

Ms Sonya Constantinou
Creative Planning Solutions

By email to: [REDACTED]

27 October 2023

Dear Ms Constantinou

Application No.	SR0000992040 – COB SR0000569284 - NRAA
Applicant	THE BALGOWLAH BOWLING CLUB LTD
Application for	Change of boundaries and non-restricted area authorisation
Application date	10 January 2023
Decision date	16 August 2023
Licence name	Balgowlah Bowling Club Ltd
Trading hours	Consumption on premises Unrestricted on premises hours – licence granted in 1955. Hours as per liquor plan of management: Monday to Saturday 10:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM Take away Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	Bareena Drive Balgowlah Heights NSW 2093
Legislation	Sections 3, 18, 19, 20, 40, 44, 45, 48, 53, 66, and 94 of the <i>Liquor Act 2007</i> Sections 22, and 45 of the <i>Registered Clubs Act 1976</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a Change of boundaries and non-restricted area authorisation
– Balgowlah Bowling Club Ltd**

We **approve** the application for a change of boundaries under section 94 of the *Liquor Act 2007*. In addition, after consultation with you, we impose the conditions set out in Schedule 1, under section 53 of the *Liquor Act 2007*.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Wendy Yeung, at wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 94 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Balgowlah Heights. The broader community is the Local Government Area (LGA) of the Northern Beaches.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

The club aims to provide a family friendly offering with a restaurant on site operating out of the Club's kitchen and children's play area in one of the decommissioned greens.

In 2007 the licensed boundaries were redefined which saw the removal of gaming machines and enabled the clubhouse to be used for wider community purposes for families and children. During the redevelopment, the licensed boundaries were confined to the internal areas and mistakenly omitted areas external to the clubhouse such as the balcony and bowling greens. This proposal will reinstate permission to consume alcohol in select areas outside of the clubhouse.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- objections raised by members of the public in relation to amenity and noise disturbances
- incident rate of alcohol related hospitalisations in the Northern Beaches LGA being higher compared to NSW
- increase in licensed boundaries allowing consumption of alcohol over a large area which may be harder to manage, potentially lead to a higher consumption of alcohol, and potentially increase noise disturbances

However, we are satisfied that these risks may be reduced by the:

- low crime rates for all categories normally considered by the Authority
- premises not being located near any crime hotspots
- indication of an above-average level of socio-economic advantage in Balgowlah Heights and the Northern Beaches LGA
- licensed areas being fenced and appropriately signposted
- noise disturbances and management of patrons on the premises being addressed in the plan of management
- imposition of LA10 (acoustic testing) and drinks restrictions conditions on the licence, and
- other harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', written in a cursive style.

Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed Balgowlah Bowling Club Ltd

No.	Condition to be imposed	Description
1.	Restricted trading	Consumption on premises Good Friday 12:00 noon – 10:00 PM Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
2.	Non-restricted area authorisation	<u>Non-Restricted Area Authorisation</u> : whole of the licensed premises as defined by the approved premises plan dated 16 August 2023 .
3.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated July 2023 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
4.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of varying the licensed boundaries on 16 August 2023 .
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	Drinks restrictions	The following drinks must not be sold or supplied on the Licensed Premises: Any drink that contains more than 30 mls of spirits or liqueur and that is designed to be consumed rapidly (commonly referred to as a "shot" or a "shooter").
7.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and

No.	Condition to be imposed	Description
		<p>(iii) all publicly accessible areas (other than toilets) within the premises.</p> <p>2) The licensee must also:</p> <p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <p>(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>(c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</p>
8.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
9.	Incident register	<ol style="list-style-type: none"> 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> (a) any incident involving violence or anti-social behaviour occurring on the premises, (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, (c) any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>, (d) any incident that results in a patron of the premises requiring medical assistance. 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> (a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and

No.	Condition to be imposed	Description
		<p>(b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.</p> <p>(c) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
10.	Complaints register	<p>1) A complaints register is to be maintained at the premises at all times which records the following:</p> <ul style="list-style-type: none"> (a) name and number of the complainant (b) the time and date on which the complaint was received (c) the nature of the complaint, and (d) the measures taken to resolve the complaint. <p>2) Details of complaints received, either in person or over the phone, must be:</p> <ul style="list-style-type: none"> (a) recorded in the complaints register; and (b) reported to the duty manager. <p>3) A mobile or dedicated contact number for the duty manager is to be published on the Club's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.</p>
11.	LA10	<p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.</p> <p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between 12:00 midnight and 7:00 am.</p> <p>For the purposes of this condition the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises (A-weighted).</p>
12.		No consumption of alcohol on the bowling greens after 7:30pm on any day.
13.		No consumption of alcohol outside of the clubhouse premises after 10:00pm on any day.
14.		All external doors of the clubhouse to be remain closed after 10pm.