



**FILE NO:** A14/0003779

**COMPLAINANT:** NSW Police Force, Rose Bay Local Area Command

**LICENSED PREMISES:** Paddington Bowling Club - LIQC300229327

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

**LEGISLATION:** *Liquor Act 2007* - Part 5, Division 3 - Disturbance Complaints

**DECISION MAKER:** Mark I Paterson AO, Secretary NSW Trade & Investment

## **SECTION 81 DECISION**

Under Section 81 of the *Liquor Act 2007* I, Mark I Paterson AO, Secretary, NSW Trade & Investment, have decided to impose the following condition on the licence of Paddington Bowling Club:

*The licensee must ensure that no patron is permitted to consume alcohol on the bowling greens, or in or on any other outdoor area of the Club.*

## **REASONS FOR DECISION**

### **Legislation**

1. Section 79 of the *Liquor Act 2007* permits a person, to 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 because of 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 the Commissioner of Police (or the Commissioner's delegate).
3. Section 80 of the Act enables me as 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 I may decide to impose, vary or revoke licence conditions, issue a warning, or take no action.
4. In exercising functions under the Act, I 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 the need to minimise harm associated with the misuse and abuse of liquor; the need to encourage responsible attitudes and practices towards the promotion, sale, supply, services and consumption of liquor; and 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**

5. On 31 March 2014, Senior Constable Mark Davies of the Rose Bay Local Area Command lodged a disturbance complaint with the Office of Liquor, Gaming & Racing, which represents me under section 79 of the Act, in respect to the Paddington Bowling Club, Paddington. The complaint was made under the delegation of the Commissioner of the NSW Police Force and relied primarily on information provided to Police by local residents from the Goodwin retirement village, who assert that they are adversely affected by undue disturbance from the Club. The allegations of undue disturbance relate to both the manner in which the business of the licensed premises is conducted and the behaviour of patrons leaving the Club, and centres on use of the Club's bowling greens for social and corporate bowls activities. Further details on the Complaint are set out in the *Background* section below.

## **Material before the Secretary**

6. The material before me in making this decision comprises:
  - a) Complaint lodged by NSW Police dated 31 March 2014.
  - b) OLGR Inspector's report of the Club's operation on ANZAC Day 2014.

- c) Letter from Director Compliance OLGR to the Club dated 1 August 2014, formally accepting the complaint and proposing the imposition of conditions on the licence.
- d) Police submission dated 26 August 2014.
- e) Submission from Hatzis Cusack Lawyers on behalf of the Club dated 19 September 2014.
- f) Letter from Director Compliance OLGR to the Club's lawyer dated 31 October 2014 imposing a condition under section 54 of the Act and advising that the Club would be subject to further monitoring.
- g) OLGR Inspectors file notes of inspections conducted on 21 November 2014, 28 November 2014, 5 December 2014 (two file notes), 6 December 2014, 12 December 2014, and 13 December 2014.
- h) Club's schedule of events for the period 31 October 2014 - 29 December 2014.
- i) Letter from OLGR Executive Director to the Club's lawyer dated 18 December 2014 proposing the imposition of conditions on the licence.
- j) Acoustic assessment prepared by Koikas Acoustics Pty Ltd dated 16 December 2014.
- k) Submission from Hatzis Cusack Lawyers on behalf of the Club dated 13 January 2015.
- l) Submission from Police dated 14 January 2015.
- m) Acoustic assessment prepared by Koikas Acoustics Pty Ltd dated 16 January 2015.
- n) Letter from OLGR Executive Director to the Club's lawyer dated 16 January 2015 granting an extension for the Club's final submission which attached the additional material of the further Police submission and acoustic assessments.
- o) Submission from Hatzis Cusack Lawyers on behalf of the Club dated 27 February 2015.
- p) Submission from Hatzis Cusack Lawyers on behalf of the Club dated 6 March 2015 (attaching report from [REDACTED]).

## **Background**

7. On 31 March 2014, Police lodged a disturbance complaint under section 79(3) of the Act on behalf of the local residents who assert they are adversely affected by undue disturbance from the Club. Police allege that local residents are disturbed on both weekdays and weekends from excessive noise emanating from the Club's greens and anti-social behaviour of patrons departing the Club. The complaint attaches various correspondence from residents to Police complaining about the Club's operation. Police

redacted names and addresses in the correspondence to protect the identity of the complaining residents.

