

Environmental Impact Statement and Planning Proposal

**64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay
SSD-86797708**

**15 May 2026
240036**

planning&co

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Appendix B	Engagement Report	Notting Hill Advisory
Appendix C	Architectural Drawings	SJB
Appendix D	CHP Agreement Letter	Bridge Housing
Appendix E	Design Review Report	SJB
Appendix F	Title Documents	Mills Oakley
Appendix G	Survey Plan	GeoSurv
Appendix H	Aboriginal Cultural Heritage Assessment Report (ACHAR)	Artefact
Appendix I	Statement of Heritage Impact	Artefact
Appendix J	Traffic Impact Assessment	JMT
Appendix K	Landscape Plan	Land & Form
Appendix L	Landscape Report (inc. Public Space Plan)	Land & Form
Appendix M	ESD Report	JHA
Appendix N	Estimated Development Cost (EDC) Report	Altus
Appendix O	Connecting with Country Report	Artefact
Appendix P	Reflectivity Assessment	RWDI
Appendix Q	Civil Drawings	AT&L Civil
Appendix R	Integrated Water Management Plan	AT&L Civil
Appendix S	Operational Waste Management Plan	Elephants Foot
Appendix U	Construction and Demolition Waste Management Plan	Elephants Foot
Appendix V	Noise and Vibration Impact Assessment	Renzo Tonin
Appendix W	Air Quality Assessment	RWDI
Appendix X	Access & BCA Report	New Crown Consulting
Appendix Y	Fire Engineering Council Letter	OMNII
Appendix AA	Statutory Compliance Table	Planning & Co
Appendix BB	BDAR Waiver	SLR
Appendix CC	Preliminary Site Investigation Report (Enviro)	Rapid Geo
Appendix DD	Infrastructure Report	JHA
Appendix EE	Utility Locate Report	Geosurv
Appendix FF	BASIX Certificate	JHA
Appendix GG	Arboricultural Impact Assessment	Advanced Treescape Consulting
Appendix HH	Chapter 4 Housing SEPP Assessment (ADG)	SJB
Appendix II	Mitigation Measures Table	Planning & Co
Appendix JJ	Peer Review Letter of Support	Matthew Pullinger
Appendix KK	Visual Impact Analysis	Urbis

Appendix	Document	Author
Appendix MM	Natural Ventilation Assessment	RWDI
Appendix NN	Wind Impact Assessment	RWDI
Appendix OO	Geotechnical & Groundwater Site Investigation	Rapid Geo
Appendix PP	Archaeological Technical Report (ATR)	Artefact
Appendix QQ	Historical Archaeological Assessment (HAA)	Urbis
Appendix RR	Hazard and Risks Confirmation Letter	Geosurv

REAP DECLARATION

REAP Declaration Project Details		
Project Name	64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay	
Application	SSD-86797708	
Address	64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay	
Applicant Details		
Applicant Name	The Trustee for CE Lavender Bay Trust	
Applicant Address	Level 17/ 100 Miller Street, North Sydney NSW 2060	
Prepared by		
Name	Jack Freckelton	Jim Murray
Qualifications	GradDipPlan, BConstMgt(Bldg)(Hons)	MURP
Address	80 William Street, Woolloomooloo	80 William Street, Woolloomooloo
Declaration Assessment Practitioner		
Name	Tom Goode	
Address	80 William Street, Woolloomooloo, NSW 2011	
Qualifications	Bachelor of City/Urban, Community and Regional Planning	
Registration Number	4190	
Organisation Registered With	Planning Institute of Australia	
	The undersigned declared that this EIS: - the statement has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021, and - contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which this EIS relates, and - does not contain any information that is false or misleading, and - contains the required information under the Registered Environmental Assessment Practitioner Guidelines. - addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project; - identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments; - has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement; - contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development; - contains a consolidated description of the project in a single chapter of the EIS; - contains an accurate summary of the findings of any community engagement; and - contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.	
Signature		
Date	19 May 2026	

EXECUTIVE SUMMARY

This Environmental Impact Statement (EIS) and Planning Proposal (PP) has been prepared by Planning & Co on behalf of the Trustee for CE Lavender Bay Trust (Central Element) in support of a State Significant Development Application (SSDA) and a Concurrent Rezoning Proposal. This SSDA is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a residential development including affordable housing, consisting of two residential flat buildings with a combined podium, basement parking with access from Lavender Street, a through site link and public domain works at 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay (the site).

This SSDA seeks to provide market and affordable housing within Milsons Point Town Centre in the North Sydney local government area (LGA).

On 16 May 2025, the Housing Delivery Authority (HDA) recommended the project be declared SSD. The project was subsequently declared State Significant Development (SSD) under the *State Significant Development Declaration Order 2025* dated 26 May 2025.

The Secretary's Environmental Assessment Requirements (SEARs) were formally issued by DPHI on 30 June 2025 and the requirements for the concurrent rezoning proposal were issued by DPHI on 2 July 2025.

This EIS has been prepared in accordance with the requirements of Part 4 and Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 175 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the SEARs received for the preparation of this EIS.

This EIS should be read in conjunction with the supporting technical documentation and plans attached as appendices. **Appendix A** provides a SEARs compliance table that indicates where the SEARs and the rezoning requirements have been addressed in this EIS and the technical documents and plans.

Project Description

The proposed development seeks approval for the rezoning of the site and development consent for the construction of a residential development.

The SSDA specifically involves the following works:

- Demolition of the existing buildings on site;
- Site excavation, and other preparatory site works;
- Construction of a 32 and 23-storey residential flat building including 3% designated affordable housing consisting of 163 dwellings,
- Five levels of basement parking,
- Vehicular access from Lavender Street and loading access from Middlemiss Street,
- A new publicly accessible open space, including through-site link and site landscaping,
- Site amalgamation,
- Utility and services augmentation as required.

To accommodate the proposed SSDA, a concurrent rezoning is sought to increase the site's maximum building height.

Concurrent Rezoning

The proposal includes a concurrent rezoning proposal to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Increase the maximum height of building from 12m to 108.1m

There is no FSR control and the existing R4 high density zoned remains. Further details of the concurrent rezoning are provided in **Section 5.0**.

Strategic Context

The proposal will facilitate the redevelopment of underutilised land to enable a high-density residential development accommodating market and affordable housing to address the housing crisis in NSW. The proposal is consistent with Federal, State and North Sydney Councils housing policies, including:

- National Housing Accord 2022;
- NSW Housing Strategy: Housing 2041;
- Greater Sydney Region Plan – A Metropolis of Three Cities;
- Draft Sydney Plan;
- North District Plan;
- Future Transport Strategy;
- North Sydney Local Strategic Planning Statement 2020;
- North Sydney Local Housing Strategy 2019; and
- GANSW Better Placed.

The proposal was declared SSD by the Minister on 26 May 2025 following a recommendation by the HDA. The proposal will provide 163 homes, a net increase of 131 new homes on site, which will contribute to North Sydney's 5-year housing target of 5,900 and NSW's target of 377,000 new homes by July 2029. By increasing the supply of diverse and affordable housing in a key location, the proposal will boost urban growth, while addressing the need for well-located and affordable housing.

Statutory Context

The proposal is SSD and is assessed under Part 4, Division 4.7 of the EP&A Act and is subject to assessment in accordance with the SEARs issued on 30 June 2025 under Section 4.12(8) of the EP&A Act. Concurrent rezoning request made under Part 3 Division 3.4 of the EP&A Act in accordance with the *Local Environmental Plan Making Guideline (LEP Making Guideline)* published by DPHI.

The concurrent rezoning request is made under Part 3, Division 3.4 of the EP&A Act, and in accordance with the LEP Making Guideline. It seeks an amendment to the NSLEP 2013 regarding the height of buildings provision. The rezoning proposal also demonstrates consistency with the relevant State Environmental Planning Policies (SEPPs), including the Housing SEPP, Sustainable Buildings SEPP and Transport and Infrastructure SEPP.

Engagement

An Engagement Report has been prepared by Notting Hill Advisory and is attached at **Appendix B** in support of the proposed development.

Relevant groups were consulted and engaged in the preparation of this SSDA including DPHI, Homes NSW, Registration of Aboriginal parties (RAP) groups, relevant service and utilities providers and the community.

Engagement activities consisted of public research sentiment, email feedback mechanism, community information flyer, virtual information webinar, detailed project presentation, and stakeholder engagement sessions with government agencies.

In accordance with the SEARs requirements for engagement, the report outlines key issues raised across multiple forums and addressed how the proposal has responded and incorporated these issues into final proposed development scheme.

As the Proposal evolves, the Applicant will continue to engage local residents, landowners, businesses and key agencies, ensuring that community input remains an essential part of the development process. This includes during public exhibition, assessment, and following determination phases of the SSDA and concurrent planning proposal process.

Project Justification

This EIS assesses the Proposal having regard to relevant planning instruments and policies and outlines the proposed mitigation measures required to ensure that the development does not result in any unreasonable environmental impacts.

The key environmental assessment matters identified in the SEARs have been assessed in detail. The summary of the key findings, recommendations and mitigation measures from technical reports are presented in **Section 8.0**. This EIS confirms that the environmental impacts of the proposed development are positive, reasonable in the circumstances or can be appropriately managed.

Holistically, the proposal will provide a net positive outcome for the site, the surrounding area and Sydney more broadly, for the following reasons:

- The proposal responds appropriately to the immediate strategic context for the North Sydney LGA.
- The proposal is consistent with the relevant objectives and priorities of the following strategic documents and aligns with the current strategic policy context:
 - National Housing Accord 2022,
 - NSW Housing Strategy: Housing 2021,
 - Greater Sydney Region Plan: A Metropolis of Three Cities,
 - North District Plan,
 - NSW Future Transport Strategy,
 - Better Placed,
 - North Sydney Local Strategic Planning Strategy, and
 - North Sydney Local Housing Strategy.
- The proposal meets the relevant statutory requirements of the relevant EPIs including:
 - EP&A Act,
 - *State Environmental Planning Policy (Planning Systems) 2022*,
 - *State Environmental Planning Policy (Housing) 2021*,
 - *State Environmental Planning Policy (Transport and Infrastructure) 2021*,
 - *State Environmental Planning Policy (Resilience and Hazards) 2021*,
 - *State Environmental Planning Policy (Sustainable Buildings) 2022*,
 - *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and
 - *North Sydney Local Environmental Plan 2013* (subject to concurrent rezoning outcomes).

The likely environmental, economic and social impacts of the matters listed below, including appropriate mitigation, have been assessed as being reasonable in the circumstances:

- | | |
|---------------------------------|--|
| • Built form and urban design | • Aboriginal cultural heritage |
| • Site isolation | • Environmental heritage |
| • Residential amenity | • Construction impacts (noise, vibration, traffic, dust) |
| • Overshadowing | • Integrated water management |
| • Wind impacts | • Ground and groundwater conditions |
| • Reflectivity | • Site contamination |
| • Visual and view impact | • Ecologically sustainable development |
| • Traffic, transport and access | • Flooding |
| • Noise impacts | • Infrastructure and utilities |
| • Landscaping and tree removal | |

- Social impacts

Therefore, it is recommended that consent is granted to this SSDA subject to standard conditions of consent, as it is consistent with the relevant strategic and statutory framework, will not generate unreasonable environmental impacts, and is suitable for the site and in the public interest.

1.0 INTRODUCTION

This Environmental Impact Statement (EIS) and Concurrent Rezoning Report has been prepared by Planning & Co on behalf of The Trustee for CE Lavender Bay Trust (**Central Element**) in support of a SSDA and concurrent Planning Proposal (PP) pursuant to Part 4 and Section 3.33 of the EP&A Act. This SSDA and concurrent PP is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a residential development which includes affordable housing, consisting of two residential flat buildings with a shared podium, basement parking, a through site link and public domain works.

The project was considered by the HDA on 16 May 2025 and declared as a State Significant Development (SSD) under the State Significant Development Declaration Order 2025 on 26 May 2025. Industry-specific Secretary’s environmental assessment requirements (**SEARs**) were formally issued by DPHI on 30 June 2025. **Appendix A** provides a SEARs compliance table that indicates where the SEARs and concurrent rezoning requirements have been addressed in this report and the technical reports listed as appendices.

This EIS has been prepared in accordance with the requirements of Part 4 and Part 3 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, Section 175 of the *Environmental Planning & Assessment Regulation 2021 (the Regulations)* and the SEARs received for the preparation of this EIS. This Report should be read in conjunction with supporting technical documentation and plans attached as appendices.

1.1 Applicant Details

The details of the Proponent for this SSDA are provided in **Table 1**.

Table 1: Proponent's Details

Aspect	Detail
Proponent name	The Trustee for CE Lavender Bay Trust
ABN	26 306 734 969
Address	Level 17/ 100 Miller Street, North Sydney NSW 2060

1.2 Project Background

1.2.1 Pre-HDA Engagement with Homes NSW

As expanded upon in **Section 8.3**, land adjacent to the subject site at 1 Middlemiss Street and 62 Lavender Street comprises buildings under the ownership of Homes NSW. The proponent has gone to great lengths to consult with Homes NSW prior to the submission of a HDA EOI, the specific details of consultation with Homes NSW are outlined in the engagement report provided as **Appendix B**.

Importantly the proponent made attempts to partner with Homes NSW, with the intention of redeveloping a consolidated site via the Unsolicited Proposal process. However, since the commencement of dealings in 2021, Homes NSW advised that there was a pause on the sale of government owned land during the period of consultation, therefore was unable to purchase the sites. Despite this, Central Element continued to engage with Homes NSW to best future proof the redevelopment of the Homes NSW sites into the future, in line with the current planning controls available to those sites. A delicate balance has been sought to continue existing amenity, whilst enabling future redevelopment.

1.2.2 Housing Delivery Authority Process

Since 8 January 2025, applicants have been able to submit an Expression of Interest (EOI) application to the HDA, who provides a pathway for an accelerated state significant development, subject to addressing criteria for major residential developments. Criteria include projects valued at over approximately \$60 million in Greater Sydney (on average 100 or more homes).

The HDA Briefing held on 16 May 2025 considered the EOI for 64 & 66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay and the following was concluded:

- **Recommended** to the Minister that this project be declared SSD under s4.36(3) of the EP&A Act.
- **Noted** the reasons for HDA recommendation:
 - *The proposal adequately satisfies the objectives and criteria of the HDA EOI.*
- **Formed** the view that the development proposal is of state significance as it satisfies the HDA SSD criteria.
- **Provided** the following advice to the Minister:
 - *The proposal has State significance as it is a major residential project as it satisfies the HDA SSD criteria established in the document “HDA consideration of State significance under s4.36 of the EP&A Act.”*
- **Noted** that a merit assessment may result in development standards and dwelling yield lower than proposed in the EOI application.
- **Noted** there are no member conflict of interests.

The proposal was declared by the Minister for Planning and Public Spaces as an SSD on 26 May 2025 under the *State Significant Development Declaration Order (No 8) 2025*.

The proposal will not result in the Homes NSW sites becoming isolated as demonstrated in **Section 8.3**.

1.3 Overview of Proposed Development and Rezoning

1.3.1 Project Objectives

The overarching objectives of the proposal are summarised below:

- Deliver new homes in an accessible location close to public transport, shops and services.
- Deliver new infill affordable housing to meet the needs of low- and moderate-income households.
- Design a built form that is responsive and appropriate to the site context including heritage conservation area and adjoining Homes NSW sites.
- Deliver a tower development that integrates with the broader skyline between the Sydney CBD and North Sydney CBD.
- Maintain good levels of direct sunlight to surrounding public open spaces including Clark Park, Wendy Whiteley’s Garden, and Bardfield Park.
- Minimise potential residential amenity impacts for neighbouring sites.
- Enhance the permeability of the area site by providing a publicly accessible through-site link and provision of new publicly open space

1.3.2 Project Description

The proposed development seeks development consent for the construction of a residential development including affordable housing.

The SSDA specifically involves the following works:

- Demolition of the existing buildings on site;
- Site excavation, and other preparatory site works;
- Construction of a 32- and 23-storey residential flat building including 3% designated affordable housing, consisting of 163 dwellings,
- Five levels of basement parking,
- Vehicular access from Lavender Street and loading access from Middlemiss Street,
- A new public accessible open space, including through-site link and site landscaping and
- Site amalgamation,
- Utility and services augmentation as required.

Further details of the proposal are provided in the EIS and in accordance with the Architectural Plans as prepared by SJB (**Appendix C**).

The proposal also includes a concurrent planning proposal which seeks to:

- Increase the maximum building height standard from 12m to RL142.

Further details of the proposal are provided in **Section 5.0**. The proposal will be in accordance with the Architectural Plans as prepared by SJB Architects (**Appendix C**).

1.4 Public Benefits

1.4.1 Affordable Housing

In recognition of the additional built form uplift being sought in this SSDA and concurrent PP, the proposal commits to providing 3% of the total GFA as affordable housing in perpetuity, consistent with the HDA declaration for the site. This materialises as 7 units across both towers. A supporting letter from the community housing provider (CHP), Bridge Housing, is attached as **Appendix D**.

1.4.2 Through-Site Link and Public Open Spaces

The proposal includes a publicly accessible pedestrian through-site link and open space at the ground level of the site. The proposal will enhance permeability for pedestrians between Arthur Lane and Lavender Street; part of the link is also undercover improving pedestrian amenity. The proposal will also allow pedestrians to use an alternative route from the high-use cycle route along Middlemiss Street. The ground plane is detailed in the Landscape Plans (**Appendix K**) and Landscape Report (**Appendix L**) prepared by Land & Form. The ground plane will receive good levels of solar access; it will be an inviting environment for social interaction and passive recreation which will make a positive contribution to the streetscape.

1.4.3 Renewal of Aging Housing Stock

The purchase of the lands was pre-empted by the existing owners going to market as a result of required maintenance and make good works. The current housing stock on stock is of varying quality and now outdated.

2.0 SITE OVERVIEW

2.1 Site Location and Context

The site is located at 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay, directly west of the Warringah Freeway. The site is on Cammeraygal land.

The site is in the North Sydney Local Government Area (LGA), south-east of the North Sydney CBD and approximately 350m walking distance from the Milsons Point railway station and approximately 550m walking distance from the North Sydney railway station. The site's location is shown in **Figure 1**

Lavender Bay is approximately 3km north of the Sydney CBD. The site is close to existing high-rise development to the south in Milsons Point and the north in North Sydney. To the west, Lavender Bay also accommodates low and medium density housing, predominantly 2-3 storey attached buildings. Being close to the North Sydney CBD and Sydney CBD, Lavender Bay can play a key role accommodating well-located housing on the Lower North Shore.



Figure 1: Local Context

Source: SJB



Figure 2: Site context
Source: SJB

2.2 Site Description

The site consists of five allotments and is irregular in shape (**Figure 3**). The legal description of each lot is identified in **Table 2** below. The total site area is 2,304.5 sqm. The site has an approximate frontage of 60m to Middlemiss Street and 30m to Lavender Street. The site falls approximately 3.5m to the southeast from 7 Middlemiss Street to 66 Lavender Street, refer to the Survey Plan prepared by GeoSurv at **Appendix G**.

Table 2: Legal Descriptions of Site

Address	Legal Description	Area (approx.)
64 Lavender Street, Lavender Bay	4/DP19368	482 sqm
66 Lavender Street, Lavender Bay	SP70601	373 sqm
3 Middlemiss Street, Lavender Bay	SP52428	410 sqm
5 Middlemiss Street, Lavender Bay	SP52429	485 sqm
7 Middlemiss Street, Lavender Bay	SP538	554 sqm
Surveyed total site area: 2,304.5 sqm		



Figure 3: The Site
Source: SDT Explorer, edited by Planning & Co

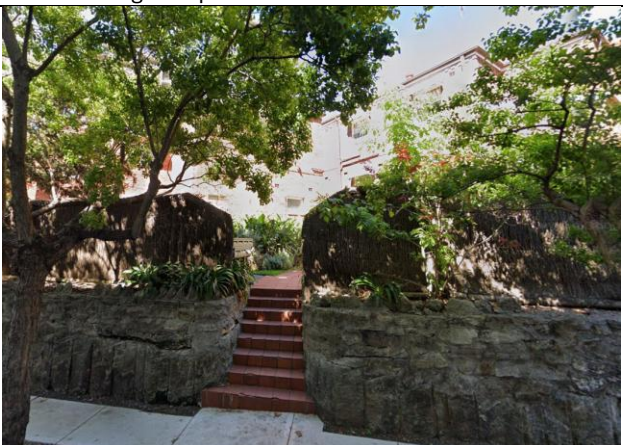
2.3 Restrictions and Covenants

Consolidated title documents are provided in **Appendix F** and detailed survey plan prepared by GeoSurv is attached at **Appendix G**. The site is burdened by Reservation and Conditions in the Crown Grant, a reservation that excludes Minerals by Transfer Dealing B300471 and the property is also subject to individual Strata Management Schemes and the By-laws setout within Schedule 2 of the Strata Schemes Management Regulation 2016.

2.4 Existing Development

The site contains 5 double storey residential flat buildings on single lots. No buildings are listed as heritage items and the site is not within a heritage conservation area. The five lots will be consolidated under single ownership for the purposes of redevelopment. The existing developments on the site are identified and described in **Table 3**.

Table 3: Existing Development on the Site

Address	Description	Image
7 Middlemiss Street, Lavender Bay	2 storey residential building	 Figure 4: 7 Middlemiss Street, Lavender Bay Source: Google Maps
5 Middlemiss Street, Lavender Bay	2 storey residential building	 Figure 5: 5 Middlemiss Street, Lavender Bay Source: Google Maps
3 Middlemiss Street, Lavender Bay	2 storey residential building	 Figure 6: 3 Middlemiss Street, Lavender Bay Source: Google Maps

64 Lavender Street, Lavender Bay	2 storey residential building	 Figure 7: 64 Lavender Street, Lavender Bay Source: Google Maps
66 Lavender Street, Lavender Bay	2 storey residential building	 Figure 8: 66 Lavender Street, Lavender Bay Source: Google Maps

2.5 Surrounding Development

Development surrounding the site is varied in height, density and age. North Sydney and Milsons Point accommodate existing high-density towers, and the Lavender Bay Heritage Conservation Area lies to the west as illustrated in **Figure 9**. The surrounding area is described in further detail below.



Figure 9: Height of surrounding development

Source: SJB

North

The Sydney Harbour Bridge railway viaduct is on the northern side of Middlemiss Street. Commercial premises are located at street level. Further north is the major road infrastructure associated with the Sydney Harbour Bridge. The North Sydney CBD and train station lies to the northwest.

South

Immediately south of the subject site are three high density residential buildings up to 23 storeys, at 55 Lavender Street, that currently mark the northern edge of the high-density Milson Point town centre which runs south along Alfred Street to the harbour.

East

Immediately east of the subject site is a 3-storey residential flat building at 1 Middlemiss Street, the site is owned by Homes NSW and is expected to be developed for contemporary housing in the future (refer **Section 2.5.1** below). Railway and road infrastructure associated with the Bridge lies further east.

West

Immediately to the west of the subject site is a 2-storey flat building at 62 Middlemiss Street, the site is owned by Homes NSW and is expected to be developed for contemporary housing in the future (refer **Section 2.5.1** below). Continuing west is the Lavender Bay heritage conservation area, which is identified in the *North Sydney Local Environmental Plan 2013* as a heritage area of local significance and characterised by range of medium and low-density dwellings. Clark Park, Watt Park and Wendy Whiteley's Secret Garden, lie south-west with views to Lavender Bay.

Overall, it is expected that the area will undergo a level of change, as anticipated through the recent policy changes under the Low and Mid-Rise Housing provisions implemented through the Housing SEPP to deliver more homes in highly accessible areas. As can be seen from Figure 10 below, the site sits in a Low and Mid-rise housing area.



Figure 10: Indicative low and mid-rise housing area
Source: Low and Mid-Rise Housing Policy Indicative Map, DPHI

2.5.1 Homes NSW Sites

The site is between two sites owned by Homes NSW at 62 Lavender Street and 1 Middlemiss Street (**Homes NSW sites**). Key site details are provided in **Table 4**. The low and mid-rise (**LMR**) housing and in-fill affordable housing (**IAH**) provisions apply to the surrounding land (**Figure 10**), including the Homes NSW sites. The R3 zone to the west is in the LMR housing area, which is subject to a maximum building height of 22m (6 storeys) as it is approximately 350m walking distance of Milsons Point Station. Development that sought to provide IAH can build up to 28.6m (7 storeys) under the IAH provisions.



Figure 11: Homes NSW sites

Source: SDT Explorer, edited by Planning & Co

Table 4: Homes NSW Sites Details

Details	Description	
Address	62 Lavender Street	1 Middlemiss Street
Legal Description	5/DP19368	2/DP19368 and 5/DP431983
Site Area	562.8 sqm	916.8 sqm
Existing building and structures	Two storey residential flat building with 6 apartments	Three storey residential flat building with 12 apartments
Existing vegetation	The site includes two mature Jacaranda Trees to Lavender Street	The site includes a fig tree to Lavender Street.
Topography	The land slopes by about 3m from the north to Lavender Street	The land slopes by about 1m to the west
Restrictions on Title	There are no restrictions on title that are relevant to a future development application.	

The Homes NSW sites have been considered throughout the design process. The following sections of this report directly address the Homes NSW sites:

- Project Background (**Section 1.2**)
- Alternatives considered (**Section 3.7.4**)
- Layout and built form (**Section 4.8**)
- Building form and urban design (**Section 8.2**)
- Site isolation (**Section 8.3**)

2.6 Natural Environmental Risks or Hazards

The site is not identified as flood-prone or bushfire prone land. A utility locate report prepared by Geosurv (**Appendix EE**) and Preliminary Site Investigation (PSI) prepared by Rapid Geo confirm suitability of the site for the proposed residential development.

2.7 Aboriginal Cultural Heritage

An archaeological assessment and subsequent archaeological survey have confirmed the study area has been subject to significant historical disturbance, and the condition of the study area is unlikely to have Aboriginal objects present. Refer to **Section 8.8.1** for further details. An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Artefact and is provided as **Appendix H**. The ACHAR is informed by the Archaeological Technical Report (ATR) included at **Appendix PP**.

2.8 Environmental Heritage

The site does not accommodate any heritage items nor is located within a heritage conservation area identified in the Heritage Map and listed in Schedule 5 of the NSLEP 2013. As noted above, the site is adjacent to the Lavender Bay HCA. The site is also proximate to the following heritage items:

- I0302, I0305, I0307, I0309, I0311 – House
- I0313 - Electricity Substation No 219
- I0530 - Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway
- I0539 - Milsons Point Railway Station Group

The location of the surrounding heritage items is shown in **Figure 12** below. Further details of existing surrounding heritage values are provided in the statement of heritage impacts prepared by Artefact, attached at **Appendix I**.

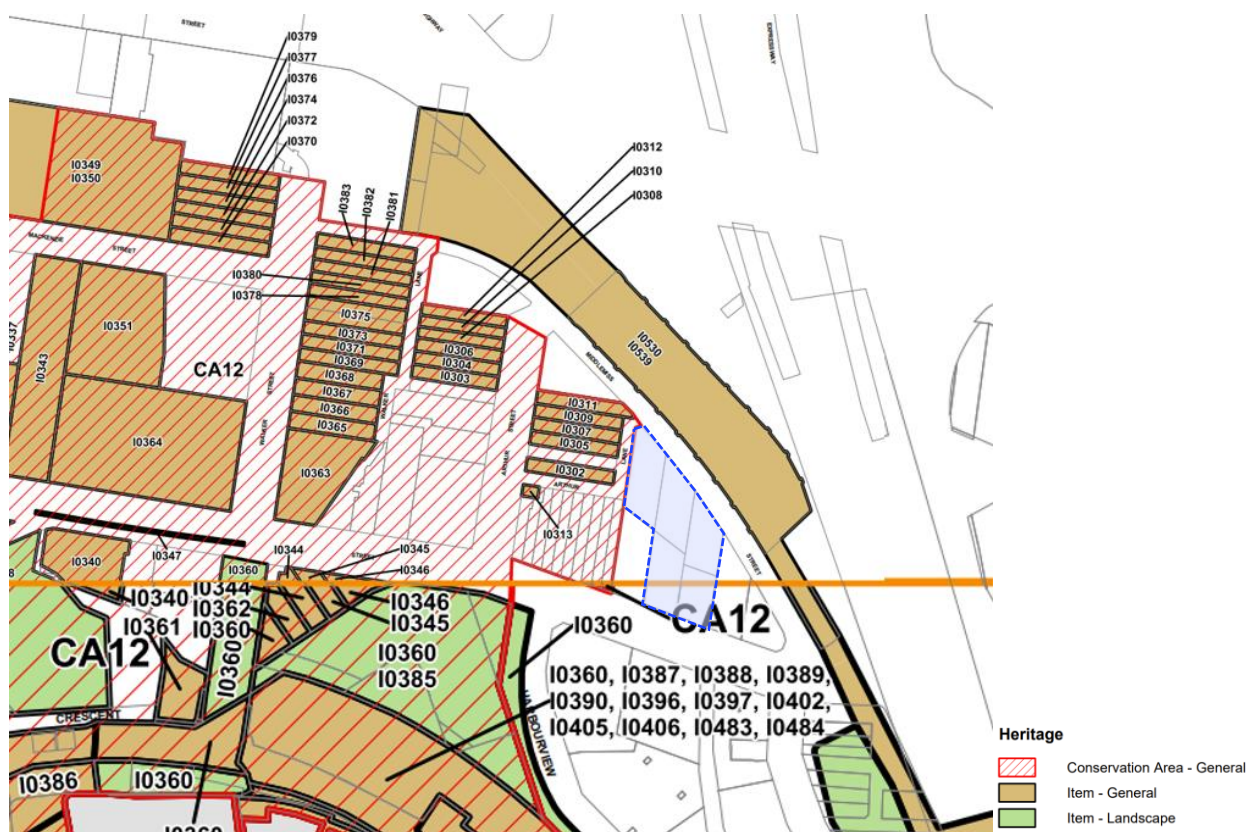


Figure 12: Heritage context

Source: NSLEP 2013 Heritage map

2.9 Transport and Access

2.9.1 Public and Active Transport

Rail Connections

The site is located approximately 350m walking distance north of the Milsons Point railway station and 550m walking distance south-east of the North Sydney railway station that both provide frequent services connecting to metropolitan Sydney, the Central Coast and Newcastle.

Bus Connections

The site is walking distance to several bus stops with frequent services to North Sydney, St Leonards, Chatswood and Manly.

Active Transport

The Sydney Harbour Bridge Cycleway Ramp, located directly south of the site, officially opened in January 2026 and consists of a new 170m bike ramp linking with the Sydney Harbour Bridge, and additional new crossings, footpaths, shared paths and bike lanes.

2.9.2 Road Network

- Lavender Street is a two-way street running from the roundabout at its eastern terminus and Blues Point Road at its western terminus. Lavender Street provides access to the Pacific Highway at the eastern terminus. Lavender Street provides parallel parking on one side.
- Middlemiss Street is a one-way street which runs from Walker Street north-west of the site to the roundabout intersection with Lavender Street and Alfred Street South at the eastern corner of the site. Middlemiss Street provided parallel parking on one side.
- The Pacific Highway is an arterial road that runs from the Warringah Freeway through to Sydney's northern suburbs with connections to Sydney CBD. The interchange of the Pacific Highway with the Warringah Freeway is immediately east of the subject site and operates with three lanes in each direction upon reaching North Sydney.
- The Warringah Freeway forms part of the M1 route which connects Artarmon in the North Shore with Sydney International Airport in the south via the CBD. The M1 forms part of the Sydney Orbital and connects with the M2 Lane Cove Tunnel at its northern terminus and the M5 East at its southern terminus. Near most to the subject site the Warringah Freeway is 12 lanes and provides connection to the Pacific Highway, Sydney Harbour Bridge and Harbour Tunnel.

