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12 September 2019

Dear Mr Hatzis,

<b>Application No.</b>	1-7094966118
<b>Applicant</b>	Mr Suphanna Bun
<b>Application for</b>	Extended trading authorisation in relation to a hotel licence
<b>Licence name</b>	The Station House Hotel
<b>Current Trading Hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 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
<b>Proposed Trading Hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 AM – 2:00 AM Sunday 10:00 AM – 12:00 midnight  <u>Take away sales</u> Monday to Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	203 Beamish Street Campsie NSW 2194
<b>Legislation</b>	Sections 3, 11A, 12, 40, 45, 48, 49 and 51 of the <i>Liquor Act 2007</i> (NSW)

**Decision of the Independent Liquor and Gaming Authority  
Application for an extended trading authorisation – The Station House Hotel**

The Independent Liquor and Gaming Authority considered the above application at its meeting on 15 May 2019 and pursuant to section 49(2) of the *Liquor Act 2007* (NSW) decided to **refuse** the application.

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

Yours faithfully

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

## Statement of Reasons

### Decision

1. On 14 December 2018 the Independent Liquor and Gaming Authority (“the Authority”) received from Mr Suphanna Bun (“the Applicant”), through Liquor and Gaming New South Wales (“LGNSW”), an application for an extended trading authorisation (“ETA”) in respect of a full hotel licensed premises (LIQH400103077) at 203 Beamish Street, Campsie New South Wales (“NSW”) 2194 (“Premises”), trading in the name of *The Station House Hotel* (“Application”).
2. The Authority considered the matter at its meeting on 15 May 2019 and has decided to **refuse** the Application pursuant to section 49(2) of the *Liquor Act 2007* (NSW) (“Act”).
3. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 40, 45, 48, 49 and 51 of the Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Regulation”).

### Material considered by the Authority

4. The Authority has considered the Application, accompanying Community Impact Statement (“CIS”), and all submissions received in relation to this Application.
5. 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.
6. In accordance with its *Guideline 6*, the Authority has had regard to relevant LGNSW liquor licensing records, data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health and Australian Bureau of Statistics (“ABS”) as well as relevant domestic and international research on problem gambling.
7. A list of the material before the Authority is set out in Schedule 1.

### Legislative framework

8. The Authority has considered the Application in accordance with the following provisions of the Act:
  - (a) Section 3: Statutory objects of the Act and relevant considerations.
  - (b) Section 11A: 6-hour closure period.
  - (c) Section 12: Standard trading period.
  - (d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
  - (e) Section 45: Criteria for granting a liquor licence
  - (f) Section 48: Requirements in respect of a CIS.
  - (g) Section 49: General provisions in respect of an ETA.
  - (h) Section 51: General provisions relating to licence-related authorisations.
9. An extract of these sections is set out in Schedule 2.

### Key findings

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

### Validity, procedural and trading hour requirements

11. On the information provided in the Application, CIS material and the Certificate of Advertising signed by the Applicant's solicitor on 30 January 2019 and the Applicant on 4 March 2019, the Authority is satisfied that the Application and CIS have been validly made and meet the minimum procedural requirements under sections 48(4) and 51(2) of the Act and clauses 20 through 29 of the Regulation.
12. While the Application has been refused, the extended hours sought by the Applicant may potentially be granted in respect of hotel licensed premises pursuant to section 49 of the Act and, if granted, would satisfy the requirement of section 11A of the Act for a daily 6 - hour liquor cessation period. The licence is currently subject to a liquor cessation period from 4:00 am to 10:00 am and that would not change should the Application be granted.

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

13. The Authority is satisfied that:
  - (a) For the purposes of section 45(3)(a) of the Act, the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, on the basis that no issues of concern were raised regarding the Applicant's probity following consultation with relevant law enforcement agencies, including NSW Police ("Police") and the compliance section of LGNSW.
  - (b) For the purposes of sections 45(3)(b) and 49(8)(a) of the Act, practices will be in place from the commencement of licensed trading on the Premises to ensure the responsible serving of alcohol and prevention of intoxication. This finding is made on the basis of the Applicant's business planning documents – the *Plan of Management* dated December 2014 and the *Extended Trading Authorisation Plan of Management* provided on 28 March 2019.
  - (c) For the purposes of section 45(3)(c) of the Act, the requisite development consent permitting the conduct of a hotel licensed business, with the proposed extended trading hours, is in force. Approval of development consent 620/2014 ("the DA") was determined by the City of Canterbury on 11 June 2015, permitting alterations to commercial premises and change of use to a hotel with hotel/motel accommodation. The DA permits trading between 10:00 am to 2:00 am Monday to Friday, 8:00 am to 2:00 am Saturday and between 8:00 am to 12:00 midnight Sunday and public holidays.

#### Further restrictions on granting an ETA

14. For the purpose of section 49(8)(b) of the Act, the Authority accepts, on the basis of the *Plan of Management* dated December 2014, the *Extended Trading Authorisation Plan of Management* provided on 28 March 2019 and the conditions consented to by the Applicant in the submission dated 28 March 2019, that there are proposed measures in place during the extended trading period to address the risk of frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed Premises.

#### CIS and gambling Activities

15. The Authority is satisfied that the CIS meets the minimum requirements of clause 28 of the Regulation in that it addresses matters relating to gambling activities on the Premises during the period in which the ETA is proposed to be in force.

### Community impact statement

16. For the purposes of this decision and consistent with Authority *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Campsie, while the relevant “broader community” comprises the local government area (“LGA”) of the Canterbury-Bankstown Council (“Canterbury-Bankstown LGA”).

### Previous decisions

17. According to the Onegov licence record for the hotel as at 3 April 2019, the current hotel business owner, Grumpys Operations Pty Limited, has held that role since 19 June 2018.
18. In the CIS and in a submission dated 28 March 2019, the Applicant advised through their legal representative that the hotel commenced trading in “late March” 2018.
19. The Authority notes that this followed a decision by the Authority approving removal of the current licence to the Premises from the site of the former Hurlstone Park Hotel dated 10 January 2018. The Authority simultaneously refused to grant the ETA on that occasion, which would have enabled the venue to trade until 2:00 am Monday through Saturday and until 12:00 midnight on Sunday, by reason that it was not satisfied, pursuant to section 48(5) of the Act, that the overall social impact of granting that authorisation would not be detrimental to the local community of Campsie.  
  
 (“Previous Decisions”)
20. Due to the recency of the Previous Decisions and the limited trading history of this hotel on the Premises, the Authority has had regard to relevant information and analysis that informed the Authority’s previous refusal of the ETA when considering the merits of the Application now before it.

### Positive social impacts

21. This Application concerns an ETA in respect of a full hotel licensed Premises that provides a sports bar, lounge, dining room, commercial kitchen and gaming room. The hotel offers the sale and supply of alcoholic and non-alcoholic beverages, food, the use of gaming machines and TAB facilities.
22. A Onegov licence record indicates that, as of 3 April 2019, the venue has a gaming machine threshold of 29 under section 32 of the *Gaming Machines Act 2001*, with 27 gaming machine entitlements and 2 poker machine permits issued under the former *Liquor Act 1982* (NSW) in respect of the licence. There are 29 gaming machines authorised to be kept on the Premises, just short of the maximum of 30 machines that may be kept at any hotel in NSW.
23. In a submission dated 28 March 2019, the Applicant contends that granting the ETA will ensure that the hotel is able to cater to “local community expectations for access to a quality late-night facility”, overcoming the requirement for the hotel’s patrons to “migrate” to other venues in order to “continue socialising or gaming”. The ETA is proposed to operate across the whole of the licensed area of the Premises.
24. LGNSW licensed premises information as at 12 March 2019 indicates that there are three full hotel licensed premises in Campsie, all within a short distance of each other. The other two - the Campsie Hotel and Oasis on Beamish - have extended trading

hours whose websites indicate trading until as late as 6:00 am. Furthermore, there are three on-premises licensed businesses (with the designated business types of Restaurant, Catering Service and Karaoke Venue) situated within the suburb which also have extended trading.

25. The Authority finds that granting this Application will provide only a modest advancement of the statutory object of serving the expectations, needs and aspirations of the communities in furtherance of the statutory object in section 3(1)(a) of the Act. It will provide one more late-night hotel option in the local community providing liquor, gambling and other hospitality services.
26. While the extended hours will benefit the private business, the extent of this benefit to the *local community* as a whole is constrained by the number, licence type and close proximity of the existing late trading hotels and other venues in Campsie and has not been supported by any evidence of positive community support. The extent to which this proposal may advance community expectations in respect of the broader community is substantially constrained by the location and availability of other late trading hotels, clubs and other licensed venues across the LGA.
27. On the basis of LGNSW licensed premises information, as at 12 March 2019, there are around 32 hotels and 38 clubs located across the LGA, with many of these exercising late-night trading.
28. By contrast, (as discussed in greater detail below) written submissions in *opposition* to the proposal were received from one local resident, a commercial competitor Campsie RSL, Police and Canterbury Community Drug Action Team (“CCDAT”).
29. The evidence or material in support of the proposition that granting the Application will advance community expectations, needs and aspirations is weak.
30. The Authority has also considered the Applicant’s contention, in the submission dated 28 March 2019, that granting the ETA will facilitate the balanced development of the liquor industry pursuant to section 3(1)(b) of the Act as it will allow residents of Campsie a greater degree of choice and convenience, so they can enjoy longer access to the high-quality facilities of this newly refurbished hotel.
31. The Authority accepts that granting this ETA would provide some additional benefit in the choice of those services during the additional hours proposed. However, the extent of that benefit is reduced in respect of the relevant communities, having regard to the venue’s existing provision of licensed entertainment across the course of the week, the availability of late trading hotels within Campsie and the range of late trading hotels and clubs in neighbouring suburbs within the LGA. On the information before it, the Authority finds that extending licensed trading at this venue may develop the liquor industry serving these communities, for the purposes of section 3(1)(b) of the Act, to a limited degree only.
32. The Authority has considered the Applicant’s contention in the 28 March 2019 submission that granting the Application will provide employment benefits. Logically, there will be more scope for individual staff members to be employed for longer hours should the ETA be granted. However, in the absence of positive supporting evidence or information as to the connection of those workers to the local or broader community or their inability to obtain work elsewhere, the Authority cannot give great weight to this as a net benefit for the *local or broader community* on the whole.

