

Mr Tony Hatzis
Hatzis Cusack Lawyers
68 Pitt Street
SYDNEY 2000
th@hatziscusack.com.au

10 January 2018

Dear Mr Hatzis

Application File No	1-2986817484, 1-5698484695 1-2987331736, 1-2986817470, 1-3549335134, 1-5343197821
Application for	Removal of a Hotel Licence Grant of Extended Trading Authorisation Grant of Minors Area Authorisation Approval of Gaming Machine Threshold Increase Approval of Transfer of Gaming Machine Entitlements
Trading hours	<u>Consumption on premises</u> Monday to Saturday 10:00AM – 12:00 MIDNIGHT Sunday 10:00AM – 10:00PM <u>Take Away Sales</u> Monday to Sunday 10:00AM – 10:00PM
Licence name	The Station House Hotel
Applicant	Mr Jarrod Smith
Current Premises	590-602 New Canterbury Road, Hurlstone Park (most recently trading as “Hurlstone Park Hotel”, formerly “Vegas Hotel”) 203 Beamish St, Campsie (to be known as “The Station House Hotel”)
Proposed Premises	
Issue	Whether to grant an application to remove a hotel licence Whether to approve extended trading and minors area authorisations. Whether to increase the gaming machine threshold on the Proposed Premises from 0 to 27 and transfer 27 gaming machine entitlements from the Current to the Proposed Premises
Legislation	Sections 3, 14, 15, 15A, 16, 17, 40, 45, 48, 49, 51, 59 and 121 of the <i>Liquor Act 2007</i> Sections 3, 11, 16, 19, 20, 21, 32, 33, 34, 35, 37B, 39, 40 of the <i>Gaming Machines Act 2001</i>

Decisions of the Independent Liquor and Gaming Authority on Application for removal of a hotel licence and related applications – The Station House Hotel, Campsie

The Independent Liquor and Gaming Authority (“Authority”) considered application number 1-2986817484, as amended, seeking the removal of a hotel licence (“Removal Application”) and has decided, pursuant to section 59 of the *Liquor Act 2007* (“Liquor Act”), to **grant** the Removal Application subject to the following conditions:

1. Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. **Restricted trading & NYE**

Consumption on premises

Good Friday	12:00 noon - 10:00 PM
Christmas Day	12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
December 31 st	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

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

3. **Restricted trading & NYE**

Takeaway sales

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

4. 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 be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of removing this licence to premises at 203 Beamish Street, Campsie.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. The premises is to be operated at all times in accordance with the Plan of Management dated December 2014 as may be varied from time to time after consultation with the Local Area Commander of 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.
7. Minors area authorisation: whole of premises excluding gaming room.
8. No persons(s) are permitted to take glass or open containers outside the premises at any time.
9. The licensee must:
 - 1) Display public education material focused on drink-drive and pedestrian alcohol-related issues (as provided by a competent authority); and
 - 2) Install an Australian Standards Approved breath testing device, enabling patrons to check their blood alcohol levels.
10. **CCTV**
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i). all entry and exit points on the premises,

- (ii). the footpath immediately adjacent to the premises, and
 - (iii). all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
- (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

11. **Crime scene preservation**

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
- 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- 3) make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
- 4) comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

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

12. **LA10 Noise Restriction**

The LA 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31 .5Hz- 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

*Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

The Authority approved the removal of the licence to 203 Beamish Street, Campsie NSW 2194 on 9 January 2018. Notwithstanding this approval, the licence is not to be exercised at 203 Beamish Street, Campsie unless and until the Authority has been provided with evidence that the premises is complete and ready to trade. The licence remains at Duntroon Street & New Canterbury Road, Hurlstone Park subject to those conditions and trading hours immediately in force before this approval was granted until notification that the licence has been moved.

The Authority has also decided to take the following action with respect to related liquor and gaming machine applications:

- **Grant** the application for a Minors Area Authorisation pursuant to section 121 of the Liquor Act.
- **Refuse** the application for an Extended Trading Authorisation pursuant to section 49(2) of the Liquor Act.
- **Approve** the application under section 34(4) of the *Gaming Machines Act 2001* (“Gaming Machines Act”) to increase the gaming machine threshold of the Proposed Premises from 0 to 27.
- **Approve** the application to transfer 27 gaming machine entitlements from the Current Premises to the Proposed Premises under section 19(2) of the Gaming Machines Act.

Apart from the applications that are the subject of this correspondence, the Authority has also received separate applications by related entities filed on 7 November 2016 seeking to vary the extended trading authorisation and the licensed boundary in respect of the licence on the Current Premises.

In light of the Authority’s decision to remove the licence, the need to consider these applications does not arise. Section 45(2) of the Liquor Act provides that the Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn. The Authority gives notice of its intention to treat those applications as withdrawn and will finalise those matters in 14 days.

The enclosed statement of reasons has been prepared for the purposes of section 36C of the *Gaming and Liquor Administration Act 2007* in respect of the Authority’s decisions to grant the Removal Application but refuse the Extended Trading Authorisation.

Section 36C does not require the production of reasons in respect of decisions to grant a Minors Area Authorisation, Gaming Machine Threshold increase (where no local impact assessment is required) or the transfer of Gaming Machine Entitlements.

By reason of the over 3000 pages of material before the Authority, the enclosed statement of reasons does not restate every submission made by the Applicant and interested parties. What follows has been prepared in the context of a high-volume liquor and gaming jurisdiction that requires the publication of statements of reasons, as soon as practicable. If you have any enquiries about this letter, please contact charles.rivers@liquorandgaming.nsw.gov.au

Yours faithfully



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

STATEMENT OF REASONS

DECISION

1. On 23 February 2015 the Independent Liquor & Gaming Authority (“the Authority”) received an application dated 11 February 2015 under section 59 of the Liquor Act 2007 (“Liquor Act”) from Mr Neville Buckley, to remove a hotel licence number LIQH400103077 currently attaching to premises at 590 New Canterbury Road, Hurlstone Park (“Current Premises”) to new premises at 203 Beamish Street, Campsie (“Proposed Premises”) for the purposes of operating a new hotel to be known as “The Station House Hotel” (“Removal Application”).
2. At that time, Mr Buckley was the licensee of the licence exercised on the Current Premises and an employee of Grumpy’s Operations Pty Limited (a company forming part of the Iris Hotel Group), the business owner of the hotel that operated on the Current Premises.
3. Station House Campsie Pty Limited (another company within the Iris Hotel Group) is the proposed business owner that will operate The Station House Hotel should the Removal Application be granted.
4. At the time of making these decisions The Station House Hotel is at an advanced state of construction on the Proposed Premises. The previous hotel that was conducted on the Current Premises, known as the Hurlstone Park Hotel, ceased trading on 9 January 2017. That hotel has since been demolished and a new mixed residential and commercial building is under construction on that site.
5. On 18 February 2015 the Authority received an associated application dated 11 February 2015 from Mr Buckley, seeking the grant of an extended trading authorisation pursuant to section 49(2) of the Liquor Act (“Extended Trading Application”). If granted, this authorisation would enable the licence, once removed to the Proposed Premises, to trade beyond the standard trading hours prescribed for a hotel by section 12 of the Liquor Act. The proposed extended trading hours would run from midnight until 2:00 am on Monday through Saturday evenings, from 8:00 am until 10:00 am on Sunday mornings and from 10:00pm until midnight on Sunday evenings.
6. On 18 February 2015 the Authority received another application from Mr Buckley under section 121 of the Liquor Act dated 11 February 2015 seeking to designate a specified part of the Proposed Premises as an area that may be used by minors if accompanied by a responsible adult (“Minors Area Application”).
7. On 15 September 2015 the Authority received an application under section 34 of the *Gaming Machines Act 2001* (“Gaming Machines Act”) from Mr Buckley dated 14 September 2015 seeking to increase the gaming machine threshold in respect of the Proposed Premises from 0 to 27 (“GMT Application”).
8. The gaming machine threshold is the maximum number of gaming machines that may potentially be kept at a venue that is permitted to keep gaming machines. By reason that this application was made in association with the proposed transfer of gaming machine entitlements between hotels situated within the same local government area (“LGA”) (now known as the Canterbury Bankstown LGA), the Gaming Machines Act does not require this application to comply with the local impact assessment (“LIA”) requirements of the gaming machine legislation. The legislative requirements required to be satisfied by such an application are discussed below.

9. Also on 15 September 2015, the Authority received a related application from Mr Buckley dated 14 September 2015 under section 19 of the Gaming Machines Act seeking to transfer 27 gaming machine entitlements from the Current Premises to the Proposed Premises.
10. On 16 December 2015 the Authority made a purported decision to refuse the Gaming Machine Threshold Application in respect of the Proposed Premises on the basis that the Authority found that the new venue would be situated within the “immediate vicinity” of the Campsie Public School. On the basis of the Applicant’s then advice that it would not proceed with the licence removal if the Authority was against it on the Gaming Machine Threshold application, the Authority also deemed the Removal Application to be withdrawn under section 45(2) of the Liquor Act.
11. Mr Buckley commenced judicial review proceedings in the Supreme Court of New South Wales and in *Buckley and Anor v Independent Liquor and Gaming Authority* [2016] NSWSC 1533 (2 November 2016) Her Honour Adams J set aside the purported decisions and remitted them to the Authority for reconsideration according to law.
12. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Removal Application, the Authority *is* satisfied, for the purposes of section 48(5) of the Liquor Act, that the overall social impact of granting the application would *not* be detrimental to the well-being of the local and broader communities. The Removal Application is granted pursuant to section 59(1) of the Liquor Act.
13. However, the Authority is *not* satisfied that the overall social impact of granting the Extended Trading Application would not be detrimental to the well-being of the local community of Campsie. The Extended Trading Application is refused pursuant to section 49(2) of the Liquor Act.
14. The Authority is satisfied that it is in the public interest to grant the Minors Area Application in respect of the whole of the ground floor of the Proposed Premises, excluding the gaming room. This authorisation is granted pursuant to section 121 of the Liquor Act.
15. The Authority is satisfied that the legislative requirements in the Gaming Machines Act and *Gaming Machines Regulation 2010* (“Gaming Machines Regulation”) in respect of the proposed increase in the gaming machine threshold from 0 to 27 for the Proposed Premises have been satisfied. This application is approved pursuant to section 34 of the Gaming Machines Act.
16. The Authority is further satisfied that the requirements of the Gaming Machines Act and Gaming Machines Regulation have been satisfied in respect of the proposed transfer of 27 gaming machine entitlements from the Current Premises to the Proposed Premises. The application is approved pursuant to section 19(2) of the Gaming Machines Act.
17. In making decisions on the liquor related applications, the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Liquor Act and all of the considerations to which it must have regard under section 3(2) of that Act.
18. In making decisions on the gaming related applications, the Authority has had regard to all of the statutory objects prescribed by section 3 of the Gaming Machines Act.

LEGISLATIVE FRAMEWORK

19. The Authority has considered the Applications in the context of the following legislative provisions.

Objects of the Liquor Act

20. The objects of the Liquor Act, as set out in section 3(1), are 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; facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimum formality and technicality and contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
21. In the pursuit of these objectives, section 3(2) of the Liquor Act requires the Authority, when determining a liquor related application, to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm from violence and anti-social behaviour); the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Trading hours and 6-hour closure period

22. Section 12 of the Liquor Act prescribes the standard trading period for liquor licences. Additionally, section 11A imposes a condition upon all licences that fall within the scope of that section, prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

23. Section 40 of the Liquor Act and relevant provisions in the *Liquor Regulation 2008* (“Liquor Regulation”) prescribe the minimum procedural requirements for the making of a liquor licence application or licence related authorisation to be validly made to the Authority.

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

24. Section 45(3) of the Liquor Act provides that the Authority may only grant a licence if it is satisfied that:
- a) the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
 - b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - c) the applicable development consent required for use of the premises for the proposed business is in force.

Community impact statement

25. Sections 48(2) and (3) of the Liquor Act require that certain “relevant applications” (including an application to remove a hotel licence and an application for an extended trading authorisation in respect of a hotel) must be accompanied by a community impact statement (“CIS”) that is prepared in accordance with the relevant requirements specified in the Liquor Act and Liquor Regulation.

26. Section 48(5) of the Liquor Act provides that the Authority may only grant an application to which section 48 applies if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter before it.

Provisions specific to a hotel licence

27. Further legislative provisions that are specific to a hotel licence are set out in sections 14 to 17 of the Liquor Act and in the Liquor Regulation.

Provisions specific to extended trading authorisations

28. The legal requirements for making a valid application for an extended trading authorisation are provided by section 51 of the Liquor Act and the Liquor Regulation. Section 51(3) provides that when determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as it has in relation to an application for a licence.
29. The power to grant an extended trading authorisation is provided by section 49(2) of the Liquor Act. Section 49(8) of the Liquor Act provides that the Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
- 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
 - 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.

Provisions specific to the removal of a liquor licence

30. Section 59 of the Liquor Act provides the minimum legal requirements regarding the removal of a liquor licence to other premises.
31. Pursuant to section 59(3) of the Liquor Act, when determining an application for approval to remove a licence to other premises, the Authority is to deal with and determine the application as if it were an application for the granting of a licence in respect of those other premises. The Authority has the same powers in relation to the Applications as the Authority has in relation to an application for a new licence.
32. Section 59(5) of the Liquor Act provides that the Authority must refuse an application for approval to remove a licence unless the Authority is satisfied that:
- practices will, as soon as the removal of the licence takes effect, be in place at the premises to which the licence is proposed to be removed to ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on those premises and that all reasonable steps are taken to prevent intoxication on those premises, and
 - those practices will remain in place.

Provisions specific to minors area authorisations

33. Section 121 of the Liquor Act provides that the Authority may, on application by a hotelier, grant an authorisation to enable the use by a minor of a specific part of the hotel while in the company of a responsible adult.

34. The legal requirements for a valid application for a minors area authorisation are provided by section 51 of the Liquor Act and the Liquor Regulation. Section 51(3) of the Liquor Act provides that when determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as it has in relation to an application for a licence.

Objects of the Gaming Machines Act

35. The objects of the Gaming Machines Act, as set out in section 3(1), are to minimise harm associated with the misuse and abuse of gambling activities, foster responsible conduct in relation to gambling, facilitate the balanced development, in the public interest, of the gaming industry, ensure the integrity of the gaming industry and provide for an ongoing reduction in the number of gaming machines in the State by means of the tradeable gaming machine entitlement scheme.
36. Section 3(2) of the Gaming Machines Act provides that the Authority, Minister, Secretary and Commissioner of Police and all other persons having functions under the Gaming Machines Act are required to have due regard to the need for gambling harm minimisation and the fostering of responsible conduct in relation to gambling when exercising functions under the Gaming Machines Act. Section 3(3) of the Gaming Machines Act provides that in particular, due regard is to be had to the need for gambling harm minimisation when considering, for the purposes of this Act, what is or is not in the public interest.

Minimum procedural requirements for the transfer of gaming machine entitlements

37. Section 19(1) of the Gaming Machines Act provides that gaming machine entitlements held in respect of a hotel or club licence are transferable, while section 19(2) provides that such transfer does not have effect unless it is approved by the Authority and complies with any requirements in respect of such applications, specified by Division 2 of Part 3 of the Gaming Machines Act and the Gaming Machines Regulation.
38. Section 19(3) of the Gaming Machines Act requires that an application to transfer gaming machine entitlements must be accompanied by the relevant fee prescribed by the regulations, provide such particulars as the Authority may require in relation to the proposed transfer, and (in the case of a hotel) demonstrate that the proposed transfer is supported by each person who has a financial interest in the licence. The application must be in the manner and form approved by the Authority from time to time.

Minimum procedural requirements for gaming machine threshold applications

39. Section 34(3) of the Gaming Machines Act requires that an application to increase a gaming machine threshold for a hotel or club may only be approved if the requirements of Division 1 of Part 4 of the Gaming Machines Act and the Gaming Machines Regulation have been complied with in relation to the application.
40. Sections 35 (1) and (2) of the Gaming Machines Act provide that a threshold increase application is *not* required to be accompanied by a LIA if the application is made together with an application to transfer gaming machine entitlements and (relevantly) the relevant venue and the hotel or club from which entitlements or permits are proposed to be transferred are situated in the same LGA.

Restrictions upon gaming machine threshold applications

41. Section 37B of the Gaming Machines Act provides that the gaming machine threshold of a hotel or club cannot be increased if the hotel or premises is part of a retail shopping centre or a proposed retail shopping centre.
42. Clause 36(1) of the Gaming Machines Regulation requires that a threshold application must specify the internal floor space of the venue and, in the case of a new hotel, provide a map of the venue in relation to any school, place of public worship or hospital within 200 metres. Clause 36(2) of the Regulation provides that the gaming machine threshold of a venue cannot be increased if the premises are situated in the “immediate vicinity” of a school, place of public worship or hospital.
43. Clause 43 of the Gaming Machines Regulation prescribes certain restrictions on the quantum of threshold increase that may be granted with respect to venues that have an internal floor space of less than 400 square metres.

KEY FINDINGS ON THE LIQUOR APPLICATIONS

Validity, procedural and other requirements

44. The Authority is satisfied that the Removal Application and accompanying CIS (“Initial CIS”) filed by Mr Neville Buckley on 23 February 2015 was validly made in that it meets the minimum content and consultation requirements of sections 40 and 59 of the Liquor Act and clauses 6 through 12 of the Liquor Regulation.
45. This finding is made on the basis of the information provided in the Removal Application form, the Initial CIS form and accompanying material filed on 23 February 2015 (including the third-party submissions responding to consultation) and Certificates of Advertising dated 17 June 2015.
46. While an updated copy of the Removal Application Form dated 3 May 2017 was signed by Mr Jarrod Smith and filed with licensing staff on 4 May 2017, the Authority is moving on the basis of the initial 2015 Removal Application.
47. The fresh application form was requested by the Authority to provide supplementary information as to the parties associated with the Applications at this time, in light of advice from the Applicant’s solicitors, Hatzis Cusack dated 16 January 2017, that Mr Buckley was no longer employed by the proposed business owner and that the proposed licensee is Mr Smith.
48. In an email dated 16 January 2017 Hatzis Cusack advised that the Removal Application is pressed by the current proposed licensee, Mr Smith, with the support of Grumpy’s Operations Pty Limited (the licensed business owner in respect of the Current Premises), Hurlstone Park Property Pty Limited (the property owner of the Current Premises at Hurlstone Park) and Station House Campsie Pty Limited (the premises owner and business owner of the hotel to operate on the Proposed Premises).
49. The Authority is also satisfied, for the purposes of sections 51(3) and 40 of the Liquor Act, that the Extended Trading Application and Minors Area Application were validly made. These findings are made on the basis of the Extended Trading Application form, Minors Area Application form, the Initial and second CIS material (including third party submissions evidencing consultation) and the Certificates of Advertising dated 17 June 2015.