8. Following receipt of the complaint, OLGR inspectors attended the Club on one of its busiest trading days, ANZAC Day 2014. The inspectors' report on the ANZAC Day operation concluded that inadequate management on this day created an unduly permissive environment conducive to patrons consuming more alcohol, conversing more loudly and displaying anti-social behaviour that was far beyond what could reasonably be expected from the responsible operation of a bowling club located in a residential area. The report also noted that there were six breaches of liquor legislation identified during the inspection and a number of observations were made in relation to patron noise being clearly audible above background noise from a residential premises, and at a level considered by inspectors to be annoying. The report also identified inspector observations of patrons displaying anti-social behaviour including urinating in public view near the bowling greens and in the vicinity of the Club, and patrons leaving the Club yelling and swearing loudly. Following the ANZAC Day inspection, OLGR issued the Club three warning letters and three penalty notices in relation to the operation of the Club on that particular day. This included five breaches of its liquor licence conditions.
9. On 1 August 2014, after consideration of the complaint and observations on ANZAC Day, the Director Compliance OLGR notified the Club secretary, Police and Woollahra Council of his intention to impose two conditions on the Club's liquor licence. The conditions included the requirement for a security guard to be present when the Club has more than 200 patrons, and a prohibition on the sale or supply of alcohol on the Club's bowling greens and outdoor areas.
10. On 26 August 2014, in response to the proposal by the Director Compliance, Police noted that they welcomed the proposed additional licence conditions. Police commented that the conditions will positively contribute to the amenity of the community and reduce complaints concerning unacceptable behaviour, intoxication and excessive noise emanating from the Club.
11. On 19 September 2014 the Club's lawyer, Hatzis Cusack Lawyers, provided a submission on behalf of the Club addressing the proposed decision of the Director Compliance. The Club asserted that it would be inappropriate to judge the statutory test for undue disturbance with reference to one specific trading day of the year and refuted the allegations contained in the disturbance complaint and the observations of the inspectors. The Club asserted that there was no weight to the allegations contained in

the complaint, while consenting to the imposition of the proposed security guard condition under section 54(1) of the Act. The submission also attached a report from A & M Consultants detailing a compliance and risk audit undertaken on 16 August 2014, which concluded that current controls at the Club were sufficient.

12. On 31 October 2014, the Director Compliance (as a delegate of the Secretary) made a determination under section 54(1) of the Act to impose the security guard condition on the Club's liquor licence requiring the engagement of a security guard to patrol the vicinity of the venue at times when there were more than 200 patrons at the Club. The Director Compliance, without forming a view on the issue of 'undue disturbance', determined that the complaint should remain open over the summer trading period of the Club to conduct observations of the Club's activities during this period in order to get a more complete view of the Club's operations. The Director Compliance OLGR also advised that, to demonstrate compliance with the LA10 noise condition, the Club should engage an acoustic consultant to provide an acoustic report addressing compliance with the pre-midnight criteria of the LA10 noise condition and any recommendations to address issues of noise from patrons in the outdoor areas including the bowling greens.
13. On 18 December 2014, after further monitoring by OLGR, including inspections of the Club on seven occasions through November and December 2014, the Executive Director OLGR wrote to the Club's solicitor advising that in his view the evidence gathered by OLGR inspectors from: recent inspections and from Anzac Day 2014; recent breaches of licence conditions; and an independent acoustic assessment by Koikas Acoustics Pty Limited (dated 16 December 2014), demonstrated an ongoing and concerning pattern of undue disturbance from corporate and social functions held on the Club's bowling greens which was not being adequately controlled by Club management. The Executive Director proposed to impose a condition on the Club's licence to prohibit the consumption of alcohol on the bowling greens and outdoor areas. The Club was provided a further opportunity to make submissions on the proposed decision.
14. On 13 January 2015 the Club's solicitor wrote to OLGR seeking an extension of time for providing a submission and also flagged that the Club would be seeking an expert review of the Koikas Acoustics Pty Ltd report.
15. On 16 January 2015 the Executive Director OLGR wrote to the Club's solicitor in response and advised that the response date had been extended to 27 February 2015. The Executive Director also provided a copy of a further submission from Police and an additional acoustic report from Koikas Acoustics Pty Ltd (dated 16 January 2014) which demonstrated non-compliance with the LA10 noise condition. The Executive Director

also indicated that he remained minded to impose the condition proposed in his correspondence of 18 December 2014.

