Item 4.

Development Application: 26-38 Saunders Street, Pyrmont - D/2026/513

File Number: D/2026/513

Summary

Date of Submission:	3 June 2026, amendments 22 September 2026
Applicant:	TM No. 6 Pty Ltd
Architect:	BVN
Developer:	Toohey Miller
Owner:	The Owners - Strata Plan No. 61725
Planning Consultant:	Colliers Urban Planning
Cost of Works:	$254,210,817.00
Zoning:	R1 - General Residential, proposal permissible with consent
Proposal Summary:	Approval is sought for a mixed-use development comprising demolition of an existing residential flat building and construction of a 5-storey podium building with residential tower above to 37 storeys with a total of 156 apartments and a 6 level basement below. The proposal has been prepared in response to the Ultimo/Pyrmont Planning Proposal Stage 1 which includes additional height and FSR for the subject site. The planning proposal was endorsed by Council at its meeting of 27 October 2025 and is awaiting finalisation and gazettal by the Department of Planning, Housing and Infrastructure. The application is reported to the Central Sydney Planning Committee for determination, as the cost of the development exceeds $50 million.

A competitive design process was held for the proposal, with the submission prepared by BVN as the winning scheme. The proposal is generally consistent with the overall design intent of the winning scheme and the recommendations of the jury.

The proposal was reviewed by the Design Advisory Panel on 26 March 2026 prior to lodgement of the application and on 30 July 2026 after lodgement. The application has been amended to address the recommendations of the panel as detailed in this report. The key amenity recommendations relate to passive solar shading and apartment privacy and usability.

The massing of the proposal was amended in response to feedback from DAP and Council officers, with key amendments including a shift in podium massing to reduce height from the northern corner with additional massing located within the tower form, additional louvre shading detail and the introduction of a spandrel to the lower-level tower bedroom windows. These amendments address the items raised.

The application was notified for 28 days between 4 June 2026 and 3 July 2026. 173 submissions were received with 172 raising objections and one submission in support of the proposal. Issues raised in submissions include view loss, height, bulk and scale, traffic, wind, privacy, amenity, overshadowing, construction impacts, and infrastructure considerations.

Written requests have been submitted to vary the height of buildings and floor space ratio development standards pursuant to Clause 4.6 of the SLEP. The variations reflect that the controls within the draft Ultimo/Pyrmont Planning Proposal Stage 1, while having not yet been made at the time of writing, are imminent according to advice from the Department Planning Housing and Infrastructure. The variations are supported in the circumstances.

The proposal is generally consistent with the desired future character of the locality as expressed within the draft Ultimo/Pyrmont Planning Proposal and achieves a standard of architectural design that demonstrates design excellence in accordance with Clause 6.21C of SLEP and will make a positive contribution to the locality.

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

Development Controls:

(i) Sydney Local Environmental Plan 2012

(ii) Sydney Development Control Plan 2012

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Housing) 2021

(v) SEPP (Sustainable Buildings) 2022

(vi) SEPP (Transport and Infrastructure) 2021

(vii) SEPP (Biodiversity and Conservation) 2021

(viii) SEPP (Planning Systems) 2021

Attachments:

A. Recommended conditions of consent

B. Selected drawings

C. Clause 4.6 variation - Height

D. Clause 4.6 variation - Floor space ratio

E. Design competition report

F. Visual impact assessment

G. Submissions

Recommendation

It is resolved that:

(A) the variation requested to Clause 4.3 Height of buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

(B) the variation requested to Clause 4.4 Floor space ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

(C) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances.

(D) consent be granted to Development Application Number D/2026/513 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The development the subject of the application is consistent with the objectives of the R1 General Residential Zone.

(B) The proposal exhibits design excellence in accordance with the requirements contained in Clause 6.21C of Sydney Local Environmental Plan 2012.

(C) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:

  (i) The applicant has demonstrated that compliance with the Height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

  (ii) The applicant has demonstrated that compliance with the Floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

(D) The requirements of Clause 7.20 of the Sydney Local Environmental Plan 2012 for a development control plan have been met through the detailed site-specific controls in the planning proposal and the competitive design process.

(E) The public interest is served by the approval of the proposal.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 31 in DP 859243 and SP 61725, and is located at 26-38 Saunders Street, Pyrmont. The site is an irregular triangle in shape with street frontages to Saunders Street to the south and Quarry Master Drive to the east, west and north. Vehicle access to the site is currently provided on the eastern side of the site to Quarry Master Drive. The site has an area of 3,115sqm. Levels on the site fall from north to south by approximately 3.4m.

2. The site contains a strata title residential apartment building between 6 and 8 storeys in height with a 2-storey basement.

3. The surrounding area is characterised by a mixture of land uses with residential apartments to the east and west, commercial buildings to the south and Distillery Park and cliff face to the north. The light rail line is located approximately 50m to the east of the site and the Western Distributor 95m to the east.

4. The site is not a heritage item nor located within a heritage conservation area. Heritage items in the vicinity of the site include local heritage item Escarpment face from former quarry "Saunders Quarry" (I1199) to the north of the site and state listed item Railway cutting (I1203) located to the east of the site.

5. The site is located within the Pyrmont Point locality and is not identified as being subject to flooding.

6. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Aerial view of site



Figure 3: Site viewed from corner of Saunders Street and Quarry Master Drive looking west



Figure 4: Site viewed from Quarry Master Drive looking west

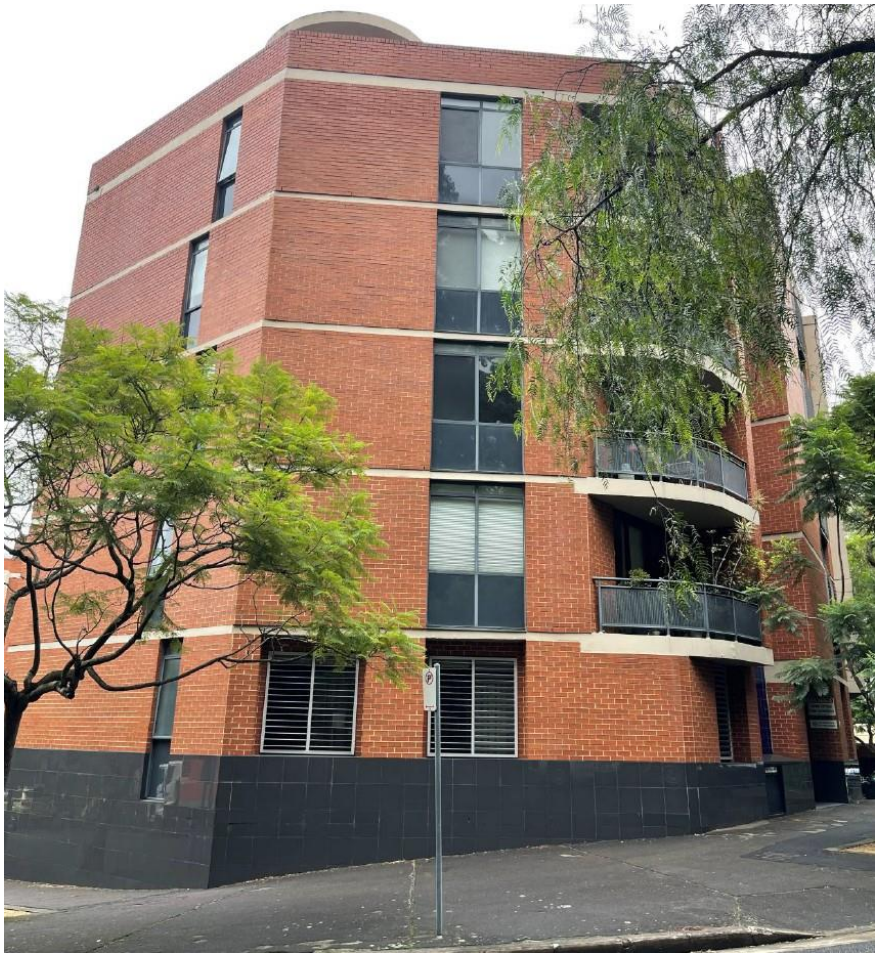


Figure 5: Site viewed from Quarry Master Drive looking south



Figure 6: Site viewed from Quarry Master Drive looking south



Figure 7: Site viewed from corner of Quarry Master Drive and Saunders Street looking east

History Relevant to the Development Application

Ultimo/Pyrmont Planning Proposal

7. In July 2022, the NSW Government issued a Ministerial Direction to guide the preparation of planning controls for Ultimo and Pyrmont that would provide floor space capacity for 8,500 new residents and up to 23,000 new jobs within Ultimo and Pyrmont.

8. The City of Sydney prepared a planning proposal for the Ultimo/Pyrmont precinct (Stage 1) in response, with planning controls across sites within the area under the jurisdiction of Council. A Gateway determination for the planning proposal was approved on 15 July 2024. A public consultation period occurred from 1 October 2024 to 13 November 2024. The planning proposal was endorsed by Council at its meeting of 27 October 2025 and is awaiting finalisation and gazettal by the Department of Planning, Housing and Infrastructure at the time of writing this report.

9. As discussed further within this report, the proposal is largely consistent with the draft planning controls contained within the Ultimo/Pyrmont Planning Proposal and is supported on the basis that the draft controls are certain and imminent and having consideration of the Ministerial Expectations for length of time for DAs to be reported to consent authorities.

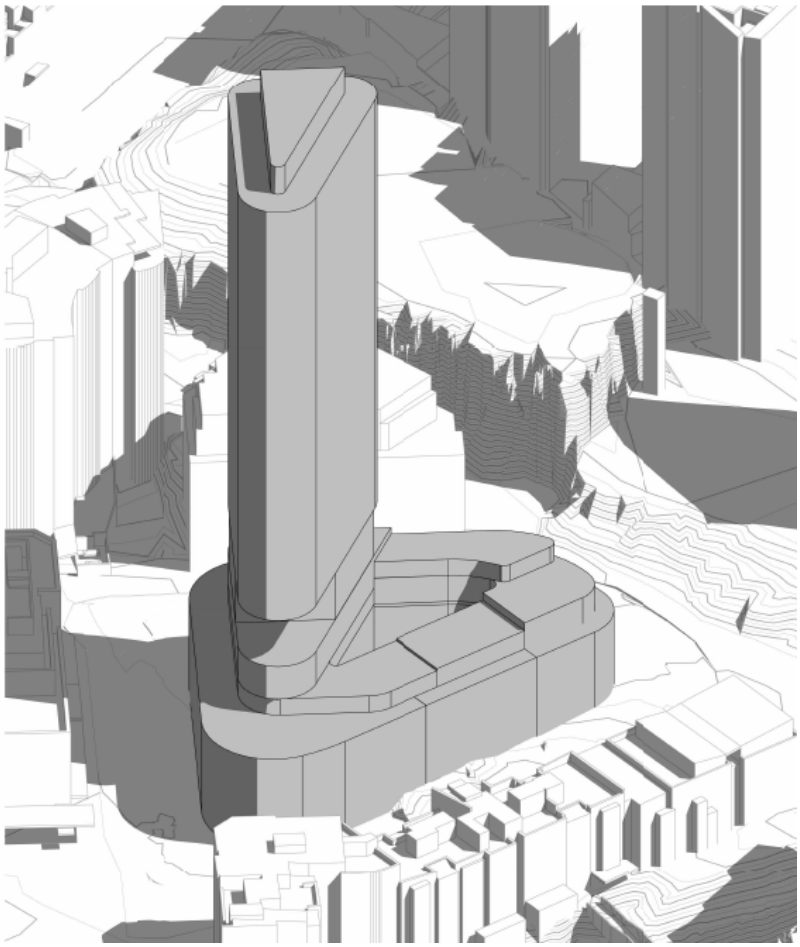


Figure 8: Diagram of the draft Ultimo/Pyrmont Planning Proposal DCP building envelope for the site

Competitive Design Process

10. The applicant commissioned a competitive design process for the site, which commenced in October 2025. Five architectural firms were invited to participate in the process including:

    (a) Aileen Sage

    (b) Bates Smart

    (c) BVN

    (d) Smart Design Studio

    (e) Woods Bagot

11. The competitors gave presentations to the jury panel on 15 and 16 December 2025. The jury panel selected the scheme prepared by BVN as the competition winner, able to achieve design excellence.

12. A copy of the Architectural Design Competition Report including the design jury recommendations is provided at Attachment E. Selected photomontages of the winning scheme presented during the competitive design process are provided below.



Figure 9: Photomontage of the winning scheme submitted by BVN Architects



Figure 10: Photomontage of winning BVN design competition scheme



Figure 11: Photomontage of winning BVN design competition scheme

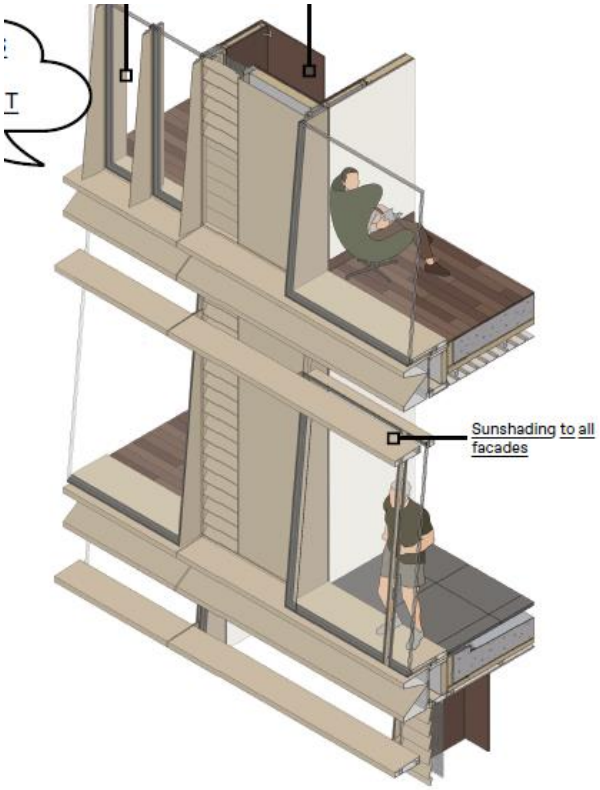


Figure 12: Façade detail of winning BVN design competition scheme

Design Advisory Panel

13. The development proposal was presented to the Design Advisory Panel (DAP) on 26 March 2026 following the award of the design competition and prior to the lodgement of the subject development application. A summary of the Panel's recommendations with a response based on the amendments and additional information is provided within the table below.

