



Mr George Smith
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5 November 2018

Dear Mr Smith

Application No.	1-6587821573
Applicant	Mr Brett Clarence Fawcett
Application for	Full hotel liquor licence Extended trading authorisation Minors area authorisation
Licence name	SOP Pub
Trading hours	<u>Consumption on-premises</u> Monday to Saturday: 5:00 AM to 3:00 AM Sunday: 10:00 AM to 12:00 AM <u>Takeaway sales</u> Monday to Sunday: 10:00 AM to 10:00 PM
Premises	Corner The Yuland and Olympic Boulevard Sydney Olympic Park NSW 2127
Legislation	Sections 3, 11A, 12, 14, 15, 15A, 17, 40, 45, 48, 49, 51 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a full hotel liquor licence with an extended trading authorisation and a
minors area authorisation – SOP Pub**

The Independent Liquor and Gaming Authority considered, at its meeting on 16 May 2018, the Applicant's application for the application above and, pursuant to sections 45, 49 and 121 of the Liquor Act 2007, has decided to grant the licence subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 04:00 am and 10:00 am during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. 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 31st 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.

3. Take away sales

Good Friday Not permitted

Christmas Day Not permitted

December 31st Normal trading

4. The premises is to be operated at all times in accordance with the Plan of Management dated 24 January 2018 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.
5. Closed-circuit television system
 - 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 six (6) 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
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (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
 - (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.
6. Crime scene preservation

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:

 - 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 & Gaming NSW website,
 - 3) make direct and personal contact with the 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.
7. The licensee must join and be an active participant in the local liquor accord.
8. Minors Area Authorisation: whole of the premises, excluding gaming room.

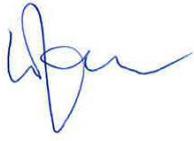
Trading between 10 PM and 11 PM, Monday to Saturday

Pursuant to section 12 of the *Liquor Act 2007*, the standard trading period during which liquor can be sold for consumption away from the licensed premises must end at 10 pm on all trading days. Nevertheless, the exemption provision under section 70AB of the *Liquor Regulation 2008* permits takeaway liquor sales between 10 pm and 11 pm on days other than Sundays and restricted trading days.

A statement of reasons for this decision is attached at the end of this letter.

If you have any questions, please contact the case manager at beatrice.pitpaiaac@liquorandgaming.nsw.gov.au

Yours faithfully

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

Phillip Crawford
Chairperson
For and on behalf of the Independent

Statement of reasons

Decision

1. On 18 December 2017, Brett Clarence Fawcett (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (‘Application’) for a packaged liquor licence (‘Licence’) for the premises at Corner The Yuland and Olympic Boulevard Sydney Olympic Park NSW (‘Premises’).
2. Accompanying the Application was an associated application (“ETA Application”) seeking the grant of an extended trading authorisation (“ETA”) pursuant to section 49(2) of the Act. If granted, this authorisation would enable the hotel to trade beyond the standard trading hours prescribed by section 12 of the Act in all areas of the Premises between the hours of Midnight and 3:00 am Monday through Saturday and between 10:00 pm and Midnight on Sunday.
3. Also accompanying the Application was an application under section 121 of the Act for a minors area authorisation (“MAA Application”) seeking to designate a specified part of the Premises as an area that may be used by minors, if accompanied by a responsible adult. This authorisation (“MAA”) would apply to all areas of the Premises with the exception of the gaming room area.
4. The Authority considered the Application at its meeting on 16 May 2018 and decided to grant the Licence under section 45 of the Liquor Act 2007 (“Act”).
5. In reaching this decision, the Authority has had regard to the relevant material before it, the legislative requirements under sections 3, 11A, 12, 29-31, 40, 45, 48, 49, 51 and 121 of the Act, and the relevant provisions of the Liquor Regulation 2008.

Material considered by the Authority

6. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
7. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
8. In accordance with its Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
9. A list of the material considered by the Authority is set out in the Schedule.

Legislative framework

10. The Authority has considered the Application in the context of the following legislative provisions.

Objects of the Act

11. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations, needs and aspirations of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
12. In the pursuit of these objectives, section 3 requires the Authority to, in exercising its powers under the Act, have due regard to the need to minimise harm associated with misuse and abuse of liquor, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

Trading hours and 6-hour closure period

13. Section 12 of the Act sets out the standard trading period for various types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

14. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

Fit and proper person, responsible service of alcohol, and development consent

15. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:

- a) the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
- b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
- c) the applicable development consent required for use of the premises for the proposed business is in force.

Community impact statement

16. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.

17. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter before it.

Provisions specific to a hotel licence

18. Further legislative provisions that are specific to a hotel licence are set out in sections 14 to 17 of the Act and in the Regulation.

Provisions specific to ETA and MAA

19. Section 51 of the Act prescribes the minimum procedural requirements for a licensee to make a valid application for a licence related authorisation. The section also provides that when determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as it has in relation to an application for a licence.

