

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

30 March 2021

Dear Mr Sammut

Application nos.	1-7896168677 1-7896168713 1-7896168673 1-7930653567
Applicant	Mr Long Jin
Application for	Removal of a full hotel licence Extended trading authorisation Minors area authorisation Gaming machine threshold increase Transfer of gaming machine entitlements
Licence number	LIQH400105177
Current licence name	The Village Tavern
Current premises	Cnr Queen Street and Harrow Street Auburn NSW 2144
Current trading hours	<u>Consumption on premises – Entertainment areas 1 & 2</u> Monday to Saturday 5:00 am – 5:00 am Sunday 10:00 am – 10:00 pm <u>Consumption on premises – Lounge Bar</u> Monday to Saturday 5:00 am – 3:00 am Sunday 10:00 am – 10:00 pm <u>Consumption on premises – Other areas within licensed premises</u> Monday to Saturday 5:00 am – 12 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Saturday 5:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM
Proposed licence name	Ambulance Station Hotel
Proposed premises	60 Queen Street Auburn NSW 2144
Proposed trading hours	<u>Consumption on premises – ground floor</u> Monday to Saturday 10:00 AM – 4:00 AM Sunday 10:00 AM – 10:00 PM <u>Consumption on premises – first floor</u> Monday to Saturday 10:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM <u>Take away sales</u> Monday to Saturday 10:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM
Legislation	Sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 44, 45, 48, 49, 51, 59 and 121 of the <i>Liquor Act 2007</i> (NSW) Sections 3, 11, 16, 19, 20, 20A, 21, 32, 33, 34, 35, 36, 36A, 36B, 36C and 37 of the <i>Gaming Machines Act 2001</i> (NSW)

Decision of the Independent Liquor & Gaming Authority
Removal of hotel licence and related applications – Ambulance Station Hotel

The Independent Liquor and Gaming Authority (“Authority”) considered the above applications at its meeting of 17 March 2021 and, subject to imposing conditions as set out in Schedule 1, determined to:

- **grant** the removal of hotel licence LIQH400105177 (“Removal Application”) pursuant to section 59 of the *Liquor Act 2007* (NSW) (“Liquor Act”)
- **grant** the extended trading authorisation (“ETA”) pursuant to section 49(2) of the Liquor Act (“ETA Application”)
- **grant** the minors area authorisation (“MAA”) pursuant to section 121 of the Liquor Act (“MAA Application”)
- **approve** the application under section 34 of the *Gaming Machines Act 2001* (“GM Act”) to increase the gaming machine threshold at the proposed premises from 0 to 30 (“GMT Application”)
- **approve** the application to transfer 15 gaming machine entitlements and 15 poker machine permits from the current premises to the proposed premises under section 19(2) of the GM Act (“Transfer Application”).

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

The Authority has determined, pursuant to section 121 of the Liquor Act, that the MAA shall apply to the whole of the licensed premises excluding the Gaming Room, Gaming Bar and loading dock.

Removal of the licence

Notwithstanding the approval of the application, the subject licence (LIQH400105177) remains at Cnr Queen St & Harrow Rd, Auburn, subject to the same conditions and trading hours in force immediately before the approval of this application, until Liquor & Gaming NSW has been notified that the licence has been removed.

Concise statement of reasons

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

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007* (NSW) (“GALA Act”).

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

If you have any questions, please contact the case manager, Andrew Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', enclosed within a thin black rectangular border.

Philip Crawford
Chairperson

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

Concise statement of reasons

Key facts

Application nos.	1-7896168677 1-7896168713
Applicant	Mr Long Jin
Application for	Removal of a full hotel licence Extended trading authorisation
Current licence name	The Village Tavern
Current premises	Cnr Queen Street and Harrow Street Auburn NSW 2144
Current trading hours	<u>Consumption on premises – Entertainment areas 1 & 2</u> Monday to Saturday 5:00 am – 5:00 am Sunday 10:00 am – 10:00 pm <u>Consumption on premises – Lounge Bar</u> Monday to Saturday 5:00 am – 3:00 am Sunday 10:00 am – 10:00 pm <u>Consumption on premises – Other areas within licensed premises</u> Monday to Saturday 5:00 am – 12 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Saturday 5:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM
Proposed licence name	Ambulance Station Hotel
Proposed premises	60 Queen Street Auburn NSW 2144
Proposed trading hours	<u>Consumption on premises – ground floor</u> Monday to Saturday 10:00 AM – 4:00 AM Sunday 10:00 AM – 10:00 PM <u>Consumption on premises – first floor</u> Monday to Saturday 10:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM <u>Take away sales</u> Monday to Saturday 10:00 AM – 12 midnight Sunday 10:00 AM – 10:00 PM
Application date	11 December 2020
Decision	Grant the removal of the hotel licence pursuant to section 59 of the <i>Liquor Act 2007</i> (NSW) (“Act”). Grant the extended trading authorisation pursuant to section 49(2) of the Act.
Decision date	17 March 2021

Material considered by the Authority

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

- application material, including evidence of notification to specified stakeholders and the community about the application
- Category B Community Impact Statement
- premises plan setting out the proposed boundaries of the licensed premises and all applicable authorisations
- Plan of Management for the licensed business at the proposed licensed premises
- development consent for the proposed licensed premises
- Liquor & Gaming NSW LiveData report for the proposed licensed premises
- stakeholder submissions in relation to the application, and the applicant’s response to those submissions.

