

Our ref: DF23/024135

Ms Fiona Myatt
AMW Lawyers
By email to: FMyatt@amwlawyers.com.au

04 December 2023

Dear Ms Myatt

Application No.	1-8596407498 (GMT increase), 1-8806060272 (GME transfer) First lodgement; 1-8501579195 (removal), 1-8501579315 (ETA) and 1-8504682592 (MAA) Second lodgement; 1-8537382716 (removal), 1-8537382791 (ETA) and 1-8537382865 (MAA)
Applicant	Albion Hotel UT Pty Ltd
Application for	Hotel (full) licence removal with extended trading authorisation and minors area authorisation, gaming machine threshold increase, gaming machine entitlement transfer and poker machine permit transfer
Application date	13 December 2022 (removal and ETA) 15 December 2022 (MAA) 12 January 2023 (removal, ETA & MAA second lodgement)
Decision date	14 November 2023
Licence name	Albion Hotel
Proposed trading hours	Consumption on premises Monday to Saturday 10:00 AM – 04:00 AM Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight
Current trading hours	Consumption on premises: Ground floor & first floor Monday to Saturday 05:00 AM – 05:00 AM Sunday 05:00 AM – 12:00 midnight Consumption on premises: Other areas within the licensed premises & takeaway Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Proposed premises	20 Smith Street Parramatta NSW 2150
Current premises	135 George Street Parramatta NSW 2150
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49, 59, and 121 of the <i>Liquor Act 2007</i> Sections 3, 19, 34, and 37B of the <i>Gaming Machines Act 2001</i>

Decision of the Independent Liquor & Gaming Authority

Application for hotel (full) licence removal with extended trading authorisation and minors area authorisation, gaming machine threshold increase, gaming machine entitlement transfer and poker machine permit transfer – Albion Hotel

We first considered this application at the meeting of 20 September 2023 and, following the handing down of the Whitebull judgement appeal, and provision of submissions in relation to proposed conditions, decided on 14 November 2023 to **approve** this application under section 59 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Parramatta. The broader community is the Local Government Area (LGA) of Parramatta.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice. The proposed hours for the hotel are less than at the existing location. The applicant has consented to the responsible gambling officer (RGO) all hours and the gambling incident register (GIR) conditions being imposed on the licence. Both conditions have been incorporated into the gaming plan of management (GPOM)

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- size of the premises and long licensed trading hours
- location in high-density crime hotspot across all categories considered by the Authority
- higher crime rates in Parramatta for incidents of alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct compared to NSW rates
- higher rate of alcohol-attributable hospitalisations in the LGA compared to NSW
- premises being located in a Band 2 SA2
- above average gaming intensity at the current venue compared to other venues in the LGA and the same SA2.

However, we are satisfied that these risks are reduced by the:

- lower crime rate in the suburb for incidents of alcohol-related domestic assault; lower crime rates in the LGA across all incident categories compared to NSW rates
- licence removal being within the same LGA; and the saturation of hotel (full) licences in the suburb and LGA remaining unchanged.
- lower rate of alcohol-attributable deaths in the Parramatta LGA compared to NSW
- indication of an above-average level of relative socio-economic advantage in both the suburb and LGA
- harm-minimisation measures outlined in the liquor and gaming plans of management and modernised licence conditions, including imposition of a no post 02:00AM gaming condition, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises

- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Leonie Jennings, at Leonie.Jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Dinning'.

Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed Albion Hotel

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 04:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Consumption on premises	<p>Good Friday 12:00 noon – 10:00 PM</p> <p>Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)</p> <p>December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later</p> <p>Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.</p>
3.	Takeaway sales	<p>Good Friday Not permitted</p> <p>Christmas Day Not permitted</p> <p>December 31st Normal trading</p>
4.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at 20 Smith Street, Parramatta NSW 2150 and obtaining the extended trading authorisation on 14 November 2023.
5.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated October 2022 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
6.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	Incident register	<p>1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:</p> <ul style="list-style-type: none"> (a) any incident involving violence or anti-social behaviour occurring on the premises, (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, (c) any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>, (d) any incident that results in a patron of the premises requiring medical assistance. <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> (a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and (b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
8.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ul style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
9.	CCTV	<ul style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises. 2) The licensee must also: <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24

No.	Condition to be imposed	Description
		hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
10.	Extended Trading	Extended Trading Authorisation: whole of the licensed premises.
11.	Minors Area	Minors Area Authorisation: whole of the licensed premises excluding the gaming room.
12.	Gaming plan of management	The premises is to be operated at all times in accordance with the Gaming Plan of Management dated May 2023 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
13.		The licence cannot be exercised at 20 Smith Street, Parramatta until the premises is fitted out and ready to trade.
14.		The licence remains at 135 George Street, Parramatta, subject to the same conditions and trading hours that were immediately in force before this approval was granted until such time as the Applicant provides the Independent Liquor and Gaming Authority with 7 days written notice that it wishes the licence to be located at 20 Smith Street, Parramatta.
15.	Late night gaming	No gaming machines will be operated on the licensed premises after 02:00 AM.