



Mr David Rippingill
c/o Design Collaborative
Level 3
225 Clarence Street
SYDNEY NSW 2000

jameslidis@designcollaborative.com.au

Dear Mr Rippingill

**Application for an Extended Trading Authorisation
Bellevue Hotel, Paddington**

I refer to an Application made under the *Liquor Act 2007* (Act), by Benjamin Keith Walker on behalf of your client, WDS Mercantile Pty Limited (Applicant) to the Independent Liquor and Gaming Authority (Authority) received 29 October 2014.

The Applicant seeks the approval of an extended trading authorisation (ETA) under section 49(2) of the Act (Application) in respect of the Bellevue Hotel, located at 159 Hargreave Street, Paddington (Premises).

The Authority considered the Application at its meeting of 30 April 2015 and determined to grant the licence pursuant to section 49(2) of the Act. Authority staff informally notified the Applicant of this decision via email dated 7 May 2015. The purpose of this letter is to formally notify the reasons for granting the Application.

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*.

Attached is a statement of reasons that has been produced in light of the Authority's high volume liquor jurisdiction and its obligation to notify and publish statements of reasons as soon as practicable after a prescribed decision is made.

Yours faithfully

Micheil Brodie
Chief Executive

10 JUL 2015

STATEMENT OF REASONS

INTRODUCTION

1. I am writing to you about an Application made under the *Liquor Act 2007* (Act), by Benjamin Keith Walker on behalf of your client, WDS Mercantile Pty Ltd (Applicant) to the Independent Liquor and Gaming Authority (Authority) received 29 October 2014.
2. The Applicant seeks an approval of an extended trading authorisation (ETA) under section 49(2) of the Act (Application) in respect of the Bellevue Hotel, located at 159 Hargreave St, Paddington (Premises).
3. The Bellevue 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 5:00am and 12:00 midnight Monday through to Saturday and between 10:00am and 10:00pm on Sunday.
4. As a hotel licensed venue, the Premises are also licensed to sell or supply liquor for consumption *off* the Premises. The current licensed trading hours for takeaway liquor sales at the Premises is between 5:00am and 12:00 midnight Monday through to Saturday and 10:00am to 10:00pm Sunday.
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 10:00pm on any evening.
6. The Premises does not currently commence licensed trading until 10:00am on Sundays and the Application seeks an extension of these trading hours so that the hotel may provide breakfast service to patrons from **7:00am** on Sunday mornings. The Application explains that the purpose of the Application is to permit the hotel to "...expand its food offering to include breakfast" on a Sunday. The Application submits that no alcohol will be served prior to 10:00am.
7. The Premises 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. The section 11A provisions will be activated should the ETA be granted. The Application proposes that the standard 6-hour closure period between 4:00am and 10:00am will be implemented and is consistent with the Application that proposes to not serve alcohol until 10:00am.
8. The grant of an ETA in respect of a hotel licensed Premises 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). An Application for an ETA in respect of a hotel must satisfy the overall social impact test prescribed by section 48(5) of the Act, as discussed below.
9. The Authority considered the Application at its meeting of 30 April 2015 and determined to grant the licence pursuant to section 49(2) of the Act.
10. 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*.

11. Authority staff informally notified the Applicant of this decision via email dated 7 May 2015. The purpose of this letter is to notify the reasons for granting the Application.
12. 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

13. Application form for ETA Application and CIS filed with the Authority on 29 October 2014. In the Application form, the Applicant discloses: that the proposed trading hours to begin trading at 7:00am on Sunday, is to enable the Premises to "...expand its food offering to include breakfast"; that no other changes are sought; that if the Application is approved, the Premises will not sell or supply liquor prior to 10:00am; that the licence will continue to comply with all relevant legislation and "...voluntary impact mitigation strategies as stated in the Plan of Management"; that it is highly unlikely that extending the trading hours to include breakfast on Sunday would "...result in frequent undue disturbance of the quiet and good order of the neighbourhood"; that the standard 6-hour closure period will be applied between 4:00am and 10:00am; and that this closure period is consistent with the Application that proposes "...to restrict the retail sale of liquor prior to 10:00am".
14. In the CIS, the Applicant contends that the Premises, due to changes in legislation is "...proposed to be subject to a restriction prohibiting the sale and supply of liquor prior to 10:00am seven days a week and a new Plan of Management".
15. The Applicant contends that due to the absence of liquor prior to 10:00am it is highly unlikely that the additional trading hours proposed in the Application would "...give rise to any appreciable adverse impact".
16. In the CIS, the Applicant outlines that the Premises would operate primarily as a café during the proposed extended trading hours, seeking to expand its food offerings available from the kitchen at the rear of the Hotel in order to serve breakfast.
17. The Applicant contends that these additional trading hours would not have any adverse impact with respect to the availability of liquor, noise contribution from the Hotel or its patrons. The Applicant contends that Woollahra Council (Council) was of the same view when granting development consent for the extended trading hours.
18. In the CIS, the Applicant contends that a Notice of Intention to make the Application was distributed to local Council, local Police, the Department of Health, Department of Community Service, the Roads and Maritime Services (RMS), the local Aboriginal community and the Neighbouring Premises.
19. The Applicant contends that the nine page *Plan of Management* submitted with the Application addresses the concerns of RMS regarding transport options and the display of public education material. The Applicant also notes that the "Police did call" and "...verbal feedback was provided that raised no objection to the proposal" provided "...no liquor would be supplied or sold between 7:00am and 10:00am".
20. Neighbouring Premises notification map: identifying the 120 metre radius from the Premises in which the Applicant has distributed notification of the Application.

