of this condition.”

- c) **Principle 6 (Amenity)** – Apartment G05 is located substantially below ground (approximately 2.9m), leading to a sub-terranean appearance. Whilst this may provide some acoustic privacy benefit, this is not considered suitable, particularly given the southerly orientation. Consider replanning the ground level floor plan or the provision of a 2-storey dwelling in this location.

Apartment G05 has a southeast orientation and is not entirely south facing. As shown in the submitted Sun Studies **DA.42 & DA.44**, the private open space (which is 82.6sqm – 5x the ADG requirement) of Apartment G05 will receive morning sun until 10am in September/March and until 12pm in December, providing solar access to this space throughout summer, whilst mitigating the hot westerly sun in the afternoon.

The level below street level is very similar to Apartment G01 within our project Phi at 96-100 Spofforth St, Cremorne which was approved under DA252/19 on 06/11/19. Please see a photo of this apartment's private open space provided at **Figure 3** below. The proposal has a similar 6m setback and tiered landscaping to the below photo. It is worth noting that whilst this apartment is north facing, it has a 6 storey building directly to the north (left in the below photo), which blocks sunlight throughout winter.



Figure 3: Apartment G01, 96-100 Spofforth St, Cremorne

Consideration has been given to replanning the ground level floor plan or creating a 2 level apartment to address the DEP's concerns, however we believe this will result in a poorer outcome for the development.

The only way to remove a south facing apartment by replanning the ground level would be to create 2 apartments facing east and west. This would result in 2 apartments of approximately 160sqm, making the entire ground floor consist of 3 bedroom apartments of between 145sqm to 160sqm, reducing housing diversity within the project.

Creating a 2-level apartment would result in a 194sqm apartment, with internal stairs. The introduction of stairs will make this apartment far less desirable to the target demographic for this type of development.

In addition, this would make the living areas separate from the private open space of the garden, limiting its amenity. Making it 2 storeys will also not alter the amount of light the apartment receives.

Further, the proposal provides for 17 of 23 apartments (73.9%) which achieve the minimum solar access requirements of the ADG in mid-winter. As per the requirement, it is anticipated that some apartments will not achieve compliance.

As such, we do not propose to make any amendments to the design in this regard. Retaining Apartment G05 as proposed will ensure greater housing diversity within the proposal and provide an opportunity for the purchase of a ground level garden apartment at a lower price point than a 3 bedroom apartment.

It was also noted after the meeting, that the only outdoor communal open space (located at lower ground level), is situated approximately 3.9 m below the adjacent boundary level leading to a poor level amenity within this space. This should also be reviewed.

Response: The outdoor communal open space provided faces direct north, and receives the solar access required by Objective 3D-1 of the ADG. In addition, as noted by the DEP in Item 14 of the DEP Minutes, this external communal space is supported by an indoor guest living area, gym and a golf room, in addition to the private open space provided which is far greater than the minimum required.

As such, we do not believe there are any amenity concerns associated with the outdoor communal open space being located below the adjacent boundary level and do not propose to make any amendments to the design in this regard.

Apartments LG02, G02 and 102 are provided with snorkel bedrooms. These are not consistent with the ADG nor supported by the panel.

Response: We do not agree with the DEP that the referenced bedrooms are 'snorkel bedrooms' or are inconsistent with the ADG.

Objective 4D-1-2 states "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". The bedrooms have a floor area of 3.82sqm (including the robe) and are provided with floor to ceiling **north** facing windows which are 1.34m wide x 2.7m high, therefore providing a glass area of 3.62sqm – 95% the floor area of the room.

As such, we do not propose to make any amendments to the design in this regard.

Apartments LG01, G01 and 101 provide compromised apartment entrances with no daylighting or sightlines to the living room. They should be reviewed.

LG01, G01 & 101 are all provided with large entrance lobbies of 2.45m x 3.1m, providing a spacious entrance which is supplemented with joinery storage, creating a meaningful entrance.

As one progresses into the apartment the hallway is supplemented by the TV rooms to the east, which make the hallway 4.18m wide. In addition, light from the bedrooms will filter into this space.

Further, Apt 101 is provided with a window into the entrance lobby.

As such, we do not believe the entrances are compromised and do not propose to make any amendments to the design in this regard.

Apartments G06, 106 and 206 provide bedrooms to the building corner facing Gerard Street. The applicant explained that this was to ensure views from the living room towards the north-west, however it is not understood how this would be achieved. It should be demonstrated that genuine views and solar access are achieved to/from the living rooms. Alternatively consider relocating the living spaces to the building corner, where solar access could be maintained together with an outlook to the corner of Gerard Street and Benelong Road and oblique views towards the north-west.

Please see below photos taken via a drone, at approximately 1.6m above the FFL of Apartment 206 in the position shown in **Figure 4** below. Photo 1 is from Position 1, photo 2 is from Position 2.

As shown in Photo 1, the apartments will benefit from looking down the tree lined Benelong Road with district outlooks including views of the Chatswood skyline. Please refer to **Architectural Drawing DA.35 Solar Access** for confirmation of the solar access to these apartments.

