Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Re: SSD-86797708: 64-66 Lavender St and 3-7 Middlemiss St, Lavender Bay

Dear Secretary Fishburn

I have heard from many constituents that are concerned with the development application and concurrent spot rezoning lodged for 64-66 Lavender Street and 3-7 Middlemiss Street, Lavender Bay, and have met on site to understand the site and hear their feedback on the proposal. This submission shares their concerns and requests that this application be referred to the Independent Planning Commission.

Residents have expressed sustained concern about the scale and cumulative impacts of the proposed development, particularly given its immediate interface with the Lavender Bay Heritage Conservation Area and surrounding low-rise residential neighbourhood.

While there is broad recognition of the need to increase housing supply in well-located areas close to public transport, there is also a strongly held view that such growth must be appropriately scaled, contextually responsive, and consistent with the environmental and heritage constraints of established neighbourhoods.

The complexity of the issues raised, the sensitivity of the location, and the degree of contestability in key technical assessments mean this application requires particularly careful and independent scrutiny.

THE PROPOSAL

Based on the exhibited documents, the application seeks consent for:

- Two residential towers comprising:
  - Tower A: 23 storeys, 81 dwellings
  - Tower B: 32 storeys, 82 dwellings
- A total of 163 residential dwellings on a 2,305 square metre site currently containing 32 existing dwellings

- A concurrent amendment to planning controls increasing permissible height from 12 metres (approximately 4 storeys) to RL142 (approximately 107–110 metres above ground level)
- Five basement levels providing:
  - 174 car parking spaces
  - 181 bicycle spaces
  - 10 motorcycle spaces
  - 4 visitor parking spaces
- Servicing and access arrangements via Lavender Street, Arthur Lane and Middlemiss Street
- Seven affordable housing dwellings (approximately 3 per cent of gross floor area), to be managed by a community housing provider in perpetuity
- Removal of 21 trees
- Unspecified removal of parking spaces

Residents note that earlier iterations of the scheme were materially smaller in scale, and that the current proposal reflects a progressive increase in height, yield and building mass over time.

The escalation in scale is not incremental in its visual or environmental effects, but material, and this reinforces the importance of careful assessment of the final scheme now before the Department.

LOCAL CONTEXT AND HERITAGE SIGNIFICANCE

Lavender Bay is a uniquely sensitive harbourside precinct with a layered cultural, Indigenous, maritime and architectural history.

The area known to the Cammeraygal people as Gooweebahree (often spelled Quibaree) has long been recognised as a place of settlement and natural freshwater. Following European settlement, the area developed through time including periods known as Hulk Bay and later Lavender Bay, before evolving into a residential and maritime working landscape in the late nineteenth century.

The surrounding built form is characterised by a fine-grained pattern of Victorian and Federation-era terraces, cottages and early twentieth-century housing. This form remains substantially intact and is formally recognised through the Lavender Bay Heritage Conservation Area.

The locality also includes a number of significant heritage and culturally important sites, including:

- Brett Whiteley House (State Heritage Register listed)
- Wendy Whiteley's Secret Garden (State Heritage Register listed)
- Ildemere waterfront residence (State Heritage Register listed)
- Historic residences associated with Norman Lindsay and Sir Donald Bradman

- Sydney Harbour Bridge approach structures and viaducts

Residents consistently emphasise that the significance of this area lies not only in individual heritage items but in the collective streetscape, harbour setting, and continuity of low-rise residential character.

This is one of the most intact harbour-edge heritage environments on the lower north shore, where scale and setting are integral to its significance.

SCALE, BUILT FORM AND COMPATIBILITY

The subject site sits directly adjacent to the Lavender Bay Heritage Conservation Area.

While the existing buildings on the site are not heritage listed, the proposed built form represents a profound departure from the prevailing scale of the surrounding area, and from the current zoning of the site.

