

26 April 2018

Hugh Halliwell  
Northern Beaches Council, Village Park  
1 Park Street  
Mona Vale, NSW 2103

**RE: SECTION 96(1A) MODIFICATION – 2 BEACH RD, PALM BEACH (PBGC)**

Dear Hugh,

On behalf of Palm Beach Golf Club (PBGC, or the Club), I would like to submit a Section 96(1A) to review of conditions imposed, regarding the recent Section 96 Application for 2 Beach Rd, Palm Beach (PBGC).

PBGC is requesting a review of the conditions stipulating hours of operation of the 'alfresco area'; hours of operation of the temporary bar adjacent to the 'alfresco area'; and number of patrons permitted in the 'alfresco area'. These conditions referred to include D234, D239 and D238. These conditions place unfair restrictions on the Club's normal trade. In support of this request, the following documents are provided:

- Acoustic report by Noise and Sound Services – Use of Outdoor Area – Noise Assessment, April 2018
- Liquor Licence Details

#### **Number of Patrons (D234)**

The alfresco area of the Club is a lovely outdoor area that members and guest like to sit and enjoy a drink or lunch, before or after a round of golf. This generally occurs only in good weather and mostly in the summer months. This space has always been intended to be an outdoor casual zone which complements both the internal space of the Club and the golf course. There have previously been no restrictions placed on this area in the past.

PBGC deems the restriction to a maximum of 50 patrons at any one time in the alfresco area as being an unreasonable restriction on the Club's ability to provide reasonable trade. Throughout its long history, the Club has relied upon the hosting of weddings/functions to supplement its modest income, and this space has assisted in the provision of this service.

The use of the alfresco area assists the Club in providing this service by accommodating guests for pre-drinks, generally for 1-2 hours, prior to the Bride and Groom re-joining the function, at which point all guests leave the alfresco area and enter the Club. This occurs generally in the window from 4:00pm to 6:30pm. This has been the case with all weddings hosted by the Club. Ceremonies were even held in the alfresco area in the past. The average number of people catered for is approximately 80, however the Club would like to have the capacity to allow for up to 120 if required.

The hosting of weddings is obviously not a daily occurrence and the use would be deemed as infrequent. This generally takes place on the occasional Saturday afternoon. As an example, throughout 2017 only 12 weddings were hosted. The Club would like to increase this number to approximately 30 functions per year but would disagree with a limit imposed by Council on the number of functions allowed, or a limit on the specific day of the week.

The hosting of weddings is an essential part of the Club's income and to restrict this service is unfairly disadvantaging the Club's ability to stay financially viable.

### **Operation Hours of Alfresco Area (D239)**

The Club requests that the hours of operation of the alfresco area be more in line with the hours of operation of the Club, to be used at the Club's discretion. Please note that outside of the temporary bar operating hours, patrons occasionally enjoy a beverage, purchased upstairs from the main bar, in the alfresco area.

The current operating hours of the Club are as follows:

Monday	9am – 7pm
Tuesday	9am – 7pm
Wednesday	9am – 10.30pm
Thursday	9am – 10.30pm
Friday	9am – 11pm
Saturday	9am – 11pm
Sunday	9am – 7pm

The Club proposes that the alfresco area be available for use between 10am and 10pm as recommended in the acoustic report. Please note that the use of this area is to be independent of the Temporary Bar operation hours (discussed below).

The Club's Liquor Licence includes the outdoor alfresco area, as demonstrated in the Section 96 Application and the key liquor licence details state the following:

Licence number:	LIQC300229378
Licence name:	Palm Beach Golf Club Limited
Licence start date:	27/10/1955
Trading Hours	
Consumption on premises:	Unrestricted on premises hours – Start date: 1/7/2008
Take away sales:	
Monday to Saturday	05:00am – 10:00pm
Sunday	10:00am – 10:00pm
Good Friday	Not Permitted
Christmas Day	Not Permitted
December 31st	Normal trading

(see details from The Independent Liquor & Gaming Authority submitted as part of this application)

### **Operation Hours of Temporary Bar (D238)**

The Club requests a review of condition D238, hours of operation of the temporary bar in the alfresco area (Saturday and Sunday, 12pm-5pm). The Club proposes that the hours be unrestricted between 10:00am to 10:00pm, 7 days per week, and to be used at the Club's discretion. This would allow the Club more flexibility in function planning, whilst also permitting use throughout the summer months and day light savings hours, where golfers are still coming off the course at 8:00pm. This area is a licenced area and it is felt that this area should have no restrictions placed upon it. There have been no complaints regarding the use of this area up until the introduction of live music, which has now ceased. The Club would like to reiterate that it is not financially viable to run this temporary bar during all of the Club's operating hours. It instead would prefer to open the bar occasionally to benefit members and guests or to assist with the logistics of holding functions.

### **Acoustic Fence**

On the recommendation of the Acoustic Report by Noise and Sound, April 2018, which forms part of the supporting documentation, the Club proposes to construct an acoustic fence, minimum 2.0m high. This fence will be to the specifications outlined in the report and be constructed on both portions of the East and West boundaries adjacent to the alfresco area.

### **Live Music**

There is no request for the approval of live music in the Alfresco area and all live music in this area has ceased.

### **Conclusion**

As you may be aware, Palm Beach Golf Club is a small community public golf course, that derives most of its income though mediocre green fees. It is essential for the continuation of the Club that it derives income from secondary revenue streams such as bar and function services. To unfairly restrict the Club in trade hours, areas of use and number of patrons put the Club at risk of becoming financially unviable.

The accompanying acoustic report demonstrates that any noise (up to 120 patrons) emitted from the alfresco area between the hours of 10:00am and 10:00pm, 7 days per week, meets the Northern Beaches Council Noise Conditions.

Yours Faithfully

**HOT HOUSE STUDIO**

A handwritten signature in black ink, appearing to read 'Wade Cogle', written in a cursive style.

Wade Cogle  
Principal

*(M. Arch, B. Arch Studies, B. Ind Des)*