



## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2002/212/5

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Brian Adams

**Applicant Address:** Po Box 309 Collaroy Beach NSW 2097

**Land to be developed (Address):** Lot 23, DP 218990, 1060 Pittwater Road Collaroy

**Proposed Development:** *Modification of Condition No. 20 (Hours of Operation)  
Condition No. 22 (Maximum Patronage of the Hotel)  
Condition No. 41c (Live Music) and Deletion of  
Condition No. 35 (to Permit New Patron Entry After  
12.00 Midnight)*

### APPLICATION REFUSED

**Made on (Date):** 23 October 2007

### Reasons for Refusal:

That the Development Application No: 2002/212/5 for the modification of development consent 2002/0215 to modify condition No. 20 (hours of operation), condition No. 22 (maximum patronage of the hotel), condition No. 41c (live music) and delete condition No. 35 (to permit new patron entry after 12.00 midnight) at Lots 20, 21, 22 & 23, DP 218990, 1060 - 1066 Pittwater Road Collaroy be REFUSED for the reasons specified as follows:

- 1) Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is considered to be inconsistent with the provisions of Clause 12(3) (b) of Warringah Local Environment Plan 2000 (as amended), in that the proposed development is inconsistent with the Desired Future Character Statement in regards to "Development that adjoins residential land is not to reduce the amenity enjoyed by adjoining properties."
- 2) Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(1)(a) of Warringah Local Environment Plan 2000 (as amended) in that the development is inconsistent with Clause 41 Noise.
- 3) Pursuant to Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979 the proposed development will have a detrimental social impact given the proximity of the premises to residential uses.



### **Right of Appeal**

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed**            on behalf of the consent authority

Signature            \_\_\_\_\_  
Name                Philip Hoffman, Senior Team Leader Development Assessment

Date                 23 October 2007