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Dear Mr Lidis

**Application for an Extended Trading Authorisation
Centennial Hotel, Woollahra**

**Application for Change of 6-hour Closure Period
Centennial Hotel, Woollahra**

INTRODUCTION

1. I am writing to you about two related applications (**Applications**) made to the Independent Liquor and Gaming Authority (**Authority**).
2. The Applications are made under the *Liquor Act 2007* (**Act**) and comprise:
 - a. an application made by Mr Anthony Medich on behalf of your client, Halcyon Hotels Pty Ltd (**Applicant**) on 20 June 2014 for the approval of an extended trading authorisation under section 49(2) of the Act (**ETA Application**) in respect of the Centennial Hotel, located at 88 Oxford St, Woollahra (**Premises**)
 - b. an application made by the Applicant on 20 June 2014 under section 11A(5) of the Act (**CP Application**) to change the 6-hour closure period for the Premises.
3. The Centennial Hotel is currently licensed to sell or supply liquor for consumption *on* the Premises throughout the entire period of standard trading hours prescribed by section 12 of the Act. That is, between 5:00 am and 12:00 midnight Monday through Saturday and between 10:00 am and 10:00 pm on Sunday.
4. Being a hotel licensed venue, the Premises is also licensed to sell or supply liquor for consumption *off* the Premises. The OneGov licence record indicates that the Premises is currently licensed to sell takeaway liquor during the same hours as for on-premises consumption.

5. However, while the hotel may have previously enjoyed those trading hours, amendments to the Act legislated during 2014 now prevent the sale or supply of liquor for consumption off any licensed premises in New South Wales after 10:00 pm on any evening.
6. Therefore, the hotel is actually currently licensed to sell or supply liquor for consumption off the Premises between 5:00 am and 10:00 pm Monday through Saturday and between 10:00 am and 10:00 pm on Sunday. However, given that a 6-hour closure period must be imposed by the Authority if an ETA is granted, the Applicant has volunteered to *reduce* its takeaway hours to between 10:00 am and 10:00 pm seven days per week.
7. The ETA Application seeks an extension of trading hours at the Premises so that the hotel may trade from 8:00 am on Sunday mornings, being the time from which the hotel intends to provide breakfast trade seven days per week.
8. The ETA Application explains that the purpose of the Application is to permit the hotel to *open for breakfast* seven days per week and notes that the extended hours proposed are subject to a trial period under development consent 60/2014/1 (DA) issued by Woollahra Council. The DA is discussed below.
9. The CP Application proposes that the permanent 6-hour closure period for the hotel start at 2:00 am and end at 8:00 am. The hotel is not currently subject to any existing 6-hour closure period, its licence having been granted prior to 30 October 2008 when section 11A provisions commenced effect.
10. The CP Application explains that it is made in conjunction with the ETA Application and that whilst the standard 4:00 am to 10:00 am closure period imposed by the Authority would not prevent the hotel from conducting a breakfast trade, the proposed period between 2:00 am and 8:00 am would allow for the possibility of "...functions such as champagne breakfasts" being held at the hotel.
11. The Authority's power to grant the ETA Application is conferred by section 49(2) of the Act. This is a "relevant application" within the meaning of section 48(2) of the Act and requires the submission of a Category B community impact statement (CIS). The ETA Application must satisfy the overall social impact test prescribed by section 48(5) of the Act, as discussed below.
12. The Authority's power to grant the CP Application is conferred by section 11A(5) of the Act. The Authority may at any time, on application of the licensee, approve of licensed premises having a different 6-hour closure period than the period specified in section 11A(4) of the Act, that is, between 4:00 am and 10:00 am.
13. The Authority considered both Applications at its meeting on 4 March 2015. The Authority has decided:
 - to *grant* the ETA Application under section 49(2) of the Act
 - to *grant* the CP Application under section 11A(5) of the Act.
14. Although no formal application has been made under section 53 of the Act, in light of the Applicant's proposal that its licensed packaged liquor trading hours be varied to between 10:00 am and 10:00 pm daily the Authority has determined to take that action of its own initiative under section 53 (1)(b) of the Act and amend the licence record accordingly.
15. Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to produce and publish statements of reasons with respect to those types of

decisions prescribed by clause 6 of the *Gaming and Liquor Administration Regulation 2008*.

