

Attachment A6

Heritage Impact Statement

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URBIS

HERITAGE IMPACT STATEMENT

Prepared for
APT. RESIDENTIAL
17 September 2025

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Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

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.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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EXECUTIVE SUMMARY

Urbis has been engaged by Apt. Residential to prepare the Heritage Impact Statement (HIS) of the proposed amendment to *Sydney Local Environmental Plan 2012* (SLEP 2012) as it applies to the site at 41-49 Mountain Street, Ultimo. This report has been prepared to accompany a planning proposal to the City of Sydney. No physical works are proposed.

The subject site constitutes a corner site at the intersection of Smail Street and Mountain Street, Ultimo. The subject site is a consolidated allotment inclusive of a State heritage listed single-storey Federation period Substation building under the *NSW Heritage Act 1979* (Substation, SHR No. 00934). The Substation is also listed as a local heritage listed item (LEP I2053) under Schedule 5 of the *Sydney Local Environmental Plan (LEP) 2012*. Further, the Substation is identified under Section 170 of the Ausgrid Heritage Register of the *Heritage Act NSW 1977*, known as 'Electricity Substation No. 5' (3430486). Additionally, the subject site incorporates a large open area space comprising hardstand concrete. A demountable office building is located within the eastern portion, an electricity station to the western portion and temporary awning structures to the south. The street boundary is lined with fencing. The entire site is located within the Mountain Street Heritage Conservation Area (C68) under Schedule 5 of the *Sydney Local Environmental Plan (LEP) 2012*, which is characterised by Federation and Interwar warehouse buildings.

The subject site is void of any fabric or material remains that indicate the past use of the site for industrial purposes since demolition efforts in 2005. The heritage Substation was subsequently decommissioned in 2023 and the site has been wholly vacant since that time.

The planning proposal seeks consent for a mixed-use building envelope in two primary built form volumes comprising a height of seven (7) stories facing Mountain Street and fifteen (15) stories facing Smail Street on the subject site. It does not provide an articulated building envelope or provide site specific guidelines to achieve a sympathetic heritage response. The planning proposal provides a key opportunity in a key economic location to facilitate future use of the site.

A detailed impact assessment of the proposed works has been undertaken in Section 6 of this report. The planning proposal has been assessed to have an acceptable heritage impact on the impact on the Substation on the subject site, the Mountain Street Heritage Conservation Area and heritage items in the vicinity of the subject site. Key aspects of the proposal assessment are listed 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 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 Sydney DCP 2012.
- The planning proposal provides 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.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective having regard to the proposed recommendations below.

RECOMMENDATIONS

The following recommendations are provided to guide future Development Applications facilitated by this planning proposal:

- Future design proposals must be based on sympathetic design principles and be guided by a detailed contextual analysis to inform future development. The form, scale, materiality, articulation and the façade treatment of the future development should respond to adjacent development, the subject heritage item and proximate heritage items. A suitably experienced built heritage practitioner should therefore be engaged to provide ongoing advice throughout the design development, contract documentation and construction stages of the project.
- Future design proposals should adhere to the Design Excellence Guidelines provided by the City of Sydney.
- Future design proposals need to demonstrate that there would be direct conservation benefits for the electricity Substation. There are key opportunities for the conservation and interpretation of the Substation, such as maintenance and repair work and reinterpretation of the prior use.
- A detailed heritage impact statement and detailed street montages should be provided as part of the any future development application for work on the site.

1. INTRODUCTION

1.1. BACKGROUND AND PURPOSE

Urbis has been engaged by Apt. Residential to prepare the Heritage Impact Statement (HIS) of the proposed amendment to *Sydney Local Environmental Plan 2012* (SLEP 2012) as it applies to the site at 41-49 Mountain Street, Ultimo. This report has been prepared to accompany a planning proposal to the City of Sydney. No physical works are proposed.

The subject site itself constitutes a corner site at the intersection of Smail Street and Mountain Street, Ultimo. The site comprises a State heritage listed single-storey Federation period Substation, hard stand carparking, a demountable office structure, electricity station, and temporary awning structures. In addition to the State listing of the Substation (SHR No. 00934), it is also listed as a local heritage listed item (LEP I2053) under Schedule 5 of the *Sydney Local Environmental Plan (LEP) 2012* and on Section 170 of the Ausgrid Heritage Register of the *Heritage Act NSW 1977* as 'Electricity Substation No. 5' (3430486). The entire site is located within the Mountain Street Heritage Conservation Area (C68) under Schedule 5 of the *Sydney Local Environmental Plan (LEP) 2012*. This heritage impact statement is therefore required to assess the heritage impact of the proposal on the identified heritage significance of the subject site, the heritage conservation area and the proximate heritage items.

1.2. METHODOLOGY AND LIMITATIONS

This HIS has been prepared in accordance with the Heritage NSW guidelines 'Assessing heritage significance', and 'Guidelines for preparing a statement of heritage impact'. The philosophy and process adopted is that guided by The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013.

Site constraints, opportunities and impacts have been considered with reference to the relevant controls and provisions contained within the *Sydney Local Environmental Plan 2012* (Sydney LEP) and the Sydney Development Control Plan 2012 (Sydney DCP).

This HIS is limited to the assessment of the proposed built form envelope and associated amendment to height and floor space ratio standards on the subject site. No building work is proposed as part of this application.

1.3. AUTHOR IDENTIFICATION

The following report has been prepared by Hayley Campbell (Urbis Assistant) and Karen Urquhart (Urbis Associate Director).

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

The historical background included in this report has been adapted from the Heritage Impact Statement prepared by Godden Mackay Logan in 2006, which was prepared for redevelopment of the site at 22-36 Mountain Street, Ultimo. Additionally, histories were drawn from the Final Excavation Report prepared by AMAC in 2024 undertaken to address the redevelopment of the 66 Bay Street, Ultimo property.

2. SITE DESCRIPTION

2.1. SITE LOCATION

The subject site is located at 41-49 Mountain Street, Ultimo within the Local Government Area (LGA) of City of Sydney. The site is legally described as Lot 1 in DP191928 and Lot 21 in DP5567. The site is located on Gadigal land.



Figure 1 - Location map showing the subject site outlined in red.

Source: NSW Government Explorer 2025

2.2. SETTING

The subject site comprises a consolidated allotment inclusive of one single storey Federation free style tuck pointed face brick Substation, hard stand carparking, a demountable office structure, electricity station, and temporary awning structures.

The site of 41-49 Mountain Street is located within the City of Sydney LGA and adjacent to the Camperdown - Ultimo health and education precinct as defined by the Our Greater Sydney 2056 Commission's Eastern City District Plan. Land uses in the area comprise a mix of educational and institutional, retail, commercial and residential uses.

The Mountain Street Conservation area is bounded by Macarthur St, Blackwattle Lane, the southern boundary of Nos.46-52 Mountain St, St Barnabas Street, the eastern and southern boundaries of Nos.86-90 Bay St and Bay St. This area contains many substantial Federation warehouses which are utilitarian in nature and characterised by simple and solid masonry cubic or rectangular forms. Several Federation warehouses are located on Mountain Street and Small Street, and London plane trees line the streets in the vicinity of the subject site. The streetscape to both Small and Mountain Street does not have a consistent street wall and is defined by buildings of varying height and scale.

Section 2 of the Sydney DCP 2012 contains the following statement for the Mountain Street locality:

The Mountain Street neighbourhood will retain its role as an important entry to Central Sydney. The area will continue to provide a diverse and sustainable mix of uses in restored and adaptively reused early warehouse buildings or in new buildings whose bulk and scale is appropriate to the large lots and existing urban form. Views through the precinct along streets towards Wentworth Park (and potentially to the waterfront) are to be retained to provide a strong visual association of the neighbourhood and Wentworth Park. Improved access to open space is important and will enhance the amenity of the area. Avenue planting along Mountain Street is to enhance the streetscape and help break down the scale of larger buildings¹.

¹ Sydney DCP 2012, Section 2.



Figure 2 – View south along Mountain Street looking towards Broadway.

Source: Urbis 2025.



Figure 3 – View west along Smail Street showing existing warehouse development in the vicinity of the site.

Source: Urbis 2025.

2.3. SUBJECT SITE DESCRIPTION

The subject site is located on the corner of Mountain and Smail Streets and comprises a consolidated allotment inclusive of a single storey Federation free style Substation, hard stand concrete, a demountable office structure, electricity station, and temporary awning structures.

The Substation is a State heritage listed item that is characterised on its street facing elevations by tuck pointed face brickwork and rows of sandstone window headers, sill detailing and gabled parapet with curvilinear elements. In the Mountain and Smail Street contexts, the Substation contrasts the existing pattern of development in terms of both scale and detailing. The lower scale and careful detailing of the brickwork demonstrates a refinement that distinguishes it from other buildings in the vicinity. Manganese banded brick parapets contrast the red face brick along the lengths of the exterior walls. Stylistic elements include large arched entrances flanked by a ventilator and multi paned window in the gabled wall.

The elevations facing into the subject site lack the level of detail of the street facing elevations, suggesting that the original design anticipated adjacent buildings being built to its south and west. This is also suggested by inclusion in the original specifications a reference to a "trough gutter" presumably a box gutter to the roof along the southern wall.² This analysis is supported by land title survey showing buildings adjoining the Substation at least since 1938³ and the brick detailing at the corners of the building, with:

splayed corner bricks at the adjoining boundaries [being] hand shaped to marry with the faces of the southern and western walls, while the projecting corner brick at Smail and Mountain Streets is moulded to suit.⁴

The roof of the Substation is pitched with exposed rafters. The windows are multipaned. Although the exterior is largely intact, there have been some interventions including the addition of a roller door along at the eastern elevation, the addition of the primary point of entry along the Mountain Street façade and the closure of a doorway along the Smail Street façade. The Substation is constructed to the street boundary.

The remaining area of the site includes a large open space area that is not characteristic of the locality, with the ground plane incorporating an expanse of hard stand concrete. The demountable office building is located in the eastern portion of the site and the electricity station is located on the west. Temporary awning structures are situated on the southern boundary of the allotment. Metal fencing lines the street boundaries of the allotment, except around the corner where the Substation is located.

The following photographs illustrate the subject site.



Figure 4 – View southwest towards the corner of Smail and Mountain Streets with the heritage listed electricity Substation in the centre. Adjacent warehouse buildings are located at 55 Mountain Street (left) and 1-3 Smail Street (right).

Source: Urbis 2025

² Building Contract dated 6 April 1909

³ LTO Vol 4912 Fol 9

⁴ NBRS, Statement of Heritage Impact Nos 41, 43-49 Mountain Street & Nos 5-9 Smail Street ULTIMO, 2007, September 2005, p.12



Figure 5 - View south showing the northern elevation of the electricity Substation.

Source: Urbis 2025.



Figure 6 - Interior of the Substation facing northeast.

Source: Urbis 2025.



Figure 7 - View of dormer windows and entrance to the electricity Substation.

Source: Urbis 2025.

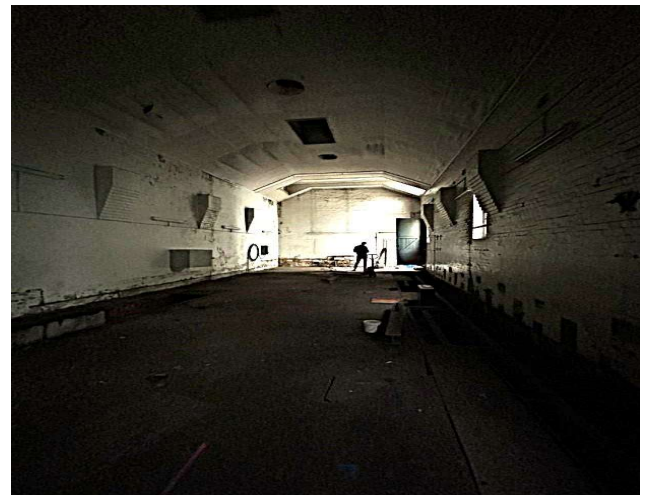


Figure 8 - Interior of the electricity Substation facing west.

Source: Urbis 2025.



Figure 9 - The electricity Substation roller door entrance with masonry detail archway.

Source: Urbis 2025.



Figure 10 - Southern façade of the electricity Substation showing spalling stone windowsills.

Source: Urbis 2025.



Figure 11 - View west showing the shadow profile of former buildings on neighbouring 1-3 Smail Street.

Source: Urbis 2025.



Figure 12 - View northwest showing in ground drainage connections and hardstand concrete.

Source: Urbis 2025.



Figure 13 - View northeast showing the concrete hardstand ground coverage.