33. The Applicant's contended benefits relating to reduced patron migration, better monitoring of liquor consumption and gaming activities and staggered patron departure times have been discussed in greater detail below. Those purported *benefits* are more properly characterised as claims going to the extent of negative impacts posed by late trading. The Authority is unable to give these submissions any great weight as offering net "benefits" to the community as a whole.
34. The Applicant's proposal that this venue be limited to accommodate no more than 75 patrons after midnight calls into question what the nature and scope of community expectations are for the various services on offer at this hotel after midnight, across the course of the week, particularly on weeknights.
35. The Authority is satisfied that there will be some increase in convenience and choice of late-night hotels for those in the local community who patronise this venue and prefer to stay later on the Premises - particularly on weekend evenings when there is elevated demand for licensed entertainment.
36. However, there is limited information or analysis indicating the extent of likely demand for the hotel's various services across the course of the week after midnight and after 10:00 pm on a Sunday.
37. As discussed below, the Applicant's consultant provides some observations focussed on gaming machine patrons on the Premises at closing times. With respect to the positive benefits of meeting community expectations, he contends that granting the Application will facilitate patron comfort in that those gaming machine users who seek other venues at closing time will have the comfort of not needing to relocate. The Authority accepts that this benefit will flow to that portion of gaming machine patrons who wish to continue playing machines at this particular venue after midnight, or after 10pm on Sunday. However, the extent of this benefit, at the level of the local community as a whole, is reduced by the availability of other local late trading venues with substantial gaming machine holdings.

#### Negative social impacts

38. The Authority has considered the information in the Application, CIS, additional information provided by the Applicant, written submissions received opposing the ETA (from Police, CCDAT, one local resident and a commercial competitor, Campsie RSL) and the Applicant's response to these submissions (including a report from Adam Purcell of A & M Consultants dated 21 July 2018 ("Purcell Report")). The Authority makes the following findings.
39. Section 3(2)(a)-(c) of the Act prescribe a number of considerations to which the Authority must turn its mind when considering the Application:
  - (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
    - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
    - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
    - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

#### *Authority Guideline 6 Risk Factors*

40. Authority Guideline 6 provides guidance to Applicants on a number of risk factors and sources of evidence to which the Authority will routinely have regard when considering the relative vulnerability of a licensed premises or the community in which it operates to adverse alcohol related social outcomes, for the purposes of applying the overall social impact test prescribed by section 48(5) of the Act.

#### *Licence Type*

41. The Premises is licensed as a hotel. The licence authorises the sale or supply of liquor for both consumption on and off premises, although granting the authorisation will not result in any extension of off premises liquor sales hours. Pursuant to section 15 of the Act, the primary purpose of a hotel licensed premises is the sale of liquor by retail.

#### *Scale of Premises*

42. In relative terms this is a medium scale hotel, occupying a licensed area of some **521** square metres. The Application seeks an ETA that will extend to the entirety of the Premises.

#### *Proposed Licensed Hours*

43. Should the Application be granted, this venue will be licensed to sell and supply liquor for consumption on the Premises from 10:00 am to 2:00 am Monday to Saturday and from 10:00 am to 12:00 midnight on Sunday. This amounts to a total of **110** licensed trading hours across the week.
44. The Authority accepts advice in the CIS that the current Hotel has been trading on the Premises since late March 2018. It is licensed to exercise the bulk of potential trading hours permitted within the standard trading period prescribed by section 12 of the Act. The additional hours now proposed will extend from 12:00 midnight to 2:00 am Monday through Saturday and from 10:00 pm to 12:00 midnight on Sunday, or some **14** additional late-night trading hours per week.
45. The licence type, scale and trading hours are factors that objectively increase the scope for this venue to attract and accommodate alcohol-affected patrons over a prolonged period of time, 7 days per week.

#### *Location - Licence Density*

46. As noted above, there are two hotel licensed premises and three on-premises licensed businesses within the suburb that are currently subject to extended trading. Granting this licence would increase the number of late trading premises operating within the local and broader community.

#### *Location – Socio-demographic and Health Data*

47. The socio-economic index for areas data based on the 2016 Census indicates that the local community of Campsie is quite disadvantaged ranking in the 3<sup>rd</sup> decile on the index of relative socio-economic advantage and disadvantage compared to other suburbs within the State of NSW. By contrast, the Canterbury-Bankstown LGA ranked in the 6<sup>th</sup> decile and is moderately advantaged.
48. However, the Authority does not consider the socio-economic status of a community in isolation. It is the interaction of various risk factors, including any at risk communities, prevailing licence density and the rates and/or concentrations of crime or other anti-

social conduct that may call into question the overall social impact of extended trading in a given location.

49. NSW Department of Health *HealthStats* data indicates that the Canterbury-Bankstown LGA recorded a spatially adjusted rate per 100,000 population for alcohol attributable deaths of 16.7 compared to the NSW rate of 18.1 (during the period from 2015 to 2016) and a spatially adjusted rate per 100,000 population of 464.8 for alcohol attributable hospitalisations compared to the NSW rate of 580.6 (during 2015 to 2017).
50. Notwithstanding these statistics, CCDAT in their 4 February 2019 submission express that the “state average [for hospital separations attributed to alcohol related conditions] is still of concern and represents a significant toll on the community”. CCDAT submit that the “local trend over time shows a significant rate of increase”.
51. Although CCDAT provide no additional data to support this claim, the Authority notes that the *HealthStats* data on alcohol attributable hospitalisations indicates an increase in the spatially adjusted rate per 100,000 population in the LGA over time, from 408.7 in 2001-03 to 464.8 for 2015-17.

#### *Location - BOCSAR Crime Data*

52. In assessing the suitability of the location for the grant of extended licensed hours, the Authority has considered BOCSAR crime maps between January 2018 and December 2018 which indicate that the Premises is located within a low-density hotspot for *alcohol related assault*, within a medium-density hotspot for *domestic assault* and within high-density hotspots for incidents of *non-domestic assault* and *malicious damage to property*. BOCSAR crime maps also indicate that the venue is located within close proximity to three high-density hotspots for domestic assault.
53. Although the Premises is located within concentrations of crime, the Authority accepts that BOCSAR crime data is not at troubling levels within both the suburb and LGA when compared to the State-wide averages. BOCSAR data for the 12 months to December 2018 records:
  - A rate of **27.3** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **50.3** for the LGA and a rate of **116.5** for NSW.
  - A rate of **42.9** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **32.1** for the LGA and a rate of **123.9** for NSW.
  - A rate of **417.1** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **506.2** for the LGA and a rate of **755.1** for NSW.
  - A rate of **15.6** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **4.4** for the LGA and a rate of **37.9** for NSW.
54. BOCSAR crime data for number of alcohol related incidents by crime type, day of week and time of day for 2018 indicate that:
  - In the suburb of Campsie, incidents of non-domestic violence related assault are at their peak, recording 2 incidents, between 12:00 midnight and 6:00 am on Sunday and between 6:00 pm to 12:00 midnight on Sunday, Thursday and Saturday. A recording of 1 incident was also recorded between 12:00 midnight to 6:00 am on Saturday and between 6:00 pm and 12:00 midnight on Wednesday and Friday.

- In the suburb of Campsie, incidents of offensive conduct are at their peak, recording 1 incident, between 12:00 midnight and 6:00 am on Wednesday and Saturday and between 6:00 pm and 12:00 midnight on Tuesday and Saturday.
  - In the suburb of Campsie, incidents of domestic violence related assault are at their peak, recording 2 incidents, between 12:00 midnight and 6:00 am on Sunday and Monday and between 6:00 pm and 12:00 midnight on Friday.
  - In the LGA, incidents of non-domestic violence related assault are at their peak, recording 16 incidents, between 6:00 pm and 12:00 midnight on Saturday. However, the second highest is between 12:00 midnight and 6:00 am on Sunday which recorded 14 incidents.
  - In the LGA, incidents of offensive conduct are at their peak, recording 3 incidents, between 6:00 pm and 12:00 midnight on Friday. With the second highest incident count of 2 recorded between 6:00 pm and 12:00 midnight on Wednesday.
  - In the LGA, incidents of domestic violence related assault are at their peak, recording 26 incidents, between 6:00 pm and 12:00 midnight on Friday. However, the second highest is between 12:00 midnight and 6:00 am on Sunday recording a count of 19 incidents.
55. This information indicates that while crime rates are not relatively high compared to State-wide rates, there is an elevated risk of alcohol related crime between 12:00 midnight and 6:00 am on weekends and some weekdays. That is, the Applicant is seeking to extend its trading hours in what are higher risk times of the day and week.
56. The Authority considers the extension of licensed trading into higher risk trading periods to increase the scope for this hotel to attract and generate conduct involving alcohol related crime impacting the local or broader communities.
57. The Authority has considered the Applicant's response in their 28 March 2019 submission that crime rates in Campsie are "objectively very low" and the Applicant's consultant, Mr Purcell found that whilst there was some migration away from the Station House Hotel at midnight, those patrons do not cause disturbance. The Applicant contends that granting the ETA would be more likely to result in a "more progressive dispersal of patrons" over a "longer period of time, thereby *reducing* the potential for disturbance in the neighbourhood". The Applicant contends that granting the ETA will have the benefit of reducing the potential for crime, in that people will not have to walk through dimly lit areas in order to access other facilities. The Applicant further contends that no "credible evidence" has been provided of any neighbourhood disturbance having been caused since the commencement of trade of the Station House Hotel.
58. The Applicant's consultant conducted observations of the Premises and the environs over a period of four days, totalling 16 hours of surveillance. This limited period of assessment places the consultant at some disadvantage when assessing what late night amenity impacts are likely to occur should the late trading hours be extended until 2:00 am Monday through Saturday and until Midnight on Sunday. It limits the weight that can be given to these observations. The Authority must consider the ongoing impact of extending this venue's licensed trading hours.

