

Attachment C

Original Notice of Determination

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	D/2025/585 PAN-546889
Applicant	SLR CONSULTING AUSTRALIA PTY LTD PO BOX 907 HAMILTON NSW 2303
Description of development	Alterations and additions for use as takeaway food and drink premises with associated signage. Proposed operation for 24 hours, 7 days a week.
Property	212-214 King Street, NEWTOWN NSW 2042
Determination	Refused Consent Authority - Local Planning Panel
Date of determination	15 October 2025

Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

- A. The application has been assessed in accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979 ('the Act') and it is considered the proposed takeaway food and drink premises is not suitable for the site for the following reasons:
 - i. The proposal does not adequately demonstrate safe and practical pedestrian access to the site and along the footway, particularly considering the proposed servicing arrangements and food delivery riders expected to use the premises that will conflict with pedestrian flow on the footpath. The proposal does not provide on site parking spaces for delivery riders, which will likely result in parked bicycles or motorcycles obstructing the public domain.
 - ii. The proposal to operate 24 hours a day, 7 days a week does not comply with the late-night trading management objectives and provisions under section 3.15 of the Sydney Development Control Plan 2012 and would likely have a significant impact on the locality.
- B. The proposal does not comply with the design excellence provisions under Clause 6.21C of the Sydney Local Environmental Plan 2012 as it does not sufficiently respond to the suitability of the land for development, impact on the public domain and the pedestrian, cycle, service access and circulation requirements.

- C. The proposal does not comply with the relevant objectives and provisions of the Sydney Development Control Plan 2012, including controls relating to waste management, hours of operation, transport and parking, and the public domain.
- D. The proposal does not demonstrate proper management relating to public safety risks, crime prevention and other concerns raised by the NSW Police in their comment on the proposed development.
- E. Matters raised by internal and external referrals have not been addressed and are unresolved, particularly that the proposal does not provide onsite bicycle parking spaces and a loading zone. It is not possible to mitigate or minimise the unresolved impacts through conditions of approval.
- F. The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1),(b),(c) and (e) of the Environmental Planning & Assessment Act, including that the proposed development is not in the public interest.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made, and reviewed, within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



per

GRAHAM JAHN AM

Executive Director - City Planning, Development & Transport

Person on behalf of the consent authority

For further information, please contact **Cissy Li** ph. **02 9265 9730**, email **CLi1@cityofsydney.nsw.gov.au**.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.