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

50. Pursuant to section 45(3)(a) of the Liquor Act, the Authority is satisfied that the current Applicant in respect of the amended liquor applications, as disclosed on the *updated* Removal Application form received by LGNSW on 4 May 2017, is Mr Jarrod Smith. The Authority is satisfied that he is a fit and proper person to carry on the business to which the proposed licence relates.
51. This finding is made on the basis that no concerns regarding Mr Smith's probity were raised upon consultation with relevant law enforcement agencies, including NSW Police ("Police") and the Liquor and Gaming New South Wales ("LGNSW") Compliance Section.
52. Furthermore, no probity concerns have been raised by those agencies with respect to the hotel business owner and premises owner of the Proposed Premises, Station House Pty Ltd.
53. A potentially serious irregularity arose with respect to certain application forms filed on behalf of Grumpy's Operations Pty Ltd (a company within the Iris Group who are separately represented by LAS Lawyers and Consultants) in that a signature purporting to be that of Mr Buckley is not consistent with other examples of his signature that are before the Authority. Those other applications, which sought to change the licence boundary and vary the extended trading authorisation on the Current Premises, were made on the contingency that the Authority refuses the Removal Application, with a view to developing the licence on its current site.
54. By reason of the Authority's decision to grant the Removal Application, the need to consider those applications does not arise. LAS Lawyers have provided statutory declarations and submissions to the effect that their client was unaware of this irregularity and Hatzis Cusack contend that the suspect forms were completed by a "former employee". Nevertheless, this matter will be referred to the LGNSW Director of Compliance.
55. Pursuant to sections 45(3)(b) and 59(5) of the Liquor Act, the Authority is satisfied that practices will be in place from the commencement of licensed trading at the Proposed Premises to ensure the responsible serving of alcohol and prevention of intoxication. This finding is made on the basis of the Applicant's Plan of Management ("POM") dated December 2014 and the conditions that have been consented by the Applicant to be imposed upon the licence should the Removal Application be granted, as specified in the Applicant's submissions dated 15 September 2015, 16 January 2017 and 18 July 2017.
56. Pursuant to section 45(3)(c) of the Liquor Act, the Authority is satisfied that any development consent required for the conduct of the business or activity to which the licence relates (a hotel business) is in force with respect to the Proposed Premises. This finding is made on the basis of the Notice of Determination of development approval 620/2014 ("DA") issued by City of Canterbury Council ("Council") dated 11 June 2015. The DA expressly permits, for the purposes of the *Environmental Planning and Assessment Act 1979*, use of the Proposed Premises as a hotel during the hours of 10:00am to 2:00am Monday to Friday, 8:00am to 2:00am Saturday and 8:00am to midnight on Sundays and public holidays.

Community impact statement

57. The Applicant is required to submit a CIS by reason that the Removal Application and the Extended Trading Application are “relevant applications” under section 48(2) of the Liquor Act.
58. The Authority is satisfied, on the basis of the CIS and supporting material, that the Initial CIS submitted on 23 February 2015 was prepared in accordance with the relevant legislative requirements.
59. The Applicant has also consulted on and submitted a second CIS dated 3 May 2017 (“Second CIS”) signed by Mr Wassim Arnaout, company director of Station House Campsie Pty Ltd. This document was filed with the Authority on 4 May 2017.
60. The Authority requested an updated CIS to provide more current evidence pertaining to community impact from the proposal, given the time that had elapsed since the Removal Application was first filed as a consequence of the litigation in *Buckley v Independent Liquor and Gaming Authority* [2016] NSWSC 1533. Further information was also considered appropriate in light of the amalgamation, during 2016, of the former Canterbury and Bankstown LGAs to constitute the new Canterbury Bankstown LGA.
61. 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 Canterbury Bankstown LGA.

Provisions specific to extended trading authorisations

62. Pursuant to section 49(8)(a) of the Liquor Act, and on the basis of the Applicant’s POM dated December 2014 and the conditions that have been consented by the Applicant to be imposed upon the licence should the Removal Application be granted (as noted in the Applicant’s submissions dated 15 September 2015, 16 January 2017 and 18 July 2017), the Authority is satisfied that practices are in place, and will remain in place, at the licensed Proposed Premises that ensure as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the Proposed Premises and that all reasonable steps are taken to prevent intoxication on the Proposed Premises.
63. Noting that the venue does not have a history of operation on the Proposed Premises, and there is no evidence of frequent undue disturbance arising from the exercise of the licence on the Current Premises, the Authority is satisfied, in respect of section 49(8)(b) of the Liquor Act, that the extended trading period will not result in the *frequent undue disturbance* of the quiet and good order of the neighbourhood of the licensed Proposed Premises. Nevertheless, the Authority is not satisfied that the overall social impact of granting the Extended Trading Application will not be detrimental to the local community of Campsie. This decision is discussed below.

Positive Social Impacts from Granting the Removal Application

64. Making an assessment on the overall social impact of granting or removing a liquor licence requires a degree of speculation, albeit speculation on likely impacts, informed by the information about the proposal before the Authority and the circumstances of the relevant local and broader communities.
65. The Authority is satisfied that granting the Removal Application will bring benefits to the local and broader community. By reason of its location, the services provided by the new hotel will most directly flow to the local community in Campsie, but will also benefit those in

nearby suburbs within the broader community seeking increased choice and convenience with respect to the liquor, gaming and hospitality services that are typically offered by a “full” hotel licensed premises.

66. The Authority notes, on the basis of the Initial CIS, the accompanying Additional Information document and Google Map depicting the location of the Proposed Premises, that the new hotel is well-situated within the Campsie CBD. It is diagonally opposite Campsie Railway station with a bus stop immediately outside the Proposed Premises. According to *Transport for NSW* bus timetables, provided by two Campsie hotels (The Oasis on Beamish and the Campsie Hotel) represented by Back Schwartz Vaughan lawyers (“BSV”) opposing the Removal Application (“Commercial Objectors”) in a submission dated 29 April 2015, the bus stop services routes between Chiswick and Campsie, Canterbury and Bankstown, Rockdale and Campsie, Burwood and Bondi Junction, Campsie and the City via Ashbury, Campsie and the City, Campsie and Balmain East, and between Drummoyne and Hurstville and Rockdale. The Authority finds that the venue will be conveniently located to those living or working in neighbouring areas.
67. The extent of these community benefits become less apparent when the Authority considers the broader community as a whole, by reason of the geographical area of the LGA and range of alternative premises more conveniently servicing that population.
68. LGNSW licensed premises data sourced by licensing staff on 21 July 2017 and 28 August 2017 indicates that within this local government area there are **33** hotel licensed premises and **37** club licensed premises. The Authority notes that of all licence types, only “full” hotel licensed venues and registered clubs provide a similar range of services to those proposed by the Applicant, including liquor, gaming machines and other gambling services, such as wagering through a TAB facility.
69. LGNSW licensed premises records sourced by licensing staff as at 21 July 2017 and 28 August 2017 disclose that the suburb of Campsie has:
 - **2** hotel licences (the Commercial Objectors’ hotels).
 - **1** club licence (Campsie RSL Sub-branch RSL Club).
70. That information discloses that the suburb of Hurlstone Park has:
 - **1** hotel licence (the subject of this Removal Application).
 - **2** club licences (Canterbury Hurlstone Park RSL Club and Hurlstone Park Bowling & Recreation Club Limited).
71. That information further discloses that the Canterbury-Bankstown LGA has:
 - **33** hotel licences.
 - **37** club licences.
72. A list of licensed premises within 1 km of the Proposed Premises prepared by licensing staff on the basis of LGNSW records as at 25 January 2017 identifies a total of **27** on-premises licensed premises, mostly restaurants, with **26** of these located in the suburb of Campsie.
73. The Initial and Second CIS material and the Applicant’s additional submissions dated 15 September 2015, 2 October 2015 (including the floor plan of the Proposed Premises and calculations performed by consultant Mr G W Smith from Design Collaborative), 4 August 2017, and 18 July 2017 (including the Design Collaborative Report dated July 2017 (“Third

Design Collaborative Report”), satisfy the Authority that the business model planned for the Proposed Premises will include:

- A new hotel operating on the site of a renovated heritage building of some **446sqm** in scale with a total patron capacity of **200**.
- The sale of liquor for consumption on and off the Proposed Premises, with takeaway liquor available at the bar rather than in a designated bottle shop.
- A dining area of **69.6sqm** in scale serviced by a bar and adjoining kitchen with the dining area offering **48** seated dining positions. The dining area will provide moderately priced hotel bistro style cuisine including steaks, hamburgers, pizza and seafood. The Additional Information document provided with the Second CIS represents that meals will be available up until only a short time prior to the closing time and that a bar menu will be available from those times when the kitchen has closed for substantial meals, up until closing.
- A gaming room of **68.3sqm** that will accommodate **27** gaming machines.
- A sports bar area of **100.8sqm** for viewing sports, which may operate in association with the hotel's TAB wagering facility.
- Short term accommodation rooms, comprising **22** units located above the Proposed Premises. This area is located *outside* of the specified 446 sqm boundary area comprising the hotel licence, but will apparently operate as part of the same proposed hotel business, on the upper floors above the licensed area.
- Live entertainment that will likely take the form of acoustic acts, involving no more than three persons, that will not extend beyond midnight. (A submission from Council (which is now known as Canterbury Bankstown Council) dated 4 April 2017 that clause 67 of DA 620/2014 requires the Proposed Premises to be operated in accordance with an Acoustic Report dated 7 April 2015, which recommends that amplified music not be allowed. The scope for live music may be limited by the development consent).

74. The Authority has considered the Commercial Objectors' submissions dated 29 April 2015, 13 June 2017 and 4 October 2017 to the effect that the Applicant is not proposing to deliver any licensed entertainment or services that will distinguish it from those already conveniently provided by the two hotels, the Campsie RSL and the licensed restaurants within Campsie.

75. These submissions satisfy the Authority that the Oasis on Beamish is located on Beamish Street around 155 metres away from the Proposed Premises, to the North of the Railway Station, while Campsie Hotel is also located on Beamish Street, some 366 metres from the Proposed Premises, to the South.

76. The Authority observes that the hotels operated by the Commercial Objectors are slightly less favourably situated on Beamish Street in respect of transport links. The proposed new hotel will operate on the corner of Beamish Street and South Parade, diagonally opposite the Southern side of Campsie Railway Station.

77. The Authority accepts the description of liquor, gaming and hospitality services provided by the incumbent hotels and clubs that are detailed in the Commercial Objectors' submissions dated 29 April 2015 and 13 June 2017. In the case of *Oasis on Beamish*, this hotel:

- Provides a main bar that trades seven days per week and is open Monday to Sunday 10:00am to 12:00 midnight and a VIP lounge/gaming room that trades between 10am and 4am Monday through Thursday, 10am and 6am Friday and Saturday and between 10am and midnight Sunday. The hotel does not open prior to 10:00am on any day.
- The main bar, which is furnished with tall tables and stools, large sofa chairs and banquette seating. It contains a single pool table in clear view of the bar service area and four large screen TVs. The main bar is adjacent to the hotel's restaurant. Snack meals and after-hours dining orders are placed at the bar till. The main bar and its lounge area have a capacity for **180** persons. Within the main bar is a "fine wines" bottle shop, which sells only wine by the bottle and a range of premium beers and packaged lines. All sales are over the counter. Takeaway sales are predominantly a wine service for the nearby BYO restaurants.
- Provides a VIP lounge/gaming room consisting of a gaming room and gamer's lounge, serviced by the gaming bar. It has its own separate entrance, which closes on Sunday at midnight. The gaming room has **30** gaming machines. The small lounge area allows customers to watch large screen entertainment. The courtyard to the front of the gaming area has outdoor heating and a combination of fixed teak furniture and mobile tables that can be configured as required for casual socialising or booked functions. The combined area of the VIP lounge, courtyard and entertainment area is approximately **190** sqm.
- Provides a dining service offering a contemporary food style. In addition to the a la carte menu there is a bistro menu available that serves "value meals" in a more casual style. The restaurant furniture consists of leather banquette seating, capable of catering to **40** customers for a la carte service. It also provides cocktail menu items for groups of 20 guests. The kitchen also services the bar and bistro menus ordered at the Main Bar. The restaurant caters to approximately **18,000** customers per year. Children (under adult supervision) are permitted only in this area of the hotel. Food is provided at the hotel by way of a catering contractor. However, the hotel maintains control over all liquor sales.
- The venue undertook a \$3 million staged redevelopment and refurbishment of its entire ground floor throughout late 2006 and to mid-2007.

78. In the case of the Campsie Hotel, the Authority accepts that this venue:

- Trades between 10am and 4am Monday to Thursday, 10am and 6am Friday, 9am and 6am Saturday and 10am and 12am Sunday. Its busy periods include lunches between midday and 2:30 pm Monday to Friday, Tuesday and Thursday evening from 6pm when a members' badge draw is conducted, Wednesday evening with poker games from 7:30pm. Other busy times include Thursday evening from 5pm when meat raffles & choco wheel jackpot is conducted and Friday evening from 5pm and after 9:30pm when poker is conducted. The venue offers \$1 pool tables from 10am to 10pm on Sunday and Wednesday. Twenty (20) percent of gaming trade occurs after midnight until close.
- Offers a gaming room of approximately **120**sqm with **30** gaming machines and a TAB area of **140**sqm, keno facilities, separate lounge areas, smoking area (though an internal and external courtyard), a separate bottle shop (**80** sqm), dining area comprising a bistro and bar (**160** seats and **230**sqm including the kids

play area – food style is a contemporary bistro style with Eastern and Western influences), a public bar (120sqm with a combination of tall tables and stools and small tables for customers' drinks), free wifi, 14 accommodation rooms, pool tables, managers residence and ATM.

- Underwent interior and external renovations completed in May 2016 including in respect of the bistro area that accommodates 180 persons and is also available for function hire; a TAB area, an over the counter bottle shop area; a renovated sports bar area; 40 televisions throughout the hotel with an upgraded audio visual system and an upgrade of 14 accommodation rooms.

79. In the case of the Campsie RSL, this venue's services include:

- On premises licensed trading between 10am and 4am Sunday to Thursday and between 10am and 6am Friday to Saturday.
- 227 gaming machines, a free courtesy bus, live entertainment in the form of well-known bands, free live music, gaming, bingo and raffles, mah-jong, licensed dining facilities and substantial "gaming lounge" areas.

80. The location and trading hours of these 3 Campsie liquor and gaming venues, in addition to some 26 on-premises licensed premises (mostly restaurants) in the suburb of Campsie is disclosed by LGNSW licensed premises information, current as of January 2017. This diminishes the scope of cumulative benefits that may flow from granting the Removal Application when assessed at the level of the local or broader community as a whole.

81. The Authority accepts the Commercial Objectors' submission that the *type* of licensed entertainment proposed by the Applicant's business model will not involve anything that is particularly novel by comparison to the services already available in Campsie. The proposal presents as another mainstream hotel operation, offering services that are similar in character to many "full" hotel licensed venues across Sydney. This further diminishes the scope for cumulative positive benefits to flow to the relevant communities from granting this Removal Application.

82. Nevertheless, the Authority is satisfied, on the information provided by the Applicant, that positive consumer benefits will flow to the local community and (to a lesser extent) the broader community through the operation of a new, medium scale hotel in this location.

83. The information in the Initial and Second CIS documents established that the venue will offer an alternative hotel option, in a renovated heritage building, providing a quality new environment for those seeking liquor, gaming and other hospitality services. As noted above, these services will be provided in a very convenient location for community residents and workers in the Campsie CBD.

84. Further benefits will be offered to the communities by way of 22 additional short-term accommodation rooms associated with the proposal. Accommodation is a hospitality service that is not necessarily provided by contemporary hotels and clubs, although the Campsie Hotel currently offers 14 refurbished rooms. By reason that the Applicant has excluded the accommodation levels of the hotel building from the proposed licensed area of the new hotel, the provision of accommodation rooms will not constitute a *direct* benefit from licensing the Proposed Premises. Nevertheless, the Authority is satisfied, on the information before, that these substantial new accommodation facilities will form part of the overall hotel licensed business to operate on the site. The Authority accepts this as an *indirect* community benefit flowing from a decision to grant the Removal Application.