59. Observations conducted over 4 weekend nights provide some information of value but do not provide the same level of local insight as observations made by local Police, who have an ongoing responsibility to monitor and respond to incidents occurring on the Premises. Nor do such observations provide a reliable guide as to the extent of late-night patronage expected at this Hotel until 2:00 am or the capacity for late drinking patrons to have amenity impacts later in the evening over time.
60. In conclusion although crime rates at the level of the communities are generally not concerning, when such incidents do occur the BOCSAR crime maps establish some localised elevation of risk for crime and anti-social conduct in the neighbourhood of this venue. BOCSAR time of week data indicates an increased risk of alcohol related crime later in the evening when the Applicant proposes to expand its operations.

#### *Location – Amenity Impacts*

61. Section 3(2)(a) of the Act requires the Authority to consider the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour), while section 3(2)(c) requires the Authority to consider the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.
62. The Authority must not only consider the current level of exposure of the venue or the community to alcohol related crime, but the impact on local amenity of extending the licensed hours at this hotel into higher risk trading times across the week.
63. Police in their 8 November 2018 submission (later re-iterated in their 19 December 2018 submission) contend that the licensee is “competent and willing to work with Police” but are of the opinion that the venue is not operating at a level whereby an extension of trading could be supported by Police.
64. Police further contend that “staff lack the appropriate training to conduct their duties adequately in the absence of the licensee” and accordingly they are “not confident” that the venue will be managed during the proposed late trading hours in accordance with the liquor legislation and this may potentially give rise to further adverse incidents. Police question whether one security guard is adequate for the hotel’s proposed extension of trading hours.
65. Police provide information about the following incidents linked to the recent operation of the venue and the conduct of its patrons:
  - (i) Incident 1: between around 8:53 pm and 9:30 pm on 1 November 2018 – Police attended the venue in relation to an assault incident. After a group of patrons were refused service and escorted from the Premises by the security guard, one of the patrons was able to re-enter from a different entrance to the hotel. Police submit that it is “evident that the venue requires more than one security guard” and that the call to Police in relation to the altercation that occurred came from an “anonymous bystander” with “no evidence to suggest the venue called the police to assist”.
  - (ii) Incident 2: about 3:10 pm on 18 October 2018 – Police attended the venue in relation to an excluded person who failed to leave the Premises when required. A patron became quarrelsome, exited the venue through the gaming room and re-entered through Beamish Street continuing to be quarrelsome. An altercation ensued between the patron and staff, which resulted in the manager striking the patron on six separate occasions whilst another staff member struck the patron on the head with a large plastic water bottle. At one point there were 4 staff members and the manager on top

of the patron. Police believe the incident was mismanaged and further training needs to be conducted in order to mitigate any future risk.

- (iii) Incident 3: about 11:50 pm on 7 September 2018 – Police observed two parties carrying glass schooners of beer outside the Premises, which had been removed from the Premises. The licensee was issued with an infringement notice for licensee fail to comply with condition of licence. Police believe further training needs to be implemented to ensure staff are aware of the conditions surrounding the licence in an attempt to prevent such incidents from occurring. Police also believe that further security staff need to be implemented.
  - (iv) Incident 4: about 6:00 pm in July 2018 – Police attended the venue in relation to a physical altercation that occurred between two patrons outside the venue. A patron had spent around eight hours in the venue having purchased approximately thirteen jugs of liquor. Police state that staff had not monitored the offender's signs of approaching intoxication and continued to serve the group with jugs of beer. As a result Police met with the licensee and discussions were put forward about providing the venue with a presentation in relation to requirements in licensed venues.
  - (v) Incident 5: between around 11:30 pm and 12:00 midnight on the hotel's first day of trading – During a business inspection, Police identified two males showing signs of intoxication. After raising the issue with the shift manager, the manager told Police that she had already cut them off a while back. Police made further observations of these patrons appearing to continue to consume liquor. The manager indicated to Police that the venue was closing in 30 minutes and the patrons will be leaving. Police believed that the males showing intoxication should have already been asked to leave. Police spoke to the security guard who stated that he was about to inform the patrons to leave. Police exited the venue and observed through the window the intoxicated males continuing to consume liquor whilst the security was appearing to tell them to leave. Police re-entered the venue and informed the intoxicated males that they were required to leave the venue. After leaving the Premises, the two patrons began to cross the road without looking for vehicle traffic, with an altercation ensuing between Police and the patron. The licensee was issued with two warnings for licensee permit intoxication on licensed premises.
66. A local resident of Campsie, Ms Leung, contended in a one half-page email submission dated 19 November 2018 that “yelling and fighting” does not just occur inside the hotel but also happens on the street “out of the control of the security staff”. The writer is concerned about the prospect of *increased crime* should the ETA be granted, by reason of the hotel being located “very close” to the railway station, which residents must pass by every day.
67. In a two-page submission dated 4 February 2019 CCDAT oppose the extension of licensed hours contending that since the hotel has been operating, there have been “incidents, disturbances and public nuisance requiring police attendance”. CCDAT do not specify which events they are referring to but presumably rely on Police information and express concern that such incidents will increase with the grant of extended trading hours.
68. CCDAT also objected to the Application on the basis of proximity of the hotel to two schools (St Mel's Catholic Primary School and Campsie Public School).
69. CCDAT further contend that they have received concerns about “normalizing drinking behaviour for young people” as well as “concentrations of smokers”.

70. Finally, CCDAT contend that the hotel is located at a “busy transport interchange” which means that “many more children are exposed to the behaviour of the drinkers” at the hotel. CCDAT submit that the point of regulating licensed trading hours is to create a “hiatus” in the drinking patterns of patrons. CCDAT conclude with the contention that the hotel “has not demonstrated a high level of diligence in managing the establishment”.
71. In a two-page submission dated 9 November 2018, Campsie RSL oppose the Application, noting the brief period in which the venue has been trading under standard trading hours. The Club contends that the hotel is not an active member of the local liquor accord and this non-compliance with a licence condition should have consequences and warrants refusal of the Application.
72. In its 28 March 2019 submission, the Applicant provides information about a telephone call received from a local resident on 10 December 2018 whereby the caller expressed concern about their daughter catching buses to and from school outside the hotel. The caller also expressed concern about patrons smoking on the footpath whilst school children are waiting for buses.

#### *Applicant Contentions on Amenity Impacts*

73. The Authority has considered these community submissions in light of the Applicant’s responses to community concerns, set out in the CIS and a further submission dated 28 March 2019. With respect to the Police incidents attributed to the venue, the Applicant’s position is as follows:
- Incident 1 – the assault occurred outside the venue with staff and security intervening to prevent the altercation from escalating. Police described the outcome of the security officer as “effective”.
  - Incident 2 – the “overzealous actions” of the staff member in handling the incident resulted in that staff member’s employment being terminated. The Applicant notes that Police in their submission remarked that the venue did not serve any liquor and the lead-up to the incident was not a result of any fault of the venue. The Applicant advises that they have used this incident to highlight to all staff the need to employ force defensively only.
  - Incident 3 – the two patrons removed the glasses “surreptitiously” and this was “not something condoned” by staff. The Applicant advises that the venue has used this incident to reinforce and reiterate to staff the need to be vigilant in monitoring patrons leaving the venue.
  - Incident 4 – In response to a meeting with Police the Applicant has agreed to “not serve jugs” during any extended trading hours and agrees to support any Police initiatives through the Liquor Accord (noting that a number of competitor venues serve beer in jugs).
  - Incident 5 – As a result of that event, a new licensee was appointed, Mr Suphanna Bun, who Police believe is competent and willing to work with Police.
74. In response to the submissions from the two local residents, the Applicant contends that the issues relating to school children are “not considered to be relevant” to the present Application. In respect of concerns that granting the Application may lead to increased crime rates, the Applicant submits that the “crime rates in Campsie are objectively very low” with “no such concerns” expressed by “any other resident”.

75. In response to the submission from Campsie RSL, the Applicant contends that granting the ETA “is in the overall public interest” and that the hotel commenced operating in late March 2018 with the first meeting of the liquor accord held on 29 November 2018, which was attended by a hotel representative.
76. In response to concerns raised by the CCDAT, the Applicant contends that it serves approximately 2,000 patrons on average per week, which equates to more than 100,000 patrons served over the period in which the hotel has been trading. The Applicant submits that Police have outlined “all of the incidents that have occurred at the Hotel” with the Applicant characterising them as “of a less serious nature” with the hotel having “acted promptly and responsibly”.
77. The Applicant submits that BOCSAR crime data for Campsie is “very low” suggesting a “low risk of adverse incidents”. Only one resident has expressed any concerns in relation to disturbances occurring at the hotel and the hotel “has not received any complaints about disturbance during the time that the Hotel has been trading”. In response to CCDAT’s concerns about the proximity of schools, the Applicant submits that these matters were “addressed at length” during the previous application to remove the hotel licence and during the DA process.
78. The Applicant contends that the hotel “does not trade until 10.00 am” and that they “do not understand that school children are in the proximity of the Hotel between midnight and 2.00 am Monday to Saturday or between 10.00 pm and midnight on Sundays”. Again, the Applicant submits that exposure of school pupils at nearby bus stops “were examined at length” when the Authority approved the grant of the hotel licence at this site. The Applicant notes that CCDAT did not provide particulars to support the assertion that the hotel has not demonstrated a high level of diligence in managing the establishment. The Applicant considers that assertion “at odds” with the Police submission that Mr Bun is a competent and professional licensee.
79. The Applicant also refers to the report of its consultant Mr Purcell dated 21 July 2018, who reports collating the number of patrons availing themselves of *gaming* facilities at the Station House Hotel, Oasis on Beamish Hotel, Campsie Hotel and Campsie RSL between 10:00 pm and 2:00 am on Saturday 23 June 2018, Friday 29 June 2018, Saturday 30 June 2018 and Friday 13 July 2018.
80. The Authority notes that the stated focus of this surveillance was the conduct of gaming machine patrons only and not the broader patronage of the Station House Hotel or other venues.
81. Mr Purcell states that he conducted “general observations” of the patrons leaving the Station House Hotel as it closed at 12:00 midnight, contending that on each evening of his surveillance “approximately two thirds (2/3) of Station House Hotel gaming patrons upon closure were either followed or were sighted in other gaming rooms at the remaining three late evening trading venues in the Campsie area” with the “other one third of Station House Hotel patrons either attended other unobserved venues or went to private residences”.
82. Mr Purcell’s observations included:
  - Saturday 23 June 2018:

- At 10:00 pm Campsie RSL had 174 gaming machines in use, Campsie Hotel had 28 gaming machines in use with 38 patrons in the gaming room, Oasis on Beamish had 28 gaming machines in use with 35 patrons in the gaming room and Station House Hotel had 24 gaming machines in use with 32 patrons in the gaming room.
- At 11:00 pm Campsie Hotel had 29 gaming machines in use with 50 patrons in the gaming room, Oasis on Beamish had 15 gaming machines in use with 20 patrons in the gaming room and Station House Hotel had 25 gaming machines in use with 40 patrons in the gaming room.
- At 11:55 pm 36 patrons were present in the Station House Hotel gaming room which dispersed after closing to 10 patrons attended Oasis on Beamish, 9 Patrons walked to Campsie RSL, 6 patrons attended Campsie Hotel and 11 patrons were unaccounted.
- At 12:30 am Campsie RSL had 164 gaming machines in use (with 9 Station House Hotel patrons sighted in the gaming room), Campsie Hotel had 25 gaming machines in use with 42 patrons in the gaming room (6 of which were Station House Hotel patrons) and Oasis on Beamish had 25 gaming machines in use with 34 patrons in the gaming room (10 of which were Station House Hotel patrons).
- At 1:30 am Campsie Hotel had 20 gaming machines in use with 29 patrons in the gaming room (2 of which were Station House Hotel patrons) and Oasis on Beamish had 20 gaming machines in use with 30 patrons in the gaming room (8 of which were Station House Hotel patrons).
- Friday 29 June 2018:
  - At 10:00 pm Campsie RSL had 88 gaming machines in use, Campsie Hotel had 20 gaming machines in use with 26 patrons in the gaming room, Oasis on Beamish had 17 gaming machines in use with 20 patrons in the gaming room and Station House Hotel had 17 gaming machines in use with 19 patrons in the gaming room.
  - At 11:00 pm Campsie Hotel had 14 gaming machines in use with 19 patrons in the gaming room, Oasis on Beamish had 14 gaming machines in use with 16 patrons in the gaming room and Station House Hotel had 19 gaming machines in use with 22 patrons in the gaming room.
  - At 11:50 pm 19 patrons were present in the Station House Hotel gaming room which dispersed after closing to 5 patrons walked to Oasis on Beamish, 6 patrons attended Campsie RSL, 2 patrons attended Campsie Hotel and 6 patrons were unaccounted.
  - At 12:30 am Campsie RSL had 71 gaming machines in use (with 6 Station House Hotel patrons sighted in the gaming room), Campsie Hotel had 10 gaming machines in use with 20 patrons in the gaming room (2 of which were Station House Hotel patrons) and Oasis on Beamish had 18 gaming machines in use with 21 patrons in the gaming room (5 of which were Station House Hotel patrons).
  - At 1:30 am Campsie Hotel had 8 gaming machines in use with 12 patrons in the gaming room (none of which were Station House Hotel patrons) and Oasis on Beamish had 13 gaming machines in use with 17 patrons in the gaming room (5 of which were Station House Hotel patrons).
- Saturday 30 June 2018:
  - At 10:00 pm Campsie RSL had 182 gaming machines in use, Campsie Hotel had 30 gaming machines in use with 45 patrons in the gaming room, Oasis on Beamish

- had 18 gaming machines in use with 26 patrons in the gaming room and Station House Hotel had 25 gaming machines in use with 35 patrons in the gaming room.
- At 11:00 pm Campsie Hotel had 28 gaming machines in use with 38 patrons in the gaming room, Oasis on Beamish had 22 gaming machines in use with 28 patrons in the gaming room and Station House Hotel had 27 gaming machines in use with 33 patrons in the gaming room.
  - At 11:45 pm 20 patrons were present in the Station House Hotel gaming room which dispersed after closing to 7 patrons walked to Oasis on Beamish, 4 patrons attended Campsie RSL, 3 patrons attended Campsie Hotel and 6 patrons were unaccounted.
  - At 12:30 am Campsie RSL had 150 gaming machines in use (with 4 Station House Hotel patrons sighted in the gaming room), Campsie Hotel had 22 gaming machines in use with 26 patrons in the gaming room (3 of which were Station House Hotel patrons) and Oasis on Beamish had 24 gaming machines in use with 28 patrons in the gaming room (7 of which were Station House Hotel patrons).
  - At 1:30 am Campsie Hotel had 18 gaming machines in use with 25 patrons in the gaming room (2 of which were Station House Hotel patrons) and Oasis on Beamish had 15 gaming machines in use with 18 patrons in the gaming room (3 of which were Station House Hotel patrons).
- Friday 13 July 2018:
    - At 10:00 pm Campsie RSL had 113 gaming machines in use, Campsie Hotel had 25 gaming machines in use with 30 patrons in the gaming room, Oasis on Beamish had 23 gaming machines in use with 26 patrons in the gaming room and Station House Hotel had 19 gaming machines in use with 23 patrons in the gaming room.
    - At 11:00 pm Campsie Hotel had 19 gaming machines in use with 21 patrons in the gaming room, Oasis on Beamish had 22 gaming machines in use with 24 patrons in the gaming room and Station House Hotel had 18 gaming machines in use with 21 patrons in the gaming room.
    - At 11:55 pm 14 patrons were present in the Station House Hotel gaming room which dispersed after closing to 4 patrons walked to Oasis on Beamish, 2 patrons attended Campsie RSL, 3 patrons attended Campsie Hotel and 5 patrons were unaccounted.
    - At 12:30 am Campsie RSL had 68 gaming machines in use (with 2 Station House Hotel patrons sighted in the gaming room), Campsie Hotel had 14 gaming machines in use with 16 patrons in the gaming room (3 of which were Station House Hotel patrons) and Oasis on Beamish had 24 gaming machines in use with 29 patrons in the gaming room (4 of which were Station House Hotel patrons).
    - At 1:30 am Campsie Hotel had 10 gaming machines in use with 12 patrons in the gaming room (none of which were Station House Hotel patrons) and Oasis on Beamish had 15 gaming machines in use with 17 patrons in the gaming room (1 of which were Station House Hotel patrons).

83. In summary, Mr Purcell observed that:

- Saturday evenings are significantly busier for gaming trade at the four venues than Friday evenings.

- The general male to female gender split for gaming patrons in the Station House was 85% male to 15% female. This ratio also was maintained with patrons attending other venues after midnight.
  - The vast majority of Station House Hotel (gaming) patrons that chose to continue their gaming activity in the Campsie area walked to either Oasis on Beamish Hotel or Campsie RSL in preference to Campsie Hotel, which is located the furthest away from the Station House Hotel.
  - About half (21/40) of Station House Hotel (gaming) patrons that choose to relocate to other gaming venues after midnight remained playing the gaming machines to at least 1:30 am.
  - Oasis on Beamish Hotel experiences a “great benefit” to their gaming patronage after midnight due mainly to attendance of Station House Hotel patrons. On all four evenings patron numbers at Oasis on Beamish Hotel gaming room were increased at the 12:30 am observations from the numbers playing earlier at 11:00 pm. These increases varied from 10% to 25%.
  - The pedestrian route undertaken by Station House Hotel patrons choosing to attend Campsie RSL after midnight involves walking through a deserted and dark pedestrian mall linking Beamish Street with the back street the RSL is located on. This Mall has many recessed doorways and alcoves and is unnerving to walk through after hours.
  - This route from Station House Hotel to Campsie RSL also requires pedestrians to walk in an area that abuts a large public park which is also extremely dark. Clearly there are inherent risks associated with unattended females and groups walking in areas described.
84. Mr Purcell expresses the opinion that granting the ETA will “facilitate their patrons the comfort of remaining in the one venue without relocating” which will “lessen the risk associated with pedestrians walking Campsie streets after midnight”.
85. Mr Purcell further expresses the view that “an abrupt cessation of trade at midnight” would result in “large numbers leaving the Station House Hotel being a higher risk to disruption of quiet and good order in the vicinity of residents rather than an incremental dispersal of patrons with a later closing time”.
86. Moreover, in Mr Purcell’s opinion, refusing the Application “will not deter the majority of current patrons from continuing to use gaming machines”.
87. In its submission dated 28 March 2019, the Applicant submits that there is “not any evidence of existing disturbance being caused by patron migration” and that granting this Application will “reduce the number of persons migrating through the suburb” to access other licensed facilities and the “potential for such disturbance”.
88. The Applicant contends that the midnight closure at the hotel “simply results in the majority of patrons” of the Station House Hotel moving to the other late trading venues which is “not an effective liquor or gaming harm minimisation measure”.
89. The Applicant contends that the longer trading hours will “enable a more progressive dispersal, will enable patrons to enjoy the newly fitted out facilities of the Station House Hotel for longer, will result in the provision of greater security and a courtesy bus system from 10.00 pm, all of which is likely to reduce patron migration and reduce any potential for disturbance”.

90. The Applicant also contends that, from the point of view of monitoring patrons against signs of intoxication, it is “preferable” that the patrons be retained in one venue. The Applicant claims that staff within that venue will have a “better knowledge” of what those patrons have consumed and are better able to “judge” the extent of their intoxication. Once patrons leave to go to another venue, staff at the other hotel or club will not know how much those patrons have consumed earlier.

