



Council Ref: DA 404/2020/1:Mr S Kaposi:cgo
Planning & Development Division

4 February 2021



Mr D Owens
PO Box 175
BONDI JUNCTION NSW 1355

Dear Sir/Madam,

Notice of Determination of a Development Application

Application No: DA 404/2020

Property: 136 Queen Street WOOLLAHRA 2025

Applicant: Mr D Owens

Proposal: Change of use of the ground floor premises to a wine and liquor store and the associated works with new signage, and refurbishment of the commercial premises on the upper floor

Pursuant to Section 4.18 of the Act, notice is given of the refusal of development consent by the consent authority of DA404/2020 for Change of use of the ground floor premises to a wine and liquor store and the associated works with new signage, and refurbishment of the commercial premises on the upper floor on land at 136 Queen Street WOOLLAHRA 2025.

Statement of Reasons for Refusal

1. Woollahra Local Environmental Plan 2014, Part 1, Clause 1.2 – Aims of Plan

The proposed development is unacceptable because it does not comply with:

- Part 1, Clause 1.2(2)(a) - The proposal does not ensure that growth occurs in a planned and co-ordinated way.
- Part 1, Clause 1.2(2)(g) - The proposal has not adequately demonstrated that the amenity of surrounding residents will be protected in terms of potential social impacts.
- Part 1, Clause 1.2(2)(l) - The proposal, being a packaged liquor store, does not achieve the desired future character of the area in terms of potential social impacts and an over-supply of existing liquor outlets.

2. Woollahra Local Environmental Plan 2014, Part 2, Land Use Table - Zone

The proposed development is unacceptable because it does not comply with the intent of the objective as stated in bullet point 4 of the B4 Mixed Use zone, for the following reason:

- The application has not demonstrated that the proposal will be compatible with the amenity of the surrounding residential area in terms of the potential social impacts

arising from the sale of alcohol as well as the over-saturation of liquor outlets in Woollahra.

3. Woollahra Development Control Plan 2015, Chapter F3 – Licensed Premises

The proposal is unacceptable with regard to Chapter F3 of the Woollahra DCP 2015 for the following reasons:

- The proposal has not adequately demonstrated that it minimises the impact of licensed premises on the amenity of nearby residential properties in terms of the close proximity of nearby and adjacent residential properties; the existing and likely cumulative social impacts; the density of licensed premises in the suburb of Woollahra; and the recommendations of the NSW Police who strongly object to the proposal, as required by Objective O1 and Controls C1(a), C1(e), C1(g) and C1(i).
- The proposal has not demonstrated that it has formulated appropriate management practices to minimise anti-social behaviour on surrounding residential areas, as required by Objective O4 and Control C7.

4. Public interest

The proposal is not in the public interest.

Determination Date

Made on 4 February 2021.

Review of Determination and Right of Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr S Kaposi, Assessment Officer on (02) 9391 7155.

Division 8.2 of the Act confers on the applicant a right to seek review of Council's determination provided an application is made to Council within 6 months of the determination.

Section 8.7 gives you the right to appeal to the Land and Environment Court within 6 months of the date on which you receive this Notice. Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing. This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved.

Signature on behalf of the consent authority

Thomass Wong
Team Leader – Development Control