16. On 27 February 2015 the Club's solicitor provided a submission in response to the Executive Director's proposal. The submission reiterated the material from the previous submission to the Director Compliance (dated 19 September 2015). The submission also contested newly introduced material including file notes made by OLGR inspectors, the additional Police submission, and also flagged that the Club would submit further material from an acoustic expert to refute the Koikas Acoustics reports. The submission also attached a further report from A & M Consultants detailing compliance and risk audits undertaken on 7 and 21 February 2015 which concluded that current controls at the Club were sufficient.
17. On 6 March 2015 the Club's solicitor provided a further submission which attached a report from [REDACTED] The Acoustic Group. The Acoustic Group report criticises the Koikas Acoustics report as being technically deficient.

## Considerations and Findings

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

18. The Act requires that in certain cases, I have regard to three statutory considerations being the order of occupancy between the licensed premises and the complainant; any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises; and any changes in the activities conducted on the licensed premises over a period of time.
19. Whilst technically I am not required to consider the matters set out at section 81(3) (as the complaint is taken to be made by the Commissioner of Police, who is not considered to be a *complainant* under section 81(3) of the Act), I have nonetheless decided that it is appropriate to address these statutory considerations as the nature of the complaint centres on disturbance to local residents due to the operations of the Club, and the statutory considerations are relevant to this type of complaint.
20. *The order of occupancy between the licensed premises and the complainant* – the Club submits that it has been at its present site for nearly 60 years and predates the construction of the Goodwin retirement village. This fact is not in dispute and I consider that the order of occupancy consideration is in favour of the Club. Residents moving into

the Goodwin retirement village would have been aware they were moving in next to an existing bowling club and that they would be subject to a certain level of disturbance from its operation.

21. *Any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises* – there have been no recent relevant changes of this kind either to the Club premises or the Goodwin Retirement village.
  
22. *Any changes in the activities conducted on the licensed premises over a period of time* – The Club has evolved from a traditional local bowling club, to a venue that focuses primarily on the conduct of social and corporate bowling and events. I have considered the booking schedule provided by the Club for the period 31 October 2014 and 29 December 2014 which demonstrates that the Club caters primarily for pre-booked sessions and packages for corporate and social bowls. Over this period, about 8465 persons from 337 bookings were scheduled at the Club for functions held on the greens. The majority of the booked functions state they are of a corporate nature. The Club does not dispute this and when commenting on the booking schedule in its submission of 27 February 2015 agreed that the Club is well patronised and that members of the public demand and expect they should be able to enjoy a drink incidental to the playing of bowls. It is abundantly clear from a review of the Club's own website and Facebook page that there is a significant focus on social and corporate functions, and notably the Club was promoted with the catchcry 'Bowls without the olds'. I am satisfied that over a period of time the Club has changed from a traditional bowling club, to a business that has a predominant focus on corporate and social functions and activities.

### **Undue Disturbance**

23. I accept that, as submitted by the Club's solicitor, a certain level of noise and disturbance should be expected by residents surrounding the Club. While there is no doubt that the Club causes disturbance to some residents of the Goodwin retirement village, the question I must come to a finding on is whether that disturbance is *undue*. In considering this issue I have had regard to the particular context in which the Club operates (including the statutory considerations mentioned above) and I have considered what a reasonable person might consider to be undue in this particular context.
  
24. I am satisfied that on balance, the material before me provides a proper basis to make a finding that the Club, at times, causes undue disturbance to the neighbourhood. I have balanced the submissions of the Club (including observations made in reports by A & M

Consultants, [REDACTED] and the report by The Acoustic Group), the material submitted by Police, reports by OLGR inspectors, and acoustic reports from Koikas Acoustics. I have placed significant weight on the observations of OLGR inspectors who provided reports on inspections conducted at the venue. The observations of inspectors demonstrate that to varying degrees the activity of social and corporate bowls functions results in patron noise emanating from the greens which disturbs the neighbourhood, including residents of the Goodwin retirement village.