*Authority Findings on Local Amenity Impact*

91. When balancing the objects and considerations in section 3 of the Act, the local community may expect to encounter a certain level of amenity impacts from the operation of licensed venues and the conduct of their patrons in the neighbourhood of a substantial suburban CBD with a range of licensed and non-licensed premises operating throughout the day.
92. However, those impacts become less reasonable and more intrusive the later they occur, particularly during the working week, at times of the night when most licensed and non-licensed premises are closed and the area is becoming relatively quiet.
93. The Authority accepts the Applicant’s advice that the hotel commenced trading in late March 2018 with the first meeting of the liquor accord on 29 November 2018, which was attended by a hotel representative.
94. The Authority further accepts that the hotel has served a large number of patrons since the hotel commenced operations at the current Premises and has also actively implemented changes to reflect the incidents that have occurred.
95. The Authority gives weight to the local knowledge of Police and accepts the Police opinion that staff of the hotel have, at times, not been up to the task of managing compliance, even if the licensee himself is competent.
96. The Authority is further satisfied that there is an increased risk that when the licensee is not on duty the hotel may not operate to expected standards. The crime data for the local and broader community underscores the increased risk that a hotel may face when operating over later hours during what are higher risk times of the day and week. There is also an increased risk that later trading brings with it increased scope for hotel patrons to have an adverse impact upon local amenity compared to a hotel closing earlier in the evening.
97. The incidents of alcohol related crime and anti-social conduct identified by Police, have arisen during the current standard trading hours. The Authority does not accept the Applicant’s characterisation of these events as of “a less serious nature”. They are less serious on the spectrum of criminality but demonstrate significant incidents of disturbance. The Authority notes that the incidents have included altercations occurring within the Premises and on the street, where the scope for adverse impact on local amenity is increased.
98. These incidents illustrate the kinds of challenges faced by a substantial hotel licensed premises whose primary purpose is the sale of liquor. The Authority is satisfied that the risk profile of this venue will escalate should licensed trading extend into later, higher risk times of the evening.
99. The most direct risk of adverse impact upon nearby schools from the operation of a hotel may entail anti-social conduct by patrons that occurs during school hours or at

times when school children are likely to be in the vicinity. Those risks are not apposite to an application for late night trading hours. There are other forms of credible anti-social conduct what may well impact school property late at night - such as alcohol related litter, malicious damage, or offensive conduct such as vomiting or urination. However, in the absence of information from the local schools addressing such matters, the weight that may be given to those impacts is reduced in this case.

100. However, the concerns raised by a local resident with regard to close proximity to transport links are relevant to an assessment of the overall social impact of granting this Application.
101. The Authority is satisfied that increasing the licensed hours of this venue will increase the scope for alcohol affected patrons impacting the amenity of rail stations and bus stops which are very close to this hotel. Train and bus links do not cease operation until after midnight, so there is real scope for later licensed trading at this venue to have an adverse impact upon the amenity of those locations. Police have provided some evidence of incidents, particularly the events described as Incident 3, 4, and 5, occurring outside the hotel, which plainly demonstrates the potential for such incidents to become a source of disturbance, nuisance or intimidation to late night commuters.
102. An aerial photograph of the Premises and surrounding streets extracted on 18 March 2019 by licensing staff establishes that residential areas are within easy walking distance of the Premises. The Authority further notes the presence of the BOCSAR crime hotspots as discussed above.
103. While crime rates experienced by the local and broader communities are not at comparative levels that warrant decisive adverse weight, some localised concentration of crime is apparent from the BOCSAR data and Police information. Combined with the close proximity of this venue to transport links this establishes that there are nearby sensitive locations that may be impacted by alcohol affected patrons arriving or leaving the venue later in the evening. This is a relevant amenity issue that is adverse to the Application.
104. The Authority has considered Mr Purcell's observations that two thirds of the (gaming) patrons of the Station House Hotel, upon closing, migrate to other venues. The Authority accepts that Mr Purcell observed what he reported to observe.
105. However, the weight that may be given to his opinions on amenity impacts are diminished by the fact that his focus was on the activity of gaming machine patrons, not the broader patronage of the venue, and his observations were conducted over only four evenings.
106. Accepting that some degree of patron migration will occur at closing time, the Authority is aware from its Previous Decisions that the two local hotels and the local club are licensed until as late as 6:00 am on some days. That is, patron migration remains a real prospect *whether or not* the ETA is granted.
107. Mr Purcell does not address the more direct or obvious inference to be drawn from this proposal – that the *later the hotel opens, the greater the scope of this venue to accommodate patrons who have been drinking for a longer period of time*. Nor does he adequately address the obvious inference that 2:00 am trading will provide greater scope for this venue to *attract migrating patrons* (or prospective patrons) who have

been drinking elsewhere before seeking access to this venue which is, as noted above, very close to transport links.

108. Both of these factors will occur in the context of a venue with a limited trading history at this location and with respect to which local Police expressed a lack of confidence in the ability of its staff to manage the increased risk profile of it trading late across the week, particularly if the licensee is not present.
109. Section 3(2)(a) of the Act requires the Authority to consider, when assessing the ETA, the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour).
110. The Authority is satisfied that should the ETA be granted, this substantial hotel will have the increased capacity to accommodate, attract and generate alcohol affected patrons arriving and departing at later hours than is currently the case. There is greater scope for patrons of this venue to consume liquor over longer hours and engage in alcohol related violence or anti-social conduct across the course of the week until 2:00 am Monday to Saturday and midnight on Sunday. The accessibility of the venue along with the general crime regarding higher risk times of the week underscore this finding.
111. That is, opening this venue until 2:00 am across 6 nights of the week and until midnight on Sunday gives this Hotel a capacity it would not otherwise have to attract and generate patrons at higher risk times of the evening.
112. Station House Hotel patrons, affected by alcohol to varying degrees and departing as late as 2:00 am are likely to include locals moving through neighbouring streets, with the capacity to generate noise capable of disturbing local residents at later times than they would otherwise have, whether or not such conduct rises to the level of criminality. Patrons living further afield are likely to include patrons using the public transport rail and bus links very close by or getting into parked cars, hailing taxis or accessing Uber vehicles in the vicinity.
113. In his report, the Applicant's consultant observed that around one third of (gaming) patrons had either gone to private residences or attended other unobserved venues. Those patrons may well be on the Premises longer, and hence migrating home later, should the Application be granted.
114. While the Authority accepts the Applicant's submissions that crime rates in the local community are relatively low compared to state-wide levels, the Authority is not persuaded by the Applicant's contention that trading until 2:00 am (and until midnight on Sunday) will *reduce* amenity impacts.
115. Concerns as to potential adverse amenity impacts arising from anti-social conduct in the vicinity of this hotel are reinforced by the information provided by local Police in their submission dated 8 November 2018 where Police describe a "series of incidents" that have occurred at the venue since its commencement of operation.
116. As observed by the Supreme Court in *McMillan and Anor v Director General of Communities NSW* [2009] NSWSC 1236 [at 101] the Act recognises that extended trading "is an aspect of the business of licensed premises which itself can, without further specificity, be associated with undue disturbance".
117. Commonly experienced *amenity* impacts from the operation of late trading licensed premises range from patrons loitering in the vicinity of the premises, talking loudly,

arguing, yelling, littering, laughing or making noise amongst themselves while moving through nearby residential areas when getting into private transport – be they parked cars, Uber services or taxis or when walking home. Such conduct may or may not involve violence, offensive conduct or other forms of criminality, but in either case may adversely impact the amenity of the local community.

118. The Authority does not accept the Applicant's submission that the preferable solution to the prospect of significant late night venue patron migration is to permit this hotel to create yet another late trading venue in what is a relatively sensitive location given its transport links and proximity to residential areas.
119. The Authority accepts Mr Purcell's contention that patrons who remain at one single venue can be monitored more closely by staff than patrons who move from venue to venue, but finds that granting this Application will provide no guarantee that inter venue migration will not occur, given the very late trading of the other local hotels and club. Patrons of the Station House Hotel will simply have the ability to migrate *later*, after drinking and gambling later into the evening at this venue, if the hotel closes at 2:00 am. Late licensing at this venue expands the cluster of late licensed liquor and gambling venues in the suburb.
120. Section 3(2)(c) of the Act requires the Authority to consider, when assessing the ETA, whether the sale, supply and consumption of liquor on the Premises will contribute to and not detract from the amenity of community life.
121. The Authority is satisfied that should the ETA be granted, this substantial hotel will likely attract and generate additional and significant numbers of alcohol affected patrons with the ability to impact local amenity across the entire week until 2:00 am Monday to Saturday and until midnight on Sunday. The Authority has taken into account the Applicant's proposal that patron numbers be limited to 75 persons after midnight, noting that this restriction will not apply to the extended hours on Sunday night and the availability of a courtesy bus, discussed below.

#### *Responsible Development of Related (Gaming Machines) Industry*

122. Section 3(1)(c) of the Act prescribes an object of the Act as contributing to the *responsible* development of related industries such as the live music, entertainment, tourism and hospitality industries.
123. Clause 28 of the Regulation requires that in the case of an application for an extended trading authorisation in relation to a hotel licence, the matters to be addressed by a CIS are to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.
124. The proposed operation of some 29 more gaming machines in this local community after midnight six nights per week and after 10:00 pm on Sundays will be a consequence of granting the ETA for this hotel. It is a relevant factor when considering the overall social impact upon the local and broader communities of granting this authorisation.
125. A prominent factor in the Authority's Previous Decisions on the ETA was its lack of satisfaction that extended trading would serve the *responsible* development of a related gambling machine industry, given the extensive availability of gaming machines in

Campsie and the scope for adverse social impact upon this local community from the operation of the (then) 27 more machines over longer trading hours across the week.

