



Mr Grant Cusack
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21 December 2016

Dear Mr Cusack,

APPLICATION NO: 1-3883815578
APPLICATION FOR: New Full Hotel Licence (Hotel Application)
with a Minors Area Authorisation (MAA
Application)
PROPOSED TRADING HOURS: Monday to Saturday 10:00AM – 12:00AM
Sunday 10:00AM – 10:00PM
APPLICANT: Feros Hotel Group Pty Limited (ACN 608 006
060)
PROPOSED PREMISES NAME: Highfield Hotel
PREMISES LOCATION: Ground Floor & Level 1
22-24 Mackay St & 32 Banksia Road
CARINGBAH NSW 2229 (Premises)
ISSUE: Whether to grant an application for a new
(full) hotel licence with a minors area
authorisation.
LEGISLATION Sections 3, 11A, 14, 40, 45, 48, 121 of the
Liquor Act 2007

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR
NEW HOTEL LICENCE WITH MINORS AREA AUTHORISATION – HIGHFIELD HOTEL**

The Independent Liquor and Gaming Authority considered application number 1-3883815578 at its meeting on 30 November 2016 and pursuant to section 45 of the *Liquor Act 2007* (Act), has decided to **grant** the application for a hotel licence. The Authority also decided pursuant to section 121 of the Act to grant a related application for a minors area authorisation in respect of the Premises. The new licence is subject to the following conditions:

1. **Trading hours**

Consumption on Premises

Monday to Saturday 10:00AM – 12:00AM

Sunday 10:00AM – 10:00PM

Take Away

Monday to Saturday 10:00AM – 11:00PM

Sunday 10:00AM – 10:00pm

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 4:00AM and 10:00AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
3. The licensee must join and be an active participant in the local liquor accord.
4. A minors area authorisation applies to the entire premises excluding designated gaming areas.
5. The premises are to be operated at all times in accordance with the Plan of Management dated 10 November 2016, as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
6. The LA10 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 07:00 AM and 12:00 midnight at the boundary of any affected residence.

The LA10 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 07:00 AM 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 07:00 AM. (Interior noise levels which, although restricted by the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority).

7. The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following measures are adhered to:
 - a. The licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by NSW Police;
 - b. The licensee and/or staff make direct and personal contact with the Local Area Commander of NSW Police or his/her delegate and advise the Commander or delegate of the incident; and
 - c. The licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

8. An adequate queuing system for patrons must be implemented at the main entrance to the venue to ensure that no obstruction is caused to pedestrian traffic and the queues do not extend past the boundaries of the premises.
9. The licensed premises has an 11:30 PM 'Lock Out' on Friday, Saturday night.
10. Maximum capacity limited to 830 persons (including patrons, staff, entertainers, etc).
11. Security staff must use an approved counting device for an accurate count of patrons (clickers as a minimum).
12. The licensee shall install and maintain digital video surveillance cameras and recorders to monitor and record all entrances to the Hotel and public bar areas used by patrons, whilst the premises are open for business. At any time, the available trading hours of the hotelier's licence are not exercised, the video surveillance cameras are to continue for half an hour after closure of the licensed premises. Each surveillance camera is to record at a minimum rate of six (6) frames per second at high resolution (the Australian/New Zealand Standard). The correct time and date must be automatically recorded on all surveillance footage, when it is recording. All surveillance footage is to be retained for a period of twenty-eight (28) days before it can be reused or destroyed. The surveillance footage is to be made available for viewing whenever the premises is trading and any copies are to be supplied to Police, or any other authorised inspection upon request within a reasonable time. No seating is to be provided within the entry terrace.
13. No person wearing any form of clothing, jewellery or other accessory, displaying or indicating by form of wording, colours, logo, symbol or otherwise that they are members of or are in any way associated with the following groups (Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life and Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Notorious and Mongols or any other gang related affiliation) be allowed entry into, or be permitted to remain on the licensed premises.
14. All security guards, whilst employed or engaged at the premises, are to wear uniforms so as to be clearly identifiable as security guards with the word 'Security' clearly identifiable on the uniform.
15. From 7:00 PM each day until the premises has closed and the last patron has left the immediate vicinity of the premises, Security staff are to be provided at the ratio of one (1) officer per 100 patrons or part thereof.