The conservation area is defined by:

- Predominantly two to three storey buildings
- Fine-grained subdivision patterns
- Low-rise residential streetscapes
- Strong visual relationship to the harbour

The introduction of towers reaching approximately 110 metres in height would create an abrupt and highly visible discontinuity at the edge of this heritage setting. Residents have expressed concern that this scale of development would fundamentally alter the visual experience of Lavender Bay when viewed from within the conservation area, from surrounding parklands, and from the harbour.

The relationship between height, bulk and heritage context is a central issue in this proposal that warrants careful and independent planning judgment.

PLANNING FRAMEWORK AND POLICY APPLICATION

The proposal is accompanied by a concurrent rezoning of the site, including a proposed amendment to the North Sydney Local Environment Plan height of building map, intended to enable the scale and built form of the two proposed towers. This change to the LEP would see the current height of 12 metres raised to RL142 (approximately 107–110 metres above ground level), and the proposed development includes towers of 23 and 32 storeys, compared to the approximately four storeys currently zoned.

Residents have raised concerns that this combination of an SSD application advanced alongside a site-specific rezoning allows a level of height and density to be

sought that would not otherwise be permitted under the site's existing planning controls.

While the EIS points to the site's proximity to nearby rail infrastructure as part of its strategic justification, proximity to transport does not operate in isolation from heritage, built form, and local character considerations, and a concurrent rezoning should not be used to pre-empt proper assessment of those impacts.

TRAFFIC, ACCESS AND TRANSPORT IMPACTS

The surrounding road network is already heavily constrained, particularly at peak times around the Warringah Freeway interchange, Alfred Street and Lavender Street.

Residents dispute the conclusion that additional traffic generation from the proposal is negligible, noting existing congestion and limited network capacity.

A key concern relates to servicing arrangements involving Arthur Lane and one-way Middlemiss Street, including:

- Narrow carriageways with limited clearance
- One-way operation and constrained passing opportunities
- Interaction with parked vehicles
- Heavy vehicle turning movements and swept path constraints
- Increased conflict risk with cyclists using bike path connecting to Sydney Harbour Bridge cycleway
- Amenity and safety impacts from servicing, waste collection and delivery vehicles

The diagrams provided in the transport impact assessment do not consider parking, the cycleway or pedestrian access along Middlemiss street. The cycleway, pedestrian crossing, bus stop, and traffic queuing for entry and egress on Lavender Street are also not addressed.

Middlemiss Street also forms part of a key cycling connection to the Sydney Harbour Bridge cycleway network, increasing the sensitivity of any conflict between vehicles and active transport users.

Residents have also raised concern regarding the proposed through-site pedestrian link, which would increase pedestrian activity within the same constrained laneway network used for servicing access.

There is sufficient uncertainty regarding these arrangements to warrant independent verification of traffic modelling and swept path analysis.

PARKING IMPACTS

The proposal includes 174 resident parking spaces but only four visitor spaces. Residents have raised concerns that this level of provision is insufficient for a development of 163 dwellings, particularly in an area where on-street parking capacity is very constrained and has been further reduced due to infrastructure works.

There is a reasonable concern that insufficient visitor parking will result in increased pressure on surrounding residential streets.

The EIS also makes no mention of the potential or actual removal of parking spaces in the vicinity, or impacts to the bus stop on Lavender Street, or the shared pedestrian and bike crossing on Lavender Street.

CONSTRUCTION IMPACTS

Residents have expressed significant concern regarding the likely construction impacts associated with a development of this scale, which would be expected to occur over a multi-year period. They are also concerned by the lack of consideration of cumulative impacts, with a number of large developments proposed in the area.

Key issues include:

- Extended excavation for five basement levels
- Potential vibration impacts on adjoining older, heritage and more vulnerable buildings
- Structural monitoring and dilapidation survey requirements for neighbouring properties
- Heavy construction vehicle movements through already constrained local streets
- Construction staging impacts on pedestrian and cyclist safety
- Noise, dust and amenity impacts over an extended duration
- Cumulative disruption in a densely populated residential area with a number of SSDs proposed in the area

Given the scale of excavation and basement construction required, residents are particularly concerned about vibration and structural impacts on adjoining properties and the adequacy of proposed mitigation measures.

