

Item 5.**Development Application: 14 Hickson Road, Dawes Point - D/2026/204****File Number: D/2026/204****Summary****Date of submission:** 23 March 2026**Applicant:** Robert Magid**Architect/Designer:** PopovBass**Owner:** Pier One Car Park Pty Ltd**Planning consultant:** Gyde Consulting Pty Ltd**Heritage consultant:** Urbis**Cost of works:** \$20,536,726

Zoning: The Sydney Local Environmental Plan 2012 does not apply. The primary Environmental Planning Instrument is Chapter 5 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

The site is located in Zone 1 of the Walsh Bay Conservation Zone.

Proposal summary: Approval is sought for the construction of a 4-storey mixed use development comprising a ground level office tenancy and 6 residential units above, excavation for 3 levels of basement parking, provision of a temporary and permanent substation, conservation works and stratum subdivision. Car parking is to service the development and the hotel on the opposite side of Hickson Road.

The proposal is Integrated Development requiring approval under the Heritage Act, 1977.

The application has been referred to the Local Planning Panel for determination as it is considered sensitive development being Development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

The application was notified for a period of 28 days and received 2 submissions.

Summary recommendation: The development application is recommended for approval, subject to conditions.

Development controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Heritage Act 1977
- (iii) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (iv) Water Management Act 2000
- (v) SEPP (Chapter 5 - Eastern Harbour City) 2021
- (vi) SEPP (Housing) 2021
- (vii) SEPP (Resilience and Hazards) 2021
- (viii) SEPP (Transport and Infrastructure) 2021
- (ix) SEPP (Biodiversity and Conservation) 2021
- (x) SEPP (Sustainability) 2022
- (xi) Sydney Development Control Plan 2012

Attachments:

- A - Recommended conditions of consent
- B - Selected drawings
- C - Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2026/208 subject to the conditions set out in Attachment A to the subject report.

Reasons for recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The proposal is consistent with Chapter 5 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, being a permissible form of development within Zone 1 – Walsh Bay Conservation Zone. The proposal is also consistent with the matters for consideration under Clause 5.14 of the SEPP, as it responds appropriately to the heritage significance and urban design framework of Walsh Bay, retains significant public views, maintains public access to the foreshore and surrounding public domain, and will not result in adverse traffic or amenity impacts.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Development Control Plan 2012, and State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances or are to be resolved by the recommended conditions of consent.
- (D) The proposed development has a form, bulk and scale that are appropriate to the site and its heritage setting and generally accords with the site-specific Conservation Management Plan building envelope while responding appropriately to the character and significance of the Walsh Bay and Dawes Point precinct.

Background

Reason the application is reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 6 March 2024 as being within the following category:
 - Sensitive Development
2. The development application falls within the category of Sensitive Development as it is development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.

Site and surrounding development

3. The site has a legal description of Lot 10 in Deposited Plan 737193, known as 14 Hickson Road, Dawes Point NSW 2000. It is triangular in shape with an area of approximately 676sqm. It has a primary street frontage of 48m to Hickson Road, and is bounded by Hickson Steps to the south and a sandstone escarpment with retaining walls and Lower Fort Street above to the east. Levels on the site fall by 0.5m.
4. The site comprises an open-air car park ancillary to Pier One Hotel, operated as valet parking for approximately 16 vehicles. An existing Ausgrid substation is located mid-way along the western boundary on Hickson Road, with a redundant ablutions block and water pump station at the northern tip and a small contemporary metal shed in the south-eastern corner.
5. The surrounding area is characterised by a mixture of land uses, primarily being residential and commercial. Bounded by Walsh Bay to the west and the Sydney Harbour Bridge and Cahill Freeway to the east, Dawes Point is predominantly residential, featuring terraces and low-rise apartments from Colonial, Victorian, Federation, and interwar periods. To the southwest lies the Walsh Bay Finger Wharves precinct, comprising residential apartments, commercial offices, restaurants, theatres and the Pier One Hotel to its north.
6. The subject site is located within the boundaries of three conservation areas identified under the following heritage listings:
 - Walsh Bay Wharves Precinct (SHR #00559)
 - Dawes Point Heritage Precinct (s170 Placemaking NSW)
 - Walsh Bay Wharves Precinct (SEPP Biodiversity and Conservation 2021 & SEPP (Precincts – Eastern Harbour City) 2021)
7. A site visit was carried out on 12 May 2026. Photos of the site and surrounds are provided below.

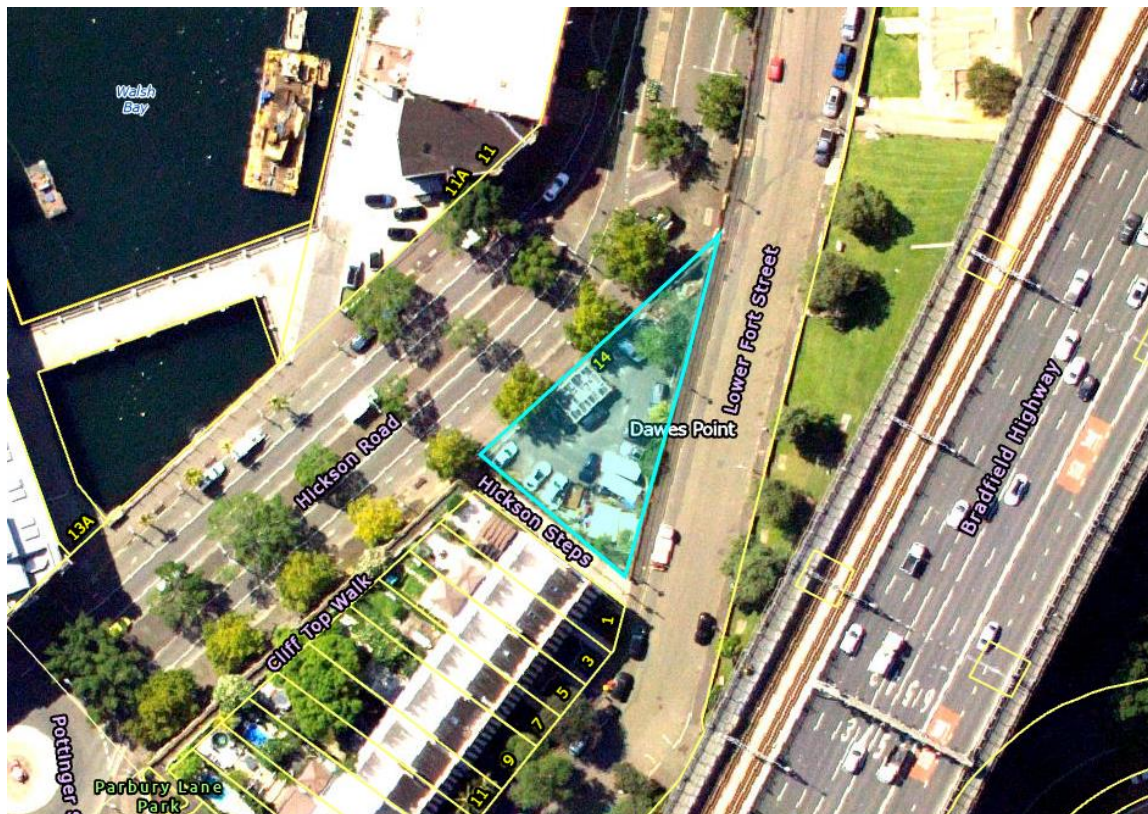


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Hickson Road facing east



Figure 3: Site viewed from Hickson Steps, facing north



Figure 4: Site viewed from Lower Fort Street, facing south



Figure 5: Existing historically significant ablutions block viewed from Hickson Road, facing east



Figure 6: Existing Substation viewed from Hickson Road, facing east



Figure 7: View from Hickson Steps looking west



Figure 8: Eastern boundary of subject site view from Lower Fort Street



Figure 9: South-Western neighbour of the subject site, 'Milton Terrace' viewed from Lower Fort Street



Figure 10: 'Pier One Hotel' located opposite/to the north on Hickson Road



Figure 11: Western boundary of 'Milton Terrace' to the south of the site viewed from Hickson Road

History relevant to the development application

Development applications

8. The following applications are relevant to the current proposal:

- **PDA/2025/14** – The proposal was subject to a formal pre-lodgement review by the City of Sydney and was reviewed by the Design Advisory Panel Residential Subcommittee in March 2025. Council's feedback focused on heritage considerations, compliance with the endorsed Conservation Management Plan (CMP) building envelope, residential amenity, communal open space, servicing and access arrangements, and the need for further consultation with Heritage NSW and WaterNSW. The matters raised through the pre-DA process have informed the ongoing refinement and development of the subject proposal.

Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 1 July 2026, as follows:
- amendments to the architectural design, building presentation at ground elevation fronting Hickson Road, materiality and residential amenity outcomes; and
 - revisions to the landscape design to protect identified public views.

Additional information relating to flood planning, public domain levels and access arrangements:

- (iii) amendments to the Preliminary Public Art Plan
 - (iv) further clarification and revisions relating to waste management arrangements
 - (v) additional information regarding survey, subdivision and bicycle parking arrangements
 - (vi) further details regarding the operation and management of the proposed hotel parking and valet arrangements
10. The applicant responded to the request on 28 July 2026, and submitted amended plans and supporting documentation addressing the matters raised by Council, including minor revisions to the architectural and landscape design, provision of an active frontage, flood planning and access arrangements, public art, waste management, survey and subdivision details, bicycle parking, and hotel parking and valet operations.
11. The amended application is the subject of this assessment.

