

Attachment A1

**Planning Proposal Report – Prepared by
Proponent**

Planning Proposal Report

*41 & 43-49 Mountain Street,
Ultimo*

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Project Code	P0057496
Report Number	Final

Acknowledgment of Country

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The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

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Executive Summary

Overview

This Proponent-Initiated Planning Proposal (**Planning Proposal**) has been prepared by Urbis Ltd (**Urbis**) on behalf of Evolution MIT Services Pty Ltd as trustee for Apt Hold Trust 2 (**the proponent**) to initiate an amendment to the *Sydney Local Environmental Plan 2012* (**SLEP 2012**) as it relates to the land at 41 & 43-49 Mountain Street, Ultimo (**the site**).

The Planning Proposal has arisen from the opportunity to develop the existing vacant site to deliver high-quality build-to-rent (**BTR**) housing including ground floor retail in a well-located infill location, which has historically been underutilised and underdeveloped.

The proponent envisages a renewed street block aimed towards rental living opportunities for a diverse range of residents, delivering a revitalised public domain and activated streetscape, which also includes adaptive re-use of the State heritage listed substation contained within the site. The proponent's vision for the site includes construction of a new 15-storey tower, that is designed to integrate with the site's heritage context and adjoining development. The north-east aspect of the proposed envelope presents a 7-storey frontage to Mountain Street, which aligns with the immediately adjoining development at 51-55 Mountain Street. The integration of the proposal within the existing Mountain Street interface is assisted by an increased setback of 8m for levels 8-15. With respect to the Smail Street interface, the proposed envelope facilitates a 3m setback. Accordingly, the proposed envelope has been designed with respect to the existing streetscape context and built form. The new development will breathe life into the area with an additional 7,712m² of GFA to provide for residential dwellings, vibrant retail spaces at the ground level, and the provision of affordable housing.

The Planning Proposal seeks to amend the SLEP 2012 by inserting a new site-specific clause under Division 5 of the SLEP 2012, which will permit a maximum building height of RL58.450 and an additional gross floor area of 7,844m² or a total FSR across the site of 5.40:1.

The Planning Proposal is accompanied by a draft site-specific Development Control Plan (**DCP**) that provides site specific design guidance, to be inserted into Section 6 of the Sydney DCP 2012. The site specific DCP will guide any future development outcome on the site to ensure it is delivered with strong regard for the local development context, the surrounding public domain, as well as matters of ecological sustainability and design excellence.

Background

Notwithstanding the at grade, unmarked carparking and small site sheds ancillary to Ausgrid's Depot; the site currently comprises a vacant and cleared site. The site also comprises a single storey State and local heritage listed substation at the corner of Mountain Street and Smail Street. The site has been subject to DAs since 2005. These approvals have progressively enabled the site's redevelopment. The original consent in 2005 approved demolition and the construction of a 5-8 storey commercial building with basement parking, together with the retention and conservation of the State heritage-listed substation at 41 Mountain Street. This would have resulted in a maximum building height of 27.7m and an FSR of 4.34:1. Subsequent modifications allowed for time extensions and design refinements, including reconfiguration of internal layouts and adjustments to building elements. Ultimately, the approved development was not constructed and following demolition, the site has remained vacant, primarily used as storage by the previous owner Ausgrid.

Building upon the site's history, the aims and intended outcomes of the Planning Proposal seek to deliver a new mixed-use residential development, featuring active ground-level uses and BTR apartments above, along with rooftop communal open space.

Planning Context

Under the existing SLEP 2012 controls, the site is zoned MUI Mixed use, has a maximum building height of 18m and a maximum permissible FSR of 2:1. The site contains State and local heritage items and is within the Mountain Street Local Heritage Conservation Area.

These planning controls are generally inconsistent with the surrounding built form context, and this Planning Proposal is a key opportunity to realise development over the site, seamlessly integrating with the surrounding streetscape, from both a function and design perspective, to ultimately realise this Mountain Street, Smail Street block.

Indicative Reference Scheme

A concept design for an indicative reference scheme has been prepared by Bates Smart to guide the Planning Proposal. The design demonstrates that the proposed planning envelope can deliver a feasible mixed-use development on the site, supporting the amendments to the SLEP 2012 and controls proposed in the site specific DCP.

The indicative development scheme will provide the following:

- Built form up to 15-storeys, with a mix of 107 rental apartments and resident-focused amenities, ground floor activation and retail with a total GFA of 7,712m² and building height of 53m.
- Communal open space with a total area of 292m².
- 1 level of basement including plant, storage and parking.
- Laneway from Smail Street providing vehicular access to the site.
- Conservation and adaptive reuse of the State Heritage listed substation.

Planning Outcomes

The Planning Proposal is found to respond appropriately to relevant strategic planning framework, which supports development outcomes that contribute to housing supply, housing affordability and envisaged growth, by providing high-quality and innovative design that complements existing character and proximate heritage setting of the site, whilst supporting growth in the Camperdown-Ultimo Collaboration Area and Harbour CBD.

The Planning Proposal would achieve the following key planning outcomes and benefits:



Provision of 7,712m² of residential floor space including a significant affordable rental housing component of 20% and 758m² active ground-level retail uses. The proposal will transform an underutilised and undeveloped site within a key urban area of Ultimo.



Positively respond the recently endorsed City of Sydney Affordable Housing Programme Updates by providing the dedication of 20% of the total floor space uplift for affordable housing as purpose built affordable housing BTR apartments managed by a Registered CHP in perpetuity.



Provides site specific uplift provisions on a site that is located to make efficient use of transport infrastructure including the Central Station metro, light rail and bus services, as well as maximising active transport opportunities in the area.



Targeted sustainability outcomes that are consistent with the City of Sydney's Net Zero targets.



The Planning Proposal and associated draft site-specific DCP support a development outcome, that will deliver contemporary residential and retail spaces that prioritise sustainability and design excellence, while integrating with the site's heritage setting and broader urban context.

It is demonstrated that there is clear strategic and site-specific merit in progressing the Planning Proposal, the intended outcomes are appropriate and should be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination.

1 Introduction

1.1 Overview

This Proponent-Initiated Planning Proposal (**Planning Proposal**) has been prepared by Urbis Ltd (**Urbis**) on behalf of Evolution MIT Services Pty Ltd as trustee for Apt Hold Trust 2 (**the proponent**) to initiate an amendment to the *Sydney Local Environmental Plan 2012 (SLEP 2012)* as it relates to the land at 41 & 43-49 Mountain Street, Ultimo (**the site**).

The planning proposal has arisen from the opportunity to develop the existing vacant site to deliver high-quality build-to-rent housing and retail in a well-located infill location, which has historically been underutilised and underdeveloped.

The Planning Proposal seeks the following amendments to SLEP 2012:

- Propose a site-specific clause that enables the site's maximum permissible building height to increase from 18m to 53m and the maximum permissible FSR from 2:1 to 5.4:1. The clause will also remove the potential for any additional design excellence bonuses.
- A site-specific DCP amendment is also provided to provide guidance on the built form envelope, heritage, public domain, and design excellence.

1.2 Project Vision

The Planning Proposal represents the redevelopment of a key site at the intersection of Mountain Street and Smail Street, in Ultimo. Through this proposal, the proponent seeks to revitalise this prominent site through development of high-quality build-to-rent housing while retaining and renewing the existing State heritage listed substation.

The proponent's vision for the site includes construction of a new 15-storey tower, that is designed to integrate with the site's heritage context and adjoining development. The new development will breathe life into the area with an additional 7,712m² of GFA to provide for residential dwellings, vibrant retail spaces at the ground level, and the provision of affordable housing.

In the context of Ultimo, the project envisages a renewed street block aimed towards rental living opportunities for a diverse range of residents, delivering a revitalised public domain and activated streetscape, which also includes the State heritage listed substation.

The development of the site aims to deliver high-quality build-to-rent housing and retail in a well-located infill location, which has historically been underutilised and underdeveloped. It will deliver long-term institutionally owned and managed rental housing, focused on quality and equality via a suitable apartment mix for the area, with excellent in-house amenity and customer-focused management on site. The contribution of additional housing supply, affordable housing, contextual design complementing the Mountain Street HCA, and an activated public domain are key objectives of the project.

The project will deliver a sustainable, community-focused development that meets the needs of renters while respecting the area's heritage and contributing positively to the local urban fabric. It will act as the missing piece to realise the renewal of the Mountain and Smail Street block in coordination with the redevelopment of 1 Smail Street for co-living housing (D/2024/984), approved by the City of Sydney Planning Committee on 10 April 2025, as well as the redevelopment of 66 Bay Street from an existing warehouse into a new, contemporary private residence for Judith Neilson (D/2022/385).

1.3 Report Structure

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning, Housing and Infrastructure (**DPHI**) guideline 'Local Environmental Plan Making Guideline' dated August 2023.

The relevant sections of the Planning Proposal are listed below:

- **Section 2:** Detailed description of the site, the existing development and local and regional context.
- **Section 3:** Project background including pre-lodgement and scoping proposal advice.
- **Section 4:** Current statutory planning framework relevant to the site, including State and local planning controls.
- **Section 5:** Key features of the indicative development outcome, which is intended to be delivered as an outcome of the Planning Proposal.
- **Section 6:** Comprehensive description and assessment of the Planning Proposal in accordance with the DPHI Guideline.
- **Section 7:** Conclusion and justification.

1.4 Technical and Supporting Studies

This Planning Proposal has been prepared through significant collaboration with the project team and is supported by a range of technical inputs as shown in **Table 1** below.

Figure 1 Planning Proposal Project Team

Technical Input	Consultant	Appendix
Draft Site Specific DCP	Urbis	Appendix A
Urban Design Report	Bates Smart	Appendix B
Arboricultural Impact Assessment	Arbor Express	Appendix C
Aboriginal Objects Due Diligence Assessment	Urbis	Appendix D
Heritage Impact Statement	Urbis	Appendix E
Historical Archaeological Assessment	Urbis	Appendix F
Traffic Impact Assessment	PDC	Appendix G
Report on Detailed Site (Contamination) Investigation	Douglas Partners	Appendix H
ESD Strategies	Flux	Appendix I
Flood Impact Risk Assessment	ADP	Appendix J
Landscape Report	Subtropic Design	Appendix K
Design Excellence Strategy	Urbis	Appendix L
Letter of Offer	Mills Oakley	Appendix M
Owner's Consent	Apt.	Appendix N
Architectural Plans	Bates Smart	Appendix O
Report on Dewatering Management Plan	Douglas Partners	Appendix P
Water Cycle and Stormwater Management Report	ADP	Appendix Q
Site Survey	Geosurv	Appendix R

2 Site Context

2.1 Site Description

The land to which this Planning Proposal relates to is 41 & 43-49 Mountain Street, Ultimo (refer to **Figure 2**). The site is legally described as Lot 1 in DP191928 and Lot 21 in DP5567. The site has an area of 1,452.6m² and is a rectangular shaped landholding comprising two lots. It occupies a street frontage to Smail Street to the north and Mountain Street to the east.

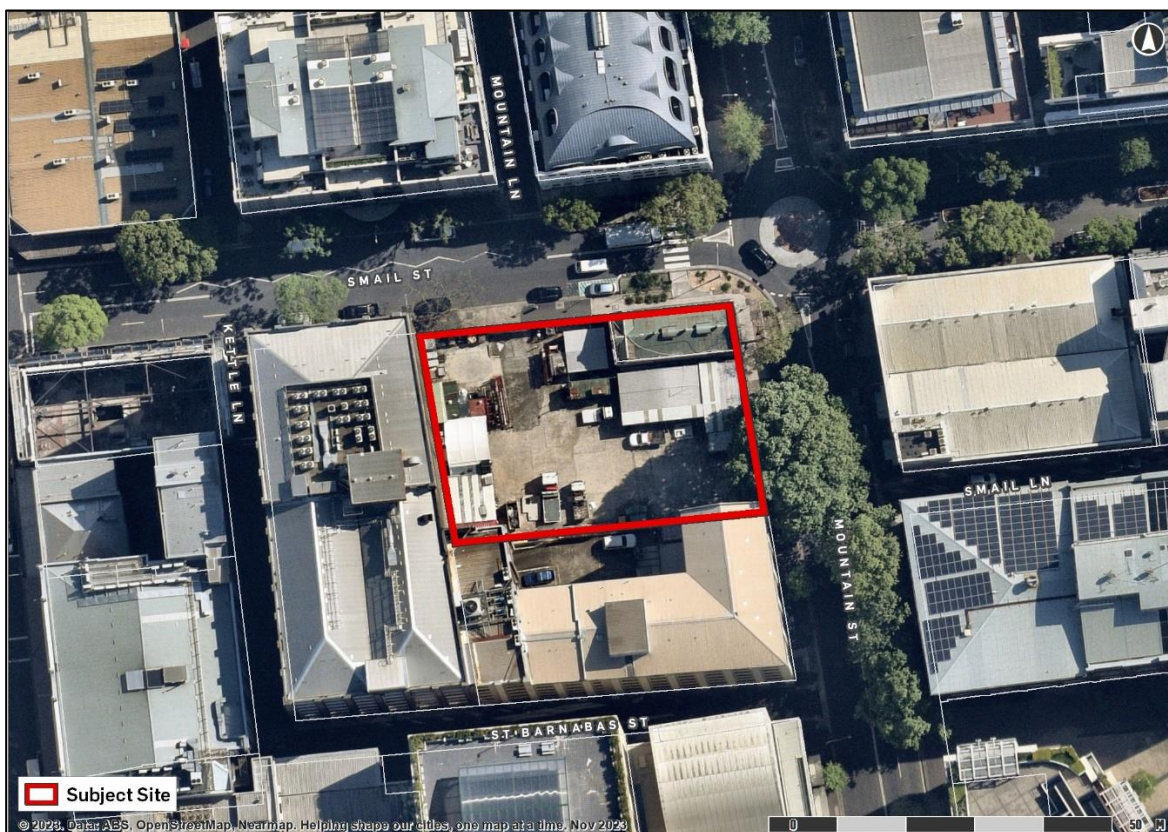
The site is located within the City of Sydney Local Government Area (**LGA**).

2.2 Existing Development

The site currently comprises a predominately vacant and cleared site with the exception of a single storey State and local heritage listed substation at the corner of Mountain Street and Smail Street. Vehicular access is currently provided from Smail Street.

There is limited vegetation on the site with existing street trees located on Mountain and Smail Street outside of the property boundaries. The site is located within the Mountain Street Heritage Conservation Area (**HCA**) and is well-located to public transport infrastructure including the Central Station Metro Station.

Figure 2 Site Aerial Photograph (cadastral boundaries in red)



Source: Urbis

The site does not present significant environmental planning constraints that cannot be reasonably mitigated, ensuring the site suitability of the proposal. Specifically:

- The site does not contain any areas of outstanding biodiversity value, riparian corridors or the like and is not within a foreshore area or coastal hazard area. There are no scenic protection overlays that apply to the site.
- The site is not subject to significant flooding risk and is not identified as bushfire prone.
- The site is not a sloping site or subject to landslide risk.
- The existing Mountain Street Plane Street Tree, which extends over the eastern property boundary of the site is identified as having multiple defects resulting from cockatoo damage to create breeding hollows. As such, damage and decay to this tree will progress and will be subject to removal and replacement as part of the future DA for the site. This is further discussed in **Section 7.3.3.7** of this report.

Photographs of the existing site are contained in **Figure 3**.