85. The proposed new bistro, while small and somewhat conventional, will nevertheless provide a modest increase in choice for licensed dining in Campsie. The bistro will be of particular utility to those consuming the accommodation, liquor and gambling services offered on the Proposed Premises. The Authority is satisfied that a new hotel will be of noticeable benefit during times of peak demand for liquor and gaming services, such as on weekends.
86. The scope for community benefits becomes more diffuse for the broader community, by reason of the breadth of that geographic area and the many licensed premises throughout the Canterbury Bankstown LGA evident from LGNSW licensed premises information as at 21 July 2017 and 28 August 2017. When assessing the positive benefits that are likely to flow to this community, the Authority has taken into account the adverse submissions made by residents of Hurlstone Park (“Hurlstone Park Residents”) provided in response to the Initial CIS and (to a lesser extent) the Second CIS consultation. Those residents contend that they will be deprived of the amenity of the former Hurlstone Park Hotel licence should the Removal Application be granted.
87. However, a Notice of Cessation of Trade was filed by Mr Jarrod Smith on 9 March 2017, advising that the Hurlstone Park Hotel had ceased trading on 9 January 2017.
88. Submissions dated 8 May 2017 from Mr Dion Manca, a solicitor from LAS Lawyers representing Hurlstone Park Property Pty Limited (the premises owner of the Hurlstone Park Hotel) and Grumpy’s Operations Pty Limited (the business owner of the Hurlstone Park Hotel), establish that the Current Premises is undergoing construction with completion of the redeveloped site expected some-time towards the end of 2018.
89. While the Applicant’s consultant, Mr George Smith of Design Collaborative, advises in his report dated September 2015 (“First Design Collaborative Report”) that the Iris Hotel Group’s *intention* for the Current Premises is to create a new mixed residential development with scope for a bar, an on-premises (restaurant) licence endorsed with a primary service authorisation or another type of licensed premises on the ground floor, the specifications remain to be seen. There is no new licence proposal before the Authority in respect of the Current Premises, only applications filed by LAS Lawyers to vary the *existing* licence should the Removal Application be refused. [By reason of the grant of the Removal Application, the Authority did not need to consider the merits of those applications].
90. The Authority accepts the proposition advanced by the Commercial Objectors and the Hurlstone Park Residents that granting the Removal Application will mean that the residents of Hurlstone Park lose the amenity of this long-standing hotel licence.
91. LGNSW licensed premises records as of 28 August 2017 confirm that the suburb of Hurlstone Park currently has **2** registered club licensed premises (Canterbury-Hurlstone Park RSL Club and Hurlstone Park Bowling & Recreation Club Limited) and **1** hotel licence (the subject of this Removal Application).
92. The Authority also accepts information in the First Design Collaborative Report that residents of Hurlstone Park will continue to enjoy reasonably convenient access to liquor and gaming services at the Canterbury-Hurlstone Park RSL Club (about 500 metres west of the Current Premises by foot); the Hurlstone Park Bowling and Recreational Club (about 500 metres from the Current Premises on foot); the Gladstone Hotel in neighbouring Dulwich Hill (around 900 metres away from the Current Premises) and the Canterbury Club Hotel on Canterbury Road (which is approximately 1500 metres by foot from the

Current Premises). The Authority accepts Design Collaborative's information that the nearest hotels to the north of the Current Premises are situated in the suburbs of Ashfield and Summer Hill, each about 1.6 kilometres away if measured in a straight line from the Current Premises.

93. While the Authority is satisfied that the Hurlstone Park Residents have previously held genuine concerns about the removal of this licence to Campsie, the loss of any benefit from the licence to this part of the broader community is ameliorated by the location and type of other liquor and gaming premises that are providing services in, or reasonably convenient to, the local community of Hurlstone Park.
94. Moreover, to the extent that such concerns were predicated upon the particular characteristics of the former Hurlstone Park Hotel, the loss of that venue is a *fait accompli*. The Authority is advised by Mr Manca of LAS Lawyers that the conclusion of construction of the redeveloped site at Hurlstone Park will occur by the end of 2018.
95. The Authority accepts the information provided by the Applicant in its submission dated 18 July 2017, including the Third Design Collaborative Report, indicating comparatively higher population growth in the suburb of Campsie compared to Hurlstone Park between the Australian Bureau of Statistics ("ABS") 2011 and 2016 Census.
96. ABS data indicates that between 2011 and 2016 the population of Campsie grew by **15.7%** (from 21,218 to 24,541) compared to the population in Hurlstone Park, which did not change in that period (maintaining a static population of 4692).
97. In its submission dated 18 July 2017 the Applicant refers to NSW Department of Planning projections of housing growth for Campsie out to 2036. The Authority accepts the criticism by the Commercial Objectors that there is no certainty as to the proposal to construct 6000 new dwellings over the next 20 years.
98. The Authority observes that evidence of projections as to what may occur some 20 years into the future is not particularly helpful when assessing the merits of granting the removal of a licence at this time. Nevertheless, the ABS *Quickstats* data before the Authority from the 2011 and 2016 Census establishes that Campsie is growing at a substantially greater rate than Hurlstone Park and for this reason is likely to face greater demand for short-term accommodation and hospitality services.
99. The Authority accepts the Applicant's submission that the new hotel has received development consent from Council and that neither Police nor LGNSW oppose the Removal Application, although Police have proposed a number of licence conditions to minimise adverse social impact.
100. Furthermore, notwithstanding the grant of development consent to operate a hotel, in a submission dated 4 April 2017 Council do not support the removal of the liquor licence for reasons noted below. Further opposition, provided by the NSW Department of Education in consultation with Campsie Public School and a local drug and alcohol interest group, is discussed below.
101. Opposition from local residents in Campsie has been quite limited. The Applicant has provided evidence of significant support from local community residents in submissions dated 15 September 2015 and 3 May 2017. The evidence indicates that support for the Removal Application is numerically more extensive than the evidence of opposition from the Hurlstone Park Residents, although the Hurlstone Park Residents provided more

detailed submissions asserting their interests than the “pro forma” responses and petitions in support of the Removal Application.

102. In conclusion, while support for the proposal within the relevant communities is certainly not unanimous, the Authority finds that the limited local resident opposition in Campsie and the scope of licensed services on offer at the new venue will be broadly consistent with the “expectations needs and aspirations of the community” in respect of the sale, supply and consumption of liquor in the local and broader communities, in furtherance of the statutory object in section 3(1)(a) of the Liquor Act.
103. Taking into account the location, availability and density of the incumbent liquor and gaming venues in Campsie, the Authority is satisfied that granting the Removal Application for a new hotel in this location will facilitate the *balanced* development, in the public interest, of the liquor industry serving the relevant communities advancing the statutory object in section 3(1)(b) of the Liquor Act.
104. The Authority is also satisfied that the new bistro and short-term accommodation facilities will contribute to the *responsible* development of *related* industries serving the relevant communities - particularly the hospitality industry - advancing the statutory object in section 3(1)(c) of the Liquor Act.
105. The extent to which granting the Removal Application will contribute to the development of the related *gambling* industries in these communities is less pronounced, given the substantial availability of those services at the two hotels and one registered club within Campsie.
106. The submission from the Commercial Objectors dated 29 April 2015 satisfies the Authority that all three incumbent venues provide TAB/wagering and associated sports bar facilities, with a combined total of **287** gaming machines. This occurs within a suburb of **24,541** persons, according to the 2016 ABS Census, a population that has grown significantly since the 2011 Census. As noted below, information provided by Design Collaborative indicates that prevailing gaming machine density in Campsie is moderately less than State wide rates.
107. While there are social impact concerns arising from gambling in the local community, the liquor legislation requires the Authority focus its concerns upon the impact of gambling during the proposed extended trading period. For the purposes of considering whether removing the licence is in the public interest, the Authority does not consider that the foreshadowed gambling services would amount to an irresponsible development of these related industries in respect of the local or broader community.
108. In summary, the nature and scope of liquor, hospitality and gambling services to be facilitated during the standard trading period by granting the Removal Application will offer some *modest* development of the related gambling industry, with further benefits with regard to the choice of venue and benefits by way of additional accommodation/hospitality facilities in the local community.
109. All of those benefits become less pronounced in respect of the broader community, given the numerous clubs and hotels providing liquor and gambling services throughout the Canterbury Bankstown LGA, as established by LGNSW licensed premises information before the Authority as at 21 July 2017 and 28 August 2017.

Negative Social Impacts from Granting the Removal Application

110. The Authority considers that over time there is a risk that liquor sold from this substantial new hotel, selling liquor for consumption on and off the premises, will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of patrons who abuse liquor and engage in alcohol related misconduct.
111. In the Applicant's submissions dated 15 September 2015 and the accompanying First Design Collaborative Report, the Applicant questions whether *gambling* related social impacts may be taken into account when considering the overall social impact of granting the Removal Application, noting that section 35 of the Gaming Machines Act makes separate provision for a local impact assessment process in respect of the keeping of gaming machines in hotels and clubs.
112. The Liquor Act is not simply concerned with the regulation of liquor, but the regulation of licensed *premises*. Numerous provisions of the Liquor Act and Liquor Regulation make express provision for the availability and regulation of gaming machines *and other forms of gambling* on hotel and registered club licensed premises. They include sections 15(1)(b), 15A(4) and (5), 16, 58C, 92, 122(4)(e) and 123 of the Liquor Act.
113. Notably, clause 10A of the Liquor Regulation *mandates* that a CIS prepared in respect of an extended trading authorisation for a hotel addresses *gambling related impacts* arising from the provision of gambling services during the proposed extended trading period.
114. When discerning the scope and purpose of the Liquor Act the Authority may have regard to the *responsible* development of "related industries", a statutory object provided by section 3(1)(b) of the Liquor Act. That provision refers to, in *non-exhaustive* terms, live music, entertainment, tourism and hospitality. The Authority considers that the gambling industry is a "related industry" in respect of full hotel and club licensed premises.
115. The Authority must consider the social impact of any live entertainment if the proposed licensee discloses an intention to provide it. Similarly, when a hotelier discloses an intention in the CIS material to operate gaming machines or provide other gambling services, such as TAB wagering or a Keno facility, these are matters that are factually relevant to the *type* of licensed venue under consideration. They form part of the factual matrix of liquor, gaming or hospitality services that may be taken into account when assessing the overall social impact of granting, or removing, the hotel licence in question. Unlike section 35 of the Gaming Machines Act, it is not a *gaming machine focussed* enquiry that only considers the benefit, or overall benefit, of increasing the number of machines that are proposed to be kept at the venue in question.
116. The extent to which the grant or removal of a hotel licence contributes to the *responsible* development of *related industries* in a given community is but one matter, among others, that may be taken into account when determining whether the overall social impact of granting or removing a hotel or club licence will be detrimental to the relevant communities. Gambling related impacts will only be relevant if an applicant actually proposes to provide these services. In this case, the Applicant makes clear that a substantial TAB/sports bar and a gaming room to accommodate 27 gaming machines will form part of the services on offer to its patrons.

Authority Guideline 6 Factors

117. Having regard to the usual social impact risk factors identified in Authority Guideline 6, the licence *type* is a "full" hotel licence, as distinct from a general bar category of hotel licence.

118. Pursuant to section 14 of the Liquor Act, the licensee will have the authorisation to sell liquor by retail for consumption on or off the Proposed Premises. Section 15(1)(a) of the Liquor Act provides that the primary purpose of any hotel licensed business must, save for the exception provided by section 15A of the Liquor Act, be the sale of liquor by retail.
119. By reason of these factors, a full hotel licence poses a relatively higher level of adverse social impact for the communities that it serves.
120. As for the *scale* of the Proposed Premises, the hotel described in the Removal Application, CIS material and the Applicant's submission dated 2 October 2015 is in relative terms a medium sized hotel operation, encompassing some **446** square metres, with a maximum patron capacity of **200** persons.
121. For reasons that are not explained by the Applicant or Design Collaborative, the Applicant has excluded from the proposed liquor licence *boundary* the upper floor of accommodation rooms that will form part of the services provided by the hotel.
122. When granting the Removal Application, the Authority has fixed the licensed boundary in accordance with the area proposed by the Applicant, but notes that it would be open to the Authority to vary this boundary, pursuant to the procedure specified under section 94 of the Liquor Act, should the Authority consider that this will better regulate the sale or supply of liquor in connection with the accommodation rooms. The Authority will give separate notice to the licensee should it consider this course of action.
123. The Authority finds that the scale of this venue will pose a further risk factor when assessing the capacity for the hotel to attract, accommodate and generate patrons who may contribute to alcohol related crime, anti-social conduct or otherwise exact adverse impacts upon local amenity.
124. The Commercial Objectors contend that the keeping of gaming machines may unduly detract from the character of the hotel or from the enjoyment of persons who are not participating in gambling, contrary to section 15(1)(b) of the Liquor Act. While gambling services will form a significant part of the Proposed Premises, the Authority is not satisfied, given the layout of a discrete gaming room in relation to other areas of the hotel, that this will be the case.
125. With respect to the proposed *licensed trading hours*, the *potential* standard licensed trading period provided by section 12 of the Liquor Act extends from 5:00 am until midnight Monday through Saturday and from 10:00 am to 10:00 pm on Sunday. The standard period in respect of off premises liquor sales extends from 5:00 am until 10:00 pm daily, although clause 70AB of the Liquor Regulation now effectively enables a hotel licensed until 10:00pm to continue selling takeaway liquor until 11:00 pm Monday to Saturday.
126. The Removal Application as initially framed sought licensed trading from 8:00 am Monday through Sunday, but this was amended in the Applicant's submission dated 15 September 2015 and further amended in the updated Removal Application Form filed on 4 May 2017. The Applicant now seeks the following licensed trading hours (incorporating the proposed Extended Trading Authorisation):
- Monday to Saturday from 10:00am until 2:00am;
 - Sunday 10:00am until 12:00 midnight.
127. The reduction in weekday *opening* hours was a result of clause 9 of the development consent 620/2014 (which confines trading hours to between 10:00am and 2:00am Monday

to Friday, 8:00am and 2:00am Saturday and between 8:00am and Midnight on Sundays and Public Holidays).

128. Setting aside the question of extended trading hours (discussed below) the licensed hours sought by the Removal Application are reasonably extensive across the course of the week, consuming the bulk of hours that are potentially available during the standard trading period. This is another factor that increases the scope for this hotel to generate alcohol related patron misconduct and amenity impacts over time.
129. With respect to the suitability of the *location* of the Proposed Premises, the Authority will assess whether prevailing licence density poses a risk factor. The new venue will operate in a suburb that already has two late trading full hotel licensed venues and one late trading registered club. The incumbent venues are within walking distance from the site.
130. Licence density calculations performed by licensing staff based upon LGNSW licensed premises information as at 21 July 2017 and ABS population data from the 2016 Census disclose that:
 - Canterbury-Bankstown LGA has a rate of **9.52** hotel licences per 100,000 persons of population, substantially below the NSW rate of **28.47** per 100,000 persons.
 - The suburb of Campsie has a rate of hotel licences of **8.14** per 100,000 persons of population, which is also substantially below the NSW rate.
 - The suburb of Hurlstone Park has a rate of **21.31** hotel licences per 100,000 persons of population, below but closer to the NSW rate.
131. The Authority is satisfied that licence density *per se* does not pose an additional risk factor with respect to the local or broader community. Removing the licence from Hurlstone Park to Campsie will make no difference to the density of hotel licences or all liquor licences across the broader community but will significantly increase hotel density in Campsie, although not to levels that are high by comparison to State wide rates.
132. As for the suitability of the *location* by reference to prevailing alcohol related crime and other anti-social conduct, Bureau of Crime Statistics and Research (“BOCSAR”) data obtained by licensing staff for the twelve months ending March 2017 indicates that rates of *alcohol related domestic assault* were as follows:
 - **34.2** per 100,000 persons for Campsie
 - **19.3** per 100,000 persons for Hurlstone Park
 - **52.1** per 100,000 persons for the former Canterbury LGA (comprising the most proximate surrounding suburbs to Campsie)
 - **58.6** per 100,000 persons for the former Bankstown LGA
 - **114.7** per 100,000 persons for New South Wales as a whole.
133. This data discloses that rates of *alcohol related non-domestic assault* were:
 - **77.0** per 100,000 persons for Campsie
 - **77.0** per 100,000 persons for Hurlstone Park
 - **35.6** per 100,000 persons for the former Canterbury LGA
 - **57.6** per 100,000 persons for the former Bankstown LGA
 - **133.9** per 100,000 persons for New South Wales as a whole.

134. This data also disclosed that rates of *malicious damage* offences were:
- **402.2** per 100,000 persons for Campsie
 - **462.2** per 100,000 persons for Hurlstone Park
 - **491.6** per 100,000 persons for the former Canterbury LGA
 - **620.6** per 100,000 persons for the former Bankstown LGA
 - **816.4** per 100,000 persons for New South Wales as a whole.
135. BOCSAR *crime maps* for the area in and around Campsie for the period from July 2016 to June 2017 indicate that the Proposed Premises is situated:
- within a *high-density* hotspot for the concentration of domestic assault offences.
 - within a *high-density* hotspot for non-domestic assault offences.
 - within a *medium-density* hotspot for alcohol related assault offences.
 - within a *high-density hotspot* for malicious damage to property offences.
136. The Authority finds that the rates of alcohol related crime and malicious damage across this predominantly residential suburb are substantially below State-wide rates, although when such conduct does occur it is concentrated around the location selected by the Applicant.
137. Several local submitters have questioned the suitability of the location from a social impact perspective. Notwithstanding that development consent is granted, Council advises in a submission dated 4 April 2017 that it was “unable to support” the liquor licence application, raising concerns about trading hours on public holidays and the impact of live and amplified music.
138. The Authority finds that Council’s concerns have been substantially ameliorated by the Authority’s decision not to grant extended licensed trading hours, the Applicant’s representations that any entertainment will be of a “low key” nature and noting the controls on amplified entertainment that will operate through Conditions 4 and 67 of DA 620/2014 which requires the hotel to operate in accordance with an acoustic report prepared by Acoustic Logic, Project Number: 20150439.1, dated 7 April 2015.
139. Notably, other local opposition came by way of a submission from the NSW Department of Education in consultation with Campsie Public School dated 12 April 2017, which notes the proximity of the Proposed Premises to the school, identifying the potential for primary school children walking past to see the gaming room and the potential exposure of children to the arrival and departure of hotel patrons.
140. The Department estimates that approximately **25%** of the school’s over **700** children are estimated to walk past the site when commuting (during 8:00am to 9:00am and 3:00pm and 6:30pm). The Department contends that further scope for adverse social impact arises after school hours, in that some **70** school children utilise after-hours childcare between Monday to Friday 7:00am and 6:30pm, with others utilising vacation care between 7:00 am and 6:00pm daily. The Department advises that the school is also used by a local church group, a fitness group and is a venue for language classes on weekends between the hours of 8:00 am and 4:30pm.
141. A considerable amount of divergent evidence or information has been provided by the Applicant and Commercial Objectors, including submissions from consultants, based on

observations made during limited periods of time, as to how many public and private school children walk past the school each day and are likely to interact with the new hotel. The Commercial Objectors emphasise the potential for interaction between school children and the venue, while the Applicant down plays the risk.

