



**NSW Police Force**  
www.police.nsw.gov.au

**NSW POLICE**

**NORTHERN BEACHES POLICE AREA COMMAND**

**Licensing Unit**

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**9 November 2020**

**Your Ref: DA2020/0829**

Maxwell DUNCAN  
Northern Beaches Council

**Proposed Premises: Big Swing Golf**  
**Applicant: NSW Town Planning Pty Ltd**

Police have received notification by way of application for the use of premises as an indoor golf driving range and retail shop with licensed bar. The applicant is seeking to operate the premises as a recreation facility (indoor) & food and drink premises with retail space. The applicant seeks to include a licensed bar within the facility for the sale/supply of alcohol to patrons. The application has been reviewed and police would like to provide the following response.

**1. Application**

- 1.1 The application relates to proposed licensed premise **Big Swing Golf** (hereafter referred to as the 'premise').
- 1.2 The application seeks to establish a new licensed premises to operate with an unspecified liquor licence type.
- 1.3 The premise is requesting trading hours for consumption of liquor on premises from 10:00 am to 10:00 pm Monday to Sunday.
- 1.4 The application does include a Plan of Management.

**2. Applicant**

- 2.1 The applicant, NSW Town Planning Pty Ltd is acting on behalf of a person or corporation to which Police have not been provided details and therefore have been unable to conduct checks on the Computerised Operational Policing System (COPS) in relation to the applicant.

**3. Location**

- 3.1 The listed address for this application is to be located at 33 Oaks Ave Dee Why, NSW, 2099.
- 3.2 The premise is located within the Northern Beaches Police Area Command and the Northern Beaches Local Government Area (LGA).

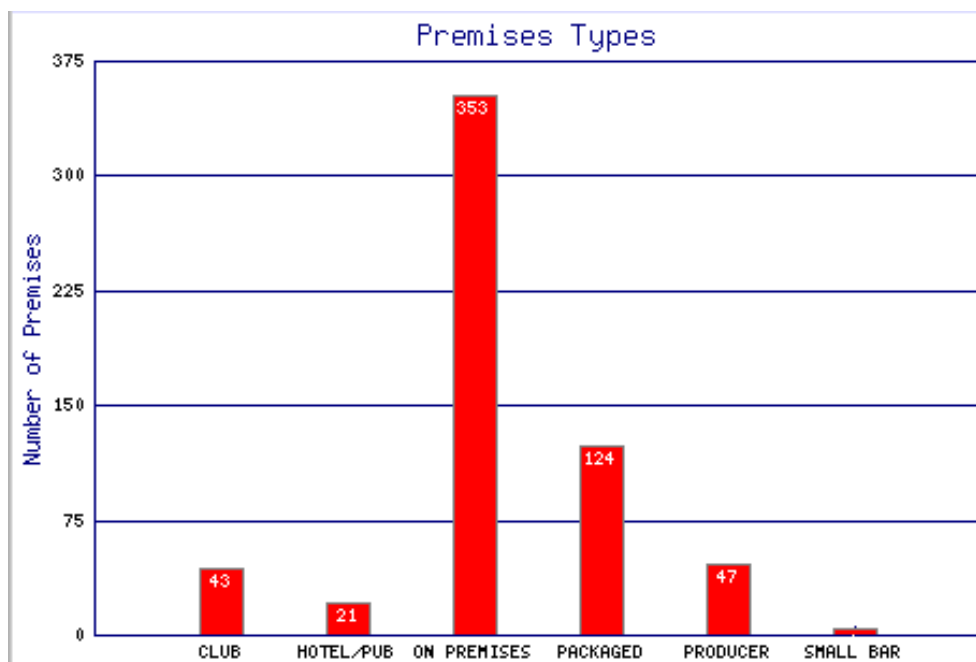
**4. Saturation of Licensed Premises**

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- 4.1 There are a high number of licensed Restaurants, Cafes, Hotels and Breweries in Dee Why. There is a high concentration of licensed premises on the Northern Beaches. The premises include a number of late trading venues and 24-hour businesses.
- 4.2 The Northern Beaches Police Area Command currently has 592 approved liquor licences including 43 clubs, 21 Hotel/pub, 353 on premises, 124 packaged, 47 producer and 4 small bars.
- 4.3 The availability of alcohol on the Northern Beaches is plentiful with an average of 11.38 licensed premises per suburb in the Northern Beaches LGA. Alcohol is readily available via means of take away from Packaged liquor outlets, Hotels, Clubs and online deliveries. Additionally, the Statement of Regulatory Intent also allows a licensed premises, such as a restaurant, café that does not have authorisation for the sale or supply of liquor for consumption away from the premises to sell alcohol for consumption off the premises ie take away sales.