16. The purpose of this letter is to notify the reasons for granting the ETA Application and the CP Application.
17. This statement of reasons is produced in light of the Authority's obligation to notify and publish statements of reasons "as soon as practicable" after a prescribed decision is made, but in the context of a liquor jurisdiction that comprises a high volume aspect of the Authority's operations.

MATERIAL BEFORE THE AUTHORITY

18. The Authority had before it the Applications, the accompanying Category B CIS documents, further submissions and other relevant material, including:
 - a. Application Form for ETA Application and Community Impact Statement filed with the Authority on 20 June 2014. In the CIS, the Applicant submits that the purpose of the Application is to enable the hotel to provide breakfast trade on Sunday mornings between 8:00 am and 10:00 am. The Applicant notes that Council raised the concern that granting the Application would create the potential for adverse social impact on Sundays mornings, however that concern has been resolved through the imposition of a 12-month trial period. The Applicant contends that the trial period, imposed under the *Environmental Planning and Assessment Act 1979*, is a sufficient measure to ensure that no ongoing adverse impact arises from the grant of the ETA Application. The Applicant contends that submissions from occupiers of neighbouring premises objecting to the proposed extension of trading hours are "unfounded" as the hotel intends only to expand its morning food offerings, and that the hotel's management will be mindful of the behaviour of all patrons who attend the venue on Sunday mornings.
 - b. In the Application Form, the Applicant submits that the licensee will continue to comply with all relevant legislative and voluntary impact mitigation strategies, and that "...it is not anticipated that consumption of alcohol will be a primary focus" of the patrons it intends to attract for its proposed breakfast trade from 8:00 am on Sundays
 - c. Application Form for CP Application filed with the Authority on 20 June 2014. In the Application Form, the Applicant notes that the hotel is not currently subject to any mandatory 6-hour closure period under section 11A of the Act and acknowledges that if the ETA Application is granted, a 6-hour closure period will be imposed. In view of the ETA Application and the purpose for which it has been lodged, the Applicant proposes a 6-hour closure period be fixed at between 2:00 am and 8:00 am Monday through Sunday
 - d. Plan of Management for the Centennial Hotel. This seven page document states that its purpose is to establish "performance criteria" for the operation of the Premises and provides that the licensee and all staff shall consider the amenity of neighbours and take all reasonable steps to ensure the conduct of the business does not impact adversely on the surrounding area. It provides that staff will patrol the area in the vicinity of the Premises to ensure that patrons do not linger in the area or cause nuisance to the neighbourhood. Operational policies for the responsible service of alcohol are specified, including measures to be taken to prevent and deal with intoxication of any patron on the Premises. The plan also deals with issues relating

to, *inter alia*, noise emissions, CCTV surveillance, delivery and waste disposal, fire safety measures and maintenance