142. Those submissions are primarily directed toward the question of the “immediate vicinity” test (discussed below) that is applicable to the GMT Application, but the information is also relevant to an assessment of the overall social impact in respect of granting the Removal Application.
143. The Authority has considered all of this material but prefers the evidence provided by the Department of Education, in consultation with Campsie Public School, who are best placed to know the conduct of their pupils. Accepting the Department’s estimate that 25% of 700 students will walk past the new hotel, this equates to around **175** Campsie Public School children walking past the Proposed Premises each day travelling to and from the school.
144. The Authority finds credible the Department’s concern that there is scope for adverse impact upon school children and in respect of persons using the school from alcohol affected patrons. The Authority accepts that a hotel of this scale will cause some adverse public amenity impacts over time, and that Campsie Public School is the nearest sensitive facility to this site and the most likely to be impacted.
145. Another community organisation, the Canterbury Community Drug Action Team, (“CDAT”) made a brief submission opposing the Removal Application dated 11 April 2017 (attached to the Hatzis Cusack letter dated 3 May 2017), with that group’s concerns also focused upon the proximity of “two Primary Schools and a Church”, including the bus stop outside the hotel, the location of doors including fire escape doors, and the proposed extension of trading hours.
146. With respect to adverse impacts upon the operation of local churches (which are further away than the Campsie Public School), a Parish Council member of St Mel’s Catholic Church Campsie and two members of St Philip’s Uniting Church have raised concerns through RM Planning (in surveys attached to the RM Planning Report dated April 2015 (“First RM Planning Report”)) that a new hotel would discourage volunteers meeting after dark, adversely affect youth group operations, contribute to local problem gambling (with respect to which St Mel’s offers assistance), increase gambling related harms in Campsie, and contribute to local crime as evident from data sourced from “NSW Record Crime Statistics for years 2009-2013” in a disadvantaged community.
147. Those submitters raise concerns regarding social disadvantage within the community and scope for patron migration during late trading hours when bus and train services have ceased. They question the suitability of a hotel operating near two schools (St Mel’s Catholic School and Campsie Public School) and the scope for interaction between the hotel and a nearby bus stop. They raise concerns as to interaction between school children walking past the venue and the impact of the operation of the venue upon parking.
148. The Authority accepts that the Proposed Premises is within walking distance of local schools and churches, most notably Campsie Public School, and this presents a negative aspect of the proposal.
149. If the licence is removed, a hotel will operate where no such licensed venue currently exists. In addition to the scope for alcohol related patron impacts upon persons using the Campsie Public School premises during and outside school hours, there is scope for

adverse amenity impacts upon other residents or businesses in nearby streets and commuters utilising the nearby transport links.

150. However, the Authority finds that the scope for adverse social impact upon school children has been meaningfully reduced by the Applicant's variation of trading hours to commence at 10:00 am on weekdays. While this will not avoid potential impacts from alcohol affected patrons in the afternoon, the Authority accepts the information provided in a report by Mr Rogerson and Mr Hanley attached to the Applicant's submission dated 22 November 2016 ("First Rogerson Hanley Report") that many of the school children traversing in the vicinity of the proposed hotel are in the company of an adult.
151. The Authority does not consider it likely that school children will be walking past the hotel later in the evenings, when the risk of intoxicated patrons or alcohol related crime may escalate, as indicated by the BOCSAR data on crime by time of day and week for the Canterbury LGA and for New South Wales.
152. The Authority accepts the Applicant's representations that the new hotel's gaming room will not be visible to passers-by, and notes that such visibility would be prohibited by clause 8(2)(e) of the Gaming Machines Regulation in any event.
153. The Authority considers that the parking concerns raised by some local submitters are primarily planning matters rather than alcohol related social impacts, and gives those concerns little weight, noting that the hotel has been granted development consent.
154. While the concerns raised by the Canterbury Community Drug Action Team and local parishioners as to adverse amenity impacts upon the sites they identify are generally credible, the Authority is not able to give those submissions great weight by reason that there is little evidence or material from which the Authority can discern the nature and scope of any problems arising from the operation of the two incumbent hotels upon the operation of local churches or schools.
155. In summary, the location of the Proposed Premises is a factor of concern when assessing the impact of the licence upon local amenity, but those concerns have not received decisive weight in the context of a venue that is situated, appropriately enough, in a commercial strip within the Campsie CBD and that will only operate within the standard trading period, by reason of the Authority's decision to refuse the Extended Trading Application.
156. Guideline 6 also indicates that the Authority will consider socio demographic data for the relevant communities. Socio economic index for areas ("SEIFA") data from the 2016 Census is not available at the time of this decision. However, SEIFA data from the 2011 Census in respect of the Index of Relative Socio-Economic Advantage and Disadvantage indicates that:
 - The suburb of Campsie ranked (in comparison to other state suburbs within NSW) in only the 2nd decile.
 - The suburb of Hurlstone Park ranked (in comparison to other state suburbs within NSW) in the 7th decile.
 - The former Canterbury LGA ranked (in comparison to other LGAs within NSW) in the 4th decile.
 - The former Bankstown LGA ranked (in comparison to other LGAs within NSW) in the 5th decile.

157. Noting that the tenth decile is the most socio economically advantaged, this data establishes that the local community of Campsie is quite disadvantaged, while Hurlstone Park is relatively advantaged. While SEIFA data for the new Canterbury Bankstown LGA is not yet available, ABS data for the former local government areas indicate that the Canterbury LGA was only moderately disadvantaged while Bankstown LGA was of average socio-economic status by comparison to other local government areas in the State.
158. 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 granting a new hotel licence in a given location. As noted above, licence density and crime rates are not at problematic levels in either the local or broader communities. There is a well-established relationship acknowledged in the literature (see for example, Livingston 2011, as noted in Guideline 6) between domestic violence and low socio-economic status but the rates of domestic violence are not relatively high in either the local or broader community in this case.
159. New South Wales Department of Health *Healthstats* data for the period 2013 to 2015 disclose that the *smoothed estimate of standardised separation ratio* (ratio of alcohol related hospitalisation events) recorded across the former Canterbury LGA, which includes both the suburbs of Campsie and Hurlstone Park and neighbouring suburbs, was **67.8** with the New South Wales rate fixed at **100**. During the period between 2012 to 2013, the smoothed estimate of standardised mortality ratio (ratio of alcohol related deaths) recorded in the former Canterbury LGA was **85.1**. This data is also not adverse to the Applicant.
160. The Authority considers that there is potential for adverse amenity impacts arising from the conduct of alcohol affected hotel patrons, and this may include interaction with school children passing by the venue. Those concerns are ameliorated by the proposed 10:00 am commencement of licensed trading and evidence from the Applicant's consultants, Rogerson/Hanley, that primary school children tend to be accompanied by adults when walking by or commuting from school. There is an absence of evidence as to any significant adverse daytime amenity impacts involving adverse interactions between school children and the existing licensed premises, although those venues are further away. The scope for interaction between hotel patrons and school children is a potential issue of concern, but not one that warrants refusal of the licence on the information before the Authority. The Authority accepts the general proposition that the presence of hotels in suburban central business districts is a common enough occurrence. The conditions of the DA, the liquor licence and the measures included in the POM will reduce the scope for adverse impacts affecting local school or church groups, although such impacts cannot be ruled out. The Liquor Act does not require the elimination of all forms of adverse impact, but the minimisation of harm.
161. Although the site of the Proposed Premises is untested as a hotel, and this decision calls for a degree of speculation, the Authority is satisfied that the proposal does not pose significant adverse amenity impacts during standard trading hours.
162. As discussed below, the scope for adverse amenity impacts will acquire greater significance the later the hotel operates. Nevertheless, given that prevailing alcohol related crime rates in Campsie are substantially below State wide rates and having regard to the conditions to be imposed on the venue and the security and harm minimisation measures to which the Applicant consents (specified in the Plan of Management) the significant

negative social impacts posed by granting the Removal Application have not been decisive, when considered against the positive social benefits offered by the operation of this new hotel during the standard trading period.

163. Section 3(1)(c) of the Liquor Act provides that it is a statutory object of the Liquor Act to contribute to the *responsible* development of related industries. In light of LGNSW information disclosing the number and location of gaming venues in the local community and accepting information provided by the Applicant's consultant, Mr G W Smith of Design Collaborative, that the Campsie population is growing with gaming machine density moderately below State wide rates, the Authority accepts that the proposed new gambling facilities will contribute to the responsible development of those related industries. That is not to say that there will be no negative social impacts from the gambling services at this new venue, but the liquor legislation requires the Authority to focus upon gambling related impacts during the extended trading period. The Authority's assessment of those social impacts is discussed below.
164. In conclusion - having regard to positive and negative impacts found above, the opening hours sought by the Applicant, the removed licence becoming subject to the daily six hour liquor cessation period under section 11A of the Act and making some allowance for adverse amenity impacts, in a commercial area, within a suburban CBD during the standard trading period - the Authority is satisfied, for the purposes of section 48(5) of the Liquor Act, that the overall social impact of granting the Removal Application will not be detrimental to the local or broader communities.
165. The Removal Application is granted pursuant to section 59 of the Liquor Act.
166. The Authority is satisfied, having regard to the range of services offered by the proposed new hotel, including the dining and accommodation services, that it is in the public interest to grant the Minors Area Authorisation sought by the Applicant, which shall apply to the Proposed Premises save for the gaming room. This will provide an ancillary community benefit with respect to those services for which it is appropriate for minors to participate, in the company of a responsible adult.
167. The Minors Area Authorisation is granted pursuant to section 121 of the Act

Overall Social Impact of the Extended Trading Authorisation

168. The Authority is not satisfied that the overall social impact test has been satisfied in respect of the Extended Trading Application.
169. First, the positive benefits by way of additional liquor, gaming and hospitality services that will be made available through this proposal will be substantially delivered to the communities during the standard trading period.
170. Having regard to the Applicant's proposed 10:00 am opening time patrons of the hotel may access the venue's services for a total of **14** hours per day, Monday through Saturday and **12** hours on a Sunday.
171. The hotel's associated short stay accommodation facilities will be available regardless of whether any extended licensed trading hours are granted. The licensed dining services will be substantially delivered during the hours granted by the Authority, well beyond the usual peak demand for dining.

172. Second, while the crime data for the local community on the whole is relatively favourable, there remain localised risk factors evident from the BOCSAR data with respect to the concentration of crime and anti-social conduct in the neighbourhood of the Campsie CBD.
173. As noted above, BOCSAR crime maps for the period from July 2016 to June 2017 show extensive high, medium and low concentration areas for the occurrence of *non-domestic assault* running almost the entire length of Beamish Street, Campsie including that part of the Campsie CBD in which the Proposed Premises will be situated. These hotspots extend from an area approaching the intersection of Beamish Street and Brighton Avenue in the North to the intersection of Beamish and Unara Streets to the South. It also extends to nearby residential streets East and West of Beamish Street.
174. The elevated late-night risk incidence of localised *non-domestic violence* is of concern to the Authority when assessing the proposed late trading of a new hotel, because this is a category of crime that involves interactions between persons who are not in personal relationships and tends to be associated in the literature with on-licensed venues - particularly late trading venues, where strangers may be expected to interact in a licensed environment. In their submission dated 29 April 2015, the Commercial Objectors discuss published research including Briscoe, S and Donnelly, N (2001) "*Assaults on Licensed Premises in Inner-Urban Areas*"; Briscoe, S and Donnelly, N (2001) "*Temporal and Regional Aspects of Alcohol-related Violence and Disorder*"; Stevenson, R (1996) "*The impact on Alcohol sales on violent crime, property destruction and public disorder*"; Jochelson, R (1997) "*Crime and Place: An analysis of assaults and robberies in inner Sydney*"; Devery, C (1992) "*Mapping crime in LGA: Assaults and Break and Enter in Waverly NSW*"; Homel R (1999) "*Preventing violence: A review of the literature on violence and violence prevention*", Report prepared for the Crime Prevention Division of the NSW Attorneys General's Department.
175. The Authority accepts that there is a significant body of research associating increased incidence of non-domestic assault with clusters of late trading on licensed venues in a given locality.
176. The Authority notes that low, medium and high concentration hotspots for alcohol related assault already extend across the Campsie CBD, from Shelley and Beamish Streets in the North to Unara and Beamish Streets to the South. This hotspot is less extensive than the hotspot for *all* non-domestic violence, but the medium concentration hotspots extend to areas just North and South of the railway line, with a high-density hotspot located just to the North of the Railway Station.
177. The BOCSAR Excel Crime Report for the former Canterbury LGA for calendar year 2016 discloses that the proportion of *alcohol related assault* recorded in that LGA (which includes Campsie and proximate suburbs) peaked between 6:00pm and 12:00 Midnight on Saturday evening but the proportion of this crime was also elevated between 6:00 pm and Midnight Sunday through Friday and between 12:00 Midnight and 6:00 am on Sunday. It is apparent that when alcohol related assault does occur in this area, these time periods pose a greater risk compared to other times of the week.
178. This is broadly consistent with the BOCSAR Excel Crime Report for 2012-2016 for New South Wales, to which the Authority routinely refers. This State-wide report discloses that the highest proportion of alcohol related assault was recorded between 6:00 pm to Midnight on a Saturday evening, while remaining very high between the Midnight and 6:00

am on Saturday morning. Alcohol related assault was also quite elevated, albeit less so, during the 6:00pm to Midnight period on a Sunday evening and a Friday evening.

179. Considering the crime maps disclosing localised concentrations of crime together with the BOCSAR crime data by time of week, it is apparent that the location of the Proposed Premises and the proposed extended *evening* weekend trading pose additional risk factors when assessing the scope for *this* new hotel to contribute to alcohol related violence and anti-social conduct within the local community.
180. This crime data must be placed in perspective, in that *rates* for Campsie on the whole are below the New South Wales wide rates. The crime data does not warrant decisive weight, but it does establish some localised elevation of risk for alcohol related crime and anti-social conduct (including malicious damage) in the relevant neighbourhood, with a *temporal* elevation of risk during the proposed extended trading period.
181. A broader issue raised by the Commercial Objectors in their submissions dated 29 April 2015 and 13 June 2017 and by several local community submitters noted above is the potential for the hotel's operations to have adverse impacts on local *amenity*. That is a prospect to which the Authority must have regard pursuant to section 3(2) of the Liquor Act.
182. The Authority has approached the Commercial Objectors' opinions with an appropriate degree of caution. Their opposition to the Applications is likely driven by anti-competitive objectives, as they face the prospect of a new, refurbished hotel offering a fresh new choice of services to the local and broader communities.
183. Nevertheless, the Commercial Objectors, like local residents and organisations, are entitled to present evidence and data that is relevant to an assessment of overall social impact.
184. The Authority accepts the contentions made by the Commercial Objectors in submissions dated 29 April 2015 and 13 June 2017 that the operation of this new hotel will facilitate patron migration among licensed venues in Campsie and that the nearest residential premises are located in Harold Street, around 60 metres away.
185. As previously noted, the Proposed Premises is more strategically located to the Campsie CBD and transport links with the Railway station across the road and a public bus stop right outside the venue. The new hotel will pose a number of competitive advantages.
186. While the Applicant's consultant Mr Purcell in a submission dated 12 September 2015 observes that he did not identify patron migration issues with the existing hotels when he prepared that report, those observations were made over a limited period of time and this diminishes the weight that can be given to those observations. The Authority must consider the likelihood for amenity impacts, including patron migration, arising from the operation of a 200-person capacity hotel with 2:00 am trading Monday to Saturday and midnight on Sunday.
187. The new hotel will provide a substantial liquor and gaming venue strategically located with respect to transport links on a site where there is presently no licensed business in operation. Should the Extended Trading Application be granted it will be located in the centre of an axis of late trading liquor and gaming venues running from the North to the South of Beamish Street, with a late trading club close by.
188. While it calls for some speculation, the Authority finds it more likely than not that increasing the choice of late night venues in the Campsie CBD through a new late trading hotel on

this site will increase the scope for patron migration among licensed venues and between licensed premises and other places in the neighbourhood of the Campsie CBD. The very purpose of the Removal Application is to draw patrons to the new venue over the breadth of its operating hours and to make more intensive use of the licence than was available to the business owners on the Current Premises.

189. When balancing the objects and considerations in section 3 of the Liquor Act, the local community may expect 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. However, those impacts become less reasonable the later they occur, particularly during the working week, at a time of night when most licensed and non-licensed premises are closed and the area is becoming relatively quiet.
190. The Authority accepts the contentions made by the Commercial Objectors in submissions dated 29 April 2015 and 13 June 2017 (including a land zoning map highlighting the various residential areas near the Proposed Premises) that the hotel will operate in reasonably close proximity to residential areas. An aerial photograph of the Proposed Premises and surrounding streets (Plan 140476/H) provided in the First Design Collaborative Report further establishes that residential areas are within easy walking distance of the Proposed Premises.
191. The Authority notes the presence of the crime hotspots noted above. While crime rates are not at levels that warrant decisive weight in respect of either the local or broader community, some localised concentration of crime establishes a degree of sensitivity with respect to the exposure of the streets in and around the Campsie CBD to anti-social conduct. BOCSAR crime data by time of day for 2016 indicates further sensitivity in respect of the communities in that the risk of alcohol related violence is elevated later in the evening and during early morning hours on weekends.
192. The Authority considers it more likely than not that groups of patrons migrating to and from the venue, affected by liquor to varying degrees, will likely give rise to amenity impacts upon the local community, whether or not such conduct rises to the level of criminality. Commonly experienced amenity impacts range from patrons loitering in the vicinity of the hotel, 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 within Campsie.
193. The Authority accepts the Applicant's contention that the close proximity of the hotel to bus and rail links will also enable patrons to be more efficiently dispersed, but that submission has less force during later hours when those services will be infrequent or will have ceased.
194. While some degree of patron migration and adverse amenity impact from the operation of licensed premises is an ordinary incident of modern life, it becomes more intrusive and less acceptable from a social impact perspective the later it occurs.
195. Section 3(2)(c) of the Liquor Act requires the Authority to consider, when assessing the Extended Trading Application, whether the sale, supply and consumption of liquor on the Proposed Premises will contribute and not detract from the amenity of community life.
196. The Authority is satisfied that should the Extended Trading Application be granted, this substantial new hotel will likely attract and generate significant numbers of alcohol affected

patrons across the course of the week until 2:00 am Monday to Saturday and midnight on Sunday.

