
FILE NO: A20/0017771

COMPLAINANT: [REDACTED]

LICENSED PREMISES: Coogee Beach Club, Coogee – LIQC300226581

ISSUES: Whether the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed.

LEGISLATION: *Liquor Act 2007*

SECTION 81 DECISION

Under Section 81 of the *Liquor Act 2007* I, John Coady, Manager Regulatory Interventions Team, a delegate of the Secretary, Department of Customer Service, in relation to the complaint made in respect to the Coogee Beach club have decided to **impose** a security patrols condition on the liquor licence.

Details of this condition, including the dates in which it becomes effective, are outlined in **Annexure 1**.

REASONS FOR DECISION

Legislative framework

1. Section 79 of the *Liquor Act 2007* (the Act) provides that a prescribed person may complain to the Secretary, that the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed because of the manner in which the business of the licensed premises is conducted, or the behaviour of persons after they leave the licensed premises (including, but not limited to, the incidence of anti-social behaviour or alcohol-related violence).

2. For the purpose of section 79 of the Act, a person who has standing to make a complaint includes a person who is a resident in the neighbourhood of the licensed premises and is authorised in writing by two or more other residents.
3. Section 80 of the Act enables the Secretary to deal with a complaint by way of written submissions from the licensee and any other person the Secretary considers appropriate. After dealing with the complaint, section 81 of the Act provides that the Secretary may decide to impose, vary or revoke licence conditions, issue a warning, or take no action.
4. In exercising functions under the Act, the Secretary must have regard to the Objects set out in section 3 of the Act and must have regard to the matters set out in section 3(2) which are:
 - a) the need to minimise harm associated with the misuse and abuse of liquor;
 - b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, services and consumption of liquor; and
 - c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

The complaint and background information

The complaint

5. On 16 November 2020, Liquor and Gaming NSW (L&GNSW) received the complaint which alleged undue disturbance from excessive noise from patrons departing the club. [REDACTED] (the complainant) lodged the complaint as a resident of the neighbourhood authorised in writing by five neighbouring residents.
6. The complainant asserts that disturbance occurs most frequently on Saturday nights around 10:50pm and that disturbance occurs on other evenings where there are large group functions. The complainant also submits that patrons tend to loiter outside the club and spread out into the middle of the road and to pathways opposite the club. Patrons hold up traffic by standing in the middle of the road and also by chatting with friends while sitting in their cars which are stopped in the middle of the road. These departing patrons are said to be loud, use vulgar language and have urinated along the wall of the club as they are leaving. The complainant has also observed patrons jumping on cars parked outside the club and throwing club property into the middle of the road.

7. The complainant submits that the desired outcome to resolve the complaint is as follows:
- a) the installation of cameras along the entirety of the club and across the road from the club to capture individuals responsible for the alleged noise disturbance;
 - b) the utilisation of more security staff at both ends of the club to ensure that individuals departing the club do so in an expeditious manner;
 - c) the creation of another exit point to the rear of the club which would allow individuals to exit via the bowling greens onto Bream Street; and
 - d) the club is to stop alcohol service and close at 10:00pm.
8. A supporting resident for the complaint, [REDACTED], provided a letter as part of the complainant's submission. He details that individuals haven been trespassing onto his Strata property in the late hours of Friday and Saturdays. On one occasion he encountered an individual urinating in the garage area of the premises and was told by him, that he had just left the club. Additionally, he details that there are groups displaying anti-social behaviour on the street after exiting the club and is questioning the responsible service of alcohol in the club. [REDACTED] suggests that extra cameras on the street would help to identify individuals and eradicate their behaviour.

The Venue, licence details, compliance history

9. The club is located at 51 Dolphin Street, Coogee and is surrounded by several residential lots, including the complainant's property at [REDACTED]. The club has unrestricted trading hours and take away sales hours of 5am to 12 midnight Monday to Saturday and 10am to 10pm on Sundays. The club advises that it operates 10:00am to 10:00pm Sunday to Tuesday, 10:00am to 11:00pm Wednesday to Thursday, and 10:00am to 12 midnight Friday and Saturday. I note the club's liquor licence has unrestricted trading hours. Council approved trading hours are until midnight Friday-Saturday and 11.00pm Monday-Thursday. The club contains a small bar, a small gaming area, a main lounge area and a bistro with three bowling greens. The club's licence is not subject to any noise limiting conditions; however, the club is subject to certain conditions with ancillary requirements that individuals attending functions at the club do not disturb the quiet and good order of the neighbourhood.
10. According to L&GNSW compliance records the club has a minimal compliance history.

