

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/2008/1919
Applicant	HORIZON HOTELS TWO PO BOX 308 POTTS POINT NSW 2011
Land to be developed	31-33 OXFORD STREET, SURRY HILLS NSW 2010
Proposed development	Change of use from retail to licensed premises for 85 people on the ground floor (in association with the premises formerly known as DCM/UN on the first and second floors) with associated alterations and additions to the internal layout, construction of a smoking area to the ground floor front facade and trading hours between 11.00am to 3.00am the following day Sundays to Thursdays and between 11:00am and 5:00am the following day Fridays and Saturdays and any night proceeding a public holiday.
Cost of development	\$200 000
Determination	The application was determined under delegation of Council and was refused consent.
Date of refusal	16 December 2008

Reasons for refusal

1. The proposal is inconsistent with the aims and strategies of the Sydney Local Environmental Plan 2005. Specifically, Part 2 – Aims, Strategies and Principles of this Plan, clause 11(a), (b), (c) and (d) and clause 12(f), (g) and (o).
2. The proposal is inconsistent with Part 6 of the Sydney Local Environmental Plan 2005. Specifically, Part 6 – Special Provisions for Certain Uses, clause 28(a) and (b) and clause 29 (a), (b) and (c).
3. The proposal is inconsistent with the objectives of the City Edge Zone, specifically clause 38(a), as outlined in the Sydney Local Environmental Plan 2005.
4. The proposal is inconsistent with the aims and objectives of the Central Sydney Development Control Plan 1996. Specifically, Part 9 – Special Controls for Certain Uses, clause 9.1 – ‘Objectives’ and 9.1.2 (iv).
5. The proposal is inconsistent with the aims, objectives and controls of the City of Sydney Late night Trading Premises Development Control Plan 2007 as the proposed

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hours of operation do not comply with the maximum trading hours as outlined in the DCP.

6. The proposal is not in the public interest.

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.

BILL MACKAY

A/Director - City Planning & Regulatory Services