126. In its 28 March 2019 submission, the Applicant contends that extending its hours will not increase the “temporal availability of liquor or gaming” in this local community, as other venues can and do trade much later than the Station House Hotel.
127. The Applicant submits, on the basis of gaming machine data derived by the hotel from 1 July 2018 and 31 December 2018, that the metered net profit per gaming machine for the hotel per annum is “less than” the figure per gaming machine per annum provided by LGNSW staff for annual pre-tax profit for all hotels in the suburb of Campsie in calendar year 2016.
128. The Applicant further submits that the gaming machines at Station House Hotel presently yield less average profit per machine than the machine average yielded by Oasis on Beamish and Campsie Hotel in 2016. The Applicant’s figures on net profit per machine per annum for the period from July to December 2018 are calculated at approximately \$334,000.00, while the average profit for machines across the other two venues was identified by LGNSW at \$344,000.00 for calendar year 2016.
129. The Applicant further contends that it is “preferable” to retain patrons within the hotel where “staff are trained to a higher standard” in the responsible conduct of gambling and where those staff have been “observing the gaming patrons for a period of time” having the “benefit of those observations in forming a judgement as to whether any intervention is necessary”.
130. The Applicant claims that granting 2:00 am trading for this venue is likely to reduce the potential for crime and disturbance by reducing patron migration late at night. This will be assisted by the hotel offering a courtesy bus and “additional security” staff from 10:00 pm.
131. The Applicant contends that shutting the hotel “at 10.00 pm” has not proved to be an effective gambling harm reduction measure, as Mr Purcell observed two thirds of gambling patrons leave the hotel at closing time for other venues and continue playing.

#### *Authority Findings on Responsible Development of Gaming Machines Industry*

132. The Authority is satisfied that if the ETA is granted, it would increase the *temporal* availability of the 29 gaming machines that are in operation at the Premises by a total of 14 additional late-night hours (from 12:00 midnight to 2:00 am Monday to Saturday and from 10:00 pm to 12:00 midnight Sunday).
133. While the Authority notes that gaming machines are already available within Campsie during late hours at the Campsie Hotel, the Oasis on Beamish Hotel and Campsie RSL, the effect of granting the ETA will increase the number and accessibility of gaming machines in the local community by offering one more very conveniently located venue, with an attractive environment, enabling problem gamblers and “at-risk” gamblers to gamble during later hours.
134. The Authority does not accept, as proposed by the Applicant in the 28 March 2019 submission, that the broader public interest in monitoring the consumption of alcohol and use of gaming machines by patrons is best achieved by ensuring longer continuous monitoring of patrons, so that appropriate intervention can occur as and when required.

135. The Authority is satisfied that granting this Application will facilitate continuous gambling for a more prolonged period on the Premises than would otherwise be the case were patrons required to leave the hotel at midnight Monday through Saturday, or at 10:00 pm on Sunday.
136. The Authority has revisited the information and analysis, which prompted it to refuse the ETA application in the Previous Decisions.
137. The Authority made the following findings on gaming machine play and expenditure in Campsie in the Previous Decisions:

*199. In the First RM Planning Report dated April 2015, the Commercial Objectors' consultant contends, and the Authority accepts, that most occurrence of gaming machine play occurs at the Oasis on Beamish hotel between 6pm and midnight (59.78%) and that play from 9pm until past midnight accounts for 38.58%. Daytime play from 9 am to 3pm accounts for 14.13% of this activity. At the Campsie Hotel, 29.89% of gaming machine play occurs between 6pm and 9pm, with 11.39% occurring between 9pm and Midnight and "late night" play accounting for 32.74%. Daytime play between 9am and 3pm accounts for 18.15%.*

*200. In the RM Planning Report dated 4 October 2017 ("Fourth RM Planning Report"), the consultant further advises, and the Authority accepts, that data on hotel gaming machine revenue for the year ending 30 June 2017 ranked the Campsie Hotel top in the former Canterbury LGA and 8th in NSW, by reference to "gaming revenue". The Oasis on Beamish ranked 2nd in the former Canterbury LGA and 22nd in NSW and has consistently ranked in the NSW top 20 for "gaming revenue".*

*201. While there is a reasonable amount of LGNSW information available with respect to gaming machine profits, it is more difficult for the Authority to discern current or projected TAB late night gambling expenditure associated with licensed venues. Analysis performed by licensing staff for the period from January 2016 to December 2016 indicates that average annual pre-tax profit per hotel based gaming machine was:*

- \$114,392.10 for all hotels in the suburb of Hurlstone Park*
- \$343,953.90 for all hotels in the suburb of Campsie*
- \$215,190.38 for all hotels in the Canterbury Bankstown LGA*
- \$95,621.00 for all hotels in NSW.*

*202. The Authority notes that "profit" in this sense refers to the amount of money paid into each machine, less any money paid out to players in winnings. This data establishes that prevailing expenditure on hotel gaming machines in this local community is very high by comparison to State wide averages.*

*203. This level of expenditure is of particular concern from a social impact perspective by reason that it occurs within a disadvantaged community, ranking in only the 2nd decile on the Index of Relative Socio-Economic Advantage and Disadvantage by comparison to other suburbs in New South Wales.*

138. On the Applicant's analysis noted above the hotel's average profits per machine are quite close to the average machine profits of the other two hotels in Campsie.
139. Updated quarterly gaming machine data provided by LGNSW indicates that the average profit per machine at the Station House Hotel for the period from 1 January

2018 to 31 December 2018 (noting that the hotel only commenced in late March) was \$228,333.00, while the average profit per machine for all hotels across the LGA during that period was \$238,108.00.

140. The Authority does not consider that all hotel gaming machine profits represent a “negative” social impact. Intangible benefits flow to those in the community who derive entertainment from gambling. Broader public benefits, primarily by way of public revenue, flow to the State by way of gaming machine tax revenue – although it is difficult for the Authority to trace any such benefits to these particular communities and the Authority does not purport to do so.

141. The Authority accepts the independent analysis of the research provided by the Productivity Commission (“Commission”), expressed at Chapter 5 of The Australian Government Productivity Commission Inquiry Report, Gambling, No. 50, 26 February 2010 (“PC Report”), that:

“Based on available survey data, there are between 80 000 and 160 000 Australian adults suffering significant problems from their gambling (0.5 to 1.0 per cent of adults), with a further 230 000 to 350 000 experiencing moderate risks that may make them vulnerable to problem gambling (1.4 to 2.1 per cent of adults).”

“Most policy interest centres on people playing regularly on gaming machines. While the results vary by surveys, it is estimated that around:

- 600 000 Australian adults (just under 4 per cent) play the pokies weekly or more.
- 15 per cent (95 000) of this group are ‘problem gamblers’. A further 15 per cent of pokie players face ‘moderate risks’.”

142. As for the amount of gaming revenue attributed to problem gamblers, the Authority accepts the Commission’s finding, expressed in the Overview of the Report (and developed in Chapter 5) that:

The Commission estimates that problem gamblers’ share of total Australian gaming machine losses range around 40 per cent. Some estimates raise the possibility that the share could be as high as 60 per cent or, in the most conservative case, as low as a (still significant) 22 per cent.

143. In the Overview and Chapter 4 of the PC Report, the Commission found that the risks of problem gambling increase significantly with the frequency of playing gaming machines, estimating in Chapter 5 that of those who play weekly, around 15 percent are problem gamblers with an additional 15 percent at moderate risk.

144. Should the Application be granted, there will be 29 more machines operating later at this venue over 14 additional late-night hours across the week.

145. In Chapter 11 of the PC Report, the Commission found that the majority of people who experience problems with gambling do so with respect to electronic gaming machines, reflecting their design and wide accessibility. This is because gaming machines have the potential for high intensity play, at a very high cost per hour, which may or may not be well understood by the players. The Commission notes and the Authority accepts that problem gamblers generally play more intensively and for longer. The major difference between problem and recreational gamblers is the duration and number of playing sessions, but there is evidence that they tend to gamble more intensively as well.

146. In Chapter 14 of the PC Report, the Commission examined the available empirical evidence on gaming machine shut down periods across several Australian jurisdictions and found that existing shut down periods in hotels and clubs were too brief and mostly occur at the wrong times of day. The Commission recommended requiring a more extended shut down for all hotels and clubs that commences “before 2 am” and that is of “at least six hours” duration. This would better target problem gamblers without unduly restricting non-problem gamblers.
147. The Commission notes in the Overview and Chapter 14 of the PC Report evidence that higher risk gamblers present a much greater share of those people playing at night, and at that time gamblers are more likely to be playing under the influence of alcohol, thus reducing the capacity for informed consent on a potentially very costly activity where impulsivity and faulty cognitions are already widespread.
148. The 2012 Ogilvy Interactive Survey on the Prevalence of Problem Gambling in New South Wales (“Ogilvy Report”) conducted for the then Office of Liquor Gaming and Racing (“OLGR”) (now LGNSW) found in section 3.2 of the Report “Frequency and Venue” that the most common mode of gambling on horse or greyhound races was at a TAB (betting agency) (49%), followed by a club or hotel (35%), and at the track (22%). More than one in ten (11%) gamblers used the Internet to place their bets on horse or greyhound races (including access via a mobile phone). By far the most common venue for gaming machines was in a club (68%), followed by 25% at a pub or hotel, and only 4% at a casino.
149. Notably, at section 8.2 of the Ogilvy Report “Changes in Gambling Behaviour” Ogilvy found that most problem gamblers (61%) “normally” gamble between the hours of 5:00 pm and midnight, but a significant proportion (9%) will “normally” gamble between midnight and 5:00 am.
150. These findings echoed earlier research conducted by Blue Moon Research for the former OLGR during 2008 (“Blue Moon Report”). In an examination of the impact of the six-hour daily gaming machine shut down prescribed by the *Gaming Machines Act 2001* (NSW), Blue Moon found in section 15.2 of that report that while 56% of problem gamblers usually gambled between the hours of 6:00 pm and midnight, 9% of problem gamblers usually played gaming machines between midnight and 4:00 am with a further 8% of “moderate risk” gamblers usually gambling between midnight and 4:00 am.
151. The Authority is satisfied that problem gamblers are characterised by the length and intensity of play, and a significant minority of problem and moderate risk gamblers use gaming machines after midnight, with gaming machines in hotels and clubs a popular choice for those gamblers.
152. While the Authority notes that gaming machines are already available within Campsie during late hours at the Campsie Hotel, the Oasis on Beamish Hotel and the Campsie RSL, the effect of granting the ETA will increase the number and accessibility of gaming machines in the local community by offering one more very conveniently located venue, immediately next to transport links, with an attractive environment, enabling problem gamblers and “at-risk” gamblers to gamble during later hours.
153. In the Previous Decisions, the Authority referred to the high number and accessibility of gaming machines for residents of Campsie as follows:

218. Information provided by the Commercial Objectors as attachments to their submissions dated 29 April 2015 (detailing the currently available services and facilities at the Oasis on Beamish, Campsie Hotel and Campsie RSL Sub-branch) and 13 June 2017 (updating the services available at the two hotels) indicates that there are a total of 30 gaming machines operating at the Campsie Hotel, 30 gaming machines operating at the Oasis on Beamish hotel and 227 gaming machine entitlements at Campsie RSL Sub-Branch, with all three venues exercising late trading hours.