Construction impacts of this magnitude require detailed and enforceable management plans, together with independent oversight to ensure compliance.

AMENITY, OVERSHADOWING AND WIND

Residents have raised concerns regarding:

- Overshadowing of nearby parks including Clark Park, Watt Park and Bradfield Park

- Impacts on Wendy Whiteley's Secret Garden
- Privacy impacts on surrounding residential properties
- Wind effects associated with tall building massing near the harbour edge

These impacts are highly sensitive given the public use and cultural significance of nearby open space.

The cumulative nature of these impacts across multiple public domains warrants careful and transparent assessment.

SOCIAL HOUSING IMPACTS

The site is immediately adjacent to two Homes NSW properties comprising 18 dwellings.

Residents have raised concerns regarding amenity impacts on existing social housing tenants, particularly in relation to overshadowing, privacy, and visual dominance. They expressed the view that these neighbours may not feel able to speak out for fear of losing their safe, secure homes.

There have been previous attempts to undertake coordinated planning with these properties as adjoining landholdings, and community members fear the removal of crucial social housing and the impact on residents, many of whom have lived there for long periods and can experience complex needs which dislocation and disruption could create significant harm. The Lavender Bay neighbours I have met with do not want to see a reduction in the diversity of housing or of the people that make up their community.

AFFORDABLE HOUSING CONTRIBUTION

The proposal includes seven affordable dwellings, representing approximately 3 per cent of gross floor area.

Residents do not believe that the scale of contribution is proportionate to the significant increase in height and density being sought, and it falls well short of targets set by the NSW Government or North Sydney Council. Residents have argued that because this project seeks significant planning uplift through a concurrent rezoning that would amend the site's height and floor space ratio beyond what is currently permitted, that a commensurate community benefit should be required in return. In this context residents have submitted that an affordable housing contribution of at least 15% should be required as a condition of any approval.

Recent rental data has seen apartments among this area have recently rented for $550 and $560, well below the suburb average of $750. Residents have argued that removing this lower cost housing and replacing it with only seven affordable housing

dwellings will lead to an overall reduction in more affordable housing for the community.

PRECEDENT AND CUMULATIVE IMPACTS

Residents have raised concern that approval of this proposal may establish a precedent for similar high-rise development across adjoining lower north shore suburbs, including Kirribilli, McMahons Point, Waverton and Wollstonecraft. These areas share similar characteristics, including proximity to rail infrastructure, low-rise heritage context, and harbour settings.

There is concern that cumulative approvals through State Significant Development pathways may gradually and fundamentally alter the character of these precincts without consistent application of local planning frameworks.

The cumulative policy implications of this proposal extend beyond the site itself and warrant careful consideration in the determination process.

CONCLUSION AND REQUEST FOR IPC REFERRAL

These residents do not oppose housing delivery or urban renewal in principle. Rather, they seek assurance that development is appropriately scaled, contextually sensitive, and consistent with the environmental, heritage, and infrastructure capacity of the locality.

The proposal raises complex and contested issues relating to built form, heritage interface, traffic and access, construction impacts, and cumulative change within a sensitive harbour-edge environment.

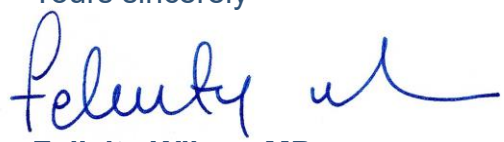
Having regard to the scale of the proposal, its location adjoining a heritage conservation area, and the degree of uncertainty and contestability in key technical matters, this application requires a particularly high level of independent scrutiny.

On behalf of residents, I request that the Minister refer this application to the Independent Planning Commission for determination.

An IPC determination would provide the appropriate level of independence, transparency and public confidence necessary for a proposal of this scale and sensitivity.

If the application is not referred, I further request that all contested technical assessments be subject to independent peer review prior to any determination being made.

Yours sincerely



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