Source: Urbis 2025.



Figure 14 - Detail of the rear façade of the electricity Substation, facing northeast.

Source: Urbis 2025.



Figure 15 - View southeast toward the subject site. 55 Mountain Street is to the rear. And 1-3 Smail Street is at right

Source: Urbis 2025.



Figure 16 - View of Smail Street streetscape from corner of Smail and Bay Streets. 1-3 Smail Street adjacent to the subject site is in the centre.

Source: Urbis 2025.

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY (POST EUROPEAN SETTLEMENT)

The following historical overview of the local area has been partly reproduced from 'Heritage Impact Statement assessment' by Godden Mackay Logan in 2006 and the 'Final Excavation Report by AMAC in 2024.

The Ultimo region is situated on the traditional lands of the Gadigal people. Gadigal Country stretches from the southern side of Port Jackson from South Head to present day Petersham. The southern boundary of Gadigal land forms the Alexandra Canal and Cooks River.

The area was part of the estate of the surgeon John Harris, who was originally granted 34 acres in 1803. Harris called his land 'Ultimo Farm'. Harris was granted further land on the peninsula, and by 1818, with additional land purchases, Harris owned a cumulative 233 acres, covering Ultimo, and much of the adjoining Pyrmont and parts of Haymarket regions⁵.

By the mid-1800s part of the estate facing Parramatta Street was sold off, and commercial industry began appearing within the area. Although the low-lying and swampy region of the area behind Parramatta Street, from the head of Darling Harbour to the head of the Black Wattle Swamp, was the only part of Ultimo that was developed.

At this time a number of workshops, slaughter yards and scrap industries took advantage of the water channels at Blackwattle Creek. The area also comprised of workers cottages which provided homes for the working poor. Residential living quarters during this period were cramped and unsanitary, known as one of the poorest and most undesirable regions in the growing Sydney settlement.

In 1859 Pyrmont Bridge officially opened, and in 1899 the Ultimo Powerhouse was commissioned to service power for Sydney's electric trams, which made the area more accessible.



Figure 17 – An extract from the 1845 Shields City of Sydney map. Approximate location of subject as indicated in red.

Source: City of Sydney Archives, call number: A-00880420

⁵ Matthews, M 1982, *Pyrmont and Ultimo: A History*, M. Mathews, Sydney

Around the mid nineteenth century, much of Ultimo from Parramatta Road remained more or less rural. The initial grant to John Harris had specified that a reserve be created for a road along the peninsula, which eventuated in the modern-day Harris Street.

By the late nineteenth century homes were demolished to make way for large warehouses and store yards. In 1905, the City Council acquired powers that enabled the resumption of land for slum clearance⁶. Sydney City Council resumed the Athlone Place area in 1905, subsequently clearing buildings and filling and draining low lying land. William Greenwood was awarded the contract for the construction of the new streets in 1908. During this period many industries were set up in the area to take advantage of the water and rail access, from large mills to small manufacturing industries, while the wool stores that came to Wattle Street took advantage of the escarpment of the quarries.

The 1950s onwards brought more change for the suburb of Ultimo, with many established industries closing their doors in addition to the closure of schools and the establishment of freeway bypasses⁷.

3.2. SUBJECT SITE HISTORY

3.2.1. Early 19th Century European Development (1789-1905)

Reverend Richard Johnson, a civil magistrate and chaplain of the first fleet, was first granted a 400-acre land allotment in Glebe, in which the subject site is located, by Lieutenant-Governor Philip Gidley King in August 1789⁸. A keen farmer, Johnson considered his Glebe allotment of little use likely due to the low-lying and swampy nature that characterised the land in proximity to the Blackwattle River. It is likely that Johnson subjected the land to clearance throughout his tenure however the land remained largely unoccupied for the better part of 30 years. By 1828, the Clergy and School Lands Corporation had acquired the land, advertising portions of Johnson's original grant for lease with permission to purchase stating that:

*'a transferrable lease for twenty-one years will be made, and may be, at any time within that period, purchase the fee simple by paying up the amount of twenty years rent, marking the first instance upon which development of the land was to occur'*⁹.

By 1843, David Chambers and George Kenyon Holden had purchased a land portion of 3 acres and 3 roods in trust from within the Clergy land allotment. By all accounts, Chambers and Holden leased the land to tenants as residential dwellings. In the period from 1855 to 1865, the allotment had a series of improvements across seven lots. One timber dwelling fronting present Smail Street had verandahs to the north and east and no outbuildings associated with the main structure. A further three timber structures were set back to the rear facing Smail Street, each with an associated timber outbuilding. A vacant lot was located in the eastern portion of the allotment. Two structures fronted present day Mountain Street. A timber dwelling with verandah and 'U' shaped rear was located to the southeast whilst a brick structure fronting Mountain Street included timber structures to the rear that established a courtyard

In addition, a public water main had been established on Athlone Street for public use. A public brick sewer line was present just outside the subject area along Athlone Place, present day Mountain Street. The Sands Directory indicates that the subject area experienced a variety of occupants. In 1858, The Sands Directory lists Henry Cockburn, a carpenter, and Hypolite Dupain as occupying the site. By 1873, two vacant houses and Cornelius Hickory, a cab owner occupy the site. Historical documentation dating to 1888 further details improvements within the subject area. An additional structure had been erected adjacent to the existing timber dwelling on the Smail Street corner to the northeast. The previously vacant block had now a dwelling with verandah and rear outbuilding. A new vacant block in the mid portion of the allotment had experienced the demolition of the existing timber structures. The final occupier of the lot was Timothy Ryan who resided on the property until the Blackwattle Resumption in 1905.

In 1902, the 'Athlone Place' Substation was constructed on the corner of Athlone Street and Athlone Place; likely slightly to the south of where the current Substation stands and was known as 'Substation No.3'. After the resumption of the area in 1905, inclusive of the clearance of buildings, tenders were called to for work to replace the former Substation in 1909, with the present structure built shortly afterwards. Prominent

⁶ Fitzgerald, S and Golder H 1994, *Pymont and Ultimo: Under Siege*, Hale and Iremonger, Sydney

⁷ 'Ultimo', Dictionary of Sydney

⁸ 'Ultimo' Dictionary of Sydney

⁹ The Australian 1828, 'Spirit of the Temporalities'

City Architect and Surveyor Robert Hargreaves Brodrick won the contract for the new Substation in 1909. The Substation would come to be known as the Athlone Place 'Substation No.3'

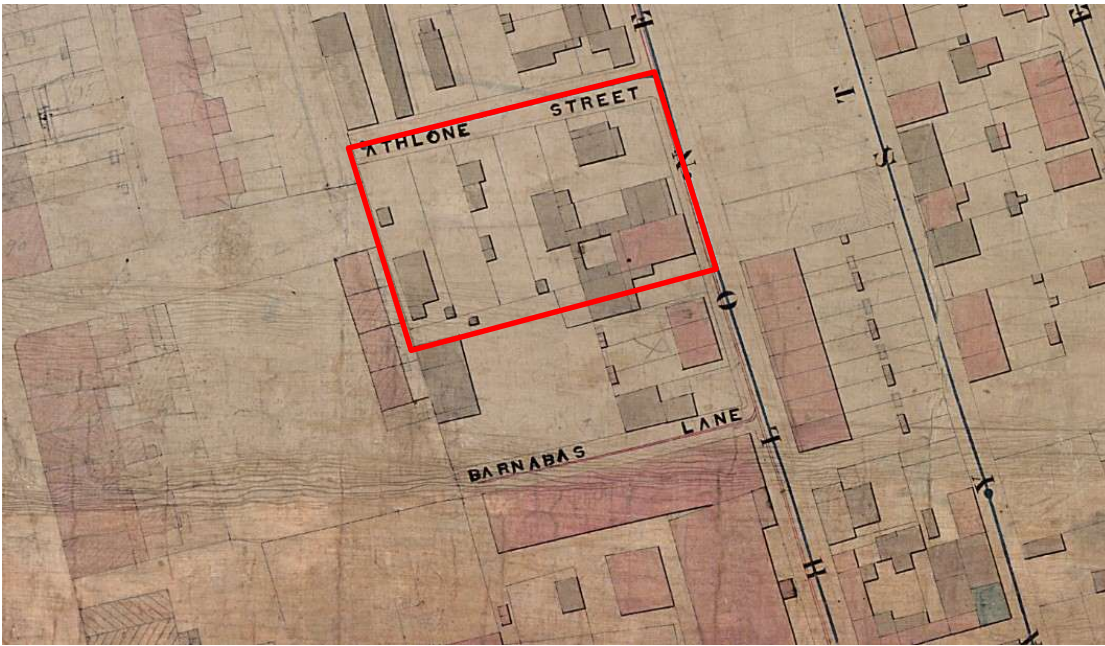


Figure 18 - An extract of an c.1855 City of Sydney Block U2 Trigonometry map. The subject site is approximately outlined in red.

Source: City of Sydney, call number: A0088041.

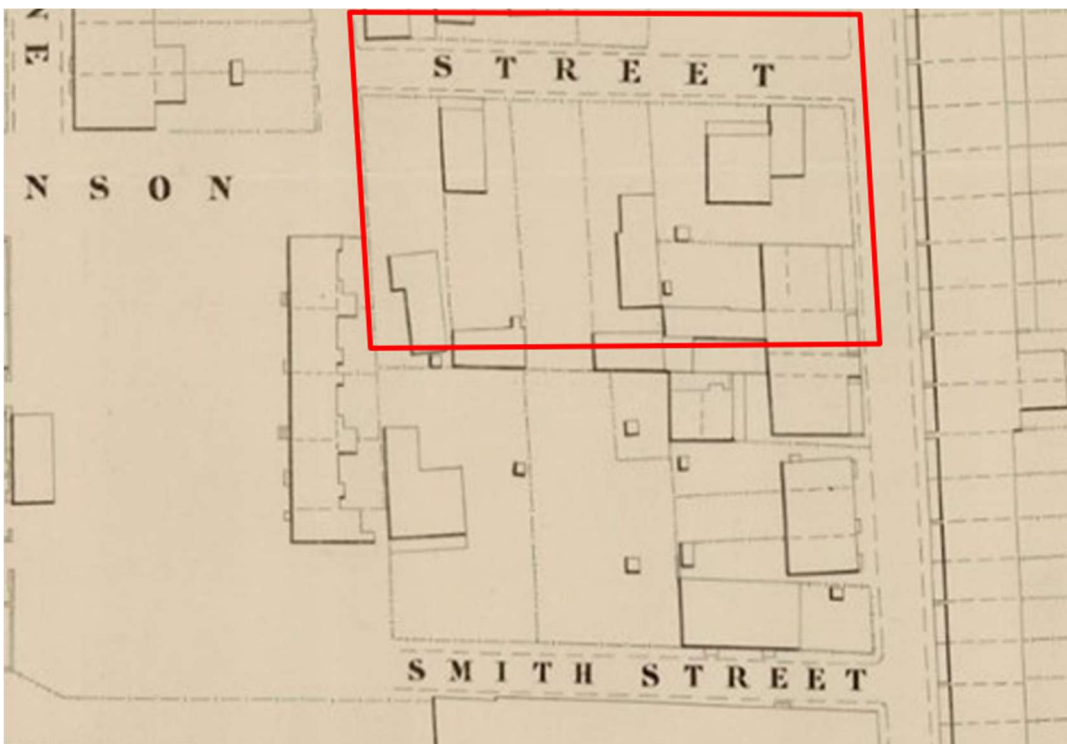


Figure 19 - An extract of a c.1888 City of Sydney Metropolitan detail sheet. The approximate location of the subject site in red.

Source: State Library of NSW, call number: M SER 811.17-1.