Figure 3 Site Photographs

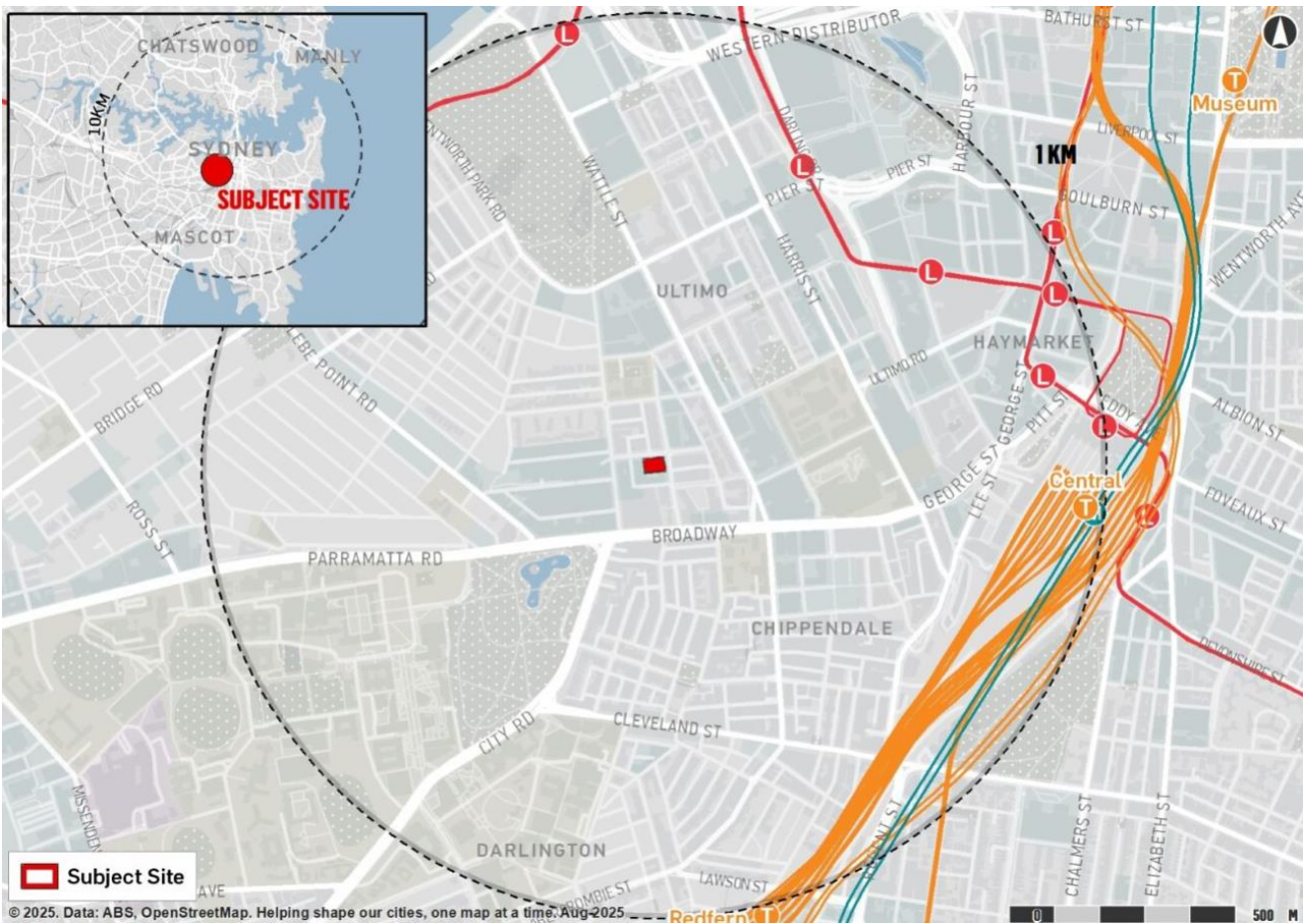


Source: Bates Smart

2.3 Surrounding Development and Locality Context

The site is located on the fringe of the Sydney CBD, benefiting from excellent public transport, existing infrastructure and proximity to tourist, business and retail centres, as well as key open space including Wentworth Park and Victoria Park.

Figure 4 Site Context



Source: Urbis

The surrounding physical context reflects the site's highly urbanised setting, characterised by a mix of historic and modern structures. Built form in the immediate context is defined by buildings of 4–8 storeys (22.8m to 41.7m) that have floor space ratios (**FSR**) of between 4:1 and 6:1.

The immediate context is described in **Table 2**.

Table 2 – Immediate Context Description

Location	Description
North	The immediate north of the site at 35– 39 Mountain Street is a four-storey hotel accommodation. The land uses directly to the north of the site consist of mixed-use developments, including shop top housing and residential flat buildings. The International Grammar School is 150m to the north of the site.
South	A six-storey mixed-use building located at 51–55 Mountain Street adjoining the southern boundary of the site. This building comprises of retail premises on the ground level and office premises above. The south of the site consists of mixed-use developments, including residential flat buildings and commercial and retail

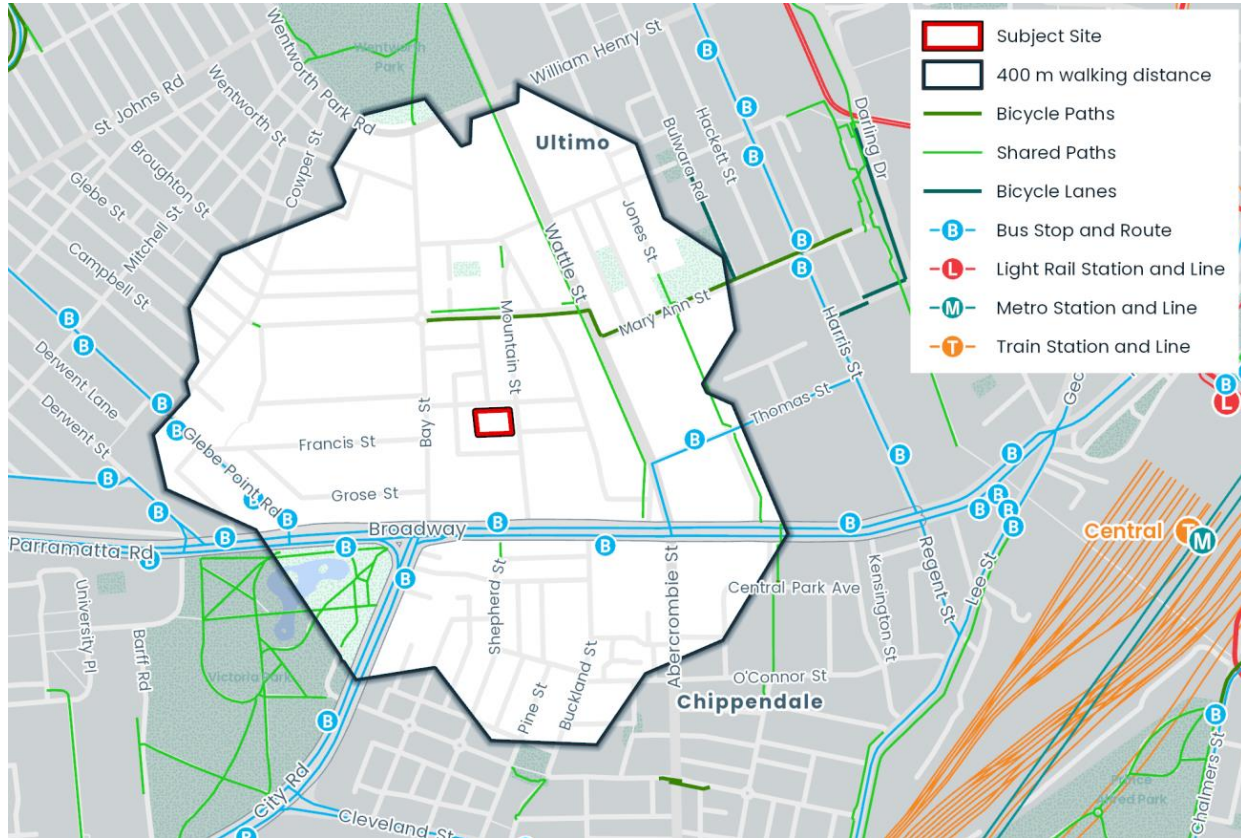
development adjoining Broadway. St Barnabas' Anglican Church is situated across the road from the south boundary of the site. Broadway is located 100m south of the site and is a classified road and a major artery of the Sydney road network.

East	To the east of the site is a four-storey commercial development located at 22-36 Mountain Street. Land uses directly to the east of the site include mixed use developments, including shop top housing and residential flat buildings. Developments range between 2 and 7 storeys. The site is approx. 200m away from Wattle Street, a classified road. Further east includes significant tertiary education facilities, including both Tafe NSW Ultimo and the University of Technology Sydney, Ultimo campus.
West	The site at 1-3 Smail Street, directly adjoining the site, is the subject of a development application (D/2024/984) approved by the Central Sydney Planning Committee on 5 November, 2024. The DA granted approval for alterations and additions to a commercial warehouse building to provide co-living rooms, a rooftop addition for communal open space and communal facilities, ground floor retail tenancies, end of trip facilities and waste storage areas. The development comprises a maximum building height of 35.22m and an FSR of 5.90:1. The land uses to the west of the site include an E1 – Local Centre zone which encompasses the Broadway Shopping Centre and local neighbourhood shops along Broadway and Glebe Point Road. Further south-west includes Victoria Park and the University of Sydney, a significant tertiary education facility.

2.4 Transport Context

The site is strategically located within a highly accessible precinct, benefiting from proximity to multi-modal public transport infrastructure, active transport routes and links to key road corridors.

Figure 5 Transport Context



Source: Urbis

- **Bus Services:** The site is within a 200m walking catchment of public transport (bus services) located along Broadway, with direct services to the CBD and Inner West suburbs.
- **Active Transport:** The site is also proximate to a network of shared paths and bicycle lanes, extending along Wattle Street and Mary Ann St, providing active transportation linkages between the site and broader Sydney.
- **Road Network:** Mountain Street links directly with Broadway, which provides a direct connection to the A22. Mountain Street also links with Wattle Street, via Kelly Street. As such, the site is afforded essential north-south and east-west access to various parts of the city and beyond.
- **Rail, Light Rail and Metro:** The site is located approximately a 14 minute or 1km walk to Central Station which provides significant connectivity rail, light rail and metro services traversing Greater Sydney and beyond.

3 Background and Pre-Lodgement

3.1 Planning History

The site has been subject to several Development Applications (DAs) since 2005 which are relevant to this Planning Proposal, as detailed in **Table 3** below.

These approvals have progressively enabled the site's redevelopment. The original consent in 2005 approved demolition and the construction of a 5–8 storey commercial building with basement parking, together with the retention and conservation of the State heritage-listed substation at 41 Mountain Street. This would have resulted in a maximum building height of 27.7m and an FSR of 4.34:1.

Subsequent modifications allowed for time extensions and design refinements, including reconfiguration of internal layouts and adjustments to building elements. Ultimately, the approved development was not constructed and following demolition, the site has remained vacant, primarily used as storage by the previous owner Ausgrid.

Table 3 Previous Development Applications

Application No.	Description	Decision
D/2005/1562	Demolition of existing buildings at 43–49 Mountain Street and construction of a 5–8 storey commercial building with 4 basement levels (64 parking spaces); retention and conservation works to the State heritage listed substation at 41 Mountain Street.	Deferred Commencement (08/09/2006)
D/2005/1562/A	Extension of time to satisfy conditions of the Deferred Commencement Consent from 12 months to 2 years.	Approved (30/01/2007)
D/2005/1562/B	Further amendment to timeframe in Part A of the consent.	Approved (27/03/2008)
DU/2001/833/A	Modification to approved 5–8 storey retail/commercial building: inclusion of additional lift, minor internal reconfiguration (Levels 2–7), removal of Level 4 basement, escalator, and balconies; minor decrease in building height and floor-to-ceiling heights.	Approved (29/01/2009)
D/2007/1318	Integrated DA for fit-out and ancillary works to the substation building and ground floor of approved building for use as a hotel with Place of Public Entertainment (PoPE), with proposed 24-hour trading. Heritage Office approval required.	Refused (17/07/2008)
D/2009/37	Strata subdivision of building into 64 lots and common property.	Approved (11/02/2009)
D/2009/228	Strata subdivision of Levels 1–4 into 32 lots and common property.	Approved (27/02/2009)

3.2 Pre-Lodgement

Between October 2024 – August 2025, the project team met with the City of Sydney on a number of occasions. These meetings informed the proposed approach for the project and are summarised below:

- **10 October 2024** – the proponent and project team including Bates Smart Architects and Urbis, met with Council to discuss potential development opportunities for redevelopment of the site to deliver built-to-rent housing and revitalise the existing State Heritage Listed Mountain Street Substation and what is presently an underdeveloped lot.

The subject of discussion related to the existing development consent which contemplated development up to 8 storeys and an FSR of 4:1 over the site. It was advised that this consent was no longer valid, and a site-specific planning proposal would be the appropriate planning pathway.

- **18 December 2024** – following this, Bates Smart prepared a preliminary development scheme, and a further meeting was held with Council. A number of planning and design matters were raised during this meeting, including the opportunity to further refine the scheme and review the density proposed to support the delivery of additional housing within the site. It was agreed that the development scheme would be submitted to the City of Sydney’s Design Advisory Panel (DAP) for review in February 2025.
- **13 February 2025** – Design Advisory Panel (DAP) meeting. See Section 3.3 below for a summary of the meeting.
- **9 April 2025** – Following a detailed tree assessment by the project Arborist, an on-site meeting was undertaken with representatives of the Applicant and Council’s Technical Tree Officers to discuss tree removal, replacement and retention on and proximate to the site.
- **14 May 2025** – Council confirmed that it had conducted a detailed inspection of the plane tree in Mountain Street and have found that the tree has *“multiple defects resulting from cockatoo damage to create breeding hollows. We expect that the damage and decay to this tree will progress, and reduce the future safe useful life of the tree.”* As a result of this investigation, Council did not object to the removal and replacement of the tree.
- **May – August 2025** – Ongoing amendments to the preliminary design package which removes and replaces the street tree, and in response to feedback from the DAP. Further ongoing discussions between the proponent on the need to align with the City of Sydney’s Affordable Housing Programme (as amended) and refinement to the design. Ongoing discussions related to the planning approval pathway and in particular support for a concurrent Planning Proposal/Development Application process to ensure delivery of affordable housing in an expedited manner.

3.3 DAP Meetings

The DAP considered the preliminary concept scheme options for the proposed Planning Proposal at 41 & 43–49 Mountain Street, Ultimo at its meeting on 13 February 2025.

The following key recommendations and responses were made:

Table 4 Previous Development Applications

Design Matter	Response
<i>Retention of existing plane tree on Mountain Street is strongly preferred. The scheme is to be modified to ensure its protection</i>	Council’s Tree Officer has supported removal of the existing plane tree on Mountain Street, due to multiple defects – and adequate replacement. This has been shown on the amended indicative reference scheme.

<i>Southern courtyard fronting Mountain Street (as shown in Study 1, DAP package dated 28 January 2025) should be included in the proposal to support tree retention, ventilation, and amenity.</i>	As the tree removal has been supported by Council Officers, the southern courtyard has been removed with an activated frontage provided in the proposed amendments.
<i>Building heights and setbacks should better respond to surrounding built form:</i>	
<i>Southern wing street wall height to align with 55 Mountain Street.</i>	A southern wing streetwall of 23.5m has been provided to align with 55 Mountain Street.
<i>Two wings should be expressed at different heights for contextual fit.</i>	Bates Smart have explored precedent studies, and explored a reference design sketch to indicate a potential approach to how the facade might be expressed. A design excellence competition will provide further opportunity for this to be explored and refined in more detail. An opportunity exists to unify the street wall expression through a single material treatment that reinforces the vertical hierarchy of base, middle, and crown. This tripartite composition responds directly to the established datum lines of the surrounding context, offering a respectful yet contemporary dialogue with neighbouring buildings. Base — Anchored by the adjacent heritage building, the lower portion grounds the development in its historical setting. Middle — Aligns with the scale and rhythm of neighbouring structures, maintaining continuity along the streetscape. Crown — Articulates the upper extent of the street wall, subtly distinguishing the new intervention while completing the urban profile. This approach allows the massing to read as both contextual and cohesive, while offering a clear architectural language that supports the overall design narrative.
<i>Upper levels above street wall height to be set back ~3m with change in materiality to relate to adjoining buildings.</i>	An upper-level setback of 3m above the street-wall at Mountain Street has been provided.
<i>Western wing street wall height to align with 1–5 Smail Street, with masonry element increased by two storeys.</i>	The western wing street wall is proposed at a height of 43.5m (with an upper setback of 3m) to respond to the height of 1–5 Smail Street.
<i>Proposal must demonstrate compliance with draft DCP controls (tree planting, deep soil, green roof provision), including showing green roof/canopy in the reference scheme.</i>	25% of the site area is provided as Communal Open Space. This is proposed to be provided on both the southern wing roof (217sqm) and western wing (134qsm). These areas receive high levels of solar access, views and amenity for future occupants.
<i>The pedestrian laneway around the heritage substation should be retained with details of public access provided</i>	A pedestrian laneway around the heritage substation will be provided.