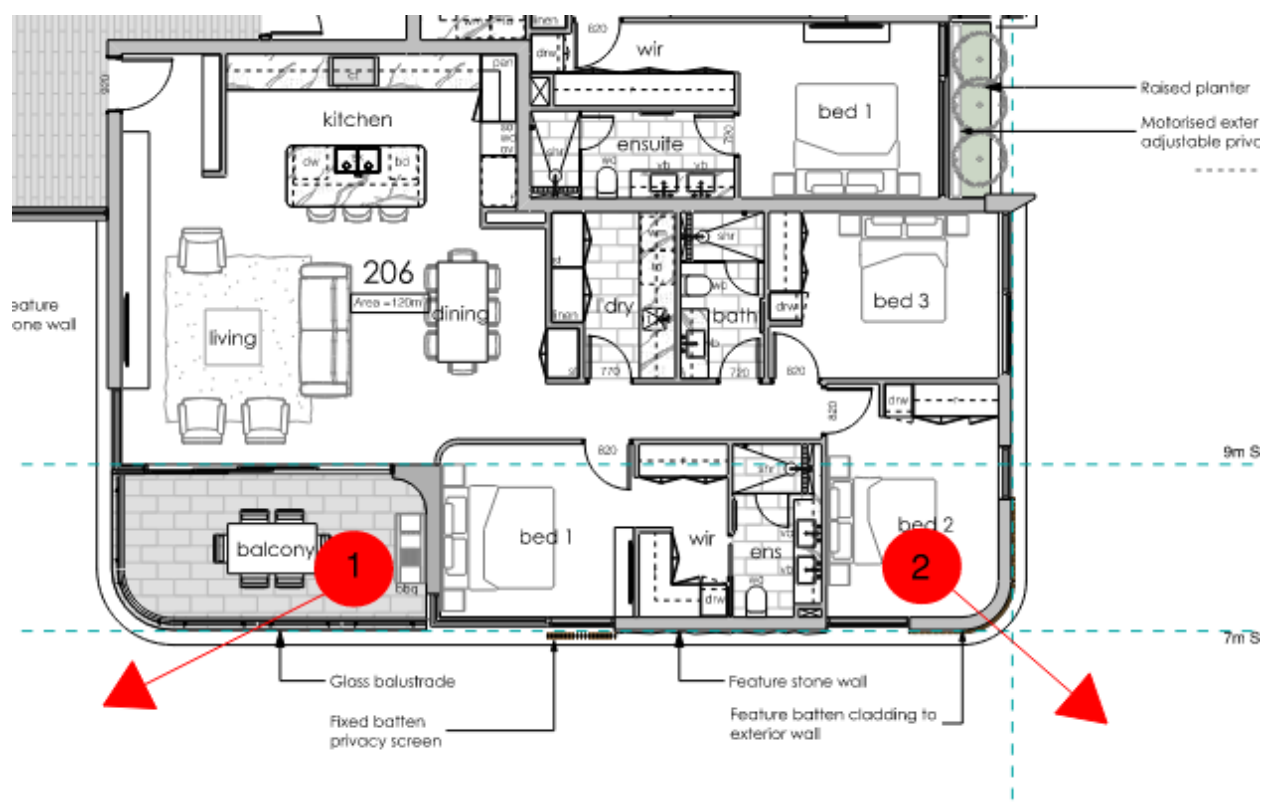


Figure 4: Drone photo locations

Photo 2 has been provided to demonstrate the outlook from the proposed alternate location. As can be seen, this outlook looks into the traffic lights and traffic on Gerard St. The apartments have been designed to turn their back on this corner to minimise exposure in the main living areas to the busy road, to ensure the greatest amenity for the residents. As stated in the DEP meeting, double glazing will be provided to the apartments to minimise noise into the bedrooms located on this frontage.



Photo 1: Looking north west down Benelong Road from proposed balcony of 206



Photo 2: Looking south onto Gerard St & Benelong Road intersection

As such, we do not propose to make any amendments to the design in this regard.

- d) **Principle 7 (Safety)** – *Street walls and fences should be sufficiently detailed to avoid security breaches and potential access to the narrow void space forward of the building entrance. Consider providing a zone for secure parcel delivery.*

Walls and fences have been designed in accordance with CPTED principles.

We are comfortable for Council to provide a Condition of Consent requiring a zone for secure parcel delivery.

4. Affordable Housing Assessment

Council Comment: *Additional clarity is required regarding the housing/rental status of the detached dual occupancy at the rear of 72 Gerard Street that was approved in 1987. If this is a rented dwelling, then an assessment should be provided under Chapter 2 Part 3 of the SEPP (Housing) 2021 to determine whether this is classified as a low rental dwelling. This should include the rental rates/receipts for the relevant period.*

Response: Please refer to **Annexure 1** for a copy of an email from the resident of the detached dual occupancy confirming they are part of the same family as the Owner, who resides in the other residence on the site, and do not pay rent to live there.