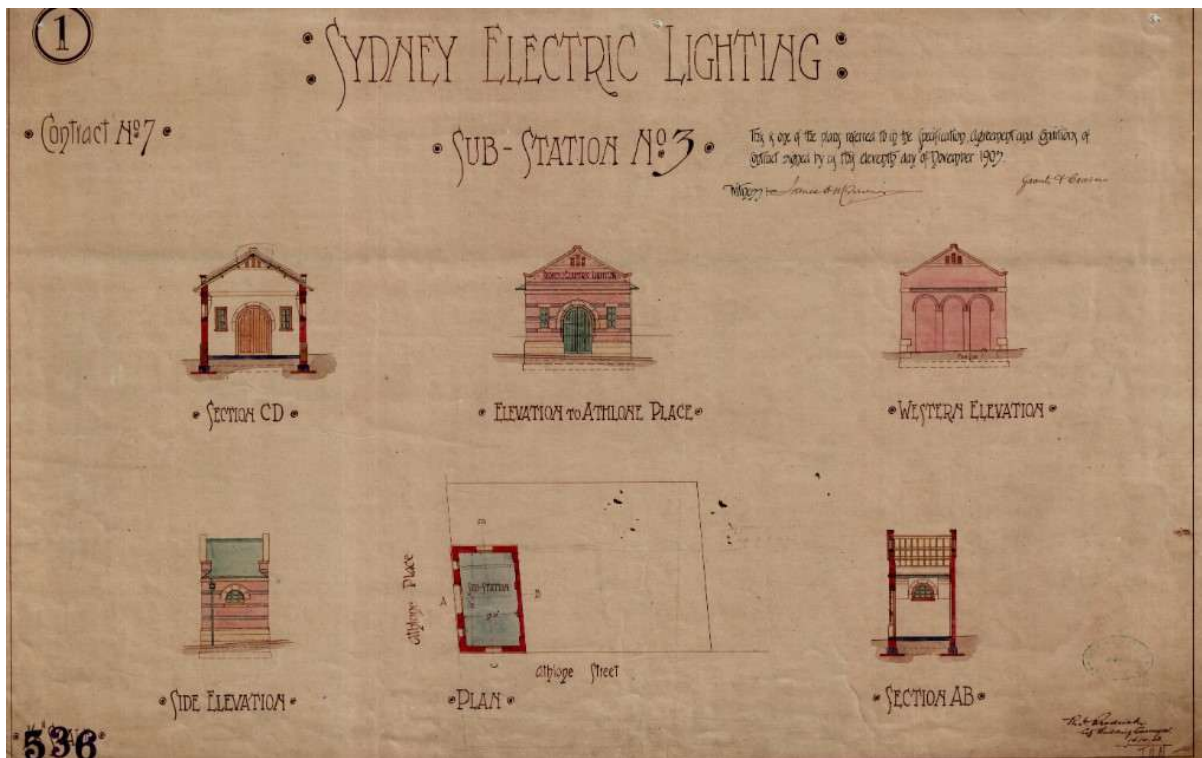


Figure 20 – A plan dated c.1903 of the Sydney Electric Lighting Substation No.3 drawn and surveyed by City Architect and surveyor Robert Hargreave Brodrick, located on the corner of Athlone Place and Athlone Street, Ultimo (within the subject site).

Source: City of Sydney, call number: A-00543828.



Figure 21 – A photograph dated c.1905 prior to resumption of the Athlone Place area. View from Athlone Place looking south, former 'Substation No.3' is extant on the middle right (red arrow).

Source: City of Sydney, call number: A0086734.

3.2.2. Land Resumption (1905 – 1909)

By 1905, the greater Ultimo region had become a wholly unsanitary suburb characterised by narrow laneways and small workers cottages. Lack of access to sewer drainage and water meant the living conditions in Ultimo in the late 19th Century and early 20th Centuries were said to be unfit for human habitation and subsequently declared as a slum. In the early 20th century, Ultimo was selected for resumption by the Sydney Municipal Council under the *Sydney Corporation Amendment Act 1905*¹⁰. Resumption commenced in 1905 by the purchasing of land by the Sydney Municipal Council. The resumption area stretched from Kelly Street to the southeast, Bay Street to the northeast and to the eastern line of Blackwattle Lane, inclusive of the subject site (Figure 22). The subsequent clearing of buildings in favour of the drainage of low-lying land razed approximately 400 houses and displaced 1,779 acres in the Athlone Place vicinity¹¹. The Athlone Place 'Substation No.3' on the corner of present day Smail and Mountain Streets was demolished in line with resumption efforts in 1905 in addition to the residential dwellings across the lot.

Subsequent calls to tender for works on a new electricity Substation was initiated in 1905 with construction efforts occurring in 1909¹². The new structure was to be constructed in the same location as the former Substation, the new tuck-pointed face brick structure was to be designed in the Federation Free Style with sandstone window headers, sill detailing and a gabled parapet. The construction of the Substation involved load bearing face brick and sandstone blocks for the parapet.

By 1909, the Municipal Council of Sydney had commenced a series of City council leases across the Blackwattle area of resumption. Leased at 50-year terms, the land portions were intended to generate commercial and industrial activity across Ultimo. In November 1909, James Connolly, an engineer residing in Woolloomooloo, leased Lot 21 in DP5567 from the Municipal Council of Sydney (Table 1). Historical documentation dated to 1909 details Lot 21 as excluding the electricity Substation from the leasehold, establishing an irregular shaped parcel of land that was to hold Connolly's industrial premises for over 30 years (Figure 22). The series of leases intended for industrial purpose would mark the character of Ultimo for years to come.

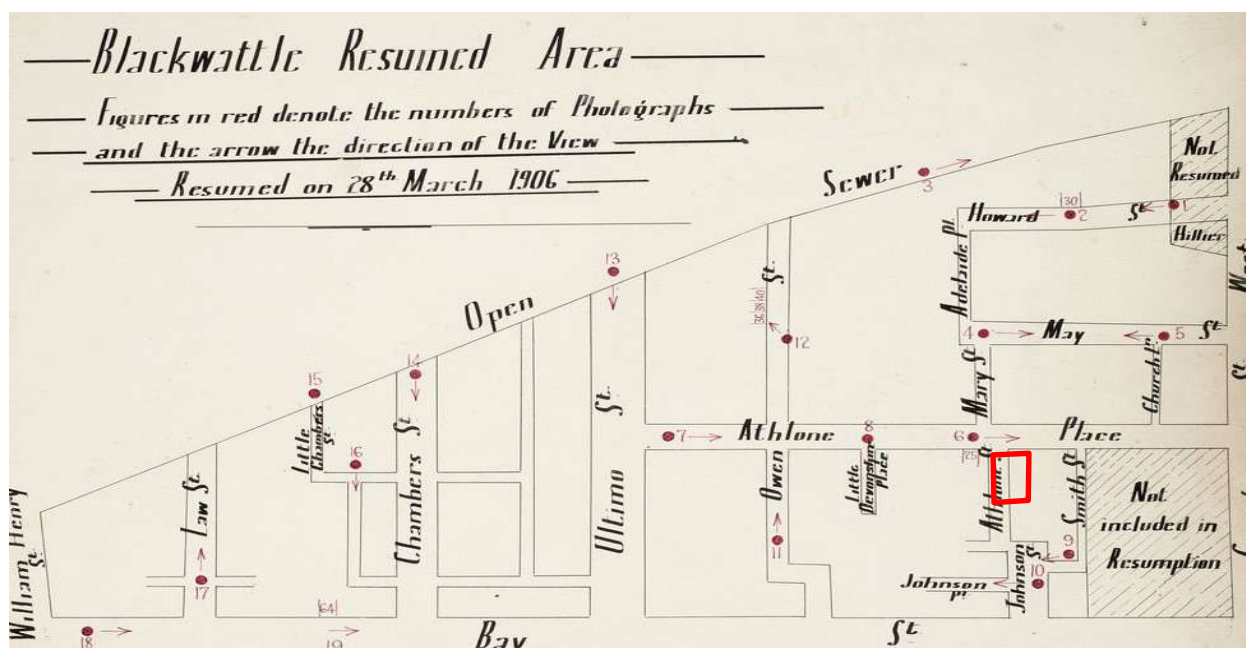


Figure 22 - A map dated c.1906 of the Blackwattle Resumed Area in present day Ultimo. The approximate location of the subject site as indicated in red.

Source: City of Sydney, call number: A00040049

¹⁰ Sydney Corporation Amendment Act 1905

¹¹ NSW Government Gazette 1905, 'Resumption'

¹² State Heritage Inventory, 'Electricity Substation'

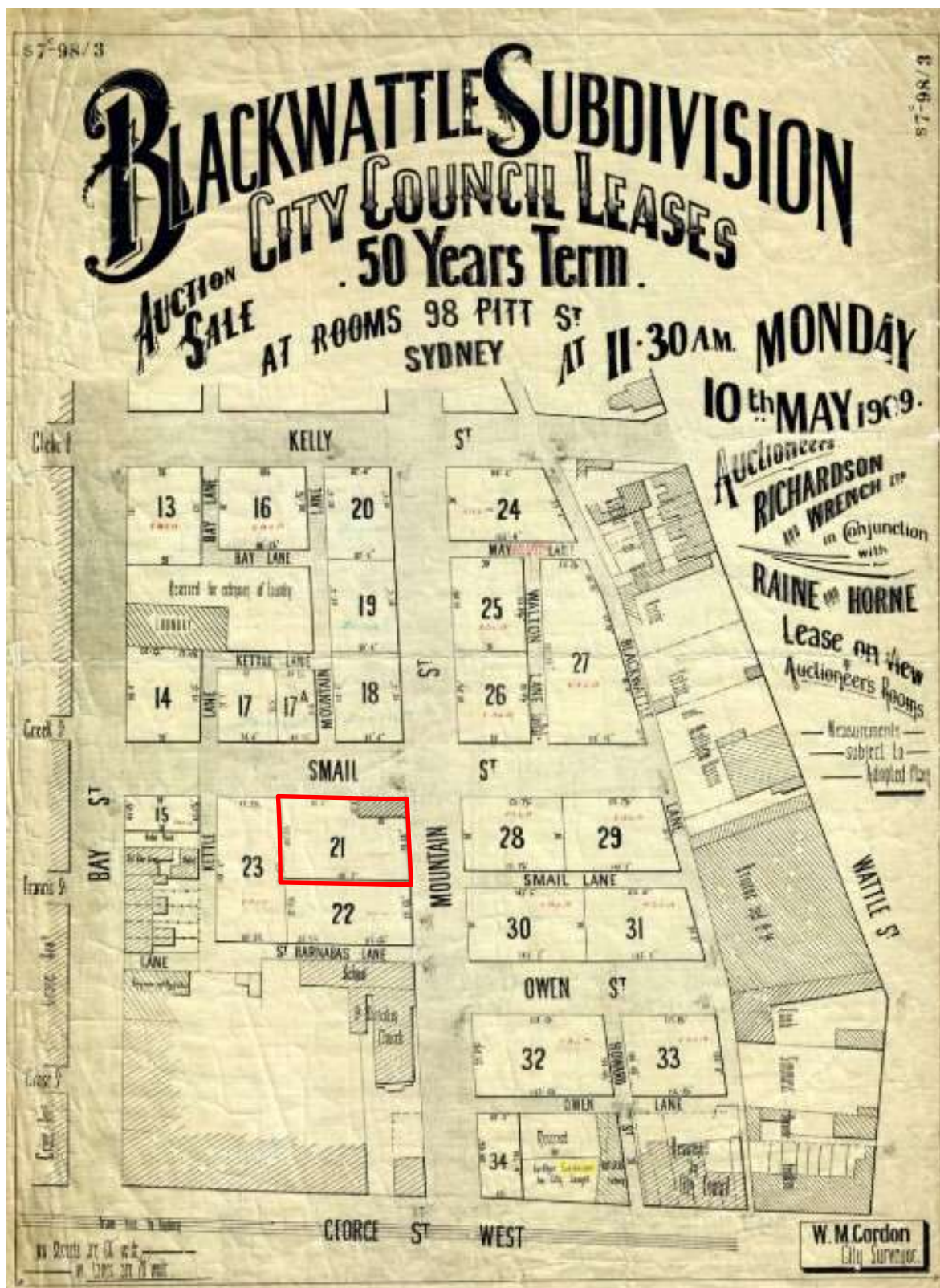


Figure 23 - Blackwattle subdivision map dated c.1909. The approximate location of the subject site as indicated in red. The subject site is located within Lot 21 of the subdivision.

Source: City of Sydney Archives, call number: A-0084521

3.2.3. Industrial Use (1909 – Present)

James Connolly established a prominent window manufacturing business in the early 19th century on the property, providing services to major development projects in the central township of Sydney. Lauded for his steel window frames, Connolly was mentioned in prominent architecture journals of the period, mentioning the superior fire resistance of his window frames¹³. A 1917 fire plan map of the Glebe locality detailed the development that had occurred throughout Connolly's tenure of the property. An open-air yard was located to the rear of the property, surrounded by open tin-roofed sheds housing a forge. To the southeast, a series of tin roofed warehouses encompassed the lot, serving as a machinery engineers shed. Further, the plan mentions the installation of electric light within the sheds, likely due to the close proximity to the Substation. It is, however, unclear as to whether the existing Substation was utilised within Connolly's property or utilised by another entity. The 1917 map details the location of the Substation as being utilised as 'offices' constructed of brick in an L-shaped arrangement (Figure 24). In 1925 an amendment to the 1917 fire plan was published detailing a business name change to 'Fitzroy Ironworks and J. Connolly'. The Substation is depicted clearly to the northeast of the lot as is a small office building immediately to the south.