The scheme should address the adjoining development at 1–5 Smail Street, particularly in relation to communal open space

The proposed upper level of the western wing (i.e. Level 13) provides communal open space which will be adjacent to the communal open space area of 1–5 Smail Street.

The DAP and Council requested that affordable housing be considered in light of the uplift sought, noting that Council's draft Affordable Housing Program proposes a contribution of 20 per cent of additional residential floor space.

The Proponent has sought to provide affordable housing aligned with the draft Affordable Housing Program.

In response to feedback from the DAP and Council, the project team further developed the indicative reference scheme to be reconsidered by the DAP.

A summary of this design evolution and key numerics related to affordable housing are detailed in Table 2.

Table 5 – Design Evolution

	DAP scheme (Study 3)	COS meeting	Post COS Meeting	Scenario 1 (2 x levels on Smail)	Scenario 2 (1 x level on Smail & Mountain)
Date	January 2025	7 July 2025	July 2025	August 2025	August 2025
GFA (sqm)	7,060	7,404	7,059	7,745	7,873
DA Programmes	Aug-26	Aug-26	Aug-26	Feb-27	Feb-27
Units	103	98	94	102	105
Affordable Share	20%	16%	7%	16%	20%
Affordable Rents	Federal Government caps (higher rents)	Federal Government caps (higher rents)	Federal Government caps (higher rents)	City of Sydney caps (lower rents)	City of Sydney caps (lower rents)
Affordable Cohorts (Household Income Bands)	Moderate 80% Low Income 20%	Moderate 80% Low Income 20%	Moderate 80% Low Income 20%	Moderate 55% Low Income 35% Very Low Income 10%	Moderate 50% Low Income 43% Very Low Income 7%

Importantly, the evolution of the preliminary concept design scheme has been driven to respond to the recently endorsed Affordable Housing Programme Updates by providing the dedication of 20% of the total floor space uplift for affordable housing.

The proposed Scenario 2 scheme was reconsidered by the DAP at its meeting on 4 September 2025. Following feedback, the below design changes were made as part of the reference scheme in this Planning Proposal:

- Smail street building height increased to 15 storeys, whilst Mountain Street building height remains 7 storeys.

- Apartments added to atop the Mountain Street block, with generous setbacks from the street.
- Increased southern setback to 10m from level 01 through to the roof.
- Improvement of courtyard space between proposal and 55 Mountain Street.
- Replacement of roof terrace with additional residential level.
- Removal of balconies from the two south-facing apartments on Levels 1 to 14.

4 Statutory Planning Context

The *Sydney Local Environmental Plan 2012* (**SLEP 2012**) is the principal Environmental Planning Instrument applying to the site.

4.1 Land Use Zoning

The site is zoned MUI: Mixed Use in accordance with the SLEP 2012. The relevant zone objectives include:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*

In the MUI Zone, development for the purpose of a residential flat building, shop top housing and commercial premises is permissible with development consent.

Figure 6 Zoning Map

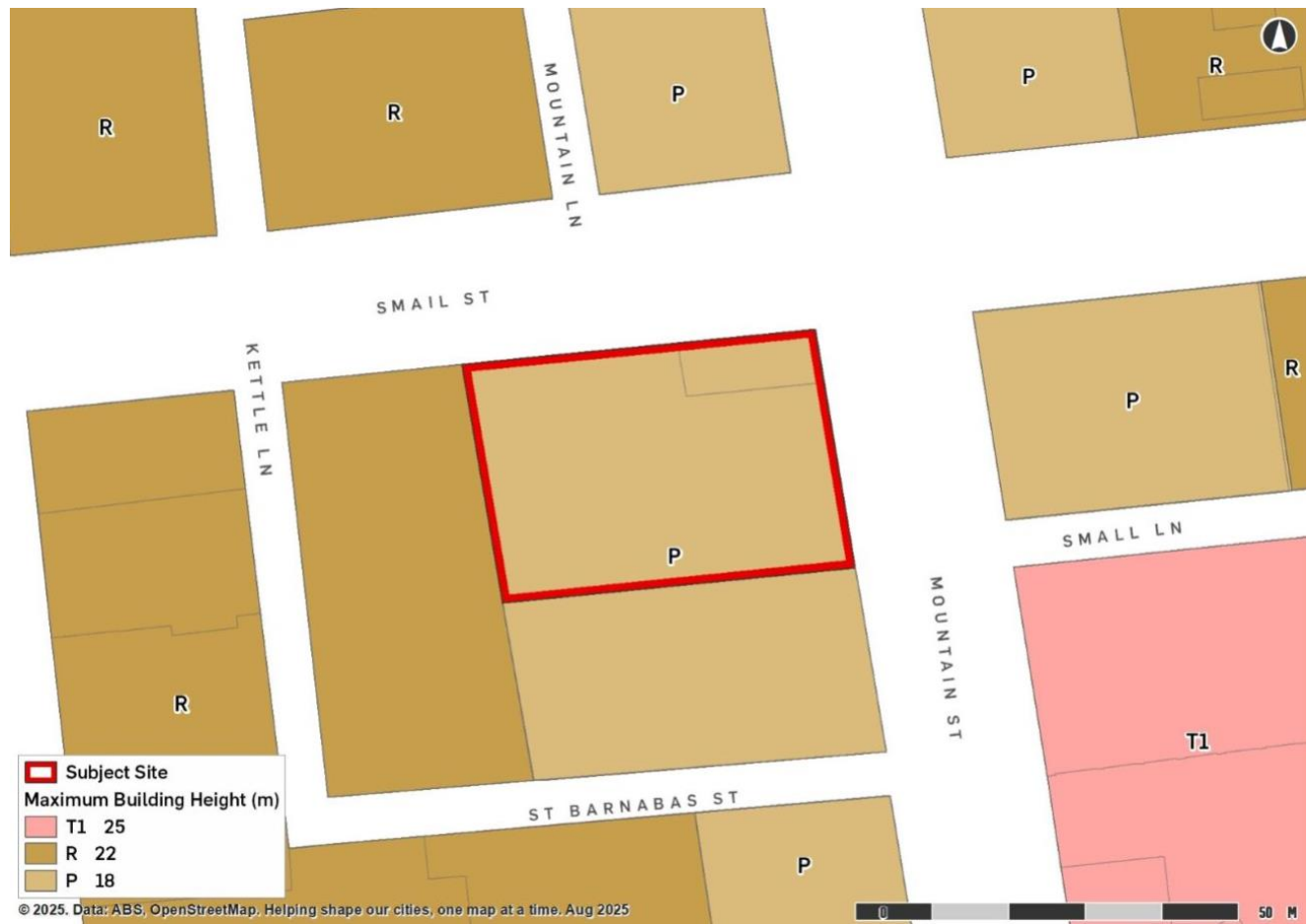


Source: Urbis

4.2 Maximum Building Height

The site is subject to a maximum building height of 18m.

Figure 7 Building Height Map



Source: Urbis

4.3 Floor Space Ratio

The site is subject to a maximum permissible floor space ratio (**FSR**) of 2:1.

Figure 8 Floor Space Ratio Map



Source: Urbis

4.4 Heritage

The following heritage listings apply to the site:

Table 6 – Statutory Heritage Items

Heritage List	Item Name	Item Number
NSW State Heritage Register under the <i>Heritage Act 1977</i>	Electrical Substation No.5	SHR 00934
<i>Sydney Local Environmental Plan 2012</i>	Mountain Street Heritage Conservation Area	C68
<i>Sydney Local Environmental Plan 2012, Schedule 5</i>	Electrical Substation	Item No. I2053
NSW State Agency Section 170 Heritage and Conservation Register under the <i>Heritage Act 1977</i>	Electrical Substation No. 5	3430486

The site is within the Mountain Street Conservation Area (C68) and is identified as a contributing item at 41 Mountain Street and as a Detracting item at 43-49 Mountain Street within Sydney DCP 2012.

The site is also located within the vicinity of the following heritage items:

- I2018 – 185-211 Broadway, Ultimo. Former “Grace Bros Homewares” including interior – local significance.
- I2052 – 16-20 Mountain Street – Former Sydney Technical College School of Rural Studies Including Interior – local significance.
- I2054 – Warehouse “Wilcox Mofflin” Ltd. – local significance.
- I2055 – 57-61 Mountain Street – St Barnabas Anglican Church Site Remnant Building Components and Grounds – local significance.

Figure 9 Heritage Map



Source: Sydney LEP 2012, HER_009.

4.5 Other LEP Clauses

A number of other LEP clauses apply to the site, including:

Table 6 – Statutory Heritage Items

LEP Map	Site Features
Acid Sulfate Soils Map	The site is identified as part Class 5 and part Class 2 Acid Sulfate Soils.
Locality and Site Identification Map	The site is identified as residual lands.
Public Transport and Accessibility Map	The site is identified as Category D.
Design Excellence	The proposal is subject to design excellence and a competitive design process under Clause 6.21D of the SLEP 2012.

4.6 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 (**SDCP 2012**) is the relevant development control plan which applies to the site. A site specific DCP is contained under separate cover (**Appendix A**).

5 Strategic Planning Context

The Planning Proposal is consistent with and supports a range of strategic planning outcomes established by Council and the NSW Government.

This section provides a brief overview of the strategic planning policies relevant to the Planning Proposal and how the vision and intended outcomes for the site will implement or otherwise be consistent with the relevant plans and policies.

Detailed consistency of the proposal with the relevant State and local strategic planning documents is demonstrated in **Section 7** of this report.

Table 71 – Strategic Context

Document	Description
A Metropolis of Three Cities: Greater Sydney Region Plan	A Metropolis of Three Cities: Greater Sydney Region Plan (Region Plan), finalised by the Greater Sydney Commission (GSC) in March 2018, provides a 40-year vision to (2056) and establishes a 20-year plan to manage growth and change for the Greater Sydney region. The Region Plan is built on a vision of three cities, “where most residents live within 30 minutes of their jobs, education and health facilities, services and great places”. It identifies four themes: infrastructure and collaboration, liveability, productivity, and sustainability. Within these four themes, a set of planning priorities and actions are identified to achieve the Region Plan’s vision. The Region Plan includes a high-level structure plan identifying key centres, employment areas, and important infrastructure contributions. The site is located within the Eastern Harbour City, which is characterised as being well-established, well-serviced and highly accessible by its radial rail network, it has half a million jobs and the largest office market in the region. The Eastern Harbour City is identified to grow in population from 2.4 million people in 2016 to 3.3 million people by 2036. The Eastern Harbour City is a mature mix of well-established communities, from traditional suburban neighbourhoods to Australia’s most highly urban areas. Growth will bring urban renewal with increased infrastructure and services, open spaces and public places. Sympathetic infill development will focus on improved local connections. This Planning Proposal contributes to the 30-minute city vision and response to key themes of the Region Plan as detailed in Section 7 of this report.
Eastern City District Plan	The Eastern City District Plan (District Plan) was finalised by the GSC in conjunction with the Region Plan in March 2018 and fulfils the directions and objectives of the Region Plan at a district level. The District Plan sets out planning priorities and actions for improving the quality of life for residents. The District Plan’s objective is to improve the District’s social, economic and environmental assets. Growth in the Eastern City will be supported by previously unparalleled levels of city-scale infrastructure investment including transport, public realm and sporting and cultural institutions, which will attract and retain new and existing businesses in the Harbour City. Creating more housing in the right locations is an important requirement set out by the District Plan. Unlocking housing capacity in the right locations is pivotal, ensuring homes for the next generation is to be linked to local

infrastructure. This will achieve both the optimisation of existing infrastructure use and also maximise investment in new infrastructure.

The Planning Proposal is consistent with the District Plan as it aligns with the identified Planning Priorities as discussed in Section 7 of this report.

Sustainable Sydney 2030 – 2050

Sustainable Sydney 2030-2050: Continuing the Vision (**Sustainable Sydney**) was finalised in April 2023 to guide Sydney's development towards a sustainable, inclusive and resilient future. The document envisions a Green, Global and Connected City, focusing on environmental sustainability, economic growth and social cohesion.

Sustainable Sydney emphasises climate action, aiming for net zero emissions by 2035 and a 50% increase in tree canopy cover by 2030. It supports Sydney's role as a global city, fostering innovation and creativity, with a goal of creating 200,000 new jobs by 2036. Social inclusivity is also key, with targets for affordable and social housing.

For Ultimo, the plan highlights the Pyrmont and Ultimo innovation and design precinct, connecting education, museums, media and start-ups. This precinct is set to be a hub of creative thinking and technology, enhancing Sydney's global competitiveness and cultural vibrancy.

The Planning Proposal contributes to Sustainable Sydney as outlined in Section 7 of this report.

City Plan 2036

City Plan 2036: Local Strategic Planning Statement (**LSPS**) was finalised in March 2020 to guide Sydney's growth and development over the next two decades. The LSPS outlines a vision for a Green, Global and Connected City, focusing on infrastructure, liveability, productivity and sustainability.

The LSPS aims to accommodate a growing population, with 56,000 new dwellings and 200,000 additional jobs by 2036. The LSPS emphasises the importance of aligning development with infrastructure, enhancing public transport, and creating walkable neighbourhoods. The LSPS also prioritises affordable housing, aiming to increase the supply of social and affordable rental housing.

For Ultimo, the LSPS highlights the Camperdown-Ultimo Health and Education Precinct within the Innovation Corridor. This area is set to become a hub for knowledge-intensive industries, leveraging its proximity to major educational institutions and fostering collaboration between business and academia.

The Planning Proposal aligns with the LSPS as discussed in Section 7.

Housing for All: City of Sydney Local Housing Strategy

Housing for All: Local Housing Strategy (**LHS**) was finalised in June 2020 to guide Sydney's housing development over the next 20 years. The LSPS outlines a vision for a diverse, connected and resilient city, focusing on housing supply, affordability and quality.

The LSPS aims to deliver 56,000 new dwellings by 2036, ensuring a mix of housing types to support a diverse community. The LSPS emphasises the importance of affordable and social housing, targeting 7.5% of all housing to be affordable rental and 7.5% to be social housing. The LSPS also highlights the need for high-quality urban design and sustainable development to enhance liveability.

For Ultimo, the LSPS underscores the importance of the Camperdown-Ultimo Health and Education Precinct. This area is set to become a hub for

diverse housing options, leveraging its proximity to major educational institutions and fostering a vibrant, inclusive community.

The Planning Proposal aligns with the LHS as discussed in Section 7.

6 Indicative Development Outcome

6.1 Vision

The Planning Proposal aims to deliver a new mixed-use residential BTR development, featuring active ground-floor uses and BTR apartments above, along with rooftop communal open space. The proposal will facilitate these aims in a well-located infill location, which has historically been underutilised and underdeveloped. The proposal also includes the adaptive reuse of the heritage-listed substation located on the corner of Mountain and Smail Street.

