

Development Application No. 210/17

Notice of Determination

Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”)
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the
Regulation”)

Applicant’s Name

Dai Hung Tran
24 Willoughby Road
CROWS NEST NSW 2065

Land to which this applies

18-24 Willoughby Road, Crows Nest
Lot No.: 1, DP: 610792

Proposal

Extend trading hours of bakery premises to Saturday, 12 Midnight to 5pm and Sunday,
12 Midnight to 5pm.

Determination of Development Application

Subject to the provisions of Section 4.17 of the Environmental Planning and
Assessment Act 1979, the subject application has been refused for the reasons stated
below.

Reason for refusal

1. The proposed extension of hours to an existing retail floor & drink premises is inconsistent with Council’s Late Night Trading hours identified in Section 7.3 of the North Sydney DCP 2013, the objectives for development within the B4 Mixed Use zone and the aims of objectives of the North Sydney LEP 2013. The proposal to extend trading hours is not supported due to the potential for increased late night crime, noise and waste generation resulting from the late night use of the premises.

Particulars:

- i. The use of the premises between 12am midnight and 6am would encourage anti-social behaviour associated with the use which would encourage unsuitable late night uses that is inconsistent Council policy for development in the Crows Nest Town Centre.

- ii. NSW Police has advised Council of a history of anti-social behaviour associated with late night trading premises in the locality including retail food & drink premises. Late night trading from the premises is not supported and due to the potential for late night crime and ongoing issues with noise and waste generated from the premises during early morning hours.
- iii. The applicant has not provided sufficient basis to support late night trading at this location.
- iv. The extension of operating hours between 12am midnight and 6am would set an undesirable precedent in the locality and could not reasonably be managed through operating conditions.
- v. The site is located within close proximity of a number of licensed premises, including primary service authorised premises and bars, that would contribute to a concentration of late night anti-social behaviour in proximity to the premises and which would result in an unacceptable risk to the safety and security of the public.

How were community views taken into account in making the decision

The owners of the adjoining properties and the Holtermann Precinct were notified of the development between 14 July 2017 and 28 July 2017 pursuant to Part A Section 4 of the North Sydney Development Control Plan 2013. No public submissions were received.

Review of determination and right of appeal

Within 6 months after the date of determination, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)