

City of Sydney

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NOTICE OF DETERMINATION – REFUSAL issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2008/1590
Applicant	HORIZON DEVELOPMENT COMPANY PTY LIMITED PO BOX 308 POTTS POINT NSW 2011
Land to be developed	31-33 OXFORD STREET , SURRY HILLS NSW 2010
Proposed development	Internal building works to reduce noise impacts from the nightclub (formerly known as UN/DCM) and increased hours of operation to between 6:00pm and 3:00am Sunday to Thursday; and 6:00pm to 6:00am Friday, Saturday and any night preceding a public holiday.
Cost of development	\$200 000
Determination	The application was determined under delegation of Council and was refused consent.
Date of refusal	22 October 2008

Reasons for refusal

1. The proposal does not meet the aims of the Sydney Local Environmental Plan 2005, specifically Clauses 11(a)(b)(c)(d) as the trading hours are not considered to
 - (a) protect and enhance the diversity and special qualities of the City of Sydney, and its surrounding areas,
 - (b) establish the City of Sydney as the best place to live in, work in and visit,
 - (c) foster environmental social and physical well being so the City of Sydney can continue to develop as an integrated, balanced, sustainable and prosperous living city of world standing, and,
 - (d) encourage orderly, sustainable and high quality development of land and other resources within the City of Sydney.
2. The proposal does not meet the aims of the Sydney Local Environmental Plan 2005, specifically Clause 12(f) as the trading hours are not considered to enhance the amenity of residents, workers and visitors of the city.
3. The proposal does not satisfy the relevant objectives of the Central Sydney Development Control Plan 1996 Clause 9.1.2(iii) in that the impact of the proposal on

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surrounding residential dwellings and the public domain has not been reasonably assessed.

4. The proposal does not satisfy the relevant objectives of the Central Sydney Development Control Plan 1996 Clause 9.1.2(iv) in that the proposed hours, without trial periods, is considered to prevent the impact of the premises on surrounding amenity and desired future character of the street from being assessed and monitored.
5. The proposed hours of operation do not comply with the City of Sydney Late Night Trading Premises Development Control Plan 2007.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you received this notice.

Alternatively, you may request a review of this decision by the City's Small Permits Appeals Panel under section 82A of the Environmental Planning and Assessment Act 1979, within 1 year of the date of this notice (N.B. Section 82A is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. An application form is available at Council's One Stop Shop. A fee is payable, to a maximum of \$500.

GIOVANNI CIRILLO

Director - City Planning & Regulatory Services