

Resolution of Local Planning Panel

6 May 2026

Item 5

Development Application: 96-100 Hay Street, Haymarket – D/2025/1144

The Panel:

- (A) upheld the variation requested to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application Number D/2025/1144 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Committee.
- (B) Subject to recommended deferred commencement conditions and based upon the material available at the time of determining this application, the Committee is satisfied that:
 - (i) The site will be made suitable for proposed commercial and residential uses, subject to further investigation to determine the most effective means of conducting any remediation as required by the State Environmental Planning Policy (Resilience and Hazards).
 - (ii) The applicant has sufficiently justified, compliance with the respective height of buildings development standard is unreasonable and unnecessary and that there are sufficient planning grounds to justify contravening the development standard pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012.
 - (iii) The proposal is in the public interest because it is consistent with the objectives of the SP5 - Metropolitan Centre zone and the floor space ratio development standard.

- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy (Transport and Infrastructure 2021) and the State Environmental Planning Policy (Sustainable Buildings) 2022.
- (D) Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (E) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development has a bulk, form and massing that is suitable for the site and its context within the Haymarket/Chinatown Locality. The intended future uses of the site are consistent with the objectives of the SP5 - Metropolitan Centre zone.
- (G) The amended development application has addressed matters raised by Council staff. Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) For the reasons above the proposed development is in the public interest.

Carried unanimously.

D/2025/1144