Proposed development

12. The application seeks consent for the following:
- (a) demolition of Ausgrid electricity substation, fence along the western boundary to Hickson Road, internal walls of the existing ablutions block, and existing shed in the south eastern corner of the site
 - (b) removal of 5 trees
 - (c) site remediation and excavation to a depth of approximately 9.6m (RL - 6.1m)
 - (d) construct a 4-storey mixed use building with a maximum height of 13.66m with 3 basement levels accessed via Hickson Road
 - (e) development comprising a ground level office tenancy and 6 residential units above, 3 levels of basement parking (12 residential and 25 managed hotel parking spaces associated with the Pier One Hotel located directly opposite and to the north of the site) and provision of a temporary and permanent substation
 - (f) restoration of the existing sandstone ablutions block and pump station
 - (g) stratum subdivision of the site into 3 stratum lots
13. Selected plans and elevations of the proposed development are provided below. Additional drawings are included in Attachment B.



Figure 12: Proposed photomontage - looking north



Figure 13: Proposed photomontage - aerial

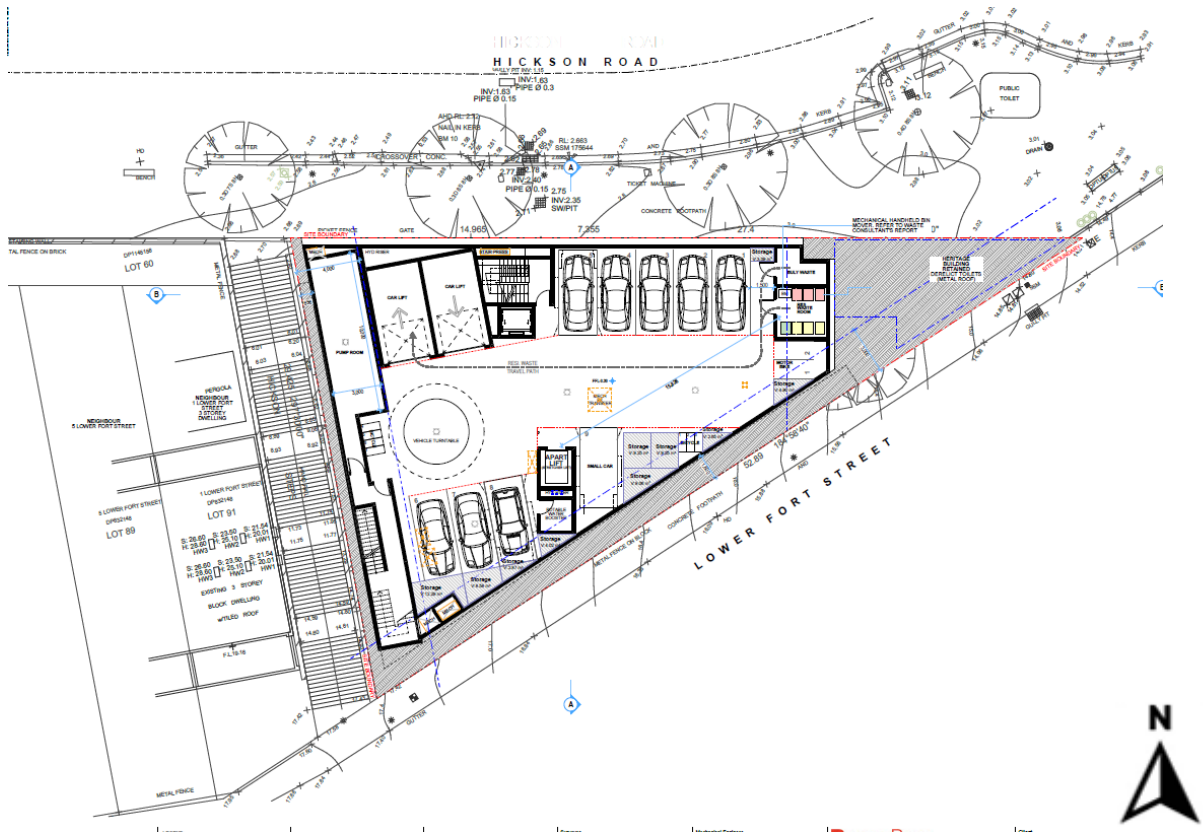


Figure 14: Typical basement floor plan

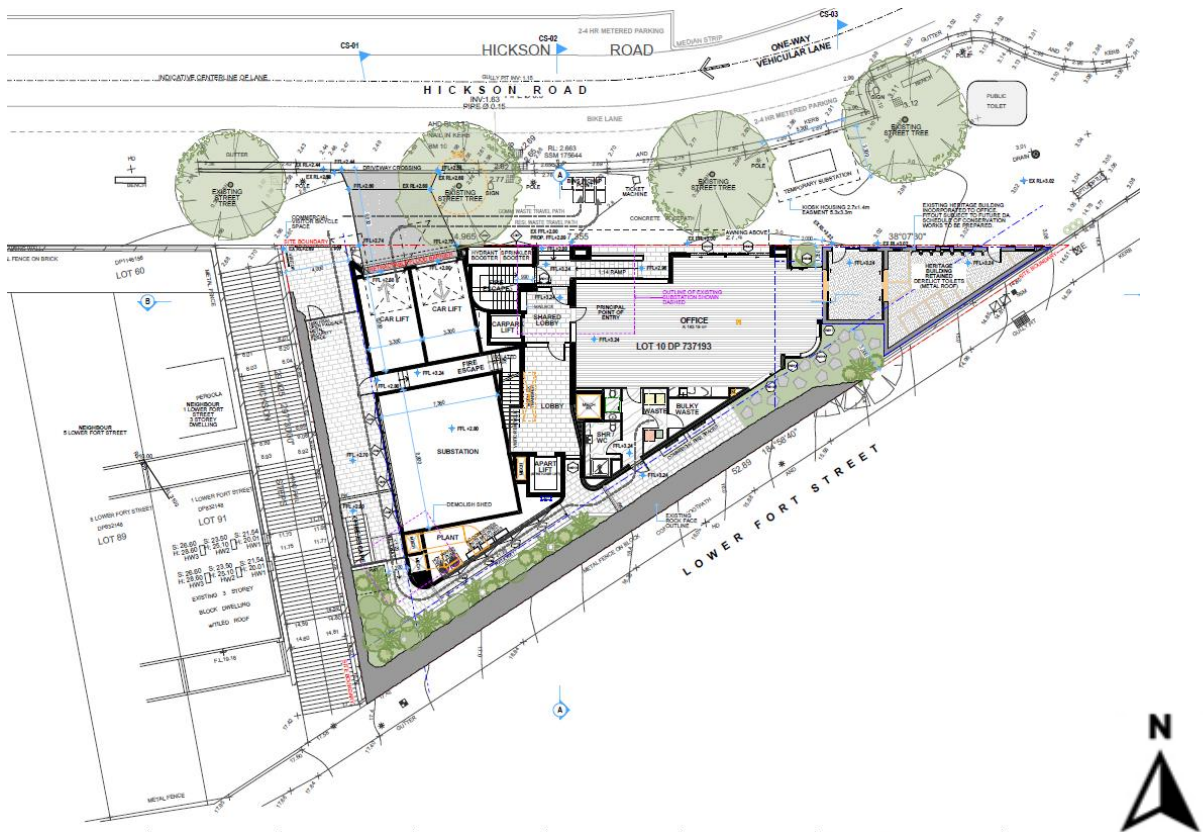


Figure 15: Proposed ground floor plan

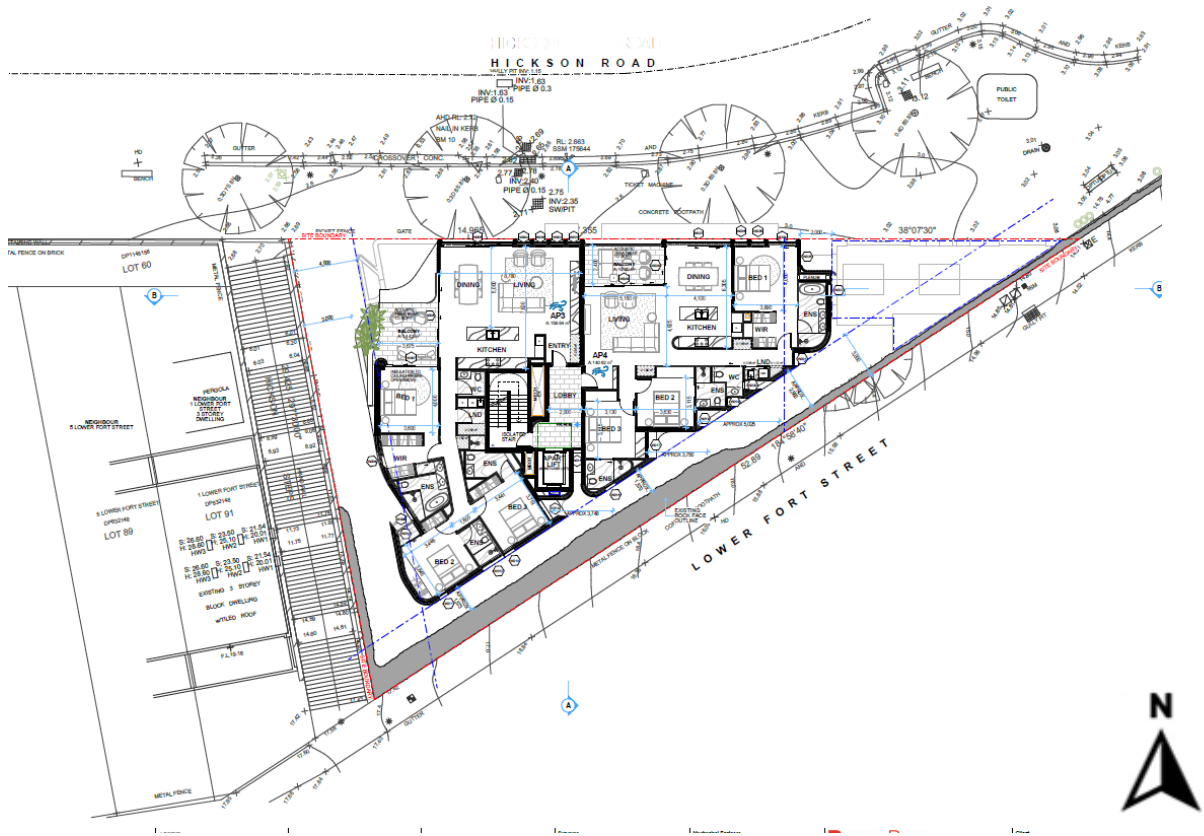


Figure 16: Typical floor plan (Level 2)