The indicative development outcome will provide for the following:

- Built form up to part 7 storeys, part 15 storeys with a mix of 107 rental apartments and resident-focused amenities, ground floor activation and retail with a total GFA of 7,712m² and a maximum height of 53m.
- Communal open space with a total area of 292m².
- 1 level of basement including plant, storage and parking.
- Laneway from Smail Street providing vehicular access to the site.
- Conservation and adaptative reuse of the State Heritage listed substation.

6.2 Design Principles and Reference Scheme

Responding directly to the site opportunities and constraints, the indicative development outcome has been informed by and includes provision for:

- Integration of an active ground floor plane along Mountain and Smail Street.
- Adaptive reuse of the heritage listed substation and setbacks and building separation that respect the heritage curtilage of the site.
- Leveraging the sites orientation to achieve suitable solar access outcomes.
- Enhanced urban greening, visual separation and screening in coordination with the existing mature street trees along Mountain Street.

A reference scheme for the indicative development outcome has been prepared by Bates Smart which provides an illustrative outcome of a potential future development. The design demonstrates that the proposed planning envelope can deliver a feasible mixed-use development on the site, supporting the amendments to the SLEP 2012 and controls proposed in the site specific DCP.

Further details of the development outcome capable of being supported through the Planning Proposal is provided in the following sections, along with the reference scheme prepared by Bates Smart.

6.2.1 Built Form

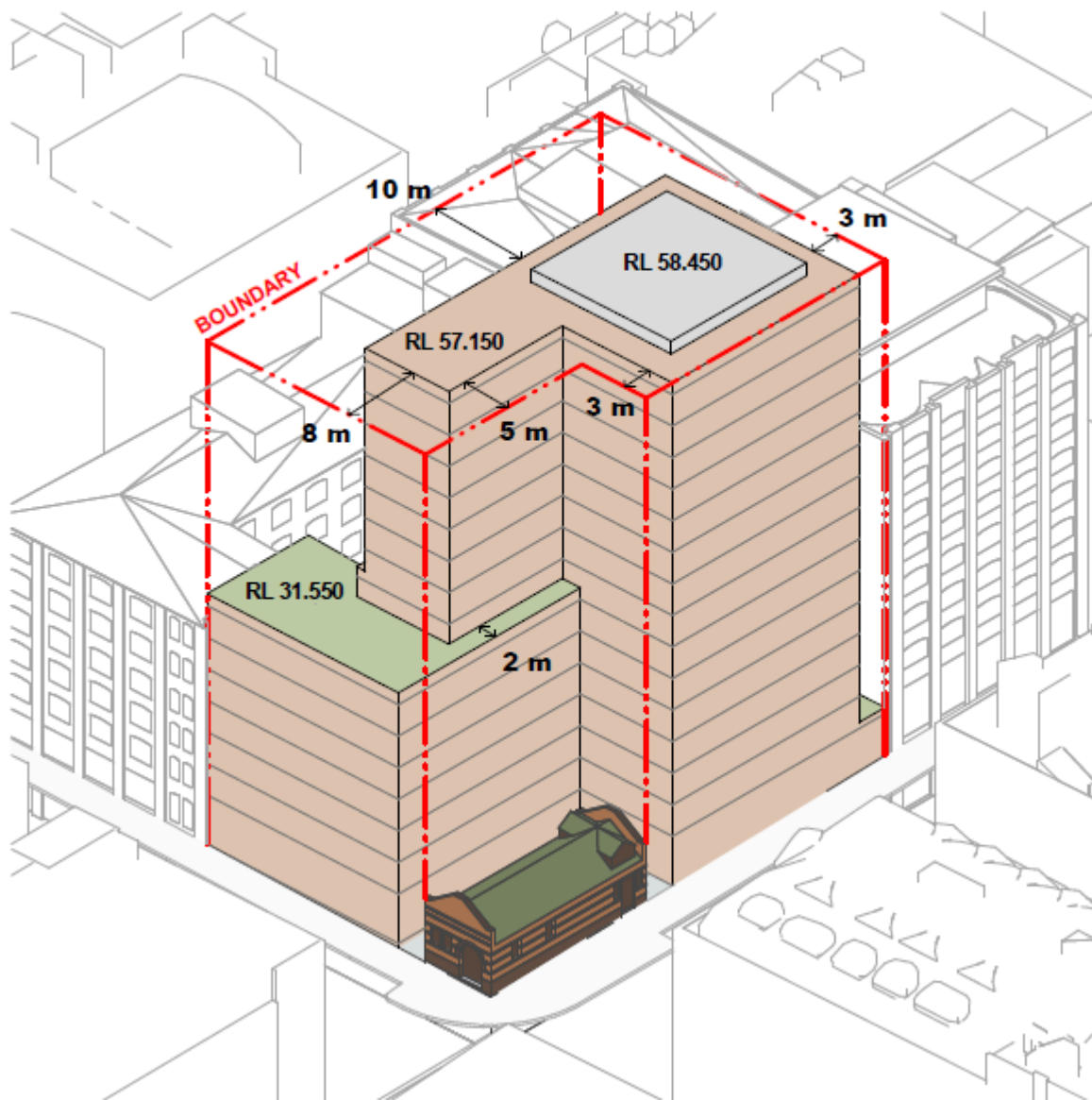
Building Height and Massing

The proposal adopts a sensitive approach to height, form and setbacks to respect its heritage context and surrounding built form. A 3m setback is provided around the heritage building to allow for a new public laneway at ground level, along with a 3m setback from the western boundary, 9m from the southern boundary, and a further 10m setback to the upper levels.

The built form is arranged into two separate blocks to respond to the varied scale of the immediate context. The western block, adjoining 1–3 Smail Street, aligns in height with the tops of the adjacent piers, while the eastern block reduces in storeys and adopts a distinct material change to transition more sensitively to 55 Mountain Street to the south. This arrangement addresses the approximate 10m variation in height across neighbouring buildings and provides a considered scale transition at the corner site.

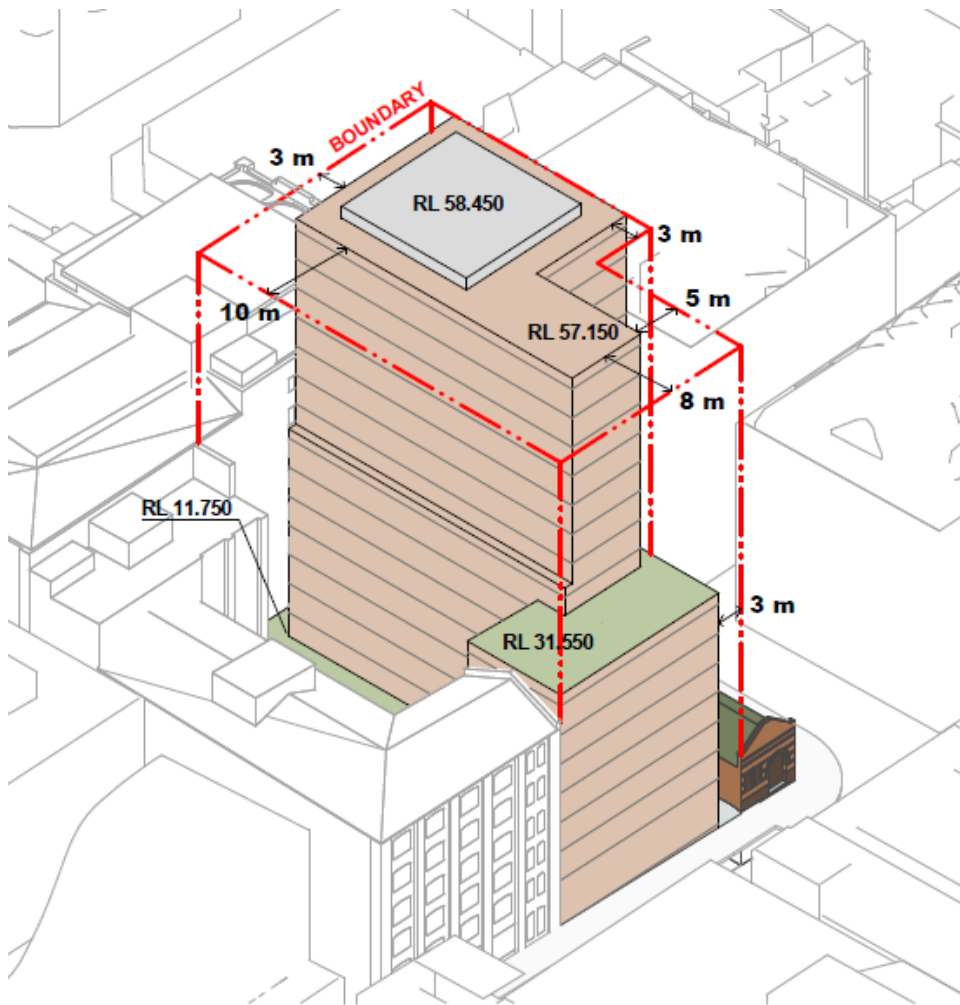
Massing is designed to complement adjacent buildings, with facades aligned and street walls reinforced. A solid, masonry architectural language establishes continuity with the surrounding context, while an uplift crown element above the base introduces visual interest and a clear architectural hierarchy. Floor levels are set to respond to established datum heights, ensuring integration with the wider streetscape.

Figure 10 North East Aspect Height and Setbacks



Source: Bates Smart

Figure 11 South East Aspect Height and Massing

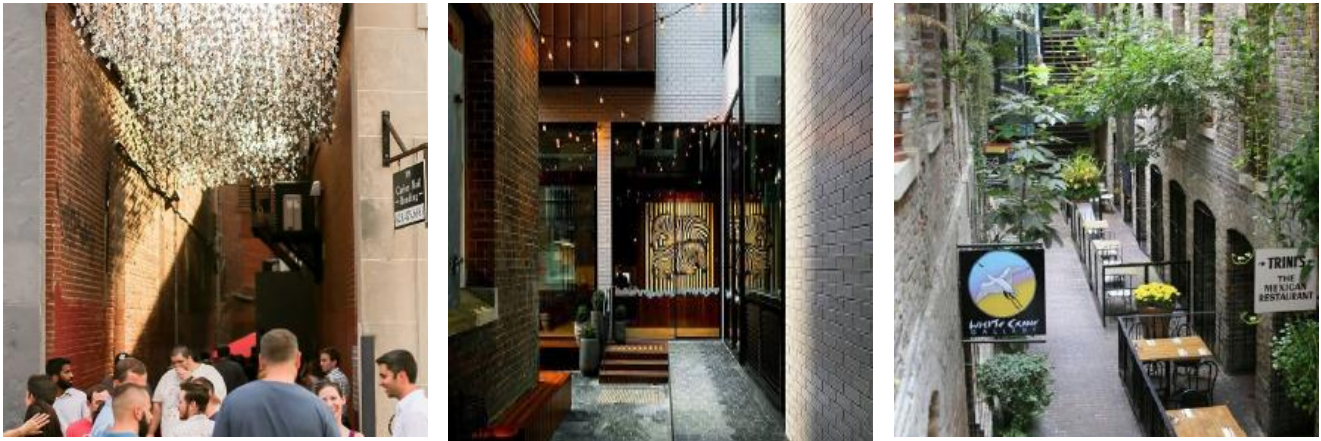


Source: Bates Smart

Laneway

The proposal includes a new public laneway between the building and the existing substation, improving pedestrian permeability and connectivity within the precinct. The laneway has capacity to accommodate active uses such as cafés and small-scale retail, supporting passive surveillance and contributing to an activated public domain. By providing a high-quality, pedestrian-friendly environment, the laneway enhances local walkability, establishes a stronger sense of place, and integrates with the broader neighbourhood movement network.

Figure 12 Reference Scheme Laneway



Source: Bates Smart

6.2.2 Sustainability

The Planning Proposal will facilitate development as detailed in the reference scheme and will achieve:

- Independent ESD certification equivalent to a 5-Star Green Star Rating.
- Minimum 5 Star WELS rating for all taps, toilets, showers and urinals.
- Full compliance with NCC Section J energy efficiency provisions.
- BASIX or equivalent certification for residential components.
- Alignment with the project's environmentally sustainable design brief.

6.2.3 Building Elements, Land Uses and Distribution

The indicative reference scheme envisages the following 'key moves' for each proposed building element:

Table 8 Reference Scheme Key Moves

Building Element	Key Moves	Land Use	GFA
Ground Level	▪ Substation with 3m wide lane way. ▪ Central Lobby and Retail accessed via Lane way. ▪ Secure access to car park and loading dock. ▪ Double sided retail laneway. ▪ Predominant retail activation to the perimeter of Smail and Mountain Street.	Retail / Lobby / Loading	753m ²
Level 01	▪ Generous terraces in landscaped courtyard. ▪ 10 apartments per floor: 1 x Studio, 7 x 1B, 2 x 2B. ▪ Apartments with >2H solar access: 8/10 (80%). ▪ Apartments with cross ventilation: 7/10 (70%)	Residential	715m ²

	10m to South facade.		
Level 02–06 (Typical)	10 apartments per floor: 1 x Studio, 7 x 1B, 2 x 2B. - Apartments with >2H solar access: 8/10 (80%). - Apartments with cross ventilation: 7/10 (70%). 10m to South facade.	Residential	715m ² per floor
Level 07 – Communal	- Communal open space with communal room. 5 apartments per floor: 4 x 1B, 1 x 2B - Apartments with >2h solar access: 3/5 (60%) - Apartments with cross ventilation: 3/5 (60%) 10m setback to South facade. - Eastern wall of courtyard aligns with neighbour.	Residential / Communal Open Space	415m ²
Level 08–14	3m Setbacks to Mountain Street Block. 6 apartments per floor: 4 x 1B, 2 x 2B - Apartments with >2H solar access: 4/6 (67%). - Apartments with cross ventilation: 4/6 (67%). 10m to South facade.	Residential	560m ² per floor
Roof Level	- Generous setback to plant enclosure to minimise visibility. - Lift overrun concealed by plant enclosure.	Plant/Lift Overrun /Residential	Nil
Basement Level	- Single level proposed to minimise excavation. - No excavation proposed below substation. - Ramp in south west corner to minimise impact on prime usable spaces above. - Provision for bicycle parking. - Motorcycle parking is achieved.	Ancillary to residential / carparking	Nil

6.3 Draft Development Control Plan

A draft site specific DCP has been prepared in support of the Planning Proposal. The draft DCP provides specific controls relating to:

- Maximum building envelope
- Heritage

- Public domain
- Heritage
- Sustainability

7 The Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the DPHI guideline 'Local Environmental Plan Making Guideline' dated August 2023.

This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts, and State and Commonwealth interests.
- Draft LEP maps which articulate the proposed changes.
- Likely future community consultation.

7.1 Part 1: Objectives and Intended Outcomes

7.1.1 Objective

To amend the SLEP 2012 to include site-specific provisions under Division 5 which will enable the renewal of the site for a BTR housing and retail development.

7.1.2 Intended Outcomes

The intended outcomes include:

- Revitalise this vacant and underutilised site to facilitate a high quality BTR residential development.
- Establish a building envelope that responds to the environmental and built form considerations of the immediate site context.
- Establish overall height datums that respect the scale and form of adjacent buildings and one that will facilitate exemplar design excellence in response to the existing heritage item on site.
- Unlock greater housing affordability and diversity to meet the needs of the LGA.
- Strengthen and activate the site through improved pedestrian legibility and public domain upgrades.
- Enable a built form outcome that capitalises on existing infrastructure and promotes sustainability outcomes.
- Support Ultimo's role as a key inner city education, innovation and employment hub by delivering housing in close proximity to universities, cultural institutions, and major transport connections.

