

Item 6.**Section 4.55 State Significant Modification Application: 201-217 Elizabeth Street, Sydney - D/2017/349/A****File Number:** D/2017/349/A**Summary**

Date of Submission:	3 October 2024
Applicant:	Charter Hall Holdings Pty. Limited
Architect/Designer:	FJC Studio
Developer:	Charter Hall Holdings Pty. Limited
Owner:	Perpetual Trustee Company Limited & The Trust Company (Australia) Limited
Planning Consultant:	Ethos Urban
DAP:	12 December 2024
Cost of Works:	\$426,000,000
Zoning:	The site is zoned SP5 Metropolitan Centre under the Sydney Local Environmental Plan (Sydney LEP) 2012. The proposed indicative uses are residential accommodation, hotel accommodation and ancillary retail premises, which are permissible with consent in this zone.
Proposal Summary:	This State Significant section 4.55(2) modification application seeks approval for: • changes to the building envelope including amendments to setbacks, additional height to the north-west corner of the tower (from RL 198.22 to RL 208.60), and introduction of 2x through-site links within the ground plane and • the amendment of conditions (specifically Conditions 2, 3, 11 and 16) to allow for the modified building envelope.

These modifications align with the Jury's preferred design competition scheme and the delegated detailed design State Significant Development Application D/2024/854 (SSD-64090972) that is being presented to the Central Sydney Planning Committee (CSPC) concurrently for approval.

The development has a capital investment value of more than \$50 million and the CSPC is the consent authority.

The modification application is classified as State Significant Development (SSD) in accordance with Section 13 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021 as the SSD approval comprises hotel accommodation with a capital investment value of more than \$100 million.

On 7 February 2017, the then Minister for Planning delegated consent authority functions to the City in respect of the original application D/2017/349. On 23 February 2017, Secretary of the Department of Planning and Environment (as it was previously known) delegated responsibility for the assessment of the application (and related functions) to the City.

The assessment, notification and report processes are in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and as recommended by the Department of Planning, Housing and Infrastructure.

The application was notified for a period of 28 days between 29 October 2024 to 27 November 2024. During the exhibition period, the City received one submission objecting to the proposal. The submission raised concerns about the original consent lapsing prior to the lodgement of this modification application; that the proposal is not considered substantially the same development under section 4.55(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979, as well as reliance on repealed controls, overshadowing to Hyde Park and view impacts.

In response to the issues raised in submissions, the applicant submitted a Response to Submissions (RtS) report on 20 February 2025.

As amended, the proposed building envelope is considered to be substantially the same as previously approved and contextually appropriate. The proposal continues to facilitate the approved mixed-use development and presents acceptable environmental impacts not dissimilar to the original Concept Approval.

The Detailed Design SSD application will be considered concurrently by the CSPC under D/2024/854, demonstrating that a generally compliant scheme can be provided within the amended envelope. Consequently, this Modification Application is recommended for approval.

Summary Recommendation: The State Significant section 4.55(2) modification application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act, 1979;
- (ii) State Environmental Planning Policy (Planning Systems) 2021;
- (iii) State Environmental Planning Policy (Housing) 2021
- (iv) Sydney Local Environmental Plan 2012

Attachments:

- A. Assessment Report
- B. Amended Concept Conditions of Consent
- C. Selected Drawings
- D. Sun Eye Diagrams - Surrounding Sites
- E. Sun Eye Diagrams - 116 Bathurst Street
- F. Submissions

Recommendation

It is resolved that consent be granted to State Significant Section 4.55(2) Application Number D/2017/349/A (SSD 8105-Mod-1) subject to the amendment of the following conditions (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~), as follows:

Approved Development Description:

State Significant Development (SSD 8105) for a building envelope and concept approval for the construction and use of a ~~50-storey (RL198.22)~~ ***RL 208.60*** mixed use building providing hotel, retail and residential uses, with basement parking.