Please contact the case manager, Ms Santina Causa via Santina.causa@justice.nsw.gov.au if you have any advice or enquiries about this letter.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'P Crawford', written in a cursive style.

Philip Crawford

Chairperson

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

STATEMENT OF REASONS

Material Before The Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high-volume jurisdiction.
2. In making this decision, the Authority has considered the application for a new full hotel licence with a MAA (Application), the accompanying community impact statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority Guideline 6, the Authority has also had regard to relevant liquor licensing records and licence density data maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) data pertaining to the local and broader communities sourced by licensing staff from publicly available sources. That material is listed and briefly summarised in the Schedule.

Summary of Further Submissions

3. Environment and Venue Assessment Tool (EVAT) Assessment Report, dated 28 October 2016, prepared by LGNSW. LGNSW assess the Premises as having a moderate risk in relation to the factors of *rate of alcohol-related assaults, rate of alcohol-related offensive behaviour, and radial density of licensed premises*.
4. Email submission from the Applicant's solicitor Mr Grant Cusack, of Hatzis Cusack Lawyers, dated 10 November 2016. The Applicant does not consent to the imposition of the recommended LGNSW noise control condition by reason that the club licence that the new hotel will replace comprises identical indoor and outdoor areas to those previously exercised by the club, which was not restricted as such. The Applicant contends that the club operated without any noise complaints, that the Applicant's proposed noise control measures are outlined in the *Plan of Management* dated 10 November 2016 and that Council had already imposed noise-related conditions during the Development Application process to protect the amenity of the area.
5. This submission annexes an aerial image of the Premises, with a proposed external patrol route illustrated upon that view, in response to the EVAT Assessment Report dated 28 October 2016. The response also attaches a Certification of Advertising Application (CAA) signed and dated by the Applicant on 10 November 2016. Finally, the submission also attaches a Service NSW Public Register Record for the previous registered club licence "Caringbah Bizzo's" (LIQC300229580) attaching to the Premises as at 9 November 2016 that indicates that this licence was cancelled, due to non-payment of the annual licence fee.
6. An updated *Plan of Management* filed on 10 November 2016, accompanies this submission, which includes measures targeting amenity, noise control, complaint handling, footpath & capacity management, waste & deliveries management, signage, and a *House Policy* on the responsible service of alcohol (RSA). The *Plan* also outlines security measures, such as staff and CCTV requirements, and other matters

related to crime scene preservation, awareness to drugs and drink spiking, fire safety and other essential services.

7. Submission from Senior Constable Peter Langbie, Licensing Supervisor of Miranda Local Area Command (LAC) of NSW Police (Police), dated 17 November 2016. Police indicate that discussions have been held between Police and the Applicant resulting in agreed conditions to attach to the new licence, in addition to a review of the Applicant's proposed Plan of Management. Police state that they expect that the licence will have "minimal" impact upon their resources, and crime in the area is currently low.
8. LGNSW licensing records, as at 19 November 2016, showing applicable licensing records for licence number LIQH440018925 for another licenced premises "Ugly Pizza", involving a business that is associated with the Applicant.

Legislative Framework

9. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and the *Liquor Regulation 2008* (Regulation). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
10. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
 - (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.*
11. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
12. An application for a new hotel licence is a "relevant application" within the meaning of section 48(2) of the Act for which a CIS is required.

13. Section 48(5) of the Act requires that the Authority must not grant the Application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
14. For the purposes of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Caringbah while the “broader community” comprises of the Sutherland Shire Local Government Area (LGA).

Analysis of Relevant Facts

15. The Authority is satisfied, on the basis of the Application material and CIS before the Authority, that for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
16. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a full hotel licensed venue of the kind proposed in the Application material. The Authority makes this finding on the basis that no issues of concern were raised regarding the probity of the Application following consultation with relevant enforcement agencies, including Police and LGNSW.
17. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the comprehensive *Plan of Management*, as provided by the Applicant on 10 November 2016.
18. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in force to permit use of the Premises as a hotel, on the basis of Development Application (DA) DA16/0132 issued by Council on 13 May 2016.

