

30 June 2023

Northern Beaches Council
1 Belgrave Street
Manly NSW 2095

RE: MOD Application to modify Development Consent N1044/99

Application No.: **N1044/99**
Proposed development: **Alterations and additions**
Property: **2 Beach Road, PALM BEACH NSW 2108**
Applicant: **Hot House Architects**

Dear Adam Richardson,

This document forms part of our application to amend the current Modification Application Mod2023/0056, which is seeking to Modify N1044/99.

Please amend the current Modification Applications as follows:

1. Amend **Condition D251** to extend the time of the trial period (see highlighted text below); and
2. Amend **Condition 250** to make the trial period hours of operation and number of patrons permanent.

Condition D251. Trial period

The approved hours of operation and number of patrons for the alfresco area are subject to a 48 month trial period commencing from the date of this determination.

If the applicant wishes to make the trial hours and restriction on patron numbers permanent, a S4.55 modification application (including further acoustic information referred to below) must be lodged to Council following the first 12 months of the trial operation period.

i) Summer background noise level monitoring.

ii) Details demonstrating compliance with noise emission criteria at the nearest residential receiver as set out in Condition D241, or 5dB(A) above the background noise level.

Provided that a S4.55 modification application to maintain the approved trial hours and patron numbers is made between 36-48 months following this modified consent, the premises may continue to operate in accordance with the approved hours and restricted patron numbers until the modification application has been finally determined.

Reason: To ensure the amenity of the surrounding locality is maintained.

Please refer to the attached Acoustic Report by Noise and Sound Services March 2022, which confirms that the acoustic goals set out above are fully met.

This Modification Application also amends Condition D250 to include the making permanent of the patron numbers and hours allowed under the trial period.

Condition D250. Permanent Hours of operation and patron numbers for the alfresco area

- a. *The hours of operation for the alfresco area are to remain as follows:*
- | | |
|-------------------------------|----------------------|
| AEDT (Summer) | 10am – 8:30pm |
| AEST (All other times) | 10am – 6pm |
- b. *The maximum number of patrons permitted in the alfresco area shall be restricted to 30.*
- c. *The maximum number of patrons permitted in the alfresco area may be increased to 50 patrons on a maximum of 26 occasions per year, with no more than 5 occasions in any calendar month, provided that the Council is notified in writing in advance of those occasions.*

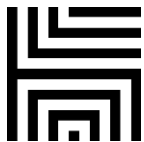
The alfresco area includes the downstairs bar, the timber deck area and the sandstone paving area at the front of the Clubhouse.

Reason: To ensure the amenity of the surrounding locality is maintained.

Given the modifications to the above conditions and the requirements of the Consent Condition D251 have been fulfilled, we request that the hours of operation and number of patrons for the alfresco area (Condition D250) be approved by Northern Beaches Council as permanent by approving this Modification application.

Your Sincerely,

Wade Cogle
Director
Hot House Architects



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