Design Advisory Panel Recommendations	**Response**
Pre DA comments	
Further refinement of cross ventilation within the apartment podium levels noting limited success of using plenums	Plenums are not relied upon to achieve compliant natural cross ventilation
Further consideration of passive and vertical shading with particular attention to the western facade	DA design report includes additional details of louvres
Reflectivity to the Anzac Bridge (motorway) to be addressed when refining sloping glass	Reflectivity report included with DA submission

Design Advisory Panel Recommendations	Response
Noise impacts within the central podium courtyard to be addressed, preferably without the use of plenums	Plenums not relied upon for noise attenuation
Detailed solar studies needed to fully understand the impacts on neighbouring properties	Submitted DA design report includes detailed solar studies
Apartment amenity to ground level northern apartment to be clarified	DA plans include detailed elevations and sections provided with window and balustrades shown to demonstrate privacy and window operability
Further resolution and detailing of materiality sought	Materials board included in revised DA submission



Figure 13: Photomontage image of facade detail (pre lodgement)

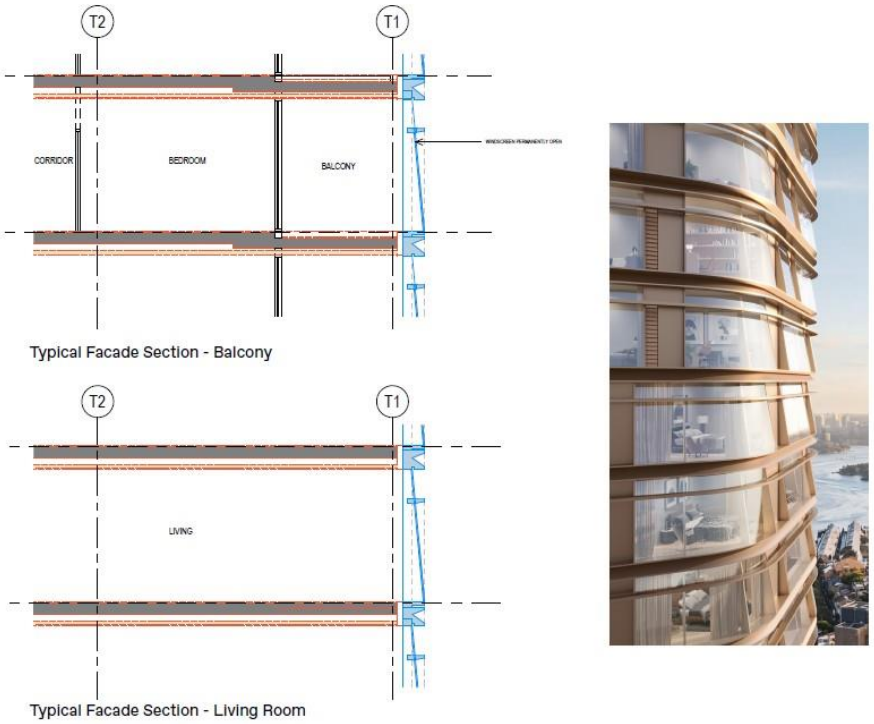


Figure 14: Façade detail cross section and photomontage (pre lodgement)

14. The application was presented to DAP on the 30 July 2026 following the lodgement of the subject development application with a summary of comments provided in the table below.

Design Advisory Panel Recommendations	**Response**
DA comments	
Panel commends the quality of design, particularly the facade and noted the continuity of the design team is important to the success of the project	Condition of consent included to ensure continuity of design team
A reduction in the window to wall ratio may improve environmental performance and make rooms more functional.	Spandrel introduced to lower-level tower bedrooms (levels 8 to 16) at 600mm above finished floor level. Improves usability and privacy to bedrooms Refer to images below under heading Design Amendments.
Further information sought on wind analysis and the performance of louvres in high wind without vibrations	Revised wind report assesses risk of tonal wind induced noise from louvres to be low
Further information sought on glazing and operability for fresh air	Additional operable windows added

Design Advisory Panel Recommendations	Response
Further detailing on mix of materials sought	Revised materials and physical materials board provided

15. The updated design report includes details of horizontal and vertical shading with the widths and placement of louvres adjusted on the different facade faces and between the lower and upper levels of the tower. The details within the design report show that a suitable level of passive shading will be provided to the tower façade. A condition is included recommending that these details within the design report be included as part of the approved plans as a design modification condition.

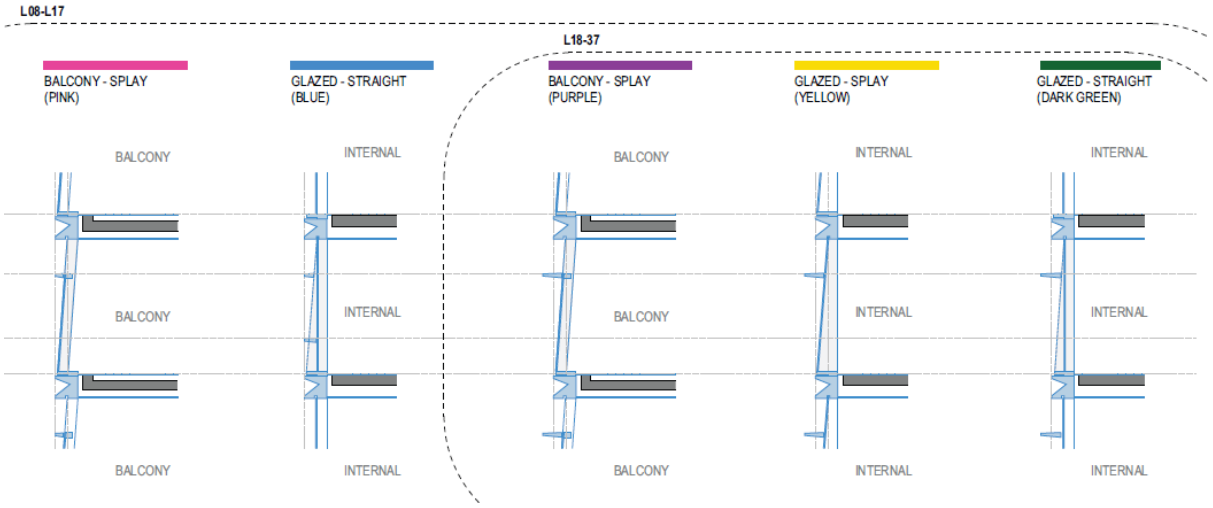


Figure 15: Facade detail

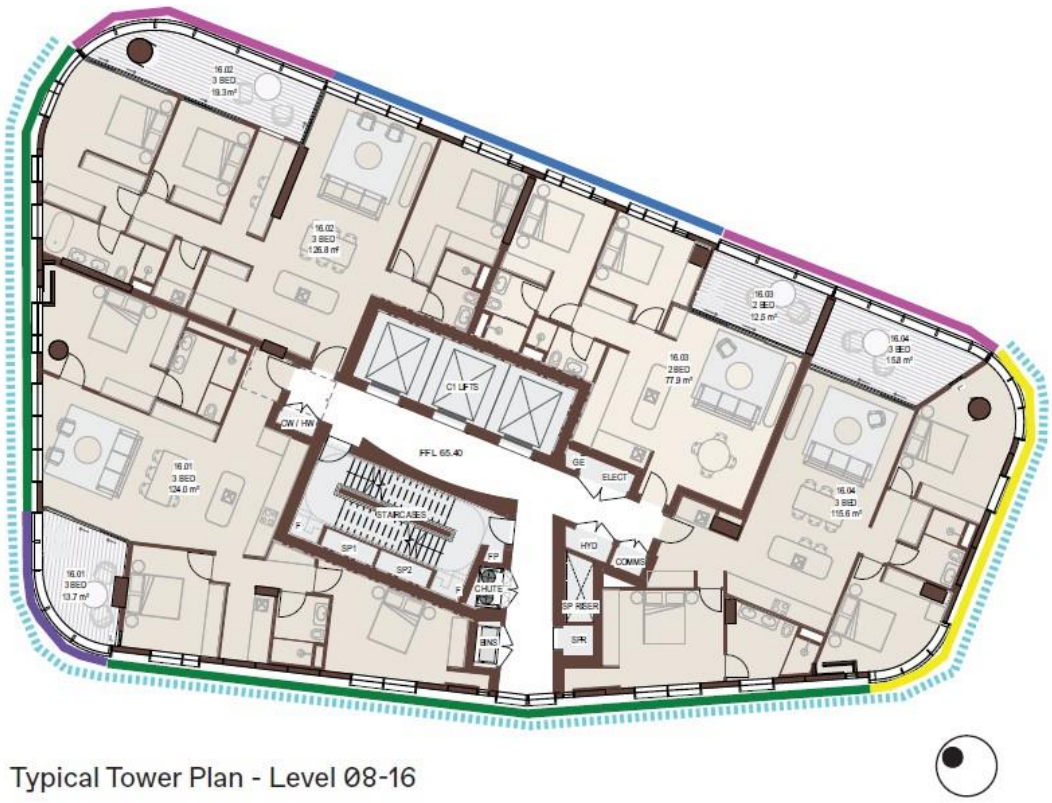


Figure 16: Typical Tower Plan



Figure 17: Photomontage of proposal (as lodged)

Design Amendments

16. Following a preliminary assessment of the proposed development by Council Officers, including recommendations and comments from the Design Advisory Panel, a request for additional information and amendments was sent to the applicant on 19 August 2026. On 22 September 2026 the applicant provided an amended proposal and additional information to the items raised.

17. Key design amendments include:

    (a) podium massing shift to reduce height in the podium from the northern corner, with additional massing located within the tower form

    (b) ground floor amendments to waste holding, vehicle access, back of house and lobby areas

    (c) additional communal areas to Level 5 podium rooftop

(d) a spandrel introduced to lower-level tower bedrooms (levels 8 to 16) at 600mm above finished floor level

(e) apartment yield reduced from 175 to 156 apartments

18. Diagrams and montage images demonstrating the amended building form are shown in the images below. As outlined further in the discussion section of this report, the amendments to the podium result in an envelope that more closely aligns with the DCP envelope contained within the draft planning proposal controls.

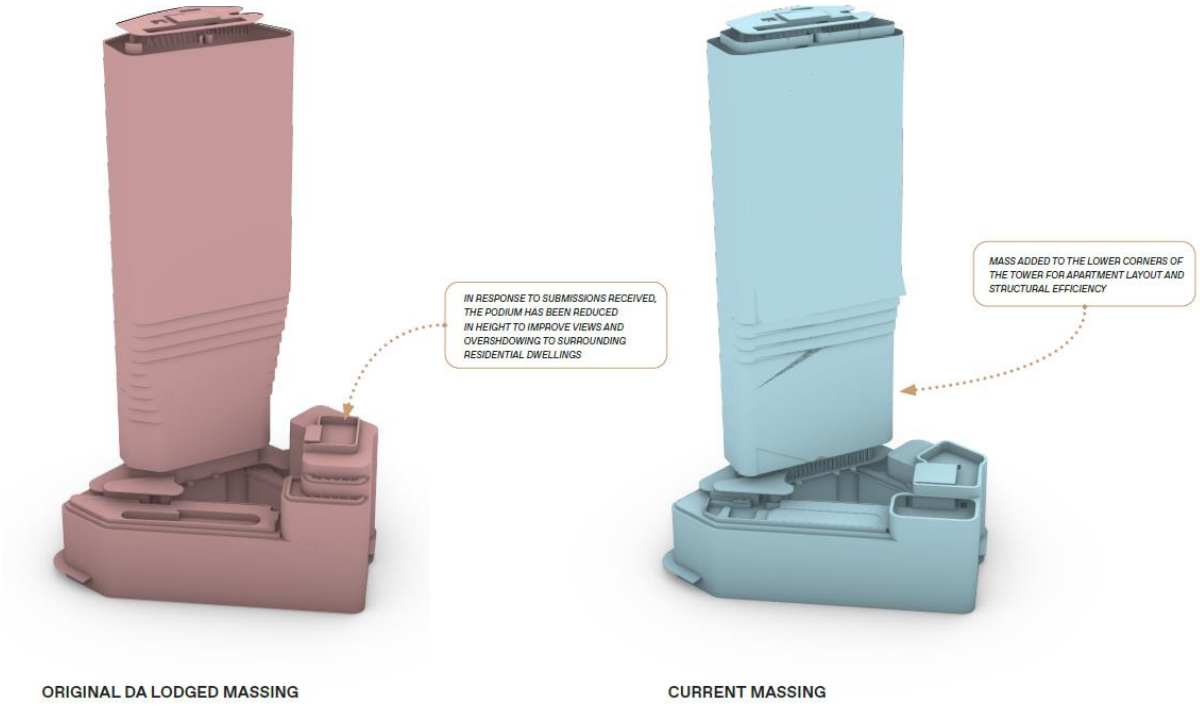


Figure 18: Building massing diagram of proposal lodged (left) and as amended (right)

