

168 **Local Planning Panel**

16 October 2024

# Application details

Address: 39-41 York Street, Sydney

Application: D/2024/163

<sup>169</sup> Applicant: The Trustee for Invictus Pacific Alpha Trust

Owner: The Trustee for Invictus Pacific Alpha Trust

Architect/Designer/Consultants: Bates Smart Architects / Urbis

# Proposal

change of use of existing building from 'office' to 'hotel' including:

- internal alterations to accommodate 152 hotel rooms, ground floor lobby and food and drink premises, gymnasium on level 1 and a rooftop bar with outdoor seating
- conversion of existing basement car parking for hotel back-of-house and plant/equipment with loading bay from York Lane
- upgrade of facade with awning on Erskine Street

# Recommendation

approval

# Reason reported to LPP

The application is reported to the LPP for determination as is a “sensitive” development being:

- a development that requires a hotel (general bar) licence under the Liquor Act 2007

# Notification

- exhibition period 18/03/2024 to 09/04/2024
- 206 owners and occupiers notified
- no submissions received

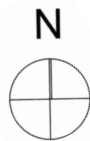
# Proposal

173



# Site

174





site

looking north-west along York Street





York St Colonnade



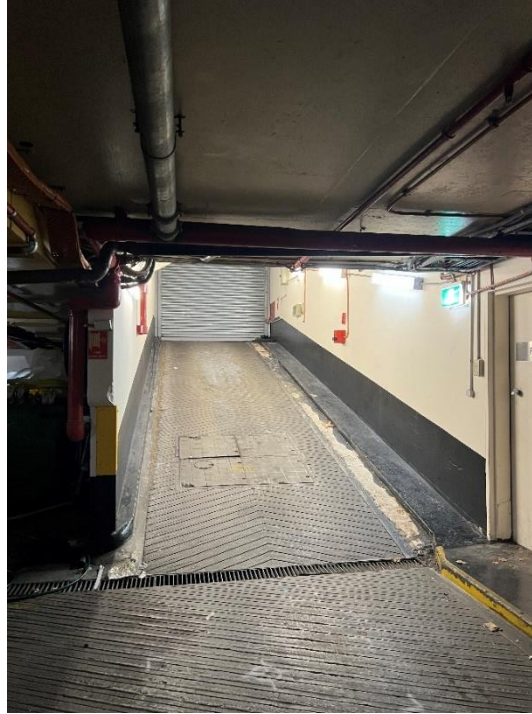
Erskine Street



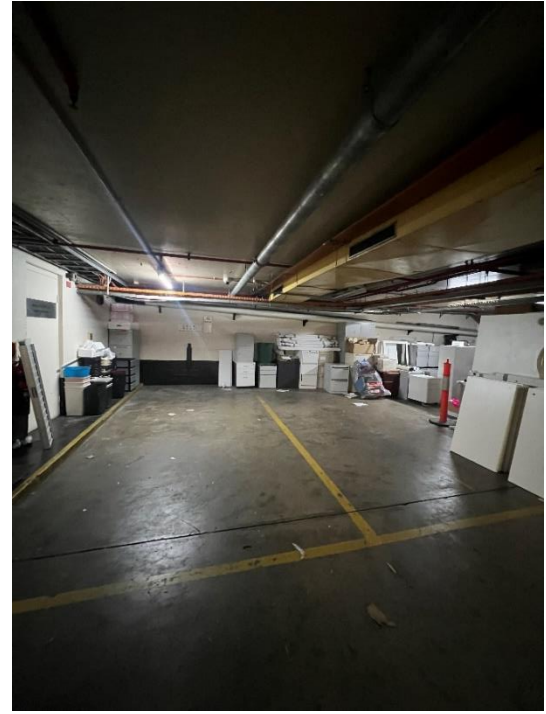
York Lane

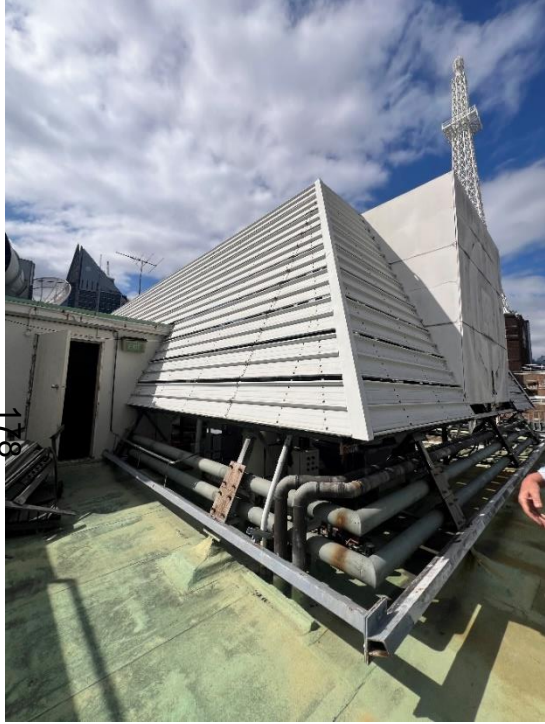


vehicle access from  
York Lane



basement access ramp and parking

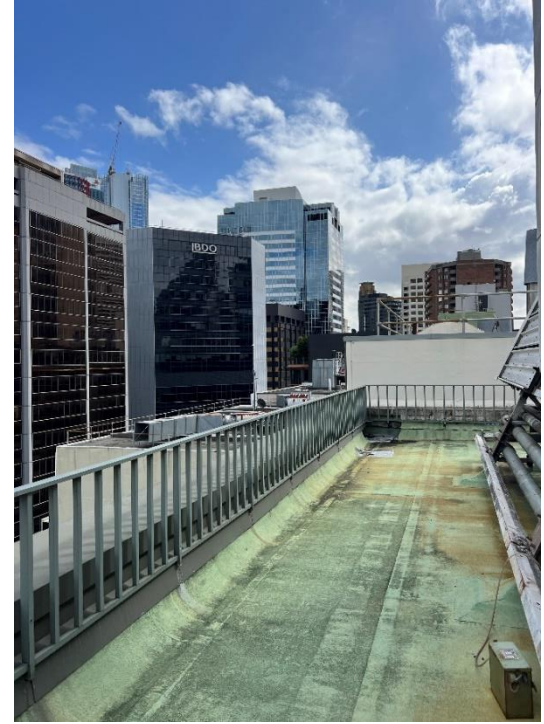




existing roof services



