

Our ref: Residential Flat Building at 64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay (SSD-86797708)

Mr Nathan Chivas
Managing Director

The Trustee for CE Lavender Bay Trust

Level 17, 100 Miller Street

NORTH SYDNEY NSW 2060

13 August 2026

Subject: Request for Additional Information

Dear Mr Chivas

The exhibition of the development application and environmental impact statement (EIS) for the Residential Flat Building at 64-66 Lavender St & 3-7 Middlemiss St, Lavender Bay (SSD-86797708) ended on 24 June 2026.

The Department is now seeking additional information as set out in Appendix A. All agency advice received to date is available via the Major Projects page. Please note that this request is in addition to the Response to Submissions (RtS) request dated 14 July 2026.

The Department requests a single consolidated response to this request for additional information and the previous RtS letter by 13 September 2026.

Note that the time between the date of this letter and the date the Planning Secretary receives your response is not included in the 'assessment period' under section 94(1) of the Environmental Planning and Assessment Regulation 2021.

If you have any questions, please contact Ryan White, on 02 9995 6025 or via email at ryan.white@dphi.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'K T' followed by a stylized flourish.

Keiran Thomas

Director Housing Delivery Assessments

as delegate for the Planning Secretary

Appendix A

1. Concurrent rezoning – Height and Urban Design

The Department has significant concerns regarding the proposed maximum building height and the resulting built form and scale of the development.

For the Department to support the proposed concurrent rezoning, the proposal is required to be consistent with the following objectives in the *North Sydney Local Environmental Plan 2013* (NSLEP 2013):

Zone R4 High Density Residential

- To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- To ensure that a reasonably high level of residential amenity is achieved and maintained*

Clause 4.3(1) Height of buildings

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

The proposed built form resulting from the maximum building height (RL142) is not considered to achieve consistency with the above land use zone and height of buildings objectives in the NSLEP 2013 for the following reasons:

- The proposed towers result in unacceptable adverse impacts on the surrounding heritage items and conservation area, local character and visual amenity, overshadowing, and has

an abrupt disproportionate transition in scale with the adjoining land uses, as described in greater detail below.

- b) The two tower form, in particular the northern tower (Tower A) is not supported, as it does not allow for sufficient building separation and boundary setbacks.
- c) The podium design and minimal tower setbacks do not provide sufficient visual relief from the vast transition in height of the 32 and 23 storey towers when compared to the surrounding development.
- d) The proposed 6m tower separation is inadequate and results in significant adverse built form, amenity and visual impacts to future residents and the surrounding locality. The Apartment Design Guide (ADG) would typically require building separation distances between 18m-24m for two towers of this scale.
- e) The site is located on the northern fringe of the Milsons Point town centre, which interfaces more closely with heritage items such as the Lavender Bay Heritage Conservation Area (LBHCA) and Sydney Harbour Bridge (SHB) Northern Approach than the existing residential towers on the south of Lavender Street. The proposed development should be reduced in height and redesigned to allow for an appropriate transition in scale with development on surrounding development to the north, east and west.

Information required

- Reconsider the height and form of the proposed development to achieve consistency with the objectives of the R4 High Density Residential land use zone, and the height of buildings objectives in clause 4.3(1) of the NSLEP 2013.
- The Department recommends that alternative massing options are tested that respond to the issues raised in this letter and result in a single built form with a positive address to Lavender Street. A meeting should be arranged with the Department to discuss alternative design options more appropriate for the context.
- To allow for a greater transition in scale, a 2-3 storey podium should be introduced onto the Lavender Street frontage with a substantial setback on any additional levels.
- Revised plans are to include sections and elevations clearly detailing the height, setbacks and scale of the development in relation to:
 - The SHB Northern Approach on Middlemiss Street

- The adjoining development on Lavender Street, including 1 Middlemiss Street, 62 Lavender Street, and the adjoining terraces to the west

2. Overshadowing of public open space

The proposal results in large portions of additional overshadowing of public open space, to Clark Park in particular, the Lavender Bay foreshore and Bradfield Park between 9am and 3pm on 21 June, which is not supported. The Department notes that the additional overshadowing is a direct result of the proposed maximum building height of Tower B above the existing towers on southern Lavender Street, and the height, siting, bulk and scale of Tower A.

Information required

A redesign to ensure additional overshadowing onto the Lavender Bay foreshore, Clark and Bradfield Parks between 9am and 3pm on 21 June does not occur.

3. Overshadowing of surrounding development

The Department has insufficient information to determine whether the proposal is compliant with minimum overshadowing requirements in Parts 3B and 4A of the ADG.