7.2 Part 2: Explanation of Provisions

7.2.1 Intended Provisions

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the SLEP 2012, as follows:

- Insert a new site-specific provision for 41 & 43-49 Mountain Street, Ultimo, under Division 5 as follows:
 - (1) *The objective of this clause is to encourage the redevelopment of 41 & 43-49 Mountain Street, Ultimo to create an integrated residential tower form on the site.*
 - (2) *This clause applies to 41 & 43-49 Mountain Street, Ultimo, being Lot 1 in DP 191928 and Lot 21 in DP 5567.*
 - (3) *Despite any other provision of this Plan, the consent authority may grant development consent to development on the land to which this clause applies that will result in a building –*
 - (a) *with a maximum building height of RL 58.450, and*

(b) with a maximum gross floor area of 7,844m², or a total FSR across the site of 5.4:1.

(4) Development pursuant to this clause is not eligible for an amount of additional height or floor space under clause 6.21D(3).

The proposed amendment includes written instrument changes only. The Planning Proposal is supported by a draft site-specific DCP that includes key built form controls.

7.2.1.1 Rationale for Proposed LEP Amendments

Height of Buildings

The Planning Proposal is seeking to introduce a maximum building height of 53m (RL 58.450) to the site.

The maximum height of building amendments will ensure that future development on the site provides for a positive contribution to the locality, that respects existing built form, the heritage curtilage of the site and the proximate HCA whilst providing significant residential amenity and a public realm comprising retail offerings. From an environmental planning perspective, the maximum height of buildings control has been selected to establish positive outcomes including respecting residential amenity and limiting overshadowing to adjoining development. The maximum height of buildings control provides a stepped transition from the height of adjoining development, and will ensure the provision of 20% affordable housing can be delivered on site.

Floor Space Ratio

The Planning Proposal is seeking to introduce a maximum floor space ratio of 5.4:1 to the site.

The maximum floor space ratio control will ensure that future development is appropriately configured on the site, respecting existing setbacks, building separation and sight lines on the corner allotment setting. The maximum floor space ratio control will ensure that compliant landscaping, private open space as well as retail and affordable housing provision can comfortably be accommodated on the site.

Design Excellence Bonus

Whilst future development will be required to demonstrate design excellence, including the completion of a competitive design excellence process pursuant to clause 6.21D, the site constraints limit the maximum building height for this portion of the site. The additional gross floor area identified for the site represents a maximum potential GFA based on the potential built form outcome and therefore, any potential bonus available under 6.21D(3) or otherwise has been absorbed into the overall GFA allowance.

7.3 Part 3: Justification of Strategic and Site-Specific Merit

The LEP Making Guideline identifies that the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

Consistent with the assessment criteria outlined in the LEP Making Guidelines, **Table 9** outlines an assessment against the criteria for strategic and site-specific merit.

Table 9 Strategic and site-specific merit assessment

Assessment Criteria	Response	Consistency
Does the proposal have strategic merit? Does the proposal:		
<i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site</i>	Yes. The proposal will give effect to the Eastern City District Plan. Through the delivery of affordable housing and facilitating the delivery of new housing supply. The proposal will deliver long-term institutionally owned and managed rental housing, focused on	Consistent

quality and equality via a suitable apartment mix for the area, with excellent in-house amenity and customer-focused managed of the site.

The site is located on the southern edge of the CBD and is highly accessible to public transport and jobs. Detailed consideration has been given to the compatibility of the proposal with the character, setting and heritage of the Mountain Street Conservation Area.

The Planning Proposal gives effect to the relevant Planning Priorities of the District Plan as detailed in **Table 10**.

Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan.

Yes. The planning proposal is consistent with City Plan 2036, the City of Sydney's endorsed LSPS. The proposal provides for increased density in a strategically appropriate location, while balancing clear design excellence criteria with targeted sustainability outcomes.

Consistent

The Planning Proposal demonstrates consistency with the relevant LSPS as detailed in **Table 10**.

Respond to a change in circumstances that has not been recognised by the existing planning framework.

Yes. The Planning Proposal will facilitate a significant BTR development comprising retail activation that could not be achieved under the current planning controls applying to the site.

Consistent

Does the proposal have site-specific merit? Does it have regard and assess impacts to:

The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)

Yes. The Planning Proposal carefully considers the natural environment of the site and surrounds. An indicative development outcome has been prepared, confirming no significantly adverse environmental impacts. The proposal also establishes parameters to ensure future development aligns with the City of Sydney's Net Zero targets and incorporates an integrated landscape strategy to enhance the natural environment both on site and within the immediate proximity. This reflects a strong commitment to environmental sustainability alongside appropriate development.

Consistent

Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.

Yes. The Planning Proposal considers the existing and future land uses of the site and surrounding context, as well as the envisaged growth in the locality. It will deliver a BTR development that comprises a significant affordable housing public benefit. The revitalisation of the site will enhance public domain activation and local amenity, and heritage conservation generating positive flow-on effects for the diverse range of current and anticipated land uses within Ultimo.

Consistent

Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Yes. The Planning Proposal has been prepared with consideration for the required services and infrastructure. Any future development, at the intensity proposed, is capable of being adequately serviced by public infrastructure. Any necessary modifications and upgrades will be coordinated with relevant authorities to ensure the required utilities are provided.

Consistent

7.3.1 Section A – Need for the Planning Proposal

Q1. *Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. The Planning Proposal has been prepared to give effect to the priorities and actions of:

- *City Plan 2036*, the City of Sydney's endorsed local strategic planning statement, which sets the land use vision and priorities to guide future development and manage change.
- A detailed review of the consistency of the proposal against the CSPA and LSPA is provided in response to Q4. below.

The strategic planning framework applying to the site recognises the need for additional housing supply within this inner-city context. The renewal opportunity the proposal offers is of strategic significance within a district context. Its proximity to major existing transport infrastructure means the site is well positioned to deliver an outcome that improves the built environment in Ultimo, in particular through delivery of greater housing choice and civic amenity.

Q2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The Planning Proposal is the best means of achieving the objectives and intended outcomes. The amendments to the SLEP 2012, as outlined in **Section 6** are required to facilitate the proposed development outcome.

The introduction of the site-specific provisions detailed in **Section 7** is the best way to realise the objectives and intended outcomes of the Planning Proposal. Specifically:

- A site-specific clause is required to be inserted into Division 5 of the LEP to achieve the objectives and intended outcomes of the planning proposal. This can only be achieved by amending the LEP.
- A Planning Proposal is the only realistic pathway to enable the development. This has been confirmed in collaboration with Council. Other statutory measures to implement the objectives and intended outcome of the planning proposal were considered however were not pursued as the best means to achieve the intended outcome.
- The Planning Proposal includes a site-specific DCP, which specifies tailored building envelope controls to guide a future competitive design process. This provides certainty for the landowner, Council and the community around the development outcomes expected for the site.

The Planning Proposal provides a proactive, strategic and balanced response to the land use opportunities and constraints of the site. The Planning Proposal is the most efficient and appropriate mechanism to deliver aligned planning outcomes in support of local and State strategic objectives.

7.3.2 Section B – Relationship to Strategic Planning Framework

Q3. *Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

Yes. The Planning Proposal will give effect to the objectives and actions of the applicable regional and district planning strategies as described in detail below:

Table 10 Relationship to Strategic Planning Framework

Objective	Consistency
Greater Sydney Region Plan: A Metropolis of Three Cities	
A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government’s long-term strategy to manage growth across Sydney by creating the Western Parkland City, Central River City, and Eastern Harbour City. It responds to challenges of a projected 1.7 million increase in population by 2036, with a target to deliver 725,000 new homes and 1 million jobs.	
This Planning Proposal aligns with and gives effect to the Plan’s vision and objectives, as outlined below:	
Infrastructure	Consistent The proposal supports the delivery of increased development in a location that is aligned with recent infrastructure investment, including the Sydney Metro.
Liveability	Consistent The proposal facilitates greater housing supply in a mixed-use area to support Greater Sydney’s growing population. Objective 10 calls for an increase in supply of all types of housing, to which the proposal directly responds through the provision of a mix of BTR apartment sizes, including affordable housing. The site is underutilised and undeveloped land within a mixed-use context. The site is also highly accessible from a transportation perspective with linkages to key multi-modal public transport infrastructure, active transport routes and key road corridors. The site is also proximate to key open spaces and proximate to key social infrastructure a variety of commercial and retail offerings.
Productivity	Consistent The Planning Proposal will facilitate active ground level retail uses, which will contribute to local employment within the area and align with the objectives of the mixed-use zone.
Sustainability	Consistent The planning proposal enables the development of a new building that achieves sustainability outcomes that align with the City of Sydney’s Net Zero targets.
Eastern City District Plan	
The Eastern City District Plan sets a 20-year vision for sustainable growth in the Eastern District, including the City of Sydney, focusing on liveability, productivity, and sustainability. Under the Plan, the site is strategically positioned within the Eastern City CBD and the Eastern Economic Corridor.	
This Planning Proposal supports the following priorities of the Plan:	
Planning Priority E1. Planning for a city supported by infrastructure	Consistent The Planning Proposal supports the delivery of increased housing supply and commercial premises proximate to the CBD, making efficient use of

the site's highly accessible transportation options (Such as Central Metro and Railway Station) to maximise existing infrastructure assets.

Planning Priority E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.	Consistent The proposal will significantly contribute to delivering on housing targets within the Eastern City District and the City of Sydney LGA. Through the provision of affordable housing, the proposal will aid in alleviating housing affordability issues. This will enable housing for critical key workers in the LGA and enable people the crucial opportunity to enter the housing market in an establish LGA.
Planning Priority E6 Creating and renewing great places and local centres, respecting the District's heritage	Consistent The proposal will contribute to creating a great place through the adaptive re-use of the existing heritage substation and introduction of pedestrian permeability through the proposed laneway and active retail frontages. Improved public domain elements such as planting and tree canopy will add vibrancy and vitality to a renewed street form along Smail Street.
Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor	Consistent The Planning Proposal will facilitate an affordable, diverse and multi-purpose development to support the growth of the Camperdown-Ultimo Collaboration Area.
Planning Priority E10 Delivering integrated land use and transport planning for a 30-minute city	Consistent The District Plan aims for a 30-minute city by setting locations for new housing, jobs, education, health and other facilities close to new transport facilities. The transport initiatives relevant to the site include the Sydney Metro City & Southwest which provide improved services between the Harbour CBD, Greater Parramatta and North Sydney. The Planning Proposal will facilitate the 30-minute city vision as the site is located within a highly accessible transport context, including key amenities and services within a comfortable 5-minute walk from the site.
Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently	Consistent The proposal enables the development of a new building that provides for design initiatives to achieve sustainability outcomes that align with the City of Sydney's Net Zero targets.

Q4. Is the Planning Proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal is consistent with the following relevant local strategy and planning studies as detailed below.

Table 11 – Local Strategy Consistency

Objective	Consistency
Sustainable Sydney 2030 – 2050	
Sustainable Sydney 2030 is the City's vision for a "green, global and connected city" and includes 10 strategic directions which provide a framework to achieve this vision.	

This Planning Proposal demonstrates alignment with the following strategic directions of Sustainable Sydney:

Direction 2: A leading environmental performer	Consistent The Planning Proposal enables the development of a new building that achieves sustainability outcomes that align with the City of Sydney's Net Zero targets, including targeting: ▪ Independent ESD certification equivalent to a 5-Star Green Star Rating. ▪ NABERS Energy Rating of 5 Stars for base building performance. ▪ Minimum 5 Star WELS rating for all taps, toilets, showers and urinals. ▪ Full compliance with NCC Section J energy efficiency provisions. ▪ BASIX or equivalent certification for residential components.
Direction 3: Public places for all	Consistent The Planning Proposal ensures future development provides for activation of the public realm.
Direction 4: Design excellence and sustainable development	Consistent Future development of the site will be the subject of a competitive architectural design process. It includes a site-specific DCP and Design Excellence Strategy that will ensure sustainability requirements are met.
Direction 5: A city for walking, cycling and public transport	Consistent The Planning Proposal is in a location that benefits from proximity to existing public transport infrastructure.
Direction 6: An equitable and inclusive city	Consistent The Planning Proposal allows for the redevelopment of an underutilised and undeveloped site for the provision of high-quality affordable housing.
Direction 8: A thriving cultural and creative life	Consistent The proposal provides ground level activation, enhancing street level activity that can provide opportunities for cultural activation and public engagement.
Direction 10: Housing for all	Consistent The proposal facilitates a significant affordable housing contribution consistent with the City of Sydney's affordable housing program.

City Plan 2036 – Local Strategic Planning Statement

The City of Sydney's endorsed local strategic planning statement, City Plan 2036, sets the land use vision and priorities to guide future development and management change.

This Planning Proposal aligns with the following priorities of the statement:

Infrastructure	Consistent The Planning Proposal locates additional residential and commercial floor space in a strategically appropriate location, which is highly walkable and benefits from direct access to a number of public transport options, supporting efficient use of existing infrastructure.
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Liveability	Consistent The Planning Proposal will delivery new housing supply in a key inner-city location. It includes a design excellence process, which ensures future development enhances the public realm, encouraging an inclusive and lively streetscape.
Productivity	Consistent The Planning Proposal will deliver additional commercial space in Ultimo, providing for employment growth and contributing to Sydney's role as a globally competitive economic hub.
Sustainability	Consistent The sustainability strategy accompanying the Planning Proposal sets out design initiatives to achieve sustainability outcomes that align with the City of Sydney's Net Zero targets.

Housing for All: City of Sydney local housing strategy

The City of Sydney's endorsed Local Housing Strategy (**LHS**) links the City's vision for housing with the housing objectives and targets of the region and eastern city district plans.

Priority H1 Facilitating more homes in the right locations	Consistent The Planning Proposal allows for more housing, creating opportunities for the delivery of public benefits including an activated ground plane retail offering and affordable rental housing. The site is proximate to the Harbour CBD and the Camperdown-Ultimo Collaboration Area. As such, the proposal facilitates homes in the right locations to support envisaged growth. The Planning Proposal is consistent with the 'Principles for Growth' in the LSPS.
Priority H2 Coordinating housing growth with the delivery of infrastructure	Consistent The Planning Proposal will deliver affordable housing on a site with significant utility and access to transport, open spaces, key social infrastructure and commercial premises.
Priority H3 Increasing diversity and choice in housing	Consistent The Planning Proposal will increase housing supply through delivery of a BTR product, facilitated across a mix of one, two- and three-bedroom apartments. The proposal will include affordable housing, ensuring the delivery of a diverse range of housing within a core inner-city area in Ultimo. The Planning Proposal contributes to the aspiration for a strong supply of rental accommodation in the City.
Priority H4 Increasing the diversity and number of homes available for lower-income households	Consistent The Planning Proposal will facilitate delivery of 7,712m² of GFA comprising 20% affordable housing. The affordable component will comprise a mix of offerings for moderate, low income and very low-income households.
Priority H7 Increasing liveability, sustainability and accessibility through high-quality residential design	Consistent Future development of the site will be the subject of a competitive architectural design process, as set through the Design Excellence Strategy accompanying this Planning Proposal that will ensure sustainability requirements are met.

Q5. Is the Planning Proposal Consistent with applicable State and regional studies or strategies?

Yes. The Planning Proposal is consistent with the following State and regional studies, as summarised in the **Table 12**.

Table 12 – State and Regional studies

State and Regional Studies	Consistency
Net Zero Plan Stage 1: 2020–2030	Consistent The Net Zero Plan Stage 1: 2020–2030 outlines the NSW Government’s action on climate change and goal to reach net zero emissions by 2050. The proposal will facilitate opportunity for a future detailed development application to be submitted to Council for assessment that will be subject to the relevant ecologically sustainable design–built form controls. Effectively, this future reporting and design considerations will facilitate an outcome that details sustainability initiatives to be implemented and assist future built form in meeting Net Zero targets.
Future Transport Strategy: Our Vision for Transport in NSW (2022)	Consistent The Future Transport Strategy sets out the direction for improving every part of the State’s transport system. The plan seeks to improve neighbourhoods, increase resilience, champion environmental sustainability and promote smart planning and a net zero transport network. The site is highly accessible from a transportation perspective, benefiting from proximity to multi-modal public transport infrastructure, active transport routes and links to key road corridors. As such, the proposal will contribute to the vision to support growth and connectivity across NSW.