**Licensed Premises**  
LAC : NORTHERN BEACHES PAC

Premises Types	Total Number
CLUB	43
HOTEL/PUB	21
ON PREMISES	353
PACKAGED	124
PRODUCER	47
SMALL BAR	4



- 4.4 'Licensed premises are popular venues for entertainment, the consumption of alcohol and an important location for socialising, particularly among young people (McIlwain & Homel 2009). However, these premises are also a high-risk setting for alcohol-related violence and injury, with a large number of assaults occurring in or within very close proximity to hotels and nightclubs (Fitzgerald, Mason & Borzycki 2010)'.

(<http://www.aic.gov.au/publications/current%20series/tbp/41-60/tbp048/consumption.html>)

## 5. Crime Data

- 5.1 The Alcohol Related Crime Information Exchange (**ARCIE**) highlights the involvement of alcohol in specific crime types.

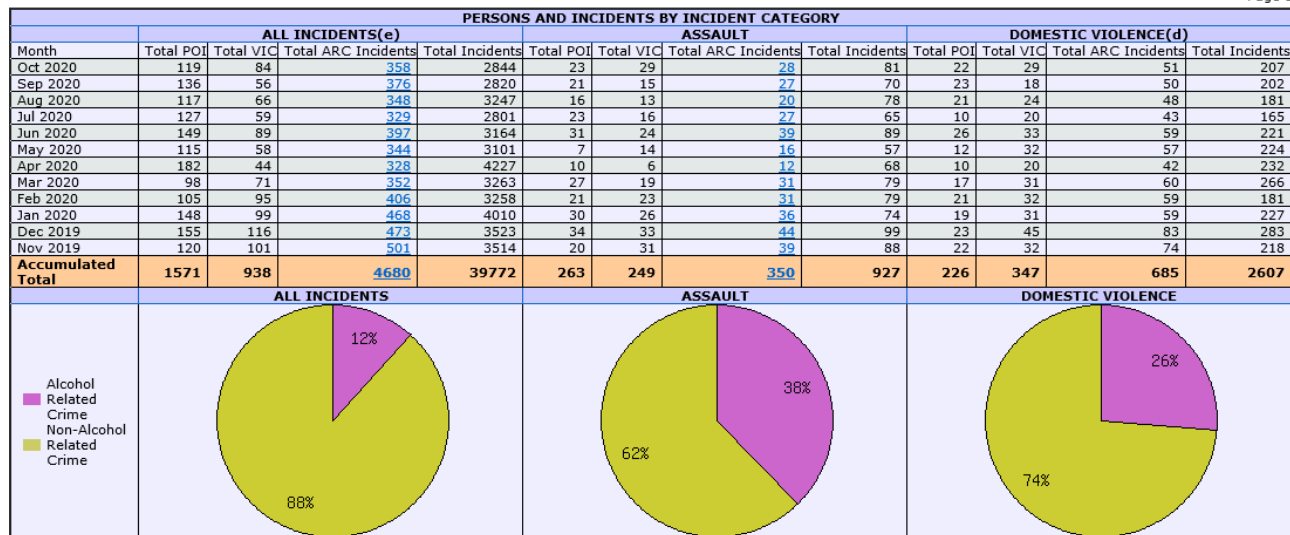
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5.2 Data from November 2019 until October 2020 shows **38% of all Assaults** and **26% of all Domestic Violence incidents** were alcohol related, occurred within the Northern Beaches, as illustrated below:

### Alcohol Linking Monthly Report LAC: NORTHERN BEACHES PAC (Nov 2019 to Oct 2020)

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5.3 This equates to:

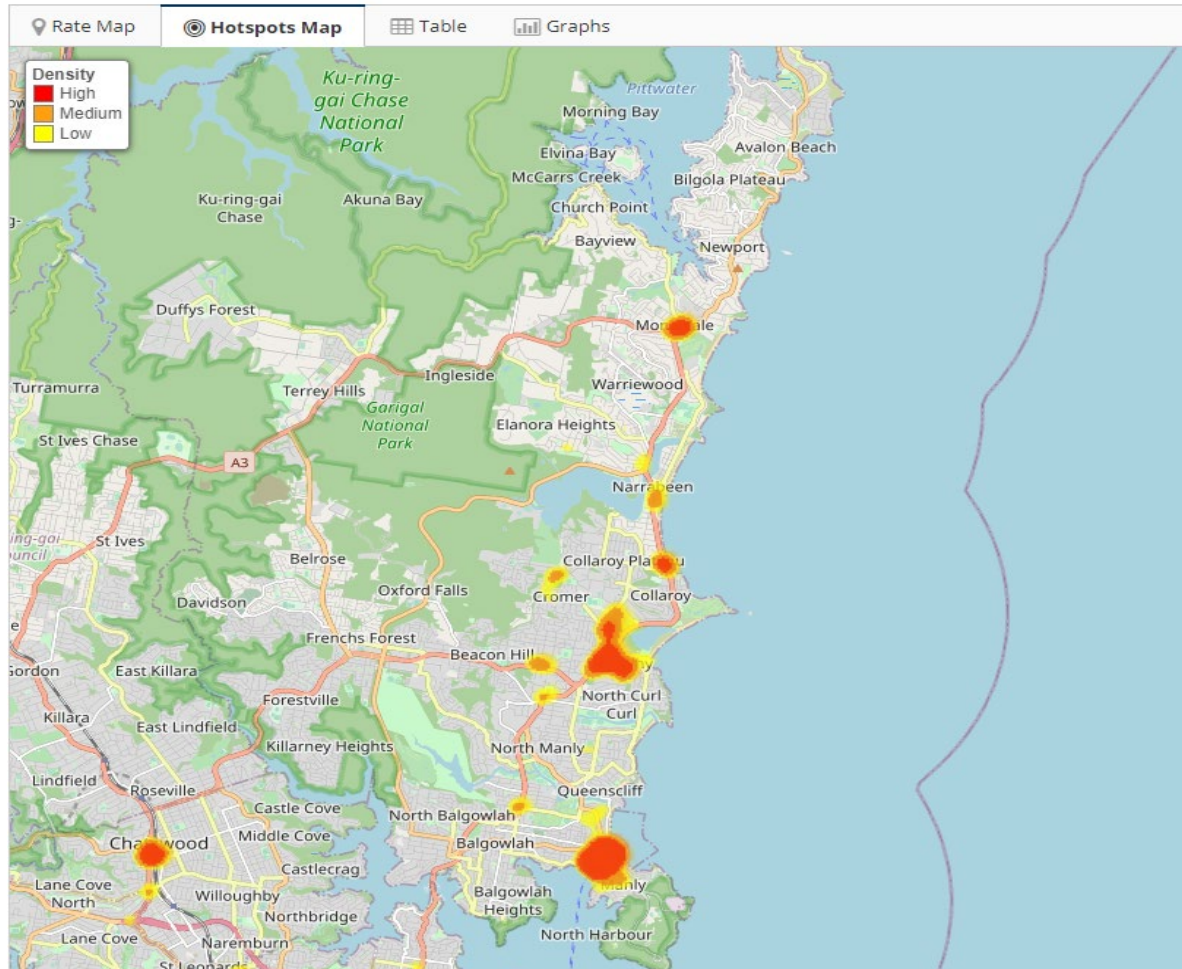
**352** Alcohol Related Assaults  
**677** Alcohol Related Domestic Violence incidents

5.4 The following figure, as recorded in the NSW Bureau of Crime Statistics and Research site, illustrates the number of incidents of assaults recorded within the Northern Beaches PAC from July 2019 to June 2020. As highlighted in the Hot Spot Map, a high concentration of assaults occurs within the direct vicinity of the proposed licensed premises and neighbouring area.

