

Our ref: HMS ID 14942

Ryan White
Senior Planning Officer Assessments
Department of Planning, Housing and Infrastructure
ryan.white@dpie.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Residential Flat Building at 64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay

Major Project reference: SSD-86797708

Received: 4 July 2026

Dear Ryan,

Thank you for your referral dated 4 July 2026 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

No State Heritage Registered (SHR) items are situated within the project area, however three SHR items are located within direct vicinity of the SSD site. These are:

- *Sydney Harbour Bridge, approaches and viaducts (road and rail) (SHR 00781)*. The curtilage of this item includes most of Bradfield Park.
- *Milsons Point Railway Station group (SHR 01194)*; and
- *Brett Whiteley House and Visual Curtilage (SHR 01949)*. The curtilage of this item includes Clark Park, Wendy's Garden and the foreshore and waters of Lavender Bay.

Further, there is one item that is listed on the National Heritage List (NHL) within vicinity of the site (*Sydney Harbour Bridge, Place ID. 105888*). The SoHI includes a self-assessment of the impacts on this item as required by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and concludes that a referral is not required. The Australian Government Department of Climate Change, Energy, the Environment and Water should be consulted regarding this matter, as required.

The following reports were considered in our assessment:

- *Relevant sections of Environmental Impact Statement 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay* – prepared by Planning&Co, dated 15 May 2026;

- *Appendix C: Architectural plans titled 'Lavender Bay 3-7 Middlemiss Street 64-66 Lavender Street' – prepared by SJB Architecture, dated 3 March 2026;*
- *Appendix E: 3-7 Middlemiss Street and 64-66 Lavender Street SSDA-86797708 Design Report – prepared by SJB Architecture, dated 16 March 2026;*
- *Appendix I: 3-7 Middlemiss Street and 64-66 Lavender Street Statement of Heritage Impact – prepared by Artefact Heritage and Environment, dated March 2026 (SOHI);*
- *Appendix O: Geotechnical Investigation, prepared by Rapid Geo, dated 18 March 2026 (geo-tech report);*
- *Appendix V: 64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay SSDA Acoustic Assessment – prepared by Renzo Tonin & Associates, dated 5 March 2026 (acoustic assessment);*
- *Appendix II: Management and Mitigation Table – prepared by Planning&Co, dated 18 March 2026*
- *Appendix KK: 64 & 66 Lavender Street & 3, 5 & 7 Middlemiss Street Lavender Bay Visual Impact Assessment – prepared by Urbis, dated 16 March 2026.*
- *Appendix QQ: Historical Archaeological Assessment 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay – prepared by Urbis, dated March 2026*

Our review has identified key matters, as outlined in **Attachment A** that must be addressed in order for Heritage NSW to provide advice regarding all environmental heritage aspects of the project approval.

As the local heritage items are in the vicinity of the project area, advice should be sought from the relevant local council.

If you have any questions about this correspondence, please contact Sarah McGuinness, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Corey O'Driscoll

Corey O'Driscoll

A/Practice Lead

Major Projects

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate of the Heritage Council of NSW

25 June 2026

Attachment A – Detailed Environmental Heritage Advice

Heritage Impact Statement

Visual impacts

The SoHI assesses that the SSD would have a minor adverse visual impact on the *Sydney Harbour Bridge approaches and viaducts (road and rail)* and a moderate adverse impact on *Brett Whiteley House and Visual Curtilage*. We consider that the SoHI assessment does not adequately assess overshadowing and impacts on the views and setting of these items. We note the following:

- Overshadowing: the shadow diagrams provided show that the SSD would result in additional overshadowing as follows:
 - Brett Whiteley House and Visual Curtilage (SHR 01949) would be impacted by substantial additional morning overshadowing in mid-winter. The additional shadows would impact Clark Park and Wendy's Garden as well as the waters and shoreline walkways of Lavender Bay.
 - There would be substantial afternoon overshadowing of parts of Bradfield Park (part of SHR 00781) in mid-winter.