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies (**SEPP**) as identified and discussed in **Table 13**.

Table 13 SEPP Consistency

SEPP	Consistency	Comment
SEPP (Housing) 2021	Consistent	The Planning Proposal aligns with the key principles of the Housing SEPP by offering a diverse range housing through apartment mix and addressing the needs of vulnerable groups through the delivery of affordable housing. It will deliver high quality housing supported by significant local amenity, and through leveraging existing infrastructure and minimising potential environmental impacts.
SEPP (Transport and Infrastructure) 2021	Consistent	The Planning Proposal is consistent with the provisions outlined in the T&I SEPP. Any matters relevant under the T&I SEPP will be assessed as part of the development application process.

SEPP (Biodiversity and Conservation) 2021	Consistent	The site is within a highly urbanised area and the site is currently vacant and cleared of majority of vegetation. Any matters relevant under the Biodiversity and Conservation SEPP will be assessed as part of the development application process.
SEPP (Resilience and Hazards) 2021	Consistent	The site is a historical operational site. Future works required to facilitate the development will require structural works and excavation for the basement level. Detailed geotechnical investigations will be undertaken as part of the development application process. A Detailed Site Investigation (DSI) has been prepared by Douglas Partners and is enclosed in Appendix H. The DSI concludes that the site can be made suitable for the proposed mixed-use development, subject to the implementation of a remediation action plan (RAP) and a data gap investigation which will be addressed at a future development application stage. Further details are contained in Section 7.3.3.5 of this report.
SEPP (Sustainable Buildings) 2022	Consistent	The Planning Proposal is supported by a sustainable strategy which outlines the recommended approach to ensuring that any future development is capable of complying the Sustainable Buildings SEPP.

The following SEPPs are not applicable to the Planning Proposal –SEPP (Exempt and Complying Development Codes) 2008; SEPP (Industry and Employment) 2021; SEPP (Planning Systems) 2021; SEPP (Precincts – Central River City) 2021; SEPP (Precincts – Eastern Harbour City) 2021; SEPP (Precincts – Regional) 2021; SEPP (Precincts – Western Parkland City) 2021; SEPP (Primary Production) 2021; SEPP (Resource and Energy) 2021.

Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The Planning Proposal is consistent with relevant Ministerial Directions under Section 9.1 of the EP&A Act as identified and summarised in **Table 14**.

Table 14 Ministerial Direction Consistency

Ministerial Direction	Consistency	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The proposal gives effect to the Greater Sydney Region Plan, as detailed above.
1.3 Approval and Referral Requirements	Consistent	The Planning Proposal does not include specific provisions that require the concurrence, consultation or referral of development applications to the Minister or public authority. The Planning Proposal is not identified as designated development.

1.4 Site Specific Provisions	Consistent	The proposed site-specific LEP provisions are consistent with the standard approach for sites within the Sydney LGA. The provisions follow a consistent format to other clauses within Division 5 of the SLEP 2012 and enable the required height and floor space to be unlocked.
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Focus Area 3: Biodiversity and Conservation

3.2 Heritage Conservation	Consistent	The Planning Proposal will ensure the conservation and adaptive re-use of the existing State Heritage listed substation on the site. Design guidance has been incorporated into the draft site-specific DCP to ensure that any future development application is designed with regard to the heritage buildings within the immediate vicinity of the site.
3.10 Water Catchment Protection	Consistent	The Planning Proposal does not give rise to any inconsistencies with this direction.

Focus Area 4: Resilience and Hazards

4.1 Flooding	Consistent	The site is within the flood planning area (1% AEP flood level + 500mm) and is subject to flood related development controls. A flood assessment has been undertaken which confirms that the proposal is capable of complying with the relevant flood planning controls. Refer to Section 7.3.3.8.
4.4 Remediation of Contaminated Land	Consistent	Given the historic use of the land and its existing zoning for MUI Mixed Use, it is not anticipated that the site will contain contamination requiring remediation. A Detailed Site Investigation (DSI) has been prepared by Douglas Partners and is enclosed in Appendix H. The DSI concludes that the site can be made suitable for the proposed mixed-use development, subject to the implementation of a remediation action plan (RAP) and a data gap investigation which can be addressed at a future development application stage. Further details are contained in Section 7.3.3.5 of this report.
4.5 Acid Sulfate Soils	Consistent	The site is identified as both Class 5 and Class 2 on the Acid Sulfate Soils map. Future works will be accompanied by the relevant technical reports, including an Acid Sulfate Soils Management Plan, if required.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport

Consistent

The site is located in proximity to light rail and heavy rail transit systems as well as frequent bus services.

Focus Area 6: Housing

6.1 Residential Zones

Consistent

The planning proposal is seeking to broaden the range of housing choices provided in the LGA through the delivery of residential floor space that is capable of being developed with a mix of apartment typologies and layouts.

The site is suitably located to accommodate a high-density residential development, as it is located within close proximity to major transport infrastructure and meets residential amenity and locational criteria.

Residential development in this location would make efficient use of existing services and infrastructure. The MUI Mixed Use zone creates the potential to provide housing and to help meet infill housing targets.

Future residential accommodation can be provided on the site without significantly impacting the land or neighbouring development.

The following Directions are not applicable to this Planning Proposal:

- 1.2 Development of Aboriginal Land Council Land; 1.4A Exclusion of Development Standards from Variation; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan; 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor; 1.10 Implementation of Western Sydney Aerotropolis Plan; 1.11 Implementation of Bayside West Precincts 2036 Plan; 1.12 Implementation of Planning Principles for the Cooks Cove Precinct; 1.13 Implementation of St Leonards and Crows Nest 2036 Plan; 1.14 Implementation of Greater Macarthur 2040; 1.15 Implementation of the Pyrmont Peninsula Place Strategy; 1.16 North West Rail Link Corridor Strategy; 1.17 Implementation of the Bays West Place Strategy; 1.18 Implementation of the Macquarie Park Innovation Precinct; 1.19 Implementation of the Westmead Place Strategy; Implementation of the Camellia - Rosehill Place Strategy; Implementation of South West Growth Area Structure Plan; Implementation of the Cherrybrook Station Place Strategy 3.1 Conservation Zones; 3.3 Sydney Drinking Water Catchments; 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs; 3.5 Recreation Vehicle Areas; 3.6 Strategic Conservation Planning; 3.7 Public Bushland; 3.8 Willandra Lakes Region; 3.9 Sydney Harbour Foreshores and Waterways Area; 4.2 Coastal Management; 4.3 Planning for Bushfire Protection; 4.6 Mine Subsidence and Unstable Land; 5.2 Reserving Land for Public Purposes; 5.3 Development Near Regulated Airports and Defence Airfields; 5.4 Shooting Ranges; 6.2 Caravan Parks and Manufactured Home Estates; 7.2 Reduction in non-hosted short-term rental accommodation period; 7.3 Commercial and Retail Development along the Pacific Highway, North Coast; 8.1 Mining, Petroleum Production and Extractive Industries; 9.1 Rural Zones; 9.2 Rural Lands; 9.3 Oyster Aquaculture; 9.4 Farmland of State and Regional Significance on the NSW Far North Coast

7.3.3 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical or threatened species on the site that would be adversely affected by the proposal.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The site is free of major constraints. There are not likely to be any environmental impacts associated with the future development of the land that cannot be suitably mitigated through further design development.

Preliminary investigations have been undertaken as outlined below.

7.3.3.1 Built Form and Context

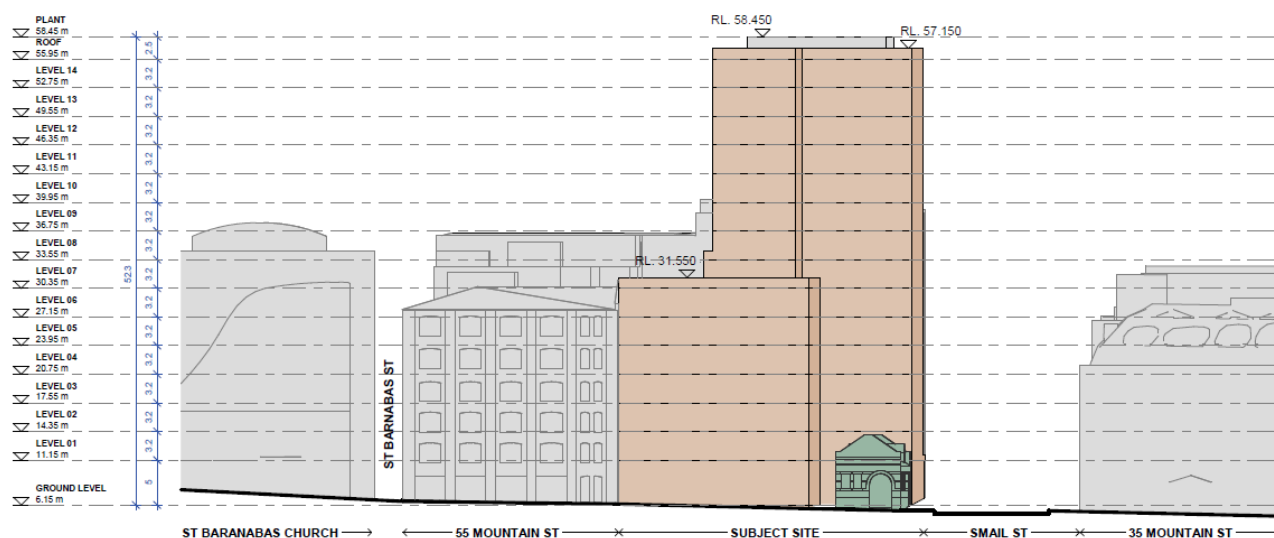
The reference scheme provides a defined and cohesive built form that responds to the varied scale of Mountain and Smail Streets, while respecting the State heritage listed substation on site. The scheme is arranged as two separate blocks to address the 10m difference in height between adjoining properties at 1-3 Smail Street and 55 Mountain Street. The western block aligns with the tops of the piers of 1-3 Smail Street, establishing a strong datum line, while the eastern block incorporates a reduction in storeys, a setback and a material change to transition sensitively to the scale of 55 Mountain Street.

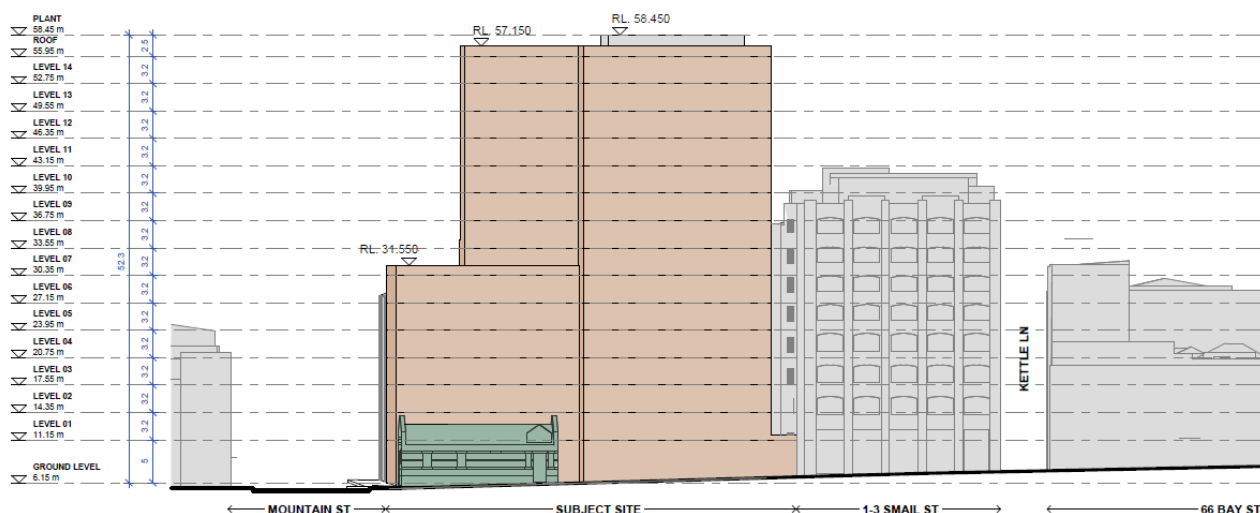
The reference scheme includes a building form extending to a maximum height of 53 metres, equivalent to approximately 15 storeys, holding the corner of Smail and Mountain Streets. A key feature of the design is the introduction of a 8 metre upper-level setback at level 8 towards Mountain Street, establishing a clear spatial relationship to the crown portion of the development and the upper edge of the street wall, subtly distinguishing the new form while complementing the urban profile.

The proposal is located within an area of Ultimo that is characterised by warehouse style buildings of 4-8 storeys, which is not accurately reflected in the current development controls that apply to the site. It is considered that a building height of RL 58.450 in the context of the surrounding area is entirely appropriate and complements the built form scale and urban structure of this part of the City of Sydney LGA. The proposed height provides a key transition from adjoining developments to a corner site reinforcing the vertical hierarchy of the Mountain Street, Smail Street block.

Elevations of the reference scheme are extracted in **Figure 13**.

Figure 13 Elevations





Source: Bates Smart

7.3.3.2 View Analysis

A Preliminary View Analysis has been undertaken by Bates Smart within the Urban Design Report (**Appendix B**). The analysis notes that the immediate surrounds include a mix of warehouse conversions, educational institutions, and commercial tenancies, with limited residential presence.

The nearest residential buildings are located to the south and east and are notably lower in height than the proposed development. However, given their orientation and existing view corridors, these dwellings are not expected to experience any significant loss of visual amenity or access to key outlooks. The proposal has been designed to respect surrounding view lines while contributing positively to the evolving urban fabric of Ultimo.

The siting of the concept within the broader context is detailed in **Figure 14** below.

Figure 14 View Analysis



Source: Bates Smart

7.3.3.3 Solar Access and Overshadowing

Preliminary solar access modelling (heatmaps) has been prepared by Bates Smart within the Urban Design Report (**Appendix B**), illustrating the extent of sunlight penetration between 9am and 3pm on 21 June. The layout of living rooms, private balconies and communal open space has been informed by this analysis to maximise exposure to daylight.

