

Northern Beaches Council  
1 Belgrave Street  
Manly NSW 2095

**RE: New 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**

To Whom it May Concern,

This document forms part of our application to modify **Consent N1044/99**

We refer to Notice of Orders Made by Land and Environment Court, dated 20 March 2020.  
Hot House Studio v Northern Beaches Council

**Condition D250. Hours of operation and patron numbers for the alfresco area states:**

- a. *The hours of operation for the alfresco area are:*  
**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.*

**Condition D251. Trial Period states:**

*The approved hours of operation and numbers of patrons for the alfresco area are subject to an 18 month trial period commencing from the date of this determination.*

*If the applicant wishes to make the trial hours and restriction upon 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 12-18 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.*

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.

With regards to the time limit noted within the Notice of Orders made, commencing 20 March 2020, we rely upon the NSW Department of Planning's temporary changes to lapsing periods for development consents:

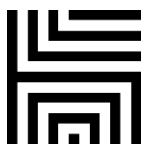
*Lapsing periods for development consents and deferred commencement consents were extended to ensure approved projects can start once economic conditions have improved. Consents granted before 25 March 2020 will be extended by two years*

Given all requirements of the Consent Condition D251 have been fulfilled, we request that the approved hours of operation and number of patrons for the alfresco area (Condition D250) be approved by Northern Beaches Council as permanent.

In light of the provision of this extra documentation at Council's request, we ask that Council approves this Modification application.

Your Sincerely,

Wade Cogle  
Director  
Hot House Architects



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