197. That is, the scope for this venue to contribute to adverse amenity impacts will expand through the grant of the Extended Trading Application by comparison to a hotel that only trades during the standard trading period.
198. Section 48(7) of the Liquor Act and clause 10A of the Liquor Regulation mandate that the CIS accompanying an application for an extended trading authorisation in respect of a hotel licence address “gambling activities” to be conducted on the premises during the proposed extended trading hours which the Applicant conceded in their submission dated 15 September 2015.
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.
204. 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.

205. 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’.”

206. 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.”

207. 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.

208. The Authority notes that should the Extended Trading Application be granted, this will increase the *temporal* availability of **27** machines that are proposed to operate on the Proposed Premises by a total of **14** additional *late-night* hours (from midnight to 2:00 am Monday through Saturday and from 10:00 pm until Midnight on Sunday).

209. 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.

210. 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.

211. While the evidence of problem gambling prevalence by time of day is not extensive, 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.
212. The 2012 Ogilvy Interactive Survey on the Prevalence of Problem Gambling in New South Wales (“Ogilvy Report”) conducted for the former Office of Liquor Gaming and Racing (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.
213. Notably, section 8.2 of the Ogilvy Report “Changes in Gambling Behaviour” Ogilvy found that most problem gamblers (61%) “normally” gamble between the hours of 5pm and midnight, but a significant proportion (9%) will “normally” gamble between midnight and 5am.
214. These findings echoed earlier research conducted by Blue Moon Research for the former Office of Liquor, Gaming and Racing (“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, 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 am with a further 8% of “moderate risk” gamblers usually gambling between midnight and 4 am.
215. 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
216. 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 Sub-branch Club Limited, the effect of granting the Extended Trading Application will increase the number and accessibility of gaming machines in the local community by offering one more very conveniently located venue, with an attractive new environment, enabling problem gamblers and “at-risk” gamblers to gamble during later hours.
217. Granting this authorisation will facilitate *continuous* gambling for a more prolonged period on the Proposed 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.
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**
220. As previously noted, Canterbury Bankstown LGA has been designated a Band 3 LGA for the purposes of section 33 of the Gaming Machines Act and LGNSW information dated 21 July 2017 and 28 August 2017, noted above, records the presence of 33 hotel and 37 club licences in this LGA.
221. The Authority does not accept the proposition advanced by the Applicant and Design Collaborative in submissions dated 11 October 2017 to the effect that gaming machine density in Campsie is "low" provides an explanation, or partial explanation, of the very high prevailing local gaming machine expenditure. While the Authority accepts the general proposition, apparently made by reference to the Overview and Chapter 14 of the PC Report, that limiting gaming machine supply in a given area may be associated with higher gaming machine utilisation per machine, the Authority finds that gaming machine density in Campsie is only *moderately* below State-wide rates and will be close to State wide rates when the Removal Application is granted. Gaming machines are, in a practical sense, readily available to persons in the local community and nearby suburbs within the broader community.
222. The Applicant's consultant Mr G W Smith contends in the Third Design Collaborative Report and the report dated 11 October 2017 ("Fourth Design Collaborative Report") that the new machines facilitated by removing the licence are likely only to consume existing demand in the local community and that the high use of machines is a function of lower gaming machine density.
223. That is an ambitious assumption to make in the absence of detailed analysis or modelling in respect of the relevant communities. As noted above, gaming machine density within Campsie is only moderately below State-wide rates and the practical availability of gaming machines is hardly constrained given the number, location and trading hours of gaming venues within Campsie and in conveniently neighbouring areas within the LGA.
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.
228. The Authority is not satisfied that increasing the *accessibility* of gaming machines in a temporal sense through the grant of the Extended Trading Application will best serve the “*responsible*” development of the related gaming machines industry in *this* local community which is a statutory object of section 3(1)(c) of the Liquor Act.
229. In conclusion, notwithstanding the increase in choice and convenience provided to those in the local and broader communities seeking the licensed entertainment that the Applicant has established with respect to the Removal Application, there will be increased scope for patrons to contribute to adverse liquor related impacts during late hours (given the location, prevailing crime hotspots and proximity to residential areas) and increased scope for gaming machines to contribute to adverse gambling related social impacts during extended hours.
230. The Authority is *not satisfied* that the overall social impact of granting the Extended Trading Application would not be detrimental to the well-being of the local community of Campsie for the purposes of section 48(5) of the Liquor Act.
231. The Extended Trading Authorisation is refused pursuant to section 49(2) of the Liquor Act.

The Gaming Machine Threshold Application.

232. The Authority has determined that the Proposed Premises located at 203 Beamish St Campsie is *not* situated within the “immediate vicinity” of the Campsie Public School within the meaning of clause 36(2) of the Gaming Machines Regulation.
233. While there is no binding superior court authority on the interpretation of section 36(2) of the Gaming Machines Regulation, there have been a number of past cases that have considered the words “immediate vicinity” arising under other licensing legislation in New South Wales and other jurisdictions.
234. In *Hinton v Lane* [2009] NSWSC 37, a case arising from a decision of the former Liquor Administration Board arising from a similarly worded provision in the *Liquor Act 1982*, Hoeben J held at [33] that:

“What is within the immediate vicinity will vary according to the context. What might be regarded by the [Liquor Administration] Board as the “immediate vicinity” in a sparsely populated country town will be different when considering a densely populated area of the CBD dominated by tall buildings. The Board as a specialist tribunal must take into account the neighbourhood as a whole. In this case a matter which the Board may have taken into account was the fact that the plaintiff’s competing licensed premises physically adjoined the church in question”.

235. In *Dean v Lewitz* (1958) 76 WN (NSW) 349, a case involving the NSW *Liquor Act 1912*, Ferguson J held at [350] that the decision as to whether a licensed premises is in the immediate vicinity of another relevant premises is a question of fact for the primary decision maker:

“...there is no dispute that the question is one of fact for the determination of the Licensing Court. That Court held as a matter of fact that the proposed hotel would not be in the

immediate vicinity of the Methodist Church. It seems to me that that finding can be upset only if on the established facts it must necessarily be held as a matter of law that the hotel when built will be in the immediate vicinity of the Church, or if the Court, in determining that it would not be, applied some wrong principle.”

236. Similar observations were made in *Ex parte Godkin; Re Fitzmaurice* (1969) 90 WN (NSW) 159 another case arising under the *Liquor Act 1912* Walsh JA held at [163-164] that:

“Having thus decided on the facts what was the place of public worship, the next step was to decide whether or not this was in ‘the immediate vicinity’ of the proposed licensed area. This was a question of fact. It cannot be laid down as a matter of law that some particular distance may be specified as that which is described by the expression ‘the immediate vicinity’. No error of law was involved in declining to treat the fact that the respective properties – that is, the blocks of land – adjoin at one point as decisive of the question.”

237. In another case arising under the *Liquor Act 1912 Ex parte Paton* (1929) 30 SR (NSW) 67 at 70, Ferguson ACJ observed at [1922] and [1923]:

“As to the second of these grounds [that the premises were in the immediate vicinity of a place of public worship], the matter is clearly one for determination by the [Metropolitan Licensing] Court below. It appears that the premises are about eighty yards from St Stephen’s Church on the other side of the road. I think it is impossible to say as a matter of law that a place at that distance must be held to be in the immediate vicinity of the church. I can conceive of cases where any other finding would be obviously unreasonable; I can conceive of other cases where I think it would be equally unreasonable to hold that it was in the immediate vicinity. A place eighty yards from a church, in another street for example, might be practically so far removed that no single worshipper would ever be aware of its existence. The question is one of fact which the Licensing Court must have jurisdiction to decide.” –

238. In *Mullens v Norton* [1938] VLR 292 at 295 Lowe J of the Supreme Court of Victoria has made the following observations on the plain English meaning of “immediate vicinity” for the purposes of the former *Licensing Act 1928 (Vic)*:

“An examination of the [Licensing] Act [1928 (Vic)] fails to reveal any clear indication of the purpose sought to be achieved by these words [‘immediate vicinity’] and we are, therefore, thrown back upon their meaning simply as English words in the context used. Etymologically ‘immediate’ means ‘not mediate’ and indicates that there is nothing ‘intermediate’ between the objects to which the adjective relates. But the notion of several vicinities one of which is immediate to an object and the other or others not immediate, *i.e.*, severed from the object by one or more intermediate vicinities, much in the way that the various rings surround the centre of a target, is a highly artificial one, and one which it is difficult to attribute to the Legislature. There is, on the other hand, a perfectly well-known use of the word ‘immediate’, in relation to place, to indicate ‘something of little importance’. The Oxford English Dictionary gives ‘Immediate...3...In reference to place often used loosely of a distance which is treated as of no account’. In my judgment that is the meaning to be attached to the word in sec. 98 of the Licensing Act. ‘In the immediate vicinity’ therefore simply means ‘very near’. The determination of the question is consequently one of fact in every case. If there is evidence upon which reasonable men might come to the conclusion challenged and the [Licensing] Court has not misdirected itself that conclusion will not be disturbed by this Court.”

239. In a matter arising under New Zealand licensing law, the Supreme Court of New Zealand held in *MacPherson v Invercargill Licensing Trust* [1944] NZLR 692 at 694 per Kennedy J that:

“The proposed site is not within 300 yards of the nearest point of the grounds of the Southland Girls’ High School. It is not in the immediate vicinity of a school.

A large number of persons expressed the opinion that it was undesirable for the pupils of the Intermediate School and later of the Southland Girls' High School to pass, as they would, the Rugby Park site. This objection is not one which can be considered as a distinct objection as it is not within the terms of the statute. The relevant objections are that the proposed site is in the immediate vicinity of a school, and that the proposed hotel will disturb the quiet of the neighbourhood and that it is not there required, and this particular objection must be considered only in so far as it throws light upon the statutory grounds of objection." -

240. Finally, in *R v Minister for Health; Ex parte Tillys Pty Ltd* [1967] WAR 60 at [63] Neville J made the following observations on the concept and the role of the primary decision maker:

"[T]he question whether one place is in the immediate vicinity of another is a matter of fact in all the circumstances in which the question arises and a matter of opinion on which in many circumstances different minds may reasonably reach different conclusions. It is at the most a question of mixed fact and law, and a matter on which no court should interfere with the decision of the authority in which is vested the duty of first determining the matter if the authority acted in good faith and the decision was one which could reasonably have followed from the proved or admitted facts." –

241. While the above cases all involved different factual circumstances, the following principles may be distilled from them, as applicable to the Gaming Machines Act.
242. First, the meaning of "immediate vicinity" is a question of fact for the Authority to determine in all the circumstances of the individual case.
243. Second, the words should be interpreted having regard to their ordinary English meaning and in the context in which they appear.
244. Third, the decision is a matter for the Authority to reasonably determine, on the evidence or material before it. There is no fixed maximum distance.
245. The Authority notes that the Gaming Machines Act and Gaming Machines Regulation do not include any particular requirement as to the visibility or otherwise of gaming machines with respect to any school, place of worship or hospital when assessing whether or not a licensed premise is in the immediate vicinity of such facilities.
246. Some of the liquor licensing cases noted above indicate that primary decision makers may have regard to such factors as the visibility of the premises, or whether students or worshippers must walk past the relevant venue in reaching a conclusion on immediate vicinity in a particular factual context.
247. For example, the Court in *Ex parte Paton* considered that the awareness of worshippers as to the existence of the licensed venue was a matter that could be taken into account by the decision maker.
248. In *Dean v Lewitz*, the New South Wales Licensing Court did not err when considering whether the licensed premises could be seen from a church, and whether the church's activities could be interfered with by noise or nuisance.
249. Similarly, the precise distance between licensed premises and a school, place of worship or hospital will not in itself be determinative. For example, in *Godkin*, the mere fact that the licensed premises and the place of worship adjoined one another at one point was held *not* to preclude the decision maker from determining that the two premises were *not* in the immediate vicinity of one another.

250. The Applicant has provided, pursuant to clause 36(1)(b) of the Gaming Machines Regulation, a map showing the location of the proposed venue and any school, place of public worship or hospital within 200 metres of the venue. Material showing the proximity of the Proposed Premises to relevant facilities was provided in a letter from the Applicant's legal representative dated 2 October 2015 and in plans 140476/G and 140476/D (prepared by Design Collaborative and provided as an attachment to First Design Collaborative Report).
251. The submissions from the Applicant and Commercial Objectors focus upon the physical proximity between the Proposed Premises and Campsie Public School and the scope for interaction between persons using those two properties. The Commercial Objectors contend that the hotel is in the immediate vicinity of this school while the Applicant contends that it is not.
252. For the avoidance of doubt, notwithstanding that various submitters have made observations on social impact in respect of several local churches and two local schools, the Authority has *only* considered the extent of interaction between users of the Campsie Public School and the Proposed Premises as an aspect of its inquiry into whether the Proposed Premises is in the "immediate vicinity" of a school, hospital or place of worship. The Authority is satisfied that Campsie Public School is the *only* sensitive site that is *potentially* close enough to warrant scrutiny in this particular context.
253. On the scope for Campsie Public School children to interact with the site while walking to and from the school, the Authority prefers the advice of the NSW Department of Education, in consultation with Campsie Public School dated 12 April 2017. The Department is best placed to have this knowledge. The Authority is satisfied that there are over 700 students enrolled at the Campsie Public School and that approximately 25% of them will walk past the hotel site when walking to or from school on each school day.
254. The Authority notes the observations made in the First Rogerson Hanley Report that "many" of the "school children" they observed walking by the hotel site were in the company of an adult while traversing the near vicinity of the Proposed Premises. The authors contend that approximately 60% of the infant and primary age children were from Campsie Public School with 40% attending St Mel's Catholic School.
255. The Authority finds it credible, on the basis of this Report, to conclude that many of those primary school children from Campsie Public School will be accompanied by adults or older persons if walking by the Proposed Premises, noting that the Applicant does not seek licensed trading prior to 10:00 am on the basis of Removal Application as amended.
256. The Authority accepts the Commercial Objectors' submissions dated 29 April 2015 and the First RM Planning Report, supported by information provided from the Department of Education, that there are additional uses of the Campsie School site, including after-hours uses of the premises in early evenings and on weekends. Those uses are noted above.
257. The proximity of the Campsie Public School to the Proposed Premises is a matter that warrants careful consideration as the Authority accepts the contention made in the RM Planning submission dated April 2015 that the closest point of the boundaries of the two properties are separated by a distance of around 50 metres.
258. The Authority also finds credible the contention made by the Commercial Objectors that in light of nearby bus stops and the Campsie Railway Station there will be pupils, parents or carers and staff of the schools who use the public buses, the train station and frequent the

shops in the Campsie CBD who will, on a daily basis, walk past the Proposed Premises, going to and from school in the morning and afternoons.

259. The Authority accepts that there is potential for the hotel's operation to offend those who would prefer primary school children not to walk past a licensed premises of this kind on school days. The Authority accepts the contentions made by the Commercial Objectors in a submission dated 29 April 2015 that hotel patrons are more likely than not to cause some level of nuisance to children, parents, carers and teachers over time.
260. The Authority also accepts the contentions made by the Commercial Objectors in their submission dated 29 April 2015 that hotel patrons may cause some level of noise and interference to others because of the hotel's location on a route that must be used by persons who use the trains buses and shops in the Campsie CBD.
261. However, the Authority finds that the scope for adverse interaction with Campsie Public students will predominantly occur at or around school closing times in the early afternoon, while the scope for interaction between hotel patrons and others using the School premises will predominantly occur in the late afternoon, early evening and on weekend day time hours. Such interactions will not occur during higher risk times, later in the evening.
262. With regard to the physical proximity and configuration of the two properties, the Authority agrees with the factual analysis provided by planning lawyers Mills Oakley, who were also engaged by the Applicant to provide advice on the "immediate vicinity" issue. They observe in a submission dated 16 November 2016 that:
- "The area of the Station House premises to be utilised for the purpose of a licensed hotel is disconnected both physically and visually from the School"*
- "The physical barriers between the licensed area and the School combines with the orientation of the licensed hotel area materially affect the premises relationship to the school"*
- "Despite physical proximity to a corner of the School grounds the relationship and accessibility of the premises to the School cannot be considered to be "immediate"."*
263. While the Authority accepts RM Planning's contention that the property boundaries are separated by a distance of only 50 metres at their closest point, the configuration of the properties is somewhat indirect. The properties are not immediately adjacent to each other in that the rear part of the school yard that is closest to the hotel is in an "L" configuration to the hotel, down a laneway (Beamish Lane) separating the two properties.
264. The Authority further accepts the observation made in the First Design Collaborative Report that the properties on which the Proposed Premises and Campsie Public School are situated are separated by a service laneway (Beamish Lane) that is in poor condition with no footpath and is little used. While the School grounds extend along Beamish Lane to around 30 metres from the nearest point separating the school land from the hotel property, the distance from the nearest doorway of the public areas of the new hotel building (on the South Terrace) to the closest corner of the School's grounds is over 70 metres. There is no line of sight between that doorway or any part of the public areas of the Proposed Premises and the Campsie Public School.
265. This is a matter with respect to which reasonable minds may differ. On balance, in circumstances where the two properties are not directly adjacent; when the nearest entry point to the public areas of the hotel will be around 70 metres away from the School boundary; when there will be no line of sight between the public areas of the hotel and school and when the locus of interaction between Campsie Public School users and hotel

patrons will likely occur on a common high street within the Campsie CBD, the Authority is *not* satisfied that the Proposed Premises is in the “immediate vicinity” of Campsie Public School for the purposes of clause 36(2) of the Gaming Machines Regulation.