(Amendment A – 19 June 2025)

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with State Significant Development Application No. SD 16_8105 dated 21 March 2017 and the following drawings prepared by ~~FJMT~~ ***FJC Studio***:

Drawing Number	Title	Date
3100-SSD	Proposed Envelope – Roof Plan	02 November 2017
3101-SSD	North Elevation Proposed Envelope – Park Street	02 November 2017
3102-SSD	South Elevation Proposed Envelope – Bathurst Street	02 November 2017
3103-SSD	East Elevation Proposed Envelope – Elizabeth Street	02 November 2017
3104-SSD	West Elevation Proposed Envelope – Castlereagh Street	02 November 2017
3105-SSD	Proposed Envelope North-South – Elizabeth Street	02 November 2017
3106-SSD	Proposed Envelope East-West – Park Street	02 November 2017

3107-SSD	Proposed Envelope North-South — Castlereagh Street	02 November 2017
100	Stage 1 Envelope Modification_Plan RL +63.250m	22 August 2024
101	Stage 1 Envelope Modification_Plan RL +84.610m	22 August 2024
102	Stage 1 Envelope Modification_Plan RL +97.210m	22 August 2024
103	Stage 1 Envelope Modification_Plan RL +141.300m	22 August 2024
104	Stage 1 Envelope Modification_Plan RL +176.600m	22 August 2024
105	Stage 1 Envelope Modification_Plan RL + 189.290m	22 August 2024
106	Stage 1 Envelope Modification_Plan RL +199.330m	22 August 2024
107	Stage 1 Envelope Modification_Plan RL +209.800m	22 August 2024
201	West Elevation	22 August 2024
202	South Elevation	22 August 2024
203	North Elevation	22 August 2024
204	East Elevation	22 August 2024
501	Stage 1 Envelope Modification_Axonometry	22 August 2024

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

(Amendment A – 19 June 2025)

(3) BUILDING HEIGHT

The height of the building must not exceed ~~RL 198.22 (AHD)~~ **RL 208.60(AHD)** to the top of the building and RL 69.89 (AHD) to the ~~parapet of the podium, and RL 76.00 (AHD) to the top of the podium.~~

(Amendment A – 19 June 2025)

(12) DETAILED DESIGN OF BUILDING

The Design Brief for the competitive design process and subsequent detailed Development Application must incorporate the following design requirements/ details:

- (a) Any structures or landscaping located on the upper level of the podium (above RL 69.89) are to be located and designed with regard to view sharing and privacy of adjoining residential development at 27 Park and 197 Castlereagh Street.
- (b) The Stage 2 Development Application must demonstrate a compatible response to the surrounding area in terms of facade treatments, articulation, massing and architectural character.
- (c) The length of the podium along Elizabeth and Castlereagh Street is to be relieved by modelling that interprets nineteenth century subdivision patterns.
- (d) The design of the podium is to ensure that significant views to and solar access to the sandstone facade of St Georges Church at 201A Castlereagh Street are maintained.
- (e) The podium should incorporate high quality materials including 'Yellowblock' sandstone quarried locally in the Sydney basin.
- (f) The tower is to be articulated to ameliorate wind impacts at street level and in Hyde Park.
- (g) Any through-site link must be designed in accordance with Section 3.1.2.2 of Sydney Development Control Plan 2012.
- ~~(h) There is to be no continuous awning in Elizabeth Street. Any awning is to be limited to entrances;~~
- (i) All street trees surrounding the site are to be retained.
- (j) The Stage 2 Development Application must demonstrate that the development is capable of achieving acceptable solar access to living room windows and private open space in accordance with the criteria contained in the Apartment Design Guide.

- (k) Extensive glazing that is unprotected from mid-summer sunlight is to be avoided. The detailed design must not rely on high performance tinting or glazing as a sun control device.

(Amendment A – 19 June 2025)

(16) SIGNAGE STRATEGY

~~Any Development Application for the detailed design and construction of the development must be accompanied by a signage strategy for the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs for the building.~~

(Amendment A – 19 June 2025)

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development is consistent with the strategic planning framework established for the site. In particular, the proposal is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it supports an increase in tourist and residential assets within the Central Business District and will foster a lively and engaging city.
- (B) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.
- (C) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (E) The proposal is consistent with the aims, objectives, and relevant provisions of the Sydney Local Environmental Plan 2012 for the reasons set out in the report.
- (F) The proposed building envelope is able to accommodate a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (G) The increased height and changes to setbacks of the building envelope are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the Detailed Design State Significant Development Application D/2024/854 (SSD 64090972).

- (H) The changes to the approved building envelope are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (I) The development, as modified, is in the public interest.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Jessica Symons, Senior Planner