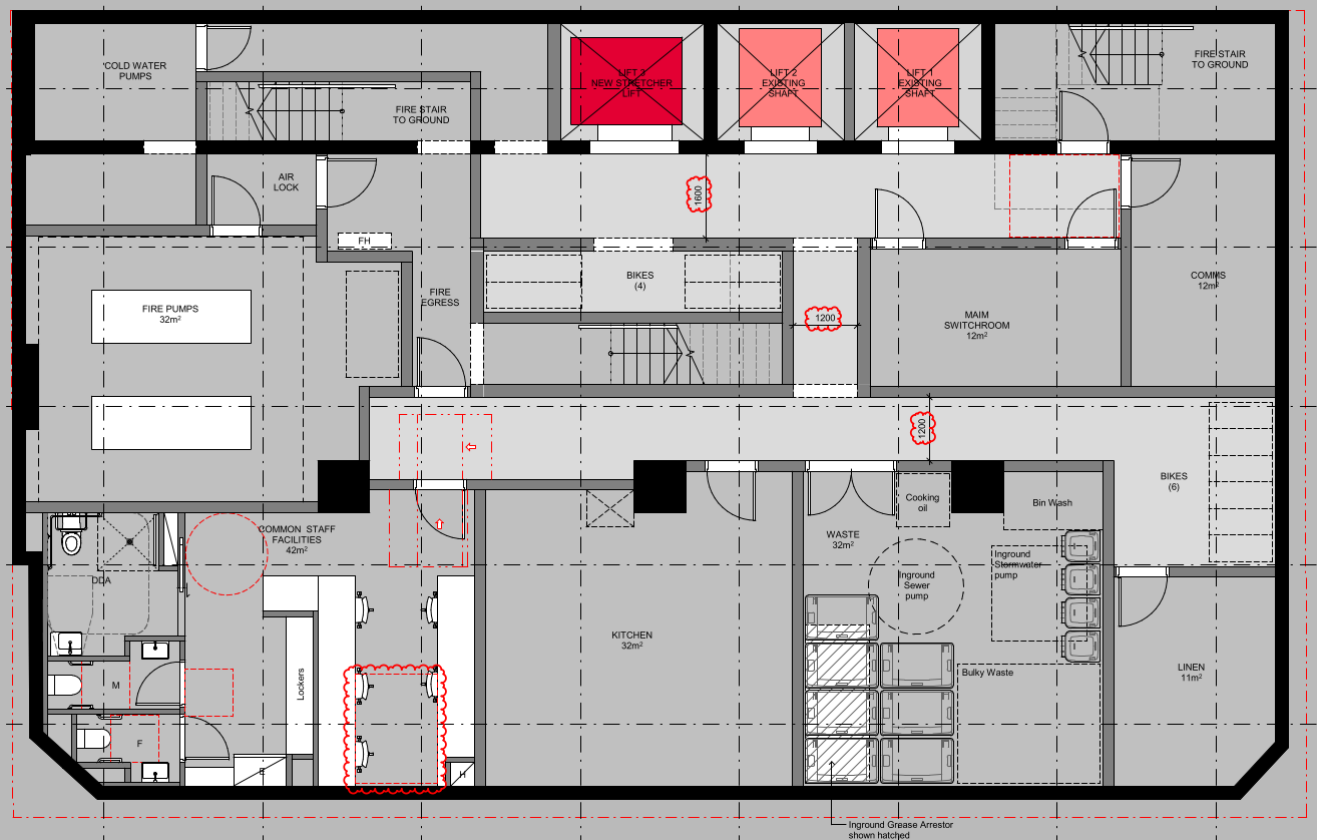
view of 49-51 York Street



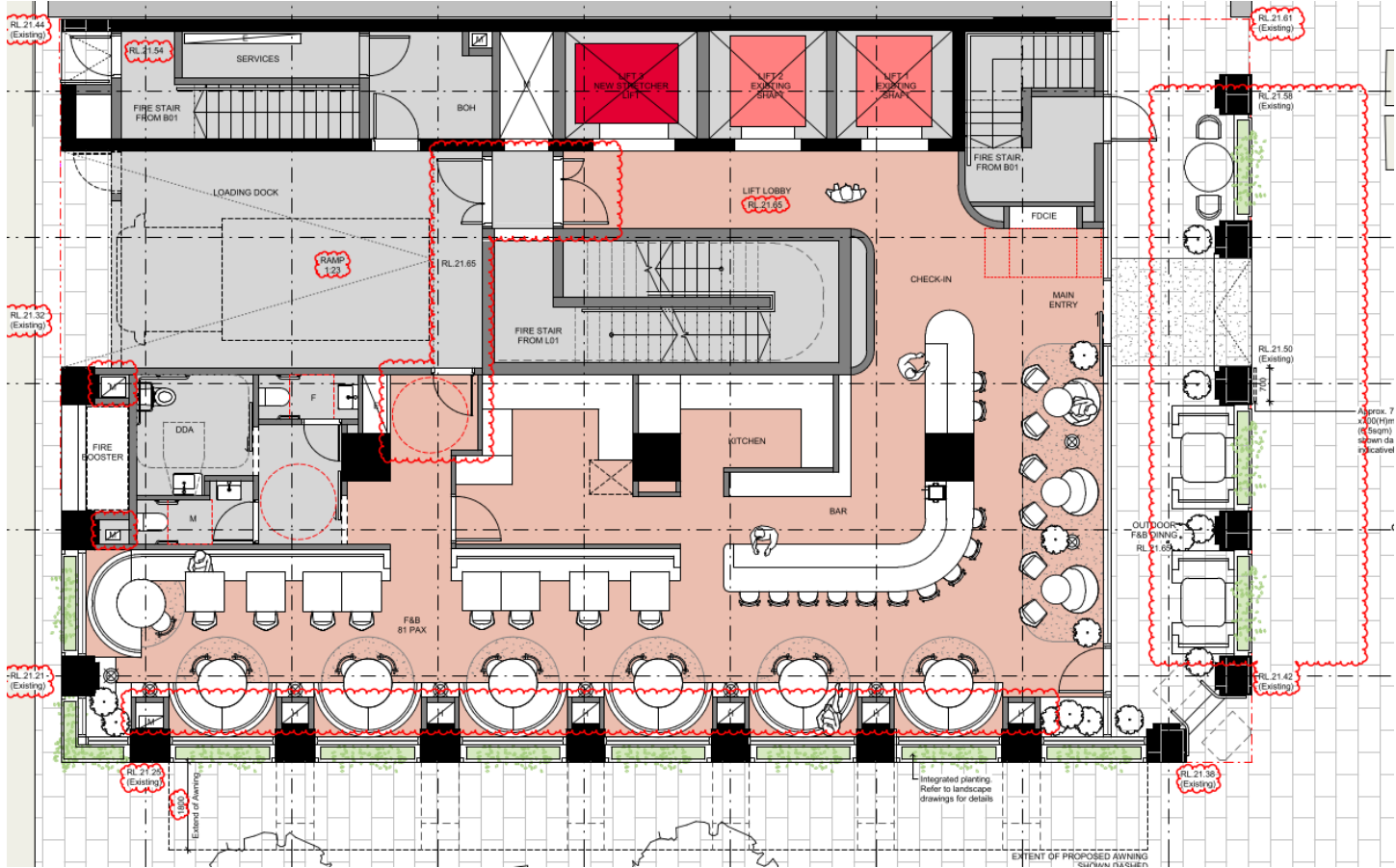
rooftop view - facing south

# Proposal

179



basement 01



ground floor

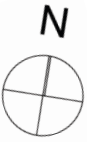


ERSKINE STREET

YORK STREET

level 1

181



typical levels 2 - 14

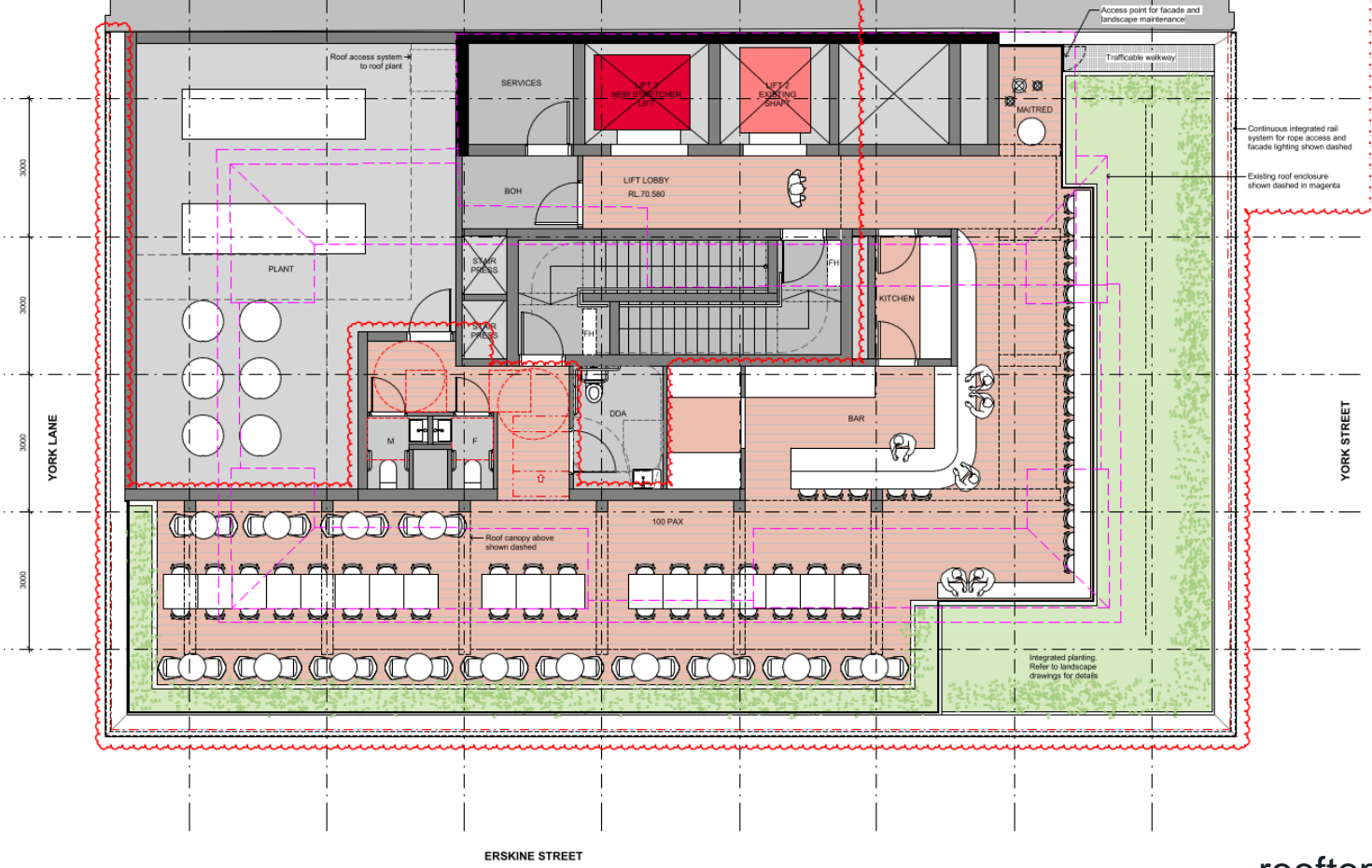
ERSKINE STREET

YORK LANE

YORK STREET

182

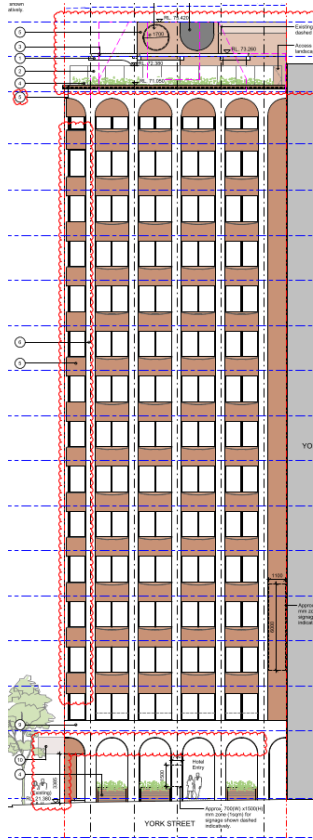
3000  
3000  
3000  
3000



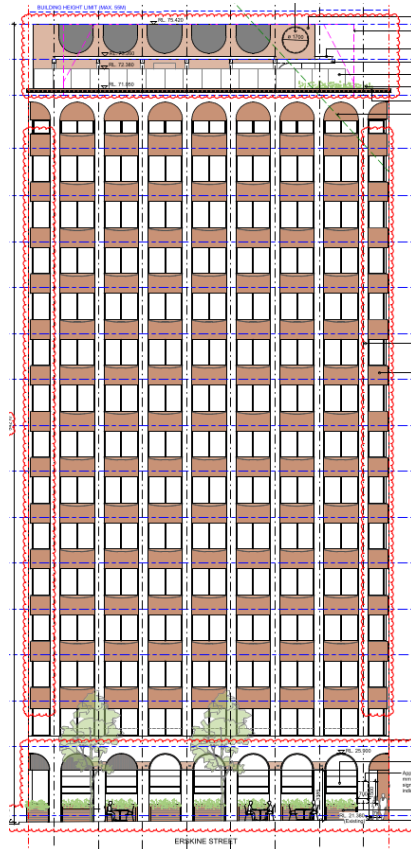
ERSKINE STREET

rooftop bar

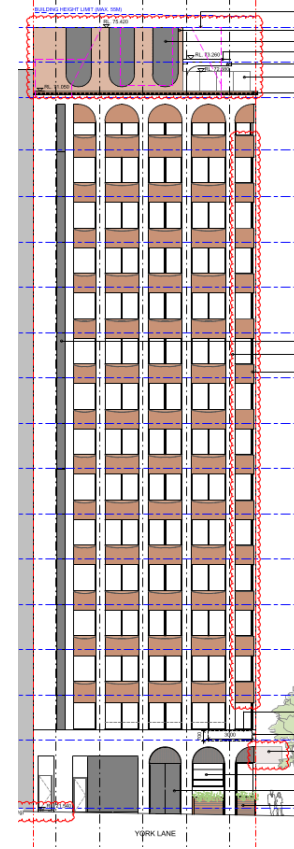




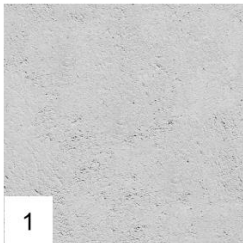
York Street



Erskine Street

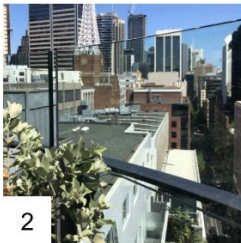


York Lane



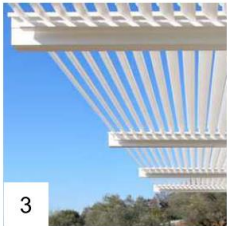
1

Precast Concrete Canopy