We consider that the additional overshadowing would diminish the amenity of these parks and public areas and may adversely impact the health and condition of significant vegetation therein. We note that the curtilage for SHR 01949 encompasses both Brett Whiteley House and areas important to its setting and views as they were part of the inspiration for the considerable body of Brett Whiteley's art, including the Canary Island Date Palm trees in Clark Park. Additional overshadowing would adversely impact on the associated visual quality of these areas.

- Impact of the SSD on the Sydney Harbour Bridge Northern Approach:
 - Tower A would be located approximately 10 metres from the bridge's northern approach structure, separated only by the narrow width of Middlemiss Street. We consider that the 23-storey tower in such proximity would visually dominate the adjacent bridge approach, diminishing its significance.

We note that part of Milson's Point is characterised by high-rise structures, but Bradfield Park provides a buffer zone between these buildings and the bridge approach so that it retains its prominence. The width of Middlemiss Street is insufficient as a buffer between the 23 storey Tower A and the bridge approach.

- Tower A's substantial 40 metre width would block the existing sweeping views across the suburb of Lavender Bay, particularly when viewed from trains on the northern approach. These views, although not identified as key views in the Sydney Harbour Bridge Conservation Management Plan, nevertheless form part of the experience of travelling across the Sydney Harbour Bridge. Together with Tower B, expansive Lavender Bay views from the train would be severely impacted.

Vibration management

The acoustic assessment recommends a site-specific construction noise and vibration management plan be prepared to protect adjacent properties during construction. Further, the geotechnical report

recommends strict control measures be implemented to manage the impacts of vibrations during construction. These recommendations are supported to protect heritage items in the vicinity.

In consideration of these points, we recommend that the Department request the following information be provided by the proponent to help fully assess the degree of impact related to overshadowing:

1. Additional shadow diagrams for all times of the year, before 9am and after 3pm as relevant.
2. Arboricultural advice regarding the impacts of additional overshadowing on vegetation in affected areas within Bradfield Park and the SHR curtilage of *Brett Whiteley House and Visual Curtilage*.

Archaeological Research Design

3. It is noted that the Environmental Impact Statement (EIS) does not consider or respond to the conclusions and recommendations of the Heritage Archaeological Assessment (HAA). In addition, Appendix II: Management and Mitigation Measures does not incorporate the mitigation measures identified in the HAA.

Accordingly, Appendix II must be updated to incorporate the recommendations for non-Aboriginal archaeological management as outlined in the HAA. The Submissions Report should also be prepared to consider and reflect the findings and recommendations of the HAA

4. An Archaeological Research Design and Excavation Methodology (ARDEM) must be prepared in accordance with the guideline Archaeological Assessments (Heritage Office and DUAP 1996) to inform and guide archaeological excavations as recommended in the archaeological assessment. The ARDEM should:
 - a. Identify research questions to guide the archaeological program
 - b. Propose a methodology for archaeological investigations on site, including a sampling strategy for the test excavations as appropriate.
 - c. Consider the inclusion of an artefact discard policy and procedure.
 - d. Include clear triggers and hold points for the identification of substantially intact (and, if present, State significant) archaeological deposits/relics. The hold points should require, and allow for, consideration of redesign to avoid impacts. Heritage NSW advises that the current approach for the management of any identified State significant archaeology is preservation and conservation *in situ* as a preferred heritage outcome.
 - e. Provide a methodology for post-excavation analysis and reporting.
 - f. Include provision for an addendum to the ARDEM if open-area salvage excavation is recommended as mitigation based on the results of the testing. The Addendum should detail the proposed salvage excavations and methodology and should be developed in consultation with Heritage NSW.

The ARDEM should be prepared following updates to the archaeological assessment an assessment of significance.

Nominate an Excavation Director

5. A suitably qualified and experienced Excavation Director should be nominated for test excavations. The nominated Excavation Director is to meet the requirements of Criteria for Assessing Excavation Directors (Heritage Council of NSW 2019).
6. The ARDEM and nominated Excavation Director should be submitted to Heritage NSW for approval prior to the commencement of test excavations.