

Item 7.**State Significant Development Application: 201-217 Elizabeth Street, Sydney - D/2024/854****File Number:** D/2024/854**Summary**

Date of Submission:	3 October 2024 Amended plans received 20 February and 1 May 2025
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:	\$924,927,531
Zoning:	The site is zoned SP5 Metropolitan Centre under the Sydney Local Environmental Plan (Sydney LEP) 2012. The proposed uses are residential accommodation, hotel accommodation and ancillary retail premises, which are permissible with consent in this zone.
Proposal Summary:	The Detailed Design State Significant Development Application seeks consent for the demolition of existing structures, removal of trees, remediation, bulk excavation and construction of a 55 storey mixed-use development comprising a 441 key hotel, 264 residential apartments, ground floor lobby, retail, ground plane public domain works and 5 basement levels for 267 car spaces. This application is referred to the Central Sydney Planning Committee (CSPC) as the cost of works exceeds \$50 million and constitutes a "major development" for the purposes of the City of Sydney Act 1988.

The Capital Investment Value of the hotel accommodation is more than \$100 million. The application was lodged as State Significant Development on 3 October 2024 in accordance with Section 13 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021. It is noted that on 13 December 2024, subsection 13(3) of the Planning Systems SEPP was changed enabling hotel accommodation of any value to be determined by the City.

On 7 February 2017, the then Minister for Planning delegated consent authority functions to the City in respect of the Concept State Significant Development 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 Environmental Impact Statement and Response to Submissions adequately address the Secretary's Environmental Assessment Requirements.

The proposed development generally complies with the planning controls that apply to the site. In particular, the development complies with the maximum floor space ratio and car parking development standards of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). Although exceeding the sun access plane that applies to the site, the proposed development has demonstrated that it is consistent with the relevant built form controls under the Sydney LEP 2012 and Sydney DCP 2012 with regard to street frontage heights, setbacks and building separation, and results in reduced overshadowing to Hyde Park at the winter solstice in comparison to the Concept Approval D/2017/349 (which also exceeded the sun access plane). The proposal is considered to result in acceptable impacts in relation to view loss, overshadowing and privacy.

The applicant has undertaken a competitive design process in accordance with the City's requirements. The scheme prepared by FJC Studio (then FJMT) was identified as the preferred scheme and most likely to achieve design excellence. The Detailed Design State Significant Development Application is substantially the same as the winning scheme and adequately addresses the recommendations of the competition jury.

The development achieves a high standard of architectural design with appropriate materials and detailing for the CBD environment. Sufficient building separation is provided to neighbouring heritage and mixed-use sites. The tower results in acceptable environmental impacts as discussed within the report and achieves a sufficient standard of sustainable design. The development provides sufficient landscaping on podium which will contribute to local biodiversity and visual amenity. The development therefore achieves design excellence in accordance with Clause 6.21(4) of the Sydney LEP 2012.

The proposal was notified and advertised between 29 October 2024 and 27 November 2024 by the City and the Department. In total 3 submissions were received. The submissions raised concerns about overshadowing to Hyde Park, impacts to the public domain, nearby heritage buildings, overprovision of hotels in the area, view, wind and construction impacts, reduced property values and compliance with the planning controls.

In response to the issues raised in submissions, the applicant submitted a Response to Submissions (RtS) on 20 February 2025 which provided additional information, revised architectural plans and justification for the proposal. Additional information relating to trees, traffic impacts, wind impacts, solar access and landscape drawings was submitted on 1 May 2025. The amended plans and information received in February and May 2025 were not re-notified as the proposed changes resulted in less impact compared to the original application.

The site is located over an existing Sydney Metro tunnel and as such, was referred to Sydney Metro for comment and recommended conditions. Sydney Metro provided their concurrence on 6 June 2025.

An amending Section 4.55(2) State Significant Modification Application (D/2017/349/A) to the approved concept building envelope is being assessed concurrently, proposing changes to height and setbacks and modification of design conditions. The amendments align with the winning design competition scheme, and this Detailed Design State Significant Development Application. Both applications are being presented to the CSPC for approval.

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

Development Controls:

- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (iv) Airports Act 1996 (Commonwealth) and Civil Aviation (Building Control) Regulation 1988
- (v) SEPP (Planning Systems) 2021
- (vi) SEPP (Biodiversity and Conservation) 2021
- (i) SEPP (Resilience and Hazards) 2021
- (ii) SEPP (Housing) 2021 and Apartment Design Guide (ADG)
- (iii) SEPP (Sustainable Buildings) 2022
- (iv) SEPP (Transport and Infrastructure) 2021
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

Attachments:

- A. Assessment Report
- B. Recommended Conditions of Consent
- C. Selected Drawings
- D. Design Competition Report
- E. Submissions

Recommendation

It is resolved that consent be granted to State Significant Development Application Number D/2024/854 (SSD 64090972) subject to the conditions set out in Attachment B to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal is consistent with the strategic planning framework by providing a high-quality mixed-use development in the City including new residential accommodation, hotel accommodation and retail floor space.
- (C) The proposal generally satisfies the objectives and provisions of the State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.
- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the design intent of the preferred scheme of a required competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the Central Sydney locality.
- (G) The proposed development is consistent with the amended concept approval for the site, being D/2017/349/A, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (H) Subject to the recommended condition of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (I) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Central Sydney locality, subject to the recommended conditions.

- (J) The application demonstrates design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012. The tri-partite tower design, materiality and siting contribute to the skyline and relate positively to the surrounding context. Sufficient separation is provided to maintain a good standard of amenity for adjoining properties and the public domain. The tower results in acceptable environmental impacts and achieve a good standard of environmental performance. The development provides landscaping on podiums which will contribute to local biodiversity and visual amenity. The development provides adequate and well-designed bike parking for residents, employees and visitors to the site and is suitably located close to good public transport.
- (K) The development is anticipated to create 844 construction and 310 ongoing operational jobs.
- (L) The development has provided sufficient information to address the SEARs.
- (M) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.
- (N) For the reasons above and as detailed in the assessment report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Jessica Symons, Senior Planner