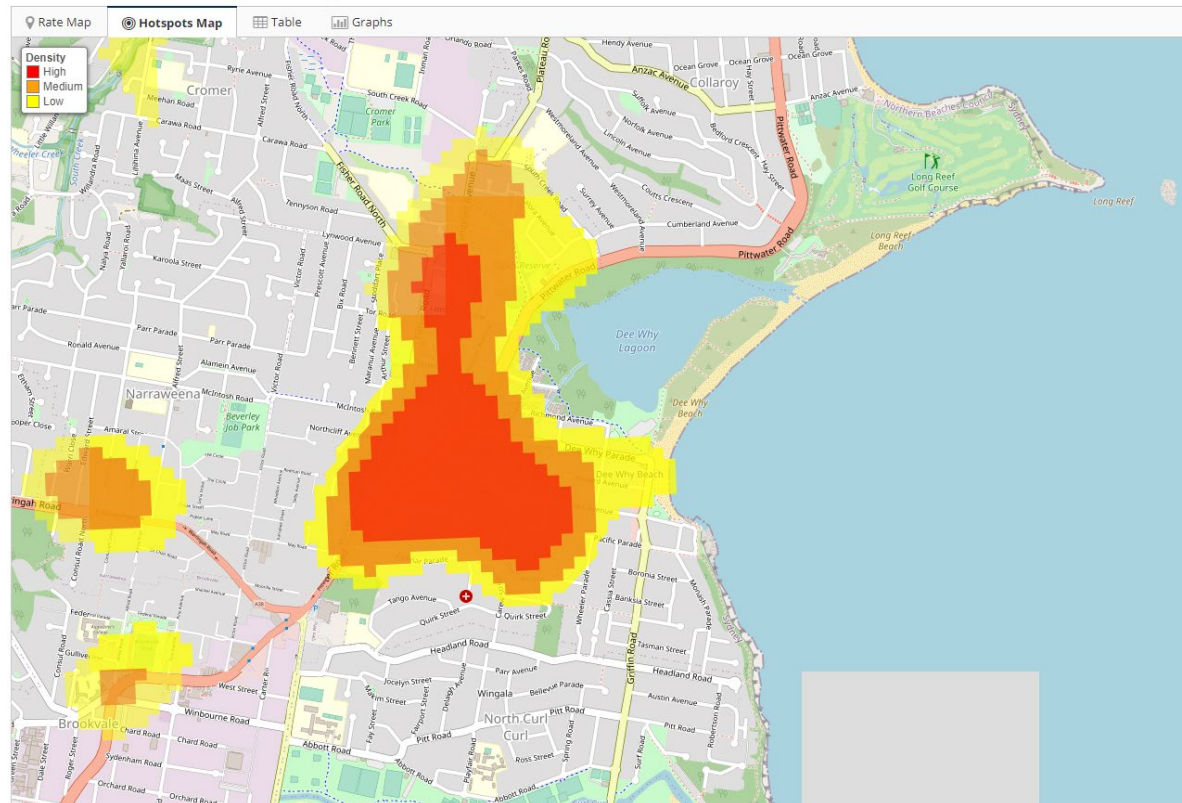
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Incidents of Alcohol Related Assault from July 2019 to June 2020