219. In its final submission dated 11 October 2017, the Applicant's solicitor submits that gaming machine density based on the 2016 Census data is:

- The rate of gaming machines in NSW per 100,000 persons of population is 1270.9
- The rate of gaming machines in the suburb of Hurlstone Park per 100,000 persons of population is 8759.9
- The rate of gaming machines in the suburb of Campsie per 100,000 persons of population is 1079.8
- The rate of gaming machines in the suburb of Campsie per 100,000 persons of population if this licence is granted is 1189.8

154. With respect to gaming machine profits as adverse incident of social impact, the Authority found in the Previous Decisions that:

224. *The very high average hotel gaming machine profits recorded in Campsie is at odds with the low socio-economic status of the community. It suggests that demand for gaming machines in Campsie is particularly strong and quite elastic. It underscores the scope for gaming machines to exact a relatively greater adverse impact upon this local community.*

225. *In these circumstances, the Authority does not consider it prudent to assume, in the absence of community specific analysis and modelling, that gaming expenditure is somehow at the limit of local community demand, so that any increase in machine availability in this suburb will not facilitate further or additional expenditure.*

226. *Whether or not gaming machine expenditure increases at the level of either community, the Authority finds that extending the trading hours of this hotel will mean that any problem or at-risk gamblers will be able to use these machines for a more prolonged period, without a break, than would otherwise be the case.*

227. *The Authority has concluded that licensing the venue during standard hours will provide a more prudent harm minimisation measure with respect to the management of late night gambling related impacts than permitting it to trade until 2am Monday to Saturday and midnight on Sunday.*

155. The Purcell Report noted that Campsie RSL had approximately 250 gaming machines, Campsie Hotel has 30 gaming machines and Oasis on Beamish has 30 machines. The Authority accepts those observations, while noting that Mr Purcell does not purport to have any expertise on problem gambling or how to mitigate it.
156. ABS data records that the State suburb of Campsie is ranked in the 3<sup>rd</sup> decile on the Index of Relative Socio-economic Advantage and Disadvantage (based on the 2016 Census). It is a relatively disadvantaged community for a Sydney metropolitan area.
157. The Authority is satisfied that granting the Application will facilitate *continuous gambling* for a more prolonged period at this venue than were patrons required to leave the hotel at midnight Monday through Saturday, or at 10:00 pm on Sunday. Notwithstanding that many gambling patrons may migrate elsewhere in Campsie, a break in gaming will still

occur. According to Mr Purcell's observations, a substantial number of gaming patrons had either gone home or were not present at other local venues after closing time at the hotel.

158. The Authority finds that extending the trading hours at this hotel will enable problem or at-risk gamblers to maintain continuous use of those machines for a more prolonged period, without a break, than would otherwise be the case. It will enable the operation of another 29 machines in this local community that would not otherwise be in operation for a total of 14 additional hours across the course of the week.
159. The current standard trading hours were granted by the Authority to give effect to the Productivity Commission recommendation that gaming machines be shut down over longer periods each day. This presents a more robust form of harm minimisation than staff supervision.
160. In conclusion, the Authority is not satisfied that increasing the accessibility of the 29 machines at this very conveniently located venue will serve the "responsible" development of the related gaming machines industry in this local community for the purposes of section 3(1)(c) of the Act.

#### *Additional Risk Reduction Measures*

161. The Authority has taken into consideration the Applicant's additional harm minimisation measures proposed in the CIS and submission dated 28 March 2019.
162. These include conditions consented to be imposed on the licence stating *inter alia*: no more than 75 patrons are to be in the licensed area of the hotel when the hotel trades after 12:00 midnight; after 12:00 midnight no shots, shooters, slammers or high strength RTDs or jugs of liquor are to be served (or after 10:00 pm on Sunday); sale and supply of liquor will cease at 1:40 am; from 12:00 midnight there will be a limit of two alcoholic drinks sold or supplied per person at any one time; a regular courtesy bus will operate from 10:00 pm each night until 15 minutes after close on nights that the hotel trades after midnight; no entertainment other than background music is to be provided after 12:00 midnight; and on nights that the hotel trades after 12:00 midnight, security will be present until half an hour after close; from 10:00 pm on any night the hotel trades pursuant to extended trading hours, two security officers will be present with regular patrols to be undertaken on the perimeter of the hotel until the last patron leaves the vicinity.
163. The Applicant submits that the provision of a courtesy bus service operating until 2:15 am is likely to itself act as a gambling harm minimisation measure, serving as an incentive to those liquor and gaming patrons who wish to take advantage of free transport to go home.
164. However, the Authority notes that patrons will continue to be able to consume liquor until 1:40 am – for the best part of the proposed extension of trading hours across the week. Patrons will still have the potential to drink longer on the Premises than would otherwise be the case and potentially leave the venue at a more advanced state of intoxication.
165. The Authority notes that the hotel will also be able to attract drinkers from *other* locations who will be permitted to purchase alcohol until 1:40 am. Those who prefer not to use a courtesy bus and either walk home or access other forms of transport late at

night will do so in neighbouring streets, having had the ability to consume liquor at this location until later in the evening than under current hours.

166. The Authority finds that a courtesy bus will not address the prospect that problem and at-risk gamblers at this venue will have had an extended opportunity to gamble on gaming machines, without interruption, for an additional 14 hours across the week, on an additional 29 machines that would not otherwise be available.

#### Overall Social Impact

167. Having considered the positive benefits and negative impacts that are likely to flow from granting the Application, the Authority is not satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting extended trading would not be detrimental to the well-being of the local community.
168. In making this decision the Authority has had regard to all of the statutory objects and considerations in section 3 of the Act, but has given weight to section 3(2)(a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and section 3(2)(c), the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.
169. The Application is refused 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/>.

## Schedule 1

### Material before the Authority

1. Application Form for an extended trading authorisation (“ETA”) for the Station House Hotel (“Application”) and accompanying Community Impact Statement (“CIS”) lodged by Mr Suphanna Bun (the “Applicant”) on 14 December 2018 accompanied by the following documents:
  - Public consultation site notice, police notice and local consent authority notice.
  - Development approval DA-620/2014 determined by City of Canterbury on 11 June 2015.
  - A list of stakeholders and special interest groups that were notified of the Application.
  - Map depicting the properties within 100 metres of the hotel that notification of the Application were distributed.
  - One half-page email dated 19 November 2018 from Ms H Leung of Campsie objecting to the Application.
  - Two-page letter from Mr Craig Love, Chief Executive Officer of Campsie RSL dated 9 November 2018 objecting to the Application.
  - Two-page letter from New South Wales (“NSW”) Roads and Maritime Services dated 5 November 2018 (sent via email of the same date) containing alcohol related crash statistics and making recommendations to prevent the likelihood of alcohol involvement in road crashes.
  - One-page email from Canterbury-Bankstown Council (“Council”) dated 22 October 2018 advising the ETA is reflective of the hours in DA-620/2014 and Council has no objection.
  - One-page letter from Senior Constable Aaron Abela and Senior Constable George Constantinou, Licensing, Campsie Police Area Command of NSW Police (“Police”) dated 8 November 2018 attaching a six-page submission objecting to the Application, a photograph of the outside of the hotel indicating the three different entrances, a copy of the hotel’s *Extended Trading Authorisation Plan of Management* (undated) and DA-620/2014.
  - A thirteen-page document providing additional information on the CIS.
  - Plan/diagram of the premises with the boundary of the licensed premises highlighted in yellow, the boundary of the minors area authorisation highlighted in blue and the boundary of the proposed ETA highlighted in pink.
2. One-page letter from Police dated 19 December 2018 accompanied by the official Liquor and Gaming New South Wales (“LGNSW”) submission form signed and dated 20 December 2018. In this submission Police advise that they rely on their submission dated 8 November 2018, attaching a copy of that submission.
3. NSW *Healthstats* data on alcohol attributable deaths in the Canterbury-Bankstown Local Government Area (“LGA”) between 2001 and 2016 and alcohol attributable hospitalisations in the LGA between 2001 and 2017, sourced by licensing staff on 8 January 2019.
4. Two-page submission from the Canterbury Community Drug Action Team sent via email dated 4 February 2019, objecting to the Application.
5. One-page email from the compliance branch of LGNSW dated 15 February 2019 advising that there is no additional information regarding licence number LIQH400103077 in the CM9 enforcement folders, except for information in the Vo2 for the venue.
6. One-page letter from Police dated 7 March 2019 (sent via email of the same date) accompanied by a one-page submission requesting a condition for hotel security at the venue.
7. LGNSW list of licensed premises in Campsie as at 12 March 2019.