20. Section 49 of the Act provides the Authority with the power to grant an ETA to a licensee to permit the sale or supply of liquor for consumption in the licensed premises during a specified period outside the standard trading hours.

21. Subsection 49(8) provides that the Authority may only grant the ETA if it is satisfied that:

- a) practices are and will remain in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
- b) the extended trading period will not result in undue disturbance of the quiet and good order of the neighbourhood of the premises.

22. Section 10A of the Regulation requires the CIS for an ETA in relation to a hotel licence to address matters relating to gambling activities on the licensed premises during the period that the Authorisation is proposed to be in force.

23. Section 121 of the Act provides that the Authority may, on application by a hotelier, grant an authorisation to enable the use by a minor of a specific part of the hotel while in the company of a responsible adult.

Key findings

24. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading hour requirements

25. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural requirements under section 40 of the Act,
- b) the proposed trading hours for the Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods,

Fit and proper person, responsible service of alcohol, and development consent

26. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- b) practices would be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol, having regard to the Hotel Plan of Management dated 24 January 2018 for the Premises and the conditions to be imposed on the licence, and
- c) the requisite development consent is in force, based on Development Application No. DA 11-11-2017 in respect of the Premises, issued by Sydney Olympic Park Authority on 13 March 2018.

Community impact statement

27. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.

28. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Sydney Olympic Park, and the relevant "broader community" comprises Parramatta Local Government Area ("the LGA").

Positive social impacts

29. The Authority notes that the Application has been made in response to an invitation by the Sydney Olympic Park Authority (SOPA) to seek expressions of interest from hotel operators to establish a hotel on the site. SOPA ran a design competition, the brief for which was to "create an outstanding building that is clearly identifiable, distinctive and provides a sense of entry and arrival to Sydney Olympic Park". The proposed layout of the Premises reflects the Applicant's successful entry.

30. The Authority notes that the Premises is situated in the Sydney Olympic Park Town Centre, and is intended to service the recent and foreseeable major development projects and population growth in the suburb of Sydney Olympic Park, which is projected to have a substantial increase in residents.

31. The Authority also notes that the Premises would provide further recreational and dining opportunities for workers in the business park located within the precinct. The Premises would also be an additional amenity for the growing population in the local community.

32. The Authority accepts that the Premises would contribute to the development of tourism since SOP is a major domestic tourist destination. The Authority also notes that there are

approximately 8.5 million visitors annually to Sydney Olympic Park for sporting and entertainment events. The Authority considers that the Premises will cater to the influx of patrons attending major sporting events and tourism-related events at the Sydney Olympic Park precinct.

33. The Authority has considered the density of liquor licences in Sydney Olympic Park, which also includes Homebush Bay. Whilst the density of hotel and packaged liquor licences in Sydney Olympic Park is considerably more than the NSW average, this can be attributed to the very small population of residents, and does not reflect the significant number of visitors to the area.
34. The Authority accepts that although there are two hotel licences operating in the immediate area, both are primarily accommodation premises. These accommodation premises only operate bar areas after midnight for the use of residents and their guests or persons invited to attend conferences or functions.
35. The Authority also finds, taking into consideration the information provided by the Applicant, that the Premises will attract clientele of varying ages, who are in the vicinity to attend the various sporting and entertainment events staged in the area on a regular basis. The granting of the MAA will allow visitors of all ages to utilise the dining and function facilities at the Premises.
36. The Authority notes that the hotel will also provide light entertainment “from time to time”, although detailed information as to the type and frequency of entertainment has not been provided in the Application.
37. The Authority has had regard to the Applicant’s intention to offer gaming, TAB and Keno facilities. The Authority has noted that the Applicant has outlined measures for ensuring responsible conduct of gambling, including no advertising of gambling outside the hotel, not offering gambling inducements or promotional prizes and providing a multi-lingual gambling counselling service for patrons.
38. The Authority notes that there were no submissions received either opposing or in support of the Application.

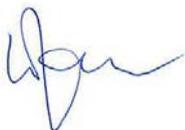
Negative social impact

39. The Authority has considered the BOCSAR hotspot maps for the year to December 2017, which indicate that the Premises is located in high density hotspots for alcohol-related assault and malicious damage to property, and a medium density hotspot for non-domestic assault.
40. The Authority notes that due to the small size of the suburb’s population, BOCSAR has not calculated crime rates for Sydney Olympic Park. It is noted that the nature of the suburb, with its regular influx of visitors and event attendees, is likely to distort any calculated crime rates.
41. The Authority notes that the HealthStats NSW data is from the former Parramatta LGA. The available data indicates that the LGA recorded a lower level of alcohol attributable deaths and a moderately higher level of alcohol attributable hospitalisations compared to the corresponding NSW figures.
42. The Authority notes that the hotel does not propose to operate a separate bottle shop, although takeaway sales of liquor will be available over the bar from 10:00 am to 10:00 pm Monday to Sunday. Through the operation of clause 70AB of the Regulation, the hotel will effectively be able to sell takeaway liquor until 11:00 pm, Monday through Saturday.