2.10 Services Infrastructure

The Infrastructure Report prepared by JHA attached as **Appendix DD** identifies existing infrastructure services informed by Before-You-Dig-Australia (**BYDA**), Ausgrid GIS, site investigations, provided survey documents and discussions with utility companies including Sydney Water, Jemena, Ausgrid and Telstra / NBN.

The individual lots of the site are currently well serviced by electrical, communications, hydraulics services, potable water, and gas infrastructure.

3.0 STRATEGIC CONTEXT

3.1 Federal Strategic Planning Context

3.1.1 National Housing Accord 2022

In October 2022, the National Housing Accord (**Housing Accord**) was announced by the Federal Government, which aims to deliver 1.2 million well-located homes across Australia, including 377,000 in New South Wales by 2029. North Sydney LGA has a 5-year dwelling target of 5,900 new dwellings. In the period between 1 July 2024 and December 2025, 1,537 new dwellings have been approved for development¹, representing a gap of 4,363 (74%) yet to be approved by June 2029. Further, the Commonwealth is supporting an additional 10,000 affordable dwellings over five years from 2024, and NSW has committed to delivering 3,100 affordable homes between 2024-2029.

The proposed development is consistent with the aims of the National Housing Accord and provides 163 dwellings including 3% affordable housing dwellings within a walking distance of public transport, employment, local businesses and open space.

It should be noted that North Sydney LGA’s current Local Housing Strategy was released before the National Housing Accord and is awaiting review in 2025/26. The council still adopts the 2019 local housing strategy.

The proposed development is completely aligned with the National Housing Accord as it was declared SSD by the Minister to fast track housing delivery in well located areas.

3.2 State Strategic Planning Context

3.2.1 NSW Housing Strategy: Housing 2041

The *NSW Housing Strategy: Housing 2041* was released in March 2021. This strategy sets out a 20-year plan for better housing outcomes for NSW including providing more high-density housing and affordable housing to expand housing choice. This proposal is completely aligned with the NSW Housing Strategy as it will deliver 163 dwellings, including 3% being affordable.

The proposed development is consistent with the four ‘pillars’ of the Housing 2041 Strategy:

Table 5: Assessment against the Housing 2041 Strategy

Direction	Alignment to the Pillar
Supply Includes the amount, location and timing of the supply of new housing. Planning for the supply of new housing should respond to environmental, employment and investment considerations, and population dynamics.	The proposed development will supply 163 new dwellings within the Housing Accord period, responding to the urgent need for new housing in NSW per the objectives of the Housing Delivery Authority.
Diversity Considers different types of housing and looks at how a diverse choice of housing can reflect the needs and preferences of households.	The proposed development provides a mix of apartment sizes as well as affordable housing, reflecting the different needs and preferences of a diverse range of households.
Affordability Recognises people live in diverse tenures based on their income and circumstances, and that housing should be affordable, stable and supportive of their aspirations and wellbeing.	The proposed development includes 3% of the total gross floor area as affordable housing in perpetuity, providing affordable and stable housing to support future residents aspirations and wellbeing, and contributing to the affordable housing stock in North Sydney.

¹ Data obtained from DPHI’s Housing Supply Dashboard

Direction	Alignment to the Pillar
Resilience Includes matching housing to community and environmental issues, so people, communities and their homes are safe, comfortable and resilient.	The proposed development incorporates sustainability measures and is supported by an ESD Report and BASIX certificates.

3.2.2 Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan – A Metropolis of Three Cities* (**Region Plan**) sets out the overarching strategic plan for the Greater Sydney Region. The 40-year vision is supported by four key directions: Infrastructure & Collaboration, Liveability, Productivity and Sustainability that collectively form a strategic framework which guides local strategic planning by councils. The following outlines how the proposed development aligns with the directions of the Region Plan:

Table 6: Assessment against the Region Plan

Direction	Alignment to the Direction
Infrastructure and Collaboration	
<i>A city supported by infrastructure</i>	The proposed development is walking distance to Milsons Point and North Sydney train stations which provides broader access to a network of key destinations including Sydney CBD, North Sydney, Macquarie, the Hills area, and Northern Beaches.
<i>A collaborative city</i>	The proposal will increase the population in an appropriate location close to key services that can leverage existing transport and social infrastructure and services. Community and government agency engagement has been conducted to ensure key stakeholders are aware of the project.
Liveability	
<i>A city for people</i>	Through the delivery of market and affordable housing, the proposed development is addressing the needs of the community. Providing density within walking distance of public transport will enable more people to walk to transport and be connected to the city around them.
<i>Housing the city</i>	One of the key planning priorities of this direction is to provide housing supply, choice and affordability with access to jobs, services and public transport. To facilitate greater housing supply, the Plan sets housing targets for each District. The North District, which includes North Sydney LGA, is required to deliver an additional 157,700 dwellings between 2016 – 2036. While this target is under review it remains, the target identified in the North Sydney Local Housing Strategy The proposal will provide a total of 163 new dwellings, including 3% affordable housing dwellings, within a walking distance of multiple public transport nodes, employment, local businesses and open space.
<i>A city of great places</i>	This proposal will deliver an architecturally designed residential flat building within the Milsons Point town centre with a high quality publicly accessible ground plane that will increase permeability in the area. The environmental assessment at Section 8.0 confirms that the proposal will have an acceptable impact on the surrounding area.
Productivity	
<i>A well-connected city</i>	The proposed development delivers 163 new dwellings within walking distance of both North Sydney and Milsons Point railway stations, bus stops, and the Bridge bike ramp, enhancing connectivity of people with key employment centres including and beyond Lavender Bay/Milsons Point.
Sustainability	
<i>A city in its landscape</i>	The proposed development includes a thoughtfully designed landscape response (Appendix K and L) which integrates natural elements and soft landscaping into an

Direction	Alignment to the Direction
	urban environment. The proposal has been designed to minimise its impact on the nearby public open spaces.
<i>An efficient city</i>	The proposal integrates ESD principles (Appendix M). This includes initiatives to ensure energy efficiency, water efficiency, thermal comfort and minimising overall environmental impact. The proposal delivers a more sustainable, energy efficient development than is currently provided on the site.
<i>A resilient city</i>	As outlined at Section 8.21 , the site is not within the Flood Planning Area and is not subject to specific flood planning level requirements. Nonetheless, Council have requested any basement entry is to be 300mm above the adjacent existing ground and this has been implemented in the design.

3.2.3 Draft Sydney Plan

The *Draft Sydney Plan* was placed on exhibition for feedback from 10 December 2025 to 27 February 2026 and sets out how the strategic direction growth in Sydney over the next 20 years. The role of the draft Sydney Plan, once finalised, is to replace the Greater Sydney Region Plan. The following outlines how the proposed development aligns with the priorities of the Draft Sydney Plan:

Table 7: Assessment against Draft Sydney Plan

Priority	Alignment to the Priority
Housed	
<i>More housing supply to bring down cost and wait times</i>	The proposed development provides 163 dwellings, a major uplift from the 5 existing double storey residential flat buildings (32 residential dwellings) on the site. Therefore, the proposal contributes to an increase in housing supply through a net increase of 131 dwellings.
<i>Greater housing diversity and more choice</i>	The proposed development provides a mix of 1-, 2- and 3-bedroom apartments. Additionally, the proposal makes provision for affordable and market housing, contributing to greater housing diversity.
<i>People living near jobs, services and amenities</i>	The proposal is in the Milsons Point town centre approximately 350m walking distance from Milsons Point train station. The site is well serviced by jobs, services and amenities along with public transport.
<i>More affordable and secure housing</i>	The proposed development commits to providing 7 dwellings (3%) as affordable housing.
Connected	
<i>Jobs and housing around public transport</i>	The proposed development provides 163 units approximately 350m walking distance of Milsons Point station, which provides rail connections to key centres including North Sydney and the Sydney CBD. Further, bus stops on Lavender Street provide services to various other destinations.
<i>Compact, walkable urban form promotes active travel</i>	The proposed development is located within the Milsons Point town centre, which is a high density, walkable centre. Locating density in Milsons Point will enable a greater proportion of the community to live within walking distance of public transport, shops and services.
Resilient	
<i>Sustainable built environment</i>	The proposed development will satisfy the relevant requirements of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> . An Ecologically Sustainable Development (ESD) Report has been prepared by JHA is attached as Appendix M .
Liveable	

Priority	Alignment to the Priority
<i>Access to open space, infrastructure and services</i>	The proposed development is close to infrastructure and services. Additionally, Clark Park is located 50m walking distance to the south-west of the site.
Coordinated	
<i>Prioritising growth in areas supported by infrastructure</i>	The site is adjacent to North Sydney and Sydney CBD. It is well-located regarding transport infrastructure, water/sewer, electricity, public transport and multiple schools. Royal North Shore hospital is located 25 minutes away by public transport.

3.2.4 North District Plan

Drawing on the Region Plan, the *North District Plan* (**District Plan**) sets the 20-year strategic direction for a number of LGAs including North Sydney. The District Plan aims to help the Councils plan for and support growth and change in these areas. To ensure an integrated approach between the Region Plan and the District Plan, relevant Objectives, Strategies and Actions from the Region Plan have been embedded in each of the Planning Priorities of the District Plan.

The proposed development will support the District Plan's overarching strategic directions for the reasons given below:

- Greater housing supply,
- More diverse and affordable housing, and
- Better located and designed housing.

The proposal helps deliver on the objectives of the District Plan through:

- Providing 163 new dwellings on a site that under is currently underutilised neighbouring an established high-density context.
- Providing 3% of the total GFA as affordable housing provision in a well-located area.
- Being located within walking distance of the North Sydney and Milsons Point rail stations and has existing public transport networks.
- Being well designed and will contribute to providing quality housing supply that is sensitive to environmental impacts to neighbours.

The proposed development is consistent with the objectives of the District Plan as follows:

Table 8: Assessment against District Plan

Priority	Alignment to the Priority
Infrastructure and collaboration	
<i>A city supported by infrastructure</i>	The proposed development is in a well located area, close to existing infrastructure including public transport.
<i>A collaborative city</i>	The proposed development is a result of the HDA, which plays a strategic role in coordinating investment to achieve land use outcomes and deliver specific projects, per the 'Working through collaboration' priority of the District plan.
Liveability	
<i>A city for people</i>	The proposed development is located near services and social infrastructure to meet people's changing needs, and will foster healthy and socially connected communities through communal open space, landscaped areas and ground floor non-residential areas for the community.
<i>Housing the city</i>	The proposed development will deliver new housing including affordable housing close to jobs, services and public transport, consistent with the District Plan directions.
<i>A city of great places</i>	The proposed development will renew an underutilised site that is well located for greater density, including ground floor active uses, while respecting the District's and North Sydney's heritage.

Priority	Alignment to the Priority
Productivity	

A well-connected city

The site is 350m walking distance to Milsons Point Station, connecting future residents to North Sydney and Sydney CBDs and the wider area. The proposed development is consistent with the District Plan directions to integrate land use and transport planning to deliver a 30-minute city, where residents can live close to public open space, jobs and services.



Figure 13: District Plan, public open space, existing jobs and services proximate the site

Jobs and skills for the city

The proposed development will provide housing and new non-residential floor space close to existing services and transport, contributing to a stronger and more competitive Harbour CBD, and providing new dwellings including affordable housing so that workers can live closer to their places of employment.

Sustainability

A city in its landscape

The proposed development includes landscaping and public accessible open space to enhance the scenic and cultural landscape of the surrounding area and deliver 'high quality open space' per the District Plan priorities.

An efficient city

The proposed development is supported by an ESD Report and BASIX certificates.

A resilient city

The proposed development is not burdened by an significant urban or natural hazards that will impact on future residents or the local area.

3.2.5 Better Placed

Better Placed was released by the GANSW in August 2017 as a design policy to establish priorities and objectives addressing key challenges and provides directions for good design outcomes in the built environment. The table below outlines how the proposed development is consistent with the objectives of the *Better Placed* policy. Further, the Urban Design Report prepared by SJB and attached at **Appendix E** demonstrates the alignment of the design with the *Better Placed* objectives.

Table 9: Assessment against *Better Placed*

Objective	Design Response
<i>Better Fit</i>	The proposed development responds to the future character and setting of this area as part of the Milsons Point town centre. The changing context of the area from a low and medium density area to a high-density residential hub is supported by this proposal. The proposed development will also contribute to establishing a vibrant streetscape and neighbourhood character for the area including a transition between the neighbouring high and low-density characters.
<i>Better Performance</i>	An Ecologically Sustainable Development (ESD) Report has been prepared by JHA is attached as Appendix M. The report discusses the sustainability principles as they have been incorporated into the design and ongoing operation of the proposed development. It also outlines the energy efficiency measures that will be implemented to reduce greenhouse gas emissions and footprint of the project. The BASIX Certificate prepared by JHA is attached as Appendix FF and certifies that the development will meet the relevant industry recognised building sustainability and environmental performance standards.
<i>Better Community</i>	The proposal will create a more inclusive, connected, and diverse development outcome for the site. Active lobby spaces, pocket parks and communal spaces are embedded within the proposal to ensure communal inclusivity. An Accessibility and BCA Report has been provided at Appendix X demonstrating the site is capable of facilitating appropriate accessibility outcomes.
<i>Better for People</i>	The proposed ground floor lobbies and communal areas that address Lavender Street and Middlemiss Street enhance the actual and perceived sense of safety and comfort for pedestrians and residents as they move through and around the site as the ground floor uses provide more ‘eyes on the street’ with a sense of security with passive surveillance from the uses on the site. Further, the landscaping design provides a positive urban design outcome that provides a welcoming space for people. Residential safety and comfort are achieved through ADG compliance. Where non-compliances may exist, alternatives have been considered and justified which are further discussed in Section 8.0. Dedicated communal open spaces and other communal facilities within the proposed development are designed for usability and convenience to improve the comfortability and flexibility in residential living.
<i>Better for Working</i>	The proposed development allows the location of all future residents to public transport, existing services and shops. The provision of an affordable housing contribution supports the State government’s efforts to alleviate housing affordability, rental tenancy stress, and increase housing supply in well located areas.
<i>Better Value</i>	The proposed development allows for the provision of appropriate housing types in strategic locations that caters for market demand and gaps. The delivery of a diverse unit mix including 1-bedroom, 2-bedroom and 3-bedroom dwellings over 163 dwellings, including 3% affordable housing dwellings, present an expansive provision that aligns to the housing needs for the area. The consideration of efficiency and usability of spaces within the proposed development ensures that the building is able to respond to the changing needs of the community over time.
<i>Better Look and Feel</i>	The design of the built form and landscaping for the proposed development carefully considers the existing and future surrounding context and desired character for the area. The materials and finishes have been chosen to provide a high-quality design

Objective	Design Response
	that will integrate with the surrounding context. Connecting to Country principles have been established through a site walk and consultation with Registration of Aboriginal parties (RAP) groups and the proposal seamlessly integrates Connection to Country elements into the proposed development. Refer to the Connecting with Country Report at Appendix O . The ground level landscaping design provides an integrated active street frontage that makes a positive contribution to Lavender Bay and Milson Point.

3.2.6 Future Transport Strategy 2056

The *Future Transport Strategy* sets out a 40-year vision, directions and outcomes which will guide transport investment and the movement of people in NSW. There is a new focus on the Six Cities Region to revitalise and connect neighbourhoods and key economics centres.

The proposal is consistent with the overall intent of the strategy, including to support the use of existing transport infrastructure, as the proposal locates more residential dwellings in a highly accessible location near Milsons Point Station, with good access to transport, jobs and services.

3.2.7 NSW State Infrastructure Strategy

The *NSW State Infrastructure Strategy 2018-2038*, brings together the infrastructure investment and land use planning of the *Future Transport Strategy 2056* and the *Greater Sydney Region Plan*, and is underpinned by the *State Infrastructure Strategy 2022-2042–Staying Ahead*, that establish a pipeline of priority investment for infrastructure that is underway or in advanced planning. The Strategy sets out the NSW Government’s vision for infrastructure over the next 20 years, focusing on aligning investment with sustainable growth. For Metropolitan NSW, the primary goal is to provide residents with access to jobs and services within 30 minutes, known as the ‘30- minute city’ model.

The proposals alignment to the strategic directions in the *State Infrastructure Strategy* is considered in the following table.

Table 10: Assessment against SIS

Direction	Alignment to the Direction
<i>Boost economy-wide productivity and competitiveness</i>	The proposal will maximise investment in existing infrastructure and services by providing new development and housing in a well located area.
<i>Service growing communities</i>	The proposal will benefit from existing road and rail infrastructure to service a growing community, and deliver new homes within the Housing Accord period in a high amenity neighbourhood, helping to retain and attract skilled workers. The deliver of affordable housing is consistent with the direction, which seeks “ <i>better access to essential services for vulnerable and disadvantaged communities, and delivering secure, affordable and diverse housing across NSW.</i> ”
<i>Embed reliability and resilience</i>	The proposal is on land within an existing urban setting that is unburdened by any significant natural or built hazards.
<i>Achieve an orderly and efficient transition to Net Zero</i>	The proposal is supported by an ESD Report and includes sustainability measures to contribute to the orderly and efficient transition to Net Zero.
<i>Enhance long-term water security</i>	The proposal will not impact on long-term water security.
<i>Protect our natural endowments</i>	The proposal will not result in any disproportionate impact on the natural environment.
<i>Harness the power of data and digital technology</i>	This direction is not relevant to the proposal.

Direction	Alignment to the Direction
<i>Integrate infrastructure, land use and service planning</i>	The proposal contributes to the integration of infrastructure, land use and service planning by delivering new housing and businesses in a well located area, close to jobs, services and transport, to meet housing, employment and community needs.
<i>Design the investment program to endure</i>	This direction is not relevant to the proposal.

3.3 Local Strategic Context

3.3.1 North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (**LSPS**), published March 2020, outlines the 20- year vision, planning priorities and actions for land use for the North Sydney LGA. The LSPS implements the strategic objectives of the Region Plan and District Plan at the local level, and identifies Milsons Point as a local/neighbourhood centre, also the statement also notes that while Milsons Point was not mentioned in the North District Plan, it plays an important economic role.

The proposal in particular aligns with the following LSPS planning priorities:

- **Planning Priority L1** - Diverse housing options that meet the needs of the North Sydney community.
- **Planning Priority L3** – Create great places that recognise and preserve North Sydney’s distinct local character and heritage.
- **Planning Priority P3** – Enhance the commercial amenity and viability of North Sydney’s local centres.
- **Planning Priority P6** – Support walkable centres and a connected, vibrant and sustainable North Sydney

The Planning Proposal reinforces the plan through the provision of additional and diverse housing, supporting housing affordability and street activation in an accessible area to support a thriving centre.

Importantly, the proposal provides housing in a location which is accessible by active and public transport, in doing so also aligning with the North Sydney Transport Strategy (2017) which identifies as a central aim:

- The importance of land use density and diversity within a walkable distance of commercial, mixed-use and neighbourhood centres that contain local shops and facilities and also offer access to high quality public transport service.

The proposals alignment to the LSPS is addressed in the following table.

Table 11: Alignment with LSPS

Priority	Alignment to the Priority
Infrastructure and collaboration	
<i>Provide infrastructure and assets that support growth and change</i>	The proposed development is in a well located area, close to existing infrastructure including public transport.
<i>Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places</i>	The proposed development is a result of the HDA, which plays a strategic role in coordinating investment to achieve land use outcomes and deliver specific projects, per the ‘Working through collaboration’ priority of the District plan.
Liveability	
<i>Diverse housing options that meet the needs of the North Sydney community</i>	The proposed development is located near services and social infrastructure to meet people’s changing needs, and will foster healthy and socially connected communities through communal open space, landscaped areas and ground floor non-residential areas for the community.
<i>Provide a range of community facilities and services to support a healthy,</i>	The proposed development will deliver new housing including affordable housing close to jobs, services and public transport, consistent with the District Plan directions.

Priority	Alignment to the Priority
<i>creative, diverse and socially connected North Sydney community</i>	
<i>Create great places that recognise and preserve North Sydney's distinct local character and heritage</i>	The proposed development will renew an underutilised site that is well located for greater density, including ground floor active uses, while respecting the District's and North Sydney's heritage.
Productivity	
<i>Grow a stronger, more globally competitive North Sydney CBD</i>	The proposal will contribute to a stronger and more competitive North Sydney by delivering new housing and business floor space close to high quality amenity, services and public transport to contribute to more lively and vibrant place.
<i>Develop innovative and diverse business clusters in St Leonards/Crows Nest</i>	The proposal won't impact on any business clusters in St Leonards or Crows Nest.
<i>Enhance the commercial amenity and viability of North Sydney's local centres</i>	The proposal will contribute to the commercial amenity and viability of Milsons Point as it will provide diverse housing options for people and workers as well as public open space and new shops for people to enjoy and use.
<i>Develop a smart, innovative and prosperous North Sydney economy</i>	The proposal will create new jobs during construction and deliver significant capital investment in the area.
<i>Protect North Sydney's light industrial and working waterfront lands and evolving business and employment hubs</i>	The proposal does not impact on any light industrial or working waterfront lands.
Sustainability	
<i>Protect and enhance North Sydney's natural environment and biodiversity</i>	The proposed development includes landscaping and public accessible open space to enhance the scenic and cultural landscape of the surrounding area and deliver 'high quality open space' per the District Plan priorities.
<i>Reduce greenhouse gas emissions, energy, water and waste</i>	The proposed development is supported by an ESD Report and BASIX certificates.
<i>Increase North Sydney's resilience against natural and urban hazards</i>	The proposed development is not burdened by an significant urban or natural hazards that will impact on future residents or the local area.

3.3.2 North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS) was approved by the then, NSW Department of Planning, Industry and Environment (now DPHI) on 10 May 2021 and sets out the strategic direction for housing in the North Sydney LGA over the next 20 years. The housing targets in the LHS have been superseded by the NSW Government setting an updated housing target of 5,900 new homes by 2029 to help achieve objective of the National Housing Accord and targets should be adjusted to align with this following the 2025/26 review of the LHS.

Notwithstanding, the Planning Proposal is aligned with the key objectives identified in the LHS by:

- Achieve the directions, objectives and actions identified in A Metropolis of Three Cities (GSC, 2018) and the North District Plan (GSC, 2018).
- Delivery of 0-5 and 6-10 year housing supply targets and identify capacity to contribute to the District's 20-year strategic housing target.
- Identify the right locations for mandated housing growth, including an understanding of areas that are unsuitable for significant change in the short to medium term and support the role of centres.

- Continue Council’s long-term housing approach of concentrating residential density in and around existing centres and relying on the existing capacity of current land use planning controls.

The proposal is consistent with the priorities of the LHS as identified in the following table.

Table 12: Alignment with LSPS

Priority	Alignment to the Priority
North Sydney’s Housing Objectives	
1. Achieve the directions, objectives and actions identified in A Metropolis of Three Cities (GSC, 2018) and the North District Plan (GSC, 2018).	Refer above sections regarding the Three Cities and North District Plans.
2. Delivery of 0-5 and 6-10 year housing supply targets and identify capacity to contribute to the District’s 20 year strategic housing target.	The proposal will directly contribute to the deliver of housing within the Housing Accord period, in line with the HDA recommendation that the proposal was State significant.
3. Inform housing diversity and affordability issues in North Sydney LGA.	The proposal will increase diversity of housing and includes a mix of different apartment sizes and affordable housing.
4. Identify the right locations for mandated housing growth, including an understanding of areas that are unsuitable for significant change in the short to medium term and support the role of centres.	The proposal is in an accessible location and is approximately 350m walking distance to Milsons Point Station. The site is in a good location for housing growth as recognised by the HDA recommendation.
5. Coordinate growth with the planning and delivery of local and State infrastructure and planned precincts.	The proposal is close to existing infrastructure and services including Milsons Point Station.
6. Manage residential development growth to ensure that ad hoc Planning Proposals are rejected if not in line with Council’s strategic framework to manage growth.	The proposed development is consistent with the HDA recommendation that the proposal, which includes a State-led concurrent rezoning proposal, is State significant development. The proposed development has regard for the strategic planning framework and will deliver new housing in a well located area within the Housing Accord period.

3.4 Cumulative Impacts

The NSW Government’s commitment to delivering 377,000 new well-located homes by 2029 sets the current expectation for future development in well located areas across metropolitan Sydney, including the North Sydney LGA. North Sydney LGA has a 5-year dwelling target of 5,900 new dwellings by 2029. It is noted that the North Sydney LEP and DCP have not been updated to reflect the government’s commitment to fast tracking new homes or the high-density housing SSD declarations made over the last 12 months. A review of the Council’s DA tracker, the Planning Panels portal and the Major Projects portal has confirmed that there are a number of development application either approved or under assessment in North Sydney CBD, however there are no notable development applications either approved or under assessment in the immediate vicinity in Milsons Point or Lavender Bay.

The change to the cumulative impacts of development on the surrounding environment as a result of the proposal have been quantified and mitigated where required as discussed at **Section 8.0**.

Importantly, it is expected that the area will undergo a level of change, as anticipated through the recent policy changes under the Low and Mid-Rise Housing provisions implemented through the Housing SEPP to deliver more homes in highly accessible areas. As can be seen from Figure 10 below, the site sits in a Low and Mid-rise housing area.



Figure 14: Indicative low and mid-rise housing area
Source: Low and Mid-Rise Housing Policy Indicative Map, DPHI

3.5 Planning Agreements

This Proposal is not subject to any planning agreements nor are any sought in this proposal.

3.6 Consistency with SEARs Request and Project Justification

The proposed development is generally consistent with the development described in the request for SEARs which was for “a residential development with the provision of affordable housing at 64-66 Lavender Street and 3-7 Middlemiss Street comprising a c.20 storey residential development with approximately 140 dwellings and 3% affordable housing”.

The current proposal provides a total of 163 dwellings with 3% affordable housing within two towers of 32- and 23- storeys. The proposed minor increase in residential yield and building height results from further design development following the SEARs request. The design development has resulted in a built form that provides an appropriate response to the site with careful consideration of its location and desired future context. Importantly, this results in a net increase of 131 homes at the site, there are currently 32 homes on site, and 23 more homes than the 140 initially proposed. The land use and fundamental nature of the development remain unchanged.

An independent peer review by Matthew Pullinger (**Appendix JJ**), has allowed for external design contribution, as well as design quality assurance in the further design development of the proposal. A key factor in the decision making was reducing the large singular bulk and footprint of the originally proposed building to deliver two slender towers which also enabled greater permeability at the ground plane. Critically, the building height was determined based on impacts to the proximate open space areas.

Importantly, it was made to maintain a similar housing yield as that sought under the HDA EOI.

As detailed at **Section 9.0** of this EIS, the proposal is justified in the context of biophysical, social, and economic environments, as well as the proposal's alignment with the objectives of the EP&A Act and other statutory instruments applicable to the site.

3.7 Alternatives Considered

3.7.1 'Do Nothing'

Under the 'do nothing' scenario, the site would remain underutilised and fails to take advantage of the site's strategic and accessible location within walking distance of high frequency public transport and business centres. This is not an appropriate outcome in the current macro housing context given the site's capacity to accommodate new homes and public domain improvements. Retaining the site in its current underutilised state would fail to realise the potential for redevelopment to address the housing crisis, deliver public benefits, or respond to the site-specific merit of the site.

On this basis, the 'do nothing' scenario would therefore be inconsistent with the future uplift envisioned and planned for by the NSW State Government and their position to prioritise housing supply close to public transport and well-serviced areas in line with the Federal Housing Accord.

Doing nothing would also entail not lodging a SSDA or concurrent rezoning proposal. This would be contrary to the commitment made by the Applicant in submitting a HDA EOI, particularly 'capability to lodge application quickly – within 9 months of SEARs issued'.

3.7.2 Redevelop the site under existing planning controls

Redevelopment under the existing NSLEP 2013 planning controls would deliver a modest mixed-use development; however, it would not fully realise the site's strategic potential. The current controls would result in a development outcome that would underutilise the development capacity of the site given its highly accessible location or support the proposed ground-level retail floor space, or the quantum of housing that is proposed.

Redevelopment under the existing planning controls would result in only a modest increase in development potential above the existing double storey residential flat buildings on the site, as the NSLEP 2013 control (12m) would permit at most four storeys. The ability to collapse (purchase) the existing strata units for a minor redevelopment uplift (12m) is not a feasible outcome, and in that instance the site would remain as per the 'do nothing' scenario.

As well, the proposal facilitates the delivery of 3% community housing provider (CHP) managed affordable housing on this site. This outcome could not be achieved under the current controls that would not facilitate a feasible development that would be capable of including affordable housing.

3.7.3 SEARs

The proposal was recommended by the HDA for the progression of a concurrent rezoning and SSDA at the HDA Briefing on 16 May 2025 and was declared by the Minister for Planning and Public Spaces as SSD on 26 May 2025.

The indicative massing prepared and lodged in the SEARs request included c.140 apartments (including 3% affordable) in a 20-storey single building configuration.

Following further design testing undertaken in consultation with DPHI and peer review by Mr Matthew Pullinger (refer **Appendix JJ**), the proposal has been amended to accommodate 163 dwellings in a dual tower configuration that provides an appropriate response to the site with careful consideration of its location and desired future context. Importantly, the proposal results in an overall increase of 131 dwellings from the existing 32 residential dwellings on the site and represents an additional increase of 23 dwellings compared to the 140 that were initially proposed as part of the SEARs request.

The indicative massing of the SEARs request scheme (**Figure 15**) is a less optimal outcome for the site as it:

1. Proposes 23 fewer dwellings and less affordable housing compared to the proposal;

2. Provides a singular bulkier building with less opportunities for a landscaped, fine grain, permeable ground plane;
3. Has greater overshadowing impacts to nearby public open space areas such as Clark and Bradfield Parks.