8. Licence density calculated by licensing staff using 2016 Australian Bureau of Statistics (“ABS”) population and LGNSW licensed premises information as at 12 March 2019.
9. Bureau of Crime Statistics and Research (“BOCSAR”) hotspot maps regarding the suburb from January 2018 to December 2018 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property, sourced by licensing staff on 18 March 2019.
10. Google geographical maps and a street view image of the premises, sourced by licensing staff on 18 March 2019.
11. BOCSAR Crime data sourced by licensing staff on 18 March 2019, regarding:
  - Count and rate per 100,000 persons for alcohol related domestic assault, alcohol related non-domestic assault, malicious damage and alcohol related disorderly conduct (offensive conduct) for NSW, Campsie and the LGA between January 2017 and December 2018.
  - Number and proportion of selected offences flagged as alcohol related by NSW Police for the LGA and NSW from 2018.
  - Number of incidents by offence type, day and week and time of day for NSW, the LGA and Campsie for 2018.
12. ABS Socio-Economic Indexes For Areas data based on the 2016 Census for Campsie and the LGA, sourced by licensing staff on 18 March 2019.
13. A twenty-eight page submission dated 28 March 2019 responding to an email from licensing staff dated 4 January 2019, providing responses to requisitions and further information. This submission is accompanied by the following:
  - Certificate of advertising signed by Mr Brett Tobin of Hatzis Cusack Lawyers dated 30 January 2019 and the Applicant dated 4 March 2019.
  - Original *Plan of Management* dated December 2014 and *Extended Trading Authorisation Plan of Management* (undated).
  - Updated *Extended Trading Authorisation Plan of Management* (undated) incorporating a training component relevant to all staff.
  - A seven-page report prepared by Mr Adam Purcell of A & M Consultants dated 21 July 2018. This report is accompanied by the curriculum vitae of Mr Purcell.
  - Gambling tax invoices for the hotel between 1 July 2018 to 31 December 2018.
  - ABS Quickstats data based on the 2016 Census for the suburb of Campsie.
  - An extract from the decision of the Independent Liquor and Gaming Authority (“Authority”) dated 10 January 2018 (comprising pages 27 to 35) where (alongside the consideration of other applications) a previous application for an ETA at the hotel was refused.
14. Additional material sourced by licensing staff including:
  - The Authority board paper and material considered by the Authority at its meeting on 16 August 2017 in relation to a previous application to vary an ETA and change the licensed boundary for this licensed business when it operated under the name Hurlstone Park Hotel from premises in Hurlstone Park.
  - The application form and accompanying material relating to the removal of the licence from Hurlstone Park to its current premises located in Campsie, received by LGNSW on 4 May 2017.
  - The Authority’s statement of reasons dated 10 January 2018 in relation to the previous removal application (from Hurlstone Park to the current premises), which included related applications, one of which was an ETA that was refused.
  - Onegov licence record for the Station House Hotel liquor licence as at 3 April 2019.
  - LGNSW Licence Details Report for the hotel between 1 July 2008 to 3 April 2019, sourced by staff on 3 April 2019.

- Quarterly gaming machine profit data for the hotel for the calendar year 2018 (including the total average profit per machine for the year ending December 2018) and the total average profit per machine for all hotels in the LGA for the year ending December 2018.

## Schedule 2

### Relevant extracts from the *Liquor Act 2007* (NSW)

#### 3 Objects of Act

- (1) The objects of this Act are as follows:
  - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
  - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
  - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
  - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
  - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
  - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

#### 11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
  - (a) any licence granted on or after 30 October 2008, and
  - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
  - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the *Liquor Legislation Amendment Act 2008*) commenced, or
  - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
  - (a) the period as last approved by the Authority, or
  - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
  - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
  - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those

- provisions relating to the standard trading period for licensed premises).
- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
  - (10) The regulations may also create exceptions to this section.

## 12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the **standard trading period** means:
  - (a) for any day of the week other than a Sunday:
    - (i) the period from 5 am to midnight, or
    - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
  - (b) for a Sunday:
    - (i) the period from 10 am to 10 pm, or
    - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

**Note.** Small bars are subject to the 6-hour closure period under section 11A.
- (1B) Despite subsection (1) (a), the **standard trading period** for premises to which this subsection applies ends at 10 pm.
- (1C) Subsection (1B) applies to the following premises or part of premises:
  - (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
  - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
  - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
  - (a) apply to a specified class of licensed premises, and
  - (b) apply in relation to a specified day or days, and
  - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

## 40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
  - (a) an individual, or
  - (b) a corporation, or
  - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the *Registered Clubs Act 1976*.
- (3) An application for a licence may not be made by:
  - (a) an individual who is under the age of 18 years, or
  - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
  - (c) an individual who is a controlled member of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*.

**Note.** Controlled members are prohibited from applying for licences—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.

- (4) An application for a licence must:
- (a) be in the form and manner approved by the Authority, and
  - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
  - (c) be advertised in accordance with the regulations, and
  - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

**Note.** See also section 48 which requires a community impact statement to be provided with certain licence applications.

- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

#### **45 Decision of Authority in relation to licence applications**

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
  - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
  - (b) practices will be in place at the licensed premises as soon as the licence is granted 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 on the premises, and that those practices will remain in place, and
  - (c) if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

**Note.** Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
  - (a) that the person:
    - (i) is a member of, or
    - (ii) is a close associate of, or
    - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*, and
  - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper

person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:

- (a) is of good repute, having regard to character, honesty and integrity, and
  - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

#### 48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
- (a) the views of the local community, and
  - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:
- relevant application** means any of the following:
- (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
  - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
  - (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
  - (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
  - (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
  - (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
  - (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,
- but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).
- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
- (a) development consent is required under the *Environmental Planning and Assessment Act 1979* to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
  - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
- (a) an application for a small bar licence,
  - (b) an application for approval to remove a small bar licence to other premises,
  - (c) an application for an extended trading authorisation for a small bar,
  - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:

- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
  - (b) development consent has been obtained under the *Environmental Planning and Assessment Act 1979* to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
- (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
  - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the *Registered Clubs Act 1976*.
- (4) The community impact statement must:
- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
  - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
  - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
  - (b) the matters to be addressed by a community impact statement,
  - (c) the information to be provided in a community impact statement,
  - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
  - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

#### **49 Extended trading authorisation—general provisions**

##### **(1) Application of section**

This section applies in relation to the following types of licences (referred to in this section as a **relevant licence**):

- (a) a hotel licence,
- (b) a club licence,
- (c) an on-premises licence (other than an on-premises licence that relates to a vessel),
- (d) a packaged liquor licence,
- (e) a producer/wholesaler licence.

##### **(2) Extended trading authorisation for consumption on premises**

In the case of a relevant licence (other than a packaged liquor licence) that authorises the sale or supply of liquor for consumption on the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption on the licensed premises only, during any of the following periods:

- (a) in the case of a hotel licence—a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),

- (b) in the case of a relevant licence other than a hotel licence—a specified period between midnight and 5 am on any day of the week,
  - (c) in any case—a specified period between 5 am and 10 am on a Sunday,
  - (d) in any case—a specified period between 10 pm and midnight on a Sunday.
- (2A) Without limiting subsection (2), the Authority may, in the case of an on-premises licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during any of the following periods:
- (a) a specified period between 5 am and noon on a restricted trading day,
  - (b) a specified period between 10 pm and midnight on a restricted trading day.
- Note.** The sale of liquor at these times is subject to the requirement that a meal is also served—see section 25 (3).
- (3) Despite subsection (2) (a), the Authority may, in the case of a hotel:
- (a) situated in the area constituting the City of Sydney (as at 1 July 1994), or
  - (b) situated in the Kings Cross precinct, or
  - (b1) situated in the area including and bounded by the parts of streets specified in Schedule 3 (Oxford Street–Darlinghurst precinct) or that fronts or backs onto, or abuts, any such specified part, or
  - (c) situated in the Kosciuszko National Park,
- authorise the licensee, on application by the licensee, to sell or supply liquor, for consumption on the licensed premises only, during a specified period between midnight on a Sunday and 5 am on a Monday.
- (4) **Extended trading authorisation for take-away sales on Sundays**  
 In the case of a relevant licence (including a packaged liquor licence) that authorises the sale or supply of liquor for consumption away from the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption away from the licensed premises only, during either or both of the following:
- (a) a specified period between 5 am and 10 am on a Sunday,
  - (b) (Repealed)
- (5) **Nature of extended trading authorisation**  
 An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:
- (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
  - (b) if the authorisation so provides—on a special occasion that takes place on a specified date, or
  - (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.
- (5A) Despite subsection (2) (a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.
- (6) **Extended trading period to be specified**  
 In granting an extended trading authorisation, the Authority is to specify:
- (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
  - (b) the part or parts of the licensed premises to which the authorisation applies.
- (7) **Extended trading not permitted on or in relation to restricted trading days—hotels and licensed public entertainment venues**  
 Despite any other provision of this section, an extended trading authorisation cannot, in the case of a hotel licence or an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), be granted to authorise the sale or supply of liquor for consumption on the licensed premises during any of the following periods:
- (a) between 5 am and noon on a restricted trading day,

- (b) between 10 pm and midnight on a restricted trading day,
  - (c) between midnight and 5 am on any day immediately following a restricted trading day.
- (8) **Restrictions on granting extended trading authorisation**  
 The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
- (a) practices are in place, and will remain in place, at the 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 on the premises, and
  - (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.
- (9) For the purposes of this section, a **special occasion** means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned.

## 51 General provisions relating to licence-related authorisations

- (1) This section applies to the following authorisations granted by the Authority under this Act:
- (a) an extended trading authorisation,
  - (b) a drink on-premises authorisation,
  - (c) any other authorisation that may be granted by the Authority under Part 3 (other than a licence),
  - (d) a minors area authorisation,
  - (e) a minors functions authorisation.
- (2) An application for an authorisation to which this section applies must:
- (a) be in the form and manner approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary), and
  - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
  - (c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and
  - (d) comply with such other requirements as may be approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary) or prescribed by the regulations.
- (3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.
- (5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.
- (6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation.
- (7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect unless the fee has been paid.
- (8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with.
- (9) An authorisation:
- (a) is subject to such conditions:

- (i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or
  - (ii) as are imposed by or under this Act or as are prescribed by the regulations, and
- (b) may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee, the Secretary or the Commissioner of Police.
- (10) Any such application by a licensee to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.
- (11) For the purposes of this Act, any condition to which an authorisation is subject is taken to be a condition of the licence to which the authorisation relates.
- (12) An authorisation has effect only while all the conditions to which it is subject are being complied with.
- (13) The Authority must not impose a condition on an authorisation, or revoke or vary an authorisation, other than a variation made on application by a licensee, unless the Authority has:
  - (a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and
  - (b) taken any such submissions into consideration before making the decision.
- (14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.