2

Glass Balustrade



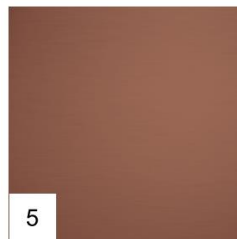
3

Retractable Metal Awning, Bronze Metallic Finish



4

Intergrated Planting



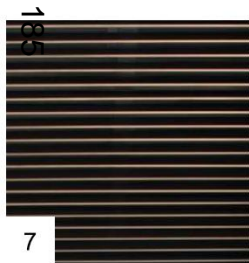
5

Solid Aluminium Cladding, Bronze Metallic Finish



6

Existing Concrete Tower Facade, New Patching/Staining



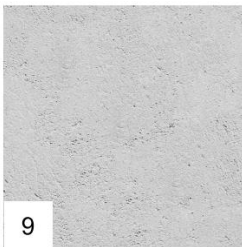
7

Aluminium Louvre, Bronze Metallic Finish



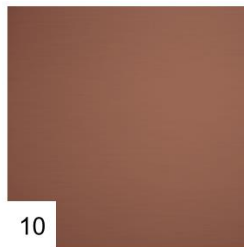
8

Aluminium Framed Guillotine Window



9

Concrete Finish to Ground Floor Facade



10

Metal Awning, Bronze Metallic Finish

# Compliance with key development controls

	control	proposed	comply
height	55m (area 3)	54.83m	yes
floor space ratio	8.41:1 Maximum 14:1	11.93:1	yes