5. Historical Interpretation

Council Comment: *Following a review of the site history, it is suggested that some historical interpretation could be integrated within the development, such as in the form of minor design details, information boards in common areas (consultation with Council's Historian is suggested on content), salvaged fabric, etc., as all five original dwellings on the site, although heavily modified, date from 1911-1913 and were the product of prominent local builders, Harbutt Brothers (Helier and Percy Harbutt), who have been determined as having local significance in regard to their prolific building work in the North Sydney and Mosman areas.*

Several more intact surviving examples of their work have been listed as heritage in NSLEP 2013, including within the Montague Road Conservation Area (Including 8-10 Richmond Avenue and 28-30 Macpherson Street), and the houses at 82, 84, 86 and 88 Parraween Street, Cremorne, which were all listed as items of local heritage significance under NSLEP 2013 in Amendment No. 39 on 17 May 2024. For example – the rising sun motif elements present on the front gables of Nos. 120 and 122 Benelong Road, have been noted as a common symbolic element of the Federation period and are present in the Harbutt Brothers' work locally, and this motif could be carried on into the development in some form. Council's Design Excellence Panel has also recommended further consideration be undertaken in this regard.

Response: Prior to lodging the Development Application, our company engaged John Oultram Heritage and Design to conduct Heritage Assessments of each property 118, 120, 122 Benelong Road and 72 Gerard St, Cremorne.

John Oultram has assessed the properties against the NSW Heritage Manual guidelines for assessment of heritage significance and the Significance Thresholds noted in the *Assessing Heritage Significance Guidelines* published in 2023 by the Department of Planning and Environment. John Oultram has concluded that none of the properties meet any of these criteria.

In addition, as noted by Council in the Panel Assessment Briefing Report of 16 April 2025, all 5 dwellings are already approved for demolition.

Given the lack of historical significance and the fact the buildings are already approved for demolition, we respectfully request Council reconsider the requirement for any historical interpretation to be integrated within the development.

We would be comfortable for Council to provide a Condition of Consent requiring a photographic survey recording of the existing buildings in accordance with the NSW Heritage Office Guidelines "Photographic recording of Heritage Items using file or digital capture".

CONCLUSION

We trust the above & annexed information responds to the Council's comments and will assist Council in their assessment and preparation of a report to the Sydney North Planning Panel recommending approval.

We would welcome the opportunity to meet with Council to discuss the above further, please call me on 0434 051 792 if further discussion is required.

Yours sincerely

HELM Pty Limited



KIT CUNNINGHAM-REID

Development Manager

E kcunninghamreid@helmproperties.com.au

M 0434 051 792

ANNEXURE 1

Kit Cunningham-Reid

From: Toni Stoyanoff <[REDACTED]>
Sent: Thursday, 22 May 2025 11:05 AM
To: Kit Cunningham-Reid
Subject: Re: Rental Status of 72 Gerard St
Attachments: Please confirm that you live in the house which faces Gerard Lane on 72 Gerard St.docx

Hello Kit,

I have attached the answer to your questions.

Kind regards,
Toni Stoyanoff

From: Kit Cunningham-Reid <kcunninghamreid@helmproperties.com.au>
Sent: Thursday, May 22, 2025 10:40 AM
To: Toni Stoyanoff [REDACTED]
Cc: Tom Glascott <tglascott@helmproperties.com.au>
Subject: Rental Status of 72 Gerard St

[External Email] This email was sent from outside the NSW Department of Education. Be cautious, particularly with links and attachments.

Hi Toni,

Thank you for your time on the phone just now.

As discussed, Council are assessing our Development Application, and they have requested some additional information to assist with their assessment.

One of the items they are seeking clarification on is whether the house you live in on 72 Gerard St is rented. Please see below:

4. Affordable Housing Assessment

Additional clarity is required regarding the housing/rental status of the detached dual occupancy at the rear of 72 Gerard Street that was approved in 1987. If this is a rented dwelling, then an assessment should be provided under Chapter 2 Part 3 of the *SEPP (Housing) 2021* to determine whether this is classified as a low rental dwelling. This should include the rental rates/receipts for the relevant period.

The above should be demonstrated within an amended Statement of Environmental Effects.

So that we may respond, we would appreciate it if you could please provide responses to the following:

1. Please confirm that you live in the house which faces Gerard Lane on 72 Gerard St, Cremorne

2. Please confirm how long you have resided in this location
3. Please confirm whether you have ever paid any rent to live in this location
4. Please confirm your relationship to Vera Stoyanoff

Feel free to call me if you'd like to discuss further.

Regards,

Kit Cunningham-Reid

Development Manager

M 0434 051 792



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1. Please confirm that you live in the house which faces Gerard Lane on 72 Gerard St, Cremorne

Yes, my husband and I live at 72 Gerard Street Cremorne.

2. Please confirm how long you have resided in this location

We have resided there since 2007.

3. Please confirm whether you have ever paid any rent to live in this location

We have never paid rent.

4. Please confirm your relationship to Vera Stoyanoff

Vera Stoyanoff is Thomas Stoyanoff's mother and she is Toni Stoyanoff's mother in law.