Submissions

11. Between 20 November 2020 and 8 February 2021, various material was received from parties to the complaint, including the club secretary Mr Grant Imeson (club secretary), the complainant, NSW Police (Police) and Randwick City Council (Council). A list of the material before the delegate is set out in **Annexure 2**.

Police Submission

12. On 10 December 2020, L&GNSW received a submission from Police, who advise that the club is utilising a double-sided door in the middle of the premises as its main entrance. This entrance is located directly opposite the complainant's residence. There is no second internal door at this entry point capable of creating an air lock and by extension a reduction in noise from inside the club. Prior to the onset of the COVID-19 pandemic, the main entry point to the club was located on the eastern side of the club, which consisted of two separate doors which in turn provided an air lock mechanism and by extension, a reduction in noise from inside the club.
13. In July 2020, Police were notified by Council that a local resident had made a complaint regarding the behaviour of patrons exiting the club, specifically that patrons were jumping on cars, urinating in the street, and generally acting in a rowdy manner. Police subsequently spoke with the resident in relation to the complaint. Following notification of the complaint, Police carried out inspections at the club eight times in the period of July 2020 to December 2020. In relation to their final inspection, Police noted that patron noise could easily be heard from across the street, also noting on most occasions that:
 - a) the club was understaffed relative to the number of patrons onsite; and
 - b) that security personnel were lacking in number.
14. Police note that prior to July 2020 the club was quiet both in terms of patronage and noise and as such Police have had little interaction with the club. Police believe that the club has benefited from an overflow of patrons no longer able to attend other venues in the area due to COVID-19 capacity restrictions. Police note that the manager of the club stated that the club is experiencing unprecedented numbers in recent times. Additionally, Police submit that the club is struggling with the demographics of the patronage. The club is aiming for young local families but is instead attracting larger groups of patrons in the

18-35 age range. Police also acknowledged that the club's patronage is largely dependent upon the weather.

15. Police submit that this younger demographic is attending in larger groups, thus creating more disruption when they leave the club. Additionally, when the club is closing, patrons are being directed onto a residential street without any monitoring or instruction to be mindful of neighbouring residents. Police have also raised with the club that a greater security presence should be implemented.
16. Police attended a meeting with representatives of the club and Council on 9 December 2020 to discuss the neighbourhood amenity complaint and the general management of the venue. Police and Council shared similar concerns relating to patron access/egress, site control, lack of security and patron monitoring. Police state the club informed the parties that they increased their security at the beginning of November, that they have had no live music since October 2018 and the club has had little to no complaints received. Police emphasize that the meeting conclude with the club operators agreeing to adopt the following voluntary amelioration measures:
 - a) establish a dedicated complaints phone number and complaints register;
 - b) put in place additional security on Friday, Saturday and Sundays;
 - c) review security procedures with the club's contracted security company;
 - d) install signage reminding patrons to leave the club quietly;
 - e) security guards to patrol the vicinity of the club until half an hour after closing or until the last patron has left the vicinity;
 - f) to use the eastern entry door for patron access (once the road works on Dolphin Street have concluded).
17. Police believe that allowing the club to continue to trade without any noise reduction strategies or formal security arrangements will increase the disturbance to local residents. They express a concern that frustrations of the local community will result in an increase in requests for attendance at the club, thus diverting police responses from other important duties. Therefore, police recommend the following conditions be imposed on the licence of the club:
 - a) LA10* noise condition
 - b) Ingress and egress condition
 - c) Signage condition

- d) Security patrol condition
- e) Crime scene preservation condition
- f) Complaint hotline condition

Council submission

18. On 11 December 2020, L&GNSW received a submission from Council. Council submits that the club is in close proximity to a mixture of residential dwelling types. The club is bound to three development consents granted in the period 2005 – 2015 permitting (among other things) (i) construction of a smoking terrace; (ii) alterations and refurbishment of the Venue; (iii) creation of a fitness training facility at the lower ground level of the Venue and the creation of a billiard room and (iv) an extension in operating hours.
19. Between 1 January 2019 and 11 December 2020, Council had received eight written complaints regarding the club. The Council sates that they are unable to substantiate the veracity of the complaint, as no late-night inspections have been conducted by Council. Despite this, Council finds that where late-night disturbance occurs as a result of intoxicated patrons leaving licensed premises, it is usually because of poor internal management, poor responsible service of alcohol practices and inadequate or ineffective external patron management. Council submits that effective patron management by staff inside the club coupled with effective security to monitor patron behaviour when leaving the club will provide the best prospects of mitigating the circumstances which has resulted in the creation of this complaint.

