



2011 Residents' Association Inc.

ABN 78 862 101 665

PO Box 1513
Potts Point NSW 1335

30 September 2014

Dear Councillors

Application Number: D/2013/698/A and FA/2014/250)

Location:

22-28 Darlinghurst Road POTTS POINT NSW 2011

Description:

Continuation of use of the Darlinghurst Road footway for outdoor seating in association with the licensed premises known as The Bourbon. Seating consists of six tables and 24 chairs. Proposed hours 10am to 10pm, 7 days. An associated Footway Application (FA/2014/250) has also been lodged and is being assessed concurrently.

Applicant: CHEUNG PROPERTIES PTY LTD

The Residents' Association is writing on behalf of its constituents to object to the proposal to amend both the FA [FA 2014/250] and DA [DA 2013/698] simultaneously and, delete important conditions of consent relating to scrutiny of non-compliance.

The site is a category A high impact premises with a capacity of more than 120 patrons, so monitoring of their compliance to imposed conditions is extremely important to ongoing residential amenity, and to the sustainability of other businesses in the area.

The applicant has asked to amend the DA by deleting condition 3 entirely. Condition 3 is important and requires council to take into account Police and non-compliance history [condition 3(b)] and requires that another DA must be lodged in 12 months [condition 3(a)].

The applicant says Council has no powers to impose condition 3(a) as it only applies to premises operating outside after 10pm. We would argue that this is incorrect: council does have the power and obligation to impose such a condition.

The applicant also seeks to amend the DA condition of consent, 3(b) by deleting it. This allows council to seek the views of NSW Police force and substantiated complaints made about the premises, and to take them into account when considering whether they can continue to trade outside after the trial period. This we believe is reasonable and means that the trial period can be retracted if not well managed.

The Bourbon is in a sensitive Heritage Conservation Area and a high density urban area with about 880 residents living in apartments either abutting or within a 90 metre radius. Consideration must be given to residents and businesses in the area.

Deletion of condition 3 is not in the public interest and thus contrary to section 79 C EP & A Act.

Yours sincerely,

Helen Crossing
Convenor 2011 Residents' Association.