The City of Sydney Sands Directory details Connolly's land improvements throughout his tenure as lessee from 1909. A workshop is listed as being of brick, slate and iron materiality with Connolly's enterprise named as an ironworks. The electricity Substation is listed within the directory as a 'light supply station'¹⁴.

By 1936, James Connolly Steel Windows Limited was liquidated by G.C.O Beelaerts in Martin Place, Sydney¹⁵. By 1938, Connolly's leasehold had come to an end and the Sydney County Council, an entity who managed the electricity for the Sydney municipalities, had assumed the land. Aerial imagery dated to 1928 details that the subject site largely retained the spatial arrangement of the earlier 1917 layout save for the infill construction of a tin-roofed building in place of the former internal courtyard.

Details of the ownership of the subject site remains scarce throughout the majority of the 21st century, however it is likely that the land retained its industrial use. The arrangement of structures largely retained their formation until 2005, when electricity corporation Ausgrid assumed ownership of the land and removed the earlier structures entirely, with the exception of the existing electricity Substation. In 2023, the Substation was decommissioned.

¹³ Building: the magazine for the architect, property owner and merchant 1936, Vol. 58, No.346

¹⁴ The Sands Directory, 1911

¹⁵ Government Gazette of the State of New South Wales 1936, James Connolly Steel Windows Limited

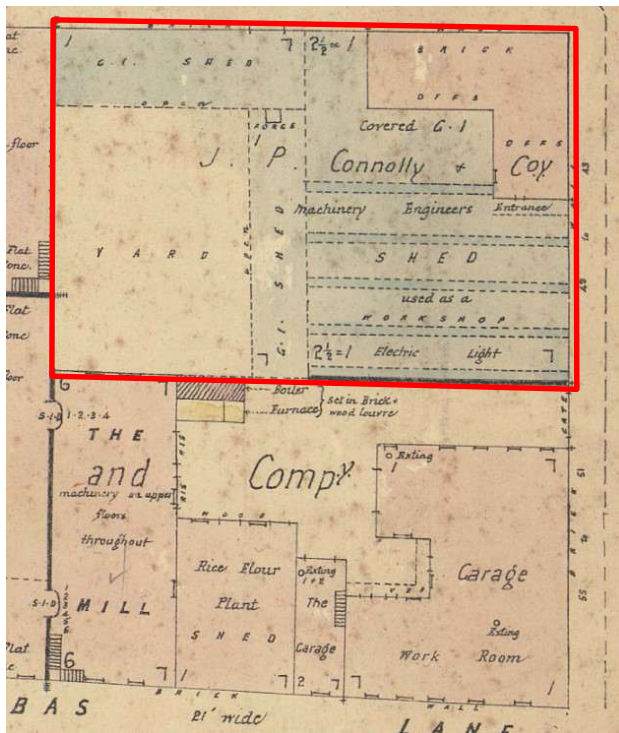


Figure 24 - Extract from Fire Insurance Underwriters Association of New South Wales Detail Survey Maps, Athlone Place Block No 205 Section 3, c.1917. The subject site is occupied by J.P Connolly and Coy.

Source: City of Sydney

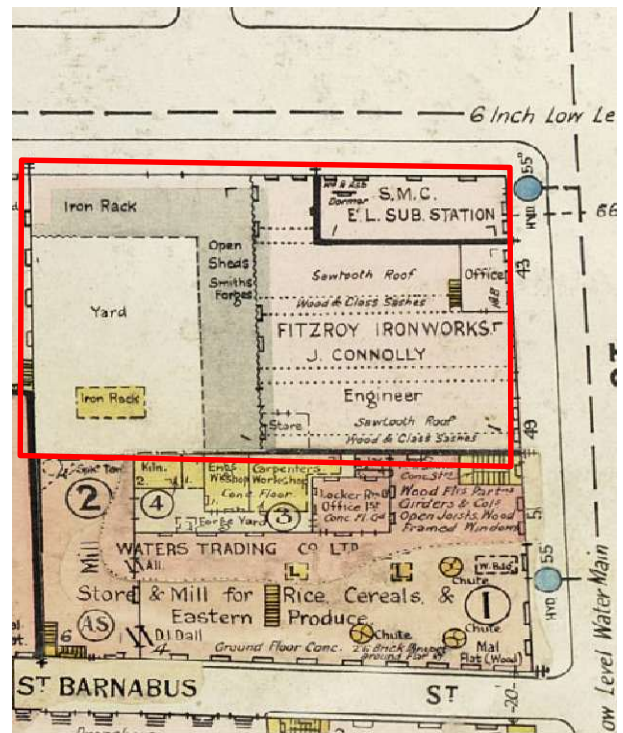


Figure 25 – Extract from Fire Insurance Underwriters Association of New South Wales Detail Survey Maps, Athlone Place Block No 205 Section 3, amendment to 8 October 1925. The subject site is occupied by Fitzroy Ironworks and J. Connolly.

Source: City of Sydney

3.3. HISTORICAL AERIAL IMAGERY

Historical aerial imagery illustrates that the original internal courtyard in the southwestern portion of the lot was infilled to allow for the construction of a tin-roofed structure, likely a workshop shed. It is likely that this occurred after the 1930s.



Figure 26 – Aerial photograph dated to c.1928. Approximate location of the subject site as indicated in red.

Source: Australian Government Historical Imagery Viewer

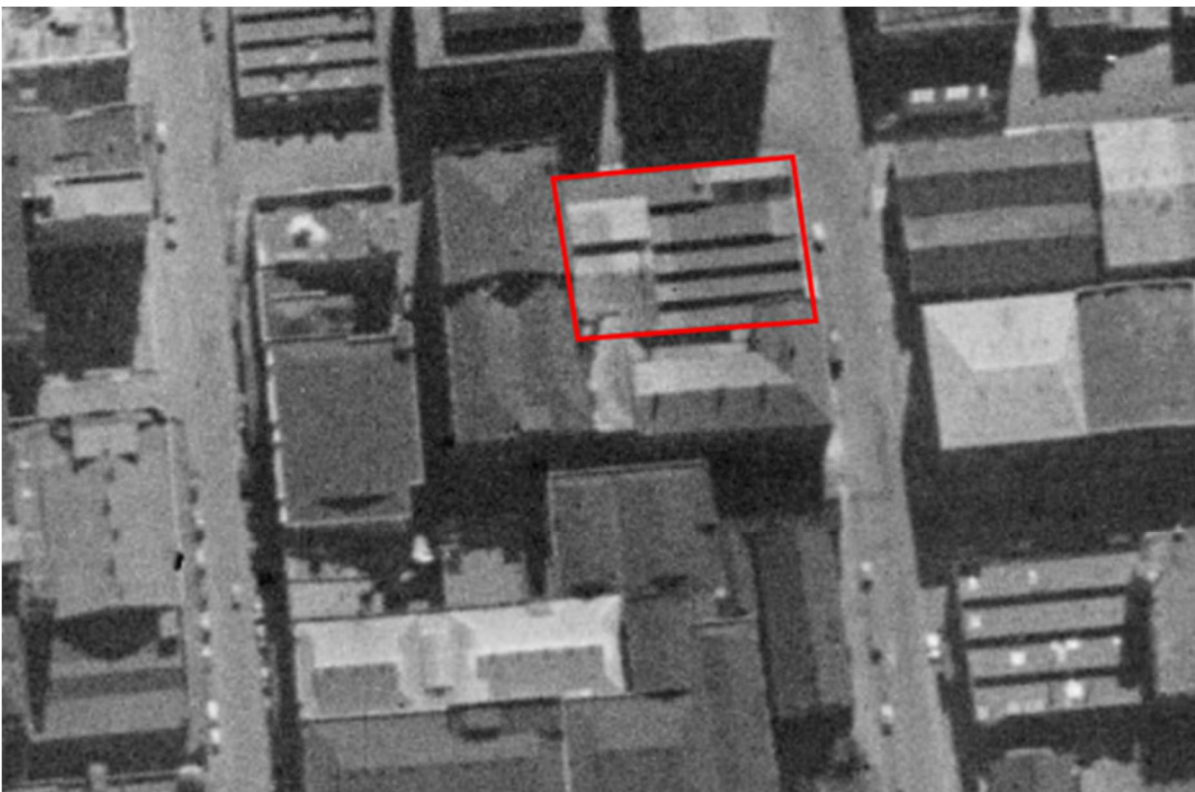


Figure 27 – Aerial photograph dated c.1943. Approximate location of subject site in red. The internal courtyard has been infilled with a warehouse structure.

Source: NSW Government Historical Imagery Viewer



Figure 28 - Aerial photograph dated to c.1970. Approximate location of subject site in red.

Source: NSW Government Historical Imagery Viewer

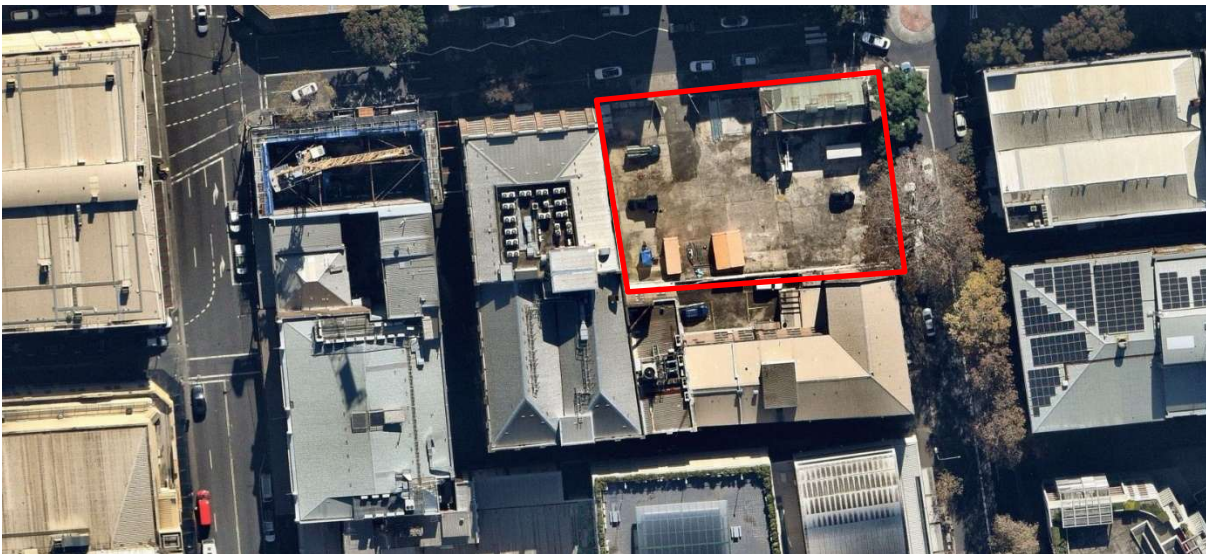


Figure 29 - Current aerial photograph c.2025 detailing the removal of structures within the subject site.

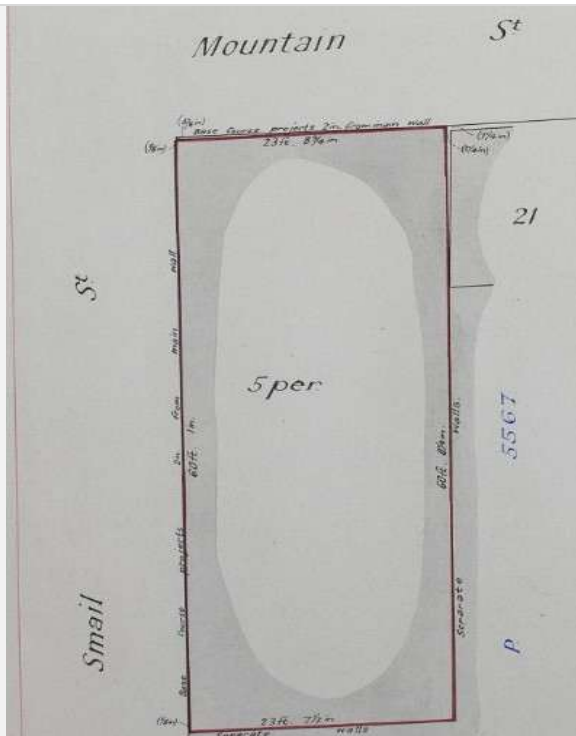
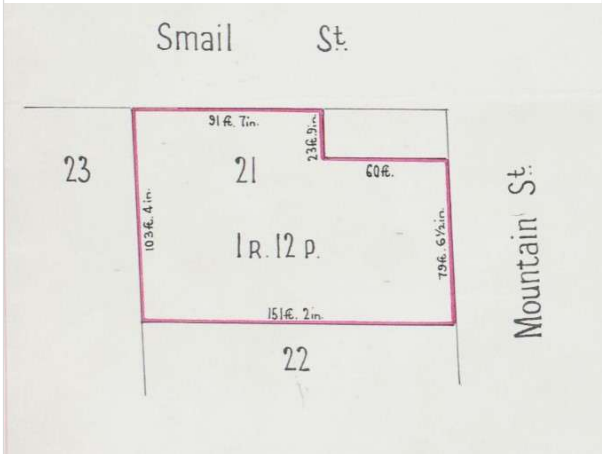
Source: NSW Government Historical Imagery Viewer

3.4. PROPERTY OWNERSHIP HISTORY

The relevant post European settlement property owners as identified through historical research are outlined below for reference.