266. For the purposes of clause 36(1)(a) of the Gaming Machines Regulation, the Applicant’s legal representative has specified, in a letter dated 2 October 2015, that the internal floor space of the proposed venue is: “if one includes the whole of the area, the figure is **446** square metres”; “if one excludes the porches outside the 3 doorways, the fire stair down to Beamish Street and the lift shaft, the total is **428.8** square metres” and “if one were to further exclude the unroofed “void” area between the gaming room louvres and the wall fronting South Parade, the total floor area becomes **412.3** square metres”.
267. The Authority accepts this information and is satisfied that the restrictions prescribed by clause 43 of the Regulation upon the granting of gaming machine threshold applications for venues with a floor space below 400 square metres do not apply in this case.
268. The Commercial Objectors have also questioned whether the Proposed Premises is in a “retail shopping centre” within the meaning of section 37B of the Gaming Machine Act, which restricts the increase of a gaming machine threshold for premises that are part of an actual or proposed retail shopping centre. The Applicant and Commercial Objectors have referred to a decision by the then New South Wales Administrative Decisions Tribunal in *Goodlink Pty Limited v Sing & Others* [1999] NSWADT 71, where the tribunal described a shopping centre as entailing a substantial collection of shops which are together identified as forming part of a central place for shopping.
269. The Authority is satisfied that the Proposed Premises is not part of a “retail shopping centre” within the meaning of section 37B of the Gaming Machines Act, there being no evidence capable of reasonably satisfying the Authority that this new hotel, which will operate as a stand-alone business on Beamish Street, among a variety of other premises, forms part of a location that is configured as, promoted as, or identified by the community as a “shopping centre”.
270. Noting that this GMT Application did not require a local impact assessment, the Authority is satisfied that this application satisfies all relevant legislative requirements.
271. The Authority has determined, pursuant to section 34 of the Gaming Machines Act, to increase the gaming machine threshold of the Proposed Premises from zero to 27.
272. The Authority has also determined, pursuant to section 19 of the Gaming Machines Act, to approve the transfer of 27 gaming machine entitlements from the Current Premises to the Proposed Premises.



Philip Crawford
Chairperson

SCHEDULE

No:	Document
1	Submission from Roads and Maritime Services dated 6 January 2015 during consultation on the CIS
2	Submission from Family and Community Services dated 9 January 2015 during consultation on CIS.
3	Initial CIS lodged with the Removal Application signed and dated 11 February 2015.
3.1	<ul style="list-style-type: none"> • List of stakeholders and special interest groups – attached to the Initial CIS lodged with the Removal Application.
3.2	<ul style="list-style-type: none"> • Additional information document - attached to the Initial CIS lodged with the Removal Application.
3.3	<ul style="list-style-type: none"> • Google geographical map depicting the location of the Proposed Premises - attached to the Initial CIS lodged with the Removal Application.
3.4	<ul style="list-style-type: none"> • POM for the Proposed Premises dated December 2014 - attached to the Initial CIS lodged with the Removal Application.
3.5	<ul style="list-style-type: none"> • Submission on 6-hour closure period pursuant to section 11A of the Liquor Act – filed in relation to the Removal Application.
4	Removal Application Form lodged 18 February 2015, date stamped received by the Authority on 23 February 2015.
4.1	<ul style="list-style-type: none"> • Associated Extended Trading Application Form lodged 18 February 2015.
4.2	<ul style="list-style-type: none"> • Associated Minors Area Application Form lodged 18 February 2015 including the plan/diagram of the Proposed Premises.
5	Australian Securities and Investments Commission (“ASIC”) current organisation extract for Station House Campsie Pty Limited as at 22 December 2014 - provided with the original extended trading authorisation.
6	Submission on Removal Application from Mr Mark Johnson, resident of Floss Street, Hurlstone Park sent via email dated 19 March 2015
7	Submission on Removal Application from Police dated 25 March 2015 including Notice to Police signed and date stamped as received by Police on 16 February 2015
8	Submission on Removal Application from Ms Kathleen Guest, resident of Fairfowl Street, Dulwich Hill emailed to then OLGR (now LGNSW) on 19 March 2015.
9	Submission on Removal Application from Ms Jackie May, resident of Woodside Avenue, Hurlstone Park dated 20 March 2015, sent via email dated 25 March 2015.
10	Submission on Removal Application from Mr Paul Harvey, resident of Dunstaffenage Street, Hurlstone Park dated 23 March 2015, sent via email of the same date.
11	Submission on Removal Application from Ms Kelly Wratten, resident of Cobar Street, Dulwich Hill dated 23 March 2015, sent via email of the same date.
12	Submission on Removal Application from Ms Amelia Dalton, resident of Garnet Street, Hurlstone Park dated 24 March 2015, sent via email dated 26 March 2015.
13	Submission from Mr Tony Schwartz of BSV, solicitor for the Commercial Objectors, dated 29 April 2015 attached to email

	correspondence dated 29 April 2015, 24 March 2015 and 23 March 2015.
13.1	<ul style="list-style-type: none"> Attachment A - Aerial Maps – attached to the submission from BSV dated 29 April 2015.
13.2	<ul style="list-style-type: none"> Attachment B - Photographic evidence – attached to the submission from BSV dated 29 April 2015.
13.3	<ul style="list-style-type: none"> Attachment C - Interactive Google map – attached to the submission from BSV dated 29 April 2015.
13.4	<ul style="list-style-type: none"> Attachment D - Report by Ms Rose Saltman from RM Planning dated April 2015 titled “Assessment of Gaming Machine Impacts” – attached to the submission from BSV dated 29 April 2015.
13.4.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Rose Saltman CV – attached to the report from RM Planning dated April 2015.
13.4.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Survey of gaming room patrons– attached to report from RM Planning dated April 2015.
13.4.3	<ul style="list-style-type: none"> <ul style="list-style-type: none"> List of stakeholders approached – attached to the report from RM Planning dated April 2015.
13.4.4	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Stakeholder correspondence and feedback – attached to the report from RM Planning dated April 2015.
13.5	<ul style="list-style-type: none"> Attachment E - Details of services and facilities at the Oasis on Beamish hotel – attached to the submission from BSV dated 29 April 2015.
13.6	<ul style="list-style-type: none"> Attachment F - Details of services and facilities at the Campsie Hotel – attached to the submission from BSV dated 29 April 2015.
13.7	<ul style="list-style-type: none"> Attachment G – Analysis of dining behaviour in Campsie – attached to submission from BSV dated 29 April 2015.
13.8	<ul style="list-style-type: none"> Attachment H - Tables 1 and 2 from research titled <i>Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review 2009</i> by Popova et al – attached to the submission from BSV dated 29 April 2015.
13.9	<ul style="list-style-type: none"> Attachment I - BOCSAR hot-spot maps relevant to the former broader community, Canterbury LGA, between October 2013 to September 2014 – attached to the submission from BSV dated 29 April 2015.
13.10	<ul style="list-style-type: none"> Attachment J - Details of the services and facilities at Campsie RSL Sub-Branch – attached to submission from BSV dated 29 April 2015.
13.11	<ul style="list-style-type: none"> Attachment K - Report of K R Nash and Associates dated 17 February 2015 – attached to the submission from BSV dated 29 April 2015.
13.12	<ul style="list-style-type: none"> Attachment L - Evidence applicable to Napoleon’s Hotel, Riverwood, Licence Number LIQH400103921 – attached to the submission from BSV dated 29 April 2015.
13.13	<ul style="list-style-type: none"> Attachment M – Australian Hotels Association New South Wales Factsheet for licensees - new smoking bans from 6 July 2015 – attached to the BSV submission dated 29 April 2015.
13.14	<ul style="list-style-type: none"> Attachment N – Transport for NSW train information and bus timetables between Chiswick and Campsie, Canterbury and Bankstown, Rockdale and Campsie, Burwood and Bondi

	Junction, Campsie and the City via Ashbury, Campsie and the City, Campsie and Balmain East and between Drummoyne and Hurstville and Rockdale – attached to the BSV submission dated 29 April 2015.
14	Submission on the removal application from then OLGR now LGNSW dated 12 May 2015.
15	Certificate of Advertising for the removal application, Extended Trading Application and Minors Area Application signed by Mr Rod Lawson (who at the time of signing was employed by the Iris Group as Group General Manager but who is no longer employed by the Iris Group) dated 17 June 2015 and Anthony Hatzis, Hatzis Cusack, solicitor for Applicant, dated 17 June 2015.
16	Email from licensing staff to Hatzis Cusack dated 10 August 2015 at 3:50 pm inviting the Applicant to comment on submissions received, provide further information regarding the removal of the hotel licence and respond to conditions proposed to be implemented on the licence if granted.
17	Email from Hatzis Cusack to LGNSW dated 15 September 2015 at 11:08am responding to the email from licensing staff dated 10 August 2015 and attaching further material associated with the applications.
18.	Applicant submission dated 15 September 2015 via Hatzis Cusack lawyers (sent via email at 17 above) comprises the following material.
18.1	<ul style="list-style-type: none"> Cover Letter from Tony Hatzis to licensing staff dated 15 September 2015.
18.2	<ul style="list-style-type: none"> Application Form to Change Trading Name of Liquor Licence from “Vegas Hotel” Hurlstone Park to “The Station House Hotel” signed by Mr Neville Buckley and dated 14 September 2015.
18.3	<ul style="list-style-type: none"> Application Form for Gaming Machine Threshold Increase: Removal of Licence Within a LGA – No LIA Required - signed by Mr Buckley and dated 14 September 2015.
18.4	<ul style="list-style-type: none"> Plan 140476/G showing the location of the Proposed Premises and Campsie Public School.
18.5	<ul style="list-style-type: none"> Plan 140476/D identifying a number of establishments surrounding the proposed Station House Hotel.
18.6	<ul style="list-style-type: none"> Application Form for Poker Machine (gaming machine) Entitlement Transfer signed by Mr Neville Buckley dated 14 September 2015.
18.7	<ul style="list-style-type: none"> Part I – Executive Summary of Submission.
18.8	<ul style="list-style-type: none"> Part II – Response to submissions from Secretary (LGNSW), NSW Police and local (Hurlstone Park) residents.
18.9	<ul style="list-style-type: none"> Part III – Response to the Commercial Objectors’ submissions.
18.10	<ul style="list-style-type: none"> A 60-page report (considering the outgoing end of the removal application, the receiving end of the removal application and addressing the RM Planning report titled “Assessment for Gaming Machine Impacts”) prepared by Mr George W Smith of Design Collaborative Pty Ltd, a planning consultant engaged by the Applicant, dated September 2015. Mr Smith attaches the following material to this Report: <ul style="list-style-type: none"> Plan 140476/A – a geographical map depicting the location of the Current Premises, Proposed Premises and four existing hotels (including the Commercial Objectors’ hotels).
18.10.1	<ul style="list-style-type: none"> Plan 140476/A – a geographical map depicting the location of the Current Premises, Proposed Premises and four existing hotels (including the Commercial Objectors’ hotels).

18.10.2	<ul style="list-style-type: none"> ○ Plan 140476/B – an aerial photograph of Hurlstone Park including the Current Premises, Canterbury Hurlstone Park RSL Club and a number of churches.
18.10.3	<ul style="list-style-type: none"> ○ Plan 140476/C – a map depicting zoning around the Hurlstone Park Hotel.
18.10.4	<ul style="list-style-type: none"> ○ Plan 140476/D – an aerial photograph depicting the establishments surrounding the proposed Station House Hotel.
18.10.5	<ul style="list-style-type: none"> ○ Plan 140476/E – a geographical map depicting the boundaries of the Canterbury LGA and the suburb of Campsie.
18.10.6	<ul style="list-style-type: none"> ○ Plan 140476/F – a map depicting zoning of the Campsie town centre.
18.10.7	<ul style="list-style-type: none"> ○ Plan 140476/G – a map depicting the location of the Proposed Premises in relation to Campsie Public School.
18.10.8	<ul style="list-style-type: none"> ○ Plan 140476/H – an aerial photograph of Campsie showing the known extent of residential development.
18.10.9	<ul style="list-style-type: none"> ○ Plan/diagrams of the Current Premises highlighting the licensed area and the area covered by the Minors Area Application.
18.10.10	<ul style="list-style-type: none"> ○ List of premises fronting New Canterbury Road as at 26 August 2015.
18.10.11	<ul style="list-style-type: none"> ○ Plan/diagrams for the refurbishment of the Proposed Premises.
18.10.12	<ul style="list-style-type: none"> ○ List of business premises near 203 Beamish Street Campsie (part of the Campsie town centre) as at 26 August 2015.
18.10.13	<ul style="list-style-type: none"> ○ Tabulation of characteristics of populations from the suburb of Campsie, Canterbury LGA and NSW.
18.10.14	<ul style="list-style-type: none"> ○ NSW Crime Statistics for July 2010 to Jun 2015 comparing the suburb of Campsie to NSW for incidents of domestic assault and non-domestic assault.
18.10.15	<ul style="list-style-type: none"> ○ Cross section highlighting a line of sight from South Parade to inside the gaming room of the Proposed Premises
18.11	<ul style="list-style-type: none"> ● Report from Mr Adam Purcell of A&M Consultants (addressing issues concerning patron migration, safety, security and the proximity of schools) dated 12 September 2015. The following material is attached to this report:
18.11.1	<ul style="list-style-type: none"> ○ The curriculum vitae for Mr Purcell – Although this document stated that the CV of Mr Purcell is attached, it is not provided with this submission.
18.11.2	<ul style="list-style-type: none"> ○ Seven photographs depicting patron migration during Saturday evening, Mr Purcell’s observations on Beamish street, the entrance to the Asian seafood restaurant “New Leung Kee Seafood Restaurant”, people waiting at the bus stop on 5 September 2015 at 3:16pm and 3:28pm and St Ursula’s College students walking in front of the Kingsgrove Hotel at 3:00pm on Tuesday 8 September 2015.
18.12	<ul style="list-style-type: none"> ● 73 Pro forma letters supporting the Removal Application from residents of Hurlstone Park, Dulwich Hill, Campsie, Stanmore, Marrickville, Westmead, Pyrmont, Five Dock, Earlwood,

	Revesby, Bankstown, Ashbury, Croydon Park and Ashfield.
18.13	<ul style="list-style-type: none"> • Petition signed by 46 residents of Campsie, Colyton, Greenacre, Belmore, Lilyfield, Croydon park and Petersham supporting the removal
18.14	<ul style="list-style-type: none"> • 39 pro-forma letters from residents and businesses of Campsie, Clemton Park, Belmore and Greenacre supporting the removal
18.15	<ul style="list-style-type: none"> • Decision on DA 620/2014 issued by Council dated 11 June 2015, with consent operating from 23 June 2015.
18.16	<ul style="list-style-type: none"> • Minutes of Council meeting, approving DA-620/2014, for Council meeting held on 11 June 2015.
18.17	<ul style="list-style-type: none"> • The Applicant's <i>Menu</i> for dining services to be provided at the Station House Hotel
18.18	<ul style="list-style-type: none"> • List of qualifications and experience for the Applicant's consulting executive chef, Mr Danny Russo.
18.19	<ul style="list-style-type: none"> • Extract from NSW Government <i>Hassle Free Nights</i> Fact Sheet (2010) showing recognised entertainment districts in New South Wales.
18.20	<ul style="list-style-type: none"> • Redacted copy of petitions lodged in support of the Commercial Objectors' objections made to Council during the DA process for the Proposed Premises.
18.21	<ul style="list-style-type: none"> • File note provided by the Applicant dated 18 February 2015 of a telephone conversation held between the Applicant's solicitor Mr Hatzis and St Mel's Catholic Church representative on 17 February 2015.
18.22	<ul style="list-style-type: none"> • Plan 140476/D – an aerial photograph depicting the location of establishments surrounding the Proposed Premises (extracted from Mr G W Smith submission).
18.23	<ul style="list-style-type: none"> • Extract from a recent St Mel's Catholic Primary School Newsletter and 2014 Annual School Report to the Community highlighting the School's relationship with the Parish of St Mel's Campsie.
18.24	<ul style="list-style-type: none"> • Plan of Management for the Proposed Premises dated December 2014. This Plan had been signed by Council and dated 23 June 2015 advising that the Plans is subject to development consent 620/2014.
19	Letter from Hatzis Cusack Lawyers to licensing staff dated 15 September 2015 (regarding the gaming related applications) attaching the following:
19.1	<ul style="list-style-type: none"> • Application Form for Gaming Machine Threshold Increase – Removal of Licence Within a Local Government Area - no LIA required, signed and dated 14 September 2015 – attached to the Applicant submission dated 15 September 2015
19.2	<ul style="list-style-type: none"> • Application for Poker Machine (gaming machine) Entitlement Transfer – Hotel, signed and dated 14 September 2015 - attached to Applicant submission dated 15 September 2015
20	Email from licensing staff to Hatzis Cusack Lawyers dated 28 September 2015 requesting the Applicant provides a map required by clause 36(1)(b) of the Gaming Machines Regulation 2010 (which shows the location of the venue and the location of any school, place of public worship or hospital within 200 metres of the venue), make submissions on the issue of immediate vicinity and provide a copy of the floor plan of the Proposed Premises.

