



Mr Brett Tobin  
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11 February 2020

Dear Mr Tobin,

<b>Application No.</b>	1-7076860727 1-7264745400 1-7264745393 1-7255991581
<b>Applicant</b>	Mr Cameron Davis
<b>Application for</b>	Removal of a full hotel licence Extended trading authorisation Minors area authorisation Gaming machine threshold increase Transfer of gaming machine entitlements
<b>Current Licence Name</b>	Collector Hotel
<b>Proposed Licence Name</b>	Camellia Hotel
<b>Proposed Trading Hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 AM to 4:00 AM Sunday 10:00 AM to 12:00 Midnight  <u>Take away sales</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
<b>Current Premises</b>	100 George Street Parramatta NSW 2150
<b>Proposed Premises</b>	132 James Ruse Drive Rosehill NSW 2142
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 45, 48, 49, 51, 59 and 121 of the <i>Liquor Act 2007</i> (NSW) Sections 3, 11, 16, 19, 20, 20A, 21, 32, 33, 34, 35, 36, 36A, 36B, 36C and 37 of the <i>Gaming Machines Act 2001</i> (NSW)

**Decision of the Independent Liquor and Gaming Authority  
Removal of Hotel Licence and Related Applications – Camellia Hotel, Rosehill**

The Independent Liquor and Gaming Authority (“Authority”) considered the above applications at its meeting of 16 October 2019 and following further consultation, the Authority determined on the date of this letter to:

- **Grant** the removal of hotel licence LIQH400103875 (“Removal Application”) pursuant to section 59 of the *Liquor Act 2007* (NSW) (“Liquor Act”);
- **Grant** the extended trading authorisation (“ETA”) pursuant to section 49(2) of the Liquor Act (“ETA Application”);
- **Grant** the minors area authorisation (“MAA”) pursuant to section 121 of the Liquor Act (“MAA Application”);

- **Approve** the application under section 34 of the *Gaming Machines Act 2001* (“GM Act”) to increase the gaming machine threshold at the proposed premises from 0 to 30 (“GMT Application”).
- **Approve** the application to transfer 30 gaming machine entitlements from the current premises to the proposed premises under section 19(2) of the GM Act (“Transfer Application”).

For the purpose of section 49(6) of the Liquor Act, the ETA shall apply to the whole of the licensed area of the proposed premises and will permit the hotel to sell liquor for consumption on the premises between 12:00 midnight and 4:00 am Monday to Saturday and between 10:00 pm and 12:00 midnight on Sunday.

The Authority has determined, pursuant to section 121 of the Liquor Act, that the MAA shall apply to the whole of the licensed area, excluding the gaming room.

The hotel licence is 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 4:00 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. **Restricted Trading & NYE (std)**  
**Consumption on premises**  

Good Friday	12:00 noon – 10:00 PM
Christmas Day	12:00 noon – 10:00 PM (Liquor can only be served with or ancillary to a meal in a dining area)
December 31 <sup>st</sup>	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. **Restricted Trading & NYE (std)**  
**Takeaway sales**  

Good Friday	Not permitted
Christmas Day	Not permitted
December 31 <sup>st</sup>	Normal trading
4. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at 132 James Ruse Drive, ROSEHILL NSW 2142.
5. The premises is to be operated at all times in accordance with the Plan of Management dated August 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.
6. The licensee or its representative must join and be an active participant in the local liquor accord
7. **CCTV**
  - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

- (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
  - (b) recordings must be in digital format and at a minimum of 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.

#### 8. **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 and Gaming NSW website,
- 3) make direct and personal contact with NSW Police to advise it of the incident, and
- 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.
- 5) In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

#### 9. **Incident Register**

- 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
  - (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.
- 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 must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

- 10. On any day no more than 400 patrons are permitted on the premises at one time up until 12:00 midnight and no more than 200 patrons thereafter.
- 11. The licensee shall after 10:00 PM assign staff or a security officer to ensure that patrons leaving the hotel do so promptly and as quietly as possible.
- 12. A minimum of two (2) licenced security operatives are to be engaged by the hotel – from no less than 30 minutes prior to the commencement of the last scheduled race at Rosehill Gardens

racecourse on race days or on non-race days for other “high-risk” events (as identified in consultation with local licensing Police) held at Rosehill Gardens racecourse – to act as crowd controllers and to conduct patrols of the hotel car park and surrounds.