Venue response to the complaint

21. On 15 December 2020, L&GNSW received a submission from the club. Included in the club's submission is a statutory declaration from Mr Simon Curtis, the approved manager of the club, a letter from the club to the Randwick Rugby club relating to the poor behaviour of players, a tax invoice for upgrading the club's CCTV equipment and an email invoice sent to Blue Dog Band dated 27 October 2018.
22. The club acknowledges the seriousness of the allegations made against it but is of the opinion that most of the issues were resolved before the complaint was lodged. The club also refers to the meeting of 9 December 2020 between Council and Police. The club agreed to the implementation on a trial basis of additional operational measures. These include the employment of a neighbourhood hot line mobile number on a trial basis. This number is answered by the club managers or supervisor during trading hours and 30 mins after close. In addition to this, the club proposed to roster two managers on Friday

Saturday and Sunday nights to expediently address matters brought to their attention by the hotline number.

26. The club also states they have engaged additional security guards so that one is stationed at the main entrance, and two guards roam internally with one of these patrolling Dolphin Street at regular intervals. In addition to this, they have briefed the security provider to jointly develop a security management plan and will join with other large licensed venues in Coogee to implement 'multi venue barring' of high risk and violent patrons.
27. The club also submits that following the re-opening of Dolphin Street, which at the time of the submission was subject to road works, the eastern entrance of the club will again become the main exit from the premises during the two hours prior to the cessation of trade on Friday and Saturday nights. The club believes these agreed measures will be sufficient for the club to address matters of the same or similar nature to those contained in the complaint.
28. Following the 29 August 2020 incident mentioned by the complainant, the club conducted a thorough investigation into the matter and ultimately severed its relationship and sponsorship of the Randwick Rugby Union club. On 11 September 2020, the club banned all officials and players of the Randwick Rugby Union club from entering the club on match days. The club also identified as part of this investigation that the club's CCTV system was inadequate and as such the club completed an upgrade of its system on 31 October 2020, documentation was provided by the club evidencing this upgrade.
29. On review of CCTV footage, the club does not accept the complainant's version of events in relation to the 7 November 2020 incident, that a group of 20 people were on the rooftop of the club. In response to the complainant's suggestion that cameras be directed along the entirety of the exterior of the club, the club advises that they have recently upgraded the CCTV system to cover additional areas in front of the premises. In addition to this and as a result of the meeting with Council and Police, this will be reviewed again as part of the implementation of a Security Management Plan to be developed with the club's security provider.
30. The club rejects that there are vast numbers of patrons loitering outside the premises every Saturday night. They advise that the club has an operational preference to stagger the exit of its patrons at or before close of trade and state that a review of their CCTV does not support these aspects of the complaint. The club submits they were contacted

by phone on one occasion and were notified that people were loitering around a roundabout on Mount Street. The club states that security was sent to the roundabout and were informed that the group of people were waiting for transport. Due to the recent road works on Dolphin St, a number of these vehicles were having trouble accessing the club. The club advises that security remained at the roundabout until all people had been collected.

31. The club also refutes there was an issue with live music on premises as the last live music performance took place at the club on 27 October 2018.
32. The club notes that [REDACTED] one of the authorising residents to the complaint, resides approximately [REDACTED] metres from the club and that there are a significant number of large licensed venues in close proximity to his residence and that it was perceivable that patrons from these venues were giving rise to the disturbance suffered by [REDACTED].
33. The club's submission highlights that their location on Dolphin Street is within one of the main arterial routes for people to be leaving the local area. As such, it is very common for patrons of other licensed venues to pass the club on their way out of the area. Whilst [REDACTED] [REDACTED] raises concerns in the complaint about alcohol bottles on his boundary fences, the club asserts that less than 2 percent of their sales are alcohol bottles. In addition to this, there are a number of bottle shops in the vicinity of the club and on the occasions that staff have found bottles around the premise, that are not sold or stocked by the club.
34. The club presents itself as a proud member, supporter and contributor to the local Coogee Community. It is their belief that the voluntary strategies outlined in paragraph 16 above are reasonable steps taken to address the matters raised in the disturbance complaint.