Legislative requirements

The Authority has considered the removal application and associated authorisations in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- section 3: Statutory objects of the Act and relevant considerations
- sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold
- sections 14, 15, 15A, 16 and 17: Specific provisions in respect of a hotel licence
- section 40: Minimum procedural requirements for a liquor licence application to be validly made
- section 44: Submissions to Authority in relation to licence applications
- section 45: Criteria for granting a liquor licence
- section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community
- section 49: General provisions in respect of ETAs
- section 51: General provisions relating to licence-related authorisations
- section 59: Requirements for an application to remove a liquor licence to another premises and the determination of such an application.

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

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Auburn, and the broader community is the Local Government Area of Cumberland.

Positive social impacts

The Authority notes that the applications relate to the removal of the licence to a new premises 30 metres away from the current premises. The Authority has had regard to the submission from NSW Police which describes the current premises as “old and very run down” with fire safety, CCTV quality and other compliance issues, and notes that Police are supportive of the venue moving to a “new and more modern updated premises”.

In addition, the Authority notes that the proposed premises will offer additional facilities not presently available at the current premises, including a bistro and dining facilities.

The Authority has had regard to the petition signed by 293 patrons of the hotel in support of the applications, and considers that there is some level of support for the proposed removal and related applications.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- lengthy licensed trading hours (noting, however, that the grant of the removal will result in a reduction of six licensed trading hours per day on Monday to Saturday)
- presence of crime hotspots in the local community
- relative socio-economic disadvantage in the local community
- the proposed premises is located in a Band 3 SA2 and offers late-night gaming

- there is a greater intensity of gaming at the current premises compared to other hotels in the LGA and SA2 (noting, however, that gaming hours of operation will remain unchanged at the proposed premises)
- location of the proposed licensed premises near facilities for disadvantaged and vulnerable community groups.

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

- lower than average liquor licence density in the local and broader communities
- the removal of the licence a short distance of 30 metres will not increase the density of liquor licences within the local or broader communities
- licensed trading hours will be reduced
- the patron capacity of the proposed premises will be limited to 100 patrons pre-midnight, and 40 patrons post-midnight, compared to the current premises which has a capacity of 150 patrons at all times
- lower than average crime rates in the local and broader communities
- absence of any objections from agency stakeholders or members of the community, including from NSW Police, Cumberland Council, and L&GNSW Compliance
- lower than average level of alcohol-attributable deaths and hospitalisations in the broader community
- NSW Police consider the applicant to be cooperative with authorities in meeting his obligations as licensee
- the proposed premises will be operated in accordance with both liquor and gaming plans of management, neither of which are in place at the current premises
- harm minimisation measures set out in the liquor and gaming plans of management and licence conditions as set out in Schedule 1.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

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

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

Accordingly, the Authority approves the removal and extended trading authorisation applications under sections 59 and 49(2) of the Act respectively.



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 – Licence conditions to be imposed Ambulance Station Hotel

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. 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 60 Queen Street, Auburn NSW 2144.
3. The premises is to be operated at all times in accordance with the Plan of Management dated December 2020 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.
4. The premises is to be operated at all times in accordance with the Gaming Plan of Management dated February 2021 as may be varied from time to time after consultation with the Authority. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of 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:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7. Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
 - 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,
 - 3) make direct and personal contact with NSW Police to advise it of the incident, and
 - 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

- 5) In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

8. Incident register

- 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
 - a. any incident involving violence or anti-social behaviour occurring on the premises,
 - b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
 - c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,
 - d. any incident that results in a patron of the premises requiring medical assistance.
- 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:
 - 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.

9. Restrictions on the sale of liquor after 12:00 AM

The following restrictions and conditions will apply upon the sale of alcohol after 12:00 AM (midnight):

- a) No drinks commonly known as shots, shooters, slammers or bombs or other drinks that are designed to be consumed rapidly;
- b) No mixed drinks with more than 30mls of spirits or liqueur and that is designed to be consumed rapidly;
- c) No RTD drinks with an alcohol by volume greater than 5%;
- d) Any alcoholic drink mixed with an energy drink;
- e) No more than four (4) alcoholic drinks, or one bottle of wine, may be served to any patron at one time.

10. Restricted trading & NYE (std)

Consumption on premises

Good Friday 12:00 noon – 10:00 PM

Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.

11. Restricted trading & NYE

Take away sales

Good Friday	Not permitted
Christmas Day	Not permitted
December 31 st	Normal trading

12. Minors Area Authorisation: the whole of the licensed premises excluding the Gaming Room, Gaming Bar and loading dock.

13. Extended Trading Authorisation: the ground floor of the licensed premises.

14. Patron Capacity during ETA period

The patron capacity of the premises will be limited to 40 people after 12:00 AM (midnight)

These conditions are imposed in addition to the existing conditions on the licence.