Social Impact – Positive Benefits

19. The Authority is satisfied that the Applicant has demonstrated a positive case for a new full hotel licensed premises within the suburb of Caringbah, especially considering the Applicant’s assertion within the CIS that the Caringbah suburb has had the highest population increase for the Sutherland Shire for the 10-year period between 1996 and 2006. The Applicant states that Council recently issued their Draft Development Control Plan 2015 (DDCP), adopted as policy for purposes of assessing development applications, indicating that the proposed Premises is located within Council’s designated “Caringbah Centre”, in line with Council’s commercial aims.
20. The Authority is satisfied, on the basis of this material, that granting the Application will provide additional benefits to the local and broader community. The Applicant contends in the CIS that granting the Application will meet the needs, demands, expectations and aspirations of the local and broader community by providing an enhanced and modern venue to meet the needs, demands and expectations of the former members of the Caringbah Bizzo’s Club, by continuing to offer gaming and TAB

facilities, and providing for a range of local social clubs, including those that previously patronised the former club. The Applicant contends that the new hotel will be operated to a standard unlike that presently on offer in the suburb of Caringbah, with a focus upon creating a family-friendly venue, and the provision of an extensive, quality food offering throughout the entirety of the Premises.

21. The Authority accepts on the basis of the information provided in the Application and CIS that the hotel licence will facilitate a new hotel facility providing the services disclosed in the CIS. Noting the minimal extent of opposition to the Application and support for the Application as expressed by the Mayor of Sutherland Shire LGA, the Authority is satisfied that facilitating this new enterprise will serve the “expectations, needs and aspirations” of the communities, which is a statutory object of section 3(1)(a) of the Act.
22. The Authority is also satisfied, on the basis of the information provided in the Application and CIS, that granting the Application will reasonably develop, in the public interest, the liquor industry in respect of the local and broader community in furtherance of the statutory object in section 3(1)(b) of the Act.
23. The Authority accepts, on the basis of the CIS and further submissions by the Applicant, that the hotel operating on the Premises will be focused upon family-style dining and bar use, in addition to a traditional pub atmosphere, and offering ancillary entertainment facilities, such as gaming and TAB. While there are already several mainstream hotel and registered club facilities in the local and broader community, the Authority is satisfied granting the Application will serve to develop, in the public interest, the hospitality and entertainment industry in the local and broader community for the purposes of section 3(1)(c) of the Act.

Social Impact – Negative Impacts

24. The Authority notes that a full hotel licensed premises whose primary purpose is to sell or supply liquor, is more likely than not going to cause adverse social impacts upon the community over time and disturbances to the local community and neighbourhood, whether or not such conduct rises to the level of criminality.
25. The Application proposes a large-scale venue, over two floors, with a maximum capacity of 830 persons. Its scale increases the scope for adverse negative social impacts arising from the operation of the licensed business or the conduct of patrons.
26. The Applicant disputed the need for noise control conditions on the licence. The Authority notes that Council-imposed noise controls pertain mainly to the construction works of the Premises (as opposed to the trading of the Premises). The only submission that was received was from a local resident during the CIS consultation period, living within the nearby “Nirvana” residential complex at 277 Kingsway (as noted in the Applicant’s CIS dated 7 July 2016). The submission cites concern about the potential for noise from the Premises affecting nearby residential areas. The Authority finds this submission credible, particularly in light of the scale of the Premises and its capacity to host live entertainment. Noting the proximity of residential properties in the neighbourhood that is apparent from aerial images of the site and having regard to the large scale of the venue, the Authority is satisfied that a noise restriction should

be made mandatory and enforceable against the licence to increase the rigour of these controls and focus the licensee and staff upon avoiding this potential adverse impact upon amenity.