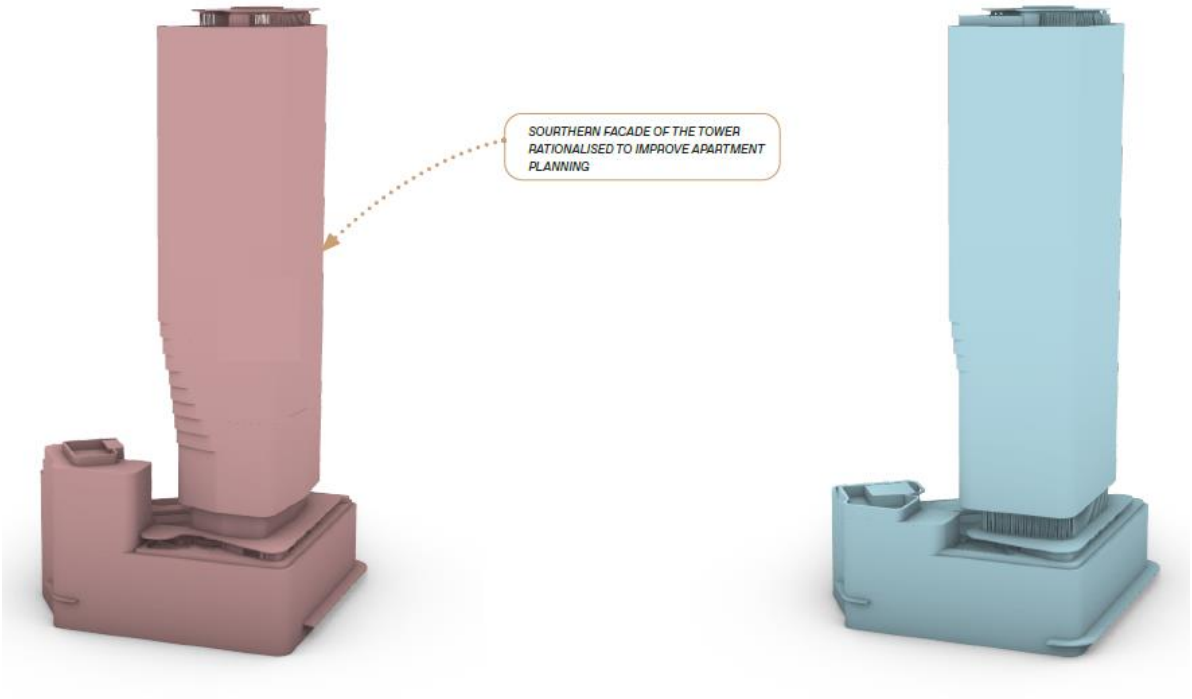


Figure 19: Building massing diagram of proposal lodged (left) and as amended (right)



Figure 20: Photomontage of the proposal as lodged (left), and as amended and reported (right)



Figure 21: Photomontage of the proposal as lodged (left), and amended and reported (right)

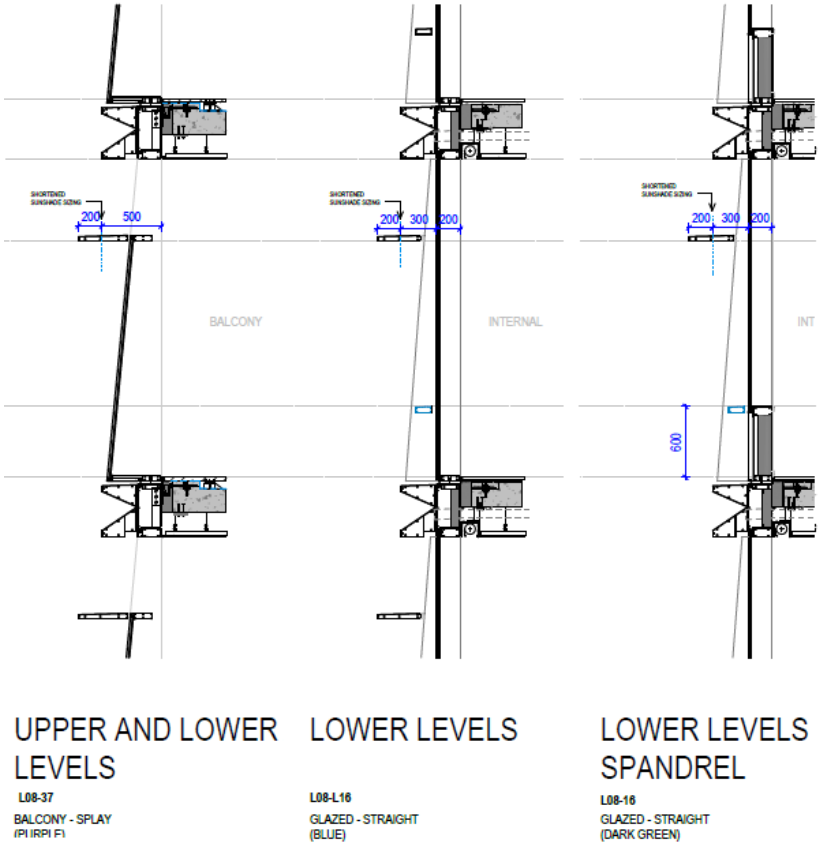


Figure 22: Facade detail to lower tower levels 8-16, northeast elevation including new spandrel

Proposed Development

19. The application seeks consent for the demolition of the existing residential flat building and the construction of a mixed-use development comprising a 5-storey podium building and residential tower above. Specifically, the works include:

- demolition of existing residential flat building and strata plan consolidation
- site preparation works including excavation, earthworks and the removal of 5 trees
- the construction of 6 basement levels including bicycle parking, car parking, plant and service rooms
- ground level comprising retail spaces, residential lobbies, communal garden area, servicing and apartments
- a 5 storey podium building including residential apartments, communal internal and external spaces
- a residential apartment tower above wind gallery up to 37 storeys high
- a total of 156 residential apartments (4 x 1 bedroom, 60 x 2 bedroom, 84 x 3 bedroom, 8 x 4 bedroom)

20. Selected plans and elevations of the proposed development are provided below and in Attachment B.

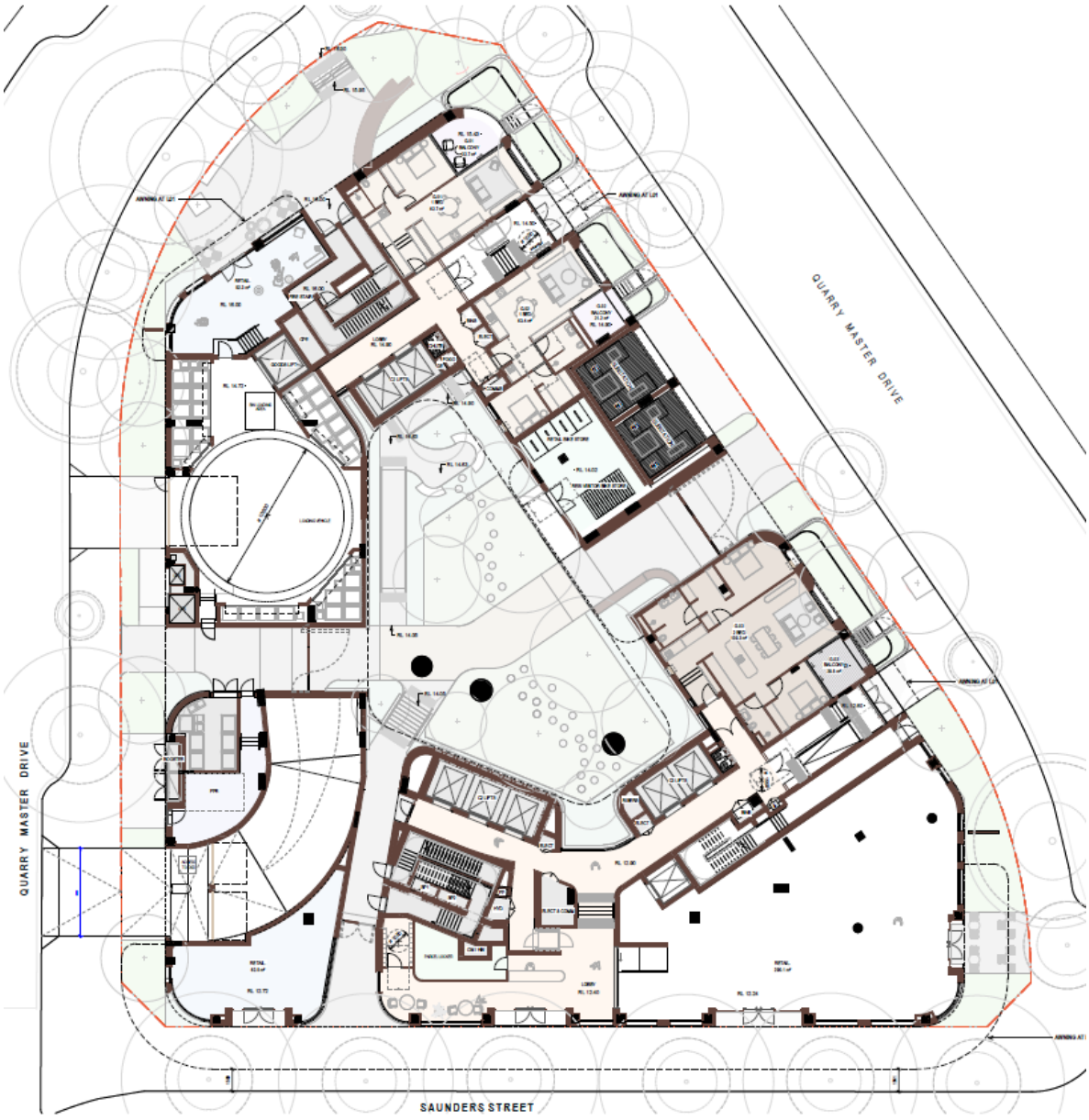


Figure 23: Ground floor plan



Figure 24: Level 4 plan

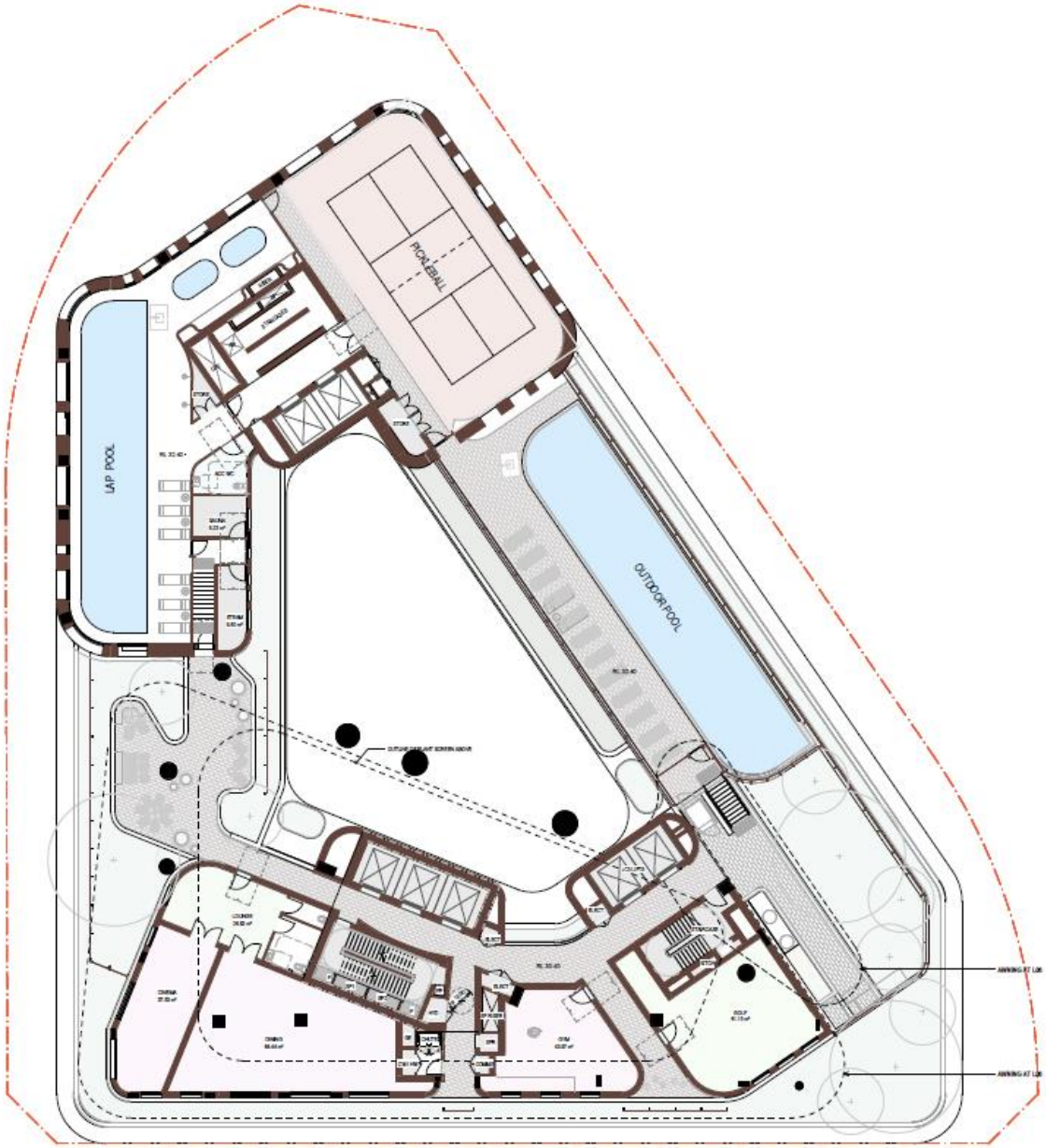


Figure 25: Level 5 plan



Figure 26: Level 8 plan



Figure 27: Level 24 plan



Figure 28: North (left) and East (right) elevations



Figure 29: South (left) and west (right) elevations



Figure 30: Montage image of proposal



Figure 31: Photomontage image of proposal

Assessment

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

State Environmental Planning Policies

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

22. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

23. Site investigations conducted on the site have identified that the site is suitable for continued residential use and no further investigations or remediation is required. Council's Health Unit is satisfied that the site is suitable for residential use, subject to conditions.