- e. Copies of stakeholder notices in respect of the ETA Application and the proposed 6-hour closure period
- f. OneGov liquor licence record for licence number LIQH400104618 for the Premises as of 16 January 2014 noting the trading hours and that the licensee, business owner and Premises owner is Mr Cosmo Psaltis
- g. Letter from Mr Lidis on behalf of the Applicant to Woollahra Council dated 17 February 2014. This letter is in support of a development application seeking consent for the proposed trading hours between 8:00 am and 10:00 am on Sunday. It states that the hours are proposed to permit the hotel to "...increase its food sales by expanding its offerings to include the breakfast trading period". The letter outlines, *inter alia*, the site and its surrounding area, the development history of the hotel and an environmental assessment
- h. Determination on Development Application number 60/2014/1 by Woollahra Council (Council) dated 5 May 2014 (DA) for 88-90 Oxford Street, Woollahra. This document records the grant of development consent for the extension of the hotel's trading hours. It includes a condition limiting the hours of operation of the Premises (for planning purposes) to between 8:00 am and 12:00 midnight on Monday through Saturday, and between 9:00 am and 10:00 pm on Sunday. However, another condition permits trading hours on Sundays to be extended to 8:00 am (with no staff to be on the Premises before 7:00 am) on a trial basis for 12 months from the date of the consent
- i. The DA specifies that in order to continue trading from 8:00 am a further development application to modify DA 60/2014/1 must be lodged and determined within 12 months. The DA also specifies conditions pertaining to, *inter alia*, waste collection, noise and acoustics, and car parking
- j. Letter from Council to the Applicant dated 8 May 2014. In this letter, Council advises the Applicant that the DA is attached and subject to conditions, and that the Applicant should check with other authorities as may be relevant as to its proposed development
- k. Report to Authority dated 23 June 2014 from a delegate of the Secretary of NSW Trade & Investment (Secretary) via the Compliance Division of OLGR addressing the ETA Application. OLGR does not object to the granting of the ETA Application. OLGR notes that in light of the late trading hours and the business model (a hotel), the venue is a "high risk" operation. OLGR submits that the radial density of all licensed premises within the suburb of Woollahra is "...above the State average"
- l. OLGR note that neither Police nor Council have objected to the Application and that a review of OLGR records disclosed no adverse findings in respect of the venue's compliance history or its licensee or approved manager. OLGR note that several public objections were received, however OLGR's opinion is that granting the Applications is "unlikely" to result in an increase in alcohol related harm and disturbances or that the venue will attract patrons seeking an early morning venue with the "...sole intention of consuming alcohol"

- m. OLGR submits that data from the NSW Bureau of Crime Statistics and Research (BOCSAR) records that the rate of *alcohol related assault* incidents in Woollahra for the period of July 2013 to June 2014 was 117 (per 100,000 persons) compared to 330 (per 100,000 persons) for NSW as a whole. The rate of *alcohol related disorderly conduct* incidents for the suburb was 65 (per 100,000 persons) compared to the State rate of 110 (per 100,000 persons). OLGR submits that this indicates that Woollahra does not have a significant concentration of alcohol related anti-social behaviour
- n. Submission on the ETA Application from Constable Phillip Street of Rose Bay LAC (Police) dated 28 July 2014. In this brief submission, Police request that the Applications be "put on hold" while Police make further enquiries in relation to the proposed trading hours and the proposed 6-hour closure period
- o. Submission on the ETA Application from Constable Phillip Street of Rose Bay LAC (Police) dated 26 August 2014. In this brief submission, Police submit that they have been advised that the intention of the Applicant is in fact to serve a "champagne breakfast", but conclude that they have considered the ETA Application and the CP Application and have "no objection" to the proposed extending trading hours and 6-hour closure period
- p. Submission from Kerry Ryan of NSW Roads & Maritime Services (RMS) dated 14 May 2014. In this submission, RMS requests that if the Applications are granted, access be provided to local public transport information and taxi services, material focused on drink driving and pedestrian-alcohol related issues from either Council or RMS be displayed at the Premises, and an Australian Standards Approved breath testing device, enabling patrons to test their BAC(blood alcohol concentration) levels, be installed at the Premises
- q. Email submission from local resident of James Street, Woollahra dated 16 March 2014. In this email, the local resident submits that the ETA Application will lead to an increase in noise pollution, litter, safety concerns and anti-social behaviour as well as creating "...even greater demand" on the already limited parking for residents
- r. Submission of local resident (address not provided) dated 19 March 2014. In this letter, the resident submits that the Application will subject the local area to increased litter, increased pollution, possible safety and anti-social behaviour issues, general disturbance of patrons entering and leaving the Premises, and pressure on already limited parking in the area
- s. Submission dated 19 March 2014 in identical terms from three local residents of John Street, Woollahra; one local resident of James St, Woollahra; and one local resident whose address is not provided. In this letter, residents submit that approval of the ETA is "...completely contrary to the residential nature of this area" and that an "early opener" trading for 14 hours on Sundays will subject the area to an increase in noise, pollution, litter, safety concerns, anti-social behaviour, general disturbance and a greater demand for already limited parking in the vicinity
- t. Submission from local resident of New South Head Road, Double Bay dated 24 June 2014. In this submission, the local resident simply copies the text of conditions I.1 ('Hours of Use') and I.8 ('Time Limited Consent') of the DA granting consent to the Applicant in relation to the ETA Application