13. A minimum of one (1) licenced security operative will be engaged by the hotel each day from 6:00 PM until no less than 15 minutes after the hotel ceases to trade.
14. At closing time a minimum of one (1) licensed security operative will be stationed outside the hotel to assist with the orderly dispersal of patrons.
15. On any day after 12:00 midnight:
  - No drinks commonly referred to as shots, slammers or bombs will be sold or supplied.
  - No drinks containing more than 30mls of spirits will be sold or supplied,
  - No alcoholic drink mixed with any energy drink will be sold or supplied.
  - Sale or supply will be limited to one drink per person
  - All sale or supply of alcohol will cease at least 30 minutes prior to closing.
16. On any day when a race meeting is conducted at Rosehill Gardens, no drinks commonly referred to as shots, slammers or bombs will be sold or supplied.
17. No person wearing any form of clothing, jewellery or other accessory, displaying or indicating by form of wording, colours, logo, symbol or otherwise that they are members of or are in any way associated with; (Bandidos, Black Uhlands, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Notorious) be allowed entry into, or be permitted to remain on the licensed premises.
18. Takeaway liquor sales must not commence before 10:00 am, and must cease by 10:00 pm, on public holidays.

### **Surrender of LIQO624004359**

The Authority approved the removal of this licence to the proposed new premises at 132 James Ruse Drive, Rosehill NSW 2142. Notwithstanding this approval, the licence is not to be exercised at the new premises until the Authority has been provided with evidence that the existing on-premises liquor licence (LIQO624004359) attached to the premises has been surrendered. The licence remains attached to the current premises at 100 George Street, Parramatta NSW 2150 subject to those conditions and trading hours immediately in force before this approval was granted until notification that the licence has been moved.

### **Takeaway trading between 10:00 pm and 11:00 pm Monday to Saturday**

Pursuant to section 12 and 49 of the Liquor Act, a hotel may only be licensed to sell takeaway liquor until 10:00 pm on all trading days. Nevertheless, the exemption under clause 117 of the *Liquor Regulation 2018* (NSW) permits 10:00 pm licensed premises to continue to sell liquor for consumption off the premises between 10:00 pm and 11:00 pm on days other than Sundays and restricted trading days.

### **Concise statement of reasons**

A concise statement of reasons for the Removal Application and ETA Application is enclosed with this letter. In the interest of efficient finalisation of matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications that are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published

for the application under section 36C of the *Gaming and Liquor Administration Act 2007* (NSW) ("GALA Act").

The enclosed statement of reasons has been prepared in respect of the Authority's decision to grant the Removal Application and ETA Application only. Section 36C of the GALA Act does not require the production of reasons in respect of decisions to grant a MAA, gaming machine threshold increase (where no local impact assessment is required) or the transfer of gaming machine entitlements.

If you have any questions, please contact [charles.rivers@liquorandgaming.nsw.gov.au](mailto:charles.rivers@liquorandgaming.nsw.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is positioned above the printed name.

Philip Crawford  
Chairperson  
For and on behalf of the Independent Liquor and Gaming Authority

## Concise statement of reasons

### Key facts

<b>Application No.</b>	1-7076860727 1-7264745393
<b>Applicant</b>	Mr Cameron Davis
<b>Application for</b>	Removal of a full hotel licence ("Removal Application") Extended trading authorisation ("ETA Application")
<b>Current Licence name</b>	Collector Hotel
<b>Proposed Licence Name</b>	Camellia Hotel
<b>Proposed Trading Hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 AM to 4:00 AM Sunday 10:00 AM to 12:00 Midnight  <u>Take away sales</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
<b>Current Premises</b>	100 George Street Parramatta NSW 2150
<b>Proposed Premises</b>	132 James Ruse Drive Rosehill NSW 2142
<b>Application date</b>	11 November 2018
<b>Decision</b>	Approve removal of the hotel licence under section 59 of the <i>Liquor Act 2007</i> (NSW) ("Act") Approve the extended trading authorisation under section 49(2) of the Act
<b>Decision date</b>	11 February 2020