Table 1 Property Ownership History.

Year/Date	Owner	Source
August 1792	Crown Grant From: Philip Gidley King (Lieutenant-Governor) To: Reverend Richard Johnson (Chaplain) 400 acres	Primary Application 15666
24 November 1829	Conveyance From: Reverend Richard Johnson (Chaplain) To: The Trustees of the Clergy and School Lands	Primary Application 15666
3 April 1843	Conveyance From: The Trustees of the Clergy and School Lands To: David Chambers and George Kenyon Holden (trustees) 3 acres, 3 roods.	Primary Application 15666
16 April 1909	Conveyance From: David Chambers and George Kenyon Holden (trustees) To: The Municipal Council of Sydney 3 acres, 3 roods Land holding from southeast Kelly Street, northeast line of Bay Street and the eastern line of Blackwattle Lane.	Vol. 5972 Fol. 95 and Vol.1965-50
8 October 1909	Land resumption under the <i>Sydney Corporation Amendment Act 1905</i> .	
16 November 1909	Lease Indenture From: The Municipal Council of Sydney To: James Connolly (Engineer) Lot 21 in DP5567	Vol 1965 Fol.50
23 February 1938	Conveyance From: The Municipal Council of Sydney To: The Sydney County Council (Electricity provider for Sydney municipalities) 5 perches	Vol. 4912 Fol. 97

Year/Date	Owner	Source
	 Figure 30 – Sydney County Council land purchase.	
4 January 1950	Conveyance From: The Sydney County Council To: J. Connolly Limited (Engineer) from Woolloomooloo One rood, 12 perches Lot 21  Figure 31 – Land holding of J. Connolly Limited c.1950.	Vol. 6079 Fol.245
14 July 1955	From: J. Connolly Limited (Engineer) from Woolloomooloo To: Eliza Linsky Proprietary Limited	Vol. 6079 Fol.245

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before undertaking change a listed heritage item, a property within a heritage conservation area, or a property located in proximity to a listed heritage item, it is important to understand the heritage values of the place and its broader heritage context. This understanding will underpin the approach to any proposed changes and identify what is important and why, and how these values can be protected. Statements of heritage significance summarise the heritage values of a listed heritage item – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTINGS

4.2.1. Subject Site Heritage Listings

The following heritage listings apply to the subject site.

Table 2 Statutory Heritage Listings

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</i> , Schedule 5	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 subject site is located 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.

4.2.2. Heritage Items in the Vicinity

The subject site is 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 32 - Heritage map showing the subject site outlined in yellow.

Source: NSW Planning Portal ePlanning Spatial Viewer





Figure 34 – Extract of the Sydney Development Control 2012 Building Contributions Map. Location of subject site is outlined in red.

Source: Sydney DCP 2012, BC_009

4.3. STATEMENTS OF SIGNIFICANCE

4.3.1. Electricity Substation, 41- 43 Mountain Street, Ultimo

Section 170 Listing

A significance statement for the listed heritage item located at 41 Mountain Street has been drawn from the S170 listing for the item included on the NSW Heritage State Inventory as follows:

*The Mountain Street Substation is the oldest operational Substation within the electricity network in Sydney and possibly the oldest in New South Wales. It is a fine example of public architecture from the early 20th century and demonstrates the pride the Municipal Council of Sydney felt for the early development of the electricity network. This Substation is the earliest surviving operational example of the electrification of Sydney, a significant step in becoming a modern city. The Mountain Street Substation is a rare and early example of an externally intact Federation Free Style Substation.*¹⁶

State Heritage Register and Sydney LEP Listing

The following statement of significance is included on the NSW Heritage State Inventory

*The Mountain Street substation is a rare and early example of an externally intact substation dating from the Federation period.*¹⁷

4.3.2. Mountain Street Heritage Conservation Area

The following statement of significance is taken from the State Heritage Inventory listing for the Mountain Street Conservation Area:

*The Mountain Street Conservation Area demonstrates the evolution, patterns and process of the Ultimo area in the 19th and 20th centuries. The area provides evidence of the program of resumption, re-subdivision and reconstruction in the early years of the 20th century which transformed a high-density working class mixed residential, commercial and noxious industrial area to the predominantly warehouse precinct evident today. Aesthetically, the predominance of Federation warehouses with their strong masonry cubic forms creates a distinctive streetscape which is quite rare in the City of Sydney.*¹⁸

The *Sydney Development Control Plan 2012*, Building Contributions Map, Sheet 009 details the Mountain Street Conservation Area with the subject site primarily identified as a “detracting” element with the exception of the Substation that has been identified as “contributing” (see Figure 43).

4.3.3. Vicinity Heritage Items

The subject site is located in the vicinity of the following heritage items identified within the Sydney LEP, Schedule 5, Part 1:

- Item No. I2018 – 185-211 Broadway, Ultimo. Former “Grace Bros Homewares” including interior – local significance
- Item No. I2052 – 16-20 Mountain Street - Former Sydney Technical College School of Rural Studies Including Interior – local significance.
- Item No. I2054 – Warehouse “Wilcox Mofflin” Ltd. - local significance.
- Item No. I2055 – 57-61 Mountain Street - St Barnabas Anglican Church Site Remnant Building Components and Grounds – local significance.

Statements of significance for the above heritage items in the vicinity are included on the following page.

¹⁶ Heritage NSW, *Electricity Substation No. 5*, database no. 3430486

¹⁷ Heritage NSW, *Substation*, database nos. 5011964 and 2420299

¹⁸ Heritage NSW, *Mountain Street Heritage Conservation Area* database no. 2420408

185-211 Broadway, Ultimo. Former “Grace Bros Homewares” Including interior (# I2018)

The Grace Bros Homeware Building (former) has historic significance as being representative of the development of the Grace Bros retail empire between 1896 and 1937. It is associated with members of the Grace family and in particular JN Grace and AE Grace, the founders of Grace Bros whose approach to retailing was significant in the overall development of Department Stores in Australia. It is an Edwardian Department Store building with later Art Deco Alterations which was a focus for local social activity and special events for over 90 years The building , with its well-articulated façade, decorative features and corner tower with sphere, together with matching corner of the Homemakers Building, has high aesthetic significance and is a landmark making an outstanding contribution to the streetscape. Subsequent alterations and adaption have had considerable impact on the original and significant interpretation aspects of the building; however, it does maintain ongoing retail use with some preserved original and significant elements remaining in situ.¹⁹

16-20 Mountain Street - Former Sydney Technical College School of Rural Studies Including Interior (#I2052)

16-20 Mountain Street has local historic and aesthetic significance. The site provides evidence of the slum clearance programmed undertaken by the City Council in the early 20th century, with the resumption of Athlone Place and the replanning as the "Blackwattle Subdivision City Council Lease. " The building has historic significance as it demonstrates the expansion of warehousing and light industry in inner Sydney during the Federation years of the early 20th century. It is a good example of a Federation warehouse, incorporating an elaborate doorway from an earlier building, and makes a positive contribution to the streetscape.²⁰

46-52 Mountain Street - Warehouse “Wilcox Mofflin” Ltd. (#I2054)

The Willcox Mofflin Building is an important remnant of the major development following the slum clearance in 1905 and represents a significant historical phase in the evolution of the area. It is an important element in the visual character of Mountain Street.²¹

57-61 Mountain Street - St Barnabas Anglican Church Site Remnant Building Components and Grounds (#I2055)

St Barnabas Church is a good example of a Victorian Gothic style church complex which makes a positive contribution to the streetscape and dates from one of the key periods of layers for the development of Ultimo as a direct result of subdivision of the Harris and Macarthur Estates. The Church Group is of social and historical significance as a place of worship since 1858. Note the Church Group was subject to a fire on 10 May 2006, causing major damage to all buildings on the site, and substantial destruction of the church.²²

¹⁹ Heritage NSW, *Former “Grace Bros Homewares’ Including Interior*, database no. 2420516

²⁰ Heritage NSW, *Former Sydney Technical College School of Rural Studies Including Interior*, database no. 2421011

²¹ Heritage NSW, *Warehouse ‘Wilcox Mofflin Ltd’*, database no. 2420300

²² Heritage NSW, *St Barnabas Anglican Church Site Remnant Building Components and Grounds*, database no. 2421012

5. THE PROPOSAL

5.1. BACKGROUND

5.1.1. Previous Development Applications for the Subject Site

Notwithstanding the current planning controls, previous development consent was provided for development of the subject site to a height of 31.15 metres and FSR of 4.34:1. Details of the key proposals for which development was provided for the same applicant are outlined below:

- U01/00833 was approved on 7 January 2003 for the Deferred Commencement Approval to demolish the existing building and erect a 6 and 9 storey mixed retail/office building with basement level car parking. A Section 96(2) modification to the approved 5 and 8 storey retail/commercial building was approved on 29 January 2009 (DU/2001/833/A)
- D/2005/1562 was approved on 8 September 2006 for demolition of existing buildings at 43-49 Mountain Street and construction of a 5 to 8 storey commercial building with 4 basement levels containing 64 parking spaces and retention of and conservation works to the existing state heritage listed Substation building at 41 Mountain Street. The time frame within which the conditions of the Deferred Commencement Consent for this DA must be satisfied were extended on 30 January 2007 (D/2005/1562A) and 27 March 2008 (D/2005/1562B).

These previous approvals demonstrate that the subject site has the capacity to accommodate a building envelope facilitating increased height and floor space ratio. While demolition of the previous development on 43-49 Mountain Street has occurred, no new construction work in accordance with the above approved development was commenced and consent for the previously approved development has now lapsed.

5.1.2. Pre Development Application Consultation

In developing the planning proposal subject of this report, several options were investigated to determine the appropriate massing for a new development in accordance with the proposed amended height and FSR controls.²³ The proposal has also been subject to review by the City of Sydney Design Advisory Panel, most recently at DAP meeting conducted on 4 September, 2025. Further consultation with the City of Sydney was undertaken on 9 September, 2025 to further refine the concept envelope.

5.2. DESCRIPTION OF THE PROPOSAL

Current government planning initiatives are paving the way for investment and renewal of the broader Camperdown-Ultimo precinct to become one of Australia's leading innovation districts within an established urban environment. The planning proposal aims to increase the height and floor space standards that apply to the site under SLEP 2012 to facilitate future developments with a height and density that is commensurate with the locality and objectives of Our Greater Sydney 2056 Commission's Eastern City District Plan.

The planning proposal seeks consent for a mixed-use building envelope in two primary built form volumes comprising a height of seven (7) stories facing Mountain Street and fifteen (15) stories facing Smial Street on the subject site. It does not provide an articulated building envelope or provide site specific guidelines to achieve a sympathetic heritage response. The planning proposal provides a key opportunity in a key economic location to facilitate future use of the site.

Urbis has been provided with concept documentation prepared by Bates Smart. This HIS has relied on these plans for the impact assessment include in Section 6. Extracts of the proposed plans are also provided overleaf. Full size plans should be referred to for detail.

