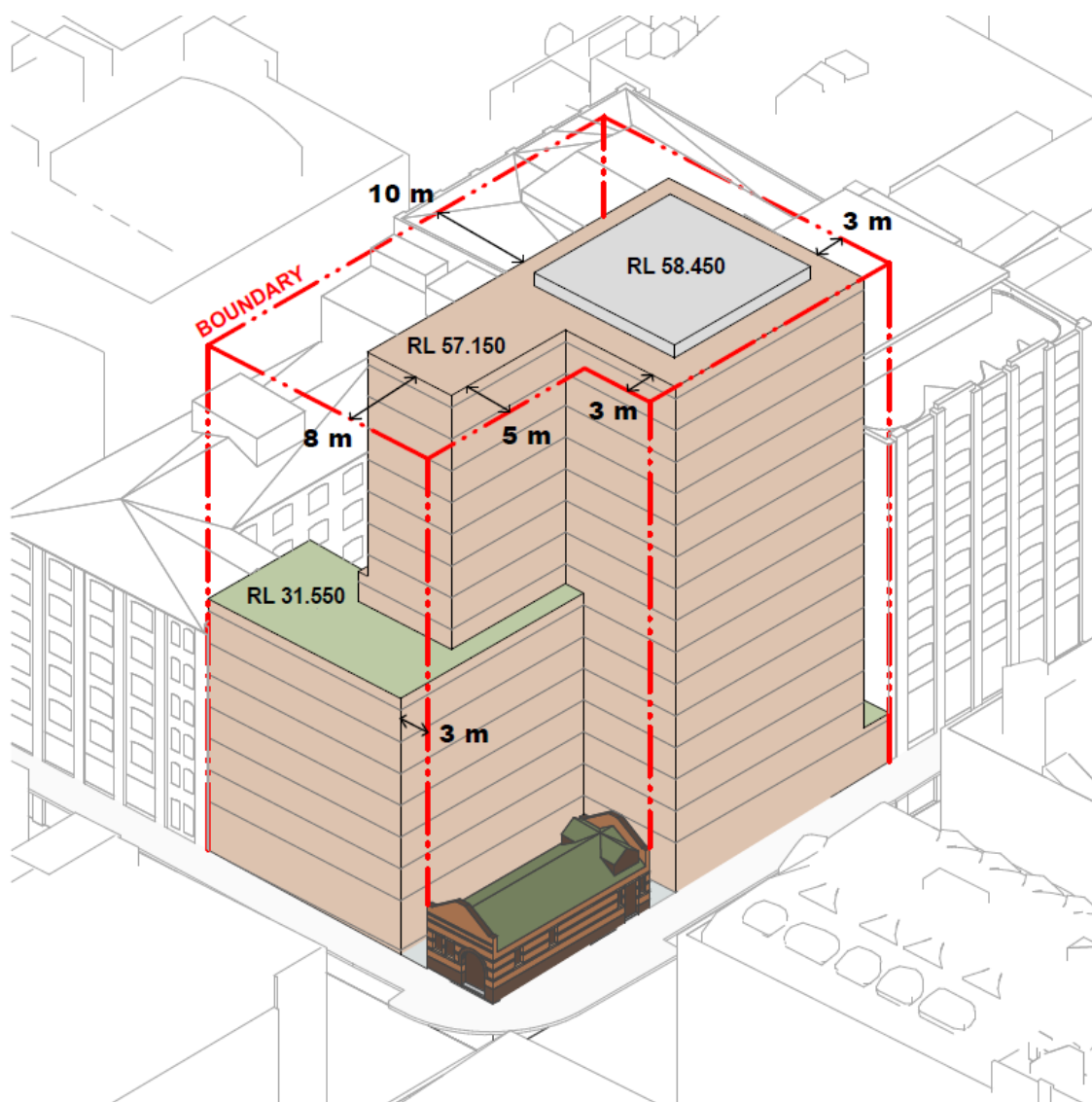


Attachment B

**Draft Sydney Development Control Plan
2012 - 41-49 Mountain Street, Ultimo**

Sydney Development Control Plan 2012 – 41-49 Mountain Street, Ultimo



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development on the site at 41-49 Mountain Street, Ultimo.

This plan is to be read in conjunction with draft Planning Proposal: 41-49 Mountain Street, Ultimo.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 41-49 Mountain Street, Ultimo*.

Land covered by this plan

This land applies to the land identified as 41-49 Mountain Street, Ultimo which comprises two lots known as Lot 21 DP 5567 and Lot 1 DP 191928.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 below.

