

27 October 2006

Brian Adams
PO Box 309
Collaroy Beach NSW 2097

2002/0212MOD3
CC (PAS)

Dear Sir / Madam,

**RE: 1060,1062 & 1064 PITTWATER ROAD, COLLAROY
MODIFICATION OF DEVELOPMENT CONSENT NO. 2002/0212**

I advise that the request to modify the above-mentioned Development Consent has been approved on **24 October 2006** and determined as follows:

“That the Development Application No: 2002/212/3 for modification 3 change to conditions 20 and 22 with respect to trading hours and patron numbers, at Lot 23, DP 218990, 1060 Pittwater Road, Collaroy, for an increase in permissible patronage levels and trading hours be approved subject to a trial period of 7 months as detailed below:

A. *Condition No. 20 being modified to read as follows:*

20. (a) *The hours of operation of the premises are to be restricted as follows:*

7.00am to Midnight Monday through to Thursday

7.00am to 3.00am Friday and Saturday

7.00am to 11.00pm Sunday

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no person shall be permitted entry and all patrons on the premises shall be required to leave within the following 15 minutes.

(b) *Notwithstanding (a) above, the outdoor terrace areas may only operate between 7.00 am and 9.00 pm*

(c) *The hours of operation detailed in (a) and (b) above are for a trial period of seven (7) months and concluding on 30 April 2007.*

Note: A Section 96 application will be required to be submitted to Council by the 1 March 2007 for any additional hours and with the application a report dealing with complaints from the objectors of this particular application (2002/0212/3). The report in particular, should also address parking within residential streets (Fielding, Collaroy and Alexander Streets), and any matters to mitigate the complaints prior to the expiration of the 7-month period for the continuation of the hours detailed above.

B. Condition No. 22 being modified to read as follows:

22. (a) The maximum patronage of the hotel, exclusive of staff shall not exceed the following:

7.00am to 5.00pm 150 persons

5.00pm to 10.00pm 350 persons

10.00pm to Midnight (Monday through to Thursday) 540 persons

10.00pm to 3.00am (Friday and Saturday) 540 persons

10.00pm to 11.00pm (Sunday) 540 persons

(b) The patron levels detailed in (a) above are for a trial period of for a trial period of seven (7) months and concluding on 30 April 2007.

Note: A Section 96 application will be required to be submitted to Council prior to the expiration of the 7 month period for the continuation of patronage levels detailed above.

(c) Following the trial period, the patronage and hours of operation shall not exceed the following:

7am to 11pm 150 persons

11pm to 12am 250 persons

12am to 3am (Friday to Saturday) 250 persons

C. Additional conditions No. 82 and No. 83 as follows:

82. *Transportation of Patrons after closing hours*

The transport of patrons exiting the venue after closing hours on Friday and Saturday nights is to be engaged for an orderly transportation of patrons in northern and southern routes. Evidence is to be forwarded to Council in relation to this service with the frequency of trips and patron numbers using this service. This is to be logged within the Operational Plan of Management (diary) for the trial period of 12 months from the date of issue of this consent.

Reason: *To reduce noise levels with the locality at the time of closing and safety of patrons*

83. *Security staff – foot patrols*

Security staff are to perform foot patrols of the nearby vicinity (within 200 metres) of the Surf Rock Hotel including Fielding Street, Collaroy Street and Alexander Street. These patrols are to be performed every 30 minutes after 11pm till 4am.

Reason: *To reduce noise levels with the locality at the time of closing and safety of patrons”*

This letter should therefore be read in conjunction with Development Consent 2002/0212 dated 5 June 2003. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Phil Lane** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully,

Philip Hoffman
Senior Team Leader - Development Assessment
Planning and Assessment Services