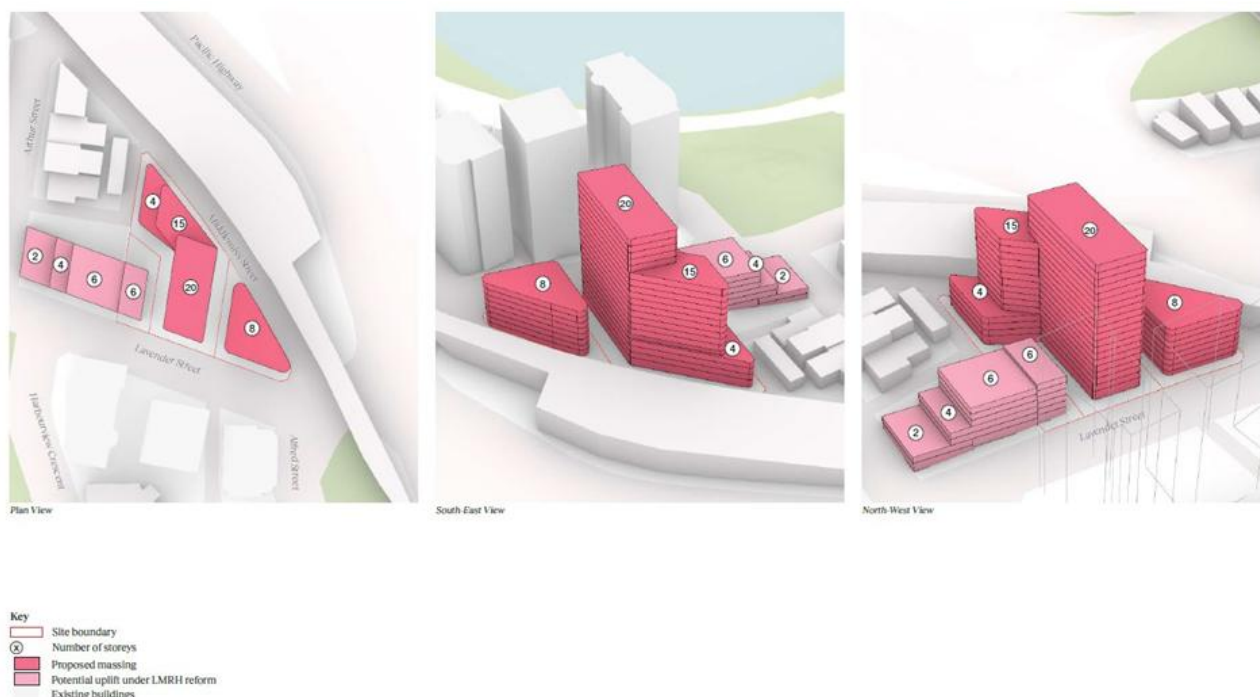


Figure 15: SEARs request indicative massing
Source: SJB

3.7.4 Amalgamation with the Homes NSW land

The Proponent and Homes NSW held extensive discussions pre-lodgement regarding the possibility of a proposal that included the Homes NSW applicant has undertaken extensive and on-going consultation with Homes NSW regarding a combined redevelopment option through a partnership or sale of the land via the NSW Government's Unsolicited Proposal process. This consultation included advice by government that there was a pause on the sale of government owned land during the period of consultation. It has not been possible to reach agreement on a combined redevelopment option in a timely manner and to require such would be contrary to the commitment made by the Applicant in submitting a HDA EOI, particularly 'capability to lodge application quickly – within 9 months of SEARs issued'.

In this regard, the proposal does not propose a combined redevelopment of the site and the Homes NSW land. In lieu of this option, this EIS demonstrates the potential renewal of the Homes NSW sites that may be catalysed by the progression of this SSDA, by demonstrating that the adjoining land is capable of redevelopment and is not 'isolated' by the proposal (refer **Section 8.3**).

3.7.5 The Proposal – SSDA and Concurrent PP

A concurrent rezoning and SSDA offers the most efficient pathway to achieve the objectives and intended outcomes. The proposed amendments will facilitate the delivery of 163 dwellings, including 3% affordable housing dwellings.

As the proposal is able to accommodate additional dwelling yield, inclusive of additional affordable housing GFA, in a more refined nuanced and sensitive built form without adverse environmental impacts, it is considered that the deviation away from the indicative SEARS built form/no of dwellings is an optimal and justified outcome (as elaborated on throughout this EIS).

As noted above, the strategic design decision to deliver two slimmer tower elements, also allowing greater permeability at the ground plane, was made in consultation with DPHI and GANSW representatives. Critically, the building heights chosen were based on impacts to the proximate open space areas.

This approach maximises the development capability of highly accessible but under-utilised landholding, supports the objectives of the NSW Government housing targets, and delivers a high-value, design-led renewal outcome for the Lavender Bay locality.

This option can also be achieved while preserving surrounding residential amenity as it will not result in unacceptable visual privacy or overshadowing outcomes to neighbouring residential properties or public open spaces. The environmental impacts of the proposal are assessed in detail in the EIS and discussed further in **Section 8.0** below.

As outlined in this section of the EIS, alternative options were considered but they do not achieve the level of site-specific responsiveness that has been achieved by the preferred option. The resulting built form has site-specific and strategic merit, has been subject to consultation with State government agencies and stakeholders. Refer to **Section 9.0**, for the Justification of the proposal.

4.0 PROJECT DESCRIPTION

4.1 Project Overview

Under Division 4.7 State Significant Development of the EP&A Act, development consent is sought for the construction of a residential development including affordable housing. Specifically, the SSDA seeks approval for:

- Site preparation including demolition, excavation and tree removal of the site.
- Construction of two residential flat buildings comprising of 163 dwellings including 3% affordable housing, the development consisting of:
 - Northern Tower A: 23-storey residential flat building comprising 81 dwellings
 - Southern Tower B: 32-storey residential flat building comprising 82 dwellings
- New public open spaces and through-site link
- Five levels of basement parking comprising
 - 174 car parking spaces
 - 181 bicycle parking spaces
 - 10 motorbike parking spaces
- Associated landscaping works
- Amalgamation of existing allotments to create one consolidated lot
- Augmentation and connection to existing utilities as required

Photomontages in **Figure 16** to **Figure 18** illustrate the proposed development.



Figure 16: Photomontage 1
Source: SJB



Figure 17: Photomontage 2
Source: SJB



Figure 18: Photomontage 3
Source: SJB

4.2 Concurrent Rezoning Proposal

As per the HDA’s recommendation made 16 May 2025 for EOI 224349 (refer to **Section 1.2.2**), this report includes a concurrent rezoning proposal seeking to amend the maximum building height control over the site from 12m to RL142 under the NSLEP 2013.

Refer to **Section 5.0** of this report which has been prepared in accordance with section 3.33 of the EP&A Act, the Concurrent Rezoning Proposal Requirements provided by DPHI in conjunction with the SEARs, issued 2 July 2025, and the NSW Department of Planning and Environment’s ‘LEP Making Guideline’ (August 2023).

4.3 Connecting with Country

A Connecting with Country (**CwC**) Report has been prepared by Artefact Heritage and Environment, attached as **Appendix O**. The report as been prepared in consultation with key Aboriginal stakeholders from the area, following a Walk on Country and provides a vision and design principles to embed Country into the future development of the site.

The Design Report prepared by SJB at **Appendix E**, acknowledges the key principles from the CwC Report that has been embedded into the proposal:

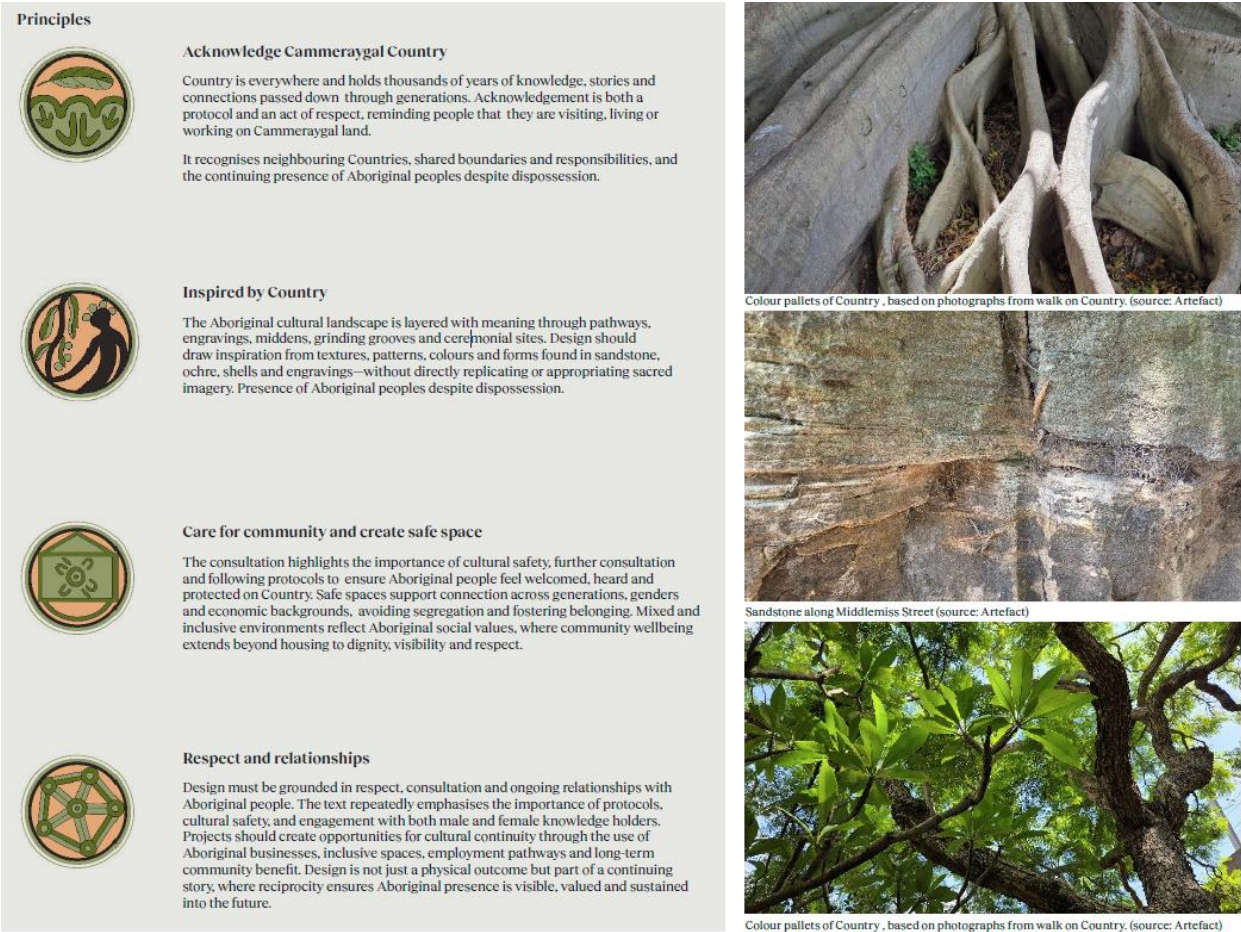


Figure 19: Connecting with Country Principles and Precedents
Source: SJB, Design Report informed by Artefact, Connecting with Country Report

4.4 Estimated Development Cost

An EDC Report has been prepared by Altus and is attached as **Appendix N**.

The total EDC of the proposed development is \$214,374,103 (excl GST).

4.5 Lot Amalgamation

This SSDA seeks consent for the lot amalgamation of the existing 5 allotments, currently all under the same ownership, on the site as listed in **Table 2**.

4.6 Demolition and Site Preparation Works

The proposed demolition plan is included in **Figure 20** and architectural plans prepared by SJB and attached as **Appendix C**.

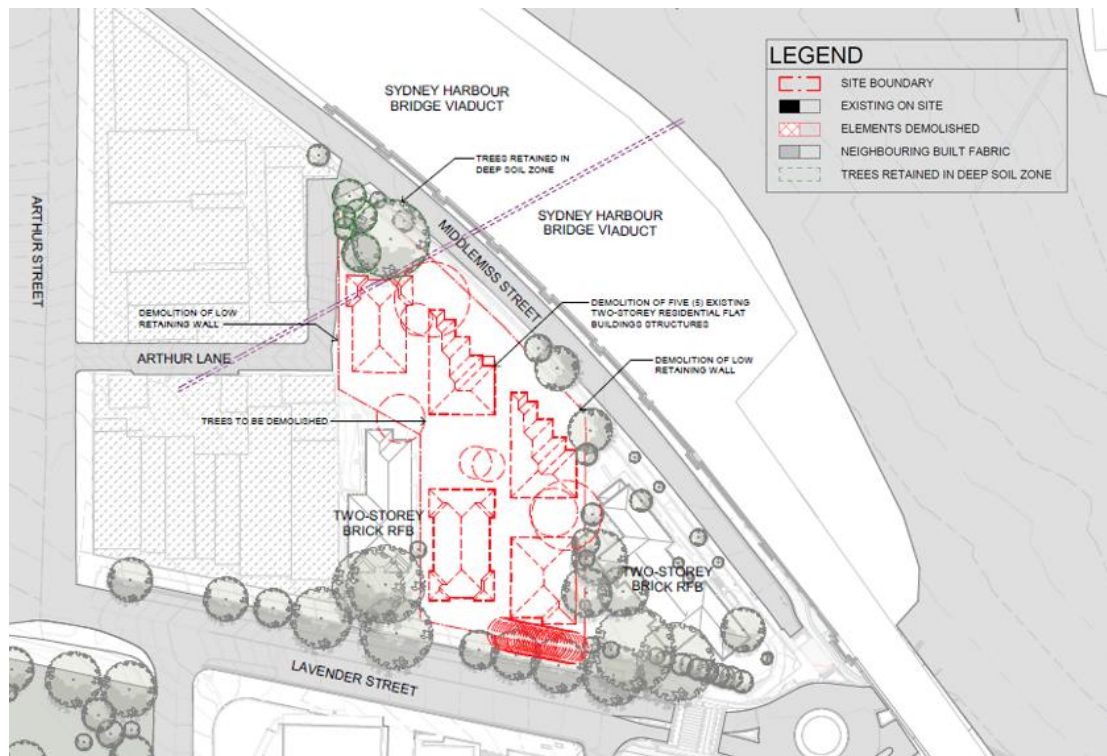


Figure 20: Extract of demolition plan

Source: SJB

Site preparation works proposed for the site include:

- Site excavation to RL17.10m and site establishment.
- Demolition of all existing buildings and structures.
- Removal of existing vegetation including removal of 21 trees.
- Installation of tree protection zones.

4.7 Affordable Housing

The proposed development will deliver 3% of the total GFA as affordable housing in perpetuity, totalling 7 units. The affordable housing units are spread across Level 2 and Level 3 of Tower A, and Level 2 of Tower B. The sizes of the affordable housing units range from 72sqm to 116sqm.

A supporting letter from the community housing provider (CHP), Bridge Housing, is attached as **Appendix D**.

4.8 Layout and Built Form

The proposal comprises slender 23- (Tower A) and 32- (Tower B) storey towers set above a connected combined 4- (addressing Harbour Bridge) and 6- (addressing Lavender Street) storey podium. Parking, storage and services

for both towers is provided in a consolidated basement. The ground plane includes a landscaped publicly accessible through site link connecting Middlemiss Street and Lavender Street. Generous lobbies address the streets and internal communal space addresses Middlemiss Street and the ground floor open space in the northwestern corner of the site. Apartments are proposed from Level 2 upwards with, external and internal communal open spaces on Level 4 and Level 5.

Tower A is rectilinear with recessed planes that reduce the building's bulk. Tower A is generally aligned with the site boundary with Middlemiss Street and setback a minimum of 3m from Arthur Lane.

Tower B is to the south of Tower A. They are separated by a minimum of 6m. Tower B has a triangular footprint and curved geometry in response to its prominent corner position. It is setback a minimum of 3m from the Lavender Street boundary and the common boundaries with 1 Middlemiss Street and 62 Lavender Street.

Figure 21 below illustrates the composition of the proposed built form. The built form and urban design are further discussed in **Section 8.1** and **Section 8.2**.

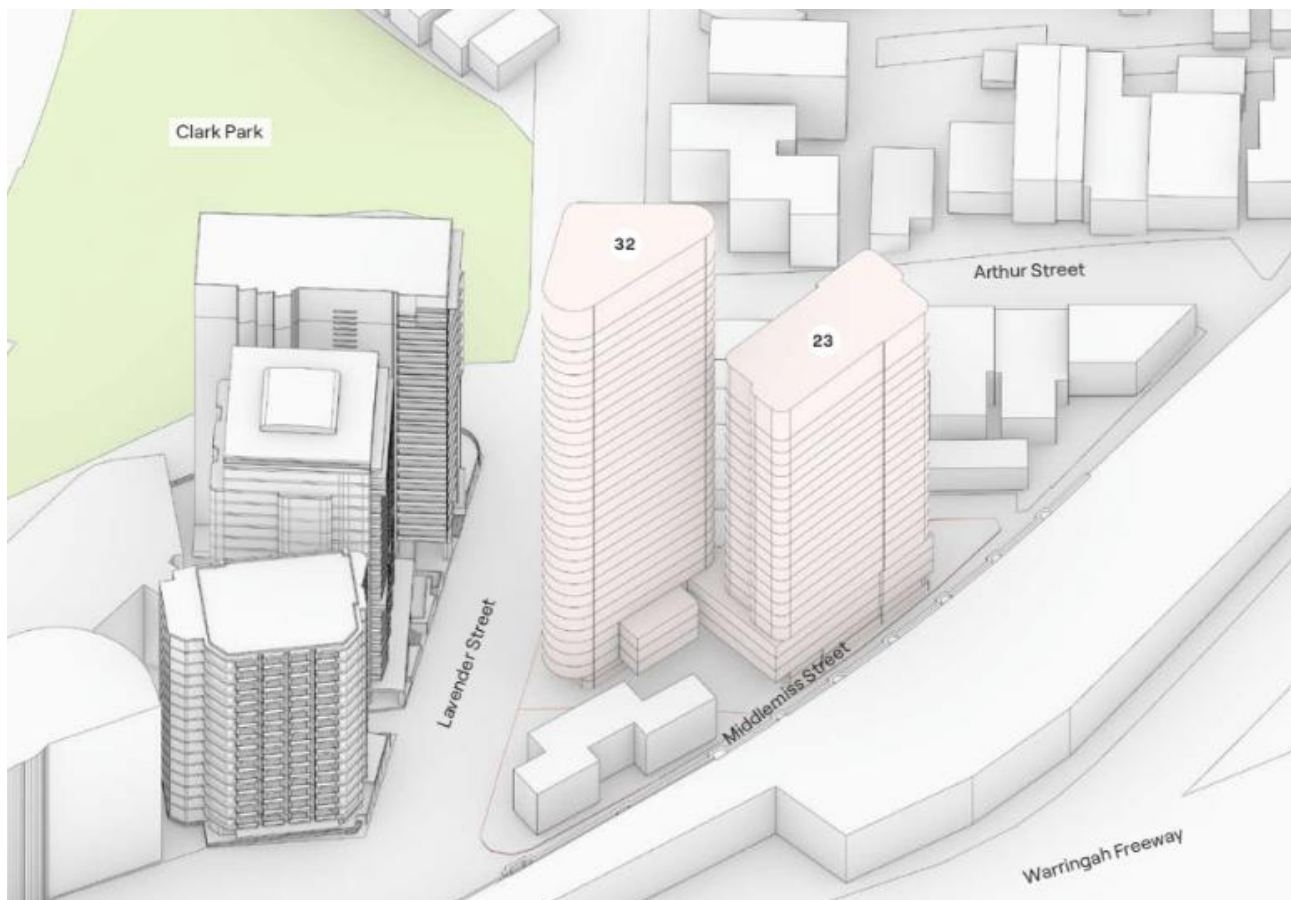


Figure 21: Built form massing - north-west view
Source: SJB

4.9 Landscaping

The Landscaping Plan and Landscaping Report has been prepared by Land and Form and are attached as **Appendix K** and **Appendix L**.

4.9.1 Public Space

Through-site link

The proposal includes a publicly accessible through-site link that provides legible connections between Arthur Lane and Lavender Street via an undercover pedestrian link beneath the podium.

Public open space

The proposal will deliver two publicly accessible pocket parks located at the north-western ('steel sculpture garden') and north-eastern ('communal plaza') corners of the site, addressing Arthur Lane and Middlemiss Street respectively to reinforce passive surveillance and public domain activation. These are strategically positioned to optimise solar access and landscaped to enhance user amenity.

The ground floor, excluding the building footprint is considered ground floor communal open space (**COS**) of 1,076 sqm.



Figure 22: Ground floor landscaping strategy
Source: Land & Form

4.9.2 Communal Open Space

In addition to ground floor communal open space as described above, COS provision is located on Level 4 for Tower A and Level 5 of Tower B.

Level 4 Podium, Tower A

The Level 4 podium COS is 390 sqm and functions as the principal social and wellness amenity level for residents. The podium incorporates a range of active and passive recreational facilities, including dining areas, flexible lawn spaces and communal rooms designed to accommodate co-working and informal gatherings.

In response to potential rail noise impacts from the northern boundary, the gymnasium, yoga studio, and back-of-house facilities are strategically located along the northern edge of the podium. These enclosed uses form an acoustic buffer to sensitive communal outdoor areas located centrally within the podium. A landscape buffer

has been provided at the interface between the COS and podium level apartments to minimise visual and acoustic impacts. Refer to **Figure 23**.

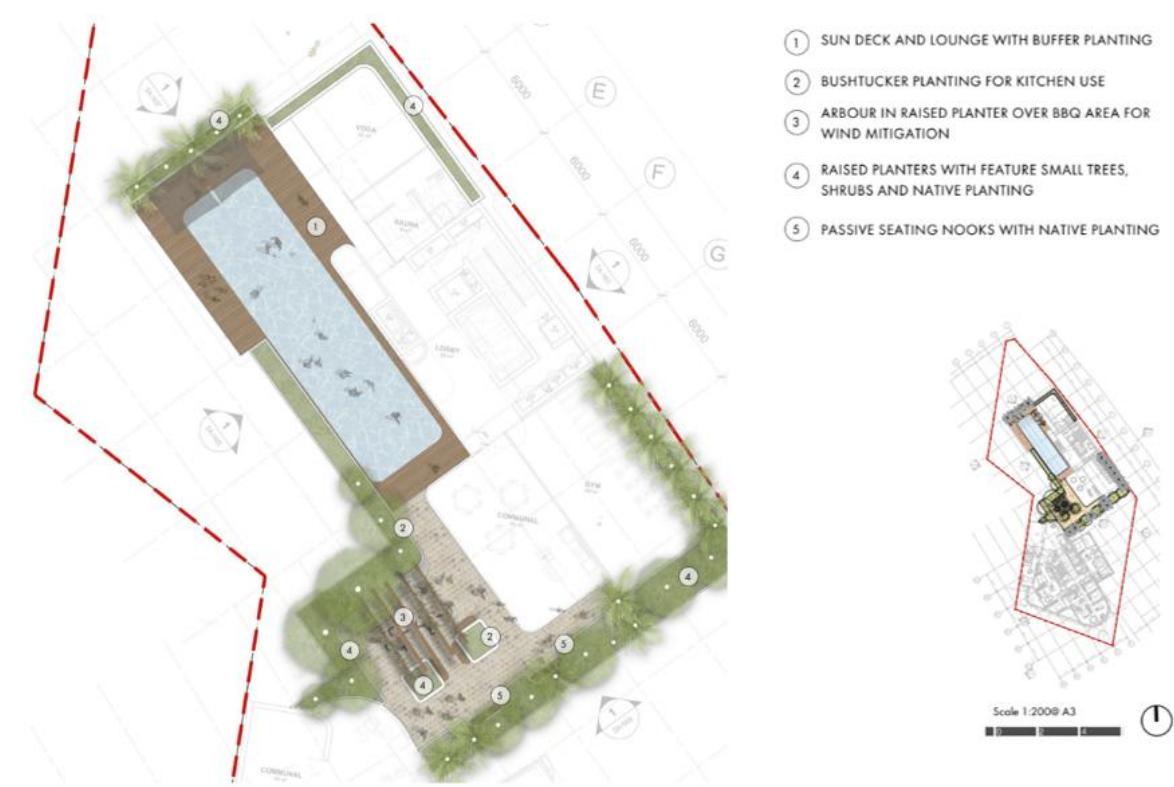


Figure 23: Level 4 COS
Source: Land & Form

Level 5 Tower B

From Level 5, the building mass transitions into two distinct tower forms. A secondary COS layer is also introduced above the Level 4 podium, creating a more intimate shared space for residents. This area includes an outdoor terrace and a communal room positioned at the northern extent. By separating this amenity from the primary podium-level communal hub, the development provides a quieter and more private setting gatherings or informal recreation to supporting diverse activities. Refer to **Figure 24**.



Figure 24: Level 5 COS
Source: Land & Form

4.10 Site Access and Traffic

Vehicular Access

The proposal has a consolidated residential basement car parking strategy for both buildings. Residential vehicular ingress and egress is via the western end of Lavender Street, to maximise the distance away from the intersection with Alfred Steet.

Bulky goods trucks and waste collection vehicle ingress is via the eastern side of Arthur Lane and egress onto Middlemiss Street, both in a forward movement.

Refer the proposed access arrangements in **Figure 25**.

Pedestrian Access

The site is accessible by the public as a through site link between Arthur Lane, Lavender Street and Middlemiss Street with access points demonstrated in **Figure 25**.

Residential pedestrian access into buildings through the ground floor lobbies located south-eastern side of both Tower A and Tower B.

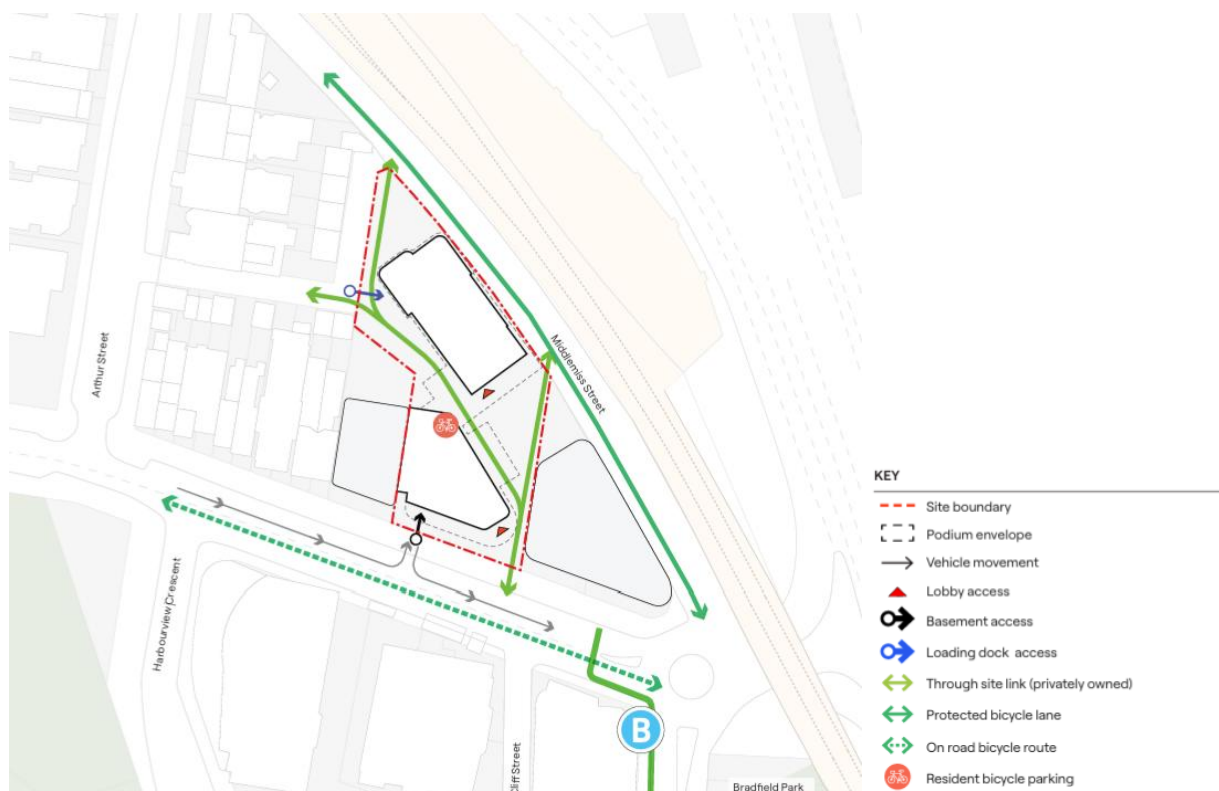


Figure 25: Proposed movement and access
Source: SJB

4.11 Parking Provision

Consolidated parking provision is provided over 5 basement levels to accommodate both towers. A Transport Impact Assessment has been prepared by JMT Consulting and is attached at **Appendix J** and confirms the following parking provision for the proposal:

Table 13: Parking and bicycle storage provision

Parking Type	Provision
Residential (standard)	141
Residential (accessible)	28
Visitor	4
Carwash bay	1
Motorbike	10
Total parking provision	184
Bicycle (residential)	165
Bicycle (visitor)	16
Total bicycle storage provision	181

4.12 Façade, Materiality and Finishes

Refer to the architectural plans (**Appendix C**) which detail the proposed façade, materiality and finishes proposed for the proposal from all elevations. Refer to an excerpt of the northern elevation in **Figure 26**.

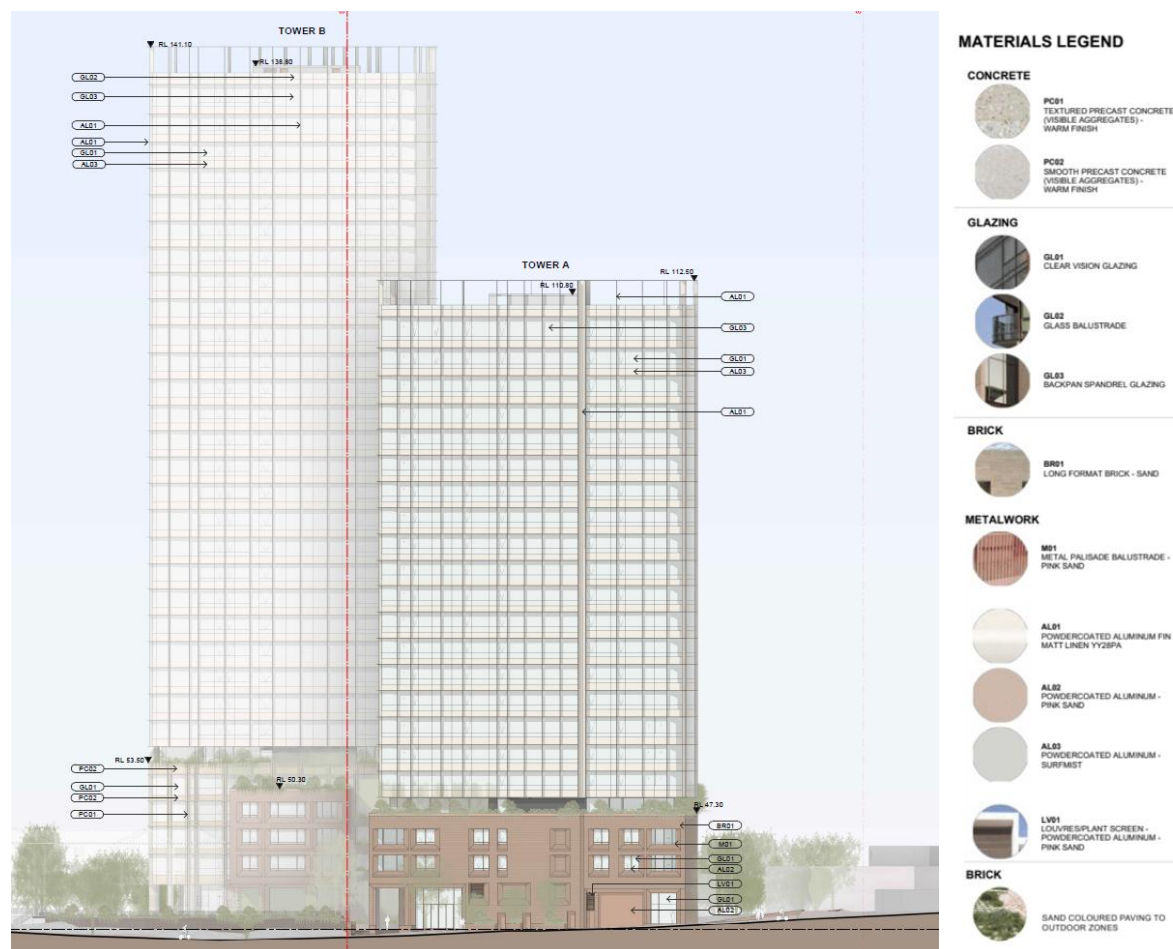


Figure 26: Excerpt of northern elevation plan

Source: SJB

A reflectivity assessment has been prepared by RWDI and is attached at **Appendix P**. Refer to **Section 8.5.3** for a summary of the assessment and recommendations made.

4.13 Stormwater Management

Civil drawings for the proposal have been prepared by AT&L Civil, attached as **Appendix Q** and are supported by an integrated water management plan prepared by AT&L Civil, attached as **Appendix R**. Further details regarding water management are provided in **Section 8.12**.