State Environmental Planning Policy (Housing) 2021

24. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.

25. Part 3 Retention of existing affordable rental housing, does not apply to the existing building as it is strata subdivided.

26. Section 7.32 of the EP&A Act states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.

27. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Ultimo/Pyrmont area.

28. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 4 - Design of Residential Apartment Development

29. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.

30. When determining an application for a residential flat development of 3 or more floors and containing 4 or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.

31. The applicant has submitted a design verification statement and design report prepared by BVN with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide (ADG). The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.

32. An assessment of the proposal against the design quality is provided as follows:

    (a) Principle 1: Context and Neighbourhood Character

        The proposal responds appropriately to the existing and future character of the neighbourhood including natural elements such as the nearby sandstone escarpment.

    (b) Principle 2: Built Form and Scale

        The proposal demonstrates an appropriate built form and scale consistent with the draft Ultimo/Pyrmont Planning Proposal. Building articulation, setbacks and façade treatment provide an appropriate street wall presentation, and the building tower sculpted form creates an appealing built form that will be observed in the round.

    (c) Principle 3: Density

        The proposal achieves a density consistent with the draft Ultimo/Pyrmont Planning Proposal controls. The site is well-located with good access to transport options and amenities.

(d) Principle 4: Sustainability

The proposal incorporates sustainable design measures including passive solar shading, natural cross ventilation, deep soil planting, and bicycle parking. The proposal exceeds the minimum BASIX requirements.

(e) Principle 5: Landscape

The proposal includes integrated landscaping throughout the site including site perimeter plantings, internal courtyard and communal open space areas. The landscaped areas include native plantings to contribute to biodiversity, microclimate and amenity.

(f) Principle 6: Amenity

The proposal provides generous amenity with well-sized apartments, balconies and communal areas. The proposal generally meets or exceeds the relevant ADG amenity criteria including solar access, natural ventilation, communal living areas.

(g) Principle 7: Safety

The proposal promotes safety through active street frontages, clear building entries, passive surveillance and legible pedestrian circulation. The ground floor layout and through-site connections contribute to a safe and accessible environment.

(h) Principle 8: Housing Diversity and Social Interaction

The proposal provides a mix of apartment sizes and types to suit the different needs of residents. Communal areas including the ground floor courtyard, northern pocket park and Level 5 communal facilities promote social interaction.

(i) Principle 9: Aesthetics

The proposal is a design development of a competitive design process winning scheme. The proposal achieves an appropriate architectural outcome through an articulated façade treatment and built form that responds to the site context and will make a positive contribution to the streetscape.

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

2E Building Depth	**Consistency**	**Comment**
12-18m (glass to glass)	Yes	Podium depth approximately 13.6m Tower depth approximately 9-15m

2F Building Separation	Consistency	Comment
Up to 4 storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Yes	Podium setbacks: • North: 4-8m • East: 3-4.6m • West: 1.5-3m • South: 0m Separation to adjoining developments across approximately 18m wide streets provided Internal podium separation achieved with selective window placements
5 to 8 storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	Yes	Podium setbacks: • North: 4-8m • East: 3-4.6m • West: 1.5-3m • South: 0m Separation to adjoining developments provided Separation to adjoining developments across approximately 18m wide streets provided Internal podium separation achieved with selective window placements
9 storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	Yes	Tower built form setback within site 3.6-37m and separated by approximately 18m wide streets from neighbouring sites

3D Communal and Public Open Space	**Consistency**	**Comment**
Communal open space has a minimum area equal to 25% of the site.	Yes	914sqm (29%) provided
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	Sunlight achieved to communal area located on the podium roof level

3E Deep Soil Zones	**Consistency**	**Comment**
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	Deep soil planting area 351sqm (11.3%) including a mix of deep soil around the perimeter and planting on structure within the centre courtyard

3F Visual Privacy	**Consistency**	**Comment**
Up to 4 storeys (12 metres): • 6m between habitable rooms / balconies • 3m between non-habitable rooms	Yes	Building separation and visual privacy to neighbouring sites achieved Internal podium visual privacy achieved with selective window placements
5 to 8 storeys (25 metres): • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms	Yes	Building separation and visual privacy to neighbouring sites achieved Internal podium visual privacy achieved with selective window placements.
9 storeys and above (over 25m): • 12m between habitable rooms / balconies	Yes	Building separation and visual privacy to neighbouring sites achieved.

3F Visual Privacy	Consistency	Comment
• 6m between non-habitable rooms		
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	Living spaces generally orientated outwards to the streets

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces	Yes	79.5% (124) receive 2 hours of direct sunlight mid-winter
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	7.7% (12) apartments receive no direct sunlight mid-winter

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated via windows and acoustically treated openings.
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Yes	60% of apartments achieve natural cross ventilation in first 9 storeys.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	Cross through apartments up to 13m

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	2.7m ceiling provided
Non-habitable rooms: 2.4m	Yes	Minimum 2.4m ceilings provided
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	Site located within R1 General Residential Area

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35sqm • 1 bed: 50sqm • 2 bed: 70sqm • 3 bed: 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.	Yes	1 bed: 57-66sqm 2 bed: 75-109sqm 3 bed: 116-250sqm 4 bed: 258-331sqm
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	Complies
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Complies
8m maximum depth for open plan layouts.	Yes	Complies

4D Apartment Size and Layout	**Consistency**	**Comment**
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	9-22sqm
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • 2-bedroom or more: 4m	Yes	Complies
4m minimum width for cross over and cross through apartments	Yes	Complies

4E Private Open Space and Balconies	**Consistency**	**Comment**
Studio apartments are to have a minimum balcony area of 4sqm with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m. 2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m. 3 bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.	Yes	1 bed: 9-33sqm 2 bed: 10-29.5sqm 3 bed: 12-27sqm 4 bed: 19-140sqm

4E Private Open Space and Balconies	Consistency	Comment
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15sqm and a minimum depth of 3m.	Yes	21-33sqm

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	Yes	Complies
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes	Podium North - 8 Podium South - 16 Tower 35
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Complies
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Complies

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m^3 • 1 bed: 6m^3 • 2 bed: 8m^3	Yes	Storage space provided: Internal: • 1 bed: 4.8-11.6m^3 • 2 bed:4.2-12.2 m^3 • 3 bed: 5.6-16.5 m^3

4G Storage	Consistency	Comment
• 3 bed: 10m^3 (Minimum 50% storage area located within unit)		With additional storage within basement

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	Acoustic measures provided to attenuate noise from noise sources including western freeway Internal noise considered with window placements within podium courtyard

State Environmental Planning Policy (Sustainable Buildings) 2022

34. The aims of this Policy are as follows—

(a) to encourage the design and delivery of sustainable buildings

(b) to ensure consistent assessment of the sustainability of buildings

(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored

(d) to monitor the embodied emissions of materials used in construction of buildings

(e) to minimise the consumption of energy

(f) to reduce greenhouse gas emissions

(g) to minimise the consumption of mains-supplied potable water

(h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

35. A BASIX Certificate has been submitted with the development application.

36. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

38. The application is subject to former Clause 2.48 of the SEPP as the development is likely to affect the distribution network.

39. As such, the application was referred to Ausgrid for a period of 21 days. A response was received on 10 June 2026 raising no objections to the proposal.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

40. The application was referred to TfNSW being located within the vicinity of the light rail and the Sydney Metro rail corridor. TfNSW advised that there would be no impact to TfNSW assets and referral was not required.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.120 – Impact of road noise or vibration on non-road development

41. The application is subject to Clause 2.120 of the SEPP as the site is within proximity to the Western Distributor Motorway which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.

42. The application includes an acoustic assessment of the proposal detailing the proposed acoustically treated openings that would front towards the motorway. The acoustic results demonstrate that the noise levels specified within Clause 2.120 can be achieved.

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

43. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.

44. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.

45. The site is not located within a heritage conservation area but is located within the vicinity of the heritage listed former Saunders Quarry. The proposed tree removal would not impact on the heritage significance of the listed former quarry.

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

46. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

47. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

48. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the R1 General Residential zone. The proposed development is defined as mixed use development/shop top housing and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 24m is permitted. A height of RL 140.8 is proposed. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the Discussion section below.
4.4 Floor space ratio	No	A maximum floor space ratio of 3.3:1 is permitted, including: • Base FSR of 3:1 • Design excellence award of up to 10% - 0.3:1 A floor space ratio of 7.7:1 or 23,985sqm is proposed. A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted.

Provision	Compliance	Comment
		See further details in the Discussion section below.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.3 Height of buildings and Clause 4.4 Floor space ratio. Clause 4.6 variation requests have been submitted with the application. See further details in the Discussion section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.6 Architectural roof features	Yes	The tower design includes an architectural roof feature. The building form exceeds the height of buildings standard by more than the architectural roof feature only and is considered as part of the request to vary the standard pursuant to Clause 4.6 as discussed further below.
5.10 Heritage conservation	Yes	The site is in proximity to heritage item Escarpment face from former quarry "Saunders Quarry" (I1199). The proposed development will not have detrimental impact on the heritage significance of the heritage item.
5.21 Flood planning	Yes	The site is not identified as being subject to flooding.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	A competitive design process was conducted in October - December 2025 with the scheme prepared by BVN selected as the winner and noted as capable of achieving design excellence by the competition jury.

Provision	Compliance	Comment
		The proposal is generally consistent with the design competition winning scheme. The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area. The development therefore achieves design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing 7.7 Retail premises	Yes, subject to conditions	A maximum of 175 car parking spaces are permitted. The proposed development includes 176 car parking spaces. A recommended condition is included to remove one car parking space.
Division 3 Affordable housing		
7.13 Contributions for affordable housing	Yes	A contribution applies to the proposal. Refer to discussion below.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on class 5 land. The application proposes works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The applicant has requested that a DCP not be required as the draft Ultimo/Pyrmont Planning Proposal

Provision	Compliance	Comment
		includes site specific provisions under Part 5 of Sydney DCP 2012. Refer to discussion below.
7.27 Active Street Frontages	N/A	N/A - no current mapped active street frontage
7.36 Dwelling retention	Yes	The proposal does not decrease the number of dwellings on the site.

Development Control Plans

Sydney Development Control Plan 2012

49. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

50. The site is located within the Pyrmont Point locality. The proposed development is generally in keeping with the diverse character and the design principles of the locality. The proposal provides active ground floor uses and preserves views and vistas from the public domain.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	Proposal coordinates with public domain elements including a publicly accessible through-site link Public art strategy included that will improve the public domain
3.2. Defining the Public Domain	Yes	Proposal preserves sunlight to Goodman Park and future park areas Proposal provides active frontage to Saunders Street and apartment lobby entries to Saunders Street and Quarry Master Drive Ground level apartments have direct entries to Quarry Master Drive. Footpath awning provided to Saunders Street frontage. Wind impact assessment included that demonstrates suitable wind conditions

Provision	Compliance	Comment
		Reflectivity report includes recommendations for materials
3.3 Design Excellence and Competitive Design Processes	Yes	A competitive design process was undertaken from October to December 2025 in accordance with relevant policies and endorsed competition brief. Refer to further discussion within report above.
3.5 Urban Ecology	Yes	The proposal includes the removal of 5 street trees with the retention of 20 street trees around the site, and 2 replacement plantings for street trees. The proposal will provide tree canopy planting to 24% of the site.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land. Council's Public Domain Unit has included recommended conditions in respect of stormwater drainage.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposal includes strata plan consolidation for the existing building to be demolished. A separate application would be required for the subdivision of apartments.
3.9 Heritage	Yes	The site is adjacent to heritage item Escarpment face from former quarry "Saunders Quarry" (I1199). The proposed development will not have detrimental impact on the heritage significance of the heritage item.
3.11 Transport and Parking	Yes	The proposal includes: - 3 car share spaces - 180 bicycle spaces - 16 motorcycle spaces - 1 service and waste vehicle space - 2 basement loading spaces

Provision	Compliance	Comment
		Proposal satisfactory subject to conditions
3.12 Accessible Design	Yes	Accessibility report provided demonstrates compliance 15% of apartments design and adaptable dwellings
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The proposal has been amended to provide sufficient waste handling areas for both residential and commercial uses.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	The site is permitted a maximum building height of 7 storeys with a maximum street frontage height of 5 storeys under the current controls. The proposed development has a podium form of 5 storeys with a 37-storey high tower building. Refer to building height discussion below.
4.2.2 Building setbacks	N/A	No mapped building setback. As the site comprises a whole block, there is no relevant adjoining setbacks to adopt. Refer to discussion under draft setback controls.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Compliant sunlight retained to upper level of neighbouring apartment buildings. Lower level apartments impacted by proposal. Refer to discussion below.