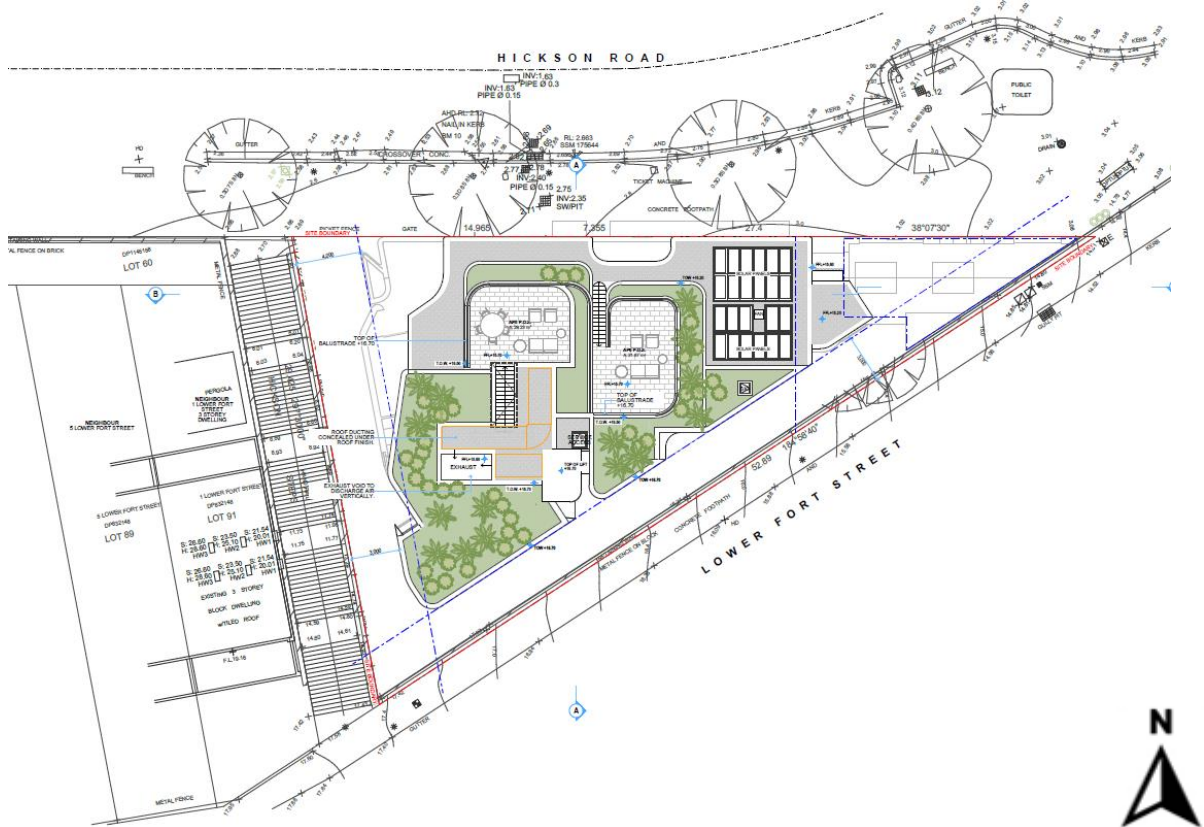


Figure 17: Proposed roof plan



Figure 18: Proposed front elevation to Hickson Road

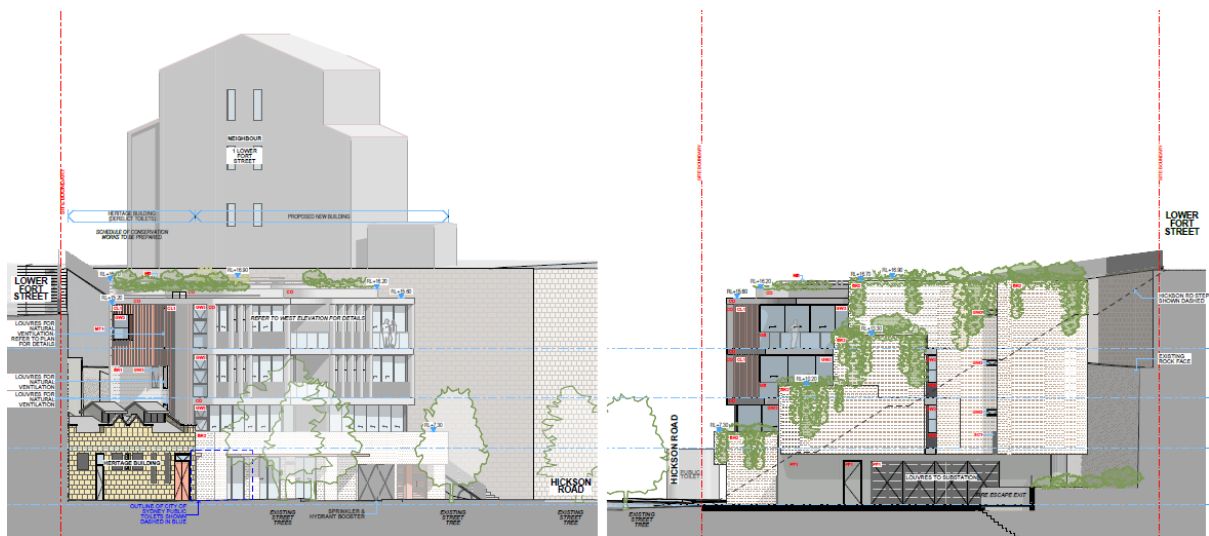


Figure 19: Proposed north (left) and south elevations (right)

