



Mr Justin Sammut
LAS Lawyers and Consultants
j.sammut@laslawyers.com.au

28 October 2019

Dear Mr Sammut

Application No.	1-7323312832
Applicant	Mr Tyraine Christopher Holding
Application for	Change to an existing extended trading authorisation
Licence name	Wiley Park Hotel
Premises	67 King Georges Road Wiley Park NSW 2195
Current trading hours	<u>Consumption on premises – Lounge bar</u> Monday to Saturday 5:00 am – 5:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption on premises – Public and bistro bars and lounge bistro</u> Monday to Thursday 5:00 am – 12:00 midnight Friday to Saturday 5:00 am – 3:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption on premises – Other areas except bottle shop</u> Monday to Saturday 5:00 am – 12:00 midnight Sunday 10:00 am – 12:00 midnight <u>Take away sales</u> Monday to Saturday 5:00 am – 11:00 pm Sunday 10:00 am – 10:00 pm
New trading hours	<u>Consumption on premises – Gaming lounge</u> Monday to Saturday 5:00 am – 5:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption on premises – Other areas except bottle shop</u> Monday to Saturday 5:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Sunday 10:00 am – 10:00 pm
Legislation	Sections 3, 12, 48, 49 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application to change an extended trading authorisation – Wiley Park Hotel**

The Independent Liquor & Gaming Authority considered the application above, and decided on 25 September 2019 to **approve** the application under section 51(9)(b) of the *Liquor Act 2007* (“Act”), subject to imposing the following conditions under section 53(1)(b) of the Act:

1. 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 to 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.

2. 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 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.

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 (e.g. crowd controller or bouncer) on or about the premises.

- 3. The licensee or its representative must join and be an active participant in the local liquor accord.
- 4. The premises is to be operated at all times in accordance with the Plan of Management dated April 2019 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
- 5. 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 varying the extended trading authorisation on 25 September 2019.

The Authority also decided, pursuant to section 53(2)(b) of the Act, to vary the licensed closing time for take away liquor sales from 11 pm to 10 pm, to conform with the licensed trading hours that are available for a hotel under sections 12 and 49 of the Act.

However, by the operation of an exemption in clause 117 of the Liquor Regulation 2018, take away sales may continue until 11:00 pm on days other than Sundays and restricted trading days.

Concise statement of reasons

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

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which 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*.

A statement of reasons is not usually required for an application to change an existing extended trading authorisation. However, in those cases where an applicant used a previous version of the application form that expressly required a Category B community impact statement ("CIS"), the Authority considers it appropriate to publish a statement of reasons, as it does for other applications which are required by the legislation to be accompanied a Category B CIS.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

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

Yours faithfully

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

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

Concise statement of reasons

Key facts

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Application date	14 May 2019
Decision	Approved under section 51 of the <i>Liquor Act 2007</i>
Decision date	25 September 2019

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category B community impact statement;
- Premises plan setting out the proposed change to the area subject to the extended trading authorisation (“ETA”);
- Plan of management for the licensed business at the premises;
- Development consent for premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- Stakeholder submissions in relation to the application, and the applicant’s response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007* (“Act”), and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Section 12: Standard trading period for certain liquor licences, including a hotel licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Section 49: General provisions in respect of an ETA.
- Section 51: General provisions relating to licence-related authorisations.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Wiley Park, and the broader community is the Local Government Area of Canterbury-Bankstown.

Positive social impacts

The application sought to expand the area subject to the hotel’s ETA to align with the hotel’s renovated gaming lounge area, so that the entire gaming lounge, as opposed to only part of it under the current ETA, may trade between 12 midnight and 5 am.

The Authority accepts that approving the application will provide some additional comfort and convenience to those in the local and broader communities who wish to access the hotel’s gaming services during late night hours, as they will be able to do so in a more spacious environment.

Negative social impacts

The Authority accepts, having regard to the following, that any negative social impacts associated with approving the application will likely be limited:

- The spatial expansion of the gaming lounge will not enable any increase in the number of gaming machines at the hotel premises, as the hotel has already reached the maximum number of machines permitted to be held at a hotel.
- There will not be any increase in the number of hours for which gaming machines can be played at the hotel premises, as the hotel’s gaming machines are currently located in that part of the gaming lounge that is subject to the ETA, and are already available for use between 12 midnight and 5 am.
- The applicant proposed to forfeit the existing ETA for other areas of the hotel, which will reduce the late night trading hours for the hotel’s public and bistro bars and lounge bistro.
- Absence of any objections from agency stakeholders or members of the community.
- Harm minimisation measures set out in the plan of management.
- The licence conditions to be imposed by the Authority, on its own initiative, under section 53(1)(b) of the Act, to reinforce the harm minimisation measures committed to by the applicant.

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 application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and the related gaming industry.

Accordingly, the Authority approves the application under section 51 of the Act.

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

Philip Crawford
Chairperson