Provision	Compliance	Comment
		Solar access provided to proposed apartments in accordance with ADG
4.2.3.3 Internal common areas	Yes	Natural light provided to lift lobbies and corridors
4.2.3.4 Design features to manage solar access	Yes	Proposal includes shading devices to protect against summer sunlight. Refer to further discussion below.
4.2.3.5 Landscaping	Yes	Detailed landscaping plan provided
4.2.3.6 Deep Soil	Yes	Deep soil provided: - Deep soil planting on structure - 11.3% - Deep soil 2.2% - Permeable paving - 0.75% Total - 14.25%
4.2.3.7 Private open space and balconies	Yes	Balconies provided to all apartments in accordance with ADG.
4.2.3.8 Common open space	Yes	Proposed outdoor common space totals 2070sqm (67% site area) which includes public ground floor areas (617sqm) and above ground resident areas (145sqm).
4.2.3.9 Ventilation	Yes	Natural cross ventilation provided in accordance with the ADG. Acoustically treated openings provided for apartments affected by noise from the Western Distributor.
4.2.3.10 Outlook	Yes	Outlooks provided to all apartments.
4.2.3.11 Acoustic privacy	Yes	A noise impact assessment is included as part of proposal. The City's Health Unit has reviewed the report and endorses the findings as satisfactory subject to conditions.
4.2.3.12 Flexible housing and dwelling mix	Partial compliance	1 bed - 4 (2.6%) 2 bed - 60 (38.5%)

Provision	Compliance	Comment
		3 bed - 84 (53.8%) 4 bed - 8 (5.1%) Total - 156 Whilst the proposal does not provide any studio or the required number of 1 bedroom apartments, the proposed dwelling mix is considered to meet the control objectives of providing a range of dwelling types.
4.2.3.13 Wind affected balconies	Yes	The proposal includes wind screen protected balconies within the tower building. The wind screens are designed in accordance with section 4.2.3.13.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The podium building form includes articulated elements that respond to the site context.
4.2.5 Types of development	Yes	The proposal includes a courtyard accessible to the public during daytime hours.
4.2.6 Waste and recycling Management	Yes	The proposal has been amended to provide sufficient waste handling areas for both residential and commercial uses.
4.2.8 Letterboxes	Yes	Letterboxes are provided within the lobby of the building.

Draft Sydney Local Environmental Plan and Development Control Plan

Ultimo/Pyrmont Planning Proposal

51. As noted above, the City of Sydney has prepared a planning proposal for the Ultimo/Pyrmont precinct with planning controls across a number of sites within the area under the jurisdiction of Council. A Gateway determination for the planning proposal was approved on 15 July 2024 by the Department. A public consultation period occurred between 1 October 2024 to 13 November 2024. The planning proposal was endorsed by Council at its meeting of 27 October 2025 and is awaiting finalisation and gazettal by the Department of Planning, Housing and Infrastructure (DPHI) at the time of writing of this report.

52. The draft planning proposal is a matter for consideration under section 4.15(1)(a)(ii) of the EP&A Act. In accordance with Planning Circular PS-24-007, weight should be given to a proposed Environmental Planning Instrument (EPI) depending on the likely or unlikely, certainty and imminence of the relevant provisions of a proposed EPI coming into force.

53. In accordance with the Gateway determination issued by DPHI, the gazettal of the draft LEP was estimated to occur in December 2025, now making the adoption 11 months overdue.

54. The proposed planning controls should be given significant weight given the advanced stage of the plan-making process including the gateway determination, public exhibition, consideration of public submissions and proposed amendments recommended by DPHI. At the time of writing this report, Council has not been made aware of any merit concerns regarding the draft planning proposal.

55. Assessment against the draft controls is undertaken below.

Draft Sydney Local Environmental Plan 2012

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of RL 135m is permitted. A height of RL 140.8m is proposed. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the Discussion section below.
4.4 Floor Space Ratio	Yes	A maximum floor space ratio of 7.7:1 is permitted, including: • Base FSR of 7:1 • Design excellence award of up to 10% - 0.7:1 A floor space ratio of 7.7:1 or 23,985sqm is proposed.

Draft Sydney Development Control Plan 2012

Section 5 – Specific Areas

Ultimo - Pyrmont

Provision	Compliance	Comment
5.X.2 Movement and accessible open space Setbacks as per Figure 6 3m to Quarry Master Drive Variable setback to Saunders Street	Yes	Generally, complies 3m setbacks to Quarry Master Drive with nil setback to Saunders Street The design competition scheme introduced a pocket park in the northern corner and through site links from the light rail path to Saunders Street.
5.X.3 Deep soil and landscaping 15% deep soil area at ground level	Acceptable	Deep soil planting on structure - 11.3% Deep soil 2.2% Permeable paving - 0.75% Total - 14.25%
5.X.4 Building form, setbacks 5-7 storey podium form, 36 storey tower 6 storey podium street frontage height 6m upper-level setback	Acceptable	5 storey podium 37 storey tower 5 storey street frontage height Level 5 communal areas and Levels 6-7 wind break features setback As per the draft DCP, building layouts may be varied through the competitive design process provided the building layout demonstrates better amenity for the development, neighbouring developments and the public domain. Refer to Discussion below.
5.X.4.2 Ground and first floor uses, active frontages and awnings Non-residential uses towards Saunders Street	Yes	Active retail uses and residential lobby located towards Saunders Street

Provision	Compliance	Comment
Active frontage to Saunders Street 3m awning to Saunders Street		
5.X.8 Managing Wind Impacts Wind tunnel testing to demonstrate wind comfort for walking in active areas and sitting in other areas Horizontal wind break feature required in tower	Yes	Submitted wind report demonstrates suitable wind comfort levels Horizontal wind break feature included in tower design
5.X.9 Noise and Ventilation Building design to address noise from busy roads and provision of natural ventilation	Yes	Building design includes use of acoustic ventilation systems to address noise from Western Distributor

Discussion

Contravention of a Development Standard Pursuant to Clause 4.6 of the Sydney LEP

56. The site is subject to a maximum height of buildings development standard of 24m. The proposed development has a building height of 126m (RL 140.8), this includes an architectural roof feature above the height of 123.2m (RL 137). The contravention of the standard is 102m (425%).

57. Diagrams showing the current LEP height and draft planning proposal heights are shown below.

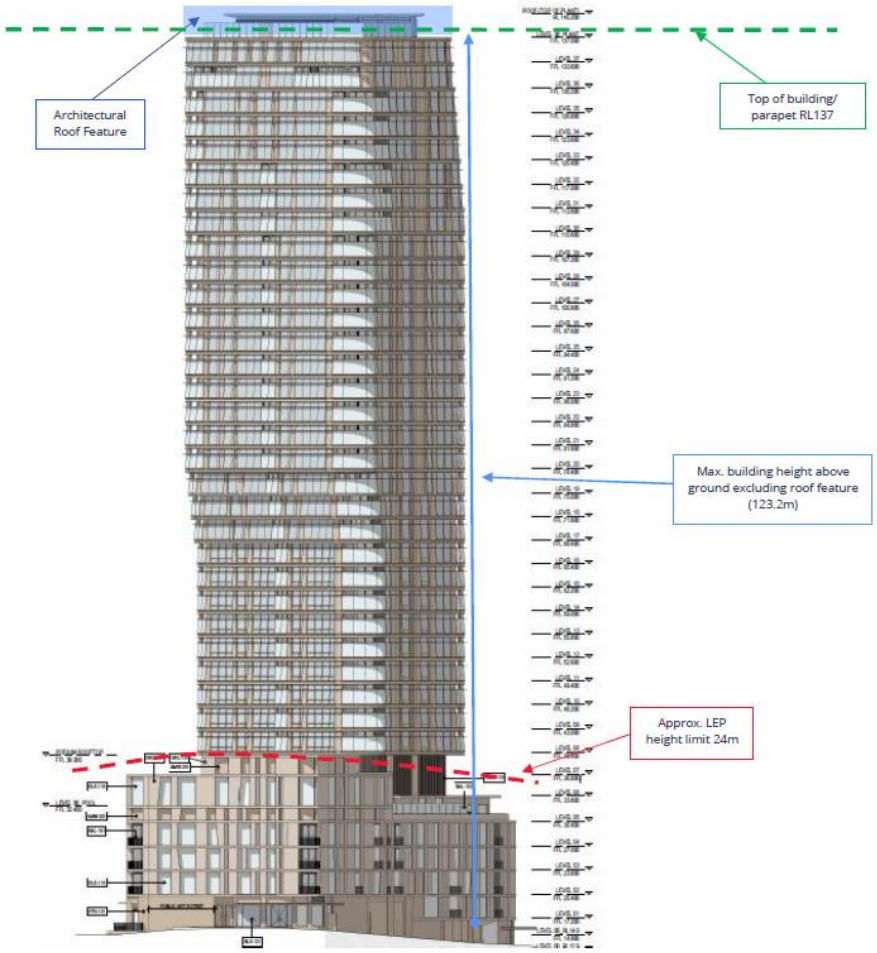


Figure 32: Proposal elevation with labelled heights including current LEP shown dashed red



Figure 33: Draft planning proposal height of RL 135 shown dashed yellow

58. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:

    (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

    (b) that there are sufficient environmental planning grounds to justify contravening the standard

Applicant's Regulation 35B document

59. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

        (i) The objectives of the height of buildings standard are achieved despite the contravention.

        (ii) The site is located within the Pyrmont Peninsula Precinct which is to be rezoned as part of the Pyrmont Peninsula Place Strategy to accommodate an additional 4,000 homes.

        (iii) As part of Council's strategic review, a height of RL 135 was identified for the site as part of the future redevelopment of the area. The proposed height of RL 140.8 inclusive of roof feature, represents a development consistent with the intended increase in density for the precinct.

        (iv) Overshadowing analysis confirms the additional height does not result in adverse overshadowing impacts to surrounding residential properties or public parks.

        (v) The proposal maintains appropriate height transitions between new development and heritage items and will not have adverse impacts on nearby heritage items and heritage conservation areas.

        (vi) The proposed height does not result in additional view impacts as compared to the planning proposal height of RL 135. The proposal is consistent with the objective of preserving public views. The additional height at the top of the tower will not noticeably impact on views.

        (vii) The proposed building height will relate to the future character of the precinct and sit within an area that transitions to the Sydney CBD. The building will sit below the nearby Harbourside Redevelopment (RL 170) and Blackwattle Bay (RL 141).

        (viii) The proposal is consistent with the objectives and provisions of Clause 5.6 Architectural Roof Features of SLEP 2012 in that:

            (i) The roof feature is 3.8m in height which represents a minor portion of the building height of RL 140.8m.

(ii) The additional height to the roof feature does not result in adverse visual or amenity impacts. The roof feature will screen the building's BMU and lift motor room enhancing the visual outcome.

(iii) The roof feature has been integrated into the design of the building.

(iv) The roof feature is not an advertising structure.

(v) The roof feature does not incorporate roof space area and is not capable of modification to include roof space.

(vi) The roof feature causes minimal additional overshadowing.

(vii) The roof feature screens equipment for servicing the building in a manner that is integrated into the design of the roof feature.

(ix) The proposal is consistent with the objectives of the draft Clause 6.66A of Sydney LEP 2012 for land within the Ultimo/Pyrmont Opportunity Land, as exhibited.

(b) That there are sufficient environmental planning grounds to justify contravention of the standard:

(i) Despite the contravention of the current height of buildings standard, the proposal is generally consistent with the Ultimo/Pyrmont Planning Proposal height of RL 135 which is awaiting gazettal.

(ii) The proposed variation of 2m to a height of RL 137 (excluding architectural roof feature) represents a variation of 1.8% to the future height standard (4.3% including roof feature).

(iii) Notwithstanding the proposed height variation, the proposal complies with the maximum floor space ratio (FSR) of 7.7:1 under the Ultimo/Pyrmont Planning Proposal. The proposal therefore remains consistent with the scale of density envisage for the site under the draft planning proposal controls.

(iv) The proposal contributes to the provision of new, well-located housing consistent with the aims and intent of the National Housing Accord and the Ultimo/Pyrmont Housing Proposal.

(v) The proposal has a built form and density that is consistent with the future character of the area.

(vi) The height exceedance does not result in adverse overshadowing impacts. The minor additional overshadowing of the proposal (mid-winter, as compared to the planning proposal height) falls on the Western Distributor, Blackwattle Bay water, and commercial and industrial properties.

(vii) The proposal is generally consistent with the design competition winning scheme.

(viii) The proposed architectural roof feature is consistent with the objectives and provisions of clause 5.6 of SLEP 2012.

(ix) The proposal is consistent with the objectives of the EP&A Act.

Precondition to granting consent where a development standard has been contravened

60. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

61. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:

(a) The draft planning proposal for the Ultimo/Pyrmont precinct includes an increased height for the subject site to a height of RL 135. The planning proposal has received a gateway determination, undergone public exhibition, and is currently awaiting gazettal.

(b) The proposal is a development of a design competition winning scheme with additional building height attributed to minor increases to floor-to-floor levels and an architectural roof feature.

(c) The objectives of the height of buildings standard are achieved despite the contravention. The relevant objectives of the height of buildings standard are:

(i) to ensure the height of development is appropriate to the condition for the site and its context

(ii) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas

(iii) to promote the sharing of views outside Central Sydney

(iv) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas

(d) The Applicant has demonstrated that the height of the development is appropriate to the site and its context having regard to the exhibited draft site specific SLEP 2012 and SDCP 2012 built form controls. The building elements that exceed the draft controls do not have adverse impacts on the locality. The proposal responds to the site context including the nearby heritage listed cliff face with materials and design that respond to the history of the area. The proposal does not adversely impact on the key views as identified within the draft controls. The proposed built form provides an appropriate transition from Central Sydney to adjoining areas having regard to the future character and controls.

(e) The proposal does not result in unacceptable adverse impacts. The additional building height (as compared to the planning proposal height and building envelope) does not result in unacceptable overshadowing impacts. Minor additional overshadowing mid-winter will result to Blackwattle Bay harbour water area in the morning, current commercial and industrial properties (that will form part of the Blackwattle redevelopment area, yet to be developed) and to the Western Distributor in the afternoon. Sunlight to key open space areas and

residential properties is maintained. The additional building height does not impact on view sharing.

(f) The proposed building tower form is appropriate to the context of the site and is generally consistent with the design competition scheme.

Conclusion

62. For the reasons provided above, the variation to the height of buildings standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Contravention of a Development Standard Pursuant to Clause 4.6 of the Sydney LEP

63. The site is subject to a maximum floor space ratio control of 3:1 and is eligible for additional design excellence award of an additional 10% (to 3.3:1). The proposed development has a floor space ratio of 7.7:1, which represents a variation of 4.4:1 (133.3%).

64. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

(b) that there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Regulation 35B document

65. The applicant seeks to justify the contravention of the floor space development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The proposal complies with the draft FSR control that will apply to the site. The Ultimo/Pyrmont Planning Proposal Stage 1 includes an FSR uplift from 3:1 to 7:1 (7.7:1 with design excellence award). The planning proposal is awaiting gazettal and to require compliance with the current control whilst awaiting gazettal would be unreasonable and unnecessary. The built form outcome has been strategically assessed and will shortly apply to the site and proposal.

(ii) The proposal achieves the objective of the standard despite the non-compliance with the standard.

(i) The proposal will provide additional residential dwellings in a strategically located inner-city location that has been earmarked for increased density under the Ultimo/Pyrmont Planning Proposal. The proposal includes an increased number of dwellings compared to the existing building and includes a mix of apartment types.

(ii) The proposed variation does not undermine the ability to regulate density and land use intensity. The site has been identified as part of strategic studies including the draft Ultimo/Pyrmont Planning Proposal and complies with the identified density control. Further the design is a result of a design competition which has informed the building design and massing.

(iii) The proposal will not result in unacceptable traffic impacts with the site located in proximity of existing public transport and the future Pyrmont Metro Station.

(iv) The proposal is commensurate with the existing and planned infrastructure including utilities, planned open space areas, and public transport.

(v) The proposal is consistent with the desired future character of the locality as described within the Ultimo/Pyrmont Planning Proposal and Pyrmont Peninsula Place Strategy.

(vi) The proposal is consistent with the draft Clause 6.66A Ultimo/Pyrmont Opportunity Land, as exhibited.

(b) That there are sufficient environmental planning grounds to justify contravention of the standard:

(i) The proposal is consistent with the Ultimo/Pyrmont Planning Proposal and the nominated FSR uplift from 3.3:1 to 7.7:1 (inclusive of design excellence award).

(ii) The proposal is consistent with the strategic aims of the Federal and NSW Governments under the Housing Accord, the NSW Pyrmont Peninsula Place Strategy and Council's draft Ultimo/Pyrmont Planning Proposal.

(iii) Adherence with the current control whilst awaiting formal gazettal of the draft controls would result in a significant reduction of the number of dwellings to be included in the proposal.

(iv) The proposed building massing and density is generally consistent with the building form controls in the draft Ultimo/Pyrmont Planning Proposal. The design competition award of additional floorspace recognises the design testing of the proposal to deliver a sculptural tower form that is consistent with the future character of the locality.

(v) The floor space exceedance (as compared to the current standard) does not result in adverse impacts including shadowing or view loss.

(vi) The variation facilities the orderly and efficient use of a strategically located site.

(vii) The proposal is consistent with the objectives of the EP&A Act.

Precondition to granting consent where a development standard has been contravened

66. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

67. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:

    (a) The draft planning proposal for the Ultimo/Pyrmont precinct includes an increased FSR for the subject site to 7:1 (with a design excellence award of up to 0.7:1). The planning proposal has received a gateway determination, undergone public exhibition, and is currently awaiting gazettal by DPHI.

    (b) The objectives of the FSR standard are achieved despite the contravention of the standard. The objectives of the FSR standard are:

        (i) to provide sufficient floor space to meet anticipated development needs for the foreseeable future

        (ii) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic

        (iii) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure

        (iv) to ensure that new development reflects the desired character of the locality in which it is located and minimise adverse impacts on the amenity of that locality

    (c) The proposal has been developed in accordance with the strategic framework of the NSW Pyrmont Peninsula Place Strategy, and Council's draft Ultimo/Pyrmont Planning Proposal. These strategic documents set a plan for future developments within the locality with identified sites capable of accommodating additional height and floorspace, the provision of additional open space areas including the repurposing of land in Wentworth Park and new park areas. Additional public transport is planned with the Sydney Metro West and Pyrmont Station. The design competition process has selected a design that reflects the desired character of the locality and responds to important existing locality character.

Conclusion

68. For the reasons provided above the variation to the floor space ratio development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Draft Ultimo/Pyrmont Planning Proposal Building Envelope

69. As noted above, the draft Ultimo/Pyrmont Planning Proposal includes site-specific building envelopes for a number of sites in the area, including the subject site.

70. The subject application represents a design development of the design competition-winning scheme prepared by BVN. The competition winning scheme included amendments to the DCP building envelope with additional height located within the building podium and upper levels of the tower building.

71. As noted in section 5.X.4(9) of the draft DCP controls, building layouts may be varied through the design process provided the layout demonstrates better amenity for the development, neighbouring developments and the public domain.

72. The submitted proposal has been amended in response to assessment feedback provided by the Design Advisory Panel and Council staff. Issues considered have included view loss, solar impacts, wind comfort, deep soil, pedestrian connectivity and street activation. These items are discussed within this report.

73. A comparison of the proposed building form against the draft DCP controls is shown in the figures below. Generally, the proposal seeks amendments to the draft DCP envelop as follows:

    (a) Podium setback from northern corner for introduction of pocket park and retail tenancy. Provides greening, activation and linkages to Carmichael Park to the north.

    (b) Increased separation within the podium providing additional separation between podium levels apartments. At the ground level through site links provided from east to west and to the south.

    (c) Reduction in built form at the level 5 podium level with the provision of outdoor communal facilities including pools, landscaping and recreation areas. Retains the element of separation to the tower per the design competition scheme.

    (d) Increased built form to the lower and upper levels of the tower, with a cutout feature retained to the lower tower.

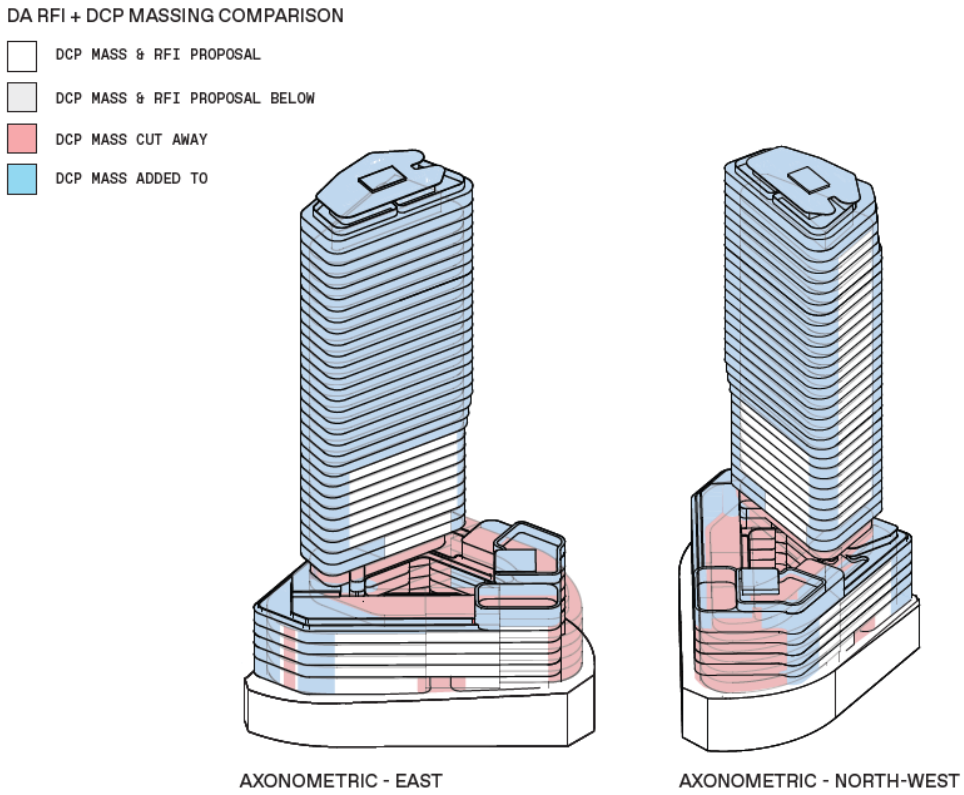


Figure 34: DCP massing comparison image

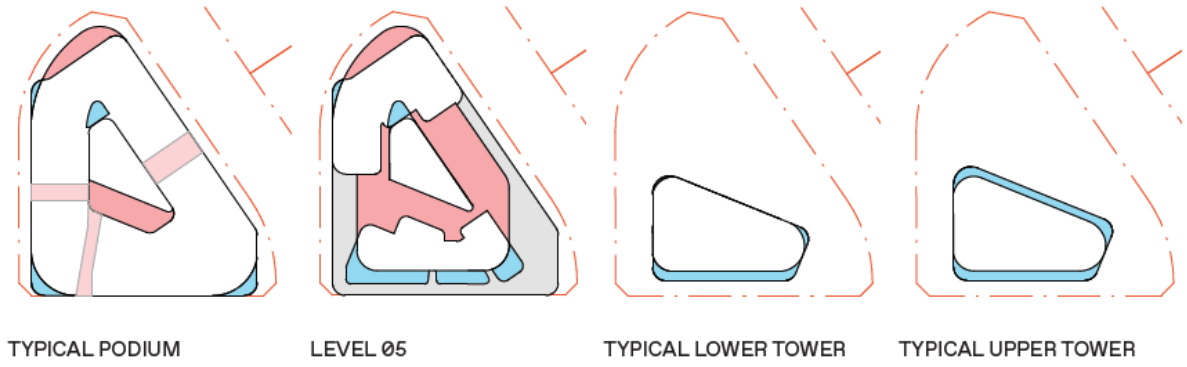


Figure 35: DCP massing comparison image, plan view with blue showing additional massing and red showing massing removed

74. The amended building form represents better amenity for the development with rationalised tower apartment layouts, improved ground level connectivity through the site and the provision of activation to the north and southern sides of the site. The proposal retains key solar access to neighbouring sites and future green spaces as discussed further within this report. View loss from adjoining properties as a result of the amended building form is discussed in further detail below.

75. The proposed building form is considered to generally achieve the key objectives of the draft DCP controls, and the amended building form is supported for the reasons as discussed within this report.

View Loss

76. Objectors from surrounding properties including those to the west of the site at 2-10 Quarry Master Drive raised concerns that the proposal as lodged would result in the loss of views. Views across the site as enjoyed from apartment living areas and balconies to the CBD skyline would be impacted by the proposed podium and tower form.

77. As part of the public consultation process of the draft Ultimo/Pyrmont Planning Proposal, private view loss was considered and assessed. The planning proposal includes principles for protecting public views and view corridors. The impacts to private views by the new building forms permitted under the draft planning proposal controls were considered to be acceptable. As noted above, the draft LEP controls are an item for consideration under the Act and at the time of writing this report, Council has not been made aware by the Department of any merit concerns regarding the draft planning proposal.

78. The applicant prepared a view loss assessment as part of requested additional information for assessment of the application, prepared in accordance with the view sharing principles established in the Land and Environment Court decision of Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (Tenacity) and the Land and Environment Court practice note for the use of photomontages and visualisation tools. The view loss assessment is included in Attachment F.

79. As a result of feedback from the assessment of the view loss study, the application was amended to reduce building form from the northwestern building podium corner. A comparison between the podium building form as lodged, and as amended, is shown below.

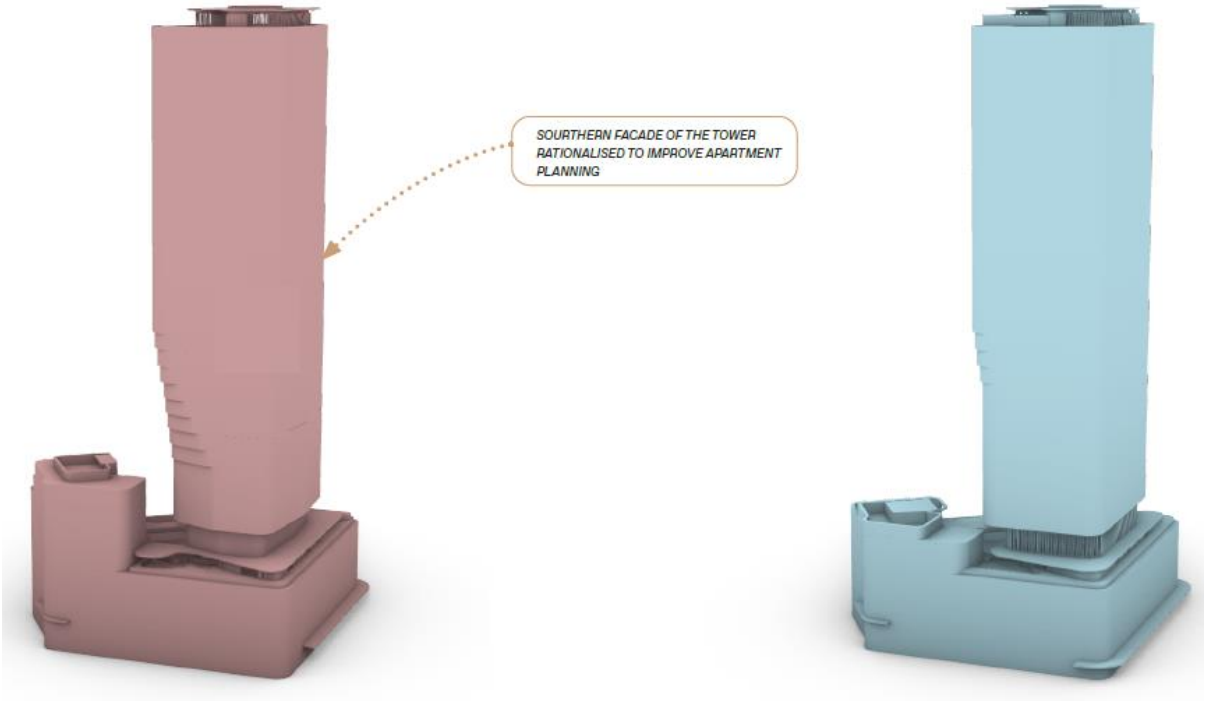


Figure 36: Building massing diagram of proposal lodged (left) and as amended (right)



Figure 37: Photomontage of the proposal as lodged (left), and amended (right)

80. An assessment of the view loss of the proposal as amended in accordance with the Tenacity view sharing principle is undertaken as follows:

First step: assessment of the views to be affected

81. Views currently enjoyed by surrounding properties include views of the Sydney CBD skyline as a broad outlook, views of the Sydney Tower (Centrepoint Tower) as an individually recognisable landmark, Sydney Harbour Bridge, Anzac Bridge and the Barangaroo towers. Views are also enjoyed from The Knoll Park area to the north of the subject site.