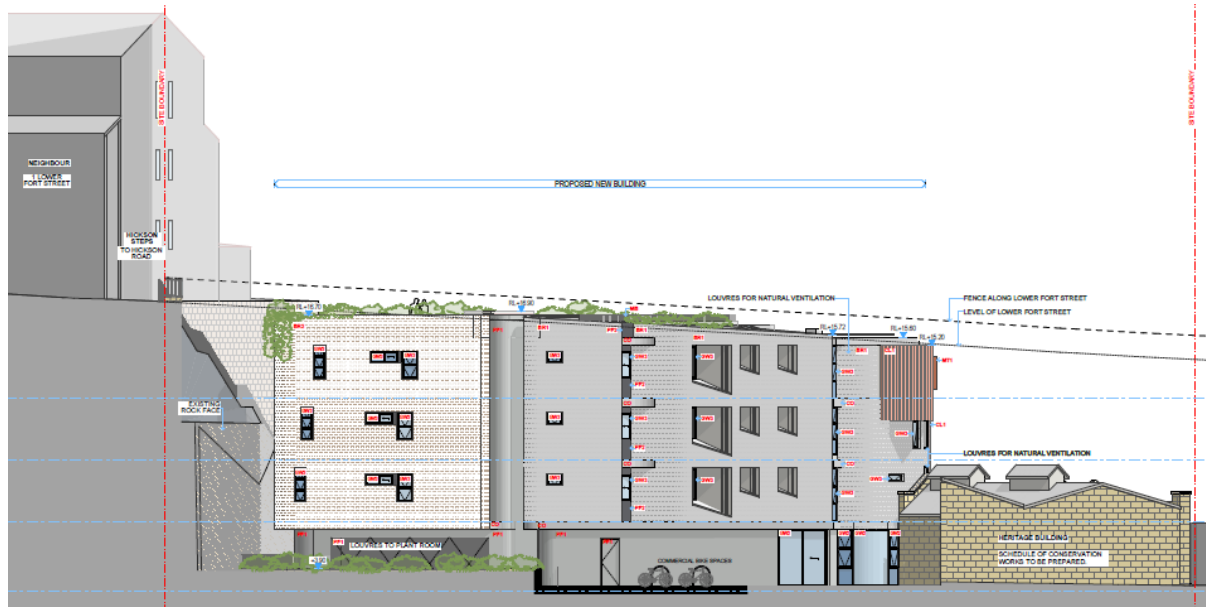


Figure 20: Proposed rear elevation - facing sandstone escarpment/retaining wall

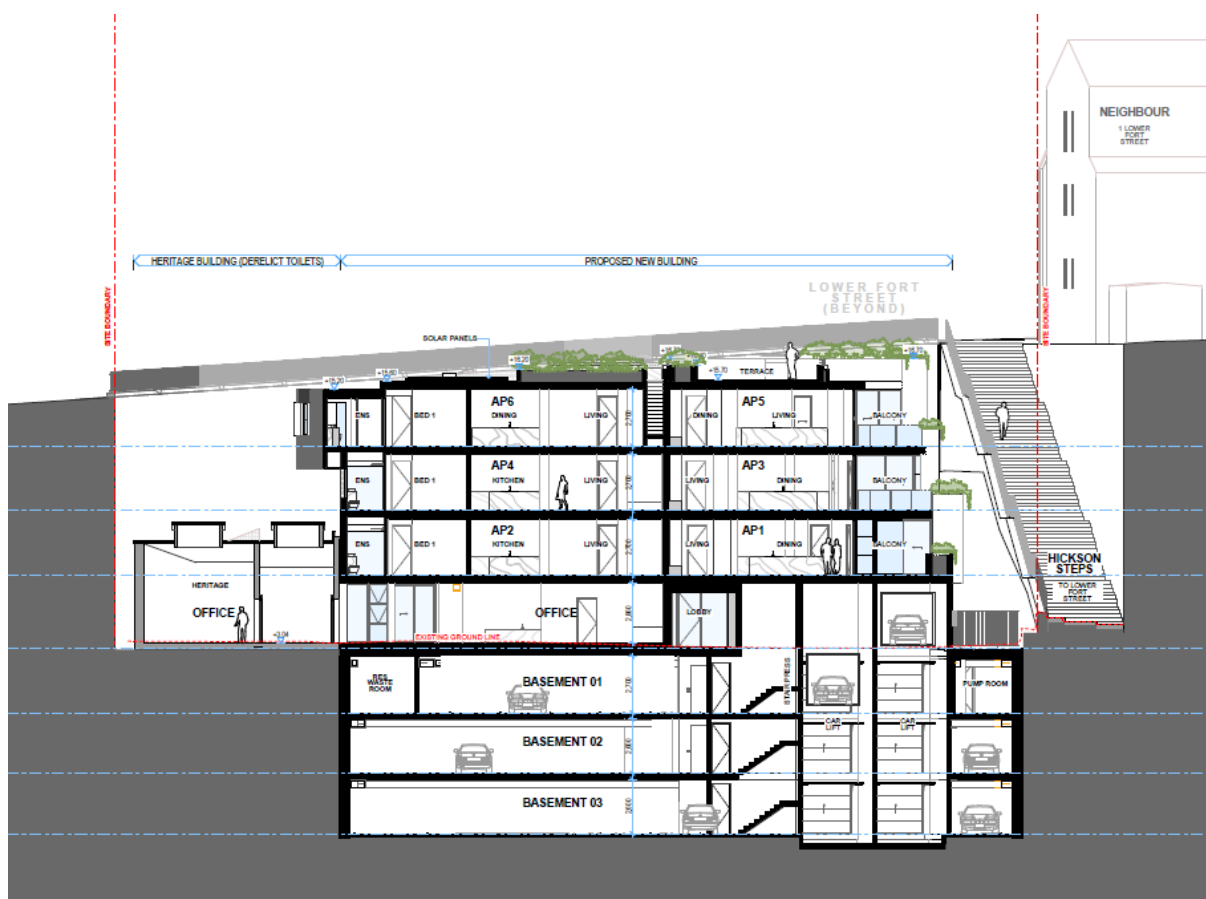


Figure 21: Proposed section

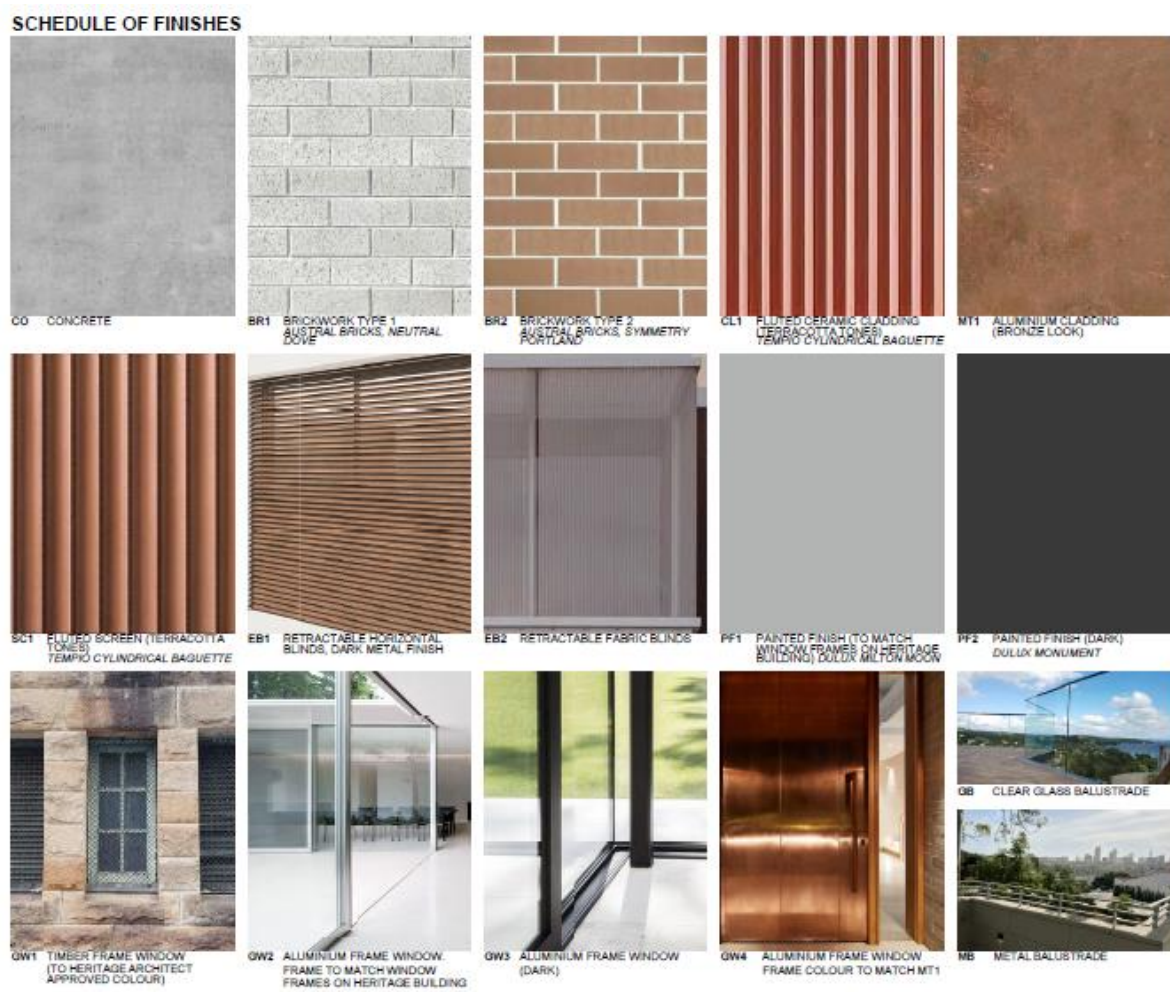


Figure 22: Proposed schedule of materials and finishes

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

15. The subject site is located within the Walsh Bay Wharves Precinct (SHR #00559) which is listed on the State Heritage Register under the Heritage Act 1977.
16. The site is subject to the 14 Hickson Road, Dawes Point Conservation Management Plan (CMP) prepared by Urbis and endorsed by the NSW Heritage Council on 4 September 2018. The CMP establishes a site-specific building envelope and conservation framework to guide the future redevelopment of the site, including the conservation and adaptive reuse of the former Sydney Harbour Trust ablutions building, retention of the sandstone escarpment and protection of significant views and heritage values within the Walsh Bay Wharves Precinct. The proposed development has been assessed having regard to the endorsed CMP, noting that while there are minor departures from the CMP building envelope, those departures are limited in extent, do not adversely affect significant heritage fabric, public views or the prominence of the sandstone escarpment, and are therefore acceptable on heritage grounds.

17. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 26 March 2026 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000. In correspondence dated 23 April 2026, the NSW Heritage Council was advised that the exhibition period had been completed and two submissions were received.
18. On 17 July 2026, the Heritage Council of NSW issued the General Terms of Approval (GTAs) subject to recommended conditions which are included in the Notice of Determination.
19. On 30 July 2026, in accordance with Section 37 of the Environmental Planning and Assessment Regulation 2021, a copy of the amended application received on 28 July 2026 (details under the heading "Amendments" above) was sent to the Heritage Council of NSW for review.
20. On 6 August 2026 the Heritage Council of NSW issued amended GTAs subject to recommended conditions which are included in the Notice of Determination. These amended GTAs supersede the original General Terms of Approval issued on 17 July 2026.
21. See further details under the sub-heading Heritage in the 'Discussion' section below.