21	Letter from Hatzis Cusack Lawyers on behalf of the Applicant dated 2 October 2015 (responding to the email from licensing staff dated 28 September 2015 with regard to the gaming machine threshold application) attaching the following:
21.1	<ul style="list-style-type: none"> Plan 140476/G depicting the relationships between the Proposed Premises and Campsie Public School - attached to Hatzis Cusack Letter dated 2 October 2015. [Plan 140476/D was mentioned in the letter dated 2 October 2015 as being attached, however 2 copies of 140476/G was provided. Plan 140476/D was not provided as part of this submission but was before the Authority due to it being provided as part of another submission discussed at 18.10.4 above].
21.2	<ul style="list-style-type: none"> An extract of paragraphs 111 through to 124 from Applicant's previous submission to the Authority dated 15 September 2015 - attached to Hatzis Cusack Letter dated 2 October 2015.
21.3	<ul style="list-style-type: none"> An extract of an assessment prepared by Design Collaborative dated September 2015 - attached to Hatzis Cusack Letter dated 2 October 2015.
21.4	<ul style="list-style-type: none"> Copy of the judgment in <i>Ex parte Paton</i> (1929) 30 SR (NSW) 67 - attached to the Hatzis Cusack Letter dated 2 October 2015.
21.5	<ul style="list-style-type: none"> Copy of the judgment in <i>Hinton and Anor v Lane & Ors</i> [2009] NSWSC 37 - attached to the Hatzis Cusack Letter dated 2 October 2015.
21.6	<ul style="list-style-type: none"> Plan or diagram of the Proposed Premises - attached to the Hatzis Cusack Letter dated 2 October 2015.
22	Email from Hatzis Cusack to licensing staff dated 7 October 2015 confirming that the Applicant only wishes to proceed with the removal application if the gaming applications are also granted.
23	Independent Liquor and Gaming Authority Statement of Reasons dated 10 March 2016 in respect of the purported decision refusing the Gaming Machine Threshold Application and deemed withdrawal of Removal Application dated 10 March 2016.
24	<i>Buckley & Anor v ILGA</i> [2016] NSWSC 1533 - judgment of Adams J dated 2 November 2016.
25	Letter from BSV to licensing staff dated 10 November 2016 requesting clarification as to the status of each of the applications before the Authority with regard to the Proposed Premises, given the recent decision by the Supreme Court in <i>Buckley v ILGA</i> [2016] NSWSC 1533.
26	Email from Hatzis Cusack to licensing staff dated 22 November 2016 at 1:03pm attaching the following Applicant submissions on the gaming machine threshold increase application.
26.1	<ul style="list-style-type: none"> Cover letter from Hatzis Cusack to licensing staff dated 22 November 2016 enclosing the following:
26.1.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Report from Owen Rogerson and Michael Hanley, Complete Liquor Services, filed on 22 November 2016
16.1.1.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> - CV of Mr Owen Rogerson.
26.1.1.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> - CV of Michael Hanley.
26.1.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Letter from Mills Oakley Lawyers dated 16 November 2016 providing an opinion on whether Campsie Public School is in the "immediate vicinity" of the Proposed Premises.
27	Email correspondence between licensing staff and Mr Schwartz dated 24 November 2016 and 22 November 2016 regarding the expected

	process for determining the applications for the Proposed Premises.
28	Email correspondence between Hatzis Cusack and licensing staff dated 21 December 2016 and 25 November 2016 on the timetable for final submissions attaching:
28.1	<ul style="list-style-type: none"> Submission Letter from Hatzis Cusack to licensing staff dated 25 November 2016 regarding the timetable for further submissions.
29	Email correspondence between BSV and licensing staff dated 21 December 2016, 30 November 2016, 24 November 2016 and 3 October 2016 regarding the timetable for further submissions.
30	Email from licensing staff to Hatzis Cusack and BSV dated 1 December 2016 regarding the timetable for further submissions.
31	Commercial Objectors' Submission dated 15 December 2016 via BSV cover email attaching the following further material:
31.1	<ul style="list-style-type: none"> Updated Report by Ms Rose Saltman of RM Planning dated 14 December 2016 addressing issues raised by the Supreme Court in the <i>Buckley & Anor v ILGA</i> [2016] NSWSC 1533 decision in respect of the earlier RM Planning report prepared in April 2015. Ms Saltman discusses conflicting evidence regarding foot traffic and the relevance of St Mel's Catholic Primary School to immediate vicinity and foot traffic.
31.1.1	<ul style="list-style-type: none"> CV of Rose Saltman.
31.2	<ul style="list-style-type: none"> Report from Mr Patrick Paroz dated 14 December 2016 with observations going to whether the Proposed Premises is in the immediate vicinity of local schools and hotel operations in proximity to major transport hubs. Mr Paroz attaches the following:
31.2.1	<ul style="list-style-type: none"> aerial map depicting an alternate walking route and direct walking route from Campsie Train Station to St Mel's Catholic Primary School and Campsie Public School.
31.2.2	<ul style="list-style-type: none"> an aerial map depicting the location of pedestrian safety warning signs.
31.2.3	<ul style="list-style-type: none"> 17 photographs depicting school children on the footpath outside the Proposed Premises and waiting at the bus stop on South Parade and Beamish Street and street signs regarding pedestrian activity.
31.2.4	<ul style="list-style-type: none"> CV of Patrick Paroz.
31.3	<ul style="list-style-type: none"> 32 second video – attached to Commercial Objectors' submission via BSV dated 15 December 2016 featuring school children walking by the Proposed Premises
31.4	<ul style="list-style-type: none"> 8 photographs – attached to the Commercial Objectors' submission via BSV dated 15 December 2016 illustrating students walking past the Proposed Premises.
31.5	<ul style="list-style-type: none"> Observations of the number of students that walk directly past the hotel carried out by the Commercial Objectors' staff and provided with Commercial Objectors' submission dated 15 December 2016.
32	Applicant Submission relating to the determination of all applications relating to the Proposed Premises dated 30 December 2016 via Hatzis Cusack and attaching the following:
32.1	<ul style="list-style-type: none"> Executive Summary.
32.2	<ul style="list-style-type: none"> Submission in reply to the Commercial Objectors.
32.3	<ul style="list-style-type: none"> Advertisement from CBRE Hotels advising that the <i>Oasis on</i>

	<i>Beamish Hotel</i> (one of the Commercial Objectors) was sold for \$39,500,000.
32.4	<ul style="list-style-type: none"> • Updated Report from Complete Liquor Services, Owen Rogerson dated 20 December 2016 annexing: <ul style="list-style-type: none"> ○ CV of Owen Rogerson. ○ CV of Michael Hanley.
32.4.1	○ CV of Owen Rogerson.
32.4.2	○ CV of Michael Hanley.
32.5	<ul style="list-style-type: none"> • Updated report from Mr Adam Purcell of A & M Consultants dated 22 December 2016 attaching: <ul style="list-style-type: none"> ○ CV of Adam Purcell. ○ Four photographs depicting the types of people leaving the train station, the Christmas tree in Memorial Square off Beamish Street and students walking directly past the balcony/smoking area of the Kingsgrove Hotel.
32.5.1	○ CV of Adam Purcell.
32.5.2	○ Four photographs depicting the types of people leaving the train station, the Christmas tree in Memorial Square off Beamish Street and students walking directly past the balcony/smoking area of the Kingsgrove Hotel.
32.6	<ul style="list-style-type: none"> • Updated report by Mr George Smith of Design Collaborative Pty Ltd dated 28 December 2016, annexing: <ul style="list-style-type: none"> ○ An artistic rendering of what the refurbished Station House Building with the Station House Hotel on the ground floor will look like from the street. ○ Two aerial images of Campsie as a suburb and the area surrounding the Proposed Premises. ○ Six photographs taken near or along Beamish Lane on 17 December 2016 at approximately 3:00pm. ○ Plan showing the locations of Campsie Public and St Mel's Catholic primary schools and the extent of the Campsie Public School's local enrolment area. ○ Two photographs featuring speed limiting signs adjacent to the <i>Oasis on Beamish Hotel</i> and the <i>Campsie Hotel</i>. ○ A list of hotels in the Sydney metropolitan area which are near primary schools and railway stations. ○ Two photographs depicting the view of the Station House Building from the Rotary Community Centre at 36 North Parade from where the Church of Running Water holds its services.
32.6.1	○ An artistic rendering of what the refurbished Station House Building with the Station House Hotel on the ground floor will look like from the street.
32.6.2	○ Two aerial images of Campsie as a suburb and the area surrounding the Proposed Premises.
32.6.3	○ Six photographs taken near or along Beamish Lane on 17 December 2016 at approximately 3:00pm.
32.6.4	○ Plan showing the locations of Campsie Public and St Mel's Catholic primary schools and the extent of the Campsie Public School's local enrolment area.
32.6.5	○ Two photographs featuring speed limiting signs adjacent to the <i>Oasis on Beamish Hotel</i> and the <i>Campsie Hotel</i> .
32.6.6	○ A list of hotels in the Sydney metropolitan area which are near primary schools and railway stations.
32.6.7	○ Two photographs depicting the view of the Station House Building from the Rotary Community Centre at 36 North Parade from where the Church of Running Water holds its services.
32.7	<ul style="list-style-type: none"> • Applicant submission of cases and commentary pertaining to "immediate vicinity" (including excerpts from: <i>The Australian Law Journal</i>, Vol. 33, September 24, 1959, pages 222-223; <i>The Weekly Notes</i>, Vol. 76, July 22 1959, pages 349-351; <i>Ex Parte Godkin</i>; <i>Re Fitzmaurice and Others</i>, Court of Appeal, June 30, July 1, 2 1969; and <i>Hinton and Anor v Lane & Ors</i> [2009] NSWSC 37 (16 February 2009).
33	Email from licensing staff to Mr Hatzis dated 14 January 2017 seeking clarification as to who Mr Hatzis is currently acting for in this matter and whether the Applicant intends to proceed with the removal application in the event the gaming machine threshold application is refused.
34	Letter to licensing staff from Hatzis Cusack dated 16 January 2017 clarifying who Mr Hatzis is currently acting for.
35	Email from Hatzis Cusack to licensing staff dated 30 January 2017 at 4:31pm seeking the outcome of the applications relating to the Proposed Premises
36	Email correspondence between Hatzis Cusack and licensing staff dated 1 February 2017, 30 January 2017 and 19 January 2017 seeking the outcome of the applications relating to the Proposed Premises.
37	Email correspondence between Hatzis Cusack and licensing staff dated

	13 February 2017, 1 February 2017, 30 January 2017 and 19 January 2017 seeking the outcome of the applications relating to the Proposed Premises.
38	Onegov liquor licence details for Hurlstone Park Hotel as at 13 February 2017
39	Email from Hatzis Cusack to licensing staff dated 27 February 2017 attaching:
39.1	<ul style="list-style-type: none"> Letter from Hatzis Cusack to licensing staff dated 27 February 2017 seeking the outcome of the applications relating to the Proposed Premises.
40	Email correspondence between BSV and licensing staff dated 3 March 2017 and 27 February 2017 seeking the outcome of the applications relating to the Proposed Premises.
41	Submission on the removal application to LGNSW from NSW Police via Senior Constable Aaron Abela of Campsie Police dated 21 March 2017 attaching the previous Police submission dated 25 March 2015.
42	Email from licensing staff to Hatzis Cusack and BSV dated 7 March 2017 regarding the 25 January and 22 February 2017 Authority meetings and the requirement of a fresh CIS for the removal application.
43	Cease to Trade Form for liquor licence LIQH400103077 for the Hurlstone Park Hotel signed by the licensee, Mr Jarrod Smith dated 9 March 2017 notifying cessation of trading as at 9 January 2017.
44	Email correspondence between licensing staff, Mr Hatzis and Mr Schwartz dated 11 April 2017, 10 April 2017, 3 April 2017 and 7 March 2017 [clarifying a date of a letter that dealt with procedural issues].
45	Email from Hatzis Cusack to licensing staff dated 3 April 2017 attaching:
45.1	<ul style="list-style-type: none"> Letter from Hatzis Cusack to licensing staff dated 3 April 2017 requesting that the Authority re-consider the need for the fresh CIS to undergo the further 30-day period for public submission.
46	Email from licensing staff to Mr Hatzis dated 3 April 2017 advising that updated forms are required and will be published on the LGNSW noticeboard for at least the 30 days public submission period.
47	Email from BSV to licensing staff dated 7 April 2017 attaching:
47.1	<ul style="list-style-type: none"> Letter from BSV to licensing staff dated 7 April 2017 submitting that a fresh Removal Application (including all of the usual requirements) is required by reason that the Authority previously treated the Removal Application as having been withdrawn.
48	Google geographical map, obtained by licensing staff on 9 April 2017, depicting the location of the Proposed Premises in proximity to Campsie RSL, Oasis on Beamish, the Campsie Hotel, Campsie Public School, Campsie OSHC Centre, Campsie Primary OSHCare Centre and St Mel's Primary OSHCare Centre.
49	Email correspondence between licensing staff, Hatzis Cusack and BSV dated 10 April 2017 seeking clarification of the date of a letter.
50	Email from Hatzis Cusack to licensing staff dated 10 April 2017 attaching:
50.1	<ul style="list-style-type: none"> Letter from Hatzis Cusack to the Authority dated 10 April 2017 contending that the removal application is no longer withdrawn and that the Authority is duty bound to determine it.
51	Email correspondence from BSV to licensing staff dated 10 April 2017 seeking a copy of a Hatzis Cusack letter.

52	Email correspondence between licensing staff, Mr Hatzis and Mr Schwartz dated 11 April 2017 and 10 April 2017 correcting a reference to a date of a letter.
53	Submission on the removal application to LGNSW (during the fresh CIS process) from NSW Department of Education – Mr Martin Karm, Strategic Analyst, Planning and Development, dated 12 April 2017, sent via email of the same date.
54	Email submission to LGNSW (during the fresh CIS process) on the removal application from Ms J May and Mr N Potter, residents of Woodside Avenue, Hurlstone Park dated 13 April 2017 at 12:11 pm.
55	Email from BSV to licensing staff dated 13 April 2017.
55.1	<ul style="list-style-type: none"> Submission letter from Commercial Objectors via BSV on all of the applications relevant to the Proposed Premises dated 13 April 2017
55.1.1	<ul style="list-style-type: none"> Bundle of documents attached to submission letter from Commercial Objectors dated 13 April 2017 providing the following material: <ul style="list-style-type: none"> Applicant's Notice of Intention to Apply for a Liquor Licence or a Licence Authorisation dated 14 March 2017; Letter from BSV to licensing staff (Ms Olgica Lenger) dated 10 November 2016; Email from Mr John McDonnell, Crown Solicitor dated 25 February 2015 OneGov screenshot of the Hurlstone Park Hotel Licence; Independent Liquor and Gaming Authority decision regarding the Town and Country Hotel dated 12 October 2016: Application Number 1-3746229621.
56	Email correspondence between the Authority's General Counsel Bryce Wilson and BSV dated 18 April 2017 and 7 April 2017 seeking a reply to letters.
57	Email from Hatzis Cusack to the Authority dated 18 April 2017 attaching:
57.1	<ul style="list-style-type: none"> Submission letter from the Applicant via Hatzis Cusack dated 18 April 2017 responding to Mr Schwartz's claims regarding the need for a fresh Removal Application and the power of the Authority in determining the liquor and gaming applications due to a change of licensee.
58	Email correspondence between Mr Tony Schwartz and the Authority's General Counsel Bryce Wilson dated 18 April 2017 and 7 April 2017 regarding a response to letters.
59	Email from licensing staff to Hatzis Cusack and BSV dated 19 April 2017 advising of the status of the Removal Application, that the fresh CIS will be considered according to the usual process which includes a 30-day CIS consultation period followed by exposure on the LGNSW noticeboard for a 30-day public submission period. Licensing staff clarify that the updated Removal Application form is required for evidentiary purposes only as a convenient means of providing updated information about the new licensee.
60	Email from BSV to licensing staff dated 24 April 2017 attaching:
60.1	<ul style="list-style-type: none"> Submission letter from BSV dated 24 April 2017 informing the Authority that the Commercial Objectors intend to approach the Supreme Court of New South Wales seeking restraining orders and declaratory relief

61	Letter from the Applicant via Hatzis Cusack dated 3 May 2017 regarding the removal application attaching:
61.1	<ul style="list-style-type: none"> • Petition in support of the Removal Application signed by 16 residents of Campsie.
61.2	<ul style="list-style-type: none"> • Letter from Roads and Maritime Services on the Removal Application dated 17 March 2017.
61.3	<ul style="list-style-type: none"> • Submission on the removal application from Canterbury Community Drug Action Team dated 11 April 2017.
61.4	<ul style="list-style-type: none"> • Email submission on the removal application from Canterbury-Bankstown Council to Hatzis Cusack dated 4 April 2017.
61.5	<ul style="list-style-type: none"> • Hatzis Cusack File Note dated 16 March 2017 regarding a meeting at Campsie Police Station with Mr Paul Devine from the Iris Hotel Group and consultant Mr Adam Purcell on 16 March 2017.
61.6	<ul style="list-style-type: none"> • Letter from Hatzis Cusack Lawyers to Senior Constable Aaron Abela of Campsie local area command dated 17 March 2017 referring to the following additional material that was requested by Police during their meeting on 16 March 2017, including the Approved Plan of Management for the Proposed Premises; the Development Approval for the Proposed Premises; a list of licence conditions consented to by the Applicant for the Proposed Premises, a copy of the licence removal application filed in July 2015, and plan or diagram of the licence area for the Proposed Premises. [The Authority notes that the documents referred to in this letter were not included in the correspondence sent to LGNSW – but have been received at other stages].
61.7	<ul style="list-style-type: none"> • Unsigned File Note from Mr Paul Devine of the Iris Hotel Group regarding a meeting on 22 March 2017 with Ms Joanna French, Principal, Campsie Public School attached to the Applicant's letter via Hatzis Cusack dated 3 May 2017.
61.8	<ul style="list-style-type: none"> • Applicant's updated Removal Application Form, signed by the new licensee, Mr Jarrod Peter Smith dated 3 May 2017 and date stamped received by LGNSW on 4 May 2017, annexing:
61.8.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ ASIC Current Organisation Extract for Station House Campsie Pty Limited as at 19 April 2017
61.9	<ul style="list-style-type: none"> • Applicant's Second CIS Form in support of the Removal Application signed by the director of the Applicant company, Mr Wassim Arnaout and dated 3 May 2017 and date stamped received by LGNSW on 4 May 2017, annexing:
61.9.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Additional Information: document in support of the new CIS Form.
61.9.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ List of stakeholders and special interest groups notified of the fresh removal application and CIS.
62	Email from Mr Dion Manca, LAS Lawyers dated 8 May 2017 responding to an email from licensing staff dated 1 May 2017 enquiring about the change of licensed boundaries and an application to vary an extended trading authorisation made in respect of the Hurlstone Park Hotel premises annexing:
62.1	<ul style="list-style-type: none"> • Letter from Mr Jarrod Smith dated 3 May 2017 consenting to the extended trading authorisation, change of licensed boundaries application and removal of hotel licence application and seeking that they be determined.
63	Letter from the NSW Crown Solicitor's Office to BSV dated 8 June 2017