The stormwater management strategy is to collect the stormwater from both buildings into the On-Site Detention (OSD) tank, located in Basement 1 towards the south-east corner of the site, which will discharge stormwater via an orifice in a controlled manner into Council's stormwater network on Lavender Street.

4.14 Operational Waste Management

An operational waste management plan (OWMP) has been prepared by Elephants Foot and is attached at **Appendix S** and outlines the waste collection procedure and details on sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site.

4.15 Access, BCA and Fire Engineering Compliance

An access and BCA report has been prepared by New Crown Consulting and is attached as **Appendix X**.

A fire engineer council letter has been prepared by OMNII and is attached as **Appendix Y**.

4.16 Construction and Staging

The proposal is planned to be delivered over a singular stage.

The following documents detail construction related matters relevant for this SSDA:

- Preliminary construction traffic management plan prepared by JMT Consulting, prepared with the Transport Impact Assessment as **Appendix J**.
- Construction and demolition waste management plan prepared by Elephants Foot, attached at **Appendix U**.
- Acoustic assessment prepared by Renzo Tonin, attached at **Appendix V**.
- Sediment and erosion control included in Integrated Water Management Plan prepared AT&L Civil at **Appendix R**.
- Air quality assessment prepared by RWDI, attached at **Appendix W**.

5.0 CONCURRENT REZONING

This Concurrent Rezoning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act, the *Local Environmental Plan Making Guideline* published by DPHI and *Guidance for Concurrent Rezoning Report: SSD Housing* issued by DPHI on 28 February 2025.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The evaluation and justification of impacts are set out in **Section 8.0** and **Section 9.0** of this report.

5.1 Objectives and Intended Outcomes

5.1.1 Objectives

The objectives of the Concurrent Rezoning Proposal are to amend NSLEP 2013 as follows:

- Increase the maximum height of building from 12m to RL142.

5.1.2 Intended Outcomes

The intended outcomes of the proposed amendments to NSLEP 2013 are:

- Deliver 163 dwelling (including 3% affordable housing dwellings) on an underutilised site that will contribute to the State Government's housing targets in an accessible location with transport connections to the surrounding region
- Provide a high-density residential development that offers a range of housing types including affordable housing and public domain improvements.
- Facilitate a design that is considerate of environmental impacts to surrounding development in an area that is undergoing urban transformation.
- Maximise residential amenity available within a high-density urban environment

5.2 Explanation of Provisions

The planning proposal seeks to amend NSLEP 2013 to facilitate the proposed residential development. The existing and proposed LEP controls are identified in **Table 14** and are followed by the recommended amendments in the following subsections.

Table 14: Existing and Proposed NSLEP 2013 Provisions

Provision	Existing NSLEP 2013 Control	Proposed Amendment to NSLEP 2013
Building Height	12m	RL142

5.2.1 Building Height

It is proposed to increase the maximum building height from 12m to RL142 across the site by amending the Height of Buildings Map (see proposed Height of Building Map in **Section 5.4** and **Appendix E – Design Report**).

5.3 Strategic and Site-specific Merit

5.3.1 Strategic Merit

Section A – Need for the Planning Proposal

Question 1: Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Concurrent Rezoning Proposal is a result of a recommendation by the HDA, which considered EOI 244349 for the site.

DPHI subsequently issued project-specific SEARs and Concurrent Rezoning Proposal Requirements, acknowledging the site possessed both strategic and site-specific merit to deliver additional housing.

This proposal directly responds to the objectives of the National Housing Accord through the provision of an additional 163 well-located dwellings (including 3% affordable housing units).

The proposed amendments also give effect to the endorsed North Sydney Local Strategic Planning Statement (LSPS) which has been endorsed by the Planning Secretary in accordance with Section 3.9 of the EP&A Act. This is further detailed under Question 4 of this report.

The proposal is also consistent with the North Sydney Local Housing Strategy.

Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This Planning Proposal is the best means of achieving the objectives and intended outcomes as it will facilitate the delivery of 163 well-located homes within the Housing Accord period (by June 2029).

Several alternatives have been considered, including:

- Do nothing
- Redevelopment under existing planning controls
- Redevelopment of the indicative scheme/dwelling numbers lodged with the SEARs request
- Development of the site with a combined Homes NSW scheme.
- The proposal – SSDA and concurrent rezoning.

Details of each alternative are discussed in **Section 3.7**. The proposed scheme with concurrent rezoning offers the most efficient pathway to achieve the objectives and intended outcomes. The proposed amendments will facilitate the delivery of 163 dwellings including 3% affordable housing units. This is more than is possible under the current planning controls.

Section B – Relationship to the Strategic Planning Framework

Question 3: Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. Refer to **Section 3.0**.

Question 4: Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. Refer to **Section 3.0**.

Question 5: Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

Yes. Refer to **Section 3.0**.

Question 6: Is the Planning Proposal consistent with applicable State Environment Planning Policies?

Yes. The rezoning proposal is generally consistent with the relevant State Environment Planning Policies (SEPPs) as outlined in **Table 15**. A detailed assessment against the relevant provisions of each SEPP is provided in the Statutory Compliance Table attached as **Appendix AA**.

Table 15: Consistency with SEPPs

State Environmental Planning Policy	Comment	Consistency
SEPP (Biodiversity and Conservation) 2021	Applicable to the concurrent SSDA. A BDAR Waiver (Appendix BB) has been issued for the proposed development as part of the SSDA submission confirming that the development will not have any significant impact on biodiversity values of the site and surroundings. The Biodiversity and Conservation SEPP implements a series of general controls on development situated within regulated water catchments. The site is located within the Sydney Harbour Catchment; therefore, the following parts of the Biodiversity Conservation SEPP apply to SSDA (Part 6.2, Development in regulated catchments - Division 2, Controls on development generally). No unacceptable adverse impact on the Sydney Harbour Catchment is anticipated. Further detail pertaining to stormwater run-off, sediment and erosion control, and water quality is discussed in greater detail at Section 8.12. The Planning Proposal will not affect the operation of the SEPP.	Yes
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Concurrent Rezoning Proposal or SSDA. Future development may utilise applicable sections of the SEPP. The Planning Proposal will not affect the operation of the SEPP.	Not applicable
SEPP (Housing) 2021	Applicable to the concurrent SSDA which has been designed to address the applicable requirements of the Housing SEPP, specifically the accompanying Apartment Design Guide consistent with Chapter 4. Detailed considerations of key principles have been undertaken such as apartment size, layout, typology, solar access, natural cross ventilation, communal open space. Refer to this EIS and Statutory Compliance Table (Appendix AA) for a detailed breakdown. The Planning Proposal will not affect the operation of the SEPP.	Yes
SEPP (Industry and Employment) 2021	Not relevant to the Concurrent Rezoning Proposal or SSDA. The Planning Proposal will not affect the operation of the SEPP.	Not Applicable
SEPP (Planning Systems) 2021	Not relevant to the Concurrent Rezoning Proposal.	Not Applicable
SEPP (Resilience and Hazards) 2021	Applicable to the concurrent SSDA which includes a Preliminary Site Investigation in accordance with Section 4.6 of the SEPP. The Planning Proposal will not affect the operation of the SEPP.	Yes
SEPP (Sustainable Buildings) 2022	Applicable to the concurrent SSDA which is subject to the provisions of Chapter 2 Standards for residential development – BASIX. The Planning Proposal will not affect the operation of the SEPP.	Yes
SEPP (Transport and Infrastructure) 2021	Applicable to the concurrent SSDA in which the site connects within 90m to the Pacific Highway as a classified road. The relevant provisions are addressed in Section 6.0 and Statutory Compliance Table at Appendix AA. The concurrent SSDA will also be classified as Traffic Generating Development under Schedule 3 of the T&I SEPP. The Planning Proposal will not affect the operation of the SEPP.	Yes

Assessment against the relevant provisions of each SEPP is provided in **Section 6.0**.

Question 7: Is the Planning Proposal consistent with the applicable Section 9.1 Directions?

Yes. The Planning Proposal is consistent with the relevant Ministerial Directions under Section 9.1 of the EP&A Act as demonstrated in **Table 16** below.

Table 16: Consistency with relevant Section 9.1 Ministerial Directions

Ministerial Direction	Comment	Consistency
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with the Greater Sydney Region Plan and North District Plan (refer to Question 4 and Section 3.2.2 and 3.2.3).	Yes
1.3 Approval and Referral Requirements	This Direction aims to ensure that LEP provisions encourage efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal.	Yes
1.4 Site Specific Provisions	The Planning Proposal will not result in any unnecessarily restrictive site-specific planning controls.	Yes
Focus area 3: Biodiversity and Conservation		
3.2 Heritage Conservation	The concurrent SSDA includes an ACHAR and a Heritage Impact Statement. There is no impact on heritage that would require the insertion of heritage provisions in the concurrent Planning Proposal. This is further discussed in Section 8.8 and 8.9 .	Yes
Focus area 4: Resilience and Hazards		
4.4 Remediation of Contaminated Land	The concurrent SSDA includes a Preliminary Site Investigation (PSI) (Appendix CC) which confirm that the site can be made suitable for the proposed development.	Yes
Focus Area 5: Transport and Infrastructure		
5.1 Integrated Land Use and Transport	The Planning Proposal would facilitate a development that includes high density residential development in an accessible area. The Planning Proposal improves access to housing and jobs by walking, cycling and transport, taking into consideration the proximity of the site to existing networks. Increasing density at this location also contributes towards a reduction in car dependency as public transport modes are readily available, including adjoining heavy rail and multiple bus stops in the vicinity.	Yes
5.5 High pressure dangerous goods pipelines	Upon review of the Before You Dig search, the proposal is not located in proximity to a high-pressure dangerous goods pipeline.	Yes
Focus Area 6: Housing		
6.1 Residential Zones	The Planning Proposal broadens the choice of building types by providing 163 dwellings and makes efficient use of existing infrastructure by increasing density at a suitable location. The design outcomes and environmental impacts of the proposal are discussed in Section 8.0 .	Yes
Focus Area 7: Industry and Employment		
7.1 Employment Zones	The site is located adjacent to the MU1 Mixed Use zone in Milsons Point. The Concurrent Rezoning Proposal does not seek to change the zone and the proposed uses for the SSDA are permitted with consent under the North Sydney LEP. The proposal is consistent with this direction in that it retains a zoning that permits high density residential. Notably, the existing use of the site is not for employment, and the proposal does not impact on adjacent employment lands. In this regard, this proposal remains consistent with Direction 7.1 (1)(d) which requires that a planning proposal must ' <i>not reduce the total potential floor space area for employment uses and related public services in business zones</i> '.	Yes

5.3.2 Site-specific Merit

Question 8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitat, will be adversely affected as a result of the proposal?

No. The Planning Proposal will not adversely affect critical habitat or threatened species, population, or ecological communities in their habitats as the amendment only impacts ownership and will not result in changes to physical outcomes that differ from what is already permissible on the site.

A BDAR Waiver has been granted for the site, attached as **Appendix BB**, and is supported by the BDAR Waiver Request Report attached.

Question 9: Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Planning Proposal and the proposed development is provided at **Section 8.0**. No unacceptable impacts will result from the achievement of the intended outcome. Relevant mitigation measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from the Planning Proposal or future development on the site.

Question 10: Has the planning proposal adequately addressed any social and economic effects?

Yes, the concurrent rezoning will lead to a number of social and economic benefits, including:

- The proposed development will result in positive social impacts in relation to high amenity housing supply in a well-located area, including the provision of 3% affordable housing to serve key workers.
- Provision of ground floor communal spaces, pocket parks and a through site link will result in a positive social impact by activating both street frontages, adding to the vibrancy and safety/surveillance of the street.
- Provision of housing choice through providing access to high-quality, high-density accommodation of a range of sizes, to meet the needs of a growing population.
- It will support the provision of over 124 full time employment (FTE) jobs on site during the construction stage (**Appendix N**).

Potential negative social impacts include changes to the sense of place and local character, increased pressure on local infrastructure and temporary amenity impacts during construction. These potential negative impacts are considered to be medium-low and can be managed with implementation of the proposed mitigation measures. As such, a Social Impact Assessment is not required.

An assessment of the social and economic impacts of the rezoning proposal is provided at **Section 7**.

Section D – Infrastructure (Local, State and Commonwealth)

Question 11: Is there adequate public infrastructure for the Planning Proposal?

A utility locate report has been prepared by Geosurv and attached as **Appendix EE**.

Yes. The site benefits from existing public infrastructure including:

- Key public transport connections at nearby train stations and via bus routes along Lavender Street at discussed in **Section 2.9**.
- Existing road infrastructure – Middlemiss Street, Lavender Street, Warringah Freeway, Pacific Highway, Bradfield Highway, Cahill Expressway.
- Established services infrastructure for water, sewer, electricity, stormwater and telecommunications which can be augmented as required to service the development.
- Nearby social infrastructure in the form of public open space, civic spaces and foreshore access.

Further, the proposal will provide:

- A new publicly accessible through site link with ancillary open space and public domain improvements.

- Section 7.11 development contributions to North Sydney Council and Housing Productivity Contribution to the State Government, which will contribute to funding any deficiencies in local infrastructure and services as required.

Section E – State and Commonwealth Interests

Question 12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The Applicant has engaged with DPHI on multiple occasions to discuss the concurrent SSDA and rezoning pathway prior to the DPHI issuing the concurrent SSDA SEARs and rezoning requirements.

The final views of State and federal authorities and agencies will be known following the formal consultation has been completed.

Further details of the consultation undertaken are discussed in **Section 7.0**.

5.4 Maps

The proposal will require an amendment to Height of Buildings Map – Sheet HOB_002 and Sheet HOB_002A.

The proposed amendment map is included within the Design Report (**Appendix E**), refer to **Figure 27**.

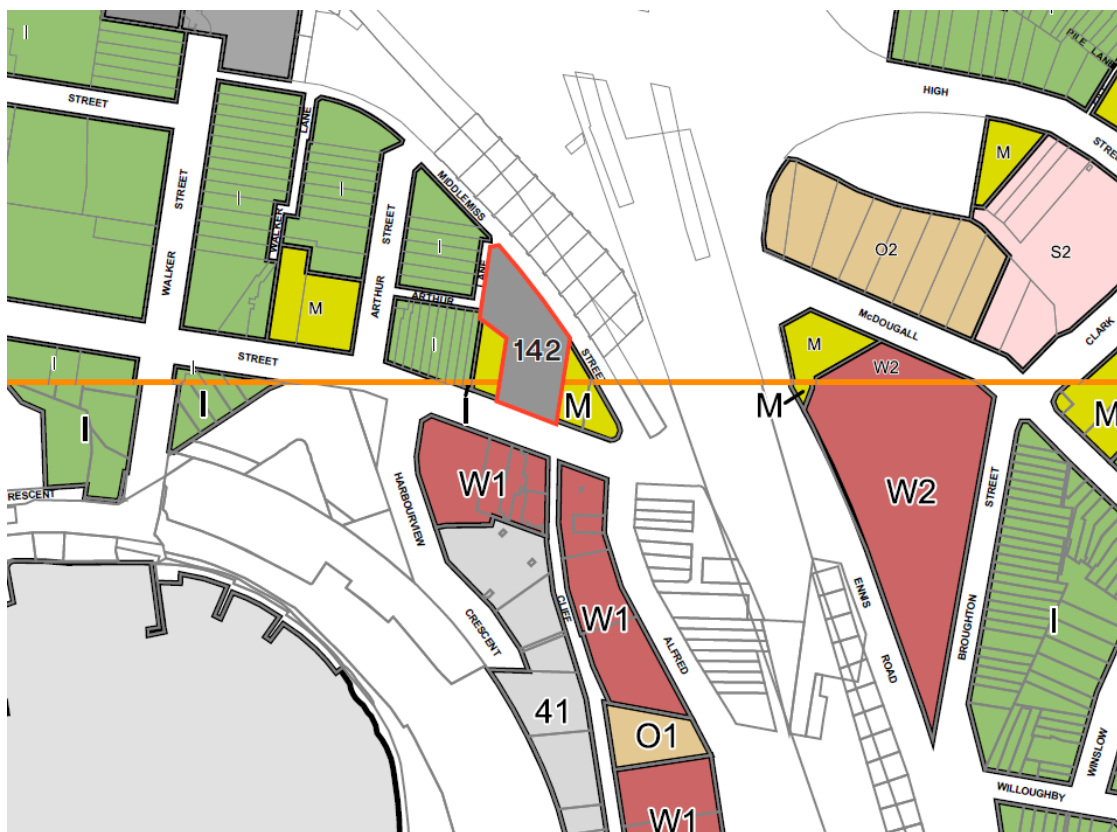


Figure 27: Proposed LEP amendment HOB map
Source: SJB

5.5 Project Timeline

This Planning Proposal will be considered concurrent with the detailed SSDA (SSD-80441960). Under the HDA process, the NSW Government has committed to a 275-day timeframe.

Based on these timeframes, the following indicative timeframe is proposed in **Table 17** to ensure continuity in the development program to deliver on housing supply.

Table 17: Proposed Project Timeline

Stage	Timeframe and/or date
<i>Planning Proposal lodged</i>	March 2026
<i>Public Exhibition and Assessment</i>	April 2026
<i>Finalisation</i>	As per HDA committed timeframe, within 275 days/9 months of lodgement.

6.0 STATUTORY CONTEXT

Development consent is sought for this State Significant Development pursuant of Part 4 of the EP&A Act. This section highlights relevant statutory requirements for the proposal in **Table 18** and following subsections.

Refer to the Statutory Compliance Table attached at **Appendix AA** which details all statutory requirements, as required by SEARs, and where they have been addressed in the EIS.

Table 18: Statutory Context

Category	Project Details
Power to grant approval	Development consent is sought under Division 4.7 – State Significant Development of the EP&A Act. Section 4.36(3) of the EP&A Act states that “the Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development”. The proposal is declared SSD by the Minister under the State Significant Development Declaration Order 2025 dated 26 May 2025 per the HDA’s recommendation on EOI 244349, which states: The following development is declared to be State significant development – (d) development specified in EOI application 244349 dated 5 March 2025 including development for the purpose of residential flat building with provision of affordable housing and through site links at 64 & 66 Lavender Street and 3, 5 & 7 Middlemiss Street, Lavender Bay being Lot 4/DP19368, SP70601, SP52428, SP52429, SP538, Therefore, the proposal is SSD as declared by the Minister by a Ministerial planning order.
Permissibility	The site is located within the R4 High density residential zone. The proposed development is for the purposes of a residential flat building. Under clause 2.3 and the Land Use Table within the NSLEP 2013, development for the purposes of a residential flat building is permitted with consent within the R4 zone. Hence, the proposed development is entirely permitted with consent at the site.
Consent authority	The Minister (or delegate within DPHI) is the consent authority for this SSDA.
Other approvals	Approvals etc legislation that does not apply Under Section 4.41 of the EP&A Act, the following authorisations are not required for an SSD that is authorised by a development consent granted after the commencement of the Division including the following legislative approvals: • a permit under section 201, 205 or 219 of the Fisheries Management Act 1994, • an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977, • an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974, • a bush fire safety authority under section 100B of the Rural Fires Act 1997, • a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000. Approvals etc legislation that must be applied consistently Under section 4.42 of the EP&A Act, the following authorisation cannot be refused if it is necessary for carrying out an SSD that is authorised by a development consent under this Division and is to be substantially consistent with the consent: • an aquaculture permit under section 144 of the Fisheries Management Act 1994, • an approval under the Coal Mine Subsidence Compensation Act 2017, section 22, • a mining lease under the Mining Act 1992, • a production lease under the Petroleum (Onshore) Act 1991, • an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act), • a consent under section 138 of the Roads Act 1993, • a licence under the Pipelines Act 1967. This SSD requires consent under section 138 of the Roads Act 1993. Approval is required for vehicle connection and access to a Council owned road.
Legislation	Matters

<i>Pre-conditions to exercising the power to grant approval</i>	<i>Biodiversity Conservation Act 2016</i>	Section 7.9 of this Act requires a SSDA to be accompanied by a BDAR. The BDAR Waiver is attached as Appendix BB and supported by the BDAR Waiver Request.
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 4.6 provides a State-wide approach to the remediation of contaminated land. It requires a consent authority to assess the potential for land to be contaminated and the works required to remediate the land to ensure it is suitable for its intended use. A Preliminary Site Investigation (Appendix CC) has been prepared by Rapid Geo, which concludes that the site can be considered suitable for the proposed development. This is further discussed in Section 8.14.
<i>Mandatory matters for consideration</i>	Legislation	Matters
	<i>Environmental Planning & Assessment Act 1979 (EP&A Act)</i>	The proposal is consistent with the objects of the EP&A Act for the following reasons: • The proposed development provides social and economic benefits to the community and generally, the North Sydney LGA, including the provision of affordable housing and a publicly accessible through site link and public domain. • The proposed development will revitalise and redevelop an underutilised site, by facilitating a residential development responding to the need for well-located homes including affordable housing. • The proposal will deliver 3% affordable housing units in perpetuity. This is further discussed in Section 4.7. • The proposal does not impact biodiversity, including threatened species and their habitats, this has been demonstrated through the issue of a BDAR Waiver (Appendix BB). • The proposal promotes resilience to climate change through the provision of sustainable building practices. This is further discussed in Section 8.17. • The proposal does not adversely impact Aboriginal cultural heritage. Designing with Country principles have informed the proposal to celebrate Aboriginal culture. Refer to Section 4.3 and 8.8 and the ACHAR at Appendix H. • The site is not constrained by heritage values and will not impact on any surrounding heritage values or settings. Refer to Section 8.9 and the Statement of Heritage Impact at Appendix I. • Significant residential amenity is provided as part of the proposed development including significant communal open spaces with a variety of functions. • The proposal has been designed in accordance with the objectives of the ADG, ensuring a high quality design for residential apartments. • The project team has undertaken consultation and feedback with all relevant stakeholders. Refer to Section 7.0 and the Engagement Outcomes Report at Appendix B. • The proposal is consistent with the principles of ecologically sustainable development (ESD). Refer to Section 8.17 and the ESD Report at Appendix M. • The proposal will be constructed in accordance with the recommended mitigation measures and the relevant standards to ensure the proper construction and maintenance of buildings. • The proposal provides a residential flat building on a currently underutilised site within the R4 zone and therefore promotes the orderly and economic development of land. The proposal is consistent with Division 4.7 (State Significant Development) of the EP&A Act, particularly for the following reasons: • It has been declared to have State significance. • It is not prohibited by an environmental planning instrument. • It has been evaluated and assessed against the relevant heads of consideration under section 4.15(1) of the EP&A Act.

**Environmental
Planning &
Assessment
Regulations 2021**

The EIS contains all information required under Division 2 of the EP&A Regulations. The Project underwent the required process for SSDs by application to the Planning Secretary for the environmental assessment requirement for the EIS. SEARs were received on 30 June 2025.

The EIS contains all the required information in accordance with Division 5 of the EP&A Regulations and the *State significant development guidelines – preparing an environmental impact statement*, dated July 2022. This EIS is supported by an ESD Report prepared by JHA and attached as **Appendix M**, which has addressed the principles of environmentally sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage.

**State Environmental
Planning Policy
(Sustainable
Buildings) 2022**

This EIS is supported by an ESD Report and a BASIX Certificate prepared by JHA and attached as **Appendix M** and **Appendix FF** respectively.

**State Environmental
Planning Policy
(Transport and
Infrastructure) 2021**

Pursuant to section 2.122A of the TI SEPP, development consent for traffic-generating development must not be granted unless written notice of the intention to carry out development has been provided to TfNSW within 7 days of the application being made.

The consent authority must consider any submission made by RMS within 21 days unless TfNSW advises it will make a submission, the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.

Schedule 3 of the TI SEPP classifies development for the purpose of residential accommodation to be traffic-generating development if:

- Is on a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road), and
- Comprises 75 or more dwellings.

The proposed development is on Lavender Street, which within 90m of the subject site connects to the Pacific Highway, which is a classified road. The proposed development includes more than 75 dwellings.

TfNSW is required to be notified of the proposal.

**State Environmental
Planning Policy
(Biodiversity and
Conservation) 2021**

Chapter 2 of the Biodiversity and Conservation SEPP regarding Vegetation in non-rural areas applies to the proposed development as it is zoned R4 High Density Residential in the North Sydney LGA. The Arboricultural Impact Assessment (AIA) Report prepared by Advanced Treescape Consulting attached as **Appendix GG** and the BDAR Waiver Report attached as **Appendix BB** demonstrate that the proposal satisfies the requirements under this Chapter.

Chapter 6 of the BC SEPP applies to land in the Sydney Harbour Catchment, of which the site forms part of. While the site is located within the boundaries of the Sydney Harbour Catchment, the site is not 'zoned' under this plan nor is it located within the 'foreshores and waterways area', where the majority of the plan's provisions apply.

The key matter for consideration is therefore visibility from Sydney Harbour. While the site will be visible from the harbour, it is within the dense tower setting of Milsons Point and North Sydney.

As demonstrated in the Urban Design Report (**Appendix E**), the proposed built form integrates well with the high-density built environment of Milsons Point and North Sydney and thus will be consistent with the existing character of the area when viewed from the Harbour.

**State Environmental
Planning Policy
(Housing) 2021**

A detailed assessment against the relevant provisions of the Housing SEPP, particularly Chapter 4, is provided in the Statutory Compliance Table at **Appendix AA** and the Chapter 4 Housing SEPP Assessment at **Appendix HH**.

**North Sydney Local
Environmental Plan
2013**

A detailed assessment against the relevant provisions of the NSLEP 2013 is provided in the Statutory Compliance Table at **Appendix AA**.

7.0 ENGAGEMENT

This section summarises the findings of the community engagement that was carried out for the project during the preparation of the EIS. It is supported by a Community Engagement Report prepared by Notting Hill Advisory and attached as **Appendix B**.

7.1 Engagement Carried Out

7.1.1 Identify Stakeholders

The following groups of stakeholders were engaged in the community engagement process:

- DPHI,
- Homes NSW,
- Registration of Aboriginal parties (RAP) groups, relevant service and utilities providers,
- Local residents and the wider community.

7.1.2 Traditional Owners and Aboriginal Stakeholders Consultation

The Proponent engaged Artefact Heritage and Environment to facilitate and coordinate meaningful engagement and learning opportunities for the project team from Traditional Owners and Aboriginal stakeholders and broader community. A Walk on Country and design workshop was held on 29 January 2025, to integrate Indigenous Traditional input into design development. Refer to the Connecting with Country Report, prepared by Artefact attached as **Appendix O**.

Aspects of the proposed development that particularly connect with country and acknowledge Indigenous Traditional influence are discussed in the **Section 4.3**.

7.2 Community Engagement

7.2.1 Engagement Activities and Communication Tools

A variety of engagement activities and communication tools were utilised in the engagement process (refer to **Table 19**).

Table 19: Engagement Activities

Activity	Description	Purpose	Level of Engagement
<i>Public Research Sentiment</i>	10-minute live telephone interviews with n=109 residents living nearby the Proposal.	Randomised research provides an accurate and statistically representative sample of community attitudes towards the Proposal.	Consult, Inform and Involve
<i>Email Feedback Mechanism</i>	A dedicated consultation email address, allowing community members to submit their written feedback directly to the project team for review and response.	To facilitate a mechanism for members of the community to provide written feedback directly to the project team.	Consult and Involve
<i>Community Information Flyer</i>	Flyer distribution via letterbox to nearby residences to inform the community about the Proposal and share information regarding additional engagement opportunities.	Boost awareness of the Proposal and communication channels available to the community to access information and provide their feedback.	Inform

Virtual Information Webinar	Online webinar held at a convenient weekday evening slot and advertised to residents and businesses adjacent to the Proposal.	Provide an opportunity for interested members of the community to hear directly from the project team about the proposal and asked questions via an anonymous Q&A chat function.	Inform and Consult
Detailed project presentation	Fulsome project information deck presented with accompanying project team explanation during the virtual webinar.	Ensures accurate and consistent information about the Proposal is accessible to the community.	Inform
Stakeholder Engagement	Engagement with Homes NSW and North Sydney Council.	To brief Homes NSW and North Sydney Council on the Proposal, provide clarity on the planning process and technical assessments, and offer a structured opportunity for early feedback to inform ongoing design development.	Inform and Consult

7.2.2 Community Views

Public sentiment research was conducted between 21 January 2026 and 23 January 2026 via live person-to-person telephone surveys. The surveyed area was selected as best representing residents with a personal, economic and civic interest in the Proposal. Key findings are summarised below:

- Strong positive perceptions of access to public transport (84% good; net +75), local character and amenity (66% good; net +58), and parks and green space (66% good; net +57).
- Perceptions of neighbourhood challenges: Traffic and parking rated negatively overall (net -41). Housing affordability rated negatively (net -46), indicating perceived pressure in the local housing market.
- 88% agree that it is important that key workers and those unable to buy a home can access affordable rental housing in Lavender Bay.
- 56% of respondents disagree with the statement “no additional housing should be built in my council area”, while 19% disagree. This indicates a majority view support the provision of additional housing supply.
- Majority favourable to the site’s location and proximity to public transport (61% favourable; net +43). Inclusion of affordable housing viewed favourably by 43% (net +15). Proposed building height viewed unfavourably.
- 55% agree Lavender Bay is well suited to additional housing given proximity to public transport and amenities. 35% agree the project contributes to state housing targets. 40% agree that thoughtful urban design can improve the public domain.

The following key matters were raised by the community over the course of engagement activities are noted below. Refer to the Engagement report for details on matters and project team responses.

- Evolution of built form
- Height in local context
- Interface with public open space
- Vehicle access and movement patterns
- Construction phase management
- Infrastructure and services capacity
- Affordable and social housing
- SSDA planning pathway
- Engagement process and webinar format
- Overshadowing
- Heritage and character
- Traffic and parking
- Public domain and community benefit

7.3 Engagement to be Carried Out

As the Proposal evolves, the Applicant will continue to engage local residents, landowners, businesses and key agencies, ensuring that community input remains an essential part of the development process. This includes during public exhibition, assessment, and following determination phases of the SSD.

The public exhibition process will allow further opportunities for the public, agencies, and other stakeholders to comment and provide submissions on the SSDA and Concurrent Rezoning Proposal.

8.0 ASSESSMENT OF IMPACTS

This section assesses and provides responses to potential environmental impacts of the proposal. It addresses matters set out in the SEARs, dated 30 June 2025. Refer to the SEARs Compliance Table at **Appendix A** for details on the address of each SEARs requirement in this EIS and also supporting technical documentation.

A Mitigation Measures Table, attached at **Appendix II** has been prepared that consolidates mitigations measures recommended, and residual impacts identified by technical assessment documentation for the proposal.

8.1 Design Quality

8.1.1 State Design Review Panel

An early consultation with the State Design Review Panel (**SDRP**) was requested to ensure independent design quality advice was considered early into the proposal. According to the *NSW State Design Review Panel Guidelines for Project Teams*, pre-lodgement review by the NSW SDRP is not required for private projects on private land if no sessions are available within 12 weeks of submitting the application for a SDRP consultation.

The GANSW confirmed (via email on 9 July 2025) following HDA recommendations, that the SDRP is not required.

8.1.2 Peer Review – Matthew Pullinger Architect

An independent peer review by Matthew Pullinger (**Appendix JJ**), has allowed for external design contribution, as well as design quality assurance in the further design development of the proposal.