27. According to publicly available licensing records from LGNSW before the Authority, the suburb of Caringbah currently has 1 full hotel licence, 1 general hotel licence and 3 registered club licences (one of which this Application proposes to replace with a full hotel licence). LGNSW licence density data satisfied the Authority that the Sutherland Shire LGA has lower licence density rates (per 100,000 persons of population) than New South Wales as a whole for *full hotel licences*, *registered club licences* and *total licences*. The Authority does not consider licence density *per se* as a particular concern for the local or broader community.
28. There is some cause for concern with respect to crime in the local community arising from BOCSAR's Report on *Crime Statistics by Suburb*, for July 2015 – June 2016, which indicates that the State suburb of Caringbah has somewhat higher rates per 100,000 persons than NSW as a whole for incidents of alcohol-related *domestic violence related assault*, and *non-domestic violence related assault*.
29. BOCSAR Crime Maps based upon data from the period July 2015 – June 2016, indicating that the Premises is located within a *high-density* hotspot for incidents of *domestic assault*, and *malicious damage to property*, and on the edge of another *high-density* hotspot for incidents of *non-domestic assault*.
30. However, the Authority derives considerable comfort from the data contained in the BOCSAR Report on *Crime by LGA and Alcohol Related Status* for July 2010 – June 2015 which records that during the financial year ending June 2015 the rate of alcohol related domestic assault and non-domestic assault for the Sutherland Shire LGA were at rates that were substantially below the rates per 100,000 persons for New South Wales as a whole. That is, any localised concentration of crime evident from the crime maps is derived by reference to the relatively low prevailing rates of crime at the level of the broader community as a whole.
31. Moreover, the Applicant's provision of BOCSAR data at the level of the suburb for the period July 2014 – June 2015 indicates that the suburb of Caringbah is exposed to around the same rates per 100,000 persons of alcohol related offences to the rates recorded for New South Wales as a whole.
32. The Authority notes that Police do not oppose the Application and the Applicant has agreed to a number of harm minimisation conditions sought by Police for imposition upon the licence. These are reflected in the conditions imposed by the Authority in this decision.
33. On the basis of the ABS Socio-Economic Indexes For Areas (SEIFA) data, Sutherland Shire LGA ranked in the 9th decile on the Index of Relative Socio-Economic Advantage and Disadvantage, compared with other local government areas in the State (with a decile ranking of 10 being the most advantaged). The suburb of Caringbah is marginally more disadvantaged, ranking in only the 7th decile on the Index of Relative Socio-Economic Advantage and Disadvantage compared to other State suburbs in

NSW (with a decile ranking of 10 being the most advantaged). However, the suburb is still relatively advantaged when ranked with other State suburbs in NSW.

34. NSW Roads and Maritime Services (RMS) did not raise any particular concerns in response to the Application, and recommended that the Applicant be an active participant within the local liquor accord, to which the Applicant has agreed.
35. The Authority has had regard to the various operational and security measures detailed in the *Plan of Management* dated 10 November 2016, which form part of the Application. The Authority is satisfied, on the basis of this document, that the Applicant has implemented comprehensive and well-developed harm minimisation measures and plans to ensure that alcohol will be served responsibly at the Premises.

Conclusion

36. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of both the Hotel and MAA Applications were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties are NSW Police, the Licensee, Council, RMS, neighbouring occupiers, NSW Health and Family and Community Services and all other parties required to be consulted under the legislation.
37. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application the Authority is satisfied that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
38. The Hotel Application is **granted** pursuant to section 45 of the Act. The Authority has also considered the Applicant's proposal that a Minors Area Authorisation (MAA) apply to the entirety of the Premises, excepting designated gaming areas on the ground floor. The Authority is satisfied that the authorisation will enable the Applicant to maintain a proposed family friendly venue, and is satisfied that it is in the public interest to grant the MAA Application under section 121 of the Act.
39. In granting the Hotel Application and the MAA Application the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (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.