21. Plan of Management for the Bellevue Hotel dated July 2014, approved by Council on 3 October 2014: This 9-page document states that its purpose is to establish performance criteria for the operation of the Premises. The document outlines that: a copy of this plan shall be kept at the Hotel at all times; staff will be familiar with the plan; that the hours of operation will be 7:00am to 12:00 midnight, Monday to Saturday and 7:00am to 10:00pm Sunday with no liquor served or supplied prior to 10:00am; that the hours of operation for the sale of takeaway liquor will be between 10:00am to 12:00 midnight Monday to Saturday and 10:00am to 10:00pm Sunday; and that signage will be erected inside the Premises requesting patrons to leave "...in a quiet and orderly manner".
22. The Plan of Management states that the amenity of neighbours shall be considered with all reasonable steps being taken to: ensure the surrounding area is not adversely impacted; that the behaviour of staff and patrons does not detrimentally affect the amenity of the neighbourhood; that the hotel *inter alia* is conducted in a manner that does not interfere with the amenity of the neighbourhood by reasons of noise, vibrations and fumes; and that entry points and the immediate vicinity of the Premises are kept clean and tidy.
23. Operational policies for the responsible service of alcohol are specified, including detailed 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.
24. Copies of Stakeholder notices: material provided by the Applicant notifying the Application to various stakeholders as required by legislation, including local Council, local Police, Department of Health, Family and Community Services, RMS, local Aboriginal community and occupants of neighbouring Premises.
25. Plan of the Premises: showing the existing licensed area of the hotel, that covers the ground and first floor of the building, along with those areas that the proposed ETA will apply.
26. Certification of Advertising: signed and dated 25 March 2015.
27. Submission on the Application from Kerry Ryan RMS dated 24 June 2014: This letter presents statistics contending that within the Woollahra Local Government Area (LGA) during 2012, there were 16 alcohol-related crashes, resulting in 13 casualties. RMS suggests that during the approval process, measures preventing the likelihood of alcohol involvement in road crashes in the Woollahra area should be addressed. The letter further suggests that: fencing be installed to separate patrons from the roadway; that improved lighting and elimination of potential trip hazards should be considered; that the Applicant maintain awareness of local alcohol-related issues; and that the Applicant attend the LGA's Liquor Accord.
28. RMS suggests that if the Application is approved, the Applicant should provide access to "public transport information" and "taxi services"; display public education material and install Australian Standards Approved breath testing devices.
29. Submission on the Application from Skevi Panayi Senior Manager Sector Development and Planning dated 5 August 2014: noting that "...we do not have a response in relation to your Application".
30. Letter from the Applicant's consultant Mr Lidis (Design Collaborative) on behalf of the Applicant dated 27 October 2014: This submission letter, *inter alia*, states that a wide

level of notification was undertaken by the Applicant and there was no interest from the affected community regarding the potential for undue impact. The letter contends this is a result of the limited offering that the Hotel is proposing. The letter contends that: the Premises has, during its recent operation, had no adverse impact upon the surrounding area; that the lack of interest from neighbouring occupiers demonstrates the Hotel is well managed and not having an adverse impact on the community; and that the proposed ETA would be unlikely to result in any increase in undue impact.

31. The consultant further contends that the proposed ETA meets the relevant objects of the Act under section 3. The consultant submits that: the criteria under section 3(1)(a) has been fulfilled as a result of the limited response to the notice of intentions received; that section 3(1)(c) objects have been satisfied as a result of the positive contribution the Application will have on the hospitality industry; that section 3(2)(a) objects have been fulfilled as a result of the Premises not previously associated with liquor abuse, "violence" or anti-social behaviour and that no liquor would be made available during the extended hours proposed; that section 3(2)(b) has been satisfied as a result of the licensee implementing the behaviour outlined in the Plan of Management; and that the objects of section 3(2)(c) have been met as no liquor will be provided in the proposed hours and as a result would contribute positively to the community.
32. Report to Authority dated 27 January 2015 from a delegate of the Secretary of NSW Trade and Investment (Secretary) via the Compliance Division of the Office of Liquor Gaming and Racing (OLGR): OLGR notes that neither Police nor Council have objected to the Application provided that the sale and supply of liquor is prohibited between 7:00am and 10:00am. OLGR contend that granting the Application is unlikely to result in alcohol related harm or disturbances as the Premises will effectively be operating as a café/restaurant during the proposed hours. OLGR do not object to the Application being granted provided the sale and supply of liquor and gaming facilities are prohibited between 7:00am and 10:00am on Sundays.
33. OLGR acknowledge that the primary purpose of the hotel licensed Premises is the sale or supply of liquor. OLGR observe that the Premises current hours of operation for takeaway liquor sales indicated on the licence is until 12:00 midnight on Monday