The terms of the peer review engagement included collaborating regularly with the proponent's design team - led by SJB - as an expert peer reviewer of the site planning strategies, urban design response and the developed architectural and landscape design. Matthew Pullinger concludes that the final proposal - as documented in SJB's architectural plans and Design Report dated March 2026 - represents a high quality urban renewal that meaningfully responds to the character of this part of the Lavender Bay and Milsons Point and serves the community well by virtue of the proposal meeting various strategic and site specific planning objectives. The peer review notes that the proposal represents a contextually sensitive, responsive and high quality renewal of the site, bringing with it a range of benefits which includes:

- Contributing to the renewal of this part of Lavender Bay, Milsons Point and the nearby North Sydney CBD as a distinctive, amenable high density residential neighbourhood, complementing the existing character and enhancing the vitality and liveability of the local area.
- Making a meaningful contribution to the provision of housing, including affordable housing, in a high amenity, accessible, CBD location in close proximity to employment, services, education and the transport links provided by Milsons Point and North Sydney train stations.
- Marking a prominent site along the Harbour Bridge abutment, at the threshold to the Milsons Point centre, reinforcing an observable pattern of higher density urban form, running north along Alfred Street, and accommodating buildings of greater scale and with increased urban presence in a manner that accentuates this existing pattern.
- Providing a highly articulated building form, which establish a positive street-defining masonry podium of between four and six storeys, and two strongly differentiated tower forms above, intended to help tie the proposal into the typical scale of existing tall buildings in the vicinity.
- The provision of new publicly accessible through site connections that increase local permeability, linking Lavender Street to Middlemiss Street and to Arthur Lane.
- The provision of a new publicly accessible pocket park at the northern extent of the site with sufficient tree canopy, deep soil and landscaped area provision and receives good solar access year-round.

- Strongly articulating the tower forms as a complementary pair, with strong, slender vertical composition and clearly differentiated heights.
- Providing the southern tower, marking the Lavender Street frontage, as the primary building form rising to 32 storeys with a unified ‘crown’ expression. The northern tower adopts a maximum height of 23 storeys. This clear difference in tower heights results in building forms that are strongly modelled along the Bridge abutment and present a dramatic silhouette against the sky. This design move also resolves the northern extent of the Milsons Point tower cluster in a positive fashion, keeping it distinct and separate from the southern extent of the North Sydney CBD tower cluster.
- The two tower forms sit comfortably amongst other towers marking the locality, clearly denoting the higher densities anticipated in a key metropolitan centre.
- Providing strong registration between tower and podium forms, with upper-level setbacks to the street and neighbouring development, to mitigate against the impacts of a taller building on the locality, and to help tie towers of this scale into the prevailing urban fabric.
- Adopting material and design cues (robustly detailed brick podium expression) derived from the local area, to achieve a strong contextual fit despite the increased scale of the proposed buildings.
- Establishing a building envelope that permits the effective renewal and intensification of the subject site whilst not constraining neighbouring sites’ longer term renewal potential, particularly sites with common site boundaries controlled by Homes NSW to the east and west, which benefit from LMR development standards and associated Infill Affordable Housing density bonuses.
- Providing a proposed building envelope that brings with it no unreasonable overshadowing, wind effects or view loss impacts.

The independent urban design advisor was included in engagement with DPHI and GANSW representatives as part of the design iteration.

8.1.3 Evolution of the Built Form

The current proposal provides a total of 163 dwellings with 3% affordable housing within a 32 and 23 storey tower. The proposed increase in residential yield from the indicative scheme lodged with the SEARs request has resulted from further design development since the SEARs request, which seeks to provide an appropriate response to the site with careful consideration of its location and desired future context. The current proposal remains unchanged in the land use and nature of the development.

The strategic design changes were made in consultation with DPHI and GANSW representatives, with a key decision made to reduce the singular bulk of the building and ground plane, to deliver two slimmer tower elements and provide greater permeability at the ground floor plane. Critically, the building height was determined based on impacts to the proximate open space areas and to maintain the dwelling counts proposed in the HDA EOI.

8.2 Built Form and Urban Design

8.2.1 Relationship with existing and future context

The proposed built form is driven by an urban design response to complete the Middlemiss Peninsula. The site is located at the bookend of the peninsula and occupies a prominent strategic position within the broader skyline context. Existing development along Milsons Point, extending towards the site, establishes a modulated skyline characterised by taller residential towers. At the same time, to the north, the North Sydney CBD has undergone substantial intensification, resulting in significantly greater building heights proximate to new major infrastructure (e.g. Sydney Metro) that are clearly legible in long-range views. It is within this context, the site has the capacity to complete and mediate the skyline, while providing a considered and harmonious transition that visually connects North Sydney with the peninsula.



Figure 28: Skyline Analysis surrounding subject site
Source: SJB

The site sits within a transition zone. It sits on the northern edge of the Milsons Point Town Centre but lacks the scale of development present within the Town Centre. However, due to the size, proportions and location of the site, it also lacks the fine grain present in the rest of Lavender Bay. Given these locational and context characteristics, the site is capable of accommodating additional density, whilst being responsive and sensitive to the finer grain Lavender Bay area to the west.

The project vision is realised through the sympathetic placement of building mass on the site as well as through the careful planning of the fine grain elements of the ground place. The proposal divides the overall mass into two distinct towers with differentiated heights to reduce perceived bulk and enhance skyline articulation. The division of mass into two towers also allows the provision of through site links/pedestrian connectivity and publicly accessible pocket parks.

It is also important to note that the locality is likely to undergo further transition given that the surrounding R3 and R4 zoned land is subject to the State Government’s Low and Medium Rise (LMR) planning reforms (with the exclusion of heritage items), being within 400m walking distance from Milsons Point station. These reforms facilitate future development of 6-8 storeys in the locality, when considering all applicable planning bonuses (i.e. LMR + Infill affordable housing bonuses). As can be seen from Figure 10 below, the site sits in a Low and Mid-rise housing area.

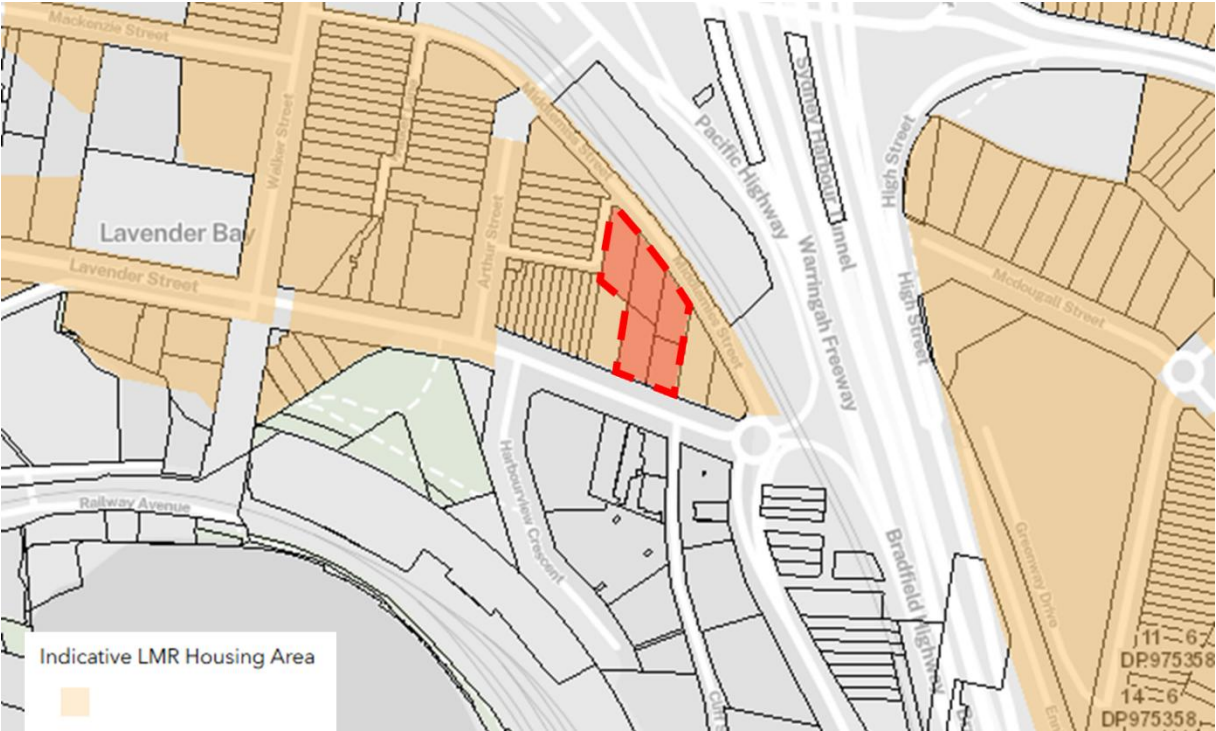


Figure 29: Indicative low and mid-rise housing area
Source: Low and Mid-Rise Housing Policy Indicative Map, DPHI

Furthermore, as outlined above, land to the immediate south and north west in Milsons Point and North Sydney is developed to a high density scale with building bulk and scale being reflective of the proposal.

With Sydney facing a well-documented housing crisis, accessible and well-located areas, proximate to commercial centres and high frequency public transport, are expected to accommodate higher building heights and densities. The proposal is therefore an appropriate response to both strategic and statutory planning directions, delivering housing growth in a place strategically suited to accommodate it.

8.2.2 Urban Design, Bulk and Scale

Response to a Detailed Site Analysis

SJB has undertaken extensive design testing, modelling and iterative analysis to fully understand the site's opportunities and constraints. This process has informed the final built form and urban design response, as detailed in the Architectural Design Report at **Appendix E**. The key design moves that ensure a strong, positive 'fit' within the locality to create a coherent and positive streetscape despite the scale and density of the proposal, are set out below.



Figure 30: Two tower design

Source: SJB

Two Tower Design

To reduce the perceived visual bulk of the development, maximise sky views, and optimise/open up the ground plane, the proposal adopts two distinct and slender tower forms. The towers are characterised by compact floor plates which, despite their increased height, allow for meaningful separation between built elements. This separation enhances visual permeability and preserves the quality of views from surrounding conservation areas towards the site. The resulting tower configuration supports a more refined skyline presence and reduces cumulative massing impacts.



Figure 31: Public open space
Source: SJB

Public Open Space

The slim two tower massing allows the proposal to deliver two publicly accessible pocket parks; both located to the north to optimise solar access and user amenity. These pocket parks provide landscaped areas of respite for the community, incorporating canopy trees and seating to enhance comfort and microclimate.

Both spaces are open to the wider public and directly address the surrounding street network, with one pocket park fronting Middlemiss Street, and the other addressing both Middlemiss Street and Arthur Lane, reinforcing passive surveillance and public domain activation.

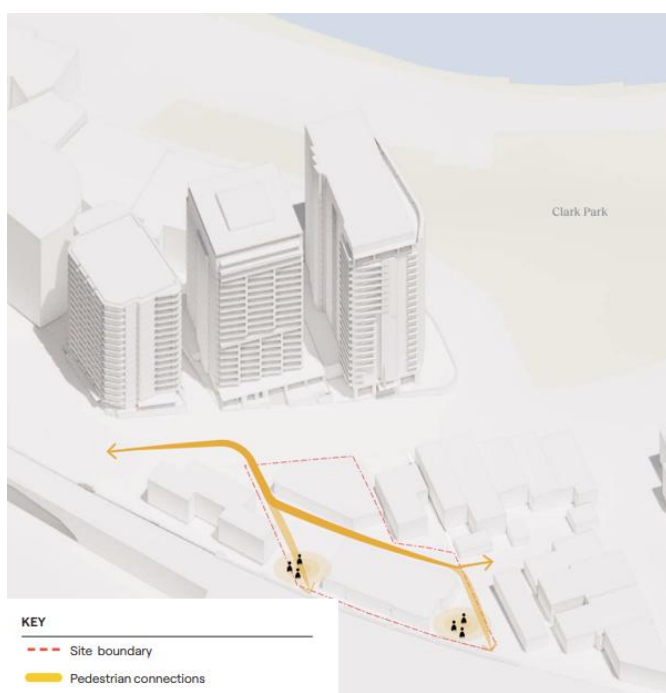


Figure 32: Through-site links
Source: SJB

Through Site Links

The proposal delivers an enhanced pedestrian network that enables public movement from Arthur Lane to Lavender Street via a covered through-site link integrated beneath the co-joined podium.

This connection improves pedestrian amenity and weather protection, while also facilitating more direct and legible access to Middlemiss Street. Collectively, these links contribute to a highly permeable and accessible ground plane, strengthening connectivity within the surrounding street network.

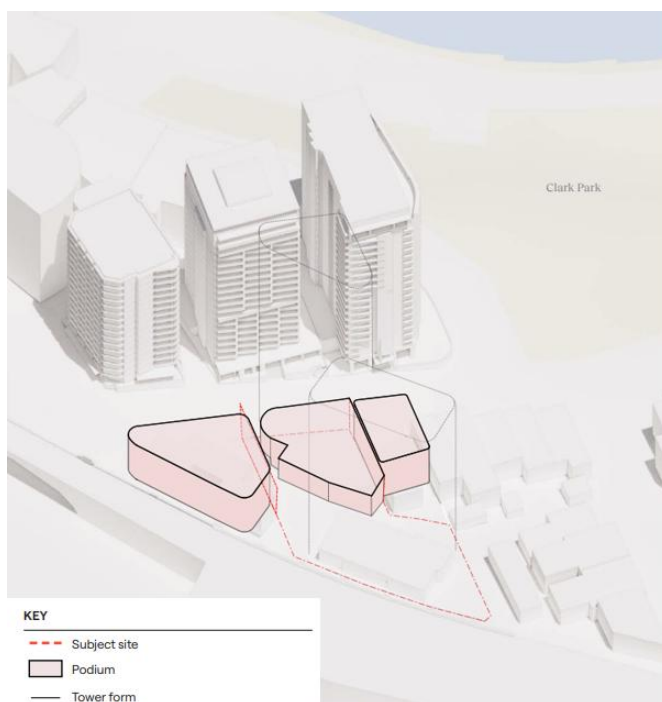


Figure 33: Adjoining sites development potential
Source: SJB

Consideration of Adjoining Sites

The design of the podium and associated setbacks has been carefully considered in response to the potential future redevelopment of adjoining sites, ensuring that surrounding lots retain the ability to achieve redevelopment potential.

In particular, the adjoining site at 1 Middlemiss Street (currently owned by Homes NSW) has the capacity to extend the established podium scale and rhythm and accommodate development up to an eight-storey podium form. Where reduced setbacks are provided to the tower form (the eastern element of the Lavender Street tower), it has been designed to respond to a future scenario of the Homes NSW site that will orientate to both the Middlemiss and Lavender Street frontages, thus ‘turning its back’ to the adjacent tower to its west

No setback is proposed along the boundary with 62 Lavender Street, as the constrained depth and limited site area would otherwise be unreasonably compromised. This approach enables future development to occur directly abutting the proposal, allowing the adjoining site to match the podium height of up to eight storeys and achieve its full development potential, while maintaining an efficient and equitable urban outcome.

Development of these remaining lots can happen independently within impediments or reliance on the proposal.



Figure 34: Podium datums
Source: SJB

Podium datums

The Southern Podium is articulated as a continuous vertical form that extends directly to the ground, providing a definitive visual anchor to the site’s southern edge. A six (6) storey podium at this point establishes a civic presence at the primary street corner, marking a formal threshold to the Milsons Point peninsula. Although the towers extend to the ground plane, a deliberate shift in architectural expression and scale ensures a clear reading of podium and tower as separate components, maintaining urban hierarchy and legibility. This approach supports an active, well-defined streetscape that integrates with the existing urban fabric.

To the north, the podium is restrained to a four-to-five-storey datum to mediate between the monumental scale of the Sydney Harbour Bridge abutment and the rhythmic grain of local terraces. The podium is presented as a clearly defined urban element that aligns with the datum of the adjacent viaduct, reinforcing a consistent and legible street wall and contributing to a cohesive pedestrian-scale environment. This height ensures a grounded, heritage-sensitive interface that maintains the streetscape character.

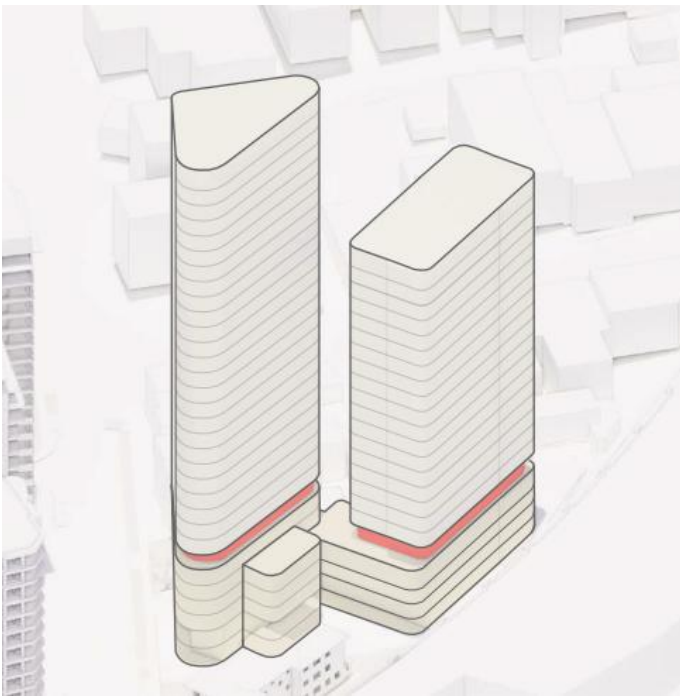


Figure 35: Podium break
Source: SJB

Podium Break

To define the transition from streetscape to skyline, the design introduces a recessed architectural reveal at the podium head (Levels 4 and 6). This horizontal “carve” effectively de-couples the tower from its masonry base, articulating a clear shift in materiality and scale while providing a refined silhouette for the 23 and 32-storey towers.

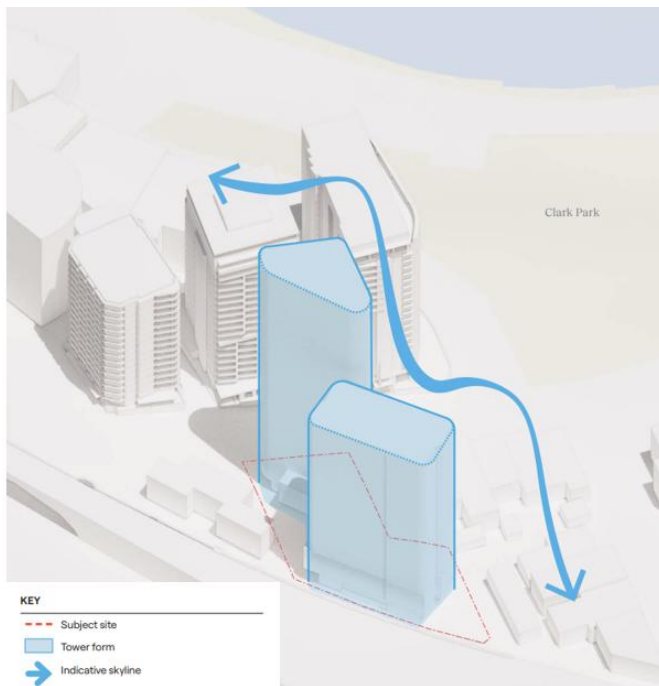


Figure 36: Differentiated tower heights
Source: SJB

Articulated/Differentiated Tower Heights

The articulation of the proposal into two distinct towers enables the introduction of a deliberate height differentiation, creating opportunities to modulate the skyline.

This design move enhances visual interest and ensures clear visual separation between the towers when viewed from the public domain and in longer-range views. Importantly, the distribution of development across two slender tower forms reduces the perceived bulk and scale of the proposal, resulting in a more refined and responsive skyline outcome.

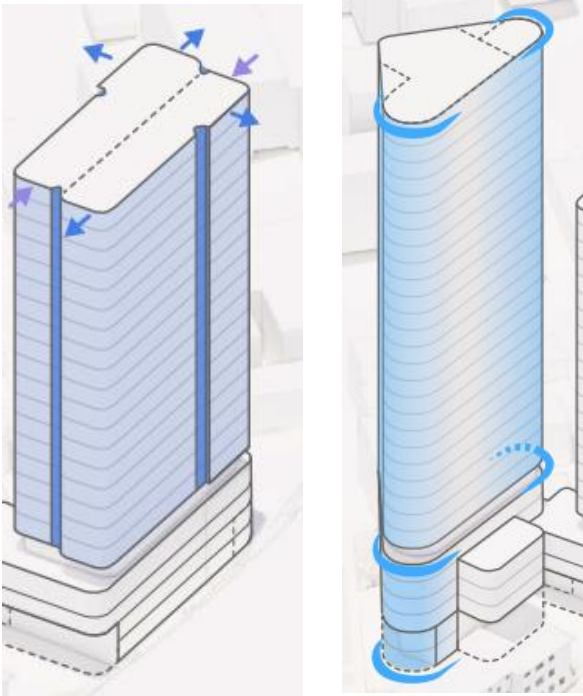


Figure 37: Tower articulation
Source: SJB

Tower A employs a “push-and-pull” of the floor plates to deconstruct the building’s bulk. These vertical shifts create deep recessed planes that enhance visual privacy and maximize solar access. Featured vertical fins are integrated into these shifted forms, adding rhythmic depth and reinforcing the tower’s slender proportions. Building articulation and recesses create shadows and break long facades to humanise the bulk and scale and have been exaggerated to counter act the increased height of the built form and to create more separation between the buildings.

Tower B utilizes soft, sweeping curvatures to respond to its prominent corner position. The corners are carved to create smooth, continuous facade that broaden panoramic view corridors and pull natural light deeper into the living spaces. This curved geometry continues upward to define a softened “crown” on the skyline.

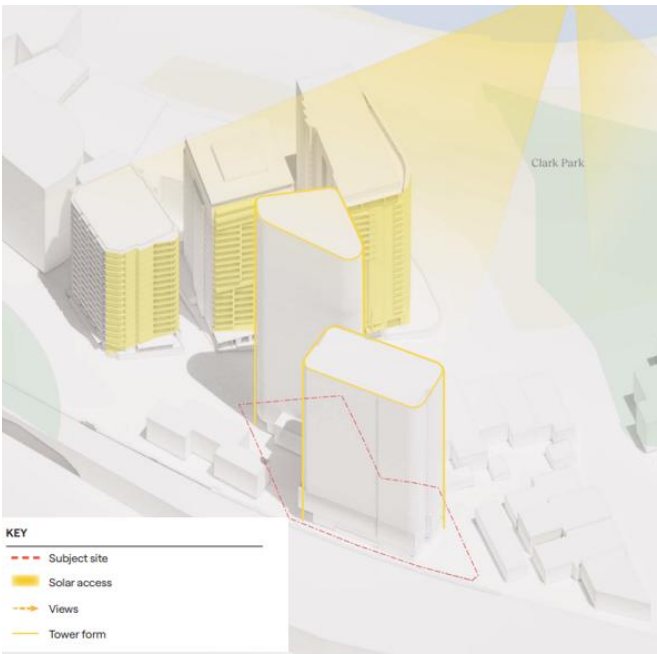


Figure 38: Overshadowing impacts
Source: SJB

Sculpted to minimise overshadowing impacts

The built form and tower envelopes have been carefully modulated to mitigate potential impacts on the public domain and surrounding properties. Particular attention has been given to minimising overshadowing of Bradfield Park and Clark Park, recognising their importance as key public open spaces.

Detailed solar access and separation testing has also been undertaken to confirm compliance with the Apartment Design Guide (ADG) requirements for neighbouring residential developments, including 4 Alfred Street, 61 Lavender Street, and 55 Lavender Street to the south of Lavender Street.

8.2.3 Building Height

The proposal includes a concurrent Planning Proposal which proposes to amend the building height control to accommodate a development that will deliver additional housing and a publicly accessible through site link. The proposal will provide an improved transition in height between the Milsons Point and North Sydney commercial centres while providing an appropriate response to the constraints and opportunities of the site.

As indicated in the Design Report prepared by SJB (**Appendix E**), the proposed building heights have been designed to respond to the existing and surrounding context. The Southern Tower (Tower B) serves as the primary form, rising to 32 storeys (RL 137.00) with a unified ‘crown’ expression marking the Lavender Street frontage. The Northern Tower (Tower A) adopts a lower scale of 23 storeys (RL 108.40), with plant and services zones extending to RL 112.50.

As noted by the Matthew Pullinger peer review, this clear difference in tower heights results in building forms that are strongly modelled along the Bridge abutment and present a dramatic silhouette against the sky. This design move also resolves the northern extent of the Milsons Point tower cluster in a positive fashion, keeping it distinct and separate from the southern extent of the North Sydney CBD tower cluster. The two tower forms sit comfortably amongst other towers marking the locality, clearly denoting the higher densities anticipated in a key metropolitan centre.

Both tower heights are strategically capped to mitigate potential impacts on the public domain and surrounding properties. Particular attention has been given to minimising overshadowing of Bradfield Park and Clarke Park, recognising their importance as key public open spaces.

8.2.4 Building Setbacks and Separation

Part F Section 9.1 of the NSDCP 2023 identifies the site within the Milsons Point Town Centre and provides specific controls relating to podiums and setbacks from laneways. The controls require that buildings can be built to the street boundary at ground level but must be setback 1.5m from a laneway. Further, the DCP specifies buildings to have a podium of at least 10m with the tower setback a further 3m from the podium. It is noted that development control plans do not apply to State significant developments.

The proposal is responsive to the NSDCP 2023, as the proposals provides the DCP 1.5m podium setback to Alfred Lane and podium heights are greater than 10m. The proposal does not provide a typical podium/tower typology as per the DCP setback controls (3 metre setback above podium). It is noted that the podium/tower form is not prevalent in Milsons Point. Buildings tend to extend to ground with no upper-level setback. This is similar to the built form approach in North Sydney. The proposal adopts this approach and adopts key design measures to demarcate the podium and tower form. Although the towers extend to the ground plane, a deliberate shift in architectural expression and scale ensures a clear reading of podium and tower as separate components. Further, to define the transition from streetscape to skyline, the design introduces a recessed architectural reveal at the podium head (Levels 4 and 6). This horizontal “carve” effectively de-couples the tower from its masonry base.

In terms of building separation, Part 3F of the apartment design guide outlines controls for building separation and setbacks. Any building (or part thereof) is recommended setbacks of:

- 6m to habitable/habitable, 4.5m habitable/non habitable and 3m to non-habitable/non habitable rooms for buildings up to 12m (four storeys);
- 9m to habitable/habitable, 6m habitable/non habitable and 4.5m to non-habitable/non habitable rooms for buildings up to 25m (five to eight storeys).
- 12m to habitable/habitable, 9m habitable/non habitable, and 6m to non-habitable/non habitable rooms for buildings above 25m (9+ storeys).

The proposed separation distances to the neighbouring properties and internally are as follows:

- 1 Middlemiss Street: minimum 3m (variation to ADG)
- 62 Lavender Street: minimum zero setback –3m (variation to ADG)
- Tower A to Tower B: minimum 6m (variation to ADG).

The proposed setbacks are reasonable in the circumstances because:

- The proposed zero setback to 62 Lavender Street will enable Homes NSW to maximise the future development footprint for the site which will enable them to provide additional affordable and social housing units in the North Sydney LGA. This approach enables future development to occur directly abutting the proposal, allowing the adjoining site to match the podium height of up to eight storeys and achieve its full development potential, while maintaining an efficient and equitable urban outcome. It is noted that the ADG envisages this outcome, stating *‘No separation is required between blank walls’*.
- Tower elements are designed with a future development potential of the Homes NSW sites in mind. The project makes a delicate balance between protecting existing amenity and enabling future redevelopment. Where reduced setbacks are provided to the tower form (the eastern element of the Lavender Street tower), it has been designed to respond to a future scenario of the Homes NSW site that will orientate to both the Middlemiss and Lavender Street frontages, thus *‘turning its back’* to the adjacent tower to its west (
- **Figure 39).**
- Visual privacy between Tower A, Tower B and future development to the east and west is ensured through the provision of shadow boxes which completely block views while maintaining the external architectural form of the towers. Therefore, the proposal is not *‘borrowing’* amenity from the neighbouring sites.
- The proposal will deliver 163 new homes (including 3% affordable) in a highly accessible and urbanised location. The proposed setbacks enable the development to deliver homes that would not otherwise be built.

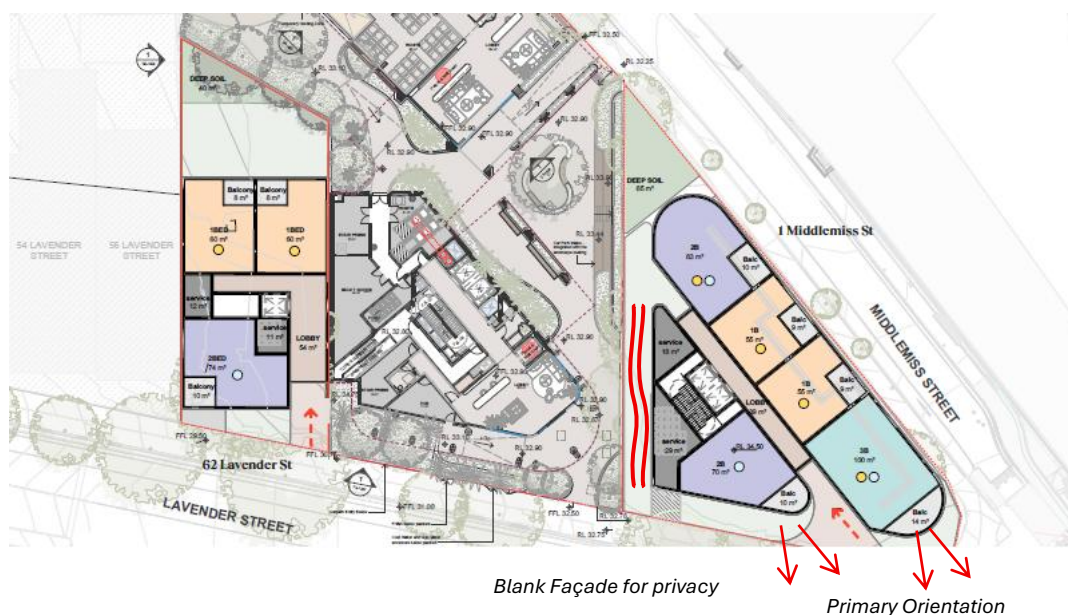


Figure 39: Adjoining development and measures to address privacy between developments

Source: SJB (edited)

8.3 Site Isolation

The proposed development is adjacent to properties at 62 Lavender Street and 1 Middlemiss Street, both owned by Homes NSW.

Early conversations have been held with Homes NSW through the NSW Government's Direct Dealing Framework on a potential collaborative (but individual development) approach to accommodate increased market, social and affordable housing on this gateway site.

Given early conversations with Homes NSW in May 2024 prior to a pause on the sale of government owned land, the proponent believes the rezoning should cover the Homes NSW lands to stimulate their renewal and provide much needed new publicly owned housing in this high-value location. However, any redevelopment should occur separately so not to jeopardise the proponent's ability to deliver new housing within the Housing Accord period.

As a result, 62 Lavender Street and 1 Middlemiss Street are not included as part of the proposed development.

Central Element has executed binding agreements to enable complete transaction of lands upon acceptance into HDA process and has been working with 25 individual private owners since 2021 to create a consolidated footprint for development.

Acceptance into the HDA process and SSDA may however catalyse the renewal of the Homes NSW lands that comprise end of life buildings – however for clarity as previous attempts have been made via the Homes NSW Direct Dealing process – Central Element does not have within the existing HDA frameworks to partner with Homes NSW. Homes NSW have advised they are unable to work to a private proponent's timeframes.