Decision Date: 30 November 2016



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>

SCHEDULE

Material Before The Authority

1. Floor plans of the proposed Premises, prepared by Humphrey & Edwards Architects, dated 15 December 2015, depicting the proposed licensed Premises, with the proposed MAA exclusion also highlighted, submitted as part of the DA to Council. The plans depict the Premises as comprising of two floors, with the ground floor containing an exclusive gaming area that is exempted from the MAA.
2. Decision on DA number DA16/0132, determined by Council on the 13 May 2016.
3. CIS and supporting material dated 7 July 2016. Briefly, the Applicant's contentions on the overall social impact of granting the Application:
 - (a) The Applicant submits that granting the Application will provide the following public interest benefits:
 - i) Provide a significantly enhanced, modern, stylish facility to meet the needs, demands and expectations of the former members of the Caringbah Bizzo's Club;
 - ii) Continue to provide gaming, TAB and sporting facilities, as previously on offer in the former club that existed at the same location;
 - iii) Continue to provide a facility for a range of local social clubs (including those clubs that previously patronised the former club);
 - iv) Provide a modern facility to a standard unlike that presently on offer in the area to meet the needs of residents of Caringbah and surrounding areas and other persons resorting to Caringbah;
 - v) Provide a family-friendly venue to meet the needs and demands of families in Caringbah and surrounding areas;
 - vi) Provide an extensive, quality food offering over two levels;
 - vii) Provide a premises of a high standard with sufficient facilities to meet the needs of the increasing residential population within the suburb;
 - viii) Provide licensed premises that will operate in accordance with a detailed *Plan of Management* with various measures to minimise the potential for adverse impacts to the amenity of the area.
 - (b) The negative community impacts are addressed as follows:
 - i) Police have been consulted by the Applicant, and indicated that they were not opposed to the granting of the hotel licence;
 - ii) The *Plan of Management* prepared by the Applicant for planning purposes was not opposed by Police;
 - iii) The Application is in line with the current DA as granted by Council, and is supported by the Mayor of the Council;

- iv) There were no concerns raised by RMS New South Wales, however RMS proposed that the Applicant be subject to the condition that they will join and be an active participant in the local liquor accord.
 - v) A letter was received from Aboriginal Affairs NSW indicating that it had no objection to the Application on the basis that the Applicant had notified the NSW Aboriginal Land Council and Local Aboriginal Land Council of the proposal, with the latter raising no concerns.
 - vi) The Applicant responds to one local resident's concerns, expressed to the Applicant during the CIS consultation period, regarding noise emission from the proposed premises and volume of foot traffic affecting residential amenity. The local resident who lives within the "Nirvana" mixed use commercial and residential building located at 277-281 The Kingsway, Caringbah, raised concerns about noise emanating from the Premises causing undue disturbance. The Applicant responds that the Nirvana complex is situated some 70 metres away from the Premises, and that through the development approval process, a number of noise-related conditions were imposed by Council upon the development consent for use of the Premises. The Applicant suggests that they are willing to take further noise-reduction measures, such as acoustic walls, planters and awnings.
- (c) The Applicant provides figures derived from LGNSW licensing information indicating that the Sutherland Shire LGA recorded:
- i) a rate of **8.06 full hotel licences** per 100,000 persons, which is well below the NSW state wide rate of **30.92**.
 - ii) a rate of **12.80 registered club licences** per 100,000 persons, significantly below the NSW state wide rate of **19.13**.
 - iii) a rate of **168.82 total licences** per 100,000 persons, substantially below the NSW state wide rate of **240.19**.
- (d) The Applicant also includes figures pertaining to the suburb of Caringbah, which recorded:
- i) a rate of **18.25 full hotel licences** per 100,000 persons, which is well below the NSW state wide rate of **30.92**.
 - ii) a rate of **27.38 registered club licences** per 100,000 persons, higher than the NSW state wide rate of **19.13**.
 - iii) a rate of **209.94 total licences** per 100,000 persons, slightly below the NSW state wide rate of **240.19**.
- (e) The Applicant addresses BOCSAR data for the State suburb of Caringbah for July 2014 to June 2015, indicating that the suburb of Caringbah recorded:
- i) a rate of *alcohol-related domestic violence related assault* of **133.8** per 100,000 persons, just above the New South Wales rate of **122.6** per 100,000 persons;

