

DA201600002 CLEN4

MODIFIED DETERMINATION NO. 15942

4 April 2016

MR PS BULL
6 Woodcourt Street
MARRICKVILLE NSW 2204

Dear Sir,

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT")
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of Development Application No. 33/95 to use the ground floor shop (known as Shop 2) for the purposes of a food and drink premises relating to property situated at:

11/360 NEW CANTERBURY ROAD, DULWICH HILL

In determining this application, the Council considered all matters listed under Section 79C of the Act that are relevant to the Development Application.

The Development Application was determined on 20 April 1995 by:

- (a) Granting consent to the proposed use with the hours of operation being restricted to between 8.00am and 12.00 midnight Mondays to Saturdays and 9.00am to 10.00pm Sundays and Public Holidays, subject to the terms and conditions set out in the First Schedule; and
- (b) Refusing consent to the proposed hours of operation from 12.00 midnight to 2.00am the following day Mondays to Thursdays, 10.00pm to 2.00am the following day Sundays and 12.00 midnight to 4.00am the following day Fridays, Saturdays and Public Holidays.

FIRST SCHEDULE

1. The development being carried out substantially in accordance with the plan and details submitted to Council on 2nd February 1995 with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application as submitted by the applicant

2. The area to be used for the take away food shop being restricted to the ground floor shop area known as Shop 2.
Reason: To ensure that the use is not expanded within the premises without the prior approval of Council.
3. Not more than twenty (20) seats being installed within the shop area without the prior approval of Council.
Reason: To ensure the usage of the premises is not intensified without a further review of the off-street car parking facilities available for the development
4. One (1) off-street car parking space being maintained at all times to Council's satisfaction in respect of the use approved in this Consent.
Reason: To ensure practical off-street car parking is available.
5. Council applying Clause 21 of its Off-Street Parking Code to waive the requirement of one (1) additional off-street car parking space required for the development unable to be provided on site.
Reason: No intensification of usage of the premises is proposed.
6. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Council's Advertising Code and Ordinance 55.
7. The hours of operation being restricted to between the hours of 8.00am to 12.00 midnight Monday to Saturdays and 9.00am to 10.00pm Sundays and Public Holidays.
Reason: To ensure that the use of the premises does not interfere with the amenity of the surrounding neighbourhood, and provide some respite to occupants of that neighbourhood.
8. Not more than two (2) pinball machines or amusement machines or the like being installed in the premises, and the premises not being used for the purposes of gambling.
Reason: To comply with the requirements of Marrickville Development Control Plan No 3 - Refreshment Rooms.
9. Compliance with the requirements included in paragraphs (a), (g), (h), (i), (n), (p), (v), (w) and (x). of the Standard Town Planning Conditions, annexed hereto, all of which paragraphs shall be deemed to be included in, and form part of, the conditions attached to this Consent.
Reason: As per the reasons specified on the annexure.

SECOND SCHEDULE

1. The trading hours between 12.00 midnight to 2.00am the following day Mondays to Thursdays, 10.00am to 2.00am the following day Sundays, and 12.00 midnight to 4.00am the following day Friday, Saturday and Public Holidays would result in a significant loss to the amenity of the surrounding residential neighbourhood by way of disturbances to the quiet and good order of the neighbourhood caused by noise of patrons and their vehicles and delivery vehicles and thereby not provide any opportunity

for respite for the residents of the surrounding residential neighbourhood from the operation of the take away food shop.

This consent is effective and operates from 20 April 1995. The consent will lapse unless the proposed development is commenced in accordance with Section 95 of the Act.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Nash', followed by a period.

Patrick Nash
Senior Planner

Enquiries: Kaitlin Zieme on .93925379

Ref: **D1A** TRIM Doc. 38327.16

ENGLISH

IMPORTANT

This letter contains important information. If you do not understand it, please ask a relative or friend to translate it or come to Council and discuss the letter with Council's staff using the Telephone Interpreter Service.

GREEK

ΣΗΜΑΝΤΙΚΟ

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Αν δεν τις καταλαβαίνετε, παρακαλείστε να ζητήσετε από ένα συγγενή ή φίλο να σας τις μεταφράσει ή να έλθετε στα γραφεία της Δημαρχίας και να συζητήσετε την επιστολή με προσωπικό της Δημαρχίας χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

PORTUGUESE

IMPORTANTE

Este carta contém informação importante. Se não o compreender peça a uma pessoa de família ou a um/a amigo/a para o traduzir ou venha até à Câmara Municipal (Council) para discutir o assunto através do Serviço de Intérpretes pelo Telefone (Telephone Interpreter Service).

ARABIC

هَامَ
تحتوي هذه الرسالة معلومات هامة. فإذا لم تستوعبها يرجى أن تطلبوا من أحد أقربائكم أو أصدقائكم شرحها لكم، أو تفضلوا إلى البلدية واجلبوا الرسالة معكم لكي تناقشوها مع أحد موظفي البلدية من خلال الاستعانة بخدمة الترجمة الهاتفية.

VIETNAMESE

THÔNG TIN QUAN TRỌNG

Nội dung thư này gồm có các thông tin quan trọng. Nếu đọc không hiểu, xin quý vị nhờ thân nhân hay bạn bè dịch giúp hoặc đem đến Hội đồng Thành phố để thảo luận với nhân viên qua trung gian Dịch vụ Thông dịch qua Điện thoại.

MANDARIN

重要资料

本信写有重要资料。如果不明白，请亲友为您翻译，或到市政府来，通过电话传译服务，与市政府工作人员讨论此信。