- u. Submission from local resident of John Street, Woollahra dated 14 June 2014. This local resident objects to both Applications and submits that she invested in her home due to the "...close community and ambience" of Woollahra, which is being "swamped" by an increase in licensed venues. She contends that noise and disturbance will unavoidably be caused by the Premises opening at 8:00 am on Sundays and that car parking in the surrounding streets, which are "densely populated" with residential properties, has been "significantly affected" since the reopening of the hotel
- v. A further nine pages are attached to this submission, including a letter to the Mayor of Woollahra notifying the Mayor that despite Council's claim that letters would be sent to all residences in the area advising of the Applications, awareness of (and support for) the ETA Application in the Woollahra neighbourhood was very low according to petitioners who questioned local residents. Attached is a petition to "dismiss" the ETA Application, with 59 signatures dated between 5 April 2014 and 7 April 2014
- w. Submission from the same local resident of John Street, Woollahra dated 3 July 2014. This four page letter reiterates the complaints of the 14 June 2014 submission, and notes that none of the several hotels in the vicinity of the Premises open before 11:00 am. The resident requests a longer period for consultation with local residents, as "...it is apparent that not enough residents have been notified" of the Application or the DA. The resident's stated concerns are in relation to noise, parking issues, litter, general disruption and a "...possible increase of anti-social behaviour"
- x. Submission from a local resident of Victoria Avenue, Woollahra dated 24 June 2014. This resident submits that she would like the trading hours at the Premises to be kept as is or reduced in the evenings, to ensure its neighbours can "...get enough rest from the hours of 10:00 pm to 8:00 am". She contends that neighbours are affected by staff arriving early to work in the mornings and patrons leaving the Premises late at night
- y. Email submission from the same local resident of Victoria Avenue, Woollahra dated 1 July 2014. In this email to the Authority, the local resident expresses concerns that granting the ETA Application will increase "...arrival and departure traffic" at the Premises, creating noise and parking problems as the hotel does not have its own car park
- z. Submission from a local resident of James Street, Woollahra dated 24 June 2014. This resident submits that there are at least six existing venues serving breakfast in the area surrounding the Premises and that parking in this area is very difficult. She submits that in recent times Woollahra has become a "...commercially driven hot spot" at the expense of the local community
- aa. Submission from a local resident of James Street, Woollahra dated 18 June 2014. This resident objects to the ETA Application on the grounds that noise from patrons and vehicles on Sunday mornings will be a disturbance to the hotel's neighbours and that parking in the area is a problem for permanent residents
- bb. Submission in reply by email from Mr David Rippingill (Design Collaborative) on behalf of the Applicant dated 16 February 2015. The trading hours sought are confirmed, being, for consumption on the Premises, between 8:00 am and 12:00 midnight on Monday through Saturday and between 8:00 am and 10:00 pm on

Sunday, and for takeaway sales between 10:00 am and 10:00 pm daily. In relation to submissions received by the Authority objecting to the Applications, the Applicant submits that no evidence of existing disturbances have been provided, therefore there is no basis on which to conclude that the Application would cause any adverse impact

