

Local Planning Panel

6 May 2026

Application details

Address: 96-100 Hay Street, Haymarket

Application: D/2025/1144

Applicant: Planning Lab

Owner: May Ho Yee, Stanley Yee & Hynsco Pty Ltd.

Architect: Candalepas Associates

Consultants: Urbis & Planning Lab

Proposal

- retention of facades of existing 3-storey building
- partial basement level (plant rooms only)
- new 16 storey building – commercial uses in lower 3 levels and residential above
- 22 residential apartments (20 x 2 bed & 2 x 3 bed)
- communal outdoor area & storage at Level 3
- continuing food & drink premises (currently Emperors Garden Restaurant & Bakery)

Recommendation

Deferred commencement consent

Proposal



Hay Street – south elevation



Hay Street - looking west

Reason reported to LPP

The application is reported to the LPP for determination due to being classed as:

- sensitive development involving a residential apartment building to which Chapter 4 of the Housing SEPP applies.

Notification

- application notified for 21 days between 21 November 2025 & 13 December 2025
- 1,330 properties notified and 10 submissions received
- issues raised:
 - impacts on character of Haymarket/Chinatown
 - overshadowing, noise & privacy
 - waste management
 - ecological impacts

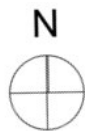
Submissions

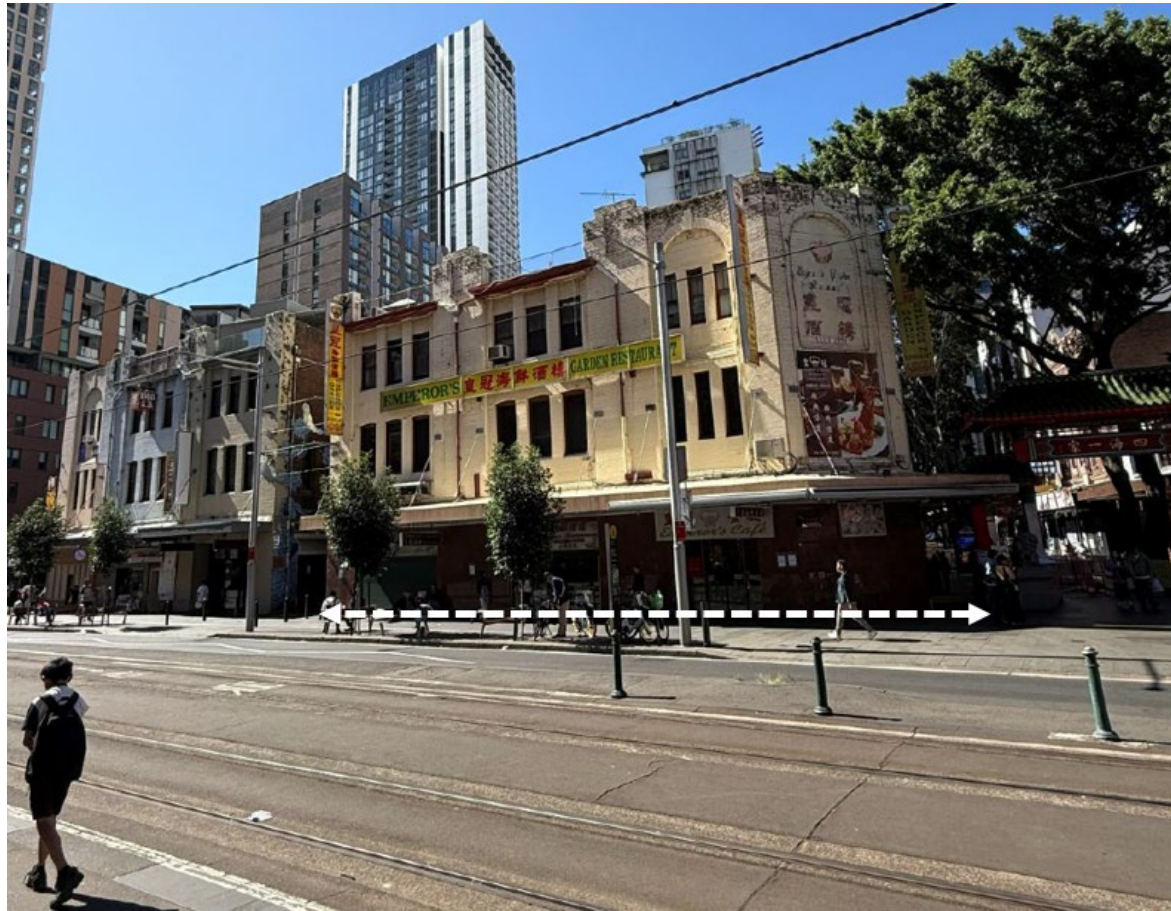


 subject site

 submitters

Site





site viewed from Hay Street



site viewed from 'The Peak' (above Paddy's Markets) - looking north



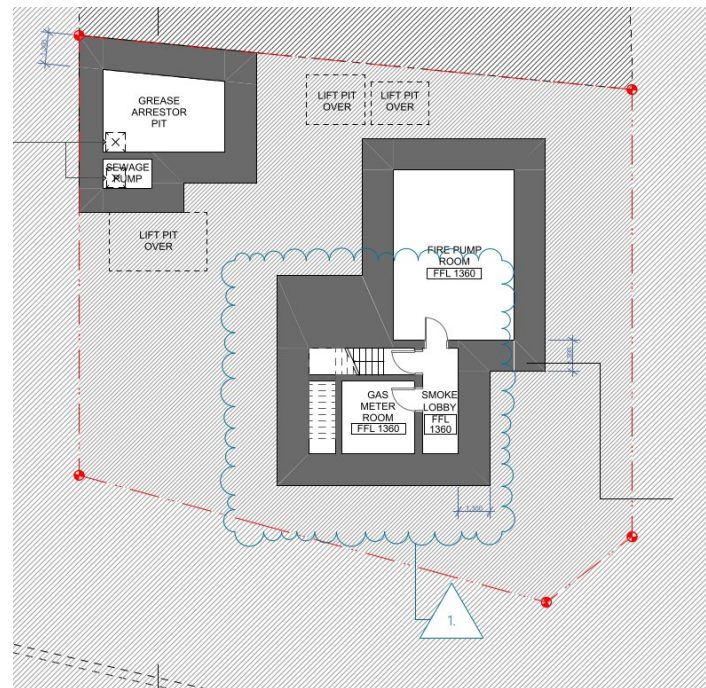
site viewed from Dixon Street



Kimber Lane

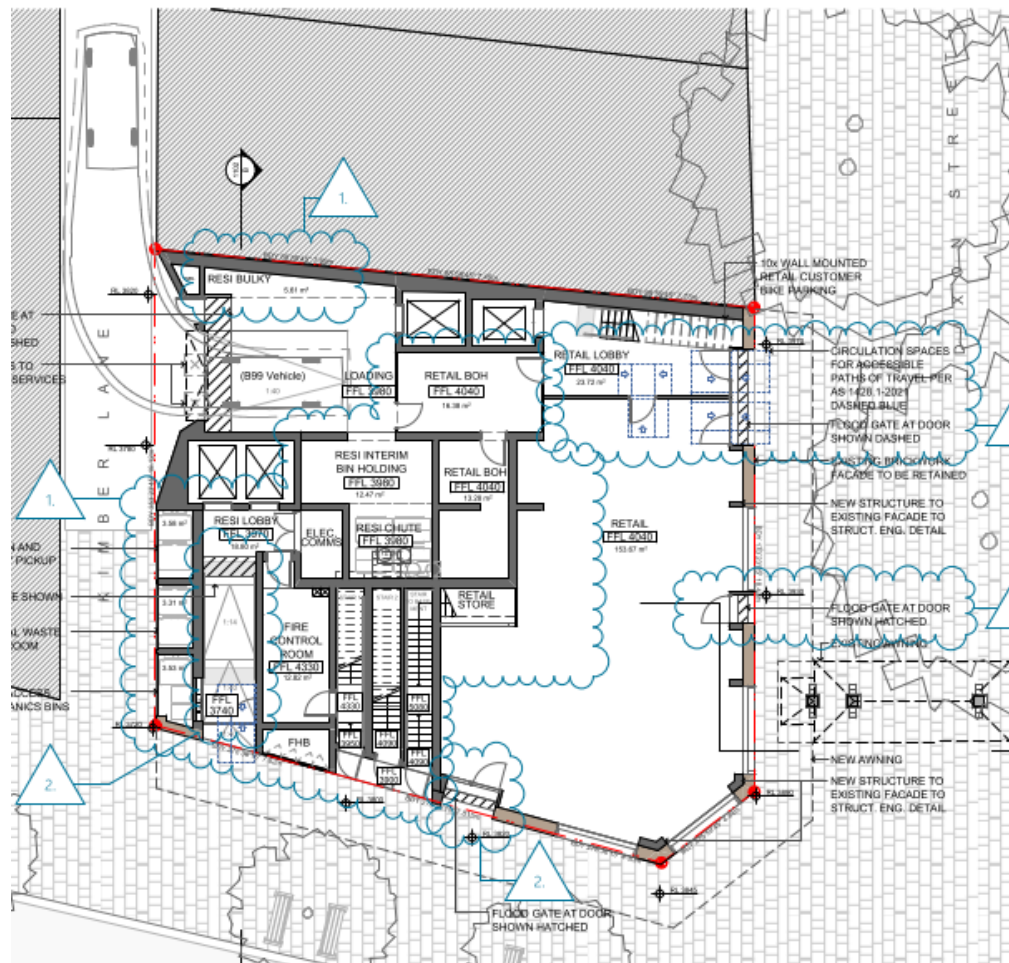


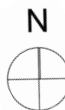
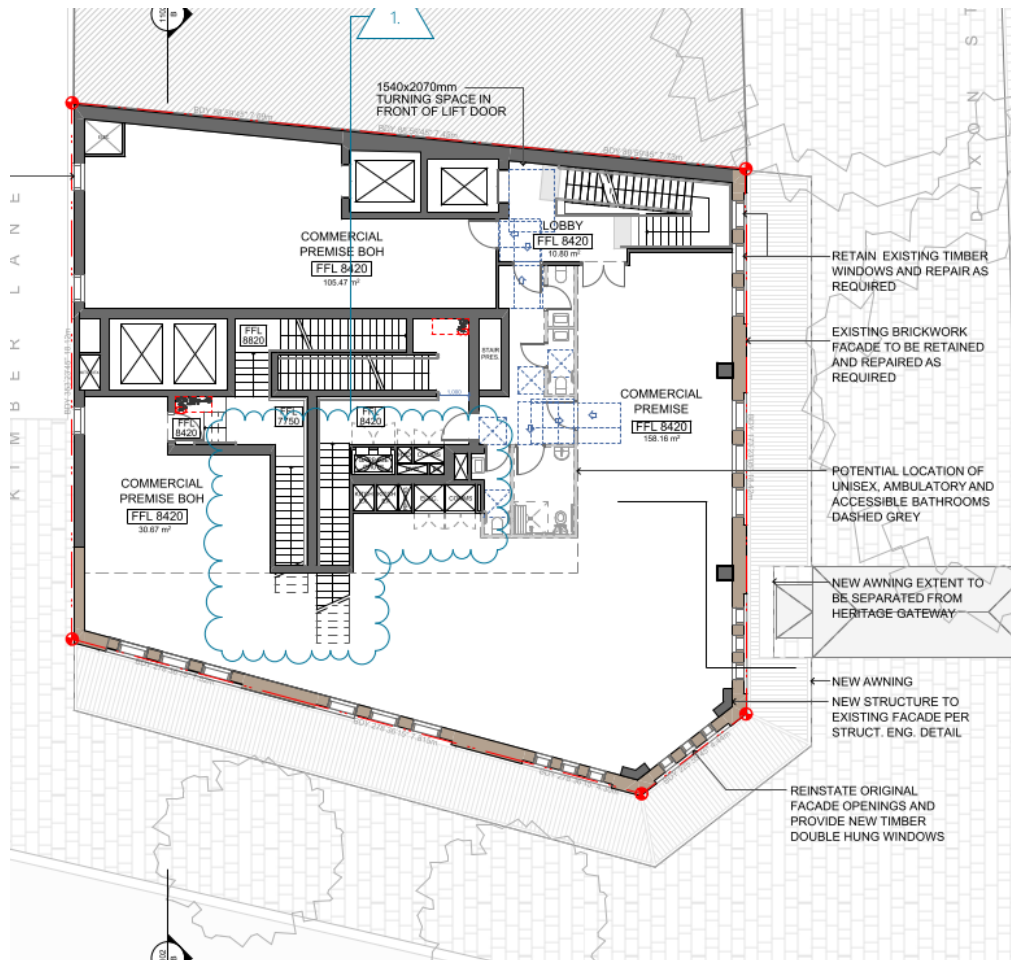
Emperors Garden restaurant & Level 1 bakery