### Material considered by the Independent Liquor and Gaming Authority ("Authority")

- Application material for the removal of the licence with an extended trading authorisation, including evidence of notification to specific stakeholders and the community lodged on 11 November 2018.
- Category B community impact statement ("CIS") dated 6 December 2018 including list of relevant stakeholders and special interest groups notified, map depicting notification zone, with an additional information document held on the file.
- Premises plan provided by the Applicant indicating the proposed boundaries of the licensed premises and any applicable authorisations.
- Venue Management Plan for the licensed business at the proposed premises dated August 2018.
- Development consent for the proposed premises (in particular DA/370/2018/B issued by City of Parramatta Council ("Council") on 1 May 2019 including plans and DA/307/2018/C issued by Council on 25 October 2019).
- National Police Certificate NCHRC-2019-17416 issued on 5 March 2019 for Mr Cameron Davis ("the Applicant") and Interim Certificates for Licensee training & Responsible Conduct of Gambling and Advanced Licensee Training.

- Stakeholder submissions in relation to the applications (including annotated copies of notices from Council, Police submission dated 28 December 2018, Aboriginal Affairs submission dated 16 July 2018 and NSW Roads and Maritime Services submission dated 25 June 2018), and the Applicant's response to those submissions.
- Correspondence between licensing staff and the Applicant between 8 February 2019 and 4 November 2019.
- Australian Securities and Investment Commission documents.
- Certificates of Advertising dated 11 February 2019 and 13 February 2019.
- OneGov licence record for the Collector Hotel as at 23 July 2019.
- Statistics sourced from Liquor and Gaming New South Wales ("LGNSW"), Bureau of Crime Statistics and Research ("BOCSAR"), NSW Health and Australian Bureau of Statistics ("ABS") in respect of the socio-economic status, liquor licence density, alcohol-related crime rates, and health issues in the relevant local and broader communities.
- Google Geographical maps depicting the location of the proposed premises.

### **Legislative requirements**

The Authority has considered the Removal Application and ETA Application in the context of the following sections of the Act, and the associated clauses of the *Liquor Regulation 2018* (NSW) ("Regulation"):

- Section 3: Statutory objects of the Act and relevant considerations.
- Section 11A: 6-hour closure period.
- Section 12: Standard trading period.
- Sections 14-17: Specific provisions in respect of a hotel licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 45: Criteria for granting a liquor licence
- Section 48: Requirements in respect of a CIS.
- Section 49: General provisions in respect of an ETA.
- Section 51: General provisions relating to licence-related authorisations.
- Section 59: Provisions relating to the removal of licence to other premises.

The Authority has also had regard to its *Guideline 6* when considering the overall social impact of granting the Removal Application and ETA Application pursuant to section 48(5) of the Act.

### **Key findings**

In accordance with Guideline 6, the Authority finds that the relevant local community for the purposes of the overall social impact test is the suburb of Rosehill, and the broader community is the local government area of Parramatta ("Parramatta LGA").

### **Key legislative requirements**

The Authority finds that:

- The Removal Application, ETA Application and CIS meet minimum procedural and information requirements under sections 40, 48(4), 59(2) and 51(2), of the Act and clauses 20 through 29 of the Regulation on the basis of the material provided with the

applications and CIS, and certificates of advertising dated 11 February 2019 and 13 February 2019.

- The standard and extended trading hours and six-hour liquor sales cessation granted by the Authority meet the requirements specified by sections 11A, 12, 14 and 49 of the Act.
- The Applicant is a fit and proper person for the purposes of section 45(3)(a) of the Act on the basis of the National Police Certificate NCHRC-2019-17416 issued on 5 March 2019 and the lack of probity concerns raised by Police.
- Practices will be in place from the commencement of licensed trading on the proposed premises to ensure the responsible serving of alcohol and prevent intoxication for the purpose of sections 45(3)(b), 59(5) and 49(8)(a) of the Act on the basis of the Venue Management Plan dated August 2018.
- The extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the proposed premises for the purpose of section 49(8)(b) of the Act on the basis of the Venue Management Plan dated August 2018.
- The requisite development consent permitting the conduct of a hotel licensed business on the proposed premises during the approved trading hours is in force for the purpose of section 45(3)(c) of the Act pursuant to DA/370/2018/B issued by Council on 1 May 2019 and DA/307/2018/C issued by Council on 1 November 2019.
- The CIS meets the minimum requirements of clause 28 of the Regulation in that it addresses matters relating to the proposed gambling activities to be conducted on the proposed premises during the period in which the ETA will be in force.