²³ Bates Smart (2025) Planning Proposal Report, 43-49 Mountain Street, Ultimo, Planning Proposal

Table 3 Proposed Concept Documentation

Author	Drawing No.	Drawing Title	Revision	Date
Bates Smart	PP03.B1	BASEMENT 1	AA	Sept 2025
Bates Smart	PP03.00	GROUND FLOOR	A	Sept 2025
Bates Smart	PP03.01	LEVEL 1	A	Sept 2025
Bates Smart	PP03.02	LEVEL 2-6 (TYPICAL)	A	Sept 2025
Bates Smart	PP03.07	LEVEL 7 (COMMUNAL)	A	Sept 2025
Bates Smart	PP03.08	LEVEL 8-14	A	Sept 2025
Bates Smart	PP03.15	ROOF	A	Sept 2025
Bates Smart	PP10.01	SECTION 1	A	Sept 2025
Bates Smart	PP10.02	SECTION 2	A	Sept 2025

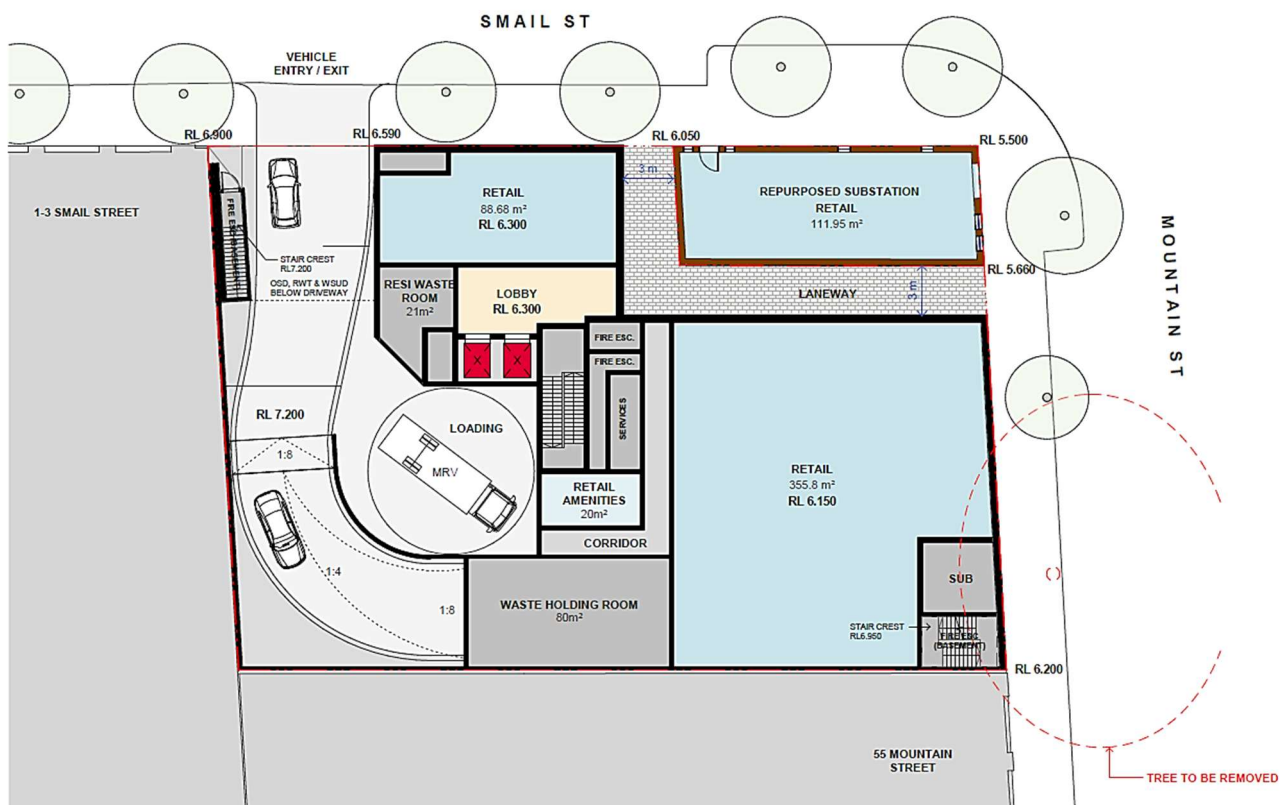


Figure 35 - Proposed planning proposal Ground Floor Plan (PP03.00).

Source: Bates Smart 2025

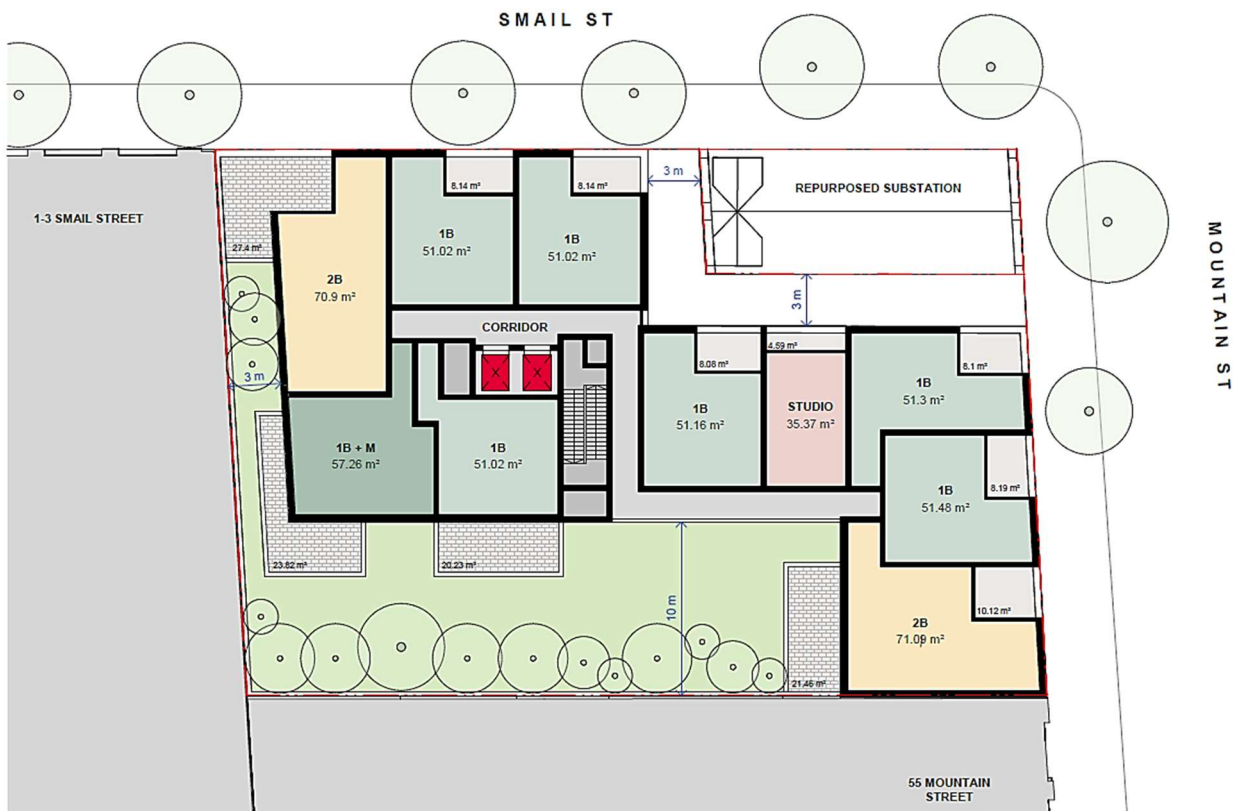


Figure 36 - Proposed planning proposal First Floor Plan (PP03.01).

Source: Bates Smart 2025



Figure 37 - Proposed planning proposal Level 2 – 6 (typical) (PP03.02).

Source: Bates Smart 2025

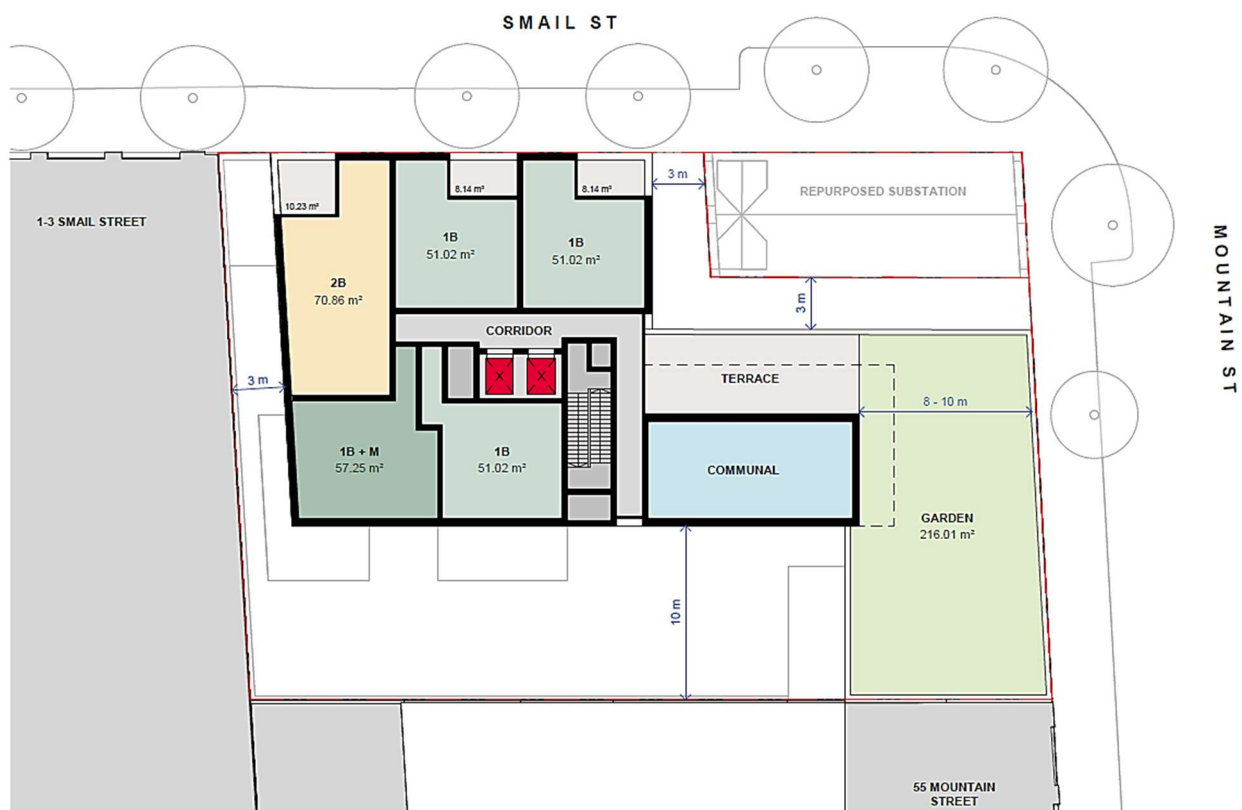


Figure 38 - Proposed planning proposal Level 7 (communal) (PP03.07).

Source: Bates Smart 2025

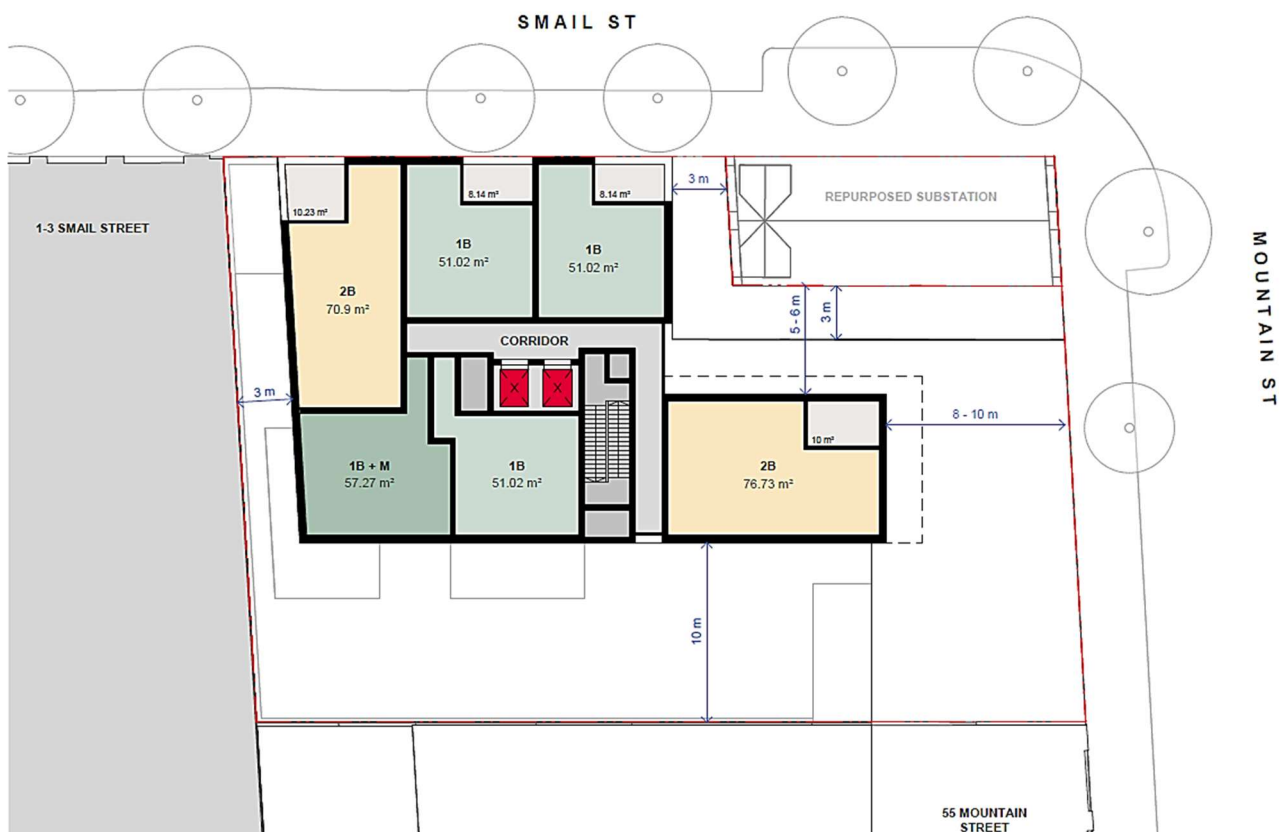


Figure 39 - Proposed planning proposal Level 8-14 (PP03.08).