Water Management Act 2000

22. The proposed development requires groundwater dewatering and therefore requires approvals under the Water Management Act 2000.
23. As Integrated Development requiring approval under the Water Management Act 2000, a copy of the application was referred to the Water NSW in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000.
24. On 24 June 2026 Water NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

State Environmental Planning Policies

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 – Chapter 5 Walsh Bay

25. The site is subject to the provisions of Chapter 5 - Walsh Bay of the above SEPP. The site is located within Zone 1 – Walsh Bay Conservation Zone. The works are permissible with consent and consistent with the objectives of the zone.
26. The matters for consideration under clause 5.14 have been taken into account, as follows:

Matter	Consistency	Comment
(a) any conditions imposed by the Heritage Council under section 63 of the Heritage Act 1977	Yes	The Heritage Council of NSW issued General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

Matter	Consistency	Comment
(b) in relation to any development within Zone 2 the impact of the development on commercial shipping, recreational boating and navigational issues on Sydney Harbour,	N/A	The subject site is not located in Zone 2.
(c) the “Walsh Bay Redevelopment Conservation Guidelines dated February 1988” prepared for the Maritime Services Board and appended to the “Walsh Bay Regional Environmental Study 1989”,	Yes	The proposal is consistent with The Walsh Bay Conservation Plan (Volume A), retaining and adaptively reusing the former ablutions block and pump station. While elements such as the corrugated metal roof, windows, doors and skylights have significantly deteriorated since the Conservation Statement was prepared in 1988, the proposal preserves the building's primary form and key heritage fabric while facilitating appropriate internal and external conservation and upgrade works.
(d) Any urban design guidelines designated as such and prepared by or on behalf of the consent authority in relation to land to which this Chapter applies and current on the date the development application is made,	Yes	The proposal has been assessed against the applicable urban design guidance, including the Walsh Bay Precinct Conservation Plan and the site-specific Conservation Management Plan. The development generally accords with the approved CMP building envelope, retains key public view corridors, conserves and adaptively reuses the heritage ablutions block, and responds appropriately to the heritage character and urban context of Walsh Bay.
(e) the “Walsh Bay Regional Environmental Study 1989” prepared by the Director of Planning and held in the Department of Planning,	Yes	The proposal is consistent with the Walsh Bay Regional Environmental Study 1989, facilitating the adaptive reuse of heritage fabric, preserving significant views, and providing compatible infill development that responds to the character and significance of the Walsh Bay precinct.
(f) the “Central Sydney Strategy 1988” published jointly by the Council of the City of Sydney and the Department of Planning,	Yes	The proposal is consistent with the Central Sydney Strategy 1988, providing compatible residential infill development, maintaining key public views from Lower Fort Street, and reinforcing the low-scale character and heritage significance of the Walsh Bay and Dawes Point precinct.

Matter	Consistency	Comment
(g) the adequacy of public access to the wharf aprons and to the foreshore,	Yes	The proposal will not affect public access to the wharf aprons, foreshore or surrounding public domain. Existing pedestrian access arrangements will be maintained.
(h) where the development is or provides a public transport facility, whether that facility integrates with existing public transport services in the City of Sydney and provides an adequate level of service,	N/A	Not applicable.
(i) whether the development affects the continued use of wharf No 4 or 5 as a theatre complex and certain sites for TfNSW purposes,	N/A	Not applicable.
(j) any plan which indicates the location of, or likely location of, any archaeological material prepared by the Heritage Council, and	N/A	Not applicable.
(k) whether the development generates traffic which adversely impacts on the amenity of the area, adjoining residential areas and the Sydney Cove Redevelopment Area.	Yes	In reviewing the submitted Traffic Impact Assessment the proposal will generate minimal additional traffic and can be accommodated within the existing road network without adverse impacts on traffic flow, road safety or the amenity of adjoining residential areas.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

27. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
28. The Detailed Site Investigation (DSI) identified minimal amounts of contaminants present on the site. The DSI and Council review concluded a Remediation Action Plan is not required.

29. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
30. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Housing) 2021

31. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
32. Section 7.32 of the Environmental Planning and Assessment Act 1979 enables the imposition of affordable housing contributions when authorised by an environmental planning instrument.
33. Clause 7.13 (Contribution for the purpose of affordable housing) of Sydney Local Environmental Plan 2012 applies to specified land identified within that instrument. The subject site is not governed by Sydney LEP 2012 and is not identified as land to which Clause 7.13 applies. Accordingly, no affordable housing contribution is required in this instance.
34. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 4 - Design of Residential Apartment Development

35. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.
36. When determining an application for a residential flat development of 3 or more floors and containing 4 or more apartments, the SEPP requires the consent authority take into consideration several matters relating to design quality, including the design quality principles as set out in Schedule 9.
37. The applicant has submitted a design verification statement and design report prepared by Brian Bass (ARB 6470) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.
38. An assessment of the proposal against the design quality is provided as follows:
 - (a) Principle 1: Context and Neighbourhood Character

The proposal responds appropriately to the character and heritage significance of the Dawes Point Heritage Precinct through its use of brick, references to the area's industrial heritage, and seeks to complement the ablutions block and the character of Dawes Point. The brick podium, refined concrete frame, and stepped landscaped elevations demonstrate a considered design response that complements the site's context and reinforces local neighbourhood character.

(b) Principle 2: Built Form and Scale

The proposal demonstrates an appropriate built form response by maintaining key public view corridors and remaining below the level of Lower Fort Street, consistent with the Conservation Management Plan. Its brick podium, stepped landscaped form, and contemporary terracotta elements draw upon the surrounding site's industrial heritage, surrounding sandstone escarpments, and adjoining waterfront industrial character, resulting in a design that is well integrated with its context.

(c) Principle 3: Density

The proposal achieves an appropriate density outcome by complying with the CMP-defined building envelope, which governs development on the site in lieu of an FSR control. It provides active ground-floor uses and six high-amenity residential apartments, while its accessibility to the CBD, public transport, and active transport networks supports a sustainable and contextually appropriate intensity of development.

(d) Principle 4: Sustainability

The proposal incorporates a range of sustainable design measures, including favourable solar access, natural cross-ventilation, external sun shading, rainwater reuse, and rooftop solar panels. The development is capable of achieving an average 7-star NatHERS rating and includes energy-efficient building elements and services, supporting strong environmental performance and occupant amenity.

(e) Principle 5: Landscape

The proposal demonstrates a strong integration of landscape and built form outcomes, with a conservation-led design that protects the heritage sandstone escarpment, utilises locally indigenous planting, and responds to site microclimates. The landscape strategy enhances biodiversity, environmental resilience and public domain amenity while maintaining the prominence and heritage significance of the harbour foreshore setting.

(f) Principle 6: Amenity

The proposal provides a high level of residential amenity through well-designed apartments that maximise solar access, natural cross-ventilation, harbour outlooks and functional private open space. The development also incorporates adequate storage and accessibility provisions, while its siting and height ensure no significant amenity impacts on the solar access, views or amenity of surrounding properties.

(g) Principle 7: Safety

The proposal incorporates appropriate safety and security measures through clearly identifiable and secure building entries, controlled access arrangements, and secure basement parking and storage areas. The design promotes passive surveillance of the public domain through street-facing balconies and active frontages, while maintaining visual permeability and applying CPTED principles to enhance the safety of residents and the surrounding public realm.

(h) Principle 8: Housing Diversity and Social Interaction

The proposal provides a boutique residential offering comprising six high-amenity apartments designed to meet the expectations of the local market. While no communal open space is provided on site, the combination of generous private open space, immediate access to Barangaroo Reserve and the Walsh Bay foreshore, and the small scale of the development (six dwellings) results in an acceptable residential amenity outcome.

(i) Principle 9: Aesthetics

The proposal provides an architectural response that is consistent with the established and desired future character of Dawes Point. Through its articulated built form, use of bricks, terracotta and contemporary materials, and references to the site's industrial and geological context, the development achieves a contemporary design outcome that respects the heritage significance of the precinct and complies with the Conservation Management Plan.

39. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2C Building Height	Consistency	Comment
Site-specific building envelopes and heights	Yes	No LEP height limit applies to this site. The proposed development generally complies with the maximum building envelope as outlined in the 14 Hickson Road Dawes Point Conservation Management Plan (CMP) (SHR 00559).

2D Floor Space Ratio	Consistency	Comment
FSR is to be coordinated with the building envelope	Yes	The site is not subject to an FSR control. A CMP defines the building envelope and setbacks. The proposal generally complies with this envelope.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Yes	The proposed triangular building form creates shallow apartment depths and maximises perimeter wall length, providing apartments with extensive

2E Building Depth	Consistency	Comment
		external frontage. The proposed apartments benefit from windows on multiple elevations, allowing adequate access to natural daylight and cross-ventilation. The layout minimises deep internal floor spaces and ensures habitable rooms are located adjacent to external walls, achieving the objectives of ADG 2E and delivering a high level of residential amenity.

2F Building Separation	Consistency	Comment
Up to 4 storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Partial	The proposed setbacks generally comply with the CMP building envelope requirements. Balconies and primary living areas are oriented towards the Hickson Road frontage, providing an appropriate interface with the public domain. The proposal achieves an approximate building separation of 11 metres between habitable room windows and the closest southern neighbouring property at 1 Lower Fort Street, which is a dwelling house. Given the minor numerical variation from the relevant separation requirement, the non-compliance is considered acceptable and is not expected to result in any adverse amenity impacts.
At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.	Yes	The terrace row to the south of the site, on the opposite side of the steps, is zoned R1 General Residential. The proposal provides a 3-metre setback from the southern property boundary. In addition, the Hickson Road stairway provides further separation and acts as an effective buffer between the proposed development and the adjoining residential properties. Furthermore, the proposed building is located significantly below the level of the adjoining dwelling, which further mitigates potential impacts relating to visual bulk, outlook and perceived proximity. As such, the proposal is considered to maintain an

2F Building Separation	Consistency	Comment
		appropriate level of separation and amenity for neighbouring residents.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	No	While the proposal does not provide communal open space, this is considered acceptable given the small scale of the development (six dwellings), the provision of generous and compliant private open space to all apartments, and immediate access to high-quality public open spaces including the Walsh Bay foreshore, Barangaroo Reserve and Observatory Hill Park. The absence of communal open space is also a consequence of the site's heritage constraints, the endorsed CMP building envelope and the need to protect significant public views, which limit opportunities to provide a compliant and accessible rooftop communal area. Having regard to the high level of residential amenity achieved and the site's unique constraints, the departure from Part 3D is supported in this instance

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site	No	While the proposal does not comply with the ADG requirements for deep soil zones, the non-compliance is considered acceptable given the site's unique constraints. The development is subject to significant heritage considerations, a CMP-defined building envelope, limited opportunities for at-grade planting due to the site configuration, and shallow bedrock conditions that restrict the feasibility of deep soil landscaping. In lieu of deep soil planting, the development incorporates a substantial landscaped green roof, providing visual amenity when viewed from Lower Fort Street.