Information required

Hourly elevational shadow diagrams detailing the extent of shadows cast by the proposal and surrounding development between 9am and 3pm at 21 June on the adjoining residential buildings:

- a. 118 Alfred Street
- b. 55 Lavender Street
- c. 61 Lavender Street
- d. 62 Lavender Street
- e. 1 Middlemiss Street

Where overshadowing results in non-compliance with Parts 3B and 4A of the ADG, amendments are required to ensure overshadowing of the abovementioned properties is minimised.

4. Heritage impacts

The Department notes the agency advice provided by Heritage NSW dated 4 July 2026 and Council dated 1 July 2026, raising concerns regarding adverse impacts on a number of items listed on the State Heritage Register (SHR) inventory in the vicinity of the site.

The Department further advises that the proposed height, bulk, scale and form of the proposed development results in adverse heritage impacts on the following heritage items of local and State significance which are not supported:

- a) Sydney Harbour Bridge (SHB) Northern Approach
 - The minimal setbacks and abrupt height of Tower B on the Middlemiss Street frontage visually dominate and detract from the SHB Northern Approach
 - Excessive overshadowing of Bradfield Park which forms part of the curtilage of the SHB SHR listing
- b) Brett Whiteley House and Visual Curtilage (including Clark Park)
 - Excessive shadows cast onto Clark Park and foreshore area between 9am and 10am on 21 June
- c) Arthur Street terraces and LBHCA
 - Due to the close proximity of the site to the heritage listed properties on Arthur Street and the LBHCA, the proposed height, bulk and scale of the proposal visually dominate the heritage setting, which is primarily characterised by 2-3 storey terraces.

Information required

Reconsider the height, form and scale and overall response of the proposal to the surrounding heritage context having greater regard for the heritage significance of the various heritage items in the precinct and the LBHCA.

5. Visual and view impacts

- a) Based on the information provided, the proposal is considered to introduce a visually overbearing element on the area due to its abrupt and insufficiently mitigated transition in height, scale and lack of building separation. The proposal will add a disproportionately bulky element to the skyline and character of the area that is not considered to be in harmony with the low scale setting of Lavender Bay when viewed from the streetscapes to the west.
- b) The visual and view impact assessment does not contain sufficient analysis, based on evidence, to determine the impacts on other sensitive public and private view points in the surrounding area, including:
 - South facing views on Middlemiss Street (with the SHB Northern Approach included in the view catchment)
 - Clark Park (including viewpoints in close proximity to Brett Whiteley House such as the footpath, and the northern extent of the park)
 - Lavender Bay public foreshore

- Arthur Street streetscape (from western footpath) and Arthur Lane streetscape
- The northern extent of Bradfield Park
- An additional view from Lavender Street taken from the intersection with Walker Street
- Northbound views of SHB Northern Approach travelling by car from the SHB at points as the road curves back to North Sydney
- Southbound views of SHB Northern Approach travelling by car toward SHB (including Pacific and Bradfield Highways)
- Views of Lavender Bay from the trainline between North Sydney and Milsons Point train stations
- Vantage points from the rear aspect of the terraces at 23-33 Arthur Street
- Vantage points from any primary living areas of 1 Middlemiss Street and 62 Lavender Street facing with the site
- Additional viewpoints obtained from the northern elevation of the apartments on the southern side of Lavender Street, with reference to the objections raising view loss as a concern

Information required

- Reconsider the built form (as addressed above in the letter) to further consider sensitive views obtained from the surrounding area
- Provide analysis of additional viewpoints obtained from the sensitive vantage points noted above

6. Retention of existing affordable rental housing

The Department requires further information to substantiate whether the removal of the existing dwellings on the site would result in a net loss of existing affordable housing.

Information required

An assessment, along with rental evidence available 5 years prior to the date of lodgement, must be provided with regard to the provisions in Chapter 2, Part 3 of SEPP (Housing) 2021 demonstrating whether:

- a) The proposal will not result in a loss of affordable housing, or
- b) That arrangements can be made via monetary contribution to offset the loss in affordable housing

7. Traffic and Parking

The Department's traffic and parking assessment has identified insufficient or inadequate information has been submitted in relation to the following:

a) Car Parking Provision

The site is located in a highly accessible area with strong public transport connections, and a stated objective of the rezoning is to support increased housing in locations where reliance on private vehicle use can be reduced.

The traffic impact assessment (TIA) does not adequately reconcile the proposed parking supply with the forecast mode share, parking demand, or broader strategic objectives that seek to encourage sustainable transport outcomes. The extent of parking oversupply appears disproportionate to the anticipated demand.

b) Accessible parking

Insufficient information has been provided to confirm the adequacy of the proposed accessible parking provision.