25. I note that the Club obtained its own compliance and risk audit reports undertaken by A & M Consultants. The consultant's report makes recommendations such as the provision of additional free water stations, the provision of free food when entertainment is provided on high trade evenings as a harm minimisation strategy and consideration of some type of noise buffering systems to be placed between the 'nursing home' and the Club's bowling greens. The suggested recommendations appear to conflict with the Consultants' conclusions that 'currently the controls being employed at the Club are ample and sufficient to allow the Club to provide the type of entertainment and operations they are presently supplying'. The report also concludes that 'management in place has shown a responsibility and a commitment to harm minimisation strategies and to providing a safe controlled environment for patrons to enjoy the Club facilities and that the impact on the local community is minimal and within reasonable bounds'. I note that these conclusions were made after one visit to the Club when a Bledisloe Cup Rugby match was being televised within the Club building and is likely to have been the central attraction, rather than compared to accounts of OLGR inspectors made at times when activities on the greens and outdoor areas have been the focus of patron entertainment.
26. A further report from A & M Consultants dated 24 February 2015 relates to two audits at the Club on 7 February and 21 February 2015. The audit on 7 February 2015 reports that noise from patrons leaving the Club during the evening was not deemed offensive or intrusive to local residents; however it is not clear whether the consultant made observations from any residential premises. Further observations on 21 February 2015 noted that the current procedures in place at the Club are adequate to manage the impact on the local community. Notwithstanding this view, the consultant recommended the installation of a water station near the bowling greens, an external menu board visible from the greens to encourage food consumption, the provision of an additional security guard/staff member to be in attendance at the Club's exit from 8.00 pm, and a security guard be stationed at the intersection of Forbes, Quarry and Harris Street from 9.00 pm (when the number of patrons exceeds 150) as a visual deterrent to unruly behaviour by exiting patrons.



27. OLGR inspectors are trained officers experienced in dealing with making observations at licensed premises and I have placed considerable weight on firsthand accounts of the Club's operation given by OLGR inspectors. Whilst observations in OLGR inspectors' file notes during the period 21 November to 13 December 2014 contain varying views as to the level of disturbance, I am satisfied that there are a number of observations which give weight to a finding of undue disturbance which include:

- a) On 21 November 2014, OLGR inspectors attended a residential premises at the Goodwin retirement village and observed about 100 patrons on the bowling greens and considered the noise emanating from the greens as being undue.
- b) On 28 November 2014, OLGR inspectors attended a residential premises at the Goodwin retirement village and observed about 100 patrons on the bowling greens and considered the noise emanating from the greens as being undue.
- c) On 5 December 2014, OLGR inspectors observed that clapping, cheering and whistling was clearly audible from residential premises above the background noise. Inspectors also observed the noise monitor on the greens go off 12 times in a 9 minute period, with no intervention by staff. Inspectors also noted patrons urinating behind the shed on the greens.
- d) On 6 December 2014, OLGR inspectors noted that amplified entertainment from the Club was clearly audible within a complainant's residence, contrary to the Club's liquor licence requirements.
- e) On 12 December 2014, OLGR inspectors observed the sound monitors on the greens being triggered. A security guard was engaged in discussion who indicated to inspectors that he was unaware of their purpose.
- f) On 13 December 2014, OLGR inspectors noted that patron noise emanating from the Club was clearly audible from the boundary of an affected residence. Inspectors observed the noise monitors on the greens being triggered with no corresponding intervention by staff. Inspectors also noted a patron urinating behind the shed on the greens.

28. It is also noted that the Director Compliance based his proposal of 1 August 2014 to impose conditions on the Club's licence largely on a report by OLGR inspectors of

ANZAC Day operations at the Club. I accept that this trading day was an atypical trading day for the Club. However, I am of the view that the OLGR report demonstrated that the event was inadequately managed and led to significant undue disturbance on that occasion due to both the manner in which the business was conducted and due to patrons leaving the Club. This manifested in a large crowd using the bowling greens like a beer garden, patrons urinating in public, patrons leaving the venue yelling and screaming, rubbish being left in the vicinity of the Club, and patron noise being audible in residences of the Goodwin retirement village to a level that was loud, constant and annoying. Notably, conditions imposed as part of a previous regulatory intervention to control these risks were not complied with.

29. I note the Club's submission contests the content of the OLGR inspectors' reports. However, the observations show that a range of disturbance is caused by the Club. At the upper end of the scale is the type of disturbance that was caused on ANZAC Day 2014, which involved excessive patron noise from the bowling greens and also anti-social behaviour of patrons leaving the Club. On other occasions inspectors observed noise to be very limited. Based on the material before me, on balance, I have formed the view that the Club causes undue disturbance to the neighbourhood.