sun access plane	Wynyard Park - no additional overshadowing all year 12-2pm	no additional overshadowing	yes

# Compliance with key development controls

	control	proposed	comply
Street frontage height	45m	49m – street frontage height remains unchanged	no - acceptable as existing
building setbacks	10m from side boundary	5m from both York and Erskine (rooftop)	no - variation supported

# Compliance with key development controls

	control	proposed	comply
Passenger pick up and set down area 188	2 car spaces plus 1 bus/coach	none proposed	no – acceptable as building being retained and central CBD location
Room sizes	rooms minimum size per person	vary from 15sqm – 22sqm	yes

# Compliance with key development controls

	control	proposed	comply
rooftop outdoor	7am to 10pm base 7am to 1am extended	6am to 1am	no
ground floor indoor	6am to 12 midnight base 24 hours extended	6am to 12 midnight	yes
ground floor outdoor	10am to 10pm base	7am to 10pm base 9am to 1am extended	no

# Design Advisory Panel Residential Subcommittee

Reviewed application on 7 May 2024. The panel supported the repurposing and upgrade of the building and made the following comments:

- alternative roof design should meet Sun Access Plane requirements
- footpath awnings should be redesigned for better weather protection
- consideration should be given to providing bathroom facilities for the gym
- the following should be investigated:
  - potential of providing an additional street tree
  - opportunity to provide more natural light internally
- the architectural expression should be refined