Second step: consider from what part of the property views are obtained

82. The context of the surrounding locality is characterised by a mixture of multi storey commercial and apartment buildings, constructed as part of previous urban renewal of former industrial land. Detached dwellings and converted warehouse buildings are located further afield.

83. Views are observed from living areas and balconies of apartments. The submitted view loss assessment includes an assessment of views from 2-10 Quarry Master Drive and 122 Saunders Street. Views from these sites are assessed as follows.

2-10 Quarry Master Drive:

(a) Currently, apartments from level 6 upwards receive views across the existing building on the site to the CBD skyline. Apartments at Level 5 receive some glimpses of the CBD skyline. A current view from a Level 8 apartment is shown in the figure below.



Figure 38: View study image: view from Level 8 apartment, 2-10 Quarry Master Drive

122 Saunders Street:

(b) Currently select apartments from Level 8 upwards receive glimpses of CBD buildings. Currently select apartments from Level 9 upwards receive views across part of the site towards the CBD skyline. Select apartments from level 15 upwards have views to the Sydney Harbour Bridge. A current view from a Level 9 apartment is shown in the figure below.

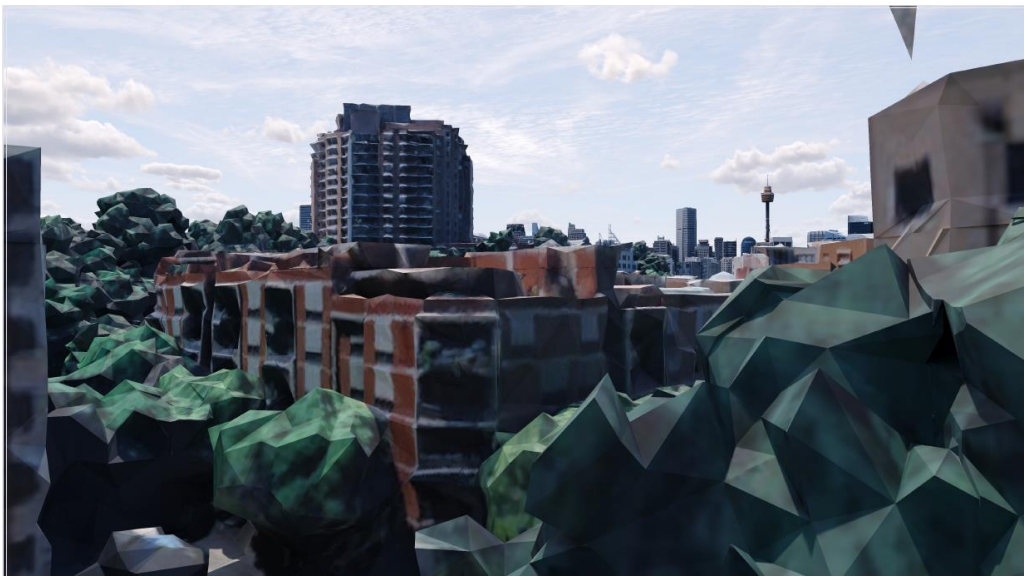


Figure 39: View study image: view from Level 9 apartment, 122 Saunders Street.

Third step: assessment of the extent of the impact

84. Assessment of the extent of impact as a result of the amended proposal is as follows.

2-10 Quarry Master Drive:

(a) Level 6: Loss of CBD outlook views, glimpses retained, including some glimpses of Sydney Tower

(b) Level 7: Loss of CBD outlook views, higher degree of glimpses, more sky view

(c) Level 8: views across Pyrmont affected, some views to CBD affected by tower (apartments behind tower), some views to CBD retained

(d) Level 9: apartments behind tower have views affected.

(e) Loss of sky views to levels below Level 6.

(f) Overall impact: moderate to severe



Figure 40: View study image: proposal as lodged as viewed from Level 8 apartment, 2-10 Quarry Master Drive



Figure 41: View study image: proposal as amended as viewed from Level 8 apartment, 2-10 Quarry Master Drive

122 Saunders Street:

(g) Level 8: loss of glimpses

(h) Level 9: Loss of views behind tower. Views to southern end of CBD retained. Some loss of views to Sydney Tower

(i) Level 10: Loss of views behind tower. Some loss of views to Sydney Tower. Partial views of CBD retained

(j) Level 11: Loss of views behind tower form. Some loss of views to Sydney Tower. Partial views of CBD retained

(k) Level 12: Loss of views behind tower form. Some loss of views to Sydney Tower. Partial views of CBD retained

(l) Level 13 - as above

(m) Level 14 - as above

(n) Level 15 - as above, views to Sydney Harbour Bridge retained

(o) Level 16 - as above

(p) Level 17 - as above

(q) Level 18 - as above.

(r) Loss of sky views to levels below Level 8.

(s) Overall impact: moderate to severe

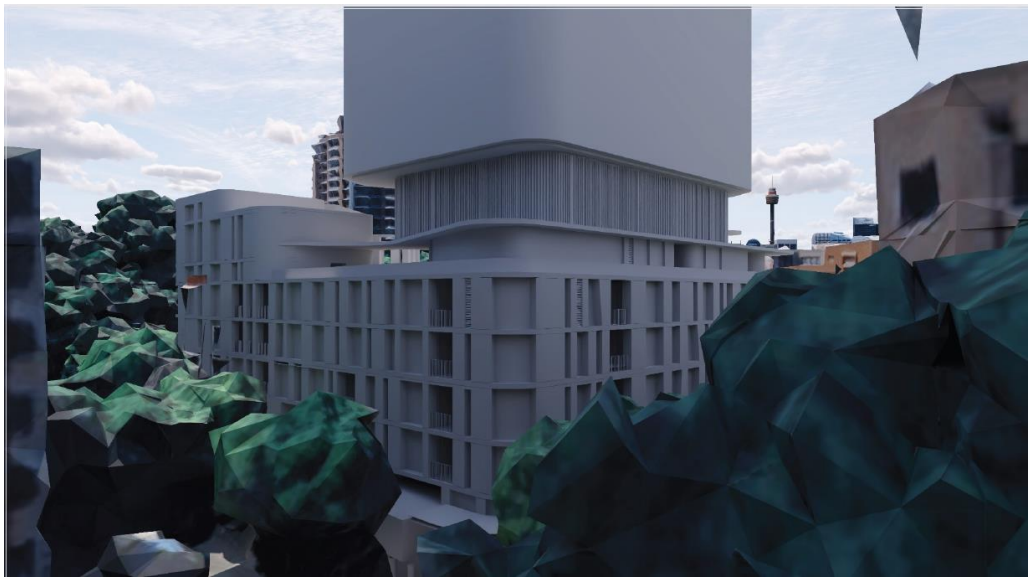


Figure 42: View study image: proposal as amended as viewed from Level 9 apartment, 122 Saunders Street

Fourth step: reasonableness of the proposal

85. The submitted view loss assessment has included assessment of the proposal against existing views, the exhibited Ultimo/Pyrmont Planning Proposal DCP envelopes, the DA as lodged, and the application as amended under assessment.

86. The impacts of the proposal are generally consistent with the loss of views under the Ultimo/Pyrmont Planning Proposal DCP building envelope.

87. The lower-level apartments at 2-10 Quarry Master Drive will be impacted by the tower and podium building form, with higher levels impacted by the tower form. Partial views to the CBD skyline including views of Sydney Tower would be retained.

88. Apartments at 122 Saunders at Level 8 and above will be impacted by the tower form generally within the DCP building envelope. Some views to Sydney Tower are retained. Partial views of CBD skyline are retained. Existing views to Sydney Harbour Bridge are retained. Some existing views to Barangaroo Towers are retained.

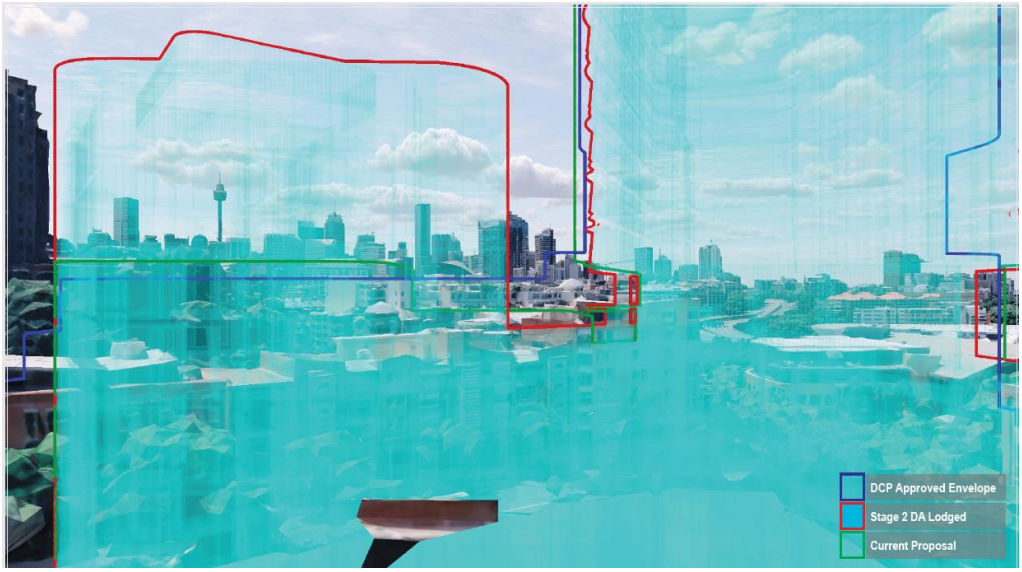


Figure 43: View study image: comparison of building forms and DCP envelope as viewed from Level 8, 2-10 Quarry Master Drive

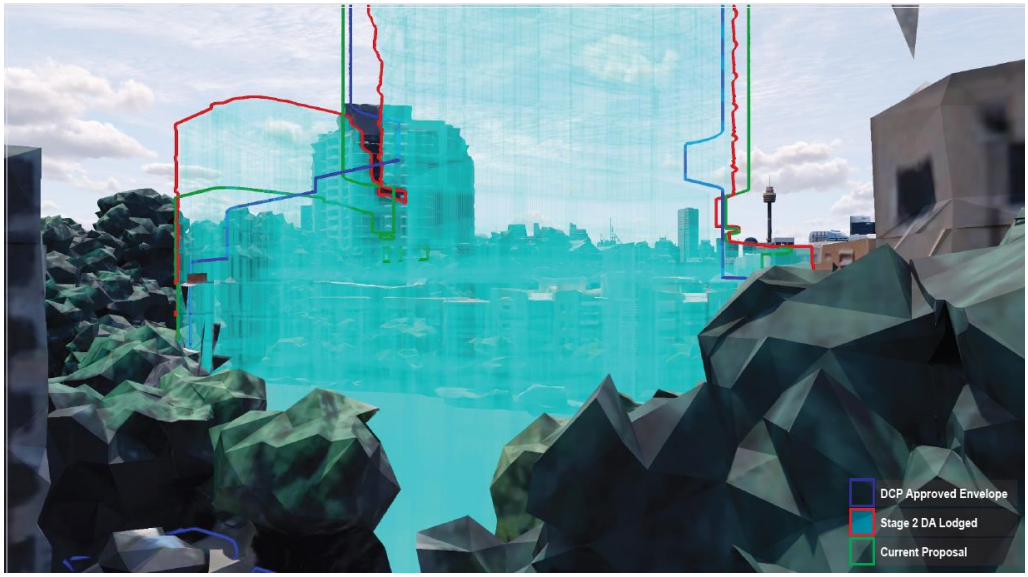


Figure 44: View study image: comparison of building forms and DCP envelope as viewed from Level 9, 122 Saunders Street



Figure 45: View study image: comparison image of building forms and DCP envelope as viewed from Level 15, 122 Saunders Street

89. In conclusion, the proposal as amended is considered to provide an acceptable level of view loss impact with reference to the matters to be considered under the Tenacity view sharing planning principle.

Competitive Design Process and Site-Specific Development Control Plan

90. Clause 7.20 of SLEP 2012 requires the preparation of a development control plan (DCP) for specified development. The clause applies to development for the purposes of a new building on land other than in Central Sydney where the site area is greater than 5,000 square metres or if the development results in a building with a height greater than 25 metres.

91. The site area for the development is 3,115sqm and the proposed building height is RL 140.8 (126m) and so the preparation of a site-specific DCP would ordinarily be required for the development.

92. Clause 7.20(3) provides that a DCP is not required if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances. It is considered that in the circumstances, a DCP is not required in this instance.

93. The site has been the subject of a detailed planning proposal for the Ultimo/Pyrmont precinct that will amend both the SLEP 2012 and SDCP 2012 with controls and site-specific provisions. Further, a design competition has been held for the site and the subject application has been prepared as part of the development of the winning scheme. The items specified in Clause 7.20(4) have been considered in terms of the redevelopment of the site in the planning proposal, design competition and the assessment of this application.

94. It is considered unreasonable and unnecessary in the circumstances to require the preparation of a site-specific DCP in accordance with Clause 7.20 given the controls detailed in the imminent gazettal of the planning proposal for this site.