- cc. The Applicant notes the 12-month trial period imposed by Council and contends that whilst adverse impacts are not anticipated, the trial period condition provides a mechanism for Council to prohibit Sunday morning trade beyond 12 months, or to impose further conditions, should those impacts occur
- dd. The Applicant submits that the issue of parking, raised by several local residents, was considered by Council, that the Application complies with Council's parking controls and that the Application would not exacerbate existing issues related to parking availability. The Applicant accepts the conditions proposed by the Authority if the Authority were minded to grant the Application, but requests that the proposed condition that "...the premises are only permitted to trade the hours approved by the local consent authority for the trial period whilst it remains in force" also include the words "...or whilst an application is under consideration by a consent authority to continue that trial period"
- ee. Authority licensing records indicating the addresses of other hotel, on-premises and other nearby licensed businesses in the suburbs of Woollahra and Paddington
- ff. Authority licensing data indicating that liquor licence density per 100,000 persons of population in postcode 2025 was very well above the NSW rates for hotel licences and on-premises licences, and well above the NSW rate for club licences and packaged liquor licences. The Woollahra LGA (LGA), by comparison, had a substantially lower rate of club licences, hotel licences and packaged liquor licences, and a rate well below the State average for on-premises licences
- gg. BOCSAR crime mapping data for October 2013 to September 2014 indicating that the Premises is located within a low density hotspot for the concentration of *domestic assault* offences, and within a medium density hotspot and close to a high density hotspot for *malicious damage* offences
- hh. BOCSAR crime data for calendar year 2013 detailing rates of offences for the Woollahra LGA compared to NSW as a whole. This data indicated that for calendar year 2013, *alcohol related assault (domestic and non-domestic)* incidents in the LGA were well below the NSW rate per 100,000 persons. The rate of *alcohol related assault police* incidents was also substantially below the NSW rate. The rate of *prescribed concentration of alcohol* offences in the Woollahra LGA was below the NSW rate, while the rate of *alcohol related offensive conduct* offences in the LGA was well below the NSW rate
- ii. BOCSAR *Report on Crime for the Woollahra LGA* for calendar year 2013
- jj. BOCSAR *Report on Crime by LGA and Alcohol Related Status* for calendar year 2013
- kk. BOCSAR *Report on Crime for New South Wales* for calendar year 2013
- ll. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) indicating that both the Woollahra LGA and the suburb of Woollahra

ranked in the Tenth decile within the State on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

STATUTORY OBJECTS AND CONSIDERATIONS

19. In determining each of the Applications, the Authority has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

3 *Objects of Act*

- (1) *The objects of this Act are as follows:*

- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
- (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
- (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*

- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*

- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
- (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
- (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

20. The power to grant an extended trading authorisation to a licensed premises is provided by section 49 of the Act, which states, relevantly to the ETA Application:

49 *Extended trading authorisation – general provisions*

- (1) *Application of section*

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

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

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

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

- (a) *in the case of a hotel licence – a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),*
- (b) *in the case of a relevant licence other than a hotel licence – a specified period between midnight and 5 am on any day of the week,*
- (c) *in any case – a specified period between 5 am and 10 am on a Sunday,*
- (d) *in any case – a specified period between 10 pm and midnight on a Sunday.*

...

- (5) *Nature of extended trading authorisation*

An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:

- (a) *on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or*
- (b) *if the authorisation so provides – on a special occasion that takes place on a specified date.*

...

- (6) *Extended trading period to be specified*

In granting an extended trading authorisation, the Authority is to specify:

- (a) *the extended trading hours during which the licensee is authorised to sell or supply liquor, and*
- (b) *the part or parts of the licensed premises to which the authorisation applies.*

...

(8) Restrictions on granting extended trading authorisation

The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:

- (a) *practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and*
- (b) *the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.*

21. The power to grant the Closure Period Application is provided by section 11A of the Act, which states:

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

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

REASONS

The ETA Application

- 22. The Authority is satisfied that the ETA Application has been validly made and that minimum procedural requirements with regard to the Application and CIS have been satisfied.
- 23. The Authority is satisfied, for the purposes of section 49(8)(a) of the Act, that practices are in place at the 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, on the basis of the *Plan of Management*, submissions provided by the Applicant and the absence of adverse submissions from Police and OLGR in this regard.