Complainant final submission and further complaint material

40. In response to the Police, Council and club submissions, the complainant provided a final submission on 17 January 2021. The complainant also rejects that disturbances from the club worsened in the wake of the COVID-19 pandemic but instead submit that there were numerous complaints prior to this. The complainant asserts that apartments and houses along all streets bordering the club, Dolphin Street, Mount Street, and Beam Street, are impacted by noise.
41. The complainant states the information leaflet distributed by the club updating residents on the alleged disturbance hotline was not properly disperse and placed only into a strata mailbox which had restricted access. They reiterated that their preferred resolution to the complaint was that the club stop serving alcohol by 10:00pm.

42. It is also noted the complainant provided to L&GNSW on 5 December 2020 a video recording of an incident alleged to have taken place between a security guard of the club and an intoxicated patron on 4 December 2020. This video was provided to the club, Police and Council during the submission process.

Venue final submission and other material

43. On 8 February 2021 the club provided a reply submission to the those made by Police, Council and in response by the complainant. This reply submission concluded the submission process in this matter.
44. The club rejects the observation by Police that they are struggling with the changing demographic of the patronage. At the commencement of the COVID-19 Public Health Orders, the club's outdoor area became a safe venue for local families to enjoy. They submit that on the whole, the demographics are 25 - 45-year-old, parents with children who generally stay in the outside area of the club until 9:00pm.
45. In relation to the 4 December 2020 incident captured on video by the complainant both the manager of the club and security attended to deal with the aggressive individual. The manager and the duty manager had no recollection of having seen the individual in the club on the evening in question. They note that NSW Police CAD system shows no calls having been broadcast in the vicinity of the club over the last 12 months regarding noise complaints, or disturbances linked to the club premises.
46. The club has entered into discussions with Council regarding the placement of a dedicated taxi pick up site at the club so that patrons did not have to wander into neighbouring streets looking for a taxi. Security are implementing torch-light batons in an effort to direct patrons away from the club expeditiously, whilst giving them instructions to be mindful of noise and the local residents. The club has provided that a Development Application for the construction of a permanent fence around the Eastern bowling green of the club has been lodged with Council since the date of the complaint to address concerns with authorised access to the club.
47. The club confirmed that it has implemented a number of additional operational measures referenced in its 15 December 2020 submission. It has employed a dedicated complaints phone number and register since 21 December 2020. A letter detailing the dedicated resident hotline had been hand delivered to mailboxes in the surrounding area

but that the club had not received any calls in relation to patron disturbance on this hotline.

48. Two additional security guards have been engaged on Friday, Saturday and Sundays, meaning that a total of three security guards work from 3:00pm on those days until at least 30 minutes after close of the club. The club has conducted a review of its security procedures with its security provider and put in place a detailed Security and Safety Management Plan - which the club attached to the reply submissions. Signage reminding patrons to leave the club quietly has been put in place and security has been directed to patrol the vicinity of the premises until half an hour after close of the club or until the last patron has left the vicinity and patrons were now required to exit through the eastern doorway of the club.
49. The club did not agree that all of the conditions recommended by Police should be placed onto its licence, but did agree with the imposition of the following conditions:
- a) signs to be erected in a clear position near exits instructing patrons to leave the club in a quiet and orderly manner;
 - b) when the club trades past 10:00pm, at least one licensed uniformed security guard is to continuously patrol the vicinity of the club in Dolphin Street Coogee, and to continue such patrols from 10:00pm until 30 minutes after the closing time and the last patrons have left the club and the vicinity;
 - c) crime scene preservation condition; and
 - d) complaints hotline condition.
50. The club submits that it takes its responsibilities to the community and the neighbourhood seriously and has transitioned from a traditional bowling club format to a social hub that presents as a safe and family friendly environment. It is their submission that the imposition of the conditions they have agreed to, together with the strategies already implemented are currently sufficient to address concerns raised in the complaint.

Statutory considerations of section 81(3) of the Act:

53. The Act requires that the Secretary have regard to the following statutory considerations:

The order of occupancy between the licensed premises and the complainant

54. The licensed premises has operated under its current licence at its present site since October 1948. This predates the complainant who has resided at his current address for 15 years. The original occupancy of the club predates the Complainant by a great deal of time. I am satisfied that the order of occupancy is in favour of the club.

Any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises

55. Development Approvals were granted to the club to put in place a smoker's terrace, to undertake alterations and refurbishment of the club and to extend the operating hours of the club in 2007 and for the creation of a fitness training facility and billiard room at the lower ground level of the club.