3E Deep Soil Zones	Consistency	Comment
		Accordingly, the departure from these controls is supported in this instance.

3F Visual Privacy	Consistency	Comment
Up to 4 storeys (12 metres): 6m between habitable rooms / balconies 3m between non-habitable rooms	Partial	A minor variation to the ADG visual privacy requirements is supported. The site's configuration, orientation of balconies and living areas towards Hickson Road, separation provided by the public stairway, and significant level difference with the adjoining dwelling ensure that reasonable visual privacy is maintained and no adverse overlooking impacts are expected.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	The proposal complies.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	All northern apartments achieve compliant sunlight to the dining room windows, which is connected in an open plan arrangement to the living room. All southern apartments achieve complaint sun to their living room windows. All private open space balconies achieve compliant solar access.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	100% of apartments are naturally cross ventilated. It is noted that plenums have been incorporated into bedroom 1 of apartments 2, 4 and 6 to improve cross ventilation. A condition of consent is

4B Natural Ventilation	Consistency	Comment
		recommended requiring details of the plenum design be submitted to Council for approval prior to issue of a Construction Certificate.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	The proposal complies.
Non-habitable rooms: 2.4m	Yes	The proposal complies.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35sqm • 1 bed: 50sqm • 2 bed: 70sqm • 3 bed: 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.	Yes	All of the apartments exceed the minimum internal areas.
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms have a window with a minimum glass area greater than 10% of the floor area of the room.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	The proposal complies.

4D Apartment Size and Layout	Consistency	Comment
8m maximum depth for open plan layouts.	Yes	The proposal complies.
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	The proposal complies.
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • 2-bedroom or more: 4m	Yes	The proposal complies.
4m minimum width for cross over and cross through apartments.	Yes	None of the apartments are cross-over or cross-through configuration

4E Private Open Space and Balconies	Consistency	Comment
Studio apartments are to have a minimum balcony area of 4sqm with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m. 2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m. 3 bed apartments are to have a minimum balcony area of	Yes	The proposal complies.

4E Private Open Space and Balconies	Consistency	Comment
12sqm with a minimum depth of 2.4m.		

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	Yes	There are maximum of 2 apartments off the circulation core on a single level.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	The proposal complies.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	The proposal complies.

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	The proposal complies.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and	Yes	The proposal complies.

4J Noise and Pollution	Consistency	Comment
addressed through careful siting and layout of buildings?		

State Environmental Planning Policy (Sustainable Buildings) 2022

40. The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

- 41. A NatHERS Certificate (2TMC33H4RP) and a BASIX Certificate has been submitted with the development application 1834730M.
- 42. The certificates list measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Chapter 3 Standards for non-residential development

- 43. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:
 - (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or
 - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.

Section 3.2 Development Consent for non-residential development

44. Section 3.2 Development consent for non-residential development provides that:

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials
- (b) a reduction in peak demand for electricity, including the use of energy efficient technology
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design
- (d) the generation and storage of renewable energy
- (e) the metering and monitoring of energy consumption
- (f) the minimisation of the consumption of potable water

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

45. With regard to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template to address the above. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. This includes the installation of energy efficient appliances and provision of green roofs.

State Environmental Planning Policy (Transport and Infrastructure) 2021

46. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**Clause 2.48 Determination of development applications – other development**

47. The application is subject to Clause 2.48 of the SEPP as the development proposes the decommissioning and relocation of the existing substation to be located on the western boundary.
48. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised. Ausgrid have recommended conditions which are included in the Notice of Determination.
49. The proposal includes a temporary substation to be used during construction of the new permanent substation. The temporary substation is proposed within the Hickson Road reserve, south of the recently constructed toilet block located to the north-west of the site. Installation of the temporary substation will be subject to a separate future application for works within the public road reserve, in accordance with Section 138 of the Roads Act 1993.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 2.98 –Development adjacent to rail corridors**

50. The application is adjacent to the T1 rail corridor and was subsequently referred to Transport for NSW (TfNSW) for comment. TfNSW have recommended conditions which are included in the Notice of Determination.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.120 – Impact of road noise or vibration on non-road development**

51. The application is subject to Clause 2.120 of the SEPP as the site is close to to Bradfield Highway which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
52. The applicant provided an acoustic assessment confirming that appropriate acoustic treatments can be implemented to achieve the required internal noise criteria prescribed under this clause.
53. The application satisfies Clause 2.120 subject to conditions of consent.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

54. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
55. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
56. The site is located within the Walsh Bay Wharves Precinct, which is listed on the State Heritage Register and is therefore a heritage site and heritage conservation area. The proposal requires the removal of five trees, being a Moreton Bay Fig, Chinese Hackberry, Senegal Date Palm and two Hill's Weeping Figs. It is considered that these trees are of low or very low retention value, have limited landscape significance and are directly impacted by the proposed development footprint. The four London Plane street trees, being the most significant trees associated with the streetscape, are proposed to be retained and protected.
57. None of the trees proposed for removal possess identified heritage significance and their removal will not adversely affect the heritage significance of the Walsh Bay Wharves Precinct. The proposal retains the significant street tree planting and incorporates tree protection measures for retained vegetation. Accordingly, the vegetation removal is considered minor in nature and will not adversely impact the heritage significance of the heritage item or heritage conservation area. The proposal is therefore consistent with the requirements of the SEPP.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

58. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
59. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

60. The Sydney Local Environmental Plan 2012 is not applicable for this proposed development as the site is located outside the LEP boundary.

Development Control Plans

Sydney Development Control Plan 2012

61. Chapter 5 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 allows for the adoption of a development control code (or DCP). The land covered by Sydney Development Control Plan 2012 includes the Walsh Bay area.
62. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed Preliminary Public Art Plan is supported. A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.
3.2. Defining the Public Domain	Yes	The proposal maintains the significant view corridors identified in the CMP, including views from Lower Fort Street and the Hickson Steps towards Walsh Bay. The building remains below the level of Lower Fort Street and does not obstruct key harbour views. The submitted view analysis demonstrates

Provision	Compliance	Comment
		that the proposal preserves, and in some instances enhances, public views towards Walsh Bay. Accordingly, the proposal satisfies the objectives of the public views control. As detailed in the amendments section the proposal has been amended to provide for an active frontage at the ground elevation fronting Hickson Road and in turn provides a positive contribution to the public domain.
3.5 Urban Ecology	Yes	The application identifies nine (9) trees on and adjacent to the site and is supported by an Arboricultural Impact Assessment prepared by a qualified arborist. The report assesses the health, retention value and development impacts on all identified trees and includes tree protection measures for retained trees. The proposal retains the four London Plane street trees and removes five trees on the subject site of low or very low retention value. The retained trees can remain viable subject to implementation of the recommended tree protection, pruning and construction management conditions of consent. As detailed within the ADG compliance table, the site is not able to provide deep soil planting nor the comply with the DCP requirement to provide a minimum 15% canopy cover within 10 years given the site's unique constraints. Accordingly, the departure from these controls is supported in this instance. Subject to relevant conditions of consent, the proposal is considered consistent with the objectives of Sections 3.5.1 Biodiversity and 3.5.3 Tree Management, as it retains significant street trees, protects vegetation adjacent the site and minimises impacts on the existing urban canopy.

Provision	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) and discussion section.
3.7 Water and Flood Management	Yes	The road adjacent to the south-western end of the site is identified as being subject to flooding. A flood report and accompanying letter prepared by JN Consulting were submitted with the application. The documentation demonstrates that the proposed development is capable of complying with the City's Interim Floodplain Management Policy and satisfies the relevant flood planning requirements. Council's Flood Engineer has reviewed the proposal and raises no objection to the development. The Flood Engineer is satisfied that the proposed flood mitigation measures, including the use of flood gates at the car park, provide an acceptable response to flood risk and will adequately protect the development during flood events. As such, the proposal is considered acceptable from a flood risk management perspective.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves the stratum subdivision of the site into three lots. There is no evidence of the original subdivision pattern and therefore the proposed stratum subdivision will not affect any historically significant lot pattern. The former ablutions block will be located wholly within the commercial stratum lot. The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to condition of consent.