These issues have generally been addressed in amended plans

# Issues

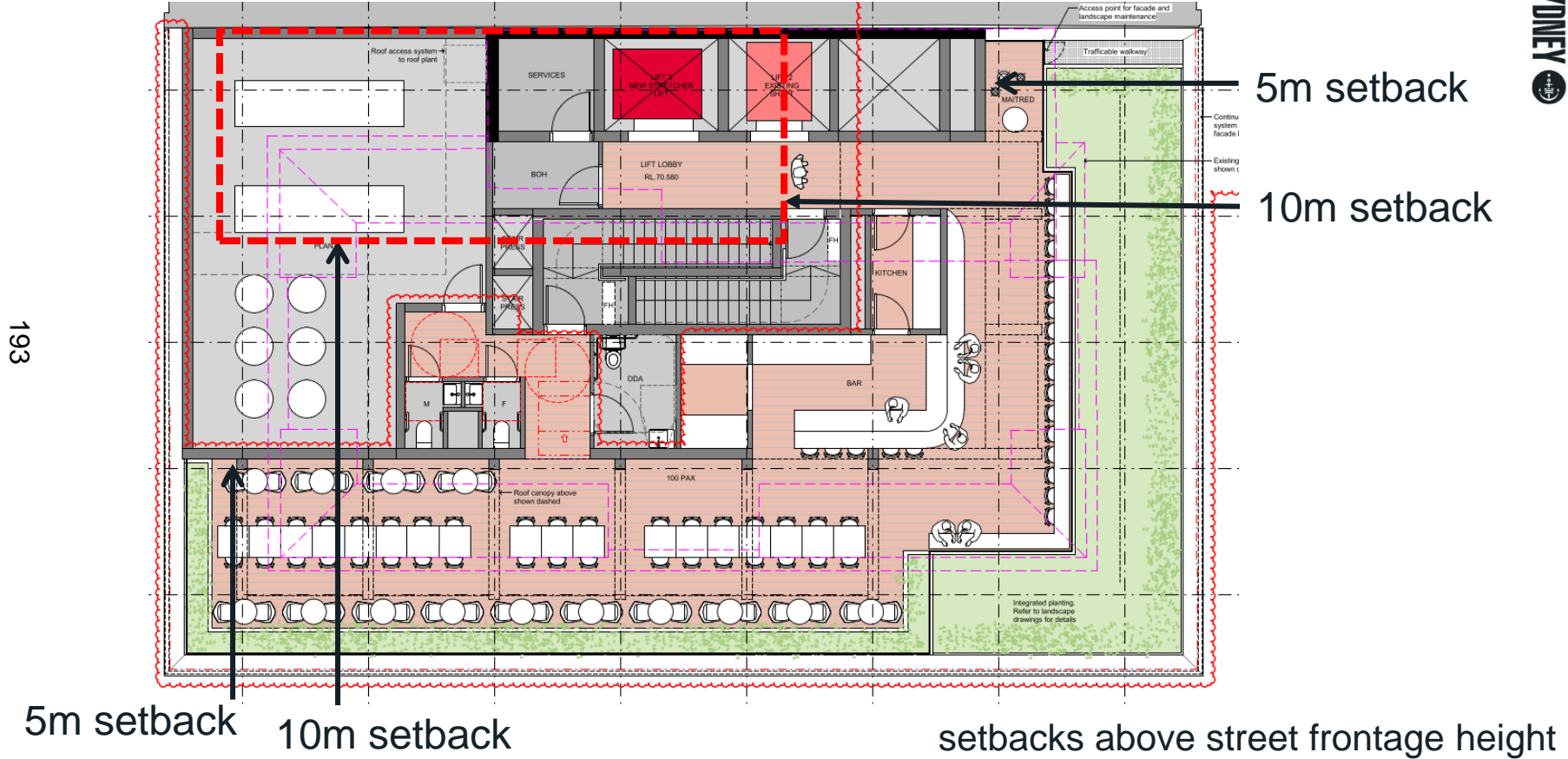
- setback above Street Frontage Height
- hours of operation and noise



# Street frontage height & setbacks

- 45m street frontage height control
- street frontage height to remain unchanged at 49m
- DCP requires 10m set back above street frontage height
- 5m setback proposed from both York & Erskine Street (retractable awning within set back)
- built form above street frontage height restricted to two floors (bar with plant above)
- setbacks greater than existing
- no adverse impacts – non compliance supported

# Street frontage height & setbacks



# Hours of operation & noise

	control	proposed	recommended
rooftop outdoor	7am to 10pm base 7am to 1am extended	6am to 1am	base 7am-10pm  extended hours 6am-1am for 1-year trial
ground indoor	6am to 12 midnight base 24 hours extended	6am to 12 midnight	base 6am to 12 midnight
ground outdoor	10am to 10pm base	base 7am to 10pm 6am to 1am extended	base 7am-10pm  extended hours 6am-1am for 1-year trial

# Hours of operation & noise

- hours of operation & acoustic impacts managed by recommended conditions:
  - hours of operation including trials
  - acoustic report
  - plan of management

# Recommendation

Approval subject to conditions