Amendments to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific sites maps to include 41-49 Mountain Street, Ultimo.
2. Insert a new section 6.3.X 41-49 Mountain Street, Ultimo as shown at Schedule 1.
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.X 41-49 Mountain Street, Ultimo

The following objectives and provisions apply to 41-49 Mountain Street, Ultimo as shown in 'Figure 6.1 Specific sites map', where relevant site specific provisions of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are implemented.

Clause 6.XX of the Sydney LEP 2012 enables development to exceed the height and floor space ratio shown in the height of buildings and floor space ratio maps up to a prescribed amount, providing the subject site is developed for shop top housing used for build-to-rent housing in accordance with Chapter 3, Part 4 of State Environmental Planning Policy (Housing) 2021, and affordable housing provided in accordance with the City of Sydney's affordable housing program.

If a development at 41-49 Mountain Street, Ultimo, seeks to utilise additional height or floor space ratio permitted by clause 6.XX of the Sydney LEP 2012, then the provisions in this section also apply to the assessment of the proposed development and override other provisions in this DCP where there is an inconsistency.

Objectives

- (a) Deliver a high-quality urban form within a defined maximum building envelope that:
 - (i) is of appropriate bulk, scale and modulation for this location
 - (ii) respects the State heritage listed former substation on the site and supports its sensitive adaptive reuse;
 - (iii) provides setbacks to achieve acceptable levels of wind comfort, solar access, daylight, and visual and acoustic privacy; and
 - (iv) provides for safe and efficient vehicular access, and on-site loading and waste collection.
- (b) Maximise active frontages with retail premises at ground level.
- (c) Deliver a pedestrian link through the site to support pedestrian permeability and location for public art.
- (d) Provide high quality residential amenity and urban greening.
- (e) Ensure development achieves ecologically sustainable development.
- (f) Manage risks to life and property from flooding.

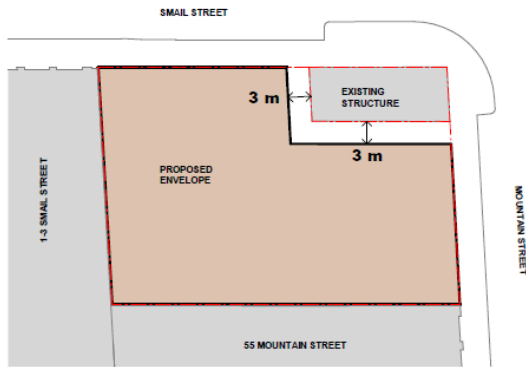
Provisions

6.3.X.1 Maximum Building Envelope

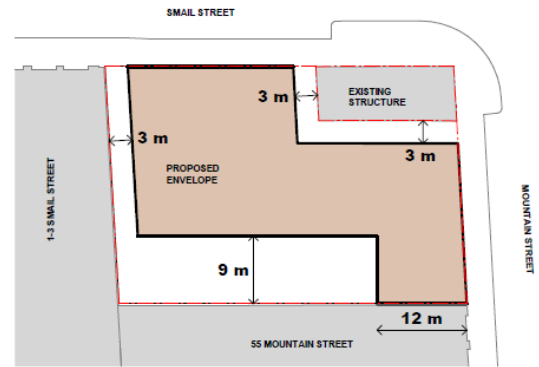
- (1) Development is not to exceed the building envelope heights and setbacks shown in 'Figure 6.xx 41-49 Mountain Street, Ultimo – envelope setbacks' and 'Figure 6.xx 41-49 Mountain Street, Ultimo – envelope heights and setbacks – axonometrics'. In the figures, setback dimensions are minimums and RLs are maximums.
- (2) Maximum building height in storeys is to be in accordance with 'Figure 6.XX 41-49 Mountain Street, Ultimo – envelope heights in storeys'.

- (3) The two building wings are to be set at different heights, with a lower height adjoining Mountain Street, to strengthen the curtilage around the State listed heritage item and relate to the conservation area and surrounding built form.

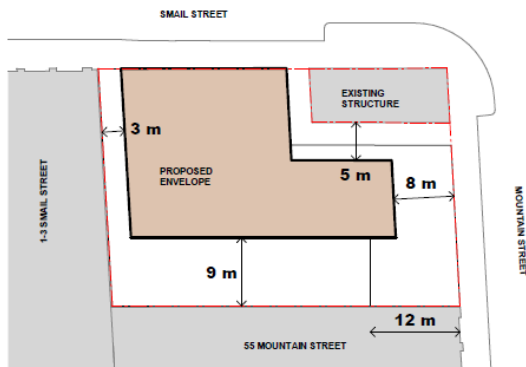
Figure 6.XX 41-49 Mountain Street, Ultimo –envelope setbacks