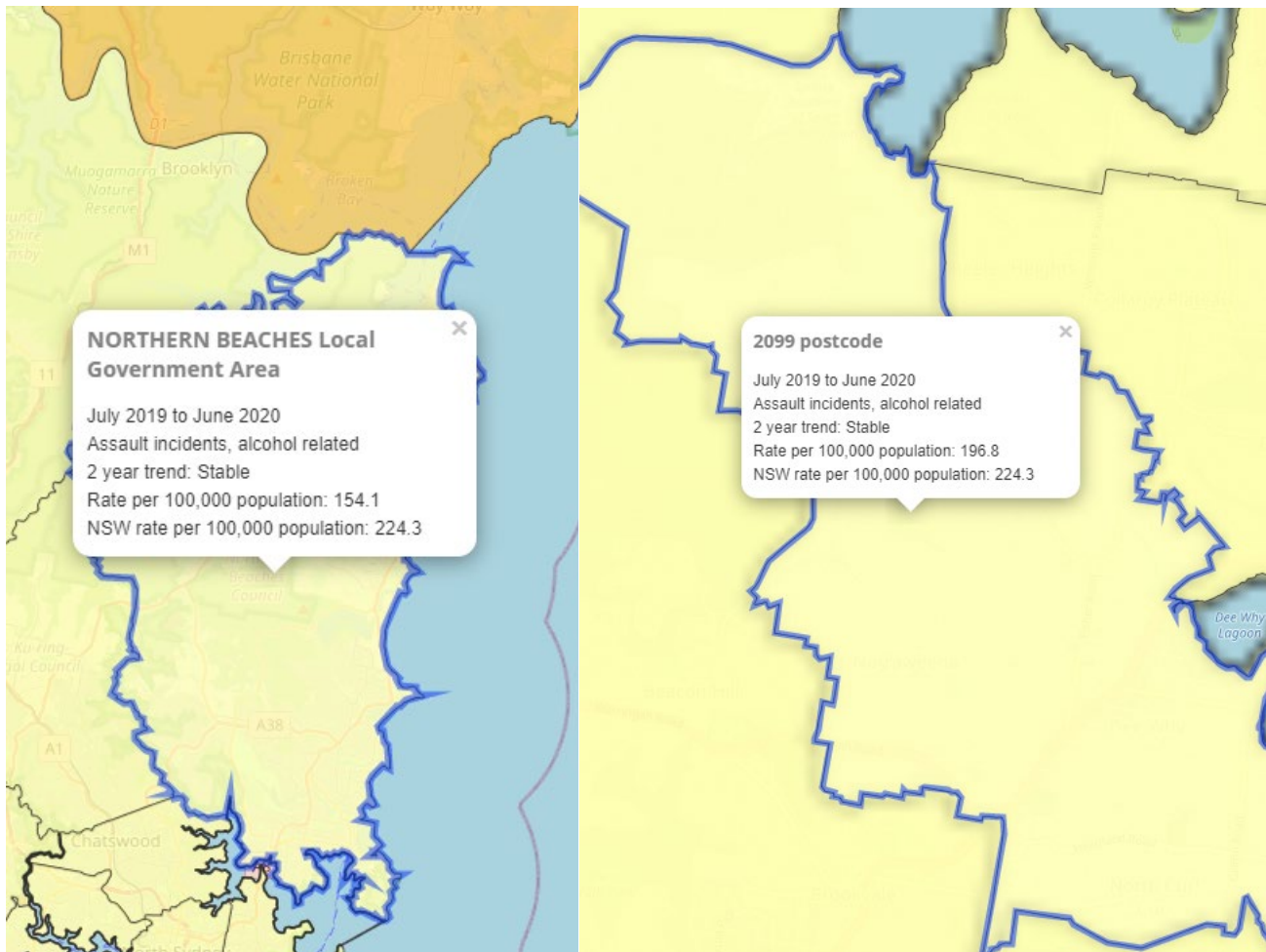
Incidents of Alcohol Related Assault from July 2019 to June 2020



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5.5 It should be noted that over the past two years the rate of alcohol related assault incidents in the Northern Beaches LGA is 154.1 incidents per 100,000 people, In the suburb of Dee Why the rate of alcohol related assault incidents is 196.8 per 100,000 people.



## 6. Comment

Police note that the primary purpose of this premises is for recreational golfing simulation and retail golf supplies.

Police submit the Council could not be satisfied there will be practices in place at the proposed licensed premises that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication, the sale of liquor to minors, and that those practices will remain in place.

Police believe the Plan of Management provided with the application is inadequate and does not contain sufficient harm minimisation measures for the operation of a licensed premises beyond legislative requirements. There are no details of how the venue will minimise its impact on local residents through crowd management, noise levels and crime prevention. Police are not confident that full consideration has been given to the local impact of operating this type of licensed premises in an already saturated area of licensed venues.

Police also have concerns that the premise does not have a kitchen in which to have food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available

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whenever liquor is sold or supplied. Police believe it is unreasonable for any licensed premises to rely on mobile food trucks, take away or home delivery food options to provide food to patrons.

Police believe it is unreasonable for a facility with the primary purpose of recreational golf simulation to have the need to sell or supply liquor to patrons before midday on any day.

Police submit the application should be refused for the following reasons;

- This application will increase the availability of alcohol within the Northern Beaches Police Area Command,
- Dee Why is a high-density hotspot for alcohol related crime,
- Northern Beaches Police Area Command is already saturated with licensed premises,
- Additional liquor outlets (irrespective of the licence type) do increase alcohol related crime, and this application is no different,
- The applicant has provided no information on security measures,

7. Police have reviewed the application and **Object** to the application being granted.

7.1 Police have based this objection of issues raised under Section 2 – **Applicant**, Section 4 – **Saturation of Licensed Premises**, and the high volume of crime being experienced in and around licensed premises in the area.