Provision	Compliance	Comment
3.9 Heritage	Yes	The subject site is located within the boundaries of three conservation areas identified under the following heritage listings: • Walsh Bay Wharves Precinct (SHR #00559). • Dawes Point Heritage Precinct (s170 Placemaking NSW). • Walsh Bay Wharves Precinct (SEPP Biodiversity and Conservation 2021 & SEPP Precincts – Easter Harbour City 2021) See further detail under the 'Discussion' heading below.
3.11 Transport and Parking	Partial compliance	The proposal provides bicycle parking, motorcycle parking, visitor parking, EV charging infrastructure, mechanical parking systems and basement parking areas supported by a Transport and Parking Assessment and Traffic Impact Assessment. The proposal includes 7 bicycle parking spaces (6 residential, 1 commercial) in accordance with the DCP. Bicycle parking is provided in accordance with relevant Australian Standards, with visitor facilities at ground level and resident and employee facilities on the uppermost basement level. Mechanical parking, vehicle turntables and tandem parking arrangements have been designed to respond to the site's constraints and operate wholly within the site, while waste collection, loading and servicing arrangements accord with Council's waste management requirements subject to relevant condition. The proposed residential parking provision exceeds the parking rates that would ordinarily apply under the Sydney

Provision	Compliance	Comment
		LEP, see further detail under the 'Discussion' heading below.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The City of Sydney Guidelines for Waste Management in New Development allow residential developments with six dwellings or less to have kerbside collection. Kerbside collection is proposed given the small size of the site. The waste collection arrangement is supported by Council's Waste Management unit in principle, however, a condition of consent is recommended requiring further details regarding transfer path and kerbside posting are required to be submitted prior to a Construction Certificate. General conditions of consent are recommended to ensure waste is managed appropriately on the site.
3.16 Signage and Advertising	Yes	Signage was not originally proposed as part of this application. However, the amended scheme includes a designated signage zone on the ground floor western elevation. While the extent of the proposed signage zone is supported in principle, insufficient detail has been provided regarding the proposed signage, including its type, construction, dimensions, and materiality. Accordingly, it is recommended that a condition of consent be imposed requiring the submission and approval of a detailed signage strategy by Council prior to the issue of a Construction Certificate.

Provision	Compliance	Comment
3.17 Contamination	Yes	The proposal is not considered to result in any significant risk of contamination subject to appropriate conditions of consent. Refer to above discussion under SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	No mapped DCP height in stories applies to this site. The proposed development generally complies with the maximum building envelope as outlined in the 14 Hickson Road Dawes Point Conservation Management Plan (CMP) (SHR 00559).
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The ground-floor commercial tenancy provides a floor-to-ceiling height of 2.7metres and a floor-to-floor height of 3.07 metres. While this represents a variation to the control (4.5m for the ground floor), compliance would require an increase in building height, resulting in an exceedance of the approved CMP building envelope. The variation is therefore considered acceptable. Habitable rooms comply with and exceed the minimum floor-to-ceiling height requirements of the ADG and DCP.
4.2.2 Building setbacks	Yes	No mapped building setback applies to this site. The proposal has been designed generally in accordance with the site-specific CMP, which establishes the approved building envelope and setbacks for the site. Minor variations to the southern and eastern setbacks, along with a small cantilever encroachment at Levels 1 and 2, are

Provision	Compliance	Comment
		considered acceptable given the site's constraints and proximity to the sandstone escarpment. Overall, the development remains consistent with the intent of the CMP and objectives of the DCP.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	All apartments achieve at least 2 hours of direct sunlight in mid-winter, with four apartments receiving 4 hours, exceeding ADG requirements. The proposal does not result in additional overshadowing of neighbouring dwellings. While limited overshadowing of portions of the Hickson Steps occurs at 12pm in mid-winter, this impact is considered minor and acceptable.
4.2.3.3 Internal common areas	Yes	All internal common areas, including corridors and lift lobbies, receive access to natural light through windows along the eastern boundary.
4.2.3.5 Landscaping	Yes	The development incorporates a substantial landscaped green roof with associated landscape plan, providing visual amenity when viewed from Lower Fort Street and is supported.
4.2.3.6 Deep Soil	No	The proposal does not comply with the deep soil provisions of Clause 4.2.3.6 of the Sydney DCP 2012. However, strict compliance is constrained by the site's unique heritage context, the CMP defined building envelope, the retained heritage building, and underlying bedrock conditions, which significantly limit opportunities for meaningful at-grade deep soil planting. In lieu of deep soil zones, the development incorporates extensive rooftop landscaping that enhances the visual amenity of the site, particularly when viewed from Lower Fort Street. Given these constraints and the limited scale of the six-dwelling development, the

Provision	Compliance	Comment
		variation is considered justified and acceptable in this instance.
4.2.3.7 Private open space and balconies	Yes	All balconies exceed the 10sqm with a minimum dimension of 2m requirement.
4.2.3.8 Common open space	No	While the proposal does not provide common open space in accordance with the DCP, this is considered acceptable given the small scale of the development (six dwellings), the provision of generous and compliant private open space to all apartments, and the site's proximity to Barangaroo Reserve, Observatory Hill Park and the Walsh Bay foreshore. The absence of common open space is also influenced by the site's heritage constraints, the endorsed CMP building envelope and the need to protect significant public views. Accordingly, the variation is considered reasonable and supported in this instance.
4.2.3.9 Ventilation	Yes	100% of apartments are naturally cross ventilated. As detailed in the ADG table, plenums have been incorporated into bedroom 1 of apartments 2, 4 and 6 to improve cross ventilation. A condition of consent is recommended requiring details of the plenum design be submitted to Council for approval prior to issue of a Construction Certificate.
4.2.3.10 Outlook	Yes	All apartments achieve a high level of residential amenity through generous outlooks, primarily to the west and north-west overlooking the Walsh Bay Finger Wharves.
4.2.3.11 Acoustic privacy	Yes	Given the site's proximity to the Bradfield Highway, an Acoustic Assessment was undertaken and confirms that appropriate acoustic treatments, including upgraded glazing and acoustic seals to doors and windows, a plenum to the northern elevation, can be incorporated to achieve the relevant internal noise and natural ventilation

Provision	Compliance	Comment
		criteria. Subject to the recommended mitigation measures and conditions of consent, the development will provide an acceptable level of acoustic amenity and privacy for future occupants.
4.2.3.12 Flexible housing and dwelling mix	No	This clause applies to buildings with more than 20 dwellings and is therefore not applicable.
4.2.6 Waste and recycling Management	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Discussion

Heritage

63. The site is located within the Walsh Bay Wharves Precinct, Dawes Point Heritage Precinct and Millers Point Heritage Conservation Area and contains the former Sydney Harbour Trust ablutions block and sandstone escarpment, both identified as significant heritage elements. The proposal will facilitate the long-term conservation of the dilapidated ablutions building through adaptive reuse, restoration of significant fabric and retention of the site's historic setting. Significant elements, including the sandstone walls, escarpment, retaining walls and key view corridors, are proposed to be retained and conserved.
64. While the proposal introduces substantial new built form within a currently undeveloped site, the design has been refined through consultation with Council officers, Heritage NSW and the Heritage Council Approvals Committee to minimise heritage impacts. The building is contained below the level of Lower Fort Street, maintains the prominence of the sandstone escarpment and retains significant public views to and from Walsh Bay and Sydney Harbour. The contemporary design adopts a material palette of brick, terracotta-toned ceramics, metal and concrete that references the industrial and maritime character of Walsh Bay while remaining identifiable as a contemporary intervention. The proposal also provides for the conservation and adaptive reuse of the former ablutions building, which is currently in poor to very poor condition and no longer viable for its original purpose.

65. The proposal includes two minor departures from the development envelope envisaged by the endorsed 2018 Conservation Management Plan (CMP), comprising a localised encroachment of approximately 1.05 metres along portions of the southern elevation at Levels 1 and 2 and a limited cantilever element above the northern portion of the site adjacent to the former ablutions building. These departures have been substantially reduced through the design development process, including the removal of the previously proposed rooftop lift overrun and further refinement of the rooftop and built form design following pre-da consultation with Heritage NSW. Importantly, the proposal remains below the level of Lower Fort Street, retains the significant view corridors identified by the CMP, conserves all significant heritage fabric and does not adversely affect the significance of the former ablutions building, sandstone escarpment, Hickson Steps or surrounding heritage precincts. The submitted heritage and view analysis demonstrates that the proposal achieves the underlying objectives of CMP Policies 36, 37 and 38 by responding appropriately to the site's topography, heritage setting and identified public views. In some instances, the final built form provides an improved view outcome when compared with the maximum envelope contemplated by the CMP. Accordingly, the departures are considered minor in extent, consistent with the intent of the CMP and acceptable on heritage grounds.
66. On balance, the proposal is considered to achieve a positive heritage outcome by securing the conservation and adaptive reuse of a deteriorating heritage structure while respecting the heritage significance of the surrounding conservation areas. Subject to conditions requiring archival recording, implementation of conservation works, preparation of a Heritage Interpretation Strategy and ongoing heritage specialist involvement during detailed design and construction, the heritage impacts are considered acceptable. The minor departures from the CMP are justified by the overall public and heritage benefits arising from the proposal, including the long-term conservation of the former ablutions building, retention of significant views and conservation of the site's important heritage landscape elements.

Traffic, parking and access

67. The site currently operates as an on-grade managed car park ancillary to the Pier One Hotel and accommodates approximately 16 parking spaces utilised by the hotel's valet parking service. The proposal retains this long-standing operational relationship while redeveloping the site with a mixed-use building comprising six residential apartments, a ground floor office tenancy and three basement levels of parking. While the proposal increases the number of spaces available for hotel valet parking from the existing arrangement, the parking remains ancillary to the operation of the Pier One Hotel and will continue to operate as a managed valet service rather than a public car park. The proposed parking arrangement also facilitates the orderly consolidation of parking within a purpose-built basement facility while delivering residential and commercial development on the site.
68. The proposal provides a total of 37 car parking spaces, comprising:
- 12 residential spaces (two spaces allocated to each of the six apartments)
 - 25 managed valet parking spaces associated with the operation of the Pier One Hotel
 - no dedicated office parking spaces.