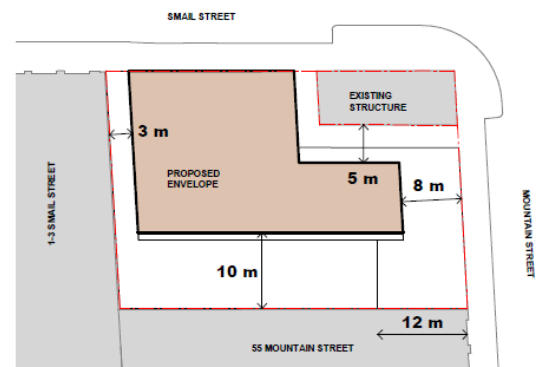
GROUND LEVEL



LEVELS 2 - 6



LEVEL 7



LEVELS 8 - 14

Figure 6.XX 41-49 Mountain Street, Ultimo – envelope heights and setbacks – axonometrics

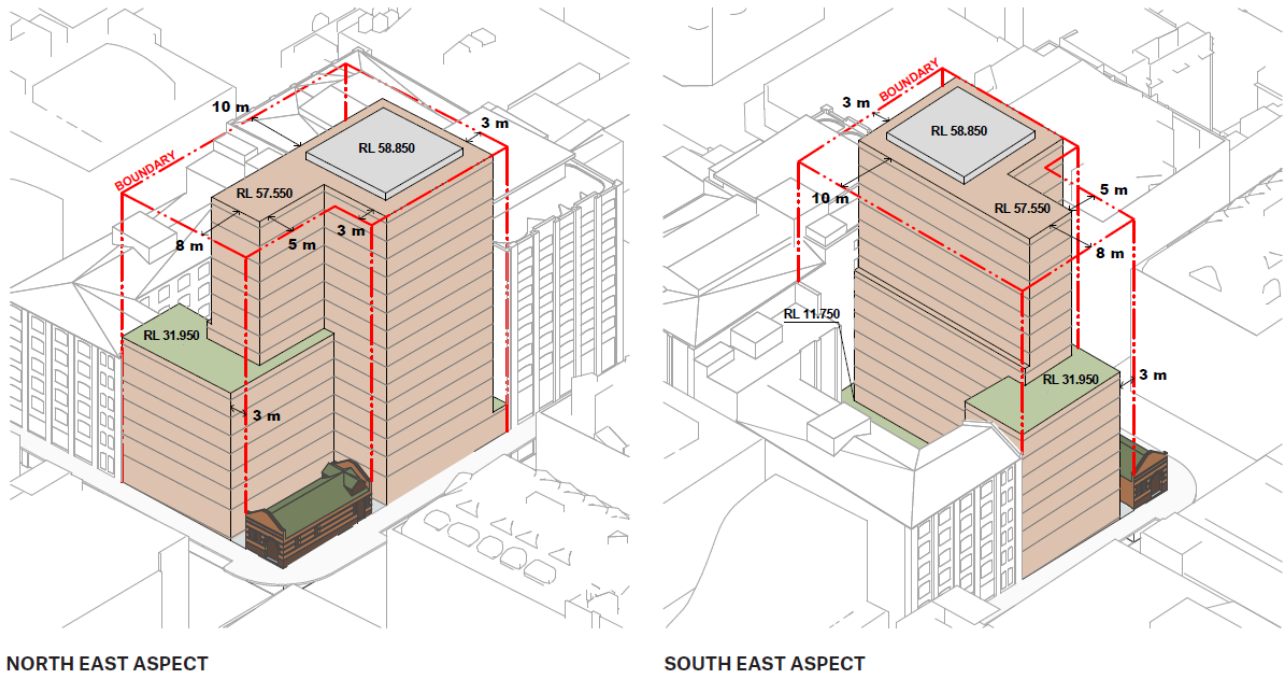
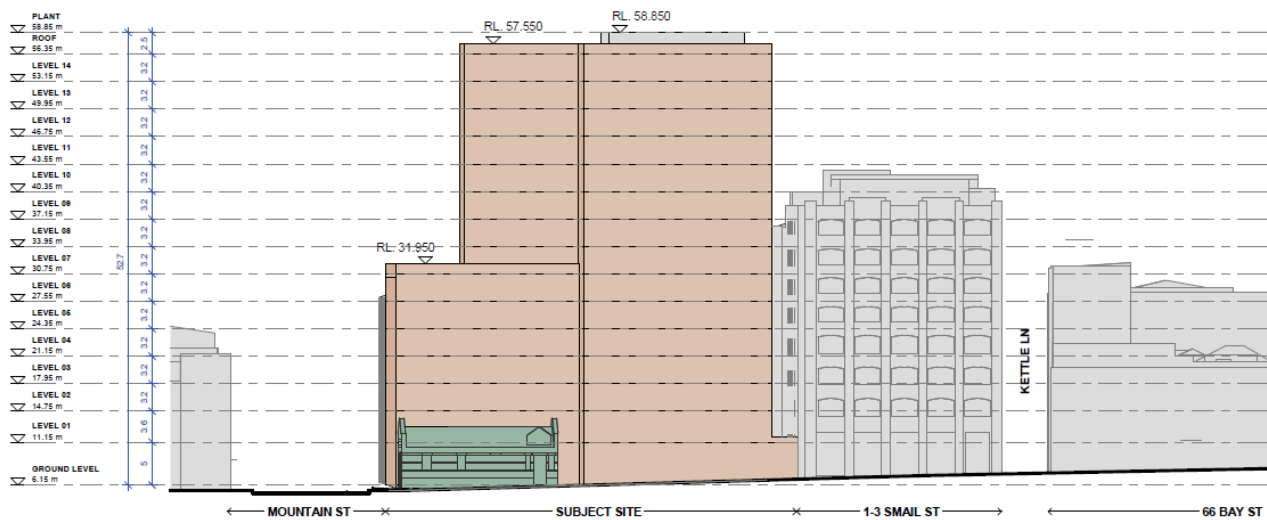