56. In response to COVID-19 Public Health Orders, the club has until recently used the doorway in the middle of the premises for the entry and exit of patrons, a doorway that does not have an airlock in place to reduce noise transmission from inside the club.

57. The club has erected a full height gate and fence around the perimeter of the club to control patron access to the outdoor greens area and currently has a further Development Application with Council for the installation of further fencing around their eastern bowling green and the public pathway.

58. The complainant has confirmed that the windows in his building have recently been replaced.

59. I am of the view that the club's use of the middle doorway of the premises is likely to have contributed towards patron noise disturbance in this matter. I do not consider the earlier Development Approvals to be contributing factors to the substance of the complaint given their historical nature and timing.

Any changes in the activities conducted on the licensed premises over a period of time

60. The club's licence shows no changes in the club's operations from the date that a complaint was first made by the complainant to the Council in relation to patron noise disturbance, being 26 August 2019. It is clear from the submissions received from Police and Council that the emergence of COVID-19 has caused some changes to the club. Indeed, Police note in their submissions that the club has seen patron numbers increase due to spill over from neighbouring clubs and the introduction of social distancing measures resulting in an increase in use of the external areas.

61. It is evident that the club has changed its practices over the years, moving away from the traditional model of a bowling club and are attempting to re-engage with the community. The club is utilising the external areas of the club for entertaining and has been for a number of years.

Findings and Decision

Undue disturbance

62. In deciding whether the club has unduly disturbed the quiet and good order of the neighbourhood, I have balanced the submissions made by the club, the complainant, the Police and Council. While a level of disturbance from the normal operation of the club is to be expected, on balance I have determined that the club has, at times, unduly disturbed the quiet and good order of the neighbourhood.
63. The club has acknowledged that it has on past occasions had issues with troublesome patrons and indeed has taken the express action of severing a sponsor relationship with a local sporting club to mitigate against future issues from patrons. The club acknowledges that the 29 August 2020 incidence of disturbance reported by the complainant was known to the club and ultimately led to an internal investigation into the matter.
64. Council have provided evidence of eight noise disturbance complaints in the period from 1 January 2019 to 11 December 2020. While I accept that the subject matter of many of these complaints was not patron noise on exit but rather noise emitting from an industrial exhaust fan, a number of the complaints did relate to patron exit noise and therefore corroborate the complainant's version of events.
65. Police attended the club on eight occasions in the period July 2020 to December 2020 and made contemporaneous records during these visits, records which expressly note that noise could be heard outside the club on the opposite side of the street.
66. The section 81(3) mandatory considerations on balance demonstrate that changes to the operations of the club are likely to have contributed to the disturbance issues in the area. In particular, I note the club's decision to use the middle premises door as the main point of entry and exit and further note the increase in patronage numbers as a result of spill over arising from COVID-19 restrictions at other clubs.

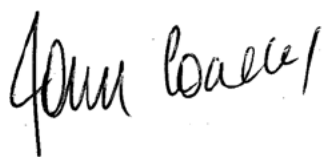
Regulatory Outcome

67. In deciding the appropriate regulatory outcome is in this instance, I have considered the statutory considerations, the material provided by the complainant, the club and council, and the above finding of undue disturbance. It should be noted that notwithstanding that the club has consented to accept a number of conditions, the decision to impose conditions must be supported by appropriate evidence and represent a proportionate regulatory response.
68. I acknowledge the noise mitigation strategies the club has adopted recently to reduce its noise impact. The club has proactively engaged with both Police and Council to both trial and implement methods to address concerns with noise and the increased management needs of the club as its patronage grew. The club has been responsive to the complaint and has voluntarily implemented measures to effectively reduce noise generated by patrons exiting the club. It is clear the club is taking the complaint seriously and is acting in a positive manner to address the issues raised.
69. I am not of the view that all conditions proposed by Police and consented to by the club, as listed in paragraph 49 above, ought to be imposed on the liquor licence. I do not believe there is sufficient evidence to necessitate the imposition of conditions relating to a telephone hotline, signage or entry/exit pathway. I strongly recommend the club continue these measures in a voluntary capacity to aid in mitigating ongoing disturbance issues. I am also of the view that neither a LA10 noise condition nor a crime scene management condition should be imposed in this instance as the disturbance is not primarily concerned with amplified entertainment and a crime scene preservation condition is necessary considering the nature of the disturbance. I further note that the imposition of conditions is the most serious regulatory action available in response to a disturbance complaint. I have taken note of the club's voluntary actions to address the disturbance, for example, a disturbance contact number is currently featured on the club's website. I am minded allow to club to continue these voluntary improvements without enforcing conditions. On the basis of the material presented, I consider it necessary only to impose a condition in respect of security patrols, as I believe this is crucial to addressing the disturbance and ought to be imposed as a condition so that the club and complainant can be confident of their obligations and allow for regulatory certainty.
70. Nevertheless, I am satisfied that there is a need to manage the disturbance generated by patron traffic around the club and that regulatory intervention is warranted. I consider it necessary to impose a condition requiring security guards to patrol the vicinity of the club