Figure 40: Adjoining development

Source: SDT Explorer (edited)

It is acknowledged that whilst 62 Lavender Street will still adjoin low density residential development, 1 Middlemiss Street will neighbour high density development to the west and south.

The LEC have established 'planning principles' describing the desired outcome, and list of appropriate matters to consider, for the potential isolation of sites by the redevelopment of adjacent sites. These principles set out in the following cases:

- *Melissa Grech v Auburn Council* [2004] NSWLEC 40 at 51;

- Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189 at 31-34; and
- Karavellas v Sutherland Shire Council [2004] NSWLEC 251.

The principles for dealing with the amalgamation of sites or where a site is to be isolated through redevelopment are established in Karavellas v Sutherland Shire Council [2004] NSWLEC 251, which at 17-19 requires two questions to be satisfied:

1) Firstly, is amalgamation of the sites feasible?

Three principles to be applied in determining the answer to the first question are set out in Melissa Grech v Auburn Council [2004] NSWLEC 40, where the commissioner said:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

As noted above, consultation was undertaken with Homes NSW early in the development process regarding both acquisition of land and a collaborative development approach. However, the NSW Government imposed a pause on the sale of government owned land. Regardless, there is no minimum lot size that restricts the site, there are a number of permitted land uses that could be developed at the site and therefore the first principle is satisfied.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Details of the negotiation between the proponent and Homes NSW is detailed in **Appendix B**. The second principle is satisfied.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

Inherent in the concept of whether amalgamation is feasible is whether it is also reasonable. Furthermore, amalgamation is not feasible simply because the parties are not too far apart in their negotiations. In Karavellas, the Court explicitly stated that simply because the parties were only \$50,000 apart in negotiations, this did not mean that amalgamation was feasible. Further, it is not the role of the consent authority (whether Court or Planning Panel or Department) to enter into negotiations regarding a final sale price. Rather, the consent authority simply needs to be satisfied that a reasonable offer has been made (based on the history of negotiations). An offer supported by a valuation will prima facie be reasonable, and it would be beyond, and directly contrary to, the Planning Principle, if a consent authority were to insist that a proponent offer or pay more than the amounts advice(s) by their professional valuer(s). To do so would not be ‘reasonable’ and is expressly what the Court cautioned against in Karavellas at [20].

The current circumstances are somewhat bespoke and vary from the specific circumstance of Karavellas, in that the issue in question is not necessarily the price of any offer made (which ordinarily occurs between two private vendors), but the applicant’s ability to even enter the NSW Government’s unsolicited proposal/direct deal process in a timely and well received manner.

Regardless, the proponent has far exceeded the required degree of consultation required to satisfy the first question, outlined in **Table 20** below. The proponent has undertaken extensive negotiations with Homes NSW to attempt to reach a reasonable outcome that would benefit both parties.

Table 20: Consultation with Homes NSW

Key Date	Key Activity
July 2021	Central Element begins Call Option arrangements with landowners of the site (64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay).
1 October 2021	Investment NSW, Homes NSW and Central Element Meeting 1.

16 December 2021	Investment NSW, Homes NSW and Central Element Meeting 2.
March 2022	Central Element Unsolicited Proposal (USP) lodged with Investment NSW.
11 April 2022	Advice from Investment NSW (via the then Department of Enterprise and Trade) that the project would be best addressed outside of the USP process and should be referred direct to Homes NSW.
August 2023	Central Element makes extension payments on Call Option arrangements with owners of 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay.
27 February 2024	Central Element proposal provided to Homes NSW.
27 March 2024	Meeting between Homes NSW and Central Element to discuss proposal.
1 May 2024	Homes NSW advises Central Element's proposal is unable to be progressed.
29 August 2025	Meeting with Minister for Housing Office, Homes NSW Head of Housing Portfolio to discuss approach to the site and interface with homes NSW properties
10 September 2025	Meeting with Homes NSW Origination Team and Central Element
2 October 2025	Meeting with Homes NSW and Central Element design team – introduce the concept and discuss options for alternative site redevelopment and interfaces
17 October 2025	Meeting with DPHI to present works to date and update on Homes NSW (and other) engagement.
14 November 2025	Meeting with Homes NSW and Central Element design team

With consideration of the above, amalgamation of 62 Lavender Street and 1 Middlemiss Street is clearly not feasible in this case, nor is it necessary to allow future development at the site. Future development of the site is considered further in the following.

2) Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

Amalgamation of the sites at 62 Lavender Street and 1 Middlemiss Street is not feasible for the reasons set out above. The second test of Karavellas therefore requires a consent authority to be satisfied that orderly and economic use and development of the site can still be achieved.

The Planning Principle to be applied in answering Question 2 is set out in Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, in which Tour C stated:

“The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

The principle here, as set out by this case, centres around the ability to develop the adjoining site. The adjoining site can still be developed, as:

- 62 Lavender Street and 1 Middlemiss Street are zoned R4 High Density Residential and has a maximum permitted height of building of 12m with no floor space ratio control.
- The R4 High Density Residential Zone also permits a range of uses including non-residential uses that could be developed without needing to comply with the ADG or the NSDCP 2023 controls. The following uses are permitted with consent in the R4 Zone (non-residential uses emphasised);

*Attached dwellings; Boarding houses; **Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing***

- There is no minimum lot size or width that applies to the sites or is conditional to access any potential uplift at the site.
- The low and mid-rise housing policy applies to the sites allowing for an increase in maximum building height to 22m for residential flat buildings and 24m for shop-top housing and a maximum floor space ratio of 2.2:1.

Furthermore, the proponent far exceeded the requirements of the precedence by providing Homes NSW with detailed concept massing of development potential at their sites within the existing planning controls. The concept massing revealed that Homes NSW retained reasonable development potential despite the redevelopment of the subject site under this SSDA. Considerable engagement has been undertaken with Homes NSW following the development of the concept massing and is detailed in the engagement report provided as **Appendix B**.

Also notably, in the decision of *Statewide Planning Pty Ltd v Canterbury-Bankstown Council* [2021] NSWLEC 1210, an isolated site was an R4 zoned parcel. The Court accepted the evidence of the applicant's expert town planner (at [92]-[93]) who opined that "*not all development needs to be high rise or built to the maximum allowable FSR or height in order to achieve the R4 zone objective of providing "a variety of housing types within a high-density residential environment"*" and on that basis held that "*this does not necessarily make it an unreasonable development option accepting that it is a constrained site*".

In *Statewide*, the applicant's indicative schematic designs demonstrated that the neighbouring site could achieve an independent redevelopment, notwithstanding the key proposed redevelopment scenario was well below the maximum permissible planning controls achieving only 38% of the permissible FSR (at [90], [93]). The Senior Commissioner of the Land and Environment Court agreed that this was a reasonable outcome in the circumstances.

In the present circumstances, it is clear from the range of permissible uses in the R4 High Density zone and the indicative development forms prepared by SJB (**Figure 41**), that for 1 Middlemiss and 62 Lavender Street there are a range of orderly and economic development options which could be pursued. It is apparent that the site is capable of redevelopment in a number of options, including being capable of residential apartment development, and is not being left behind as undevelopable or underdeveloped.



Figure 41: Indicative typical floor plan apartment redevelopment on Homes NSW land
Source: SJB

8.3.1 Post-HDA Engagement with Homes NSW

Engagement has continued with Homes NSW following the industry specific SEARs for the proposal, the details of the post-HDA engagement are outlined in the engagement report provided as **Appendix B**.

Under the understanding that from the issuing of SEARs, proponents have a 9-month timeframe to submit the SSDA, SJB prepared modelling options to present to Homes NSW with the proponent's intention for a collaborative design process with Homes NSW to ensure their sites retained development potential.

Homes NSW prepared a table of items to be addressed, which the proponent made response to as shown below in **Table 21**.

Table 21: Issues raised by Homes NSW

Issues raised by Homes NSW (18/12/25)	Action required from CE	CE comment
1. Levels & access There is a substantial level difference between the street levels along Lavender St and Middlemiss St and the two Homes NSW sites at 62 Lavender Street & 1 Middlemiss Street. From the information currently provided to us, it is unclear how the entry into basement will work.	Sections & basement layouts for both Homes NSW sites, showing the extent of the basements, the entries into the basements and swept path diagrams to demonstrate how the level difference will work.	- Developing a full basement design will require significant time – not least detailed survey of the Homes NSW sites. CE have a hard deadline to submit this SSDA to meet HDA timelines. - The indicative development drawings prepared represent a suitable degree of information to demonstrate indicatively that the sites can be developed for permissible land uses. - Based on the work done to date we assume access can be provided to the Homes NSW sites based on similar site conditions to the subject site. - The detailed design of basement parking is not a consideration for site isolation as the site can be developed per relevant controls
2. Setbacks The SJB block testing for Homes NSW sites at 62 Lavender Street & 1 Middlemiss Street includes zero setbacks. This is inconsistent with Council's DCP requirements listed in Section 9 – Lavender Bay Planning Area. It is also noted that Middlemiss Street is a narrow one-way street with a narrow footpath and constrained by a bike lane along the west and the Harbour Bridge bays on the east.	What assurance can be provided to Homes NSW that these two sites will be able to be developed in the future with zero setbacks? Confirmation from Council that zero setbacks are acceptable for these developments.	- This has been provided to HomesNSW as to developability – but any future DA will need to go through the usual assessment process. - Reduced setbacks have been purposefully proposed to enable greater development potential of the Homes NSW sites. - The design currently maintains a 3m setback from 1 Middlemiss St and a zero-lot-line setback at 62 Lavender St. Given the constrained nature of the site, this zero-lot-line approach allows for viable future development. Refer to SJB works to demonstrate the developability. - This was an agreed approach in principle with senior Homes NSW staff – which precipitated this engagement with the wider Homes NSW team - Council are not the determining authority for SSDAs, nor does a DCP apply to SSDAs.
3. Waste Management <u>Location of bin rooms & access:</u> a) Bin room access via the lobby in 62 Lavender Street is not satisfactory.	Layouts, sections and further information to demonstrate that each development can have: – a separate bin room – meet Council's requirements of bin room	- The latest SJB pack includes a dedicated bin room with the capacity confirmed by the waste consultant on both sites. - Regarding collection, kerbside pickup on Middlemiss St may cause traffic obstructions. We recommend utilising

b) Will the ramps up to the bin rooms meet Council's requirement of the grade being no steeper than 1 in 8? c) With reference to item 4 below (please confirm if this relates to the HNSW sites): Combined bin room for the two sites is not an acceptable solution as: • mixing residents from two separate developments is not recommended for safety reasons • the two sites are not adjoining each other, and it is therefore unreasonable to require the residents from one development to use a waste room in another development • the two sites may be developed separately • having combined services also reduces the possibility of Homes NSW divesting of one of the sites if required. <u>Waste collection:</u> a) Waste collection from Lavender St bus zone is unlikely to work when the number of bins from the new developments exceed the current number of bins. b) Would waste collection from Middlemiss St meet the requirements of distance from bin collection point to collection vehicle and maximum gradient of 1 in 8?	sizes and gradients for ramps – meets Council's requirements for waste collection Confirmation from Council that this proposed waste management is adequate.	the current bus zone on Lavender St for collection to minimise the impact on local traffic flow. • Per above, this is detail that will not be able to be developed by CE in the timeframes of the HDA. The overall intent / concept has been tested by the consultant team and demonstrated as acceptable for this stage of demonstrating that site isolation does not occur. • Central Element are willing to continue to work with Homes NSW as the design progresses.
4. Overshadowing	Shadow diagrams to demonstrate the impacts of the proposed CE development on the adjoining two Homes NSW sites at 62 Lavender Street & 1 Middlemiss Street. Need to demonstrate ADG-compliant developments on Homes NSW properties.	• The internal layouts of these buildings – were requested from Homes NSW however were unable to be provided. • The solar analysis indicates: – 62 Lavender St: No additional overshadowing from our site between 1:00 PM and 3:00 PM. – 1 Middlemiss St: No additional overshadowing from our site between 9:00 AM and 12:00 PM. • Detailed solar analysis is addressed at Section 8.5.1 of this EIS.

In conclusion, it would be unreasonable to withhold development approval for the proposed as extensive negotiations were held between the proponent and Homes NSW consisting of prior on market offers regarding property acquisition and then, subsequently, on a collaborative redevelopment of the precinct. The offers made satisfy the requirements set out in Karavellas as above. Further, regardless of site amalgamation, the sites at 62 Lavender Street and 1 Middlemiss Street can still be redeveloped independently of the proposed development at 64-66 Lavender Street and 3-7 Middlemiss Street.

8.4 Residential Amenity

The proposed development has been designed to achieve a high level of residential amenity and has the support of independent design expert Matthew Pullinger as outlined above. SJB have evaluated the design against the design principles for residential apartment development at Schedule 9 of the Housing SEPP and provided an assessment against the ADG numeric design criteria (refer **Appendix HH**). The proposed development achieves the ADG design objectives. **Table 22** summarises the SJB assessment.

Table 22: ADG Summary

ADG Design Criteria	Assessment
<i>Communal open space (Objective 3D-1)</i>	The proposal includes a total 1,547sqm of communal open space located on Ground, Level 4 and Level 5. The total communal open space equates to 67.1% of the site area which exceeds the minimum requirement of 576.2sqm (25%) by 970.8sqm or approximately 168%. The SJB sun-eye diagrams confirm that the communal open spaces will receive a minimum of 2 hours direct solar access between 11am and 2pm on 21 June.
<i>Deep soil (Objective 3E-1)</i>	The proposal includes 195sqm of deep soil which equates to 8.46% of the site area. The proposed deep soil exceeds the minimum 161.3sqm (7%) required by the ADG design criteria by 33.7sqm or approximately 21%.
<i>Visual privacy (Objective 3F-1)</i>	The proposed separation distances to the neighbouring properties and internally are as follows: • 1 Middlemiss Street: minimum 3m. • 62 Lavender Street: minimum zero setback -3m. • Tower A to Tower B: minimum 6m. The proposed setbacks are discussed in detail above and are reasonable in the circumstances because: • The proposal will deliver 163 new homes (including 3% affordable) in a highly accessible and urbanised location. The proposed setbacks enable the development to deliver homes that would not otherwise be built. • The proposed zero setback to 62 Lavender Street will enable Homes NSW to maximise the future development footprint for the site which will enable them to provide additional affordable and social housing units in the North Sydney LGA. • Tower elements are designed with a future development potential of the Homes NSW sites in mind. The project makes a delicate balance between protecting existing amenity and enabling future redevelopment. Where reduced setbacks are provided to the tower form (the eastern element of the Lavender Street tower), it has been designed to respond to a future scenario of the Homes NSW site that will orientate to both the Middlemiss and Lavender Street frontages, thus 'turning its back' to the adjacent tower to its west. • Visual privacy between Tower A, Tower B and future development to the east and west is ensured through the provision of shadow boxes which completely block views while maintaining the external architectural form of the towers. Therefore, the proposal is not 'borrowing' amenity from the neighbouring sites.
<i>Solar and daylight access (Objective 4A-1)</i>	120 apartments (74%) receive 2 hours direct sunlight to their living areas and private open space between 9am and 3pm on 21 June. The proposal exceeds the 70% required by the ADG design criteria by 6 apartments.
<i>Natural ventilation (Objective 4B-3)</i>	34 of the 49 apartments in the first nine storeys of the building are naturally cross ventilated. This equates to 69.4% which exceeds the minimum 29 (60%) apartments required by the ADG design criteria by 5 apartments or approximately 17%. A Natural Ventilation Design Review Report is submitted as Appendix MM.

It is noted that 3 of the 7 affordable dwellings achieve natural cross ventilation which equates to 42% of the affordable apartments, or one apartment below achieving the 60% required by the ADG. This is a result of grouping the affordable dwellings in the podium for ease of management. The affordable apartments that are not naturally cross ventilated will still achieve good levels of internal comfort as:

- all habitable rooms are naturally ventilated and have unobstructed window openings equal to at least 5% of the floor area served.
- ceiling heights in habitable rooms comply with the minimum 2.7m requirement.
- Apartment depths and maximum habitable room depths comply with the relevant ADG design criteria.

Ceiling heights (Objective 4C-1)	3.2m floor to floor heights are proposed. Habitable rooms will have a minimum 2.7m ceiling height. Non-habitable rooms will have a minimum 2.4m ceiling height. The proposal complies with the ADG design criteria.
Apartment size and layout (Objective 4D-1)	The apartments have been designed to meet the minimum area requirement. The proposal complies with the ADG design criteria.
Private open space and balconies (Objective 4E-1)	Balconies have been designed to meet the minimum area requirement. The proposal complies with the ADG design criteria.
Common circulation and spaces (Objective 4F-1)	The maximum number of apartments off a circulation core is eight and both Tower A and Tower B have two residential lifts. The proposal complies with the ADG design criteria.
Storage (Objective 4G-1)	The internal storage diagrams submitted as part of the Architectural Drawings confirm that the proposal complies with the ADG design criteria.

8.4.1 Liveable and Adaptable Apartments

The ADG provides guidance that 20% of the total dwellings within a development achieve silver level universal design features. The proposed development provides 25% of all dwellings at silver level, 6% at gold level and 8% at platinum level. Therefore, a total of 39% of dwellings are at or above silver level.

Further, the ADG provides guidance that adaptable housing should be provided in accordance with the relevant council policy. It is to be noted that this is design guidance and not design criteria and therefore is used to assist design responses, not impose criteria.

The NSDCP 2023 requires that a minimum of 20% of dwellings are provided as adaptable dwellings, the proposed development provides 13% of dwellings as adaptable housing. The objective of the NSDCP relating to the adaptable housing control reads:

To encourage the incorporation of universal design features and the provision of adaptable housing in new developments to meet the diverse needs of a variety of occupants.

As aforementioned, the proposed development provides a total of 39% of dwellings at or above a silver level of universal design features, far exceeding the ADG design guidance of 25%. Additionally, the proposed development provides a range of dwelling types, including 1-, 2-, and 3- bedroom units with 3% affordable housing, demonstrating the proposals' ability to meet the diverse needs of a variety of occupants.

8.5 Environmental Amenity

8.5.1 Overshadowing

Shadow diagrams and sun-eye diagrams on June 21 have been prepared by SJB and are provided with the Architectural Plans, further and analysis is provided in the Design Report. The following discussion considers the impacts of the proposed development on the surrounding public open space and neighbouring dwellings.

Public Open Space

Table 23 provides an assessment of the shadow impact to the surrounding public open space and confirms that the proposed shadow impacts to the surrounding public open space is minimised and reasonable. The assessment considers the proposal against the North Sydney DCP solar access controls; however, it is relevant to note that the North Sydney DCP does not apply to State significant development in accordance with Section 2.10(1)(b) of *State Environmental Planning Policy (Planning Systems) 2021*.

Table 23: Solar access to public open space

Public open space	Assessment
Bradfield Park	The proposal will result in minor additional shadow to Bradfield Park North between 2pm and 3pm on June 21 to those areas shown in Figure 42 below:



Figure 42: Cumulative solar impact to Bradfield Park
Source: SJB

The additional shadow is reasonable in the circumstances for the following reasons:

- The area is heavily treed in the affected part of the park, as a result the affected area is already in shade for much of the year.
- The affected area is relatively narrow and comprises wide footpaths used for the recent infrastructure upgrades for the Sydney Harbour Bridge bike ramp upgrades. There is therefore limited space for passive and active recreation. Therefore, the shadow will not reduce the usability of the park.
- The area most affected is located along the viaduct; however, this portion of the park already experiences limited solar access and reduced amenity, being adjacent to major road infrastructure and offering limited recreational use.
- There is no impact to the highly used areas of the park such as the Kirribilli markets site, Milson’s Point Bowling Club, the Bradfield Park Playground, and grassed areas to the southern part of the Park with iconic views of the Sydney Harbour, the Bridge, Opera House and CBD.
- The additional shadow is a direct consequence of the building envelope accommodating 3% affordable housing within the development.

- The SJB analysis confirms that 95% of Bradfield Park will continue receive more than 2 hours direct solar access on 21 June between 9am and 3pm. Refer **Figure 44** below.

Luna Park	The proposal will not overshadow Luna Park between 12pm and 3pm on 21 June which complies with Part F Section 9 P17 of the North Sydney DCP.
Clark Park	The proposal will not overshadow Clark Park between 11.30am and 2.30pm which complies with Part B Section 5.2 P8 of the North Sydney DCP. • There is a minor additional impact generated by the proposed development for approximately 1.5 hours between 9:00 AM and 10:30 AM on the winter solstice. This is outside the timeframes established in the North Sydney DCP. This is shown in Figure 43. • The aerial imagery demonstrates that this additional shadow primarily affects areas with dense tree canopy, while the usable open space remains largely unaffected. • Overall, 90% of Clark Park retains more than two hours of solar access between 9:00 AM and 3:00 PM on 21 June. Refer Figure 44 below.



Figure 43: Cumulative solar impact to Clark Park

Source: SJB

Wendy Whiteley's Secret Garden	The proposal will not overshadow Wendy Whiteley's Secret Garden between 11.30am and 2.30pm which complies with Part B Section 5.2 P8 of the North Sydney DCP
Art Barton Park	The proposal will not overshadow Art Barton Park between 11.30am and 2.30pm which complies with Part B Section 5.2 P8 of the North Sydney DCP.

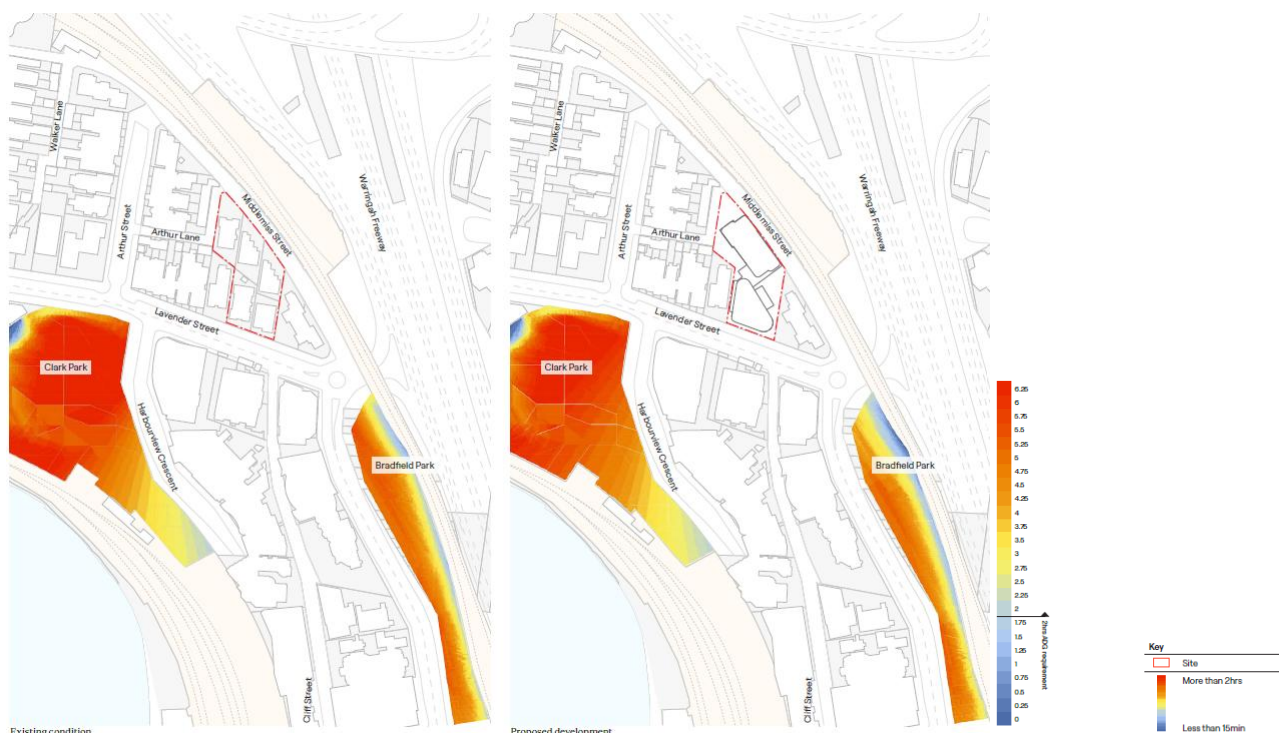


Figure 44: Cumulative solar impact to Clark Park
Source: SJB

The cumulative solar analysis demonstrates the following:

- Bradfield Park: Overall, ninety-five per cent (95%) of Bradfield Park receives more than two (2) hours of solar access on the winter solstice (21 June) between 9:00 AM and 3:00 PM.
- Clark Park: Overall, ninety per cent (90%) of Clark Park receives more than two (2) hours of solar access on the winter solstice (21 June) between 9:00 AM and 3:00 PM.

Neighbouring Dwellings

The proposed development is in a residential area with an existing mix of low and high-density buildings. The Architectural Drawings include shadow plans and include sun-eye diagrams for 21 June which illustrate the shadows cast by the proposed development between 9am – 3pm. The Design Report includes a solar impacts analysis to the three high density residential buildings south of the site at 55 and 61 Lavender Street and 118 Alfred Street, Milsons Point. **Table 24** assesses the shadow impacts to neighbouring residential buildings and confirms that the proposal minimises overshadowing to the neighbouring dwellings and achieves Objective 3B-2 of the ADG.

Table 24: Solar access to neighbouring dwellings

Address	Assessment
55 Lavender Street, Milson Point	The SJB analysis confirms: • No impact to solar access to the northern facade from 12pm onwards. Therefore, a minimum of 3 hours solar access maintained. • No impact to solar access to the western façade which receives solar access from 11am onwards. • Overshadowing to the eastern façade between 1pm – 2pm. The SJB analysis indicates the proposal will reduce solar access to the eastern façade to below 15 minutes to the lower levels. External visual inspection indicates that the private open space and rooms in the apartments that have solar access reduced to the eastern elevation have a dual aspect to the north. As noted above a minimum of 3 hours solar access is maintained to the windows on the northern façade. Therefore, the private open space and rooms will still receive direct sunlight for more than the minimum 2 hours required on 21 June. None of the apartments affected have their solar access reduced below 2 hours on 21 June.

61 Lavender Street, Milsons Point	The SJB analysis confirms: • A minimum of 2 hours solar access is maintained to the northern façade. • No impact to solar access to the eastern façade which receives direct sunlight between 9am and 11am. • Minor impact to the lower levels of the western façade at 12pm. No impact from 1pm onwards. External visual inspection and review of available plans indicates that the affected apartments have their living areas and private open space adjacent to the northern façade, which will continue to receive a minimum of 2 hours direct sunlight on 21 June. Therefore, the minor impact will not result in an unreasonable reduction in solar access to 61 Lavender Street. None of the apartments affected have their solar access reduced below 2 hours on 21 June.
118 Alfred Street, Milsons Point	The SJB analysis confirms: • No impact to solar access to the eastern and southern facades. • Minimum 2 hours solar access maintained to the northern facade. • Overshadowing to the western façade from 1pm. The western façade is overshadowed by 61 Lavender Street from 2pm – 3pm. External visual inspection and review of available floor plans indicates that the windows on the western façade impacted by the proposal are not to living areas. None of the affected apartments have their solar access reduced below 2 hours on 21 June.
1 Middlemiss Street, Lavender Bay	The SJB analysis confirms: • A minimum of 2 hours solar access is maintained to the northeastern façade between 10am and 12pm. • Solar access is maintained to sections of the northwestern façade between 10am and 1pm. • The existing building at 1 Middlemiss Street is oriented on a north-west/south-east axis which prevents direct solar access to the southeastern and southwestern facades before 3pm on 21 June. 1 Middlemiss Street was not subject to the same extent of planning controls that apply now to guide solar access to dwellings in urban settings. Floor plans of the existing building were requested from Homes NSW, but not provided, and apartment layouts including the location of living areas could not be confirmed from an external visual inspection. Engagement with Homes NSW indicates that 1 Middlemiss Street will be redeveloped to provide homes in a contemporary eight storey residential flat building designed using the Housing SEPP ‘infill affordable’ and ‘low and mid rise’ height and floor space bonuses. The proposal has been designed to enable a future eight storey residential flat building to comply with the ADG solar access design criteria. As such, any impacts to the 1 Middlemiss are likely to be temporary and will not restrict compliant solar access to future development. Notwithstanding, the proposal has been designed to minimise overshadowing and will ensure that solar access is maintained to the northeastern and northwestern facades on 21 June. Further, it is important to note that the proposal was declared State significant development by the Minister for Planning and Public Spaces specifically to provide high density housing on the subject site to contribute to NSW’s Housing Accord commitments. As a result, there will be some unavoidable impacts due to the difference in scale between the proposal and 1 Middlemiss Street. Given the context, the impacts are considered reasonable in the circumstances.
62 Lavender Street, Lavender Bay	The SJB analysis confirms: • No additional impact to the western façade which receives direct sunlight to windows from 1pm onwards. • No additional solar impact to the northern façade from 1pm onwards which will continue to receive direct sunlight to windows between 1pm and 3pm. • Overshadowing to the eastern façade from 9am. Like 1 Middlemiss Street, 62 Lavender Street was not subject to the same extent of planning controls that apply now to guide solar access to dwellings in urban settings. Floor plans of the existing building were requested from Homes NSW, but not provided, and apartment layouts including the location of living areas could not be confirmed from an external visual inspection.

Engagement with Homes NSW indicates that 62 Lavender Street will be redeveloped to provide homes in a contemporary eight storey residential flat building designed using the Housing SEPP 'infill affordable' and 'low and mid rise' height and floor space bonuses. The proposal has been designed to enable a future eight storey residential flat building to comply with the ADG solar access design criteria. As such, any impacts to the 62 Lavender Street are likely to be temporary and will not restrict compliant solar access to future development. Notwithstanding, the proposal has been designed to minimise overshadowing and will ensure that solar access is maintained to 62 Lavender Street from 1pm onwards. Further, it is important to note that the proposal was declared State significant development by the Minister for Planning and Public Spaces specifically to provide high density housing on the subject site to contribute to NSW's Housing Accord commitments. As a result, there will be some unavoidable impacts due to the difference in scale between the proposal and 62 Lavender Street. Given the context, the impacts are considered reasonable in the circumstances

The analysis undertaken by SJB confirms that the proposal will not generate any unreasonable additional shadow impact to the nearby public open spaces or neighbouring dwellings.

8.5.2 Pedestrian Wind Impact

A Pedestrian Wind Assessment has been prepared by RWDI and is attached as **Appendix NN**. The pedestrian-level wind microclimate assessment, to assess pedestrian wind safety and comfort conditions, was conducted for the following configurations of the site:

- Existing Configuration: Existing site with existing surrounding buildings
- Proposed Configuration: Proposed development with existing surrounding buildings

Following the implementation of the recommended in-principle wind mitigation strategies to the design (included in the Mitigation Measures table at **Appendix II**), the remaining impacts are considered appropriate. Additional wind tunnel testing will be undertaken for the DD Stage of the development.

8.5.3 Reflectivity

A Reflectivity Assessment has been prepared by RWDI and is attached as **Appendix P**. The findings are informed by simulations that quantified the visual glare potential to typical Australian Standards.

Based on the findings of the Screening Analysis, 13 representative points were selected for the detailed analysis. These points are illustrated in **Figure 45** and described in the report.



Figure 45: Driver receptor locations
Source: RWDI

Based on the detailed analysis results, the predicted reflections falling on the listed receptors below, were above the veiling luminance threshold of 500 cd/m² in the morning and evening times.

