



# 2011 Residents' Association Inc.

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4<sup>th</sup> January 2017

Dear Lord Mayor and Councilors

I would like to draw your attention to the DA and FA cited below that have been submitted by management of The Bourbon Hotel and which are under consideration.

**D/2013/698/B [under consideration]  
Footway Application (FA/2016/323)** lodged and is being assessed concurrently.”

***The Proposal is to delete condition 3 of current DA and/or extend FA.***

**Location:**

The Bourbon Hotel  
22-28 Darlinghurst Road POTTS POINT NSW 2011  
Site capacity 400 patrons inside + 24 outside.  
Hours to 5am every day  
Liquor Licence No: LIQH4001100111 Type: Full Hotel Licence

In the “Description Section 96(2) they ask to delete Condition 3 (Time Limited Consent) which will permit ‘the continuation of use of the Darlinghurst Road footway for outdoor seating in association with the licensed premises known as The Bourbon’. Seating consists of 6 tables, 24 chairs and 7 planter boxes. Proposed hours 10am to 10pm, 7 days.

**Our Objections:**

- This proposal would in fact give the owners use in perpetuity - a ‘gift’ as it were of public land. Once DA approval is given it is my understanding it cannot be rescinded. It then creates a precedent for extension of use and taking over more public land by the owner or other owners eager to receive similar financial benefit.
- Consent to remove this clause would remove planning certainty, clarity and consistency in this high-density residential area. There are over 855 residents living within 75 meters of the Bourbon Hotel. There are also other liquor outlets – Hotels and clubs in close proximity to the Bourbon the owners of which will assess competitive impacts of any changes made to DA’s or FA’s granted and will seek parity. The cumulative effects of any FA/DA approvals need to be assessed and considered in the interests of the public.
- The application is premature in that the expiry date for the FA is not until 6th September 2018. This means approval would, if granted, be given without a suitable trial period. It is noted that the applicant has already breached its FA and DA and continues to do so – notably excessive noise from music which can be heard as far away as the Fountain and across Darlinghurst Road. In addition, they have unauthorised sandwich boards on the footpath and no FA plan or approval notice is visible.

- The footpath is narrow and the existing layout of tables, chairs, and planter boxes restricts pedestrian traffic at what is a major pedestrian crossing. The Bourbon has been granted more outside space than is desirable given the volume of pedestrian traffic.
- This outdoor seating is in an area that has alcohol-freeze zoning provisions. Council's own signage prohibits drinking on streets of which the footway is a component.

**Summary:**

**On the basis of the above objections we request the above-mentioned DA and the above-mentioned FA, also under consideration, be "called in" for Councillors' consideration and refused in the public interest.**

We believe residential amenity and public interest needs to step up in priority and that parity and equity for businesses in the area also be ensured. The decisions made have long lasting impacts and need to be made in a public forum with due community consultation.

Regards

Helen Crossing  
Convenor, 2011 Residents Association