7.2 If the application is approved police request the following conditions are considered for inclusions onto the licence for the sole purpose of **Public Safety**:

1. **CCTV footage** on premises:

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- 1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
  - a. the person represents not less than 100% of the screen height, and
  - b. there is an unobstructed view of the person's face.
- 2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
  - a. all other public entrances and exits, whether or not in use at the time,
  - b. staircases,
  - c. all portions of the floor area accessible to the public where entertainment is provided,
  - d. toilet external entrances,
  - e. all public accessible areas within the premise excluding toilets
  - f. the footpath area directly adjacent to the premises, and
  - g. courtyard and smoking areas.
- 3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
  - a. the person represents not less than 50% of screen height, and
  - b. there is an unobstructed view of the person's face.

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- 4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- 5) Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
- 6) Recordings must:
  - a. be in digital format,
  - b. record at a minimum of ten (10) frames per second, and
  - c. commence one hour prior to opening and operate continuously until at least one hour after closing.
- 7) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- 8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- 9) When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- 10) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, NSW Liquor & Gaming Inspectors or other regulatory officers upon request.
- 11) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, NSW Liquor & Gaming Inspectors or other regulatory officers.
- 12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

## 2. Maximum Patron Capacity

- a. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry to the premises. The signage shall state:

**Approved patron capacity is limited to XXX**

- b. A comfortable seating position must be available for each patron upon the premises. This will include a seat and access to table/bench space generally in accordance with the approved plans.
- c. Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).
- d. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principle entry to the premises; in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

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**Upon leaving please respect local residents by minimising noise**

- e. Signage specified in sub clause (a) and (d) is to be erected prior to the commencement of operations.

**3. Neighbourhood Amenity**

- a. The management of the premises:
  - i. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
  - ii. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations.
  - iii. Shall record in an Incident Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
  - iv. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in an Incident Register.
- b. An **adequate queuing system** for patrons must be implemented at the main entrance of the licensed restaurant so as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.

**4. The licensee must join and be an active participant in the local liquor accord.**

**5. Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available to patrons at all times whilst alcohol is being sold or supplied.**

**6. Smoke-Free Environment Legislation**

The use and operation of the premises is to comply with the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2000. Guidance may also be obtained from the NSW Health Department (to ensure that smoking is not permitted on premise).

**7. Crime Scene Preservation**

- a. Immediately after the person in charge of the Licensed Premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
  - i. Take all practical steps to preserve and keep intact the area where the act of violence occurred
  - ii. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
  - iii. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident and
  - iv. Comply with any directions given by the Commander or delegate to preserve or



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keep intact the area where the violence occurred.

8. The premises is to be operated at all times in accordance with the Plan of Management approved by the Northern Beaches Local Area Commander. 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.
9. A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or inspector from the Liquor and Gaming NSW.
10. The licensee must maintain a register, in the form approved by the Secretary, in which the licensee is to record, in the manner approved by the Secretary, the details of any of the following incidents and any action taken in response to any such incident:
  - (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 Act,
  - (d) any incident that results in a patron of the premises requiring medical assistance,
  - (e) any incident that involves the possession or use on the premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- (2) The licensee must, if requested to do so by a police officer or inspector
  - (a) make any such incident register immediately available for inspection by a police officer or inspector, and
  - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
- (3) The licensee of subject premises must ensure that the information recorded in an incident register under this clause is retained for at least 3 years from when the record was made.
11. The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
12. Any liquor service shall be restricted only to patrons booking the indoor golf simulator facilities.
13. The sale of alcohol is restricted to between 12:00 pm and 10:00 pm.
14. No alcohol served or supplied shall be taken from the premises.
15. Patrons are not permitted to bring their own alcohol onto the premises.

If you wish to discuss this application further, please contact the Sydney City Licensing Unit on 8220 6399.

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Regards

A handwritten signature in dark ink, appearing to read 'Ivan O'Donnell', with a large, stylized loop at the end.

Ivan O'DONNELL  
Senior Constable  
Northern Beaches PAC  
Licensing Unit  
09/11/2020

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