69. The parking is distributed as follows:
- Basement 1: 9 residential spaces
 - Basement 2: 14 spaces comprising 3 residential spaces and 11 hotel valet spaces
 - Basement 3: 14 hotel valet spaces.
70. As discussed throughout the report, the site is located within the Walsh Bay Precinct and is subject to Chapter 5 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021. The Sydney Local Environmental Plan 2012 does not apply to the site and there are no applicable numerical parking standards under the planning framework governing the land.
71. Whilst the proposed parking provision exceeds the parking rates that would ordinarily apply under the Sydney LEP for the residential component, those controls do not apply to the site. While they provide a useful benchmark, the assessment must primarily be undertaken against the statutory framework applying to Walsh Bay and the merits of the proposal. Similarly, while the City's sustainable transport objectives are relevant strategic considerations, they cannot be applied as a de facto parking standard where the applicable planning framework does not prescribe parking caps or maximum parking rates. The key assessment consideration is therefore whether the parking provision and associated traffic impacts are appropriate having regard to the site's existing parking function, the operational requirements of the Pier One Hotel and the broader merits of the proposal.
72. Importantly, the proposed hotel parking is not considered to represent an entirely new or unrelated land use. Rather, it formalises, consolidates and expands an existing managed valet parking operation that has historically operated from the site in connection with the Pier One Hotel. The submitted Plan of Management (POM) is supported in principle and demonstrates that hotel guests will continue to drop off and collect vehicles from the hotel, with vehicle storage occurring entirely within the basement levels. No public access is proposed to the parking areas and the operation will remain controlled by hotel staff. The proposed stratum subdivision and POM provide an appropriate framework to ensure the ongoing management of the hotel parking component and clearly delineate the areas allocated to residential, commercial and hotel parking uses.
73. The submitted Traffic Impact Assessment concludes that the development can be accommodated within the surrounding road network without adverse traffic impacts. The assessment estimates a combined peak hour generation of approximately 10 vehicle trips in the AM peak and 9 vehicle trips in the PM peak and concludes that these movements can be readily accommodated by the existing road network. The assessment further concludes that the proposed access arrangements, parking layout, car lifts and manoeuvring areas comply with the relevant Australian Standards.
74. Having regard to the site's established parking function, the managed nature of the proposed valet parking operation, the absence of applicable parking standards under the Eastern Harbour City SEPP, and the findings of the submitted Traffic Impact Assessment, the proposal is not expected to result in adverse impacts on traffic flow, road safety or the amenity of adjoining residential areas. On balance, the proposed parking provision is considered acceptable and consistent with the requirement to provide appropriate parking and traffic management within the Walsh Bay Precinct.

75. As stated above the submitted POM is supported in principle, however, further clarification regarding access from the public road & circulation arrangements are required. A condition of consent is recommended requiring an updated Hotel Drop-off and Valet Car Parking Management Plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate.

Consultation

Internal referrals

76. The application was discussed with Council's:
- (a) Building Services Unit;
 - (b) Environmental Health Unit;
 - (c) Heritage and Urban Design Unit;
 - (d) Public Art Unit;
 - (e) Public Domain Unit;
 - (f) Surveyors;
 - (g) Transport and Access Unit;
 - (h) Tree Management Unit; and
 - (i) Waste Management Unit.
77. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External referrals

Ausgrid

78. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
79. Ausgrid raised no objections to the proposed development, subject to conditions which are included in Attachment A.

NSW Heritage Council

80. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council on 26 March 2026 for concurrence.
81. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 23 April 2026.

82. General Terms of Approval were issued by NSW Heritage Council on 6 August 2026 and have been included in the schedules within the recommended conditions of consent.

Transport for NSW

83. Pursuant to Section 2.98 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
84. Comments were received on 8 April 2026. Conditions of consent were recommended which are included in the Notice of Determination.

Water NSW

85. The proposed development requires groundwater dewatering and therefore requires approvals under the Water Management Act 2000.
86. As Integrated Development requiring approval under the Water Management Act 2000, a copy of the application was referred to the Water NSW in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000.
87. On 24 June 2026 Water NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

Sydney Water

88. The application is subject to the requirements of Section 78 of the Sydney Water Act 1994 and was referred to Sydney Water for comment.
89. Sydney Water responded on 15 April 2026 and provided conditions which have been included in the recommended conditions of consent.

Advertising and notification

90. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 24 March 2026 and 22 April 2026. A total of 62 properties were notified and two submissions were received.
91. The submissions raised the following issues:
- (a) **Issue:** Location of the basement car park exhaust stack and potential air quality impacts on the adjacent dwelling at 1 Lower Fort Street.
- Response:** The proposed basement car park exhaust has been assessed against the submitted mechanical services information and relevant ventilation standards. The exhaust outlet is located approximately 11 metres from the boundary of the adjoining dwelling at 1 Lower Fort Street, exceeding the 6 metre separation distance to property boundaries referenced in AS 1668.2. The proposed location is therefore considered satisfactory and unlikely to result in unreasonable amenity or air quality impacts. Conditions of consent will require ongoing compliance with the relevant Australian Standards and National Construction Code requirements.

- (b) **Issue:** Potential impacts on public views to Walsh Bay and Sydney Harbour, including the height of parapets and rooftop landscaping.

Response: View analysis submitted with the application demonstrates that the significant public views identified in the CMP are retained. The proposal remains below the level of Lower Fort Street and is not considered to result in unacceptable impacts on public views.

- (c) **Issue:** Bulk, scale and encroachment beyond the CMP building envelope.

Response: The proposal has been designed generally in accordance with the site-specific CMP. Minor departures from the CMP envelope have been assessed and are considered acceptable given the site's constraints, heritage context and overall consistency with the intent of the CMP.

- (d) **Issue:** Heritage impacts and the relationship of the development to the Hickson Steps and surrounding heritage items.

Response: The application was accompanied by detailed heritage documentation and has been subject to consultation with Heritage NSW. The proposal retains the heritage building and is considered to appropriately respond to the heritage significance of the site and its surrounds.

- (e) **Issue:** Overshadowing of the Hickson Steps and surrounding public domain.

Response: The submitted shadow analysis indicates that while the proposal results in some additional shadowing of portions of the Hickson Steps during mid-winter, the impact is limited and acceptable in the context of the site's location and development constraints.

- (f) **Issue:** Architectural design quality and compatibility with the character of Walsh Bay and Millers Point.

Response: The architectural design has undergone an extensive design development and pre-lodgement review process with Council and Heritage NSW. The proposal is considered to achieve an appropriate design outcome, having regard to the site's prominent location, heritage context and CMP requirements.

- (g) **Issue:** Lack of active street frontage and interface with the public domain along Hickson Road.

Response: The proposal incorporates a ground-floor commercial tenancy and pedestrian entry points that contribute to activity at street level. The proposal has been amended to provide an active frontage interface with the public domain and is considered to have a positive contribution to the streetscape.

- (h) **Issue:** Provision of three basement levels and concerns regarding the scale of parking.

Response: The proposed parking provision has been assessed against the relevant planning controls and is considered acceptable. The parking is contained wholly within the building envelope and will not adversely affect the streetscape or heritage significance of the site.

Financial contributions

Contribution	Comment
Section 7.11 Development Contribution	Not applicable, as the site falls outside the area covered by the City of Sydney Development Contributions Plan 2015.
Section 7.12 Central Sydney Contribution	Not applicable, as the site falls outside the area covered by the Central Sydney Development Contributions Plan 2020.
Affordable Housing Contribution	Not applicable as the site falls outside the area covered under clause 7.13(1) of the LEP.
Housing and Productivity Contribution	Contribution payable.

Housing and Productivity Contribution

92. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
93. The site is located with the Greater Sydney region, the development is a type of residential and commercial use development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
94. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant legislation

95. Environmental Planning and Assessment Act 1979.
96. Heritage Act 1977.
97. Sydney Water Act 1994
98. Water Management Act 2000

Conclusion

99. Approval is sought for the construction of a 4-storey mixed use development comprising a ground level office tenancy and 6 residential units above, excavation for 3 levels of basement parking, provision of a temporary and permanent substation, conservation works and stratum subdivision.

100. The application has been assessed in accordance with section 4.15(1) of the Act and is considered satisfactory subject to the recommended conditions of consent at Attachment A.
101. The proposal has been assessed against the aims and objectives of the relevant planning controls including the Chapter 5 of the Eastern Harbour City SEPP, the Housing SEPP, and the SDCP 2012. Where non-compliances are proposed, they have been assessed in this report as being acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
102. The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future users of the site.
103. Matters raised by internal and external referrals have been adequately addressed as discussed within this report.
104. The application was notified in accordance with the requirements of the EP&A Regulations 2021 and the City's Community Participation Plan 2024. Issues raised in submissions have been addressed as discussed in this report.
105. The proposed development demonstrates a design that responds to the constraints of the site and will positively contribute to the desired future character of the Walsh Bay Conservation Zone. The proposal is consistent with and satisfies the objectives of the Walsh Bay Precinct Conservation Plan and the site-specific Conservation Management Plan.
106. Subject to the recommended conditions of consent, the proposed development is considered to be in the public interest and is recommended for approval.

ANDREW THOMAS

Executive Manager Planning and Development

James Cooper, Specialist Planner