#### Positive social impacts

The Authority notes the information provided in the CIS that the Applicant is proposing to move this licence from its current location in Parramatta to new premises in Rosehill, approximately some 1.5 kilometres away.

The Authority considers that this removal will reduce the clustering of hotel licensed premises in Parramatta, which had 13 full hotel licensed premises as at 8 July 2019, and that it will also diversify the licensed premises on offer in Rosehill, which had 1 full hotel licensed business as at 8 July 2019.

The Authority is satisfied that granting the removal and ETA will provide moderate benefits to the local community of Rosehill through the provision of increased choice and convenience of licensed entertainment, including during late trading hours.

In the absence of any community opposition to the proposal the Authority is satisfied that granting the Removal Application and ETA will advance, to a moderate extent, the expectations needs and aspirations of the community in furtherance of the statutory object in section 3(1)(a) of the Act.

The Authority is satisfied, on the information provided in the CIS, that relocating the licence from its current to the proposed location, in a newly fit out hotel, will provide moderate benefits through the balanced development, in the public interest, of the local and broader community advancing the statutory object in section 3(1)(b) of the Act.

### Negative social impacts

The Authority accepts that the operation of a new hotel of this scale and location may, over time, contribute to alcohol-related adverse social impacts affecting the local and broader communities. Having regard to the risk factors identified in Authority Guideline 6, the following factors are adverse to an assessment of the overall social impact of granting the Application and ETA:

- The scale of the premises at some 845.65 square metres.
- The extensive trading hours.
- The location of the proposed premises within concentrations of crime as evidenced by the BOCSAR hotspot maps from April 2018 to March 2019.
- Elevated rates per 100,000 persons compared to NSW in the suburb of Rosehill for incidents of alcohol related non-domestic assault and malicious damage to property as recorded by BOCSAR for the year to March 2019.

The Authority is nevertheless satisfied that these risk factors are mitigated by the following factors:

- Licensed trading hours will be reduced by comparison to the current very late hours.
- A six-hour liquor cessation period will be imposed upon removal of the licence.
- The transfer will occur within the same LGA.
- Police specifically advise that they do not object to the Application and no concerns as to local amenity were raised by any agencies with a law enforcement capacity (Council, LGNSW and Police)
- No adverse submissions or concerns as to local amenity were received from local residents or other stakeholders.
- ABS Socio-Economic Indexes For Areas data based on the 2016 census indicates that the suburb ranked in the 7<sup>th</sup> decile and the LGA in the 9<sup>th</sup> decile on the Index of Relative Socio-Economic Advantage and Disadvantage. That is, socio economic disadvantage is not a compounding factor.
- NSW Department of Health Healthstats data for the LGA records that the spatially adjusted rate per 100,000 population for alcohol attributable deaths (2015 to 2016) and alcohol attributable hospitalisations (2015 to 2017) are below NSW wide rates.
- The licence will be subject to the harm minimisation provisions set out in the Venue Management Plan dated August 2018, which will be enforceable by way of a licence condition.

### Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the Applicant's proposal, the Authority is satisfied that the overall social impact of approving the removal of the licence and granting extended trading hours will not be detrimental to the well-being of the local or broader community for the purposes of section 48(5) of the Act.

Accordingly, the Authority grants the Removal Application pursuant to section 59 of the Act and grants the ETA Application pursuant to section 49(2) of the Act.

Philip Crawford



Chairperson

**Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* (NSW) 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 the New South Wales Civil and Administrative Tribunal ("NCAT") for an administrative review under the *Administrative Decisions Review Act 1997* (NSW).

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/independent-liquor-and-gaming-authority/ilga-and-l-and-gnsw-decisions> 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/>.