	regarding the fresh CIS and the timetable for further submissions.
64	Commercial Objectors' response to fresh Application Form and CIS via BSV dated 13 June 2017, attaching:
64.1	<ul style="list-style-type: none"> Amended CIS Notice dated 14 March 2017.
64.2	<ul style="list-style-type: none"> Updated report from RM Planning dated June 2017 annexing: <ul style="list-style-type: none"> CV for Rose Saltman. Survey of gaming room patrons conducted at the Campsie and Oasis on Beamish Hotels. List of stakeholders approached by RM Planning for feedback on the potential impacts arising from gaming. Stakeholder correspondence and feedback on the potential impacts arising from gaming.
64.2.1	
64.2.2	
64.2.3	
64.2.4	
64.3	<ul style="list-style-type: none"> Second report by Patrick Paroz, Pat Paroz & Associates, dated 20 May 2017 regarding crime, public amenity, vulnerable pedestrians, the revised opening time and existing restaurants, cafes and hotels in Campsie annexing: <ul style="list-style-type: none"> BOCSAR NSW Recorded Crime Statistics 2016 – Proportion of incidents by offence type, day of week and time of day (Canterbury Local Government Area) for 2016. BOCSAR NSW Recorded Crime Statistics 2016 – Proportion of incidents by offence type, day of week and time of day (Bankstown Local Government Area) for 2016.
64.3.1	
64.3.2	
64.4	<ul style="list-style-type: none"> Evidence on population growth for all LGAs in NSW sourced from the Department of Planning & Environment 2016 New South Wales State and LGA population projections and the New South Wales in the future: Preliminary 2013 population projections.
64.5	<ul style="list-style-type: none"> Details of existing licensed premises operated by the Iris Group.
64.6	<ul style="list-style-type: none"> Information on late night dining facilities in Campsie.
64.7	<ul style="list-style-type: none"> Update on services provided by the Oasis on Beamish Hotel.
64.8	<ul style="list-style-type: none"> Update on services provided by the Campsie Hotel.
64.9	<ul style="list-style-type: none"> <i>Hurlstone Park Property Pty Ltd v Canterbury City Council</i>, Land and Environment Court of NSW case number 15/10562 outlining an agreement between the parties pursuant to section 34(3)(a) of the <i>Land and Environment Court Act 1979</i> signed on 15 and 19 February 2016.
64.10	<ul style="list-style-type: none"> Affidavit of Mr Anthony Hatzis (Applicant's solicitor) dated 11 May 2017 filed in the Supreme Court of NSW in case number 2017/129748 <i>George Thomas Hotels (Campsie) Pty Limited & Anor v Independent Liquor and Gaming Authority & Anor</i> [2017] NSWSC 792.
64.11	<ul style="list-style-type: none"> Pages from City of Canterbury Council's Business Paper for the Meeting of its City Development Committee dated 11 June 2015 regarding development approval for the Proposed Premises.
65	Email correspondence from licensing staff to Hatzis Cusack dated 22 June 2017 seeking a response to submissions received.
66	Email submission from Ms Elsie Elliott to LGNSW dated 8 July 2017 regarding the removal application. [It is unclear from the submission whether Ms Elliot is a local resident].

67	Email correspondence from licensing staff to Hatzis Cusack dated 11 July 2017 seeking a response to submissions received.
68	Applicant Submission via Hatzis Cusack dated 18 July 2017 attaching:
68.1	<ul style="list-style-type: none"> • Part I - A copy of the Executive Summary of its previous submission filed in September 2015, but <i>marked up</i> to show subsequent changes to the Applicant's position, and annexing:
68.1.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Information from NSW Department of Planning and Environment <i>Sydenham to Bankstown Urban Renewal Strategy</i> depicting a corridor of housing growth from 2016 to 2036 in the suburbs of: Sydenham, Marrickville, Dulwich Hill, Hurlstone Park, Canterbury, Campsie, Belmore, Lakemba, Wiley Park, Punchbowl, Bankstown and Sydenham to Bankstown.
68.2	<ul style="list-style-type: none"> • Part II – Applicant response to submissions on fresh CIS from NSW Police, NSW Department of Education and the local residents (May and Potter)
68.3	<ul style="list-style-type: none"> • Part III – Applicant response to the Commercial Objectors' submission dated 13 June 2017
68.4	<ul style="list-style-type: none"> • Further Submission on behalf of the Applicant by Mr G W Smith of Design Collaborative Pty Limited dated July 2017, annexing:
68.4.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Aerial photograph depicting the location of the Proposed Premises.
68.4.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ A geographical map depicting the borders of the Canterbury-Bankstown LGA.
68.4.3	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ An extracted page from the NSW Department of Planning and Environment <i>Sydenham to Bankstown Urban Renewal Strategy</i> showing corridor housing growth between 2016 to 20136 for the suburbs of: Sydenham, Marrickville, Dulwich Hill, Hurlstone Park, Canterbury, Campsie, Belmore, Lakemba, Wiley Park, Punchbowl, Bankstown and Sydenham to Bankstown.
68.4.4	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ NSW Department of Planning and Environment brochure on the Campsie Station Precinct dated June 2017 provided as part of the Sydney to Bankstown Urban Renewal Corridor– attached to the submission prepared by Mr G W Smith of Design Collaborative Pty Limited on behalf of the Applicant dated July 2017– attached to the Hatzis Cusack letter to licensing staff dated 18 July 2017.
68.4.5	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ ABS maps depicting the distribution of “recent arrivals” in Campsie in 1996, 2001 and 2006.
69	Email from Hatzis Cusack to licensing staff dated 18 July 2017 providing attachments for document 68, above.
70	Onegov liquor licence details for the Hurlstone Park Hotel as at 20 July 2017.
71	Email from licensing staff to Hatzis Cusack dated 1 August 2017 seeking additional information regarding the removal application.
72	Submission Letter from the Applicant via Hatzis Cusack Lawyers dated 4 August 2017 responding to the email from licensing staff dated 1 August 2017 clarifying the additional information requested and attaching:
72.1	<ul style="list-style-type: none"> • A copy of the letter from Hatzis Cusack for the Applicant dated 2 October 2015 regarding the gaming machine threshold

	application.
72.2	<ul style="list-style-type: none"> Copies of the plans/diagrams used by Mr Smith to calculate the size of the licensed area of the Proposed Premises.
72.3	<ul style="list-style-type: none"> 5 photographs taken on 2 August 2017 showing the state of readiness of the building comprising the Proposed Premises.
73	Plan/diagram of the Proposed Premises highlighting the total licensed area of the Proposed Premises in pink, the proposed minors area authorisation in green and the area to which the extended trading authorisation will apply in red (undated but provided with the original removal application).
74	Undated Applicant <i>House Policy</i> for responsible service of alcohol for Station House Hotel.
75	Bundle of social impact data sourced by licensing staff for the 25 January 2017 Authority meeting.
76	Canterbury City Council Development Application Assessment Report (undated) for development approval 124/2000/A meeting dated 24 October 2012 in respect of the Current Premises.
77	Notice of Modification (undated) for development approval 124/2000/A issued by Canterbury City Council for the Current Premises.
78	Applicant's plan or diagram of the layout of the Proposed Premises showing the proposed licensed area in pink, minors authorisation area in green and extended trading area in orange highlight provided with the extended trading authorisation and minors area authorisation applications received by the Authority on 13 February 2015.
79	Updated bundle of data of social impact data prepared by licensing staff for the Authority meeting of 13 September 2017.
79.1	<ul style="list-style-type: none"> BOCSAR Excel Report on Crime for the Canterbury LGA 2016.
80	Hotel average (pre-tax) gaming profit per electronic gaming machine per quarter (March 2016 to December 2016) for NSW, Canterbury Bankstown, Campsie and Hurlstone Park prepared by licensing staff on 20 September 2017.
Material Relating to Applications for the Current Premises (Hurlstone Park Hotel)	
81	Application Form seeking change of trading name from Vegas Hotel Hurlstone Park to Hurlstone Park Hotel lodged on 8 March 2016.
82	Application for extended trading authorisation form lodged 7 November 2016 for the Current Premises.
83	Category B CIS for a hotel licence with an extended trading authorisation (undated) relating to the Current Premises attaching the following material:
83.1	<ul style="list-style-type: none"> Part 7 information in response to the "Your View" section of the Category B CIS form for the Current Premises.
83.2	<ul style="list-style-type: none"> Notice of Intention to Apply for a Liquor Licence or a Licence Authorisation dated 22 September 2016 in respect of varying an existing extended trading authorisation relating to the Current Premises.
83.3	<ul style="list-style-type: none"> Map depicting the notification zone attached to the Category B CIS for a hotel licence with an extended trading authorisation relating to the Current Premises.
83.4	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Canterbury City Council attached to the Category B CIS material provided for the Current Premises.

83.5	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Inner West Council attached to the Category B CIS material provided for the Current Premises.
83.6	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Ashfield Local Area Command attached to the Category B CIS material provided for the Current Premises.
83.7	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Drug and Alcohol Population and Community Programs Centre for Population Health NSW Ministry of Health attached to the Category B CIS material provided for the Current Premises.
83.8	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Department of Community Services attached to the Category B CIS material provided for the Current Premises.
83.9	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Roads and Maritime Services attached to the Category B CIS material provided for the Current Premises.
83.10	<ul style="list-style-type: none"> Letter from LAS Lawyers and Consultants dated 26 September 2016 sent to Metropolitan Aboriginal Land Council attached to the Category B CIS material provided for the Current Premises.
83.11	<ul style="list-style-type: none"> Submission from Ms Jackie May, resident of Hurlstone Park to LAS Lawyers dated 16 October 2016 attached to the Category B CIS material provided for the Current Premises.
83.12	<ul style="list-style-type: none"> Letter from Roads and Maritime Services to LAS Lawyers dated 30 September 2016 attached to the Category B CIS material provided for the Current Premises.
83.13	<ul style="list-style-type: none"> Submission from Inner West Council to LAS Lawyers dated 1 November 2016 attached to the Category B CIS material provided for the Current Premises.
83.14	<ul style="list-style-type: none"> Plan/diagram of the Current Premises.
83.15	<ul style="list-style-type: none"> Land and Environment Court of NSW - Agreement between Hurlstone Park Property Pty Ltd and Canterbury City Council - Case number 15/10562 dated February 2016.
83.16	<ul style="list-style-type: none"> Draft Plan of Management for "Grumpy's Hotel" (an earlier trading name for the hotel at Hurlstone Park) dated September 2015.
83.17	<ul style="list-style-type: none"> Letter from City of Sydney Council to Cheung Properties Pty Ltd dated 19 November 2014 advising that the Section 96 Environmental Planning and Assessment Act 1979 modification application seeking to modify DA No. D/2013/698 in relation to 22-28 Darlinghurst Road, Potts Point NSW 2011 was approved. This letter also attaches Notice of Determination – Approval D/2013/698/A.
84	Onegov liquor licensing database licence details for the former "Vegas Hotel Hurlstone Park" as at 14 October 2015.
85	Change Boundaries of Licensed Premises Application Form date stamped received by OLGR 21 November 2016.
Additional Material	
86	Email from the Authority's General Counsel, Bryce Wilson to Tony Hatzis and Tony Schwartz dated 20 September 2017 referring to Guideline 6 and providing all Application, CIS and third-party submissions before the Authority as at 20 September 2017. The

	following research material was also provided to the parties:
86.1	<ul style="list-style-type: none"> • Bluemoon Research and Planning Pty Ltd, “<i>Evaluation of the 6 hour shutdown of electronic gaming machines in NSW: A multi-method research report</i>” prepared for the NSW Office of Liquor, Gaming and Racing by Adam Tuffin and Victoria Parr April 2008.
86.2	<ul style="list-style-type: none"> • Faculty of Life and Social Sciences Swinburne University of Technology, Final Report, “<i>Problem gambling vulnerability: The interaction between access, individual cognitions and group beliefs/preferences</i>” prepared for the Victorian Government, Office of Gaming and Racing, Department of Justice by Anna Thomas, Susan Moore, Michael Kyrios, Glen Bates, Denise Meredyth, Glen Jessop August 2010.
86.3	<ul style="list-style-type: none"> • International Gambling Studies, “<i>Too close to home? The relationships between residential distance to venue and gambling outcomes</i>” by Martin Young, Francis Markham and Bruce Doran, 2012.
86.4	<ul style="list-style-type: none"> • Swinburne University of Technology and The University of Adelaide, “<i>Validation study of in-venue problem gambler indicators</i>” prepared for Gambling Research Australia by Dr Anna Thomas, Associate Professor Paul Delfabbro and Dr Andrew Armstrong February 2014.
87	Email from the Authority’s General Counsel, Bryce Wilson to Tony Hatzis and Tony Schwartz dated 20 September 2017 regarding the Master Index as at 20 September 2017.
88	Ogilvy Illumination Strategic Communication Research, “ <i>Prevalence of Gambling and Problem Gambling in New South Wales</i> ” submitted to the NSW Office of Liquor, Gaming and Racing and prepared by Kerry Sproston, Nerilee Hing and Chrissy Palankay April 2012.
89	The Australian Government Productivity Commission Inquiry Report, Gambling, No. 50, 26 February 2010. This document comprises the following extracted sections of the report: <ul style="list-style-type: none"> • Gambling - Preliminaries • Gambling – Overview • Gambling – Recommendations and findings • Chapter 4 – A broad perspective on gambling problems • Chapter 5 – The prevalence of ‘problem’ gambling • Chapter 11 – Game features and machine design • Chapter 14 – Accessibility of gaming machines
90	2016 Census <i>Quickstats</i> data for the suburb of Campsie sourced by Authority Secretariat on 3 October 2017.
91	2016 Census <i>Quickstats</i> data for the suburb of Hurlstone Park sourced by Authority Secretariat on 3 October 2017.
92	2016 Census <i>Quickstats</i> data for the former Canterbury-Bankstown LGA sourced by Authority Secretariat on 3 October 2017.
93	2011 Census <i>Quickstats</i> data for the suburb of Campsie sourced by Authority Secretariat on 3 October 2017.
94	2011 Census <i>Quickstats</i> data for the suburb of Hurlstone Park sourced by Authority Secretariat on 3 October 2017.
95	2011 Census <i>Quickstats</i> data for the Canterbury LGA sourced by Authority Secretariat on 3 October 2017.
96	2011 Census <i>Quickstats</i> data for the Bankstown LGA sourced by Authority Secretariat on 3 October 2017.

97	NSW Department of Health <i>Healthstats</i> reports for the former Bankstown and Canterbury LGAs sourced by Authority Secretariat on 3 October 2017.
98	BOCSAR Hotspot Maps for the suburb of Campsie from July 2016 to June 2017 sourced by Authority Secretariat on 3 October 2017.
99	BOCSAR Hotspot Maps for the suburb of Hurlstone Park from July 2016 to June 2017 sourced by Authority Secretariat on 3 October 2017.
100	BOCSAR Crime data for the suburb of Campsie, the suburb of Hurlstone Park, the former Canterbury LGA and the former Bankstown LGA for July 2015 to June 2017 sourced by Authority Secretariat on 3 October 2017.
101	Photos of Campsie Hotel sourced by Authority Secretariat from Google images and Campsie Hotel's Facebook page on 3 October 2017
102	Photos of Oasis on Beamish sourced by Authority Secretariat from Google images on 3 October 2017
103	Photos of Campsie RSL sourced by Authority Secretariat from Google images on 3 October 2017.
104	Final submission from Commercial Objectors via BSV dated 4 October 2017 including a final submission from Ms Rose Saltman of RM Planning dated 4 October 2017.
105	Final submission from Applicant via Hatzis Cusack dated 11 October 2017 including a final submission from Mr G W Smith of Design Collaborative dated 11 October 2017 commenting on the RM Planning Report of 4 October 2017.
106	Further email communication from Back Schwartz Vaughan dated 12 October 2017.
107	Letter from Mr Dion Manca of LAS Lawyers and Consultants dated 11 October 2017 regarding issues with Mr Buckley's signatures and attaching the following documents:
107.1	<ul style="list-style-type: none"> • Email from Justin Sammut from LAS Lawyers and Consultants to Mr Rod Lawson dated 14 November 2016 requesting signatures on the change of licensed boundaries form, CIS form and ETA form in relation to the Current Premises. The following documents are attached
107.1.1	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Unsigned Category B CIS for the extended trading authorisation at the Current Premises
107.1.2	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Unsigned extended trading authorisation application form and required notices for the Current Premises
107.1.3	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Unsigned change of boundaries of licensed premises application form and subsequent notices for the Current Premises
107.2	<ul style="list-style-type: none"> • Email from Mr Warren Duarte (employed by Iris Capital as a development manager) to LAS Lawyers and Consultants dated 14 November 2016 attaching the
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Signed copy of the Category B CIS for the extended trading authorisation at the Current Premises
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Signed copy of the extended trading authorisation application Form and required notices at the Current Premises
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Signed change of boundaries of licensed premises application form and subsequent notices for the Current Premises.
107.3	<ul style="list-style-type: none"> • Statutory declaration of Mr Warren Duarte (employed by Iris

	Capital as a development manager), comprising half of a page, signed and dated 10 October 2017.
107.4	<ul style="list-style-type: none"> Statutory declaration of Mr Wassim Arnaout (sole director of Hurlstone Park Property Pty Limited and Grumpy's Operations Pty Limited, the companies which are the respective freehold and business owners of the Hurlstone Park Hotel), comprising two pages, signed and dated 10 October 2017.
108	LGNSW excel spread sheet sourced by licensing staff on 13 October 2017 showing the NSW state venue rankings by gaming machine profit for the quarter ending December 2016.
109	Email from Hatzis Cusack dated 16 October 2017 attaching the following documents:
109.1	<ul style="list-style-type: none"> Hatzis Cusack four-page submission dated 16 October 2017 responding to the BSV submission dated 12 October 2017.
109.2	<ul style="list-style-type: none"> Statutory declaration of Mr Neville John Buckley dated 13 October 2017