30. I also note that the observations of inspectors are generally consistent with much of what is asserted in the complaint in correspondence from residents. While the allegations put in the residents' letters must be tempered by alternative views from the Club, the Club's consultant, and OLGR inspectors, I am satisfied there is a reasonable basis to the residents' complaints which add weight to a finding of undue disturbance.

### **Acoustic Testing**

31. To test compliance with the LA10 noise criteria which is imposed as a condition on the Club's licence, OLGR instructed Koikas Acoustics Pty Ltd to conduct testing on 5 December 2014, 12 December 2014 and 10 January 2015. The results of this testing are described in two reports dated 16 December 2014 and 16 January 2015. Both acoustic reports concluded that *'The operational noise levels measured emanating from the subject Bowling Club exceeded the Office of Liquor Gaming and Racing noise criteria by a significant margin'* on each occasion testing was conducted.

32. The LA10 noise condition is an accepted industry standard and is the preferred benchmark of OLGR for objectively assessing undue disturbance at licensed premises. Despite being encouraged to do so, the Club has not provided an acoustic report or provided advice on potential remedial acoustic treatment. While it is apparent some

attempts were made for [REDACTED] The Acoustic Group to conduct testing, no steps were taken to pre-arrange testing with the assistance of OLGR. I note that the Club's submission of 6 March 2015 requests that OLGR assist with facilitating testing. I do not consider this matter should be further delayed as there has been ample opportunity for the Club to have engaged an acoustic consultant since the complaint was lodged in March 2014.

33. Notwithstanding that it is asserted that there are technical deficiencies with the Koikas Acoustics reports, I am satisfied that these reports at least provide an indicator that the Club causes noise at a level beyond what a reasonable person would expect from the normal operation of a bowling club in a residential neighbourhood. I consider that the Koikas Acoustic reports provide additional weight to a finding of undue disturbance; I am also of the view that, even if this material was not considered, I would be satisfied on the basis of the other material before me that a finding of undue disturbance is established.

#### **Non-compliance with disturbance related conditions**

34. On 25 April 2014 five breaches of licence conditions (section 11(2) of the Act) were detected by OLGR officers. The breaches of condition related to the service of alcohol in glass containers; failing to employ RSA marshals; failing to remove glass containers from the lawns; patrons removing open containers of liquor from the premises; and failing to maintain an electronic noise monitoring system. Further, a breach of clause 42(1) of the Liquor Regulation 2008 was detected which related to employing a security guard with an expired RSA certificate. Three penalty notices and three warnings were issued for the breaches. The penalty notices related to the breaches for glass bottles, no RSA marshal, and the security guard with an expired RSA. All three penalty notices were paid.
35. On 5 October 2014, OLGR inspectors detected a breach of a liquor licence condition (section 11(2) of the Act) requiring the Club to maintain a patron count. The patron count condition relates to RSA marshal and security guard conditions which are dependent on patron numbers. The Club's submission indicated that a count was not maintained on this occasion due to the lower level of patrons. A penalty notice was issued for the breach of section 11(2). A penalty notice enforcement order under the *Fines Act 1996* has been made in respect to this matter as the fine was not paid.
36. On 6 December 2014, OLGR inspectors attended the Club and conducted an inspection. The inspectors detected a breach of a licence condition as amplified music from the Club was clearly audible from within a residence near the Club. A penalty notice was issued for this breach of section 11(2). The Club's submission indicated that this breach

occurred due to the Club not following standing noise testing procedures on that isolated occasion. A penalty notice enforcement order under the *Fines Act 1996* has been made in respect to this matter as the fine was not paid.

37. In isolation the abovementioned breaches may not raise significant concerns, but the pattern of breaches demonstrates a failure on the part of the Club to observe fundamental licence obligations in relation to licence conditions which exist as protective measures to ensure the community is not subject to undue disturbance or harm. It would be expected that a high level of diligence would be demonstrated noting that many of the conditions were imposed by the Independent Liquor & Gaming Authority in 2011 to address a previous noise disturbance complaint when the Authority had jurisdiction in such matters. In light of the management and compliance failures in relation to the prevailing controls designed to address the issue of undue disturbance, it is appropriate to consider additional controls which will better ensure that the neighbourhood is not subject to continuing undue disturbance.