43. The Authority notes that the Premises will consist of two storeys over a basement with a useable rooftop. Notwithstanding that the dimensions of the Premises have not been provided, the patron capacity is listed as 940, and the Authority considers the scale of the venue to be substantial.
44. The Authority notes that the scale of the Premises will pose a further risk when assessing the capacity for the hotel to attract, accommodate and generate alcohol-affected patrons who may contribute to alcohol-related crime, anti-social conduct or otherwise impact adversely upon local amenity – albeit that the tourism focus may reduce the scope for such impacts.
45. The Authority accepts that there may be a risk that if the Licence were to be granted, liquor sold or supplied at the Premises will, over time, contribute to an increase in alcohol related crime and health issues in the local and broader communities.
46. The Authority is nevertheless satisfied that the risk is adequately mitigated by the following:
- a) The fact that there were no objections from any of the key stakeholders consulted, including NSW Police, Council and NSW FACS, in respect of the Application.
 - b) The Applicant's proposed measures in ensuring the responsible conduct of gambling.
 - c) The Premises will be operated by the Laundry Hotel Group, an experienced NSW based hotel group that presently operates 18 hotels across NSW.
 - d) The Applicant has consented to the imposition of a number of special licence conditions, such as the requirement to operate a CCTV system, and has committed to adhering to the measures set out in the Hotel Plan of Management to ensure that alcohol is served responsibly.
 - e) The relevant ABS data indicates that as at 2016, Sydney Olympic Park ranked as a relatively advantaged suburb when compared to other suburbs in NSW, and the LGA ranked as a relatively advantaged LGA, on the Index of Relative Socio-economic Advantage and Disadvantage.

Overall social impact

47. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.
48. The Authority is also satisfied that a decision to grant the Licence would be consistent with the objects of the Act to regulate liquor supply and facilitate responsible industry development in line with community expectations and needs.
49. Accordingly, the Authority has decided to grant the Licence under section 45 of the Act.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule

Material considered by the Authority

1. HealthStats NSW data showing alcohol-attributable deaths in the LGA for the period 2012-13; with a Smoothed Standardised Mortality Ratio of 107.5. The data for alcohol-attributable hospitalisations in the LGA for the period 2013-15; with a Smoothed Estimate of Standardised Separation Ratio of 85.6.
2. ABS SEIFA data based on the 2016 Census for Sydney Olympic Park and the LGA on the Index of Relative Socio-Economic Advantage and Disadvantage indicates that the suburb and the LGA ranked in the 10th decile.
3. NSW Recorded Crime Statistics 2017 outlining the proportion of offences in the LGA by day of week and time of day.
4. Premises plan dated 23 August 2017 for the Premises.
5. Submission from NSW FACS on 5 September 2017 in relation to the Application.
6. BOCSAR crime maps for the year to December 2017, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
7. NSW crime statistics for the two years to December 2017, published by BOCSAR, showing the counts, rates and two year trends of alcohol related assault (domestic and non-domestic) and malicious damage to property in Armidale and the LGA.
8. Copy of the public consultation site notice, police notice and local consent authority notice signed by the Applicant on 12 December 2017. The data highlights the following (suburb data unavailable):
 - o N/A incidents of alcohol related domestic assault per 100,000 persons for the suburb, compared to 66.0 for the LGA and 114.4 for NSW;
 - o N/A incidents per 100,000 persons for alcohol related non domestic assault for the suburb, compared to 75.3 for the LGA and 130.7 for NSW;
 - o N/A incidents per 100,000 persons for malicious damage for the suburb, compared to 592.8 for the LGA and 788.7 for NSW; and
 - o N/A incidents per 100,000 persons for alcohol related offensive conduct for the suburb, compared to 19.6 for the LGA and 42.8 for NSW.
9. Completed Category B Community Impact Statement dated 15 December 2017.
10. Submission from Parramatta City Council on 28 December 2017 in relation to the Application.
11. ASIC business records in relation to the Applicant extracted on 18 January 2018
12. Correspondence between L&GNSW staff and the Applicant between 18 January 2018 and 19 April 2018 in relation to the assessment of the Application.
13. Certification of Advertising signed and dated 22 January 2018.
14. Plan of Management documents for the Premises, titled Hotel Plan of Management and dated 24 January 2018.
15. Submission from L&GNSW Compliance on 8 February 2018 in relation to the Application.
16. Notice of determination issued by Sydney Olympic Park Authority on 13 March 2018 approving the development application/modification of development consent DA 11-11-2017 in relation to the Premises.
17. Submission from NSW Police Force on 27 March 2018 in relation to the Application.

18. Google map images extracted from the Google website on 16 April 2018, showing the location and photos of the Premises in map view, earth view and street view.
19. L&GNSW liquor licensing records as at 19 April 2018, outlining the density of all types of liquor licences in Armidale, the LGA and NSW, and listing all packaged liquor licences in Armidale Regional Council and the LGA.