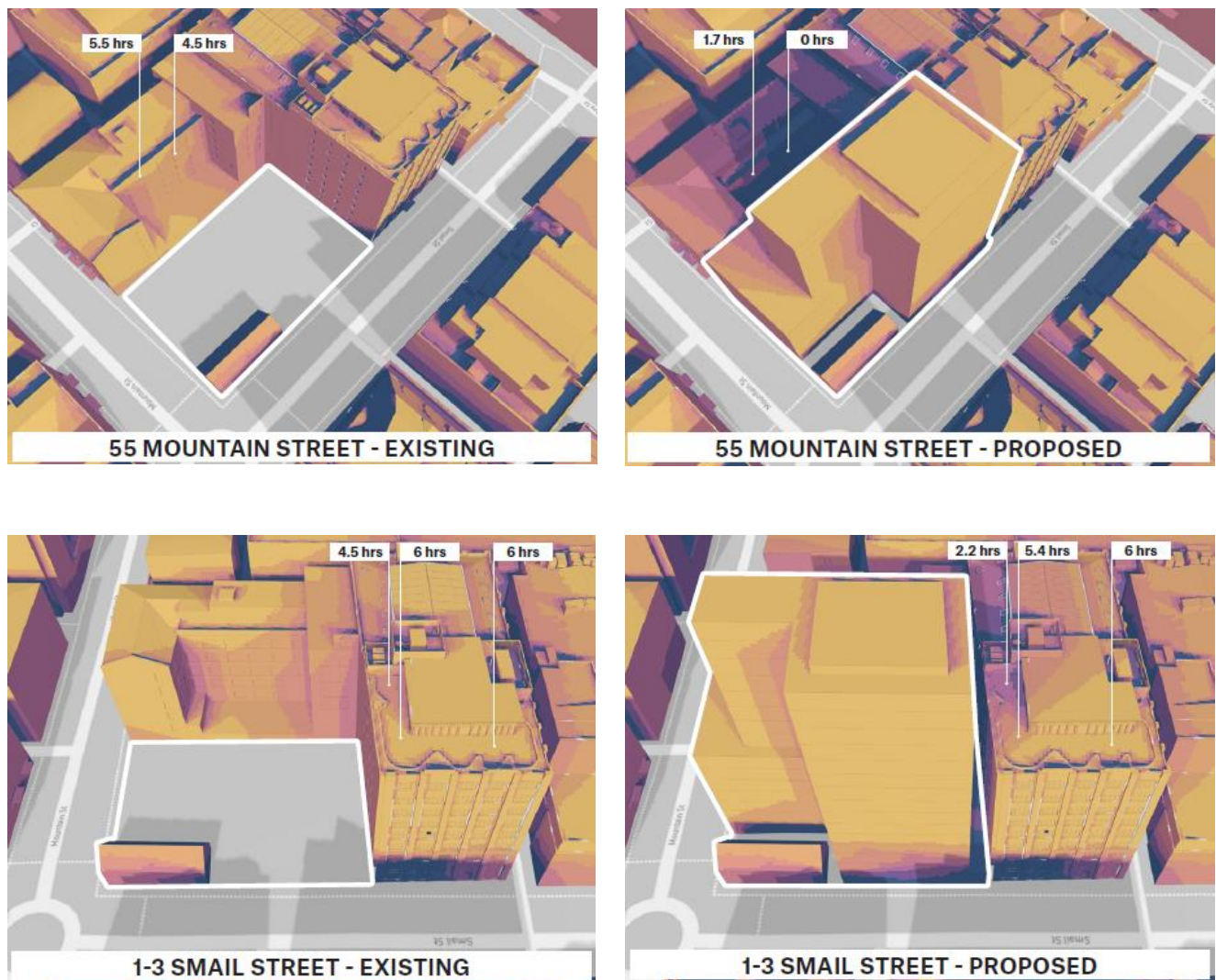
In accordance with the Apartment Design Guide (ADG) solar access criteria:

- 74% of proposed dwellings receive at least 2 hours of direct sunlight between 9am and 3pm on 21 June.
- 20% of dwellings receive no direct solar access during this period.

Through this analysis, overshadowing to surrounding properties has been assessed. The proposal does not result in significant overshadowing to residential properties, communal open spaces, or private outdoor areas.

A minor additional impact is noted on the rooftop terrace of 1–3 Smail Street; however, more than 50% of this space remains unaffected and continues to receive at least 2 hours of sunlight. The most pronounced reduction in solar access occurs to the commercial property at 55 Mountain Street, located immediately south of the site. Most importantly, it is noted that there are no planning controls subject to the site which require solar access be maintained to this commercial building.

Figure 15 Shadow Diagrams



Source: Bates Smart

7.3.3.4 ESD

An Environmentally Sustainable Development Strategy (**ESD Strategy**) has been developed by Flux and is enclosed in **Appendix I**. The ESD Strategy has been prepared in accordance with the following key controls:

- Clause 3.6 of the Sydney DCP 2012
- SEPP (Sustainable Buildings)
- NABERS, Green Star Buildings and other relevant tools to measure environmental performance.

The key ESD components of the proposal include:

- All-electric buildings
- Onsite renewable energy
- HFC-free refrigerants
- Passive design relating to new buildings and the heritage listed substation
- Adaptive reuse

The proposal will exceed the Sustainable Buildings SEPP 2022 BASIX minimum targets of Energy (≥ 60) and Water (≥ 40) for residential development. The development will target a minimum of 5-star Green Star Buildings rating. The design approach seeks to leverage the inherent qualities of the development to maximise credit achievement, while minimising reliance on measures that fall outside the project's core sustainability commitments.

These measures will continue to be incorporated into detailed and ongoing design development and future development application stages.

7.3.3.5 Detailed Site Investigation

A Detailed Site Investigation (**DSI**) has been prepared by Douglas Partners and is enclosed in **Appendix H**. The DSI investigated and assessed the suitability of the site from a contamination perspective for the proposal and makes recommendations further investigation and management to be undertaken through subsequent DA and construction stages.

The DIS concludes that the site can be made suitable for the proposed mixed-use development, subject to implementation of the following:

- Preparation of a remediation action plan (**RAP**) to outline the process for data gap investigation (if not conducted prior to RAP preparation, refer to next dot point), remediation and validation of the site as required to render the site suitable for the proposed development. The RAP should also include an unexpected finds protocol and contingency plan;
- A data gap investigation to address the data gaps in the current investigation. This should include testing in the footprints of existing demountable buildings, metal containers, storage areas and the former substation, further groundwater assessment and characterisation of asbestos (as required for waste classification and to meet remediation objectives). The data gap investigation may need to occur when the site is unoccupied / following removal of current structures; and
- Implementation and validation of the works under the RAP.

All soils to be removed from the site will need to be classified and managed in accordance with the *Protection of the Environment Operations Act 1997*.

7.3.3.6 Heritage

Aboriginal Objects

An Aboriginal Objects Due Diligence Assessment (**ADD**) has been prepared and accompanies this Planning Proposal, enclosed at **Appendix D**. The ADD was undertaken to determine whether any Aboriginal objects or Aboriginal places are likely to be harmed by future proposed developments of the subject area. The ADD concludes:

- The proposed activity is not a 'low impact activity'.
- There are no known Aboriginal objects or Aboriginal places within the curtilage of the subject area.
- Previous studies in the vicinity of the subject area have identified Aboriginal objects within similar developed locations.
- The subject area is in proximity to historical aquatic resources of Blackwattle Creek and associated swamps.
- The subject area has been impacted by historical phases of construction and demolition.
- Due to the possibility that Aboriginal objects may be encountered during historical archaeological investigations an Aboriginal Cultural Heritage Assessment (**ACHA**) is recommended to mitigate risk. The ACHA should incorporate an Archaeological Research Design outlining a management strategy for Aboriginal objects should they be encountered. This would avoid delays to the project as an ACHA has a minimum timeframe of approximately 4 months due to statutory consultation periods.

The above recommendations can be addressed at the DA stage for the future development of the site.

Built Heritage

A Heritage Impact Statement (**HIS**) has been prepared and accompanies this Planning Proposal, enclosed at **Appendix E**. The HIS has been prepared to determine the potential heritage impacts of the Planning Proposal on the heritage significance of the listed item on the subject site, the Mountain Street Heritage Conservation area in which the site is located, and the heritage items in the vicinity of the site.

It is noted that no physical works are proposed as part of this Planning Proposal. Key aspects of the HIS assessment are extracted below:

- The Planning Proposal has been subject to review by the City of Sydney Design Advisory Panel, with further consultation with the City of Sydney to further refine the concept envelope. The concept envelope for the Planning Proposal has responded appropriately to feedback provided by the City of Sydney.
- In conjunction with a future detailed design, the Planning Proposal provides an opportunity to reinvigorate the subject site, which has been largely vacant since 2005 and the majority of which is currently identified as a 'detracting' site in the Sydney DCP 2012.
- The Planning Proposal provides for built form development to the street boundaries of both Mountain and Smail Streets, which is characteristic of development in the Mountain Street HCA and would provide for framed open views along the street.
- The proposed building envelope facilitates a response to the broad heritage context through setbacks and two distinct primary built form envelopes that are subject to future architectural resolution.
- The proposed building envelope facilitates future development of a bulk and scale that is appropriate to the large lot and urban form of the surrounding context.
- The proposed development presents an opportunity for future works to stimulate redevelopment of the site, in turn providing for the conservation and maintenance of the heritage listed electricity substation, which is a 'contributing' item in the Sydney DCP 2012.
- The Planning Proposal provide the opportunity for future building designs to achieve a sympathetic response to the heritage items in the vicinity through a detailed examination of heritage context, scale

and form. It provides a volume in which future development can respond to the scale, character and materiality of the area through a design excellence approach.

Overall, the proposal provides an opportunity to redevelop a site currently identified as detracting within the HCA. Through sympathetic design, future development can enhance the setting of the substation and make a positive contribution to the character of the conservation area. On this basis, the proposed amendments to height and FSR are considered acceptable from a heritage perspective.

Historical Archaeological Assessment

A Historical Archaeological Impact Assessment (**HAIA**) has been prepared and accompanies this Planning Proposal, enclosed at **Appendix F**. The HAIA has been undertaken to evaluate potential impacts of the proposed development on historical archaeological material within the subject site and to establish appropriate heritage management measures.. The HAIA concludes that:

Historical Context

- The historical development of the site is broadly categorised into three phases:
 - Phase 1 – 19th Century Colonial Development (1789–1905): Early settlement and associated infrastructure.
 - Phase 2 – Land Resumption (1905–1909): Reorganisation of land parcels and early urbanisation.
 - Phase 3 – Industrial Use (1909–Present): Industrial occupation and later demolition of structures.

Archaeological Potential

- No items listed on the State Heritage Register have been identified within the site.
- Moderate to high potential exists for locally significant relics associated with mid-19th century development, including road materials, postholes, sandstone or brick foundations, ceramic or brick piping, wells, cisterns, residential pipes, rubbish pits, and cesspits containing artefact-bearing deposits.
- The proposed works, involving demolition of existing structures and construction of a new mixed-use development with a basement, are likely to impact these locally significant relics.
- No relics of State significance or relics requiring retention through redesign were identified. Accordingly, there are no archaeological impediments to the Planning Proposal or future Development Application.

The HAIA contains a suite of recommendations for consideration during detailed design development, including future archaeological investigation under an s140 Excavation Permit. Overall, it is concluded that with appropriate archaeological investigation and mitigation measures, any impacts can be managed, allowing the Planning Proposal and future development to proceed without adverse heritage outcomes.

7.3.3.7 Arboricultural Impact Assessment

An Arboricultural Impact Assessment (**AIA**) has been prepared and accompanies this Planning Proposal, enclosed at **Appendix C**. The AIA assesses four (4) trees located on or adjoining the site. The AIA assesses potential impacts of the proposal on these trees and recommends strategies for their management in relation to future development on the site.

Details of the assessment undertaken in the AIA, including tree retention values and key metrics such as height and health are contained in **Figure 16**. A Tree Protection Plan is also extracted below.

Figure 16 AIA Extracts

Tree #	Botanical Name	Height (m)	Canopy (m)	DBH (mm)	TPZ (m)	SRZ (m)	TPZ Encroachment	SULE	Retention Value	Action	Notes
1	<i>Platanus x acerifolia</i>	33	25	950	11.40	3.35	26.5%	2A	High	Remove	- Canopy in good condition with minimal dieback or deadwood. Parts of the canopy extend into the site of 43-49 Mountain Street that have not been pruned back. - Lopsided canopy towards the road. 1x cavity on a second order branch (refer to photo 3). - Damaged footpath and potential damage to underground services. It is likely that the roots cannot be pruned back to stop the damage as it would destabilise the tree. Refer to ADP report "SYD3482". - Impact to vehicles parking on the street next to the tree due to the lean of the trunk. Refer to PDC Consultants (Aust) report "24.173r02v02"
2	<i>Jacaranda mimosifolia</i>	11	5	190	2.30	1.82	0.0%	2A	Moderate	Retain	- Poor canopy structure. - Fair condition.
3	<i>Jacaranda mimosifolia</i>	11	10	380	4.60	2.40	0.0%	2A	Moderate	Retain	Fair condition no major defects identified.
4	<i>Celtis australis</i>	4	2	40	2.00	1.50	100.0%	3A	Low	Remove	In very poor condition with dieback throughout the canopy.



Source: Arbor Express

The AIA concludes:

- Tree 1 has been approved for removal due to the future safe useful life of the tree.
- Tree 2 remains structurally stable and the proposal does not encroach into its TPZ. With appropriate protection measures in place, Tree 2 can be retained.
- Tree 3 has no significant encroachment into the TPZ and the tree is in good health. Tree 3 should be retained and protected.
- Tree 4 will be directly impacted by the proposed vehicle entry and exit. Given the extent of disturbance, Tree 4 cannot be retained and should be removed.

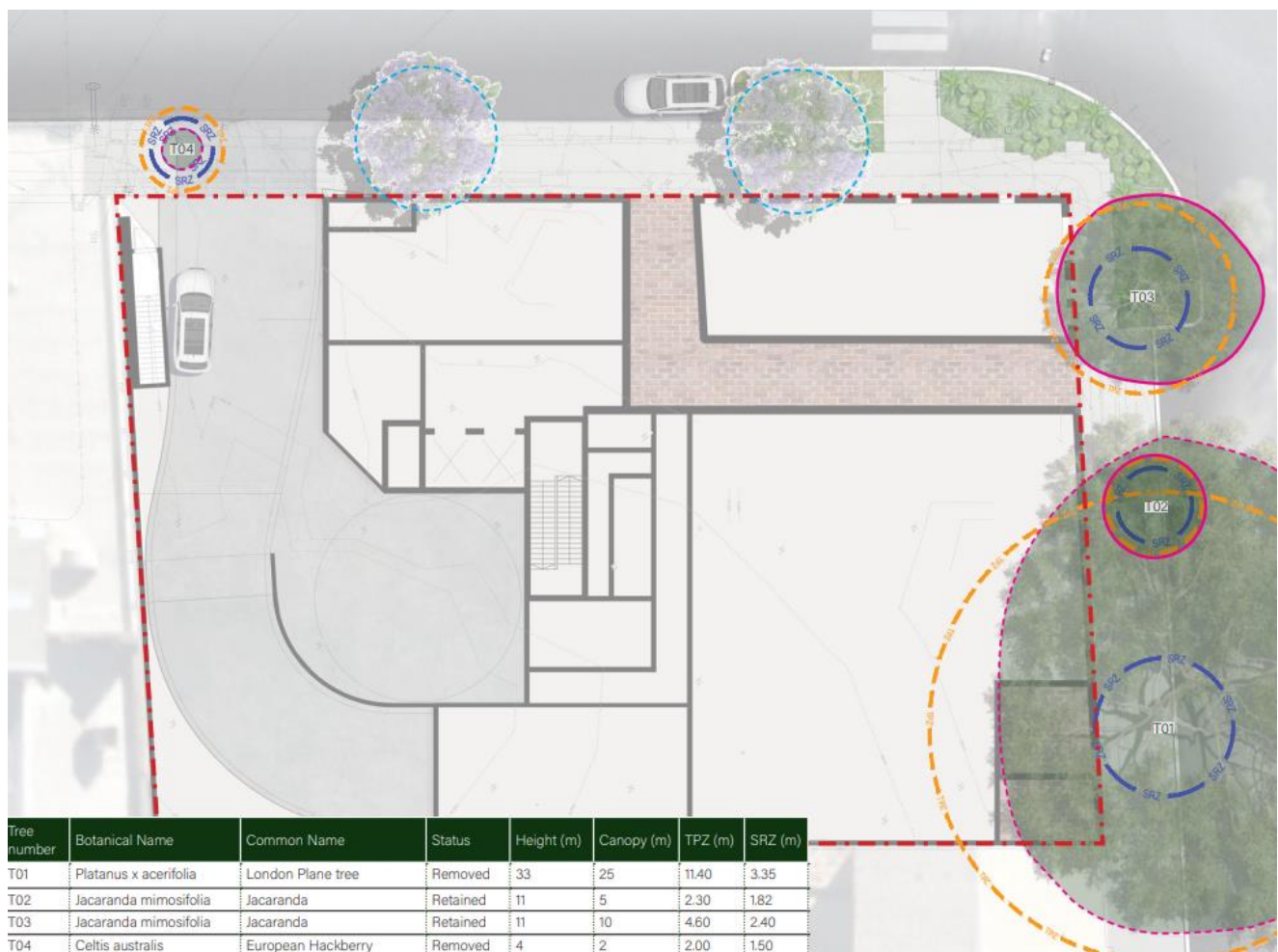
7.3.3.8 Landscaping

A Landscape Design Concept has been prepared and accompanies this Planning Proposal, enclosed at **Appendix K**. The landscaping strategy is informed by the following design principles:

- Responsive landscape design
- Promote sustainability
- Create beautiful and comfortable places for people
- Contribute to and enhance the natural environment and urban ecology
- Promote and improve water quality

The Landscape Design Concept comprises a vegetation management plan inclusive of sensitive treatments to street trees proximate to the site. The proposal incorporates retention of existing street trees and street tree planting as detailed in **Figure 17**.