Negative Impacts

32. The Authority is satisfied that in the circumstances of this Application, the primary purpose of which is to provide a morning breakfast operation, the adverse alcohol related social impacts will be very limited in this local and broader community.
33. BOCSAR data reveals that alcohol related and non-alcohol related crime in this suburb and LGA are very low compared with State averages for numerous offences. Even within these low crime rates, the recorded data for the period between 6:00 am and 12:00 midday on Sundays does not indicate any particular sensitivity with alcohol related crime in this suburb or LGA, as recorded incidents of *assault (domestic and non-domestic)*, *exceed PCA* and *assault police* offences are relatively low during this period. This is an objective factor that may be said to constrain the scope for the Premises to contribute to adverse alcohol related impacts.
34. ABS SEIFA data indicates that the broader community is one of the most advantaged in the State. This provides further comfort that the local and broader communities do not demonstrate socio-demographic indicia that are typically associated in the literature (including the research noted in *Authority Guideline 6: Consideration of social impact under Section 48(5) of the Liquor Act 2007*) with adverse alcohol related social impacts.
35. While the Authority accepts that some degree of additional patron noise or demand for car parking may arise from time to time as a result of granting the Application, the Authority notes that Council has approved the proposed use of the Premises from a planning perspective, on a trial basis.
36. The Authority is satisfied that for the most part the noise from departing patrons will be of a similar character to noise from patrons departing a café or other type of breakfast business. These are not the kind of patron noise and adverse impacts on amenity that are commonly experienced from patrons affected by alcohol to varying degrees leaving licensed premises late in the evening or very early morning.
37. The Authority notes information from the Applicant that it will have the capacity to serve "champagne breakfasts" and accepts that on occasions, such functions may occasionally occur. There is no question that the Premises will be licensed during the proposed ETA hours, but the Authority is satisfied that the primary use of the ETA will be to operate a breakfast business on the Premises, not to sell liquor.
38. The Authority notes that Council has imposed a 12-month trial period as a condition for the DA. This provides a further safeguard in the event that contrary to indications the Premises does cause disturbance to the locality. The Authority notes and accepts OLGR's advice that there is no problematic regulatory record for the Applicant business and that Police and Council do not object to the Application. The Authority is further satisfied that the Plan of Management provide a framework for conducting business on the Premises in a way which may assist staff to minimise the adverse social impact of the extended trading hours.
39. The Authority has had regard to the nature of business proposed during the extended hours, its scale, its location, the lack of evidence of undue disturbance from the Premises and the community.
40. Considering the found positive benefits of an expanded focus on food at the Premises and the factors that objectively constrain the extent of negative impacts in this case, the

Authority is satisfied that the overall social impact of granting the ETA Application will not be detrimental to the well-being of the local or broader community.

The CP Application

41. The Authority is satisfied that the Application has been validly made.
42. The Authority notes that the Premises was granted a hotel licence before 30 October 2008 and that it is not currently subject to any 6-hour closure period.
43. The CP Application has been prompted by the ETA Application, in that the hotel will for the first time become subject to a mandatory 6-hour closure period as a consequence of the ETA Application being granted.
44. The Applicant has sought that the 6-hour closure period not be fixed at the usual position of between 4:00 am and 10:00 am, but rather that the Authority exercise its discretion to fix the closure period for the Premises between 2:00 am and 8:00 am seven days per week. This will be necessary to enable the hotel to trade from 8:00 am as proposed.
45. In light of its decision to grant the ETA Application, the Authority accepts that it is in the public interest to fix the 6-hour closure period between the hours sought by the Applicant. The Authority has decided to grant the CP Application.

If you have any queries, please contact the case manager, Ms Trudy Tafea, via email at trudy.tafea@ilga.nsw.gov.au.

Yours faithfully



Micheil Brodie
Chief Executive

08 APR 2015