Source: Bates Smart 2025

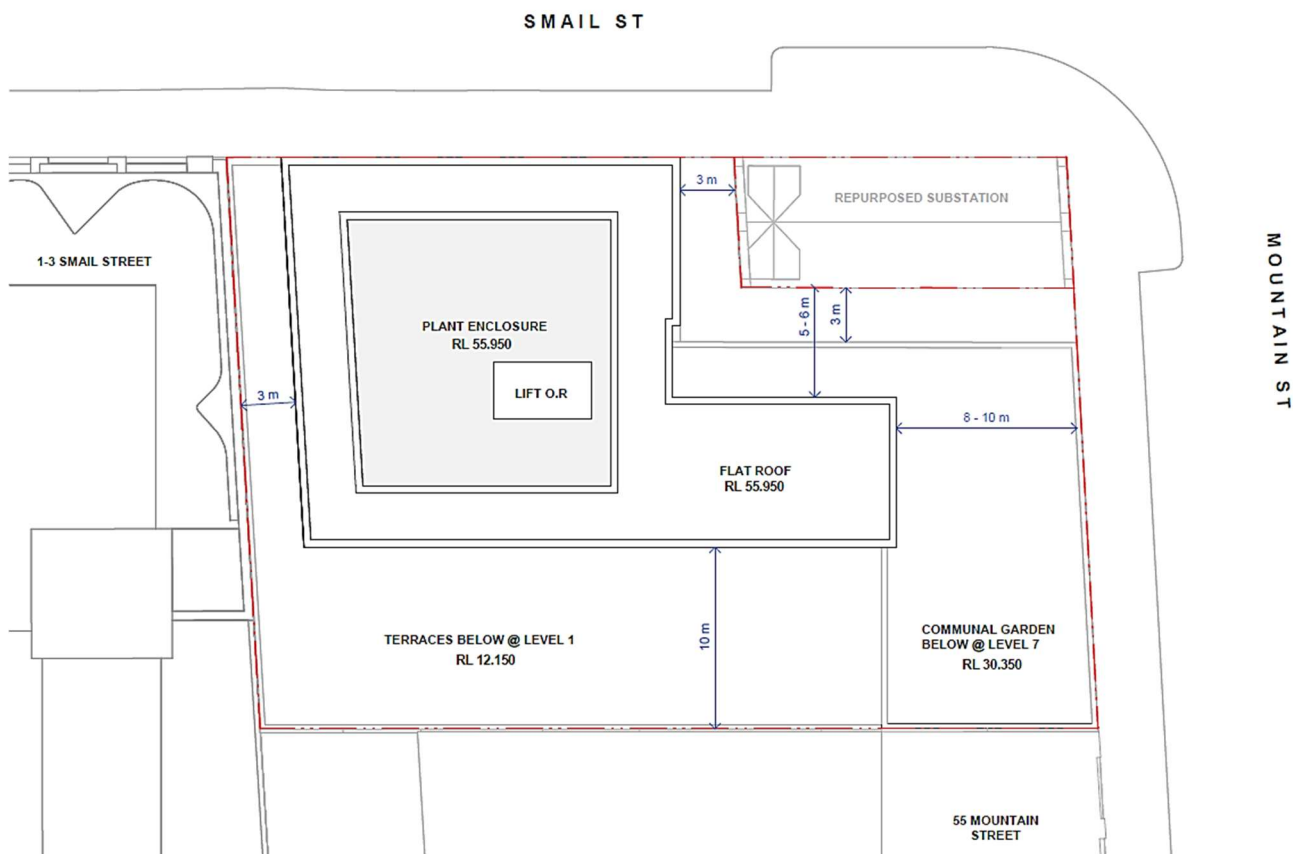


Figure 40 - Proposed planning proposal Roof (PP03.15).

Source: Bates Smart 2025

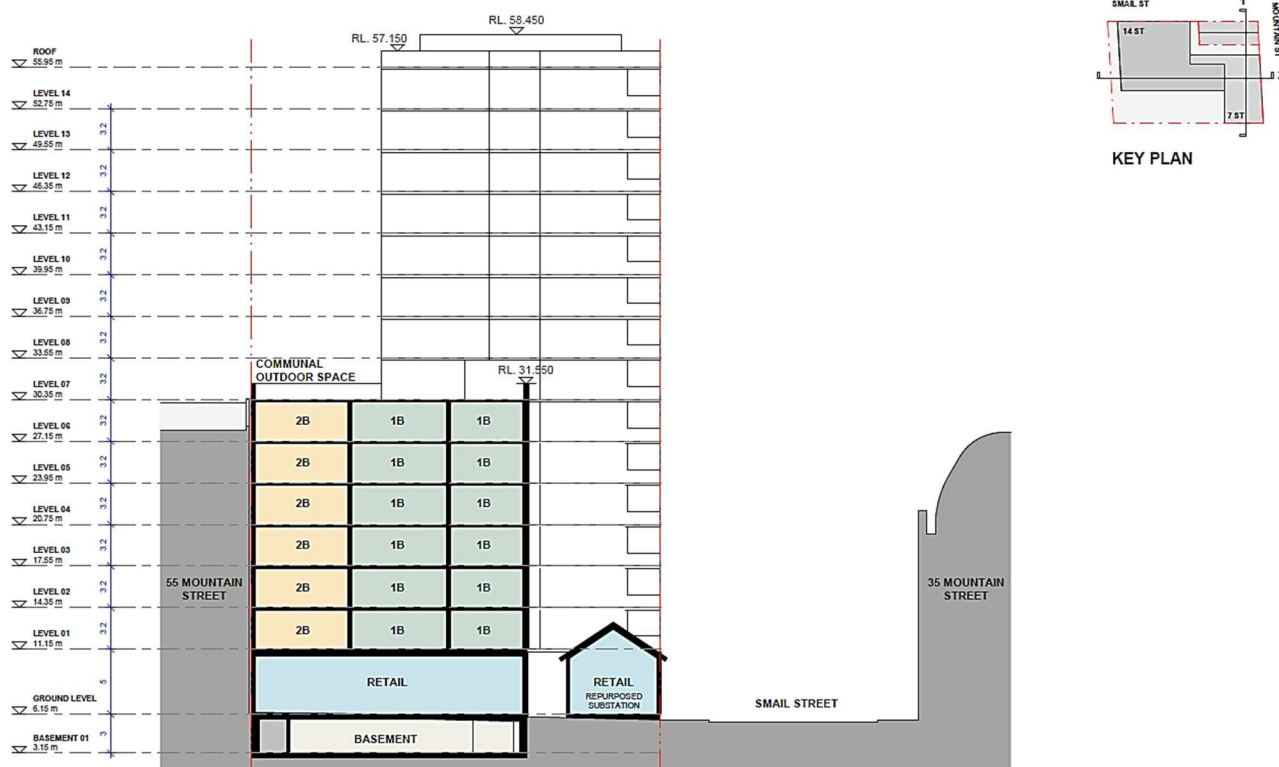


Figure 41 - Proposed planning proposal Section 1 (PP10.01).

Source: Bates Smart 2025

6. IMPACT ASSESSMENT

The following impact assessment has assessed the proposed works against the relevant provisions and controls of the Council's statutory and non-statutory planning controls as well as the guidelines contained within Heritage NSW 'Guidelines for preparing a statement of heritage impact'. This section provides an assessment of the heritage impact of the proposed building envelope and associated amendments to the planning controls. It does not address the indicative design. Any proposed future Development Application for the site would need to be accompanied by a Heritage Impact Statement that addresses the impact of the developed design proposal, including demolition/alteration of the existing development on the site.

6.1. SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

The table below provides an impact assessment of the proposal against the relevant clause for heritage conservation in the Sydney LEP 2012.

Table 4 Impact assessment against the relevant clauses of the Sydney LEP 2012.

Clause	Response
Height of buildings (Clause 4.3) (1) The objectives of this clause are as follows: (a) to ensure the height of development is appropriate to the condition of the site and its context, (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, (c) to promote the sharing of views,	The planning proposal facilitates a concept envelope that is appropriate to its corner location and the surrounding context. The proposed street frontage height varies for the two primary built form envelopes of the concept envelope as follows: 7 stories fronting Mountain Street On Mountain Street, the proposed street frontage height is compatible with the existing adjacent former warehouse building at 55 Mountain Street and provides for future development to directly adjoin the neighbouring building at its eastern end and present a consistent street frontage height to Mountain Street. 15 stories fronting Smail Street. On Smail Street, the proposed street frontage height is taller than the adjacent development at 1-3 Smail Street in the order of 4.5 stories. Above the street frontage height, the envelope proposes setbacks to enable inclusion of roof plant. The envelope also provides for setbacks to the south and west, respectively ten and three metres. The variation in height is not inconsistent with the surrounding context, which is defined by buildings of varying height and scale. Within the proposed envelope, there is scope for interpretation of heights in a future developed design so that the overall result exhibits some 'naturalness' in street frontage presentation as opposed to a defined static level within the context of the Mountain Street HCA.

Clause	Response
	Where the scale exceeds the height of the Substation, which item height and scale is an anomaly in the locality, the building envelope provides a volume in which future development has the capacity to respond to the scale of the Substation through such measures as articulation of the envelope at a comparable datum and a thoughtful design response that promotes the prominence of this corner heritage item. Notably, the concept envelope provides a three metre setback to the south and west of the Substation to allow physical and visual access to the heritage item for public appreciation and maintenance access. The proposed height would not cause adverse effects on any important views. Rather, the proposed envelope extending to each the street boundary is consistent with existing development in the locality and would facilitate framed views along the streets. Views to the Substation would remain available owing to its corner location and there is opportunity for future development to provide a suitable backdrop that complements the heritage item. The planning proposal does not affect views to the street facing elevations of the Substation in accordance with the original design intent.
5.10 Heritage Conservation (1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of the City of Sydney, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	For the reasons set out in this HIS, it is considered that planning proposal is broadly consistent with the objectives set out in the Sydney LEP. The planning proposal supports future redevelopment of the site at 43-49 Mountain Street, which is currently identified as a 'detracting' site in Sydney DCP 2012, providing opportunity for a more compatible development that contributes positively to the locality. It generates a building envelope that 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.
(2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following	The subject site is located within the Mountain Street HCA (C68) under the <i>Sydney Local Environmental Plan (LEP) 2012</i>. The subject site itself is a large land parcel that includes the former Mountain Street Electricity Substation No. 5, which is a State listed heritage item (SHR 00934) under

Clause	Response
(including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	the <i>NSW Heritage Act 1977</i>, a locally listed heritage item (I2053) under the <i>Sydney Local Environmental Plan (LEP) 2012</i> and a S.170 listed heritage item (3430486) under the Ausgrid Heritage Register of the <i>Heritage Act NSW 1977</i>. The subject site is also located in proximity to the following heritage listed items: ▪ Item No. I2018 – 185-211 Broadway, Ultimo. Former “Grace Bros Homewares” including interior – local significance ▪ Item No. I2052 – 16-20 Mountain Street - Former Sydney Technical College School of Rural Studies Including Interior – local significance. ▪ Item No. I2054 – Warehouse “Wilcox Mofflin” Ltd. - local significance ▪ Item No. I2055 – 57-61 Mountain Street - St Barnabas Anglican Church Site Remnant Building Components and Grounds – local significance This heritage impact statement has therefore been prepared to accompany a development application to the City of Sydney to assess the heritage impact of the planning proposal on the identified heritage significance of the subject site, the conservation area and vicinity heritage items.
(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation	This report has assessed the planning proposal with consideration for the heritage item on the site, the site’s location in the Mountain Street Heritage Conservation Area and its proximity to several heritage listed items and finds that the building envelope provides opportunity for future design to respond to the heritage context. The building envelope generated by the planning proposal: - is consistent with the form, scale and massing of existing warehouses in the immediate vicinity

