

Resolution of Local Planning Panel

20 May 2026

Item 5

Development Application: 86-90 Bay Street, Ultimo - D/2026/136

The Panel refused consent for Development Application Number D/2026/136.

Reasons for Decision

The application was refused for the following reasons:

- (A) The application fails to sufficiently justify that compliance with the Height of Buildings and Floor Space Ratio development standards is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify departures from the standards, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.
- (B) The proposal is contrary to the relevant Aims of the Sydney Local Environmental Plan 2012, which are to enhance the amenity and quality of life of local communities (Aim (h)), to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities (Aim (j)).
- (C) The development fails to exhibit design excellence pursuant to clause 6.21C of the Sydney Local Environmental Plan 2012 for the following reasons:
- (D) the development fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location, contrary to Clause 6.21C(2)(a) and fails to provide a building with a suitable bulk, massing and modulation, contrary to Clause 6.21C(2)(d)(v);
- (E) the development fails to demonstrate acceptable environmental impacts, including sustainable design, solar access, visual and acoustic privacy, contrary to Clause 6.21C(2)(d)(vii);
- (F) the development has failed to demonstrate the principles of ecologically sustainable development can be achieved and fails to provide excellence and integration of landscape design, contrary to Clause 6.21C(2)(d)(viii) and 6.21C(2)(d)(xiii); and

- (G) the development provides bike parking in an area that is difficult to access and has failed to demonstrate adequate pedestrian, cycle, vehicular and service access and circulation requirements, contrary to Clause 6.21C(2)(d)(ix).
- (H) The proposed development offers an unsatisfactory level of residential amenity and is inconsistent with the Building Separation measures of the NSW Apartment Design Guide, which is a consideration in accordance with the State Environmental Planning Policy (Housing) 2021.
- (I) The development fails to respond to a key design principle for the Mountain Street locality, which is that buildings should respond to more generous floor to ceiling heights where they are provided by neighbouring buildings. In providing insufficient ceiling heights, the application fails to satisfy a key objective of the MU1 Mixed Use zone, which is to encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- (J) The application does not adequately address flood risk and does not demonstrate the proposal incorporates appropriate measures to manage risk to life in the event of a flood under clause 5.21 of the Sydney Local Environmental Plan 2012.
- (K) In failing to provide bike parking in an area that is convenient to access, the application is contrary to the provisions of Section 3.11.3 of the Sydney Development Control Plan 2012 relating to bike parking and associated facilities.
- (L) The proposed entry from St Barnabus Street and laundry location present poor design in relation to safety with a lack of passive surveillance. A manager's office is not shown on architectural drawings lodged with the application. The application is therefore contrary to the relevant, adopted controls for co-living housing at Section 4.4.1.6 and 4.4.1.7 7 of the Sydney Development Control Plan 2012.
- (M) The application does not adequately provide for consolidated heating and cooling infrastructure and does not provide letterboxes, contrary to the requirements for residential and mixed use developments in the Sydney Development Control Plan 2012.

Carried unanimously.

D/2026/136