### **The proposed condition**

38. The condition I propose to impose will prohibit consumption of alcohol on the bowling greens or outdoor areas. The Club asserts that the consumption of alcohol is an essential aspect to corporate and social bowls functions and that the condition will severely impede the financial viability of the Club with the likely result that the Club will be forced to close.

39. I accept that social bowls, 'barefoot bowls' and corporate functions are now a common activity offered by many bowling clubs across NSW. This type of activity is a more casual type of bowls often involving patrons consuming alcohol on bowling greens during play. Bowling clubs are looking to new ways to attract patrons to ensure ongoing viability. I am mindful the objects of the Act include facilitating the balanced development of the industry and to contributing to related industries. My general view is that such activities, where conducted responsibly, reflect community expectations and should not unnecessarily be impeded or restricted. However, where those activities are not conducted responsibly and have an adverse impact on the local and broader community, which is disproportionate to the benefit, I consider that regulatory intervention is appropriate and necessary.

40. I accept that the condition imposed on the Club will have an adverse impact on the Club, but I note that it will not restrict the ability for the Club to conduct functions on the greens and the Club will be still be able to freely sell alcohol within the Club building. This will

require the Club to adapt its activities, but I do not accept that would be an unreasonable expectation in the circumstances.

41. Further, I note that the Club asserts that there is no evidence to demonstrate that the consumption of alcohol on the greens is linked to undue disturbance. It is well accepted that consumption of alcohol can lead to more boisterous and exuberant behaviour of patrons. Where there is a large number of patrons on the greens and outdoor areas consuming alcohol, it has been demonstrated in the evidence (particularly in the observations of OLGR inspectors) the cumulative effect of patron noise from the greens leads to undue disturbance particularly affecting residential premises in the Goodwin retirement village. As the current set of licence conditions seems to have failed in ensuring the community is adequately and effectively protected from undue disturbance, I consider it appropriate to impose a more restrictive condition that I consider will have the effect of considerably reducing the risk of ongoing undue disturbance.

## **Summary and conclusion**

42. While the Club argues that there is insufficient evidence to make a finding of undue disturbance, I am satisfied that, on balance, there is sufficient evidence to support a finding that the Club causes undue disturbance to the neighbourhood.

43. The use of the Club's greens in conjunction with social and corporate functions held on the greens is the main cause of disturbance. The prohibition of the consumption of alcohol on the Club's greens will better ensure management of the patrons on the bowling greens.

44. A certain level of disturbance should be expected from the operation of any bowling club (including disturbance from corporate functions and/or social bowls), but I have come to the view that the Club operates these activities on such a large scale as to cause a significant impact and has been unable to adequately manage the risks associated with this impact.

45. While I agree with the general principle that members of the public should be able to enjoy a drink incidental to the playing of bowls at a bowling club as submitted by the Club, I am also of the view, based on the material before me, that for many patrons attending this Club the playing of bowls is incidental to the drinking. That is, the focus of the activity is the consumption of alcohol, and the playing of bowls is an incidental activity for those patrons to partake in while they are drinking. This creates an entirely different environment to what is traditionally expected for social bowls where one may

expect patrons to enjoy a drink between games rather than the use of the greens as an extension of the licensed premises.

46. Existing conditions on the licence, particularly those imposed in 2011 in response to a previous disturbance complaint, have been unsuccessful in controlling disturbance to the extent necessary. A condition restricting consumption of alcohol on the greens is likely to result in a significant reduction in the level of disturbance from patron noise and I consider this as an appropriate and proportionate regulatory response.

47. I have determined that the condition should become effective 14 days from the date of this decision in order to provide sufficient time to ensure business readiness and compliance with the new requirement.

Date of decision: 31, 3.15

Date condition is effective: 14.4.15



Mark I Paterson AO  
Secretary  
NSW Trade & Investment

**IMPORTANT NOTES**

Should you be aggrieved by this decision, you may seek a review by the Independent, Liquor and Gaming Authority by an application which must be lodged within 21 days of the date of this decision. A \$500 application fee applies. Further information can be obtained from Authority Guideline No. 2 published at [www.ilga.nsw.gov.au](http://www.ilga.nsw.gov.au)

In accordance with section 36C of the *Gaming and Liquor Administration Act 2007* this decision will be published on the Office of Liquor Gaming & Racing website at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au).