- ii) a rate of *alcohol-related non-domestic violence related assault* of **125.4** per 100,000 persons, just below the State-wide rate of **137.4** per 100,000 persons;
 - iii) a rate of *alcohol-related assault* offences of **284.3** per 100,000 persons, just above the State-wide rate of **275.5** per 100,000 persons;
 - (f) The Applicant outlines several conditions that they consent to being imposed at the time of the grant of the licence, and concludes that the proposed Premises should satisfy the Authority on the basis that the overall social impact in granting the Application meets all other requirements of the Act.
 - (g) An aerial view of the proposed Premises and surrounds is also included for reference.
4. Hotel Liquor Licence Application form, dated 7 July 2016. The Application is accompanied by the Applicant's Australian Securities and Investments Commission (ASIC) "Current Organisation Extract" for Feros Hotel Group Pty Limited, ACN 608 006 060, registered on 26 May 2016.
 5. EVAT Assessment Report, dated 28 October 2016, generated by LGNSW staff.
 6. Email submission from Mr. Grant Cusack, of Hatzis Cusack Lawyers, dated 10 November 2016, acting on behalf of the Applicant. The response attaches a certification of advertising for the Application signed and dated by the Applicant on 11 November 2016. An updated *Plan of Management* also accompanies the submission, which annexes both an aerial view of the Premises with a proposed external patrol route, in response to the EVAT Assessment Report dated 28 October 2016. The submission also attaches a Service NSW Public Register Record dated 9 November 2016 that indicates the previous licence held at the address of the proposed Premises (LIQC300229580) has been *cancelled*, due to non-payment of the annual licence fee.
 7. Submission from Senior Constable Peter Langbien, Licensing Supervisor of Miranda LAC of NSW Police dated 17 November 2016.
 8. LGNSW licensing records, as at 19 November 2016, showing applicable licensing conditions for number LIQH440018925, named "Ugly Pizza", a Premises that is also associated with the Applicant.
 9. BOCSAR Crime Maps based upon data from July 2015 to June 2016 detailing hotspots for the concentration of offences near the location of the Premises which is publically available on the BOCSAR website. This data indicates that the Premises:
 - (a) Is located *within a high-density* hotspot for incidents of *domestic assault*
 - (b) Is located *on the edge of a high-density* hotspot for incidents of *non-domestic assault*
 - (c) Is located *within a high-density hotspot* for incidents of *malicious damage to property*

10. Liquor licensing records indicating that the suburb of Caringbah currently has 3 *registered club licences*, 1 *full hotel licence*, 1 *general hotel licence*, 11 *on-premises licences*, and 3 *packaged liquor licences*.
11. BOCSAR Report on *Crime by LGA and Alcohol Related Status* for July 2010 – June 2015. This data indicates that:
 - (a) the rate of alcohol-related incidents of *domestic violence related assault* across the Sutherland Shire LGA was **69.8** per 100,000 persons, substantially below the New South Wales rate of **122.6** per 100,000 persons;
 - (b) the rate of alcohol-related incidents of *non-domestic violence related assault* across the Sutherland Shire LGA was **99.1** per 100,000 persons, substantially below the State-wide rate of **144** per 100,000 persons;
 - (c) the rate of alcohol-related incidents of *offensive conduct* offences across the Sutherland Shire LGA was **88.0** per 100,000 persons, on par with the State-wide rate of **88.2** per 100,000 persons;
 - (d) the rate of alcohol-related incidents of *assault Police* incidents across the Sutherland Shire LGA was **16.9** per 100,000 persons, below the State-wide rate of **18.9** per 100,000 persons.
12. ABS SEIFA data prepared on the basis of the 2011 census which indicates that:
 - (a) The Sutherland Shire LGA ranked in the 9th decile compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
 - (b) The state suburb of Caringbah ranked in the 7th decile compared to other state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
13. NSW Department of Health *HealthStats* report on alcohol-attributable hospitalisations and deaths by local government area pertaining to Sutherland Shire LGA.