- D2: Drivers travelling east on Lavender Street, at Walker Street Intersection
- D9: Drivers travelling north on Warringah Freeway, turning left onto Alfred Street South, and
- D13: Drivers travelling west on High Street, off ramping to Cahill Expressway

Mitigation suggestions have been provided in the report (and included in Mitigation Measures table at **Appendix II**). All remaining receptors were predicted to experience reflections below the veiling luminance threshold of 500 cd/m². Additional details on when reflections were predicted to occur at the receptors, as well as predicted durations and intensities are attached as Appendix B of the report.

With regards to solar reflectivity, any future developments located immediately to the east and west of the are expected to further reduce the extent of glazed surfaces that will be in the immediate line-of-sight for drivers. As a result, the reflection impacts on nearby drivers, especially for eastbound drivers along Lavender Street and those navigating the roundabout, are likely to be reduced.

8.6 Visual Impact

A Visual Impact Assessment (VIA) has been prepared and is attached as **Appendix KK**. The VIA includes an assessment of the proposal's impact on public and private views. The assessment is summarised below.

8.6.1 Public Views

The VIA assesses the proposed development from six locations (refer **Figure 46**). The assessment is summarised in **Table 25**.

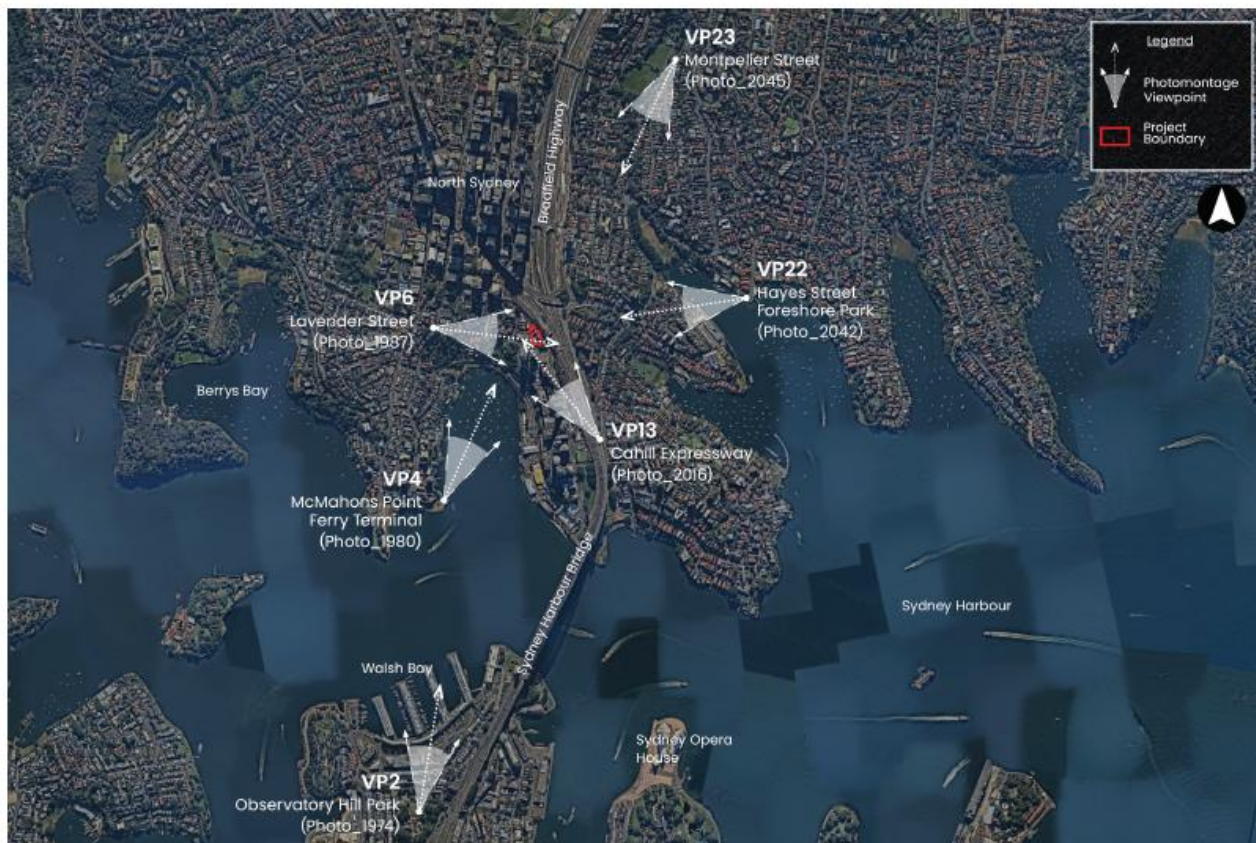


Figure 46: Public viewpoints

Source: Urbis

Table 25: Public view assessment

Consideration	Assessment
Sensitivity	<i>"The subject site is of moderate sensitivity given its elevated and harbour context location. The proposal will be visible from several close and distant sensitive public domain locations within the visual catchment. From close viewing locations such as Lavender Bay ferry wharf the proposal will be highly visible, though contextualised by adjacent development of similar scale. Visual effects of the proposal are consistent with existing north-easterly foreshore views which include tower development surrounding Lavender Bay.</i> <i>From more distant locations such as McMahon's Point ferry wharf and Hayes Street foreshore park, near Neutral Bay ferry wharf the proposal is viewed as part of compositions predominantly characterised by similar tower forms. In this regard, notwithstanding visibility of the proposal from such locations, it is consistent with viewer expectations given the existing visual context of this part of Lavender Bay.</i> <i>The location and form of the towers may block intermittent westerly or south-westerly views available from the rail corridor towards the harbour. The towers may create a short section of blocking effects from moving viewing situations for short duration, if at all."</i>
Visual absorption capacity	<i>"The proposal is highly compatible with the existing surrounding visual context which is predominantly characterised by the North Sydney CBD and high density tower clusters within Milsons Point. In the majority of views from across the visual catchment the proposal does not appear as novel or uncharacteristic within its visual context."</i>
Visual compatibility	<i>"The proposal is highly compatible with the existing surrounding visual context which is predominantly characterised by the North Sydney CBD and high density tower clusters within Milsons Point. In the majority of views from across the visual catchment the proposal does not appear as novel or uncharacteristic within its visual context."</i>
Viewing period	<i>"Visual effects of the proposal with respect to viewing periods are low. The majority of views to the proposal are from moving viewing situations where visibility is intermittent and fleeting. Longer viewing periods are possible from public parks, however where the proposal is contextualised by similar built form, and is therefore consistent with viewer expectations."</i>

Viewing distance	<i>“The proposal is visible in close, medium and distant views across the visual catchment. The proposal will be highly visible in a limited number of close views from immediate streetscape locations including for example from Lavender Street.</i> <i>In the majority of medium and distant views across the visual catchment visibility is limited to mid and upper tower forms.”</i>
Significance of residual visual impacts	<i>“The residual impacts are low and acceptable given the limited visual effects in the majority of views across the visual catchment.”</i>

8.6.2 Private Views

Fieldwork undertaken to inform the private view assessment identified apartments with a northern view at 61 Lavender Street and 118 Alfred Street as the most likely to be affected. The VIA includes an assessment of two representative CGI northern views from the upper levels of each building (refer **Figure 47**) using the view sharing planning principle established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. The VIA concludes that:

- Potentially affected private view compositions are predominantly characterised by vernacular, characterised by district views, vegetation and tower development.
- The immediate foreground and spatial arrangement of views will change for immediate neighbours. This extent of change does not directly equate to a view impact.
- Potential impacts are limited to 3 neighbouring residential towers at 55 and 61 Lavender Street and 118 Alfred Street, in one view direction only where all other available views in alternate directions are unaffected.
- Immediate neighbours will experience some level of visual change where no views of scenic merit in Tenacity terms will be impacted.
- Indicative Tenacity ratings for both representative views analysed were minor, which is low on the Tenacity impact rating scale.
- Upper level south-easterly views from View Sydney Hotel will change to include new tower forms where blocking effects are limited and view loss of scenic merit is unlikely.
- Private domain impacts are likely to be low and acceptable.

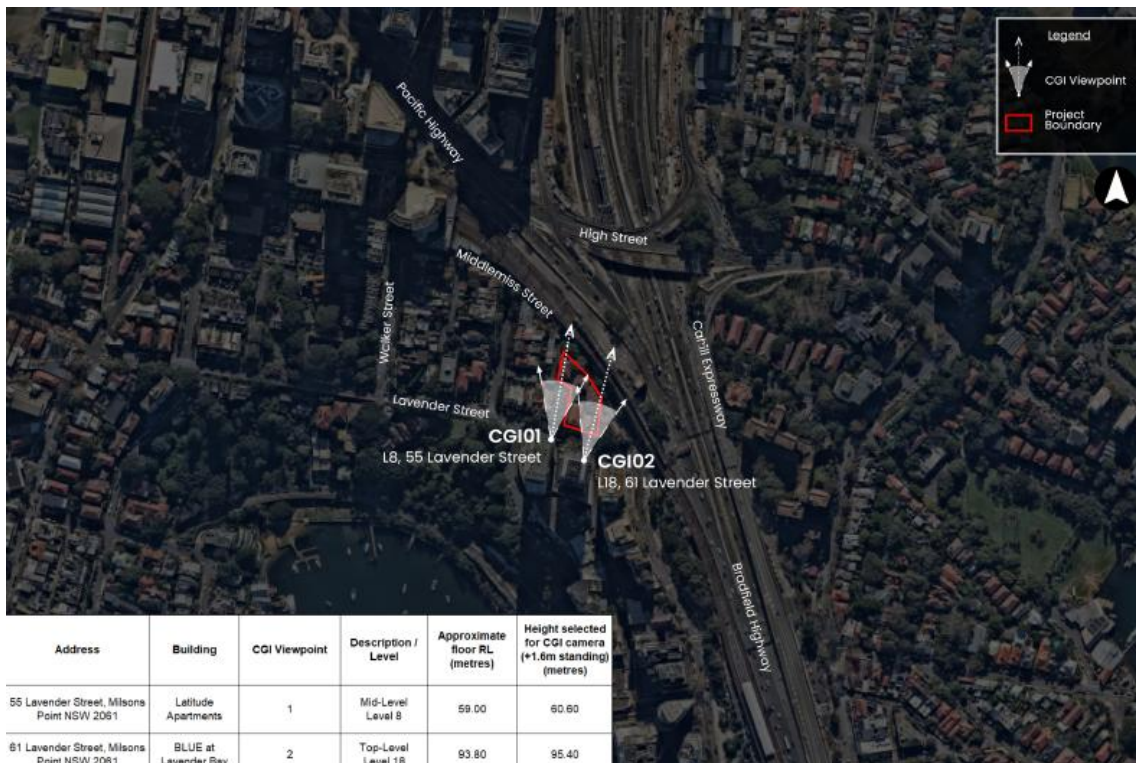


Figure 47: Private viewpoints

Source: Urbis

The VIA confirms that the public and private view impacts are reasonable in the circumstances and the proposal is supportable.

8.7 Traffic, Transport and Access

A Transport Impact Assessment (**TIA**) has been prepared by JMT Consulting and is attached as **Appendix J**. The report has assessed the impact of the proposed development on traffic during operation and during construction.

8.7.1 Current Conditions

Traffic volume data collection concludes that Lavender Street currently comprises of one traffic lane in each direction with kerbside parking on both sides of the street – therefore having the capacity to carry 900 vehicles per hour in each direction.

The site is well served by a good network of local footpaths. Paved footpaths and kerb ramps are provided on both sides of the Lavender Street and Alfred Street, with a marked zebra crossing available on Lavender Street.

The site is well connected to a number of cycling routes which consist of both off-road cycling paths as well as on-road marked paths. Middlemiss Street which fronts the site is a key cycling route that links the Sydney Harbour Bridge cycleway with the North Sydney CBD.

8.7.2 Potential Impacts

The TIA concludes that the traffic and transport impacts arising from the proposal are considered acceptable.

Vehicle Traffic Generation and Road Network Impacts

Analysis indicates that the potential increase in traffic as a result of the proposal is an additional 18 vehicles in the AM peak hour and 13 vehicles in the PM peak hour. This is equivalent to less than one vehicle trip every three minutes and would not materially impact the operation of the surrounding road network. The site is located in

close proximity to various public transport facilities and any future development is not expected to not generate significant traffic impacts.

Loading and Servicing

Access for trucks is via Arthur Lane (ingress) and Middlemiss Street (egress) with all vehicles having the ability to enter and exit the site in a forwards direction. The proposal makes allowance for all loading and servicing to be accommodated on site, in accordance with Council's DCP and facilitating vehicle entry and exit in a forward direction. Vehicle swept path diagrams are included in Appendix A of the TIA.

Public Transport

Public transport demand is expected to grow with the proposed development alongside other nearby developments in the area. The relatively small number of additional public transport trips generated by the development can comfortably be accommodated on the extensive network of existing bus, metro and heavy rail services within walking distance of the site.

Active Transport

The proposed through-site pedestrian connection between Arthur Lane, Lavender Street and Middlemiss Street. This will significantly improve pedestrian connectivity and support movements to and within the site, particularly through to nearby public transport nodes at North Sydney and Milsons Point.

Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the Council's DCP.

8.8 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (**ACHAR**) has been prepared by Artefact and is provided as **Appendix H**. The ACHAR is informed by the Archaeological Technical Report (**ATR**) included at **Appendix PP**.

8.8.1 Archaeological Assessment

The ATR did not identify any known Aboriginal sites or objects within the study area and assessed that they were unlikely to be present. Based on the environmental background of the study area, as well as previous archaeological investigations, the following predictive statement was prepared:

Despite the study area being located within Hawkesbury Sandstone which is a landscape environment variable identified to be associated with Aboriginal objects, the study area has been subject to disturbance from the early 1830s from the construction of Brisbane House, and subsequently from residential housing built in the 1940s. Therefore, it is unlikely for Aboriginal objects to be present.

A subsequent archaeological survey confirmed the study area had been subject to significant historical disturbance, and the condition of the study area was consistent with the predictive statement.

8.8.2 Stakeholder Engagement

Consultation with Registration of Aboriginal parties (**RAP**) groups who registered their interest in the project was also conducted as part of this ACHAR. A total of eight RAPs registered their interest in the project. No specific cultural heritage values, with the exception of potential aesthetic values prior to colonisation, were identified in relation to the study area.

8.8.3 Aboriginal Cultural Heritage Assessment

The Aboriginal cultural heritage assessment has identified the following:

- The background research identified no registered AHIMS sites were located within the study area.
- The study area has been subject to significant historical ground disturbance, including land clearing, slope and rock cuttings, and leveling for the construction of residential houses and infrastructure.

- No Aboriginal objects or areas of potential archaeological deposit were identified during the archaeological survey and background research.
- While the broader landscape around the Sydney Harbour region possesses Aboriginal cultural heritage values, no specific cultural values have been identified in association with the study area.

No mitigations measures are necessary due to absence of actual and potential Aboriginal objects, sites and cultural heritage values for the study area. However, the report notes that an Unexpected Finds Procedure outlining the protocols to be followed in the event that unexpected Aboriginal objects are encountered during the works must be prepared and presented to project personnel during site inductions.

8.9 Environmental Heritage

A Statement of Heritage Impact (**SoHI**) has been prepared by Artefact and is attached as **Appendix I**.

While no heritage items are located within the site, the development will be visible from numerous surrounding heritage items and from parts of the Lavender Bay Conservation Area. There are 47 items included on Schedule 5 of the NSLEP in the vicinity of the study area.

The report notes that the proposal's bulk and height create visual change, however, several design strategies mitigate impacts, including:

- Breaking the development into two towers rather than one mass.
- Curved and slender tower forms that reduce apparent bulk.
- A three-storey brick element linking the two towers which reflects the heritage character of the precinct.
- Alignment of the brick linking structures height with the nearby railway infrastructure and Sydney Harbour Bridge approach viaducts.
- Use of materials that are sympathetic to the local context.

The SoHI concludes that the proposal is appropriate within its urban context and proposes a built form that has been designed to reduce potential adverse heritage impacts, the proposal will result in little to no physical heritage impacts and minor adverse visual impacts have been appropriately mitigated through design.

An assessment of heritage impact in National Heritage Values of the national heritage listed Sydney Harbour Bridge concludes that the proposed works will have no physical impact on the fabric of the Sydney Harbour Bridge. The visual impact resulting from the proposal would not diminish the National Heritage Values of the Sydney Harbour Bridge. It is concluded that the proposal is not likely to cause the loss, degradation or diminishment of National Heritage values (i.e. would not constitute a significant impact) and therefore a referral under *Environmental Protection and Biodiversity Conservation Act 1999* is not recommended.

8.10 Air Quality

An air quality assessment has been prepared by RWDI and is attached as **Appendix W**. This report assessed the potential dust impacts associated with the construction of the Proposal in accordance with the '*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*' (EPA, 2022). This report also evaluated the potential impact of vehicle emissions from the Lavender Street on the Proposal. Overall, the potential for adverse cumulative air quality effects during construction and operation of the Proposal will be minimal and with the implementation of mitigation measures, the impacts are considered negligible.

Dust Impact from Demolition and Construction

The assessment concluded that there would be a "Medium" risk of dust impact from demolition, construction and track out activities, whereas "Low" risk with respect to earthwork activities. With the implementation of recommended mitigation measures, air quality impacts can be significantly reduced during the construction of the Proposal.

A Mitigation Measure is included that the Construction Management Plan specifically consider dust impact during construction.

Temporary amenity impacts during construction including, noise, dust and vibration and traffic disruptions. The project response is through a mitigation measure requiring development of a comprehensive Construction Environmental Management Plan that will include clear noise and vibration monitoring and reporting protocols, procedures to communicate staging, work hours, and mitigation measures proactively, and offer of dilapidation surveys for nearby heritage properties.

Air quality Assessment for Residents

From an air quality perspective, air contaminant emissions from vehicles travelling on the Lavender Street are the main concern for future residents of the Proposal. A screening model tool developed by Transport of NSW, the Roadside Air Quality Screening Tool (RAQST), was used to assess air quality impacts from peak hour traffic emissions.

The level 1 air quality screening assessment indicates that there are no predicted air quality exceedances at distances greater than 10 m from the Lavender Street. The model predicts that the main criteria pollutants does not exceed the criteria throughout the development site from the nearby future vehicular traffic. This report completes the Level 1 air quality screening assessment in support of the Development Application.

8.11 Noise and Vibration

An acoustic assessment has been prepared by Renzo Tonin and is attached as **Appendix V** to assess the potential effects of external noise and vibration intrusion to the proposed development as well as the assessment of construction and operational noise and vibrations from the proposed development.

8.11.1 Identified Receivers

The following noise sensitive receiver locations surrounding the development are identified in **Figure 48** and outlined in **Table 26**.

Table 26: Noise sensitive receiver locations

Receiver ID	Description
R01	Three-storey residential building located immediately to the east. Background noise levels for this receiver are based on monitoring location L01.
R02	High-rise residential buildings situated to the south across Lavender Street. Background noise levels for this receiver are based on monitoring location L01.
R03	Residential building and nearby dwellings to the west, fronting Lavender Street. Background noise levels for this receiver are based on monitoring location L01.
R04	Residential building and dwellings located to the west, across Arthur Lane. Background noise levels for this receiver are based on monitoring location L02.
R05	Commercial and retail tenancies located within the buildings to the south across Lavender Street.



Figure 48: Site boundary, monitoring locations and sensitive receivers
Source: Renzo Tonin

8.11.2 Operational Impacts and Mitigation Measures

The assessment includes the investigation of external noise impacts on the proposed development, potential noise emissions from the operational use of the development, as well as indicative construction noise and vibration impacts.

The assessment found that:

- Reasonable design controls can be incorporated into the building design to comply with relevant Council and NSW Planning Guidelines with respect to internal noise levels from road traffic and rail. Indicative recommendations are detailed in Section 5.3 of the report.
- Residential apartments located on Level 2 North tower that are facing away from the rail corridor has the potential to be impacted by ground-borne noise. Recommendations are made to undertake additional vibration calculations. Ultimately, it is possible that the building may require some vibration measurements on slab within existing buildings on-site to determine vibration levels that are decoupled from the ground at the commencement of the detailed design phase with a view to refine vibration isolation treatment (subject to detailed design).
- The noise emissions criteria for the nearby sensitive receivers in accordance with Noise Policy for Industry which apply to the operation of plant and equipment within the development. A follow up assessment will need to be prepared during the detailed design phase, to ensure ongoing compliance.

Mitigation measures and recommendations from the report are detailed in the Mitigation Measures table at **Appendix II**.

8.11.3 Construction Impacts and Mitigation Measures

It is recommended that construction noise shall be managed in accordance with Interim Construction Noise Guideline, and construction vibration shall be managed with Assessing Vibration: A Technical Guideline, along with additional international standards, as discussed in Section 8. Prior to the issue of Construction Certificate, a site-specific Construction Noise and Vibration Management Plan is recommended.

Mitigation measures from the report are detailed in the Mitigation Measures table at **Appendix II**.

8.12 Integrated Water Management

An Integrated Water Management Plan has been prepared by At&L Civil attached as **Appendix R** addressing flooding (discussed in **Section 8.21** of this report), stormwater management and water sensitive urban design (WSUD).

Stormwater Management

Drainage design has been discussed in detail in Section 4 of the report. Key items are summarised:

- Electrical, communications, sewer and potable water infrastructure is present around the site on Middlemiss Street, Lavender Street and Arthur Lane for the development to connect into.
- This stormwater network has been designed by AT&L to accommodate to a minor storm of 5% AEP and a major storm of 1% AEP.
- The stormwater management strategy is to collect the stormwater from both buildings into the On-Site Detention (OSD) tank, located in Basement 1 towards the south-east corner of the site, which will discharge stormwater via an orifice in a controlled manner into Council's stormwater network on Lavender Street. On-Site Detention tanks have been designed as per Council requirements and correspondence with Council, and stormwater treatment devices have been incorporated to achieve Council's pollutant reduction targets.
- A pipe extension will be required from the existing kerb inlet pit near the intersection of Arthur Street and Lavender Street to the site to convey discharge from the OSD.

Water Sensitive Urban Design

A combination of pit baskets (Ocean Protect's 'Oceanguard' have been nominated) and filtration cartridges (Ocean Protect's 'Stormfilters' have been nominated) are proposed within the OSD tanks to treat runoff from the building roof and open space areas.

Sediment and Erosion Control

The major potential impacts on waterways relate to erosion of distributed areas or stockpiles and sediment transportation. Potential adverse impacts from erosion and sediment transportation can include:

- Loss of topsoil.
- Increased water turbidity.
- Decreased levels of dissolved oxygen.
- Changed salinity levels.
- Changed pH levels.
- Smothering of stream beds and aquatic vegetation.
- Reduction in aquatic habitat diversity.
- Increased maintenance costs; and
- Decrease in waterway capacity leading to increased flood levels and durations.

The following construction methodology will be followed to minimise the impact of sedimentation due to construction works:

- Diversion of "clean" water away from the disturbed areas and discharge via suitable scour protection.
- Diversion of sediment-laden water into temporary sediment control tanks/basins to capture the design storm volume and undertake flocculation (if required). This will generally be the basement excavation in urban development.
- Provision of construction traffic shaker grids and wash-down facilities to prevent vehicles carrying soil beyond the site.

- Provision of catch drains to carry sediment-laden water to sediment tanks/basins.
- Provision of silt fences to filter and retain sediments at source.
- Provision of geofabric filters to new stormwater pits to retain sediments at source; and
- Where future construction and building works are not proposed, the rapid stabilisation of disturbed and exposed ground surfaces with turf or hydro-seeding.

8.13 Ground and Groundwater Conditions

A Geotechnical Investigation has been prepared by Rapid Geo and is provided as **Appendix OO** which assesses subsurface conditions.

Excavation and Shoring Assessment

- The proposed development comprises a five-level basement, necessitating a bulk excavation depth of approximately 15.0 m to 17.0 m below existing ground levels. The subsurface profile generally consists of 2.5 m to 5.0 m of overburden (Fill and Residual Soil) overlying Hawkesbury Sandstone bedrock.
- Based on the borehole logs, the excavation will proceed through the soil profile and weathered rock before terminating in medium-to high-strength (Class I/II) sandstone. It is anticipated that seepage will occur along the soil-rock interface and through rock defects during construction.
- Given the depth of the excavation and the proximity of adjacent structures and thoroughfares (Lavender Street and Middlemiss Street), unsupported battered slopes are not feasible for the site boundaries. A rigid retention system is required to maintain the stability of the excavation and limit ground movements affecting neighbouring properties. The following shoring systems are considered suitable for the site:
 - Soldier piles with shotcrete infill
 - Contiguous pile wall

Groundwater Assessment

- The groundwater investigation observed only in BH03 at a depth of 2.0 m below ground level (BGL). All other boreholes (BH01, BH02, BH04, and BH05) were observed to be dry during and upon the completion of drilling.
- The observation in BH03 indicates the presence of a shallow perched water table, likely confined to the interface between the fill/residual soil and the underlying extremely weathered sandstone.
- While the "dry" results in the remaining boreholes suggest the deep, regional groundwater table is likely located below the investigation depth, the absence of water during a short-term investigation does not conclusively demonstrate that the rock mass is free of groundwater. It is anticipated that ephemeral water tables will develop within the soil profile and rock defects following periods of extended rainfall.

Recommendations

The outcomes of this investigation form the basis for recommendations concerning various aspects of the proposed development, including earthworks, excavation stability, shoring requirements, groundwater management, and foundation design, are detailed in the Mitigation Measures Table (**Appendix II**).

8.14 Contamination and Remediation

A Preliminary Site Investigation (PSI) has been prepared by Rapid Geo (**Appendix CC**) to ascertain whether the site potentially presents a risk of harm to human health and the environment, and to determine the suitability of the site for the proposed residential development.

Assessment

The report makes the following conclusions:

- The site has been used for only residential purposes since at least the early 1940s.
- Historical business directory searches identified several potentially contaminating activities within the surrounding locality, including dry cleaners, motor garages, fuel merchants and service stations, predominantly operating from the late 1940s through to the late 1980s. Review of aerial imagery, topography and drainage indicates no credible surface water or groundwater migration pathways linking these activities to the Site. Accordingly, the likelihood of off-site contamination having impacted the site is considered low.
- In the context of the proposed redevelopment, potential contamination risks are limited to shallow fill soils that will be excavated as part of construction works, thereby effectively removing the primary source of potential contamination across the Site footprint. On this basis, the Site is considered unlikely to be affected by widespread contamination and is expected to be suitable, or capable of being made suitable, for the proposed residential use subject to implementation of the recommended staged approach, including hazardous building materials assessment, post-demolition intrusive investigation (including PCB delineation as required), and appropriate material handling, waste classification and disposal during bulk excavation.
- No site conditions were identified that would preclude redevelopment, subject to implementation of the recommendations below.

Recommendations

Based on the findings of this PSI, the following are recommended:

- A hazardous building materials survey should be undertaken prior to demolition to identify asbestos-containing materials, lead-based paint and any other materials requiring specific management prior to bulk demolition.
- Clearance inspections should be undertaken by a suitably qualified occupational hygienist following removal of identified hazardous building materials and prior to demolition.
- Clearance inspections of the ground surface by a qualified occupational hygienist once all buildings and hardstand are removed. Following demolition and removal of hardstand (where required), complete a post-demolition intrusive investigation to:
- delineate the localised PCB impact identified in the north-east portion of the Site (and confirm whether additional PCB hotspots are present); and
- support waste classification of fill/materials for off-site disposal and confirm management requirements for excavated natural soils/bedrock.
- Intrusive investigation following removal of fill soils should be undertaken to confirm the classification of underlying natural soils and bedrock to be excavated during basement construction.
- An unexpected finds procedure should be implemented during excavation works to manage any previously unidentified contamination encountered.
- Should previously unidentified contamination be encountered during demolition or bulk excavation, appropriate management or remediation measures should be implemented in accordance with relevant NSW EPA guidelines.

This staged approach is consistent with the intent of the State Environmental Planning Policy (Resilience and Hazards) 2021 and the NSW EPA Contaminated Land Guidelines-Consultants Reporting on Contaminated Land

(2020), which recognise that full site characterisation may not be feasible prior to demolition where access is constrained.

8.15 Trees

An AIA has been prepared by Advanced Treescape Consulting and is attached as **Appendix GG**. The AIA evaluates the potential impact on trees and makes recommendations on tree retention.

8.15.1 Proposed Tree Removal and Retention

Table 27 identifies the proposed management of trees on and surrounding the site, which is demonstrated in **Figure 49**.

Table 27: Proposed tree removal and retention

Proposed removal or retention	Tree Identification
<i>Trees in the adjacent site to be retained</i>	33, 34, 35, 36, 37, 38, 39, 40, 41, 42
<i>Trees that fail the VTA in adjacent site to be retained</i>	39
<i>Trees that require removal to facilitate proposal</i>	16, 17, 18, 19, 20& 21,22,23,26, 27, 28, 29, 30, 31, 32, 43, 44
<i>Street trees (unaffected)</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 ,15



Figure 49: Excerpt of tree management plan
Source: Land & Form

8.15.2 Tree Removal Assessment

- There are only four native species trees within the site and only two that are endemic to the area. These trees can easily be replaced in the landscape plan when the new levels are developed. Refer to the Landscape Plans prepared by Land & Form (**Appendix K**).

- The public accessible pocket park along Arthur Lane will provide excellent amenity and increase park space within the immediate area and the access footpath through the site from Lavender Street to Arthur Lane and Middlemiss Street will also have a great benefit to the access.
- Trees located in the adjoining site will not be impacted by the proposed works or level changes and especially Tree 35 (the large fig). There will be an acceptable impact on the changes to levels on this tree as the full NRZ will not be impacted.

8.16 Landscaping

The Landscape Plans and Landscape Report have been prepared by Land & Form and is attached as **Appendix K** and **Appendix L** respectively and has been informed by the AIA (**Appendix GG**).

The Plan sets out landscape design including details of the proposed site planting and lists the mature height and spread of each planting type proposed for planned areas of landscaping. Refer to **Section 4.9** for details on proposed landscape and public domain plans.

Key landscaping numbers for the proposal are listed below and comply with key landscaping provisions.

Table 28: Key landscaping provision

Landscape Aspect	Provision
Deep Soil	193 sqm (8%)
Total Landscaped Area	577 sqm (25%)
Ground floor	417 sqm (18%)
Rooftop Level 04	38 sqm (1%)
Rooftop Level 05	122 sqm (5%)
Total Communal Open Space	1,737 sqm (74%)
Ground floor	1,293 sqm (56%)
Rooftop Level 04	81 sqm (3%)
Rooftop Level 05	363 sqm (15%)
Total Canopy Coverage	751 sqm (32%)
Ground floor (retained)	45 sqm (2%)
Ground floor (proposed)	517 sqm (22%)
Rooftop Level 04	49 sqm (2%)
Rooftop Level 05	140 sqm (6%)

8.17 Ecologically Sustainable Development

An Ecologically Sustainable Development (**ESD**) Report has been prepared by JHA is attached as **Appendix M**. The report discusses the sustainability principles as they have been incorporated into the design and ongoing operation of the proposed development. It also outlines the energy efficiency measures that will be implemented to reduce greenhouse gas emissions and footprint of the project.

The BASIX and NatHERs Certificates also prepared by JHA are attached as **Appendix FF** and certify that the development will meet the relevant industry recognised building sustainability and environmental performance standards.

The following key initiatives have been integrated into the project:

- **Energy and Emissions:** High-efficiency HVAC systems, LED lighting with controls, rooftop solar PV, and comprehensive sub-metering.
- **Indoor Environmental Quality:** Acoustic treatments, biophilic elements, low-VOC materials, and thermal comfort controls to support health and wellbeing.
- **Natural Ventilation and Views:** Cross-ventilation and visual connection to landscaped outdoor areas to enhance occupant comfort and productivity.