Clause	Response
management plan is submitted under subclause (6).	including 55 Mountain Street to the south and the Wilcox Mofflin building at 46 Mountain Street to the east; - adopts a taller form adjacent to 1-3 Smail Street where there is not a consistent existing streetwall height, with setbacks to neighbouring sites to provide physical and visual separation; - adopts a form that wraps around the electricity Substation while maintaining setbacks to the south and west, forming a backdrop that retains views to the item in its corner location; - would not impact on the setting or fabric of the heritage items in the vicinity, being generally located at a sufficient distance from these and screened via existing intervening built form developments; - would not impact on the setting or fabric of the Wilcox Mofflin building (#12054), being located on the opposite side of Mountain Street, of a compatible scale and furthermore screened at pedestrian level via existing street trees; - provides an appropriate scale commensurate with the large lot of the subject site, its city fringe location and the existing urban form of the Mountain Street HCA.
(5) Heritage assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	This heritage impact statement has been prepared to assist the consent authority in their determination and to assess the potential heritage impacts of the proposed works. This heritage impact statement satisfies the requirement under this clause. Any future Development Application/s for the site will have to be submitted for approval to the City of Sydney Council and be accompanied by a Heritage Impact Statement that assesses the impact of the proposed development on the heritage significance of listed items on and in the vicinity of the site and the Mountain Street Heritage Conservation Area.

6.2. SYDNEY DEVELOPMENT CONTROL PLAN 2012

The purpose of the Sydney Development Control Plan 2012 (SDCP 2012) is to provide objectives and provisions for the development of buildings, including those with heritage significance, either individually or as part of their street or area. The overall objectives for heritage of SDCP 2012 are as follows:

(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.

(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.

The table below provides an impact assessment of the proposal against the relevant clause for heritage conservation in the Sydney DCP 2012.

Table 5 Impact assessment against the relevant clauses of the Sydney DCP 2012.

Clause	Response
6.2.11 Mountain Street (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles. (b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes. (c) Encourage simple forms where appropriate to recognise the predominant warehouse character. Retain the strong warehouse building character of Mountain Street. (d) Maintain the prominent Federation warehouse character of the area by retaining warehouse and building facades and sympathetic adaptive reuse. (e) Provide commercial uses at least at ground and first floor levels, where appropriate. (f) Design new development next to strongly modelled heritage buildings, by responding to their floor to ceiling heights, proportion of bays and the design of horizontal elements. (g) Generous internal courtyard spaces are to be considered for conversions of large footprint buildings. (h) Retain the strong and consistent edge to Broadway. (i) Residential development on Wattle Street is to be set behind and buffered by commercial uses or	The planning proposal would support a future contemporary development that would complement the scale of existing development in the locality and contribute to the existing rich and diverse mix of building in the area. The locality statement describes the Mountain Street area as being noted for providing <i>'a diverse and sustainable mix of uses in restored and adaptively reused early warehouse buildings or in new buildings whose bulk and scale is appropriate to the large lots and existing urban form.'</i> The building envelope generated by the planning proposal is broadly compatible with the scale of existing development in the locality. The predominant character and scale of the area would not be adversely affected. The planning proposal stimulates opportunity for future development to provide for the conservation and adaptive reuse of the Substation. The building envelope provides a volume in which future development can respond to the character of the area through a design excellence approach. The different characters exhibited by the surrounding heritage buildings should be referenced in the composition of the future detailed design to aid in the decomposition of the street block to respond to the scale of the area and the Substation. The building envelope generated by the planning proposal accords with the alignment of buildings to the street boundary in the locality and provides for appropriate setbacks to adjoining sites at 55 Mountain Street and 1-3 Small Street in addition to

Clause	Response
located at least above the first floor in mixed use buildings. (j) Retain early housing in the area, particularly along Glebe and Queen Streets.	setbacks within the site around the electricity Substation.
3.9.5 Heritage Items Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item. The determination of the setting of a heritage item should consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views to and from the property.	The subject site includes the heritage listed electricity Substation at 41 Mountain Street, Ultimo. The building envelope provides a volume in which future development can respond to the scale and character of the Substation through a design excellence approach for the future detailed design. The proposed building envelope has the further capacity to provide an appropriate setting for the Substation, which was designed with plainly detailed south and west elevations, evidencing consideration in its original design for there to be adjacent development. Regardless, the concept envelope provides for a three metre setback to the south and west of the Substation to allow physical and visual access to the heritage item for public appreciation and maintenance access. Considering other heritage items in the vicinity of the subject site, the proposed concept envelope: - would not impact on the setting or fabric of the heritage items in the vicinity, being generally located at a sufficient distance from these and screened via existing intervening built form developments; - would not impact on the setting or fabric of the Wilcox Mofflin building (#12054), being located on the opposite side of Mountain Street, of a compatible scale and furthermore screened at pedestrian level via existing street trees.
(3) Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the: (a) building envelope; (b) proportions; (c) materials, colours and finishes; and	The planning proposal generates an envelope that draws on cues from its context. This envelope provides a volume in which future development can respond to the character of the area through a design excellence approach.

Clause	Response
(d) building and street alignment.	
(4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: (a) providing an adequate area around the building to allow interpretation of the heritage item; (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item); (c) protecting, where possible and allowing the interpretation of archaeological features; and (d) Retaining and respecting significant views to and from the heritage item.	The proposed building envelope has the capacity to provide an appropriate setting for the Substation, which was designed with plainly detailed south and west elevations, evidencing consideration in its original design for there to be adjacent development. The interpretation of the building and its setting should be resolved through a design excellence approach in future detailed Development Application. Vicinity heritage items would retain their existing settings and the planning proposal would not adversely affect their interpretation for the reasons described in preceding sections. The Poplar and other street trees are a significant feature of the public domain and should generally be retained in conjunction with Development Application for future work. An Aboriginal Due Diligence and Historical Archaeology Assessment have been prepared separately and are submitted with this Development Application. The proposed envelope extending to the street boundary is consistent with existing development in the locality and would facilitate framed views along the streetscape. Views to the Substation would remain available owing to its corner location and there is opportunity for future development to provide a suitable backdrop that complements the heritage item. The planning proposal does not affect views to the street facing elevations of the Substation in accordance with the original design intent.
4.2.1 Building Height (2) The maximum may only be achieved where it can be demonstrated that the proposed development: (a) reinforces the neighbourhood character; (b) is consistent with the scale and form of surrounding buildings in heritage conservation areas; and	The planning proposal to amend the height standards for the site supports development that would be compatible with the existing character of adjacent buildings, and the general presentation of buildings of varying height and scale in the Mountain Street HCA. Through the adoption of two primary built form envelopes, the scale of development proposed by the planning proposal provides a considered response to the surrounding context, including the five storey scale of the most

Clause	Response
(c) does not detract from the character and significance of the existing building.	proximate heritage item, the Wilcox Mofflin building at 46 Mountain Street (#I2054). Where taller development is proposed on the Smail Street frontage, setbacks are proposed to adjoining sites to the west and south to provide physical and visual separation that would allow the existing neighbouring developments to retain both prominence and general amenity. In particular to the south the proposed ten metre setback provides for a generous courtyard space between the subject site and adjoining development at 55 Mountain Street. The scale of the proposed building envelope accords with both the existing character of the locality and defines an appropriate future one. The character and significance of existing development in the locality can be retained and enhanced through a design excellence approach subject of a future Development Application.
(4) Where the street frontage height of buildings map does not indicate the maximum height, the maximum street frontage height must generally be consistent with the street frontage height in storeys of adjacent buildings, or the predominant street frontage height in storeys in the vicinity of the proposed building.	On Mountain Street, the planning proposal concept envelope is consistent with the street frontage height of adjoining development at 55 Mountain Street and that of the heritage listed Wilcox Mofflin building (#I2054) on the opposite side of Mountain Street. On Smail Street in the vicinity of the subject site, the street frontage heights of existing buildings are highly varied and do not establish a predominant street frontage height. In this context, the adoption of a taller envelope on the Smail Street frontage would not be incompatible. Where the scale exceeds the height of adjacent development, the building envelope provides a volume in which future development has the capacity to respond to the scale of neighbouring buildings through such measures as articulation of the envelope at a comparable datum and a thoughtful design response.
(5) Height of buildings and the street frontage height in storeys should not match anomalous tall neighbouring buildings that are inconsistent with the neighbourhood.	See previous response. The proposed building height is consistent with the 'urban' scale of development on the city fringe.

6.3. HERITAGE NSW GUIDELINES

The table below provides an impact assessment of the proposal against the relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 6 Impact assessment against the relevant Heritage NSW Guideline Considerations

Provision	Response
<i>Will the proposed works be the best conservation solution for the heritage item?</i>	No physical works are proposed. The proposed amendments provide an envelope that allows future development to respond appropriately. The planning proposal stimulates opportunity for future development to provide for the conservation and adaptive reuse of the Substation. Notably, the concept envelope provides a three metre setback to the south and west of the Substation to allow physical and visual access to the heritage item for public appreciation and maintenance access.
<i>Will the works promote the ongoing use and upkeep of the item?</i>	The proposal encourages future reinvestment in the subject site, which provides an opportunity for the conservation and adaptive reuse of the heritage listed Substation located on the site.
<i>Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?</i>	N/A No physical works are proposed as part of the current Development Application
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	The proposed building envelope has the capacity to provide an appropriate setting for the Substation, which was designed with plainly detailed south and west elevations, evidencing consideration in its original design for there to be adjacent development. The interpretation of the building and its setting should be resolved through a design excellence approach in future detailed Development Application.
<i>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</i>	Yes, refer to the impact assessment included at Section 6.2 of this report.
<i>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</i>	The proposed works have the capacity for future works to positively enhance the heritage listed Substation and broader heritage context through the ongoing use of the site and new development adopting a design excellence approach.

7. CONCLUSION

The planning proposal seeks consent for a mixed-use building envelope in two primary built form volumes comprising a height of seven (7) stories facing Mountain Street and fifteen (15) stories facing Smail Street on the subject site. It does not provide an articulated building envelope or provide site specific guidelines to achieve a sympathetic heritage response. No physical works are proposed.

43-49 Mountain Street is, at present, void of any fabric or material remains that indicate the past use of the site for industrial purposes. Additionally, the site has been largely underutilised since demolition efforts in 2005. The proposed building envelope provides a key opportunity in a key economic location to utilise a previously underused site for compatible and appropriate adaptive reuse. The subject site has, apart from the electricity Substation, been identified as a detracting item on the Sydney DCP 2012 and the planning proposal provides the opportunity to stimulate the potential of the subject site and ultimately to offer a meaningful contribution to the character of the conservation area in accordance with the objectives for the Mountain Street Heritage Conservation Area.

A detailed impact assessment of the proposed works has been undertaken in Section 6 of this report. The planning proposal has been assessed to have an acceptable heritage impact on the impact on the Substation on the subject site, the Mountain Street Heritage Conservation Area and heritage items in the vicinity of the subject site. Key aspects of the proposal assessment are listed 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 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 Sydney DCP 2012.
- The planning proposal provides 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.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective having regard to the proposed recommendations below.

7.1. RECOMMENDATIONS

The following recommendations are provided to guide future Development Applications facilitated by this planning proposal:

- Future design proposals must be based on sympathetic design principles and be guided by a detailed contextual analysis to inform future development. The form, scale, materiality, articulation and the façade treatment of the future development should respond to adjacent development, the subject heritage item and proximate heritage items. A suitably experienced built heritage practitioner should therefore be engaged to provide ongoing advice throughout the design development, contract documentation and construction stages of the project.
- Future design proposals should adhere to the Design Excellence Guidelines provided by the City of Sydney.

- Future design proposals need to demonstrate that there would be direct conservation benefits for the electricity Substation. There are key opportunities for the conservation and interpretation of the Substation, such as maintenance and repair work and reinterpretation of the prior use.
- A detailed heritage impact statement and detailed street montages should be provided as part of the any future development application for work on the site.

8. REFERENCES

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