

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	10 July 2025
DATE OF PANEL DECISION	10 July 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Che Wall, Karla Castellanos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 July 2025.

MATTER DETERMINED

PPSSNH-612 – North Sydney – DA 30/25 at 118-124 Benelong Road and 72 Gerad Street, Cremorne – Demolition of existing structures, construction of a part 4/5 storey residential flat building containing 23 units & basement parking across 3 levels, landscaping and associated site works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and in Council's Assessment Report.

As Council noted, while the proposal does not meet the height standard requirement in NSLEP 2013, this is superseded by the height limits provided in SEPP (Housing) 2021. The proposal nevertheless meets the relevant objectives and provisions of Councils controls in NSLEP 2013 and NSDCP 2013 and there would be no unreasonable overshadowing, view loss and/or excessive bulk and scale as a result of the proposal given that the proposed residential flat building has been designed to follow the topography of the site. The Panel considered privacy between the proposed development and neighbouring properties and has imposed a requirement for limited privacy screening on the eastern elevation.

The proposed development meets the design principles in SEPP (Housing) 2021 and is consistent with the design requirements of the Apartment Design Guide.

In summary, the Panel believes the proposal has been properly assessed against relevant planning controls, is permissible on the site and meets the development standards and relevant provisions of NSLEP 2013. Accordingly, the proposal warrants approval.

CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report with the following amendments:


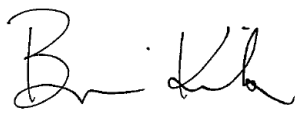



- Insert a condition requiring that external services, fire hydrants and booster valves be suitably enclosed;
- Condition no. C37(a) is to be replaced with a requirement for limited privacy screening at Apartments 103 and 203 on the window closest to the neighbouring balcony at 74 Gerrard Street. The screening is to be angled away from the adjoining property; and
- Insert a requirement that skylights are to be utilised in Apartment 303's ceiling to enable light into the living room.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Height concerns
- Traffic and parking concerns
- Alignment with the area
- Blocking views
- Stormwater concerns

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Che Wall
 Karla Castellanos	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-612 – North Sydney – DA 23/25
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a part 4/5 storey residential flat building containing 23 units & basement parking across 3 levels, landscaping and associated site works.
3	STREET ADDRESS	118-124 Benelong Road and 72 Gerard Street, Cremorne
4	APPLICANT/OWNER	Helm No. 20 Pty Ltd Michael Cresswell O'Reilly (118 Benelong), Eric Graham Wigglesworth and Pauline Maria Bramwell (120 Benelong), Leah Cleary (122 Benelong), Regal Benelong Pty Ltd (124 Benelong), Vera Stoyanoff and the Estate of the Late Blagoya Stoyanoff (72 Gerard)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 North Sydney Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> North Sydney Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 13 June 2025 Written submissions during public exhibition: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 30 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Andrew Beveridge, Isobella Lucic, Stephen Beattie <u>Applicant representatives</u>: Kit Cunningham-Reid, Brett Brown, Tom Glascott <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council's recommendation: 9 July 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Che Wall, Karla Castellanos <u>Council assessment staff</u>: Isobella Lucic, Stephen Beattie <u>Applicant representatives</u>: Kit Cunningham-Reid, Brett Brown, Geoff Bonus, Mark Monk

		<ul style="list-style-type: none">○ <u>Department staff:</u> Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report