Figure 6.XX 41-49 Mountain Street, Ultimo – envelope heights in storeys



6.3.x.2 Heritage

- (1) The architectural design and quality of new development is to respect the heritage significance of the heritage item on the site through consideration of design measures including:
 - (a) maximising the separation between the heritage item and the new building
 - (b) façade design of the new building to provide a sympathetic transition to the heritage item
 - (c) responding to the established street wall height in Smail or Mountain Streets through the use of materials
 - (d) conservation of the heritage item in accordance with an approved conservation management plan.

- (2) New development must provide a change in materiality for levels above the adjoining street wall height, in either Mountain Street or Smail Street. The materiality of the lower floors is to relate to that of the adjoining development.
- (3) Conservation and adaptive reuse of the heritage item is to be undertaken in accordance with an approved conservation management plan prepared to the satisfaction of Council.

6.3.X.3 Access, loading, and servicing

- (1) Vehicular access to the basement is to be from a single crossover from Smail Street.
- (2) Loading and servicing facilities, including waste trucks up to 10.6m in length, are to be accommodated wholly within the site.
- (3) Development is to be in accordance with the transport and parking amendment to the Sydney DCP 2012 as adopted by Council on 23 June 2025.

6.3.X.4 Ground floor level and street activation

- (1) Maximise lengths of active uses and frontages along Mountain Street, Smail Street and the pedestrian link through the site.
- (2) Where building entrances cannot be provided from the street due to flood risk, ground floor uses are to incorporate other design features to support activation of the street.

6.3.X.5 Pedestrian link through the site

- (1) A pedestrian link is to be provided through the site, adjoining the State heritage listed building, that it has a minimum unencumbered width of 3m.
- (2) The pedestrian link may include a glazed awning to manage wind impacts, subject to heritage considerations. The awning must be visually lightweight so as to not detract from the significance of the adjoining heritage item.
- (3) The pedestrian link is to be publicly accessible at all times by way of a public access easement.
- (4) The design of the pedestrian link is to:
 - (a) provide opportunities for public art;
 - (b) maintain clear entrance points that are visible from the public domain; and
 - (c) be of high quality materials in accordance with the City's Public Domain Codes.
- (5) Any public art located in the through-site link area must not unreasonably restrict sunlight access or impede on the accessibility and functionality of the space.

6.3.X.6 Residential amenity

- (1) Where Apartment Design Guide minimum requirements for design criteria under Part 4 cannot be met, especially for unit sizes and configuration, balconies and storage, then additional communal open spaces and shared facilities and services need to offset the reduced residential amenity by:
 - (a) exceeding minimum Apartment Design Guide requirements for communal and public open space to cater for each non-compliant dwelling, and
 - (b) demonstrating that the additional spaces and facilities within the building or elsewhere on the site are of a quantity and standard that suitably offset these impacts and achieve quality amenity for residents.
- (2) Visual and acoustic privacy treatments are to be provided if unenclosed access corridors are used.

6.3.X.7 Landscaping

- (1) Communal open spaces that do not have deep soil are to be landscaped in accordance with the urban ecology amendment to the Sydney DCP 2012 as adopted by Council on 23 June 2025.

6.3.X.8 Sustainability

- (1) The building is to be designed to:
 - (a) achieve 5 star Green Star Buildings v1 certified rating; and
 - (b) be in accordance with the ecologically sustainable development amendment to Sydney DCP 2012 as adopted by Council on 23 June 2025.

6.3.X.9 Flooding

- (1) Development is to be in accordance with the water and flood management amendment to Sydney DCP 2012 as adopted by Council on 23 June 2025.