Solar Assessment

95. Assessment of the solar access controls and potential solar impacts of the proposal has included consideration of solar access to the subject apartment's living rooms and balconies, communal open space areas including internal courtyard and level 5 communal spaces, nearby apartments including 14 Quarry Master Drive, and existing and future park spaces. The applicant's submission has included an ADG solar access assessment report, sun eye view diagrams, solar diagrams, elevation solar diagrams, and solar access tallies.

96. The proposal provides ADG compliant solar access to the proposal with 79.5% (124) apartments receiving at least 2 hours of direct sunlight to living areas mid-winter and only 7.7% (12) apartments not receiving direct sunlight mid-winter.

97. Solar access to 14 Quarry Master Drive is retained until 2.45pm mid-winter to the majority of west facing apartments, as shown in the submitted sun eye view diagrams and elevation solar diagrams. The upper-level apartments retain 2 hours of sunlight in accordance with the ADG and SDCP 2012, with the lower tower building form aligning with the DCP tower envelope at this angle to preserve sunlight. Lower-level apartments are impacted by the podium form from approximately 2:15pm, receiving less than 2 hours of sunlight, with sunlight retained between 12:30pm until 2:15pm. Two apartment windows are impacted at 2:30pm. The loss of 15 minutes of sunlight is less than a 20% reduction of sunlight and complies with the ADG objective for minimising overshadowing of neighbouring properties.

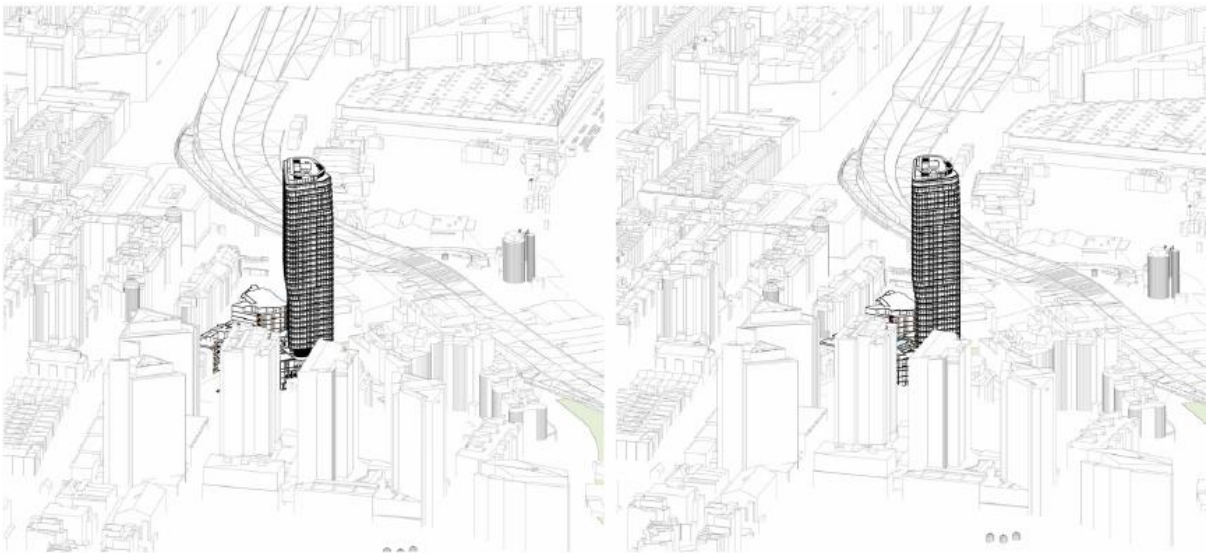


Figure 46: Sun eye view diagrams 2:45pm (left) and 3.00pm (right) mid-winter

98. The design amendments to the podium massing have improved solar access to the internal courtyard in summer as shown in solar diagrams.



Figure 47: Solar access diagrams 12pm (left) and 1pm (right) with yellow and pink areas receiving sunlight.

99. The solar access and solar impacts of the proposal generally align with the draft Ultimo/Pyrmont Planning Proposal building envelopes and are considered to be an acceptable outcome for the site context.

Consultation

Internal Referrals

100. The application was discussed with following Council teams:

(a) Building Services

(b) Environmental Health

(c) Licenced Premises

(d) Heritage and Urban Design

(e) Public Domain

(f) Safe City

(g) Surveyors

(h) Transport and Access

(i) Tree Management

(j) Waste Management

101. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent, shown at Attachment A to the subject report.

102. Concern was raised by the City's Tree Management Unit in terms of the removal of street trees for the new driveway locations to the western side of Quarry Master Drive. As these locations generally align with the desired driveway location as shown in the draft Ultimo/Pyrmont Planning Proposal, the outcome is considered to be acceptable, noting the tree canopy targets for the site will be achieved.

External Referrals

Ausgrid

103. Pursuant to former Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.

104. A response was received raising no objections to the proposed development.

Transport for NSW

105. The application was referred to TfNSW being located within the vicinity of the light rail and the Sydney Metro rail corridor. TfNSW advised that there would be no impact to TfNSW assets and referral was not required.

Advertising and Notification

106. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 28 days between 4 June 2026 and 3 July 2026. A total of 1,527 properties were notified and 173 submissions were received. 172 of the submissions raised objections, with one submission in support of the proposal.

107. The submissions raised the following issues as follows:

(a) **Issue:** View loss

Response: Refer to view loss assessment above.

(b) **Issue:** Height

Concerns were raised with the height of the proposal including its relationship to the ANZAC bridge, general site context, aesthetic appeal, overbearing impact, visually competing with the CBD skyline, the proposed additional podium height and the impact on local character.

Response: The building envelopes contained within the draft Ultimo/Pyrmont Planning Proposal establish a podium and tower form that fits within the desired future character of the area. The building design as selected from the competitive design process is a suitable fit within this context. The additional building height sought above the planning proposal height is discussed as part of the consideration of the submitted clause 4.6 request.

(c) **Issue:** Bulk and Scale

Concerns were raised that the proposal would result in an overbearing impact, that it represents an overdevelopment of the site, and the cumulative impacts of development in the locality

Response: The building envelopes contained within the draft Ultimo/Pyrmont Planning Proposal establish a podium and tower form that fits within the desired future character of the area. As discussed within this report the proposal is generally consistent with the planning proposal envelope.

(d) **Issue:** Reflectivity

Concerns were raised in respect of reflectivity impacts.

Response: A reflectivity report submitted with the proposal includes recommendations to manage reflectivity impacts.

(e) **Issue:** Wind Impacts

Concerns were raised in respect of wind impacts within public areas and potential wind tunnel effects.

Response: The proposal includes a wind assessment report that demonstrates that subject to recommended mitigation measures, appropriate wind comfort levels will be achieved. The proposal includes a wind deck level to assist in managing wind downwash effects.

(f) **Issue:** Traffic Impacts

Concerns were raised in respect of traffic congestion, the location of the basement entry, and traffic assessment.

Response: The proposal includes a traffic assessment that has been reviewed by the City's Transport and Access Unit who have advised that subject to conditions, the proposal will not have an unacceptable impact with regard to transport matters.

(g) **Issue:** Overshadowing

Concerns were raised in respect of overshadowing of adjoining streets, public reserves including Bank Street Park and neighbouring apartments.

Response: The proposal will have minor additional overshadowing impacts as compared to the planning proposal envelope. Sunlight is retained to identified parks and neighbouring apartments in accordance with the planning proposal controls.

(h) **Issue:** Construction Impacts

Concerns were raised in respect of construction impacts in terms of noise and vibrations, safety, air quality, local wildlife and physical and mental health.

Response: Standard conditions of consent are recommended to mitigate against construction impacts.

(i) **Issue:** Infrastructure Demand

Concerns were raised that the proposal would result in demand for infrastructure including childcare centres, green space, schools, public transport and footpaths.

Response: The subject application has been prepared in response to the NSW Pyrmont Peninsula Place Strategy, and Council's draft Ultimo/Pyrmont Planning Proposal. These documents include planning for local infrastructure including the provision of additional public facilities.

(j) **Issue:** Privacy

Concerns were raised that the proposal would result in overlooking to adjoining buildings.

Response: The proposal has been assessed against the relevant controls for privacy measures including the Apartment Design Guidelines. The proposal generally complies with these controls in terms of separation distances, and resulting overlooking is an acceptable outcome.

(k) **Issue:** Economic Impacts

Concerns were raised that the proposal would impact neighbouring property values including nearby businesses.

Response: Specific economic impacts of the proposal have not been demonstrated and perceived impacts on property process are not a planning consideration.

(l) **Issue:** Lack of Affordable Housing

Concerns were raised that the proposal does not provide affordable or social housing.

Response: The proposal does not include affordable housing, however an affordable housing monetary contribution is required.

(m) **Issue:** Retail floorspace

Concerns were raised that the proposed retail floorspace was not needed in this location.

Response: The Ultimo/Pyrmont Planning Proposal requires the provision of non-residential uses to the ground level towards Saunders Street. The proposed retail floorspace is a permissible development in the zone.

(n) **Issue:** Deep Soil

Concerns were raised that the proposed deep soil is deficient.

Response: Refer to deep soil assessment above. The deep soil provision and tree canopy planting is appropriate to the site context.

(o) **Issue:** Tree removal

Concerns were raised in respect of the proposed tree removal and the impacts on other surrounding trees.

Response: The proposal includes the removal of 5 street trees, 2 street tree replacement plantings, and other onsite tree plantings. As noted above the tree canopy provision of the proposal is appropriate to the site context. Subject to conditions to ensure appropriate tree protection and preservation measures, the proposal is considered to have a suitable outcome with respect to street tree protection.

(p) **Issue:** Sustainability

Concerns were raised in respect of the demolition of the existing building in terms of the sustainability of the proposal.

Response: The submitted waste management plan details that up to 89% of the existing building demolition material is targeted to be diverted from landfill. The proposed building satisfied relevant sustainability targets.

(q) **Issue:** BCA non-compliances

Concerns were raised in respect of Building Code of Australia non-compliances and the use of performance solutions.

Response: The use of performance solutions to achieve building code compliance is a common occurrence and should not be interpreted as non-compliance. The proposal is required to comply with the National Construction Code (formerly known as the BCA).

(r) **Issue:** Sydney Metro Tunnel

Concerns were raised that the proposal may impact on the Sydney Metro Tunnel.

Response: The site is located outside of the nominated zone of influence of the Sydney Metro Tunnel - West. The proposal was referred to Transport for NSW for any comment and notification was received that referral was not required.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

108. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan. A contribution of $1,860,514.28 applies to the proposal.

109. Credits have been applied for the most recent past use of the site for the existing 63 dwellings.

110. A condition relating to this local infrastructure contribution has been included in the recommended conditions of consent. The condition requires the contributions to be paid prior to the issue of a stage 3 construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

111. The site is located within the Ultimo/Pyrmont affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of $11,223.28 per 1% of the total floor area for non-residential development (980sqm) and 3% of the total floor area for residential development (33,033sqm) totalling $11,232,146.39. A condition of consent is recommended requiring payment prior to the issue of any construction certificate.

112. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.

113. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing within each area of the State.

114. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:

    (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and

    (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and

    (c) the condition requires a reasonable dedication or contribution, having regard to the following -

        (i) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

115. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable. A condition of consent is recommended requiring the payment of an affordable housing contribution prior to the issue of a construction certificate.

Housing and Productivity Contribution

116. The development is subject to a Housing and Productivity Contribution (base component and transport project component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

117. The site is located with the Greater Sydney region and is identified as a site to which the Pyrmont Peninsula transport project component of the Housing and Productivity contribution applies. The development is a type of residential and commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.

118. A contribution amount of $1,061,779.90 applies for the Base HPC component and $1,663,759.65 for the Pyrmont Transport Project HPC Component.

119. A condition relating to this development contribution has been included in the recommended conditions of consent.

Relevant Legislation

120. Environmental Planning and Assessment Act 1979.

Conclusion

121. The application seeks consent for a mixed-use development comprising demolition of an existing residential flat building and construction of a 5 storey podium building with residential tower above to 37 storeys with a total of 156 apartments and 6 level basement below.

122. The proposal has been prepared in response to the Ultimo/Pyrmont Planning Proposal which includes additional height and FSR for the subject site. The planning proposal was endorsed by CSPC and then Council at its meeting of 27 October 2025 and is awaiting finalisation and gazettal by DPHI.

123. Written requests have been submitted to vary the height of buildings and floor space ratio development standards pursuant to Clause 4.6 of the SLEP. The variations reflect that the Ultimo/Pyrmont Planning Controls are yet to be in force. The variations are supported in the circumstances having regard to the certainty and imminence of the LEP amendment and new controls being adopted.

124. A competitive design process was held for the proposal, with the submission prepared by BVN as the winning scheme. The proposal is generally consistent with the overall design intent of the winning scheme and the recommendations of the jury.

125. The proposal was reviewed by the Design Advisory Panel on 26 March 2026 prior to lodgement of the application and 30 July 2026 after lodgement. The application has been amended to address the recommendations of the panel as detailed in the report. The key recommendations relate to passive solar shading and apartment privacy and usability.

126. The design of the proposal was amended in response to feedback from DAP and Council officers, with key amendments including a shift in podium massing to reduce height from the northern corner with additional massing located within the tower form, additional louvre shading detail and the introduction of a spandrel to the lower-level tower bedroom windows. These amendments generally address the items raised.

127. The proposal is generally consistent with the desired future character of the locality as expressed within the draft Ultimo/Pyrmont Planning Proposal and achieves a standard of architectural design that demonstrates design excellence in accordance with clause 6.21C of SLEP and will make a positive contribution to the locality.

128. The proposed development is therefore recommended for approval subject to the conditions included in Attachement A.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Shannon Rickerey, Senior Planner