- **Water and Ecology:** Rainwater harvesting, WELS-rated fixtures, and strategies to reduce potable water demand and improve stormwater quality.
- **Low-Carbon Materials:** Use of materials with low embodied carbon and recycled content.
- **Inclusion and Access:** Universal design elements including accessible toilets, step-free entries, and compliant circulation paths to ensure equitable access.

ESD initiatives proposed are noted in the mitigation measures table at **Appendix II**.

8.18 Biodiversity

A BDAR Waiver has been granted for the proposal dated 2 March 2026, which confirms that the proposed development is not likely to have any significant impact on biodiversity values. The BDAR Waiver and attached Waiver Request Report, prepared by SLR Consulting, are provided at **Appendix BB**.

8.19 Waste Management

A Construction and Demolition Waste Management Plan (CDWMP) and Operational Waste Management Plan (OWMP) have been prepared by Elephants Foot and are attached as **Appendix U** and **Appendix S** respectively. These identify potential waste generation and the plan of management, processing and disposal of waste.

8.19.1 Demolition and Construction Waste Management

The report provides the following in relation to demolition and construction waste:

Expected waste quantities and appropriate management methods of each material types (including opportunities for material reuse and recycling) are identified for demolition and construction materials, separately. Appropriate contractors and facilities for waste management are identified.

Waste volumes for demolition and construction were estimated using benchmark waste generation rates published by Camden Council (2019) and Shoalhaven City Council (2012). As there are no state-wide demolition or construction waste benchmarks currently available in NSW, these local government figures represent the most robust and recognised guidance for estimating waste generation.

The tables below present the estimated demolition (**Figure 50**) and construction (**Figure 51**) waste volumes by material stream, expressed in both cubic metres (m³) and tonnes (t).

Material	Volume (m ³)	Mass (t)	Recovery %	Diverted (t)
Green Waste	2.76	0.83	95%	0.79
Bricks	40.43	64.70	90%	58.23
Tiles	0.92	1.66	90%	1.49
Concrete	263.19	631.65	95%	600.07
Timber	55.41	33.25	80%	26.60
Plasterboard	67.23	33.62	30%	10.08
Metals	0.92	7.37	98%	7.22
Residual Waste	80.13	24.04	10%	2.40
Other Waste	0.92	0.46	20%	0.09

Figure 50: Demolition waste volumes and management

Source: Elephants Foot

Material	Volume (m³)	Mass (t)	Recovery %	Diverted (t)
Excavation Material	178148	320667	100%	320667
Green Waste	68.16	20.45	95%	19.43
Bricks	460.07	736.11	90%	662.50
Tiles	51.12	92.01	90%	82.81
Concrete	1235.36	2964.87	95%	2816.63
Timber	315.23	189.14	80%	151.31
Plasterboard	136.32	68.16	30%	20.45
Metals	4115.04	32920.31	98%	32261.91
Residual Waste	51.12	15.34	10%	1.53
Other Waste	877.53	438.77	20%	87.75

Figure 51: Construction waste volumes and management

Source: Elephants Foot

Based on Elephants Foot's calculations, 88.6% of demolition waste and 99.6% of construction waste is expected to be diverted from landfill, exceeding the NSW WARR Strategy target of 80%.

8.19.2 Operational Waste Management

Residential Waste Generation Estimates

The North Sydney Council Development Control Plan 2025 Part D–Development Elements: Section 5 Waste Minimisation & Management has been referenced to calculate the total number of general waste and recycling bins while the NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments (2019) has been referenced to calculate the total number of Food Organics and Garden Organics (FOGO) bins.

Based on the estimated volumes of general waste, recycling and FOGO generated by the development, the recommended bin quantities and collection frequencies are as follows:

- General Waste: 10 x 660L bins collected 1 x weekly (Compacted 2:1)
- Recycling: 20 x 660L bins collected 1 x weekly
- FOGO: 18 x 240L bins collected 1 x weekly

Residential Waste Management and Procedures

- Each residential unit will be provided with a storage area capable of holding separate receptacles for general waste, recycling and FOGO. Dual chute systems comprising of a single general waste chute and single recycling chute will be installed in each building core. Access will be provided to all residents on each residential level.
- The residents of each unit will be provided with a kitchen caddy for the separation of FOGO. The building will be provided with a Communal FOGO Bin Room in each core which contains 240L bins for FOGO.
- Council will be engaged to collect the residential general waste, recycling and FOGO in accordance with Council's collection schedule. This report assumes that general waste, recycling and FOGO will be collected once weekly.
- Prior to collections, the Building Manager will be responsible for transporting the bins from Chute Discharge Rooms and South Tower Communal FOGO Bin Room to the allocated Bin Holding Room and Temporary Loading Zone respectively, located on the ground level adjacent to the loading dock. The Building Manager is responsible for returning the bins to their operational location to resume use.
- On the day of collection, a Council collection vehicle will enter the site from Arthur Lane and park in the loading bay. The Building Manager will be responsible for ensuring that the collection staff have access to the collection point. The collection staff will exit the vehicle and collect the general waste and recycling bins from the Bin Holding Room. The North Tower FOGO bins will be collected from the North Tower Communal FOGO Bin Room and South Tower FOGO bins from the Temporary Loading Zone (all situated

adjacent to the loading dock), returning the empty bins once servicing is complete. Upon completion of servicing, the collection vehicle will exit the site onto Middlemiss Street in a forward direction.

8.20 Social Impact

The proposed development will result in positive social impacts by adding to the housing supply in a well-located area, including the provision of affordable housing to serve key workers. Provision of ground floor pocket parks, communal areas, through site links and activated lobbies will also result in a positive social impact by activating the ground floor plane, adding to the vibrancy, safety and activation each street frontage. The most significant social benefits of the proposal are as follows:

- The key benefit of the project relates to the addition of 163 apartments over a diverse unit mix, to be provided within the Federal Housing Accord period.
- The development will see future residents of the development have accessibility to a range of services, transport options, jobs, and social infrastructure. This will provide better access, with incoming residents needing to travel less, while also providing opportunities for community building and connection.
- Provision of housing availability and choice through providing access to high-quality, high-density accommodation of a range of sizes, to meet the needs of a growing population.

Potential negative social impacts include:

- Changes to the sense of place and local character. The project response is through a design that is responsive to the surrounding character of Lavender Bay through podium heights/datums and through a permeable fine grain ground plane, including detailed overshadowing and visual impact analysis. At the same time, the proposal also responds to the context of a site that is optimally located and able to mediate built form and height between the higher density character of Milsons Point and North Sydney.
- Increased pressure on local infrastructure. The proposal is proximate to existing and new infrastructure and will contribute to both local developer contributions as well as State Housing and Productivity Contributions (HPC), thereby further contributing to local and regional infrastructure upgrades.
- Temporary amenity impacts during construction including, noise, dust and vibration and traffic disruptions. The project response is through a mitigation measure requiring development of a comprehensive Construction Environmental Management Plan that will include clear noise and vibration monitoring and reporting protocols, procedures to communicate staging, work hours, and mitigation measures proactively, and offer of dilapidation surveys for nearby heritage properties.

These potential negative social impacts are considered to be medium-low and can be managed with implementation of the proposed mitigation measures. As such, a separate Social Impact Assessment is not required.

8.21 Flood Risk

The Integrated Water Management Plan (**Appendix R**) includes advice received from Council (refer to Appendix E of the Integrated Water Management Plan), the site is not within the Flood Planning Area and is not subject to specific flood planning level requirements.

They have advised that any basement entry is to be 300mm above the adjacent existing ground. This has been implemented in the design by providing a 300mm freeboard from any basement entry to the adjacent gutter invert level. Refer to Civil Drawings (**Appendix Q**).

8.22 Hazards and Risks

An infrastructure report prepared by JHA is attached at **Appendix DD** which consolidates consultation outcomes with operators.

A hazards and risks confirmation letter has been prepared by Geosurv is attached at **Appendix RR** confirms that the development is not affected by above ground dangerous goods storages from the surrounding developments

and is not affected by underground high-pressure dangerous goods pipelines in the vicinity of the proposal location.

8.23 Infrastructure, Requirements and Utilities

Neuron has prepared an Infrastructure Delivery, Management and Staging Plan attached as **Appendix DD**. The report assesses the existing and required services infrastructure to facilitate the development.

8.23.1 Existing Infrastructure

- **Low voltage electrical infrastructure:** Existing low voltage Ausgrid assets reticulate around the perimeter of the site, outside of the development boundary within public footpath and roadways reserve.
- **High voltage electrical infrastructure:**
 - Existing transmission and high voltage Ausgrid assets reticulate below ground on the southern side of the development along the Lavender Street and high voltage Ausgrid assets on the northern side along the Middlemiss Street outside the development within the public footpath and roadway.
 - There is an existing Ausgrid chamber substation (Lavender CliffS35547) outside the proposed development located about 25m south of the southeast corner of the site and an existing Ausgrid chamber substation (Arthur StreetS219) located about 40m west of the site.
- **Communications services infrastructure:** The existing site is well serviced by Telstra and NBNCo via existing conduits and pits. The Telstra & NBNCo pit located along Lavender Street frontage can likely be utilised for the new development.
- **Hydraulics services infrastructure:** The site has access to nearby sewer mains, has frontages to authority water mains and gas mains.

8.23.2 Impacts of Proposed Infrastructure

All necessary engagement has been undertaken with respective authorities for the following proposed infrastructure, detailed in the report.

The impacts of the development on existing utility infrastructure and service provider assets surrounding the site as well as identifying any augmentations required to facilitate the new development is summarised below:

- Upgrade of Ausgrid's electrical infrastructure is required for the new development's electrical load.
- Augmentation might be required depending on the existing Ausgrid's Power Distribution
- A new chamber substation will be required to supply the new development which needs to be placed in a ring arrangement.
- Existing communications services surrounding the site appear to have adequate capacity to serve the new development via new lead-in
- Diversion of an existing Sydney Water sewer main will be required for the development and a Water Servicing Coordinator has commenced work on this.
- The existing Sydney Water sewer main should be adequate to service the development however this will be confirmed by the Section 73 application being undertaken by the Water Servicing Coordinator.
- The existing Sydney Water watermain may be adequate to service the development however this will be confirmed by the Section 73 application being undertaken by the Water Servicing Coordinator.
 - The existing Jemena gas supply should be capable of supporting the proposed development however this will be confirmed through the Jemena gas application process.

8.23.3 Infrastructure Delivery and Staging

All necessary engagement has been undertaken with respective authorities for the following proposed infrastructure, detailed in the report.

- **Power infrastructure:** The new Ausgrid substation will be constructed, tested, commissioned, and handed over to Ausgrid ownership prior to any Occupation Certificates associated with residential, commercial or retail portions of the development.
- **Communications infrastructure:** The proposed development will have new augmentation works for connectivity to the communications network. An application needs to be made to NBN for confirmation of lead-in conduits and locations.
- **Hydraulic service infrastructure:**
 - The existing 225mm Sydney Water sewer main traversing through the eastern portion of the site will need to be diverted outside the site prior to excavation along the eastern boundary occurring.
 - Other hydraulic infrastructure services can be extended, connected to, upgraded as required during the construction of the development without impact on the proposed development works.

8.24 Construction Traffic Management

A Preliminary construction Traffic Management Plan has been prepared by JMT Consulting and is included within the TIA, as **Appendix J**.

8.24.1 Potential Impacts

Traffic Routes

Key traffic routes would be via the Sydney Harbour Bridge, Warringah Freeway and Pacific Highway onto Miller Street and Lavender Street, refer to **Figure 52**.

The construction vehicles routes to be utilised for the construction of the subject site would be selected in order to:

- Maximise vehicle use to the State and Regional road network and limit the extent of travel on residential streets;
- Avoid impacting concurrent construction projects in the vicinity of the site; and
- Minimise impacts to the public transport network.

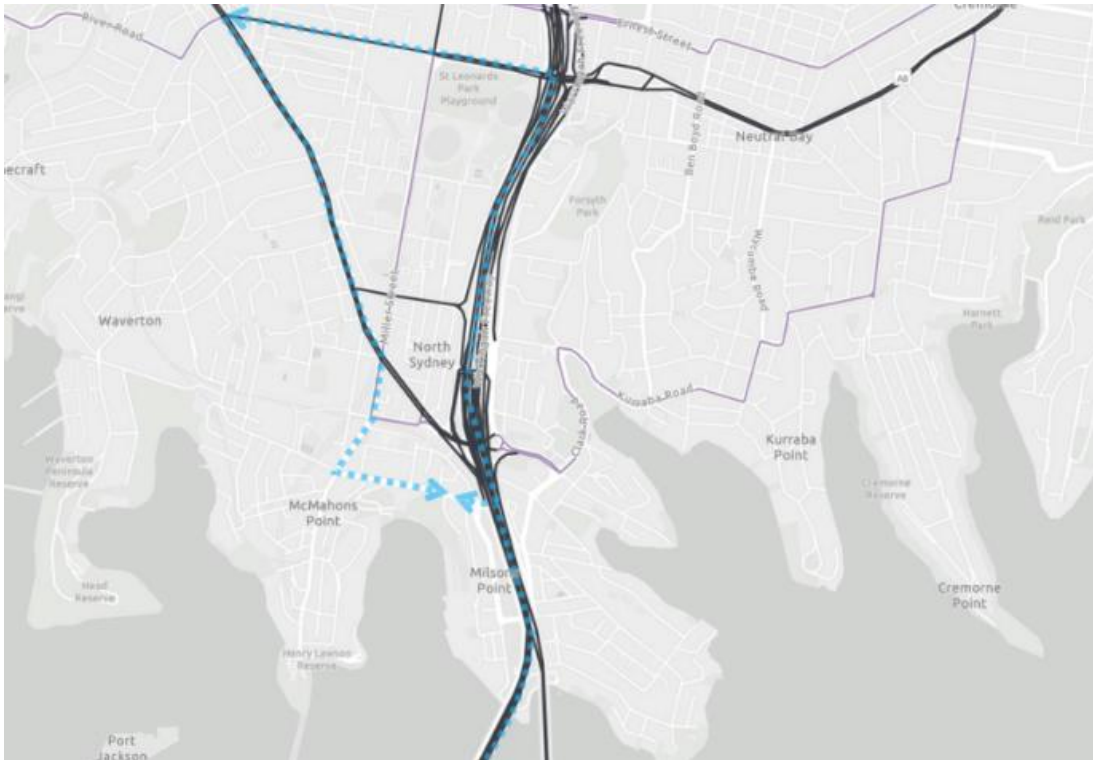


Figure 52: Potential Construction Vehicle Routes

Source: JMT Consulting

Vehicle Volumes

The number of construction vehicles accessing the site on a typical day may be in the order of 10-20 vehicles. This figure will be confirmed following the appointment of a contractor.

Road Closure and Impact to Pedestrians

- It is not anticipated that the works will necessitate the need for any road closures or occupation of roadways during the project. Should this need arise the appointed contractor would liaise closely with Council and TfNSW and schedule these works well in advance to minimise impacts to road users.
- Temporary fencing and hoardings will be installed along the site frontages to maintain pedestrian movements and ensure the safety of pedestrians walking adjacent to the construction site. Footpaths will remain open at all times to pedestrians and therefore minimal impacts are anticipated. Traffic controllers will be positioned at vehicle site access points to manage interactions between vehicles and pedestrians on the adjoining footpath.

Cumulative Construction Impact

Ongoing review of cumulative heavy vehicle traffic generation and coordination of heavy vehicle routes used by these projects will be undertaken on a regular basis between the appointed contractor, Council and TfNSW to minimise impacts on the road network.

It is noted that the works at the site are anticipated to generate a relatively low level of construction vehicle activity of at most 3-5 vehicles per hour. This volume of vehicles would not impact the operation of the surrounding road network.

8.25 Contributions and Public Benefit

This SSDA is subject to monetary contributions applicable under *North Sydney Local Infrastructure Contributions Plan 2020* and the State Government's Housing and Productivity Contribution.

In terms of public benefits, the project provides the following:

- In recognition of the additional built form uplift being sought in this SSDA and concurrent PP, the proposal commits to providing 3% of the total GFA as affordable housing in perpetuity, consistent with the HDA declaration for the site. This materialises as 7 units across both towers. A supporting letter from the community housing provider (CHP), Bridge Housing, is attached as **Appendix D**.
- The proposal includes a publicly accessible pedestrian through-site link and open space at the ground level of the site. The proposal will enhance permeability for pedestrians between Arthur Lane and Lavender Street; part of the link is also undercover improving pedestrian amenity. The proposal will also allow pedestrians to use an alternative route from the high-use cycle route along Middlemiss Street. The ground plane is detailed in the Landscape Plans (**Appendix K**) and Landscape Report (**Appendix L**) prepared by Land & Form. The ground plane will receive good levels of solar access; it will be an inviting environment for social interaction and passive recreation which will make a positive contribution to the streetscape.
- The purchase of the lands was pre-empted by the existing owners going to market as a result of required maintenance and make good works. The current housing stock on stock is of varying quality and now outdated.
- Additionally, public domain works will be provided as public benefits which are outlined in **Section 4.7** and **Section 4.9.1** respectively.

9.0 PROJECT JUSTIFICATION

This section provides an overall justification of the project. It evaluates the potential benefits and impacts of the proposal considering the findings of the detailed assessment and the compliance of the proposal with relevant controls having regard to the economic, environmental and social impact of the project and the principles of ecologically sustainable development.

9.1 Consistency with the Strategic Context

The EIS and PP report has demonstrated that the proposal is consistent with the strategic policy framework and has been considered against the following key strategic documents:

- National Housing Accord 2022
- NSW Housing Strategy: Housing 2041
- Greater Sydney Region Plan: A Metropolis of Three Cities
- Draft Sydney Plan
- North District Plan
- NSW Future Transport Strategy
- NSW State Infrastructure Strategy
- Better Placed
- North Sydney Local Strategic Planning Statement
- North Sydney Housing Strategy

The critical focus of strategic planning currently is the delivery of new homes in accessible locations close to existing public transport, retail and services. The proposal is entirely consistent with the fundamental State government policy objective for the following reasons:

- The proposal provides 163 new dwellings within walking distance to Milsons Point rail station, North Sydney rail station and other public transport options which provide connections to key employment centres, health precincts and education precincts within the North Shore, North Sydney, Macquarie Park, and the Sydney CBD.
- 3% of total GFA is being dedicated to affordable housing in perpetuity to be managed by Bridge Housing delivering positive outcomes that address housing affordability.
- The proposal contributes to the improvement of the public domain as a public benefit, through the provision of new public spaces and a through-site link to activate the streetscape and enhance accessibility and connectivity through the precinct.
- It facilitates the movement towards planning for larger residential accommodation and actual delivery of housing in strategic areas suitable for greater housing density through the HDA pathway.
- This proposal supports the government's efforts and priorities to address the housing crisis.

9.2 Compliance with the Statutory Context

The relevant State and local environmental planning instruments are addressed in **Section 6.0** and further detailed in the statutory compliance table at **Appendix L**.

- The proposed development accords with the relevant objects under section 1.3 of the EP&A Act.
- The proposal is SSD as declared by the Minister by a Ministerial planning order.
- Under clause 2.3 and the Land Use Table within the NSLEP 2013, development for the purposes of a residential flat building is permitted with consent within the R4 zone. Hence, the proposed development is entirely permitted with consent at the site.
- 3% of the total GFA is dedicated as affordable housing in perpetuity in accordance with the State Significant Development Declaration Order 2025 on 26 May 2025.

- The proposed development is compliant with the relevant provisions under the NSLEP 2013 and Chapters 4 of the Housing SEPP and provisions of other relevant EPIs. Refer to the statutory compliance table at **Appendix L**.
- The proposed development has addressed relevant matters for consideration under the *Biodiversity Conservation Act*, supported by a BDAR Waiver and supporting BDAR Waiver Request attached as **Appendix BB**.
- This EIS and PP has been prepared in accordance with the issued SEARs as required by Schedule 2 of the EP&A Regulations. A SEARs compliance table is attached at **Appendix A**.
- The proposal will be constructed in accordance with the recommended mitigation measures and the relevant standards to ensure the proper construction and maintenance of buildings.
- The proposal provides a residential flat building on a currently underutilised site within the R4 zone and therefore promotes the orderly and economic development of land.

9.3 Engagement

An Engagement Report has been prepared by Notting Hill Advisory and is attached at **Appendix B** in support of the proposed development.

Relevant groups were consulted and engaged in the preparation of this SSDA including DPHI, Homes NSW, Registration of Aboriginal parties (RAP) groups, relevant service and utilities providers and the community.

Engagement activities consisted of public research sentiment, email feedback mechanism, community information flyer, virtual information webinar, detailed project presentation, and stakeholder engagement sessions with government agencies.

In accordance with the SEARs requirements for engagement, the report outlines key issues raised across multiple forums and addressed how the proposal has responded and incorporated these issues into final proposed development scheme.

As the Proposal evolves, the Applicant will continue to engage local residents, landowners, businesses and key agencies, ensuring that community input remains an essential part of the development process. This includes during public exhibition, assessment, and following determination phases of the SSDA and concurrent planning proposal process.

9.4 Likely Impacts of Development

9.4.1 Design of the Proposed Development

The proposed development responds to its context including the adjacent railway viaduct, nearby heritage items (including the Sydney Harbour Bridge) and heritage conservation area, slope constraints, adjacent Homes NSW sites, existing high-density development to the south-west, and key public open spaces including Bradfield Park and Clark Park. The design of the proposed development has been carefully considered to ensure that potential impacts are suitably mitigated or minimised whilst delivering greater height and density on the site. Importantly, the proposal allows for much needed supply of housing including affordable housing in New South Wales.

The concurrent planning proposal on the site seeks to amend the maximum building height from 12m to RL142. This report demonstrates both strategic and site-specific merit which allows for an exemplary design in a highly accessible and infrastructure dense location, suitable for increased urban residential infill.

9.4.2 Natural Environment Impacts

The impacts to the natural environment are comprehensively addressed with **Section 8.0**. In summary:

- **Trees:** The proposal will require the removal of all trees located within the site due to soil level changes and the impacts of the proposed development. There are only four native species trees within the site and only two that are endemic to the area. These trees can easily be replaced in the landscape plan when the new

levels are developed. Trees located in the adjoining site will not be impacted by the proposed works or level changes.

- **Landscaping:** A Landscape Report attached at **Appendix L**, provides a landscape design strategy that supports the proposed built form while retaining the remaining trees on the site.
- **Natural hazards:** The site is not identified as flood-prone or bushfire prone land.

9.4.3 Built Environment Impacts

The impacts to the built environment are comprehensively addressed in **Section 8.0**. In summary:

- **Built Form and Urban Design:** **Section 8.0** of this EIS has analysed the impacts of the proposal relating to built form and design, residential amenity and visual and view impacts. The analysis has confirmed that the potential impacts are appropriate to the site and its surroundings, in consideration of the highly urbanised context of the surrounding area and the desired future character of the Lavender Bay area.
- **Site isolation:** The proposal has provided substantive consideration for the adjacent Homes NSW sites at 62 Lavender Street and 1 Middlemiss Street which is detailed in **Section 8.3**. This report has adequately justified potential impact to these sites in accordance with the principles for dealing with the amalgamation of sites or where a site is to be isolated through redevelopment.
- **Wind impact:** The Wind Assessment indicates that the proposal has incorporated several design features and wind mitigating strategies and is expected to be suitable for the intended use for the majority of the outdoor trafficable areas.
- **Visual impact:** The proposal is considered to have acceptable visual impact as it has a scale, form, and architecture that is visually compatible with the existing and desired future character of its St Leonards CBD context. The replacement of multiple buildings in average visual condition and the delivery of a new and visually prominent public plaza with active frontages will improve the visual amenity of the surrounding public domain, experienced by people
- **View impact:** The View Impact Assessment analysed view impacts from St Leonards Square (472-520 Pacific Highway), The Landmark (69 Nicholson Street) and the Telstra Exchange Site BTR development (530-542 Pacific Highway). The assessment confirms that the Proposal is reasonable when considering the view sharing principles established in Tenacity and considering the objectives and intent of relevant State government strategic policy and provisions.
- **Traffic and transport:** Any future development is not expected to not generate significant traffic impacts to the local road network. The relatively small number of additional public transport trips generated by the development can comfortably be accommodated on the extensive network of existing bus, metro and heavy rail services within walking distance of the site. Pedestrian connectivity will be improved via the proposed through-site link.
- **Aboriginal cultural heritage:** Archaeological assessment confirmed the study area had been subject to significant historical disturbance, and therefore it is unlikely for Aboriginal objects to be present. No specific cultural heritage values, with the exception of potential aesthetic values prior to colonisation, were identified in consultation with RAP groups.
- **Environmental heritage:** There are no heritage items on the site and the site is not identified in a heritage conservation area. The heritage assessment concludes that the proposal is appropriate within its urban context and proposes a built form that has been designed to reduce potential adverse heritage impacts, the proposal will result in little to no physical heritage impacts and minor adverse visual impacts have been appropriately mitigated through design. It is concluded that the proposal is not likely to cause the loss, degradation or diminishment of National Heritage values.
- **Air quality:** the potential for adverse cumulative air quality effects during construction and operation of the Proposal will be minimal and with the implementation of mitigation measures, the impacts are considered negligible.
- **Noise and vibration:** The Noise and Vibration Impact Assessment concludes that noise emission from the proposed development is predicted to comply with the relevant requirements of North Sydney Council and the NSW EPA, and the acoustic amenity of identified sensitive receivers will be adequately protected.

- **Water management:** The stormwater management strategy is to collect the stormwater from both buildings into the On-Site Detention (OSD) tank, located in Basement 1 towards the south-east corner of the site, which will discharge stormwater via an orifice in a controlled manner into Council's stormwater network on Lavender Street. OSD tanks have been designed as per Council requirements and correspondence with Council, and stormwater treatment devices have been incorporated to achieve Council's pollutant reduction targets. A pipe extension will be required from the existing kerb inlet pit near the intersection of Arthur Street and Lavender Street to the site to convey discharge from the OSD. This stormwater network has been designed by AT&L to accommodate to a minor storm of 5% AEP and a major storm of 1% AEP.
- **Ground and water conditions:** The outcomes of the geotechnical investigation form the basis for recommendations concerning various aspects of the proposed development, including earthworks, excavation stability, shoring requirements, groundwater management, and foundation design.
- **Contamination and remediation:** The PSI concluded that there were no site conditions that would preclude redevelopment, subject to implementation of the recommendations for a hazardous building materials survey, clearance inspections of the ground surface, an intrusive investigation and implementation of an unexpected finds procedure.
- **Waste management:** The waste management and collection procedures will be managed by the Building Manager to facilitate combined waste collection on the ground level for both towers via the bin holding room and temporary loading zone. Council collection vehicles will enter the site from Arthur Lane and park in the loading bay and will exit the site onto Middlemiss Street in a forward direction.
- **Hazards and risks:** BYDA plans do not identify any risk of above ground dangerous goods storages from the surrounding developments and no underground high-pressure dangerous goods pipelines.
- **Social impact:** The proposed development will result in positive social impacts in relation to adding to the housing supply in a well-located area, including the provision of affordable housing to serve key workers. Provision of ground floor pocket parks, communal areas, through site links and activated lobbies will also result in a positive social impact by activating each frontage, adding to the vibrancy, safety and activation each street frontage.
- **Economic impact:** The proposed development will revitalise and redevelop an underutilised site, by facilitating a residential development responding to the need for well-located homes including affordable housing.

9.5 Suitability of the Site

- The site is zoned R4 High density residential under the NSLEP 2013 and development for the purposes of a residential flat buildings is permissible in the R4 zone under clause 2.3 and the Land Use Table.
- The site is underutilised within an amenity rich location that is highly accessible to key public transport nodes being Milsons Point and North Sydney rail station and well-connected to active transport infrastructure.
- The proposal achieves the project objectives, the objectives of the EP&A Act and aligns with strategic plans for the area.
- A utility locate report prepared by Geosurv (**Appendix EE**) and preliminary site investigation (**PSI**) prepared by Rapid Geo confirm suitability of the site for the proposed residential development

9.6 The Public Interest

The proposal is in the public interest for the following reasons:

- The proposal will deliver 163 dwelling (including 3% affordable housing dwellings) on an underutilised site that will contribute to the State Government's housing targets in an accessible location with transport connections to the surrounding metropolitan area.
- The proposal will provide a high-density residential development that offers a range of housing types including affordable housing.

- The proposal will deliver a new public plaza as a public benefit for the community which will activate the streetscape and integrate landscaping, that is influenced by Connecting with Country principles, as well as provide a through-site link that will improve pedestrian connectivity in the area.
- The proposal facilitates a design that is considerate of environmental impacts to surrounding development in an area and responds to sensitive interfaces including heritage values and sunlight access to public open spaces.
- The proposal has maximised residential amenity available within a high-density urban environment.

10.0 CONCLUSION

This EIS and Concurrent Rezoning Report has been prepared by Planning & Co on behalf of The Trustee for CE Lavender Bay Trust (Central Element) in support of a SSDA and concurrent Planning Proposal (PP) pursuant to Part 4 and Section 3.33 of the EP&A Act. This SSDA and concurrent PP is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a residential development which includes affordable housing, consisting of two residential flat buildings with a shared podium, basement parking, a through site link and public domain works.

The project was considered by the HDA on 16 May 2025 and declared as a State Significant Development (SSD) under the State Significant Development Declaration Order 2025 on 26 May 2025. Industry-specific Secretary's environmental assessment requirements (SEARs) were formally issued by DPHI on 30 June 2025 and the requirements for the concurrent rezoning proposal were issued by DPHI on 2 July 2025. **Appendix A** provides a SEARs compliance table that indicates where the SEARs and concurrent rezoning requirements have been addressed in this report and the technical reports listed as appendices.

This EIS has been prepared in accordance with the requirements of Part 4 and Part 3 of the *Environmental Planning & Assessment Act 1979*, Section 175 of the *Environmental Planning & Assessment Regulation 2021* and the SEARs received for the preparation of this EIS. This Report should be read in conjunction with supporting technical documentation and plans attached as appendices.

The site consists of five allotments and is irregular in shape and is of a site area of 2,304.5 sqm. The site has an approximate frontage of 60m to Middlemiss Street and 30m to Lavender Street. The site falls approximately 3.5m to the southeast from 7 Middlemiss Street to 66 Lavender Street.

The proposed development seeks development consent for the construction of a residential development including affordable housing.

The SSDA specifically involves the following works:

- Demolition of the existing buildings on site;
- Site excavation, and other preparatory site works;
- Construction of a 32- and 23-storey residential flat building including 3% designated affordable housing, consisting of 163 dwellings,
- Five levels of basement parking,
- Vehicular access from Lavender Street and loading access from Middlemiss Street,
- A new public accessible open space, including through-site link and site landscaping and
- Site amalgamation,
- Utility and services augmentation as required.

The proposal also includes a concurrent planning proposal which seeks to:

- Increase the maximum building height standard from 12m to RL142.

The EIS has considered the key environmental impacts of the development and concludes that the impacts are acceptable, however where residual impacts remain – mitigation measures are proposed.

The EIS and concurrent Planning Proposal has confirmed the proposal's consistency with the applicable SEPPs, LEP, regional/district plans, and relevant policies relevant to residential development as well as the Secretary's Environmental Assessment Requirements issued for the project.

It is therefore recommended that this SSDA and concurrent rezoning be approved subject to standard conditions of consent, given that the proposed development:

- Is consistent with the relevant strategic planning framework and guidelines;
- Is consistent with the relevant statutory legislation and requirements;
- Will not generate unreasonable environmental impacts; and
- Is suitable for the site, and in the public interest.