Figure 17 Vegetation Management Plan



Source: Subtropic Design

The landscaping strategy comprises upper-level planting to foster spaces for relaxation and social connection, with communal rooftop open space to active the north and eastern edge of the site. The landscaping strategy includes a mixture of native and endemic planting species. The landscaping strategy will also contribute to water sensitive urban design through refurbished bio-basins and capture and reuse of stormwater for irrigation.

The landscape strategy indicates an area of 175m² of planting areas. Deep soil area, planting, and canopy is to be further addressed at the DA stage. It is noted given the constrained nature of the site that strict compliance with the City of Sydney Development Control Plan 2012 may be challenging to achieve.

7.3.3.6 Traffic and Transport

A Traffic Impact Assessment (**TIA**) has been prepared and accompanies this Planning Proposal, enclosed at **Appendix G**. The TIA has assessed the potential traffic and parking impacts of the proposal, including parking requirements, potential traffic impacts and the proposed access and internal design arrangements..

The below details the key outcomes of the assessment:

Parking Requirements

Table 15 Parking Requirements

Component	Proposed
Build-to-rent	The proposed build-to-rent development requires 17 car parking spaces based on the Housing SEPP's rate of 0.2 spaces per dwelling for accessible areas. The site qualifies as an accessible area due to its proximity to public transport. The proposal includes 19 car parking spaces, exceeding the minimum requirement and will ensure compliance with the relevant standards.
Retail	The proposal provides 2 retail car spaces in accordance with the formula contained in Clause 7.7(d) of the SLEP 2012 which is satisfactory.
Car Share	Clause 3.11.2 of the SDCP 2012 requires a minimum car share scheme parking rate based on the number of car spaces provided in the proposed development. According to the Land Use and Transport Integration Map, the site falls under Category 'A', which mandates 1 car share space per 50 car spaces. Given this, the assessment concludes that the site is not required to provide any car share parking spaces.
Accessible Parking	Clause 7.8.5 of the SDCP 2012 mandates one accessible space for every 20 car spaces or part thereof. With 22 car spaces proposed, the development includes one accessible car parking space, meeting the requirement satisfactorily.
Motorcycle Parking	Clause 7.8.4 of the SDCP 2012 requires one motorcycle space for every 12 car spaces. With 22 car spaces proposed, the proposal includes two motorcycle parking spaces, meeting the requirement satisfactorily.
Bicycle Parking	Clause 69 (1)(h) of the Housing SEPP requires that "the build-to-rent housing will include adequate bicycle and motorcycle parking spaces". SDCP 2012 in turn states a bicycle parking rate of "1 per dwelling" for residential accommodation plus "1 per 10 dwellings" for visitors and "1 per 250m ² area" for shops.

	As 107 apartments and 479m ² GFA are proposed at the development, the site should target 119 bicycle parking spaces.
Service and Waste Collection	Neither SLEP 2012 nor SDCP 2012 specify service vehicle parking rates for build-to-rent housing, but SDCP 2012 requires three service bays based on residential and shop use. The development will provide one ground-level loading dock for medium rigid vehicles (MRV), equipped with a turntable for efficient entry and exit. A Loading Dock Management Plan (LDMP) will ensure safe and efficient use, coordinating service and waste collection vehicles. Swept path analysis confirms satisfactory vehicle circulation.

Potential Traffic Impacts

The proposal is expected to generate a net increase of 15 vehicle trips per hour during the AM peak and 18 vehicle trips per hour during the PM peak. This equates to roughly one additional vehicle every three to four minutes. Given this modest increase, there will be no significant traffic impacts on nearby local streets, and no external improvements are necessary.

Design Elements

The TIA confirms:

- The proposed vehicular access complies with AS2890 guidelines, featuring a suitable combined entry and exit driveway. Swept path analysis confirms safe and efficient operation.
- Internal parking meets AS 2890 standards for dimensions, grades, aisle widths, and clearances. Swept path analysis supports the design, with minor adjustments possible before the Construction Certificate.
- Servicing and loading facilities are designed for an 8.8-metre MRV, meeting AS 2890.2 standards. Swept path analysis confirms these arrangements are satisfactory.

The TIA concludes that:

- Car parking at the site has been assessed in accordance with the Housing SEPP and Council's planning controls to determine a suitable level of provision. In response, 22 car parking spaces are proposed at the site which is considered acceptable.
- The development provides a total of 92 bicycle and two motorcycle parking spaces. The proposed bicycle and motorcycle parking provisions are considered adequate and acceptable.
- The traffic generation assessment confirms that the development will have a negligible impact on the performance of the external road network and is therefore considered acceptable.
- The proposed access and internal parking arrangements comply with the relevant requirements of AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6. Any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate.

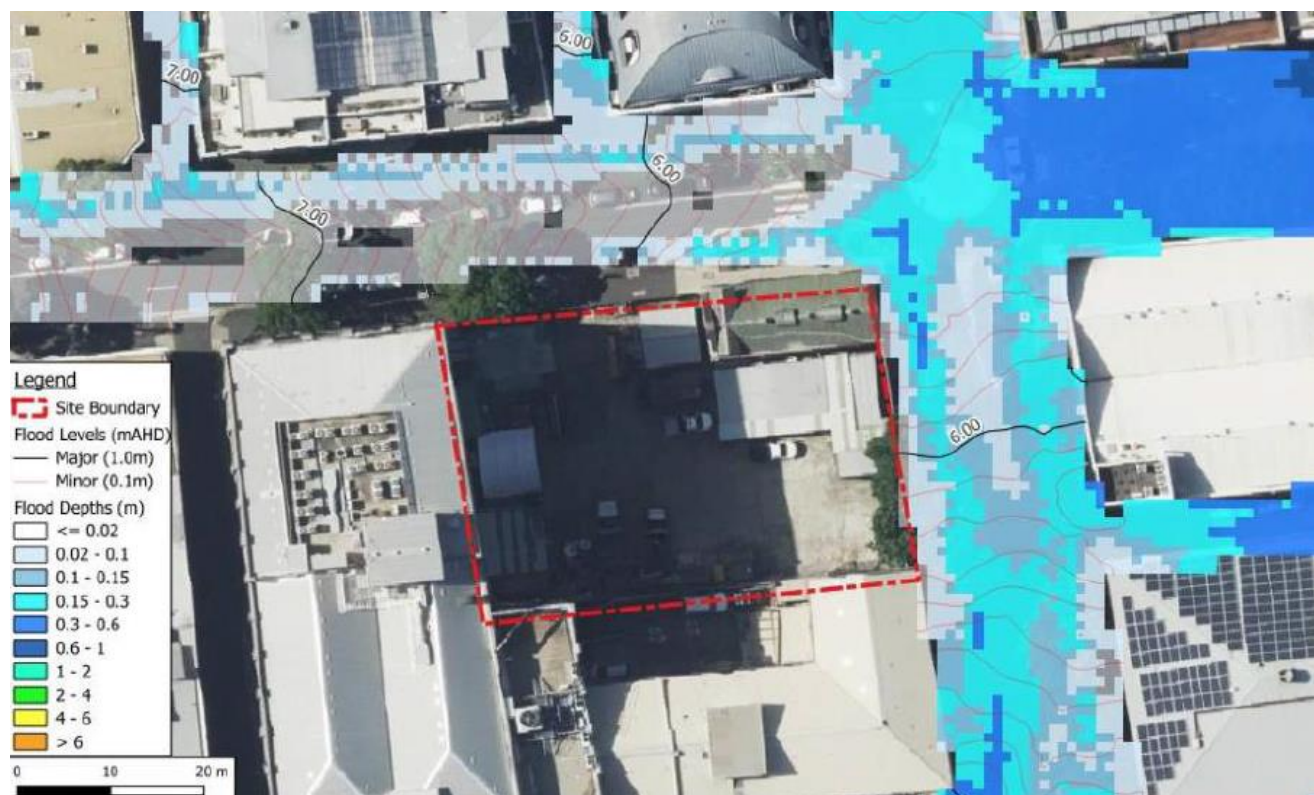
The proposal is supportable on traffic planning grounds.

7.3.3.9 Flooding

A Flood Impact Risk Assessment has been prepared and accompanies this Planning Proposal, enclosed at **Appendix J**. The report provides an overview of flooding affectation status of the site and surrounding context and details any potential implications for future development of the site.

The report confirms that the site is within the flood planning area (1% AEP flood level + 500mm) (Refer **Figure 18**). As such, the site is subject to flood related development controls.

Figure 18 1% AEP Existing Flood Event



Source: ADP

The applicable flood planning levels (**FPLs**) applying to the site and future development are as follows:

- Non-habitable FFL = 1% AEP
- Habitable FFL = 1% AEP + 500mm freeboard
- Basement entry = 1% AEP + 500mm freeboard or PMF (within floodplain) or 300mm above surrounding ground levels (outside floodplain).

The report concludes that the proposal complies with the relevant flooding provisions of the SDCP 2012 and will have no impacts on adjoining properties. Further, a flood evacuation response strategy has been developed for the development.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

This planning proposal provides opportunity for the revitalisation of an underutilised site in a strategically appropriate location, that will enhance the public realm and contribute through both use and design to the site's wider context.

The proposal provides for 7,712m² of additional residential and commercial floor space on the site, contributing to housing supply in a core inner-city location. Further, the proposal provides for the delivery of affordable housing addressing product diversity, rental accommodation needs and rising demand for housing.

The redevelopment of the site, like all new development acts as a market catalyst boosting employment and value add during construction boosting the local economy and momentum in revitalising Ultimo. This could

potentially help unlock further investment in mixed-use projects in the areas, specifically following the delivery of 1-3 Smail Street for co-living.

The proposal will also positively contribute to maximising investment within existing infrastructure. The payment of the relevant infrastructure contributions, in addition to the significant public benefit offer, at future development stages, will contribute to the provision of public interest and benefits.

The Planning Proposal will therefore have positive social and economic benefits for the broader community. It is considered that the proposal has addressed social and economic impacts and is in the public interest.

7.3.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11. *Is there adequate public infrastructure for the Planning Proposal?*

Yes. There is adequate public infrastructure to support the Planning Proposal and future development application. The site is within an existing highly urbanised mixed-use area, readily able to be augmented and connected to existing essential services and public infrastructure, including electrical, telecommunications, effluent, stormwater and drainage.

The history of approved development on the site indicates that it is envisaged by the consent authority and development on the site is capable of being connected to essential services.

As such, the proposal can be accommodated based on the capacity of existing utility services infrastructure.

1.1.5 Section E – State and Commonwealth Interests

Q12. *What are the reviews of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

There has been ongoing consultation with the City of Sydney in preparation of this Planning Proposal.

7.4 Part 4: Maps

The Planning Proposal seeks written instrument changes only.

No change will be made to any maps contained in the LEP, instead alternative controls relating to gross floor area and building height are proposed through new site-specific provisions under Division 5 site specific provision of the LEP.

The draft DCP that accompanies this Planning Proposal includes detailed diagrams to reflect the proposed future building envelope, as sought by this Planning Proposal.

7.5 Part 5: Community Consultation

Section 3.34 of the EP&A Act requires the relevant Planning Proposal Authority to consult with the community in accordance with the Gateway Determination.

In accordance with the requirements of the LEP Making Guideline, it is expected that the Planning Proposal will be publicly exhibited for at least 28 days. As part of the Gateway Determination, consultation will be undertaken with any relevant agencies and stakeholders.

7.6 Project Timeline

The following table sets out the anticipated project timeline in accordance with the LEP Making Guideline. The key milestones and overall timeframe are indicative and will be subject to further detailed discussions with

Council and DPHI. The timeline allows for a concurrent DA process to progress in parallel with the Planning Proposal.

Table 16 Project Timeline

Process	Indicative Timeframe
Planning Proposal submitted to Council	September 2025
Gateway Determination	December 2025
Post Gateway	December 2025 – January 2026
Public exhibition and review of submissions	January 2026 – February 2026
Assessment of submissions and report to Council	March 2026
Finalisation of Planning Proposal and LEP made	May 2026

8 Conclusion

The Planning Proposal seeks to amend the SLEP 2012 by inserting a new site-specific clause in Division 5 of the SLEP, which will permit a maximum building height of RL 58.450 and an additional gross floor area of 7,844m² or a total FSR across the site of 5.4:1.

The new site-specific provisions within the SLEP 2012 unlock the site's development potential through the delivery of a mixed-use development comprising affordable rental housing and ground plane public realm activation.

The Planning Proposal is found to respond appropriately to relevant strategic planning framework, which supports development outcomes that contribute to housing supply, housing affordability and envisaged growth, by providing high-quality and innovative design that complements existing character and proximate heritage setting of the site, whilst supporting growth objectives within Ultimo.

The Planning Proposal sets out the justification for the proposed LEP amendment. It is supported by an indicative reference scheme that includes a detailed site and context analysis and demonstrates that the proposal is sound and suitable for its locality.

It is considered that the proposed amendments to SLEP 2012 would result in an improved development outcome and would generate significant economic and community benefit, including:

- **Local context:** The Planning Proposal is considered to have site-specific merit, as it facilitates future development with a height and massing strategy that is contextual to the built environment of the site and seeks to integrate with the surrounding street wall height and built form. Ultimately, the development will be responsive to the locality and deliver a positive development outcome in the context of Ultimo.
- **Strategic context:** The planning proposal has strategic planning merit, as it would positively contribute to the achievement of State and local government strategic planning goals and see the development of a key area of zoned MUI Mixed Use land in the City of Sydney LGA.
- **Community benefits:** The planning proposal has the potential to generate a range of benefits for the community, including:
 - Enabling new housing to be accommodated within Ultimo, which increase housing choice, diversity, and affordability in close proximity to major public transport interchanges. The proposal includes a significant amount of affordable housing that aligns with the City's Affordable Housing Program.
 - Conservation and adaptive re-use of the State heritage listed substation on the site.
 - Direct economic benefits and the creation of additional employment, during the construction stage and ongoing operations.
- **Environmental impacts:** The reference scheme has been developed to minimise adverse environmental impacts on the locality and has considered key requirements of the ADG. The planning proposal has assessed shadow impact to nearby residents and has demonstrated that the proposed density will not create an unreasonable amount of overshadowing on nearby residential dwellings and the public domain.

Accordingly, it is **recommended** the Planning Proposal is endorsed by Council and referred to DPHI for Gateway Determination.

Disclaimer

This report is dated 03 October 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Evolution MIT Services Pty Ltd as trustee for Apt Hold Trust 2 (**Instructing Party**) for the purpose of Planning Proposal Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A – Draft Site Specific DCP

Appendix B – Urban Design Report

Appendix C – Arboricultural Impact Assessment

Appendix D – Aboriginal Objects Due Diligence Assessment

Appendix E – Heritage Impact Statement

Appendix F – Historical Archaeological Assessment

Appendix G – Traffic Impact Assessment

Appendix H – Report on Detailed Site (Contamination) Investigation

Appendix I – ESD Strategies

Appendix J – Flood Impact Assessment

Appendix K – Landscape Report

Appendix L – Design Excellence Strategy

Appendix M – Letter of Offer

Appendix N – Owner’s Consent

Appendix O – Architectural Plans

Appendix P – Report on Dewatering Management Plan

Appendix Q – Water Cycle and Stormwater Management Report

Appendix R – Site Survey

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