on Fridays, Saturdays or whenever trade is past 10:00pm. I note that the club's current advertised trading hours (on the club website) do not exceed 10.00pm, however, the club has unrestricted trade according to the liquor licence and is approved by Council to operate beyond 10.00pm and it appears likely that the club will trade beyond 10.00pm in the future.

71. In imposing this condition, I have considered the submissions by residents that disturbance was caused by patrons leaving the club, and the observations by police regarding the need for added security. I consider this condition necessary to ensure patrons do not loiter in the vicinity of the club and cause undue disturbance. I do not consider that the imposition of this condition will be unduly burdensome to the club, given the increase in security presence the club has already implemented. This condition is targeted at patrols and does not reflect the total security presence that the club ought to have. I note that the club also consented to a form of wording of this condition. For regulatory certainty I am of the view that this condition should operate on Friday and Saturdays generally as these will generally be the nights most likely to generate disturbance.
72. I am satisfied this measure is a balanced and proportionate response to the issues raised in the complaint. It protects the complainant and supporting residents from undue disturbance by managing patron traffic, directing them from the immediate vicinity of the complainant's residence. I am confident that this condition will provide regulatory certainty and greatly reduce the impact of patron noise and behaviour in the surrounding areas to the neighbourhood.
73. I am satisfied that this decision is a proportionate regulatory response to the disturbance identified in the complaint and the strength of the evidence at hand. Noting the residential area in which the club is located I again remind the club that it has a strong obligation to take all disturbance complaints seriously and proactively manage any potential disturbance that may be caused by the club. In the event there is an escalation of disturbance or fresh and direct evidence demonstrating poor management of disturbance issues, it is open for the matter to be reconsidered and for further regulatory intervention to occur.

Decision Date: 20 October 2021



John Coady

Manager, Regulatory Interventions Team

Liquor & Gaming NSW

Delegate of the Secretary of the Department of Customer Service

Application for review:

Should you be aggrieved by this decision, you may seek a review by the Independent Liquor & Gaming Authority by an application which must be lodged within 28 days of the date of this decision, that is, by no later than 17 November 2021. A \$500 application fee applies. Further information can be obtained from Authority Guideline 2 published at www.liquorandgamingnsw.nsw.gov.au

In accordance with section 36C of the Gaming and Liquor Administration Act 2007 this decision will be published on the Liquor & Gaming NSW website at www.liquorandgamingnsw.nsw.gov.au

Under section 81 of the *Liquor Act 2007* a delegate of the Secretary of the Department of Customer Service has imposed the following conditions on the liquor licence of:

Coogee Beach Club (LIQC300226581)

Security patrols

On Fridays, Saturdays, or whenever the licensed premises operates beyond 10:00pm, not less than one (1) uniformed security guard is to continually patrol the vicinity of the licensed premises, being Dolphin Street, Bream Street and Mount Street, to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols are to commence at 10.00pm and continue until the last patron has left the licensed premises and vicinity of the licensed premises.

Date condition effective: 1 December 2021



The Material before the delegate of the Secretary in making this decision comprises:

1. Copy of the liquor licence dated 1 October 2021.
2. Copy of club's Compliance Detail Report (VO2 report) dated 1 October 2021.
3. Section 79 Noise Disturbance Complaint lodged by [REDACTED] as a resident of the neighbourhood authorised in writing by two or more other such residents dated 13 November 2020.
4. Additional Attachment A: Complaint authorisation documents, three dated 19 November 2020 and one dated 24 November 2020.
5. Video evidence provided by the Complainant on 5 December 2020 purporting to show a verbal altercation between individuals departing the club and a security guard working for the club.
6. Submission from NSW Police dated 9 December 2020.
7. Submission from Randwick City Council dated 11 December 2020.
8. Submission from the club dated 15 December 2020.
9. Reply submission from the complainant dated 17 January 2021.
10. Reply submission from the club dated 5 February 2021.