The submitted Access Report identifies a shortfall in adaptable dwellings and concludes that a minimum of 33 accessible parking spaces is required. The proposal currently provides 28 accessible spaces. Further clarification is required to demonstrate compliance with the relevant accessibility requirements.

c) Car park access and design

A review of the proposed carpark layout and associated vehicle access arrangements has been undertaken against the relevant requirements of the AS 2890 series. The assessment has identified several departures from the standards, together with matters requiring further clarification or supporting information, as outlined below:

- i. Sight triangles have not been demonstrated at vehicle-pedestrian conflict points to verify adequate visibility.



- ii. The minimum 5.8 m aisle width required by AS 2890 is not achieved adjacent to a number of parking spaces.



- iii. Insufficient information has been provided to demonstrate that adequate queuing/storage length is available prior to the access control point.
- iv. Adequate sight distance at the site driveways has not been demonstrated.

d) Waste servicing access

The suitability of Arthur Lane, particularly at the intersection of Arthur Street and Arthur Lane, to accommodate waste collection vehicle access and manoeuvring has not been demonstrated. Confirmation from Council regarding the required waste collection vehicle type and dimensions is required before this matter can be adequately assessed.

The potential impacts of waste vehicle egress to Middlemiss Street on on-street parking provisions and the adjacent on-road cycle lane remain unclear, as the submitted swept path assessment does not provide sufficient detail.

e) Multimodal and active transport

While the TIA discusses future mode share and travel demand across a range of transport modes, it does not demonstrate how existing and planned transport infrastructure and services will accommodate this growth, nor does it assess the resulting impacts on different road user groups.

This is particularly relevant given the site's location on a well-utilised cycling corridor. Consistent with Safe System principles, greater consideration should be given to vulnerable road users, including cyclists and pedestrians, and the interaction between these users and site-generated vehicle movements.

Further assessment is required to demonstrate that the proposal can be accommodated within the surrounding multimodal transport network without adverse impacts on safety, accessibility or network operation.

Information required

Car parking provision:

- Justification is required for the proposed provision of 173 car parking spaces, noting that it exceeds both the GTIA reference rates and North Sydney DCP maximum rates.
- Demonstration of how the proposed parking supply aligns with the forecast mode share, parking demand and the strategic objectives of the proposed rezoning.
- Provide details of any travel demand management measures proposed to reduce reliance on private vehicle use

Accessible parking:

- Clarify the required number of accessible parking spaces and demonstrate compliance with the relevant accessibility standards, having regard to the findings of the Access Report

Car park access and design:

Revised plans are required to demonstrate compliance with the AS 2890 series, including:

- sight triangles at driveways
- minimum 5.8 m aisle widths
- compliant driveway grades within the first 6 m of the site boundary
- adequate queuing/storage length prior to access control point
- adequate sight distance at all drive

Waste servicing:

- Confirm the waste collection vehicle type to be used for servicing the development and obtain Council's confirmation that the nominated vehicle is acceptable.
- Provide swept path assessment demonstrating:

- waste vehicle access via Arthur Lane, including manoeuvring at the Arthur Street/Arthur Lane intersection
- waste vehicle egress to Middlemiss Street without adverse impacts on on-street parking, the adjacent cycle lane or cyclist safe

Multimodal and active transport:

- Assess how the existing and planned transport infrastructure will accommodate the forecast increase in travel demand across all transport modes.
- Assess the impacts of the proposal on cyclists and pedestrians, including consideration of Safe System principles and the site's location on a key cycling corridor.

Construction Traffic:

- Provide further assessment of construction vehicle access via Middlemiss Street, including impacts on cyclist safety and operation of the cycle route connection to the Harbour Bridge Cycleway.
- Identify mitigation measures to maintain safe and efficient operation of the cycling corridor throughout the construction period.

8. Waste management

The Department notes the agency advice from Council dated 1 July 2026 raising issues concerning waste management.

The Department further advises that the proposed waste storage area for the southern tower on Level 00 appears to be constrained, and inconsistent with the operational waste management plan (OWMP). Further information is required to demonstrate whether the waste storage area is accessible, functional and can adequately service the building.

Information required

- Further information is required demonstrating how the waste storage area serving the southern tower is accessible and functional with regard to the manoeuvrability of the 660L waste storage bins.
- The OWMP states 33m² is required for the waste storage area to be serviceable, whereas the proposed waste storage area is 31m².
- Respond to the matters raised under Recommendation 14 of Council's agency advice.

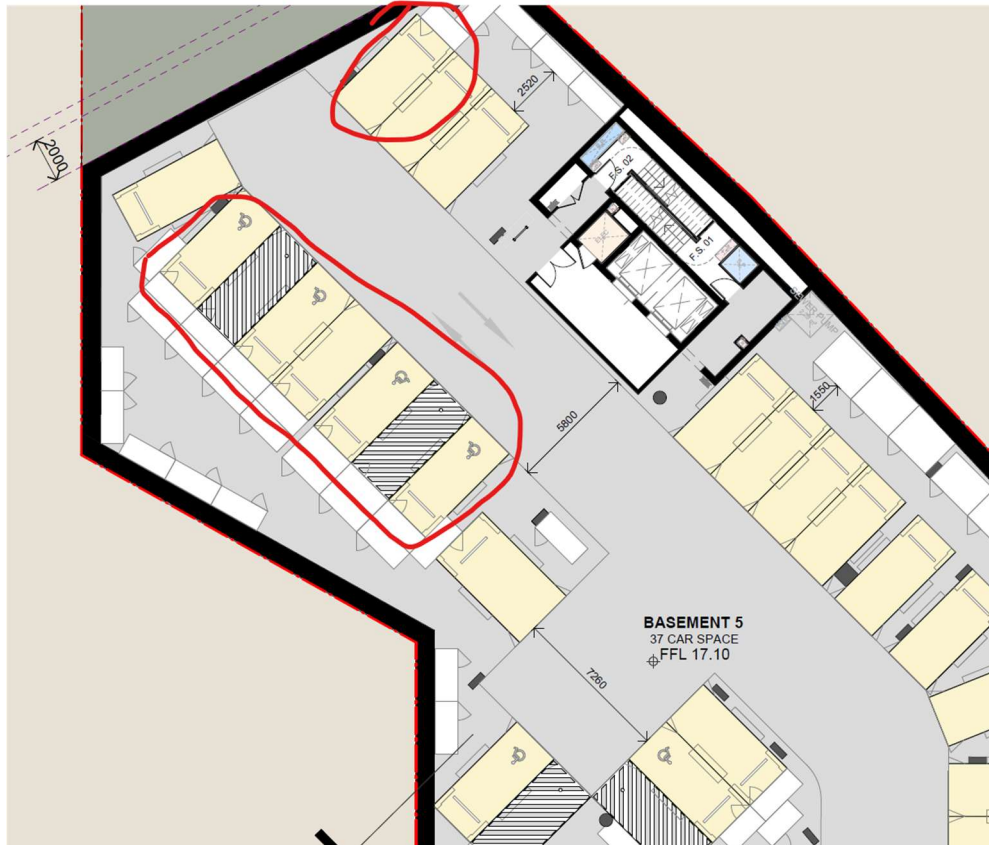
9. Noise and Vibrations

Further information is required regarding noise and vibration management:

- The Department notes the submission lodged on behalf of the Sydney Harbour Tunnel (SHT) by Venetia Australia Pty Ltd dated 24 June 2026, has raised vibration concerns due to the proximity of proposed excavation to the SHT. In accordance with their request, a vibration impact assessment specifically addressing the SHT structure and its operations is required to be prepared in accordance with the *EPA Assessing Vibration: A Technical Guideline*.
- The submitted acoustic assessment in Appendix V of the EIS does not identify the nearby commercial premises on the eastern side of Middlemiss Street as sensitive receivers. The acoustic assessment must be amended to include an assessment of the construction and operational impacts on these properties.

10. Basement storage

Part 4G-2 of the ADG provides guidance advising that storage areas external to apartments must be accessible. The storage areas to the north of the basement levels 2 to 5 appear to open into car parking spaces and would not be functional while cars are parked in these locations. These storage areas should be reconfigured to ensure they are fully accessible:



11. Engagement

Concern has been raised in the submissions received regarding the quality of the community engagement informing the Engagement Outcomes Report (EOR) in Appendix B of the EIS. It is a SEARs requirement to ensure meaningful engagement has occurred in consistency with the *Undertaking Engagement Guidelines for State Significant Projects* (Guidelines).

The Department advises the following concerning the submitted EOR:

- The Department notes that some of the primary modes of engagement were an information flyer and a virtual information webinar. The distribution area of the community information flyer (which includes the webinar invitation), noted Appendix 2.1 of the EOR, excludes the residential apartment buildings adjoining the site on the southern side of Lavender Street and appears to exclude the commercial premises on the eastern side of Middlemiss Street. At a minimum, the distribution area should include all adjoining properties, including those on the opposite side of a road carriageway.
- The community information flyer does not clearly articulate what the proposed development is for, in particular the type and scale of residential development, and the built form and scale of the maximum building height sought by the concurrent rezoning. As such, it is unclear what the community is being invited to provide feedback on or attend a webinar for. The information flyer should properly describe the development so that the community is adequately informed, should they want to be further involved in the engagement.
- Further engagement with the community (including community organisations such as Residents Opposing Lavender Bay Overdevelopment and Bike North) and Council should occur prior to the submission of any amendments subsequent to this letter.

Information required

- An amended EOR which provides evidence of meaningful engagement with the local community and relevant stakeholders, addressing the concerns raised above.