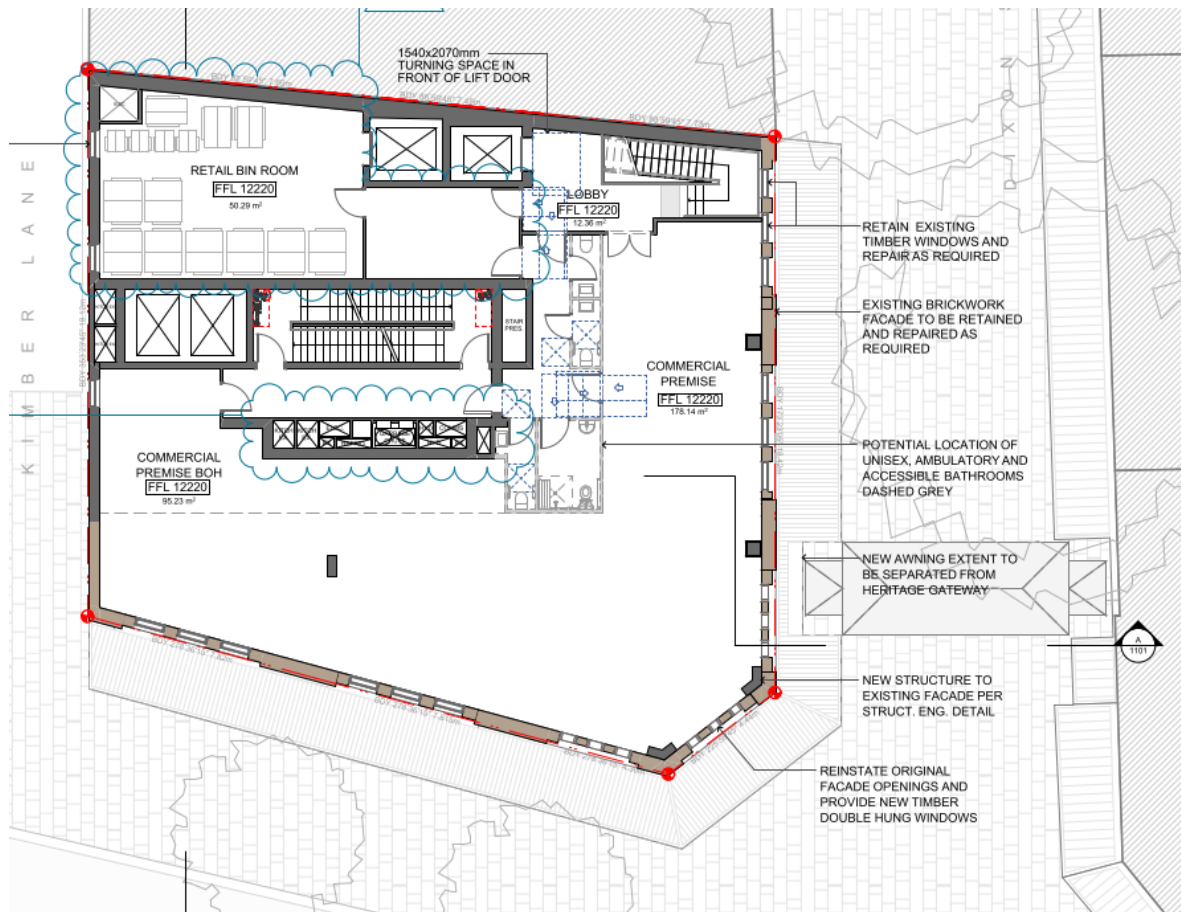
demolition & partial basement

ground level



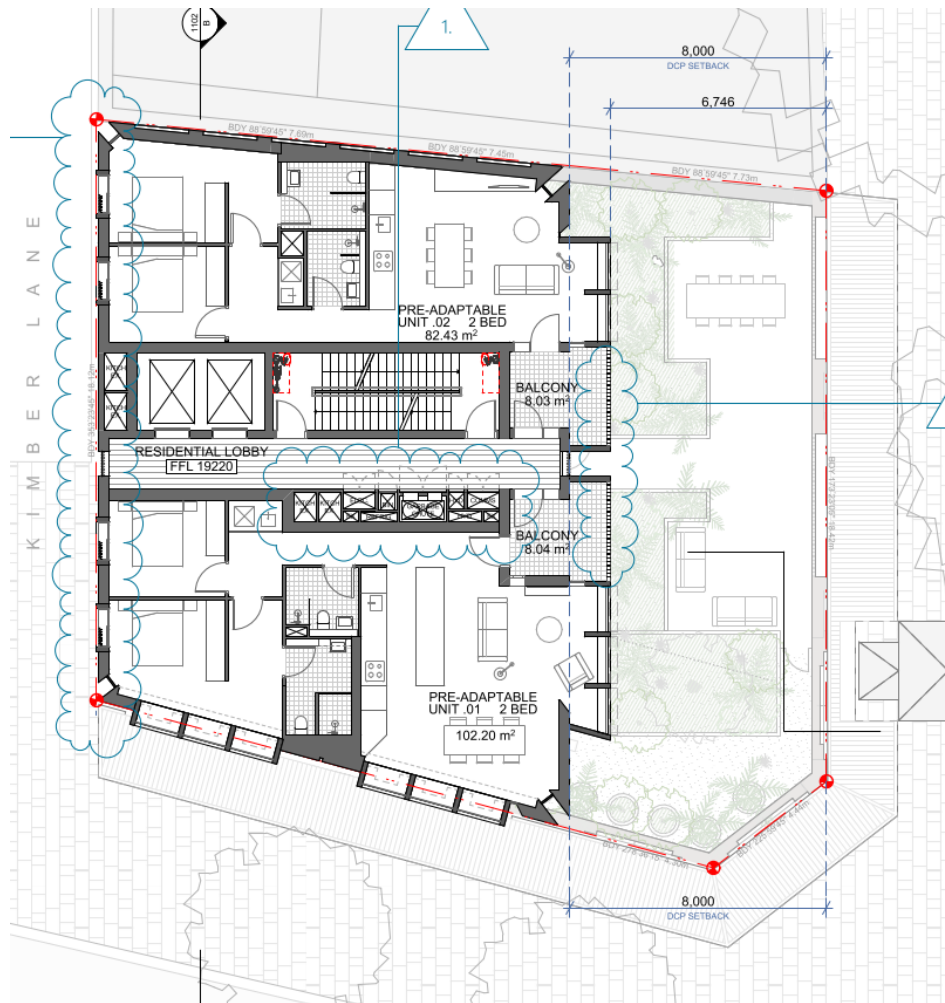


Level 1

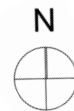
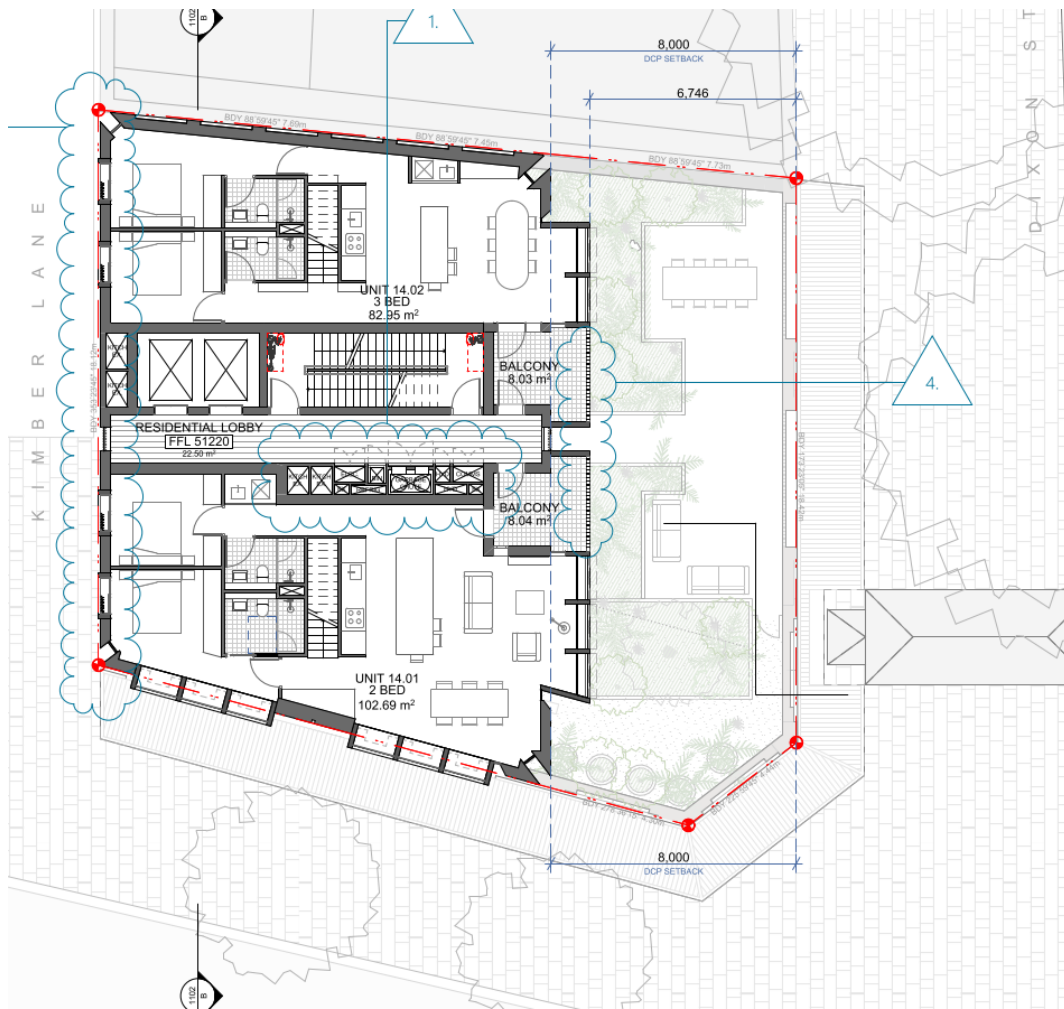


Level 2

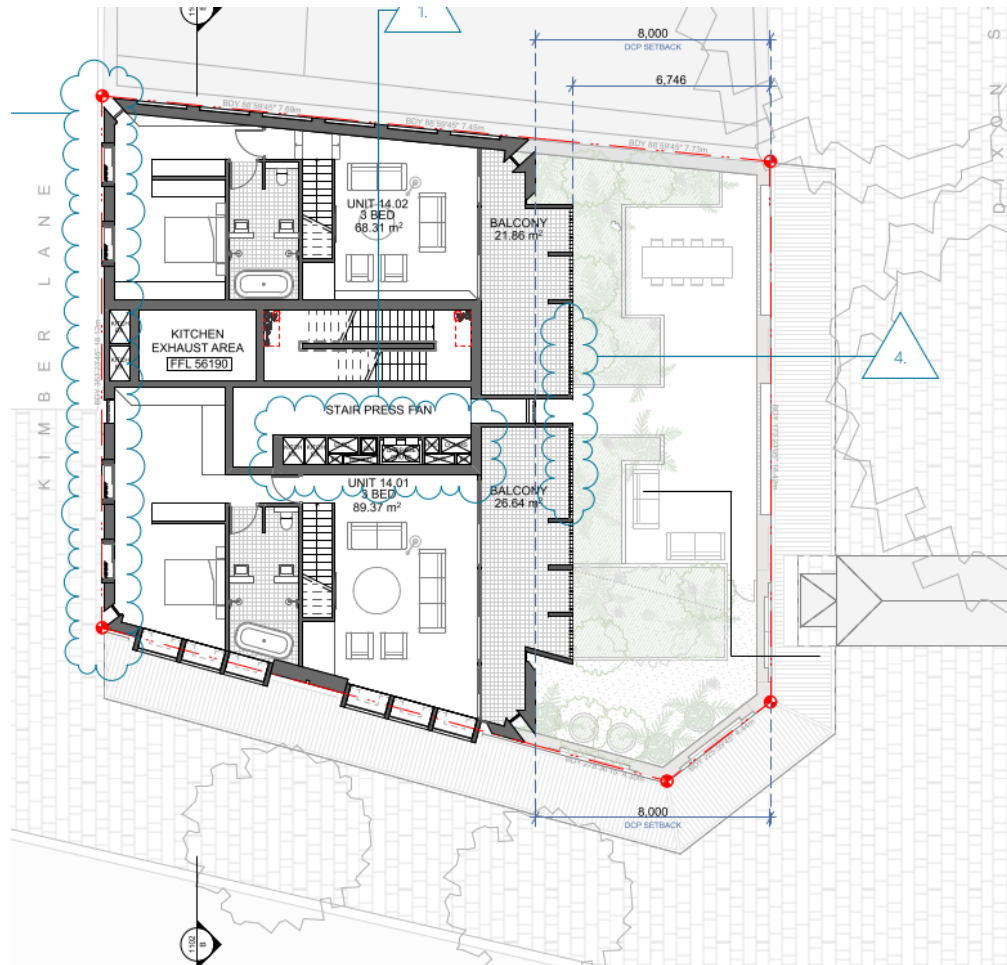




Level 4-13



Level 14

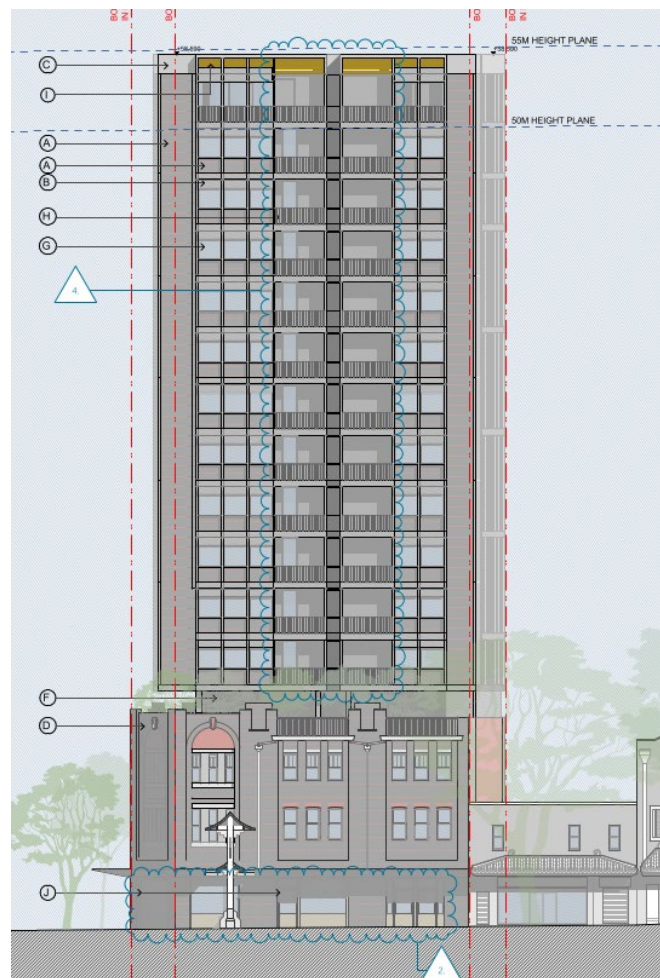


Level 15

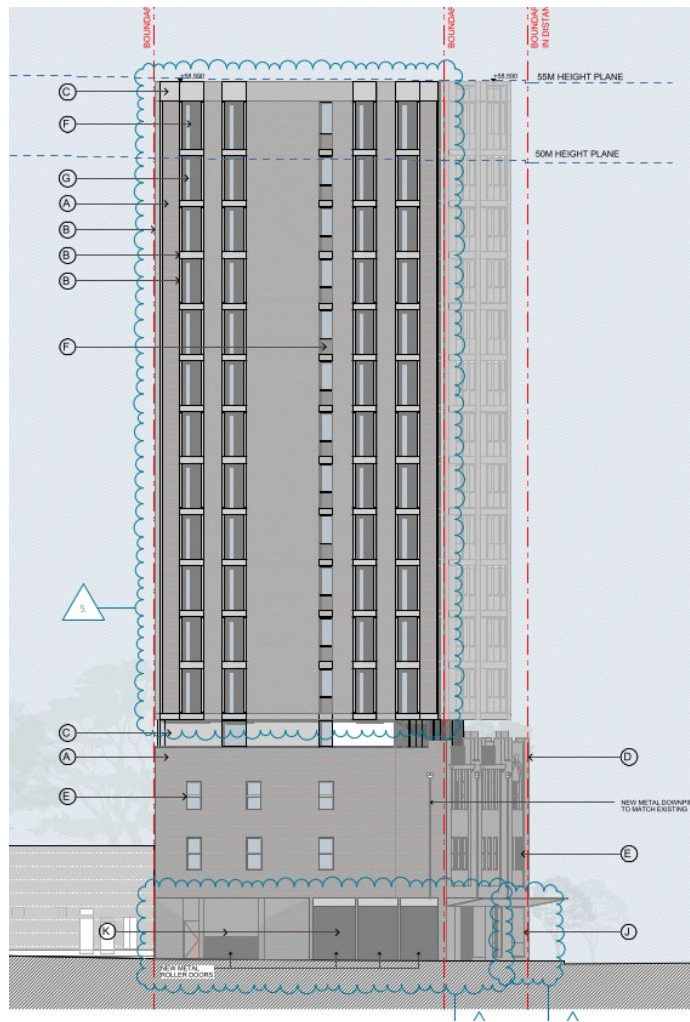
roof level



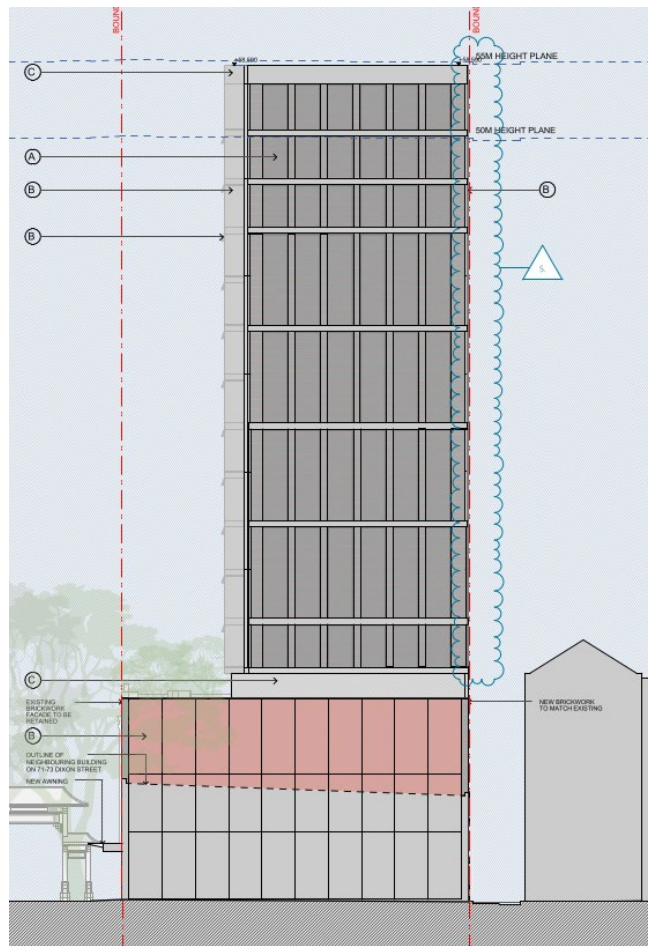
Hay Street - south elevation



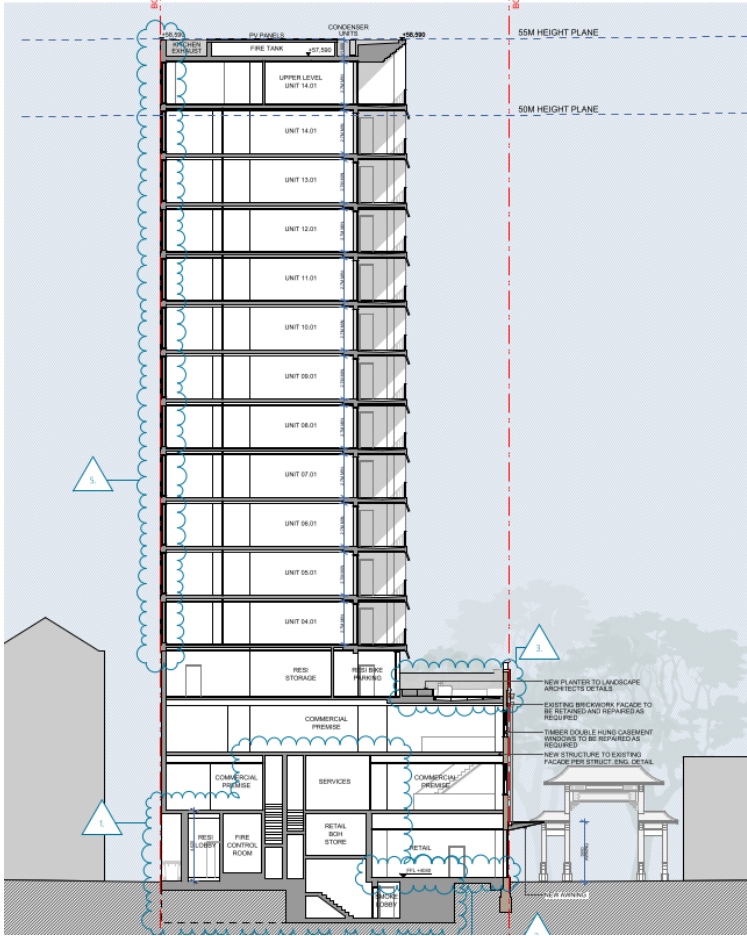
Dixon Street - east elevation



Kimber Lane - west elevation



north elevation



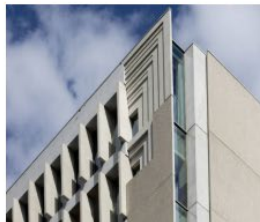
Section



Hay Street - podium conservation works



A - DRY PRESSED BRICK
REGENT STREET - CANDALEPAS ASSOCIATES



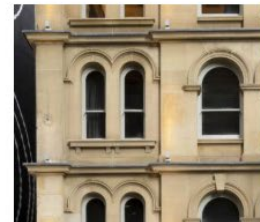
B - PRECAST CONCRETE
QT HOTEL, MELBOURNE - CANDALEPAS ASSOCIATES



C - OFF FORM CONCRETE
PERRY PARK - CANDALEPAS ASSOCIATES



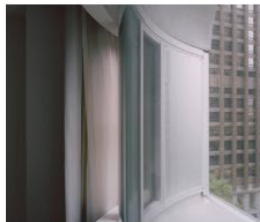
D - EXISTING BRICKWORK
96-100 HAY STREET



E - TIMBER DOUBLE HUNG WINDOWS
PORTER HOUSE - CANDALEPAS ASSOCIATES



F - FULL HEIGHT ANODIZED ALUMINIUM SCREEN
THE SURRY - CANDALEPAS ASSOCIATES



G - ALUMINIUM DOUBLE GLAZED WINDOW FRAMING
THE CASTLE - CANDALEPAS ASSOCIATES



H - METAL BALUSTRADE
PELICAN STREET - CANDALEPAS ASSOCIATES



I - GOLD PAINT
GEORGE STREET - CANDALEPAS ASSOCIATES



J - STEEL AND TIMBER SHOPFRONT OPENINGS
PORTER HOUSE - CANDALEPAS ASSOCIATES



K - METAL GARAGE & BIN STORAGE OPENINGS
ERNSTINGS WAREHOUSE - SANTIAGO CALATRAVA

Compliance with key LEP standards

	control	proposed	compliance
height	50m	55m	No Clause 4.6 justification supported
floor space ratio	7.9:1	7.87:1m	yes

Compliance with DCP controls

	control	proposed	compliance
footpath awning	to be provided	provided	yes
wind effects	around site & communal areas	footpaths: as per existing condition communal: comfort levels achieved	yes
flood management	address site flooding	flood gates proposed (supported)	yes

Consistency with ADG

	control	proposed	consistency with control
solar	70%	100%	yes
cross vent	60%	100%	yes
deep soil	7%	full coverage	acceptable (per existing site condition)

Consistency with ADG

	control	proposed	consistency with control
building separation	24m	3.6m (Kimber Lane, west)	no
apartment size	2 bed 70sqm 3 bed 95sqm	2 bed 83sqm+ 3 bed 151sqm+	yes

Consistency with ADG

	control	proposed	consistency with control
floor to ceiling heights	2.7m	2.7m	yes
communal open space	25%	26%	yes
private open space	2 bed 10sqm 3 bed 12sqm	8sqm 22sqm	no yes

Design Advisory Panel Residential Subcommittee

Panel reviewed application on 2 December 2025. Following concerns raised:

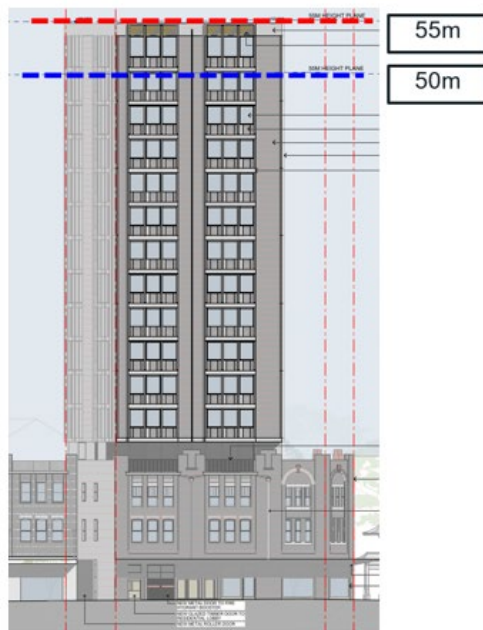
- projections over Kimber Lane should be deleted & balcony amenity increased
- improved ground floor layout: better waste management & areas for services & flood gates
- details provided to address conservation & reinstatement of public art in Kimber Lane & details for landscaped podium areas
- northern boundary wall provided with quality finish

Issues

- building height (Cl.4.6 justification)
- contamination - deferred commencement conditions 1 & 2
- waste - deferred commencement condition 3
- public art - Dixon Street & Kimber Lane

building height (Cl.4.6 justification)

- non-compliance with heights results from an additional storey with parapet concealing roof plant
- 55m proposed / 50m control



building height - Cl.4.6 justification

- Clause 4.6 statement justifying departure supported:
 - building design in keeping with development to the west of the site, will retain the character of Hay Street & Dixon Street
 - no significant impacts on existing views across the site, overshadowing resulting from non-compliance
 - no resulting impacts in relation to wind comfort or safety resulting from non-compliance

deferred commencement conditions

- 3 deferred commencement conditions are recommended
- these issues have not been able to be fully resolved during assessment:
 - potential site contamination (2 conditions)
 - waste management of the site (1 condition)

potential site contamination

- preliminary investigation concludes low to medium chance of contaminated soils
 - on site: grease traps, fruit ripening
 - off-site: underground tanks & dry cleaners 78m to south-east
- detailed investigation not able to be completed during assessment for operational reasons (restaurant & bakery 24 hrs)

potential site contamination

- commercial uses at ground floor, residential uses three levels above
- further investigation required to determine the most effective means of conducting remediation (if any)
- site capable of being remediated (excavation & disposal of soils in accordance with EPA Waste Classification Guidelines)
- deferred commencement condition only satisfied once a detailed site investigation has been carried out and a Remedial Action Plan (if required) has been independently reviewed by a Site Auditor & Section B Site Audit Statement (or interim advice letter) is provided

commercial waste

- commercial waste: large volumes of commercial waste are expected to be generated by future food & drink premises
- updated operational waste management plan proposes commercial waste trucks will use Hay Street, as per agreed arrangements for residential waste collection
- not supported as greater than 25m travel distance and frequency of collection will block Hay Street. Councils' specialists satisfied waste can be collected on site using B99 vehicles
- Kimber Lane sufficiently wide (at its northern end) to allow for bins to be stacked and for a B99 vehicle to proceed north onto Little Hay Street
- deferred commencement requires amended plans & management plan demonstrating the above

public art - Dixon Street & Kimber Lane

- conditions recommended to ensure: Council works can proceed for Dixon Street - hanging light installation
- conservation and reinstallation at conclusion of works - Kimber Lane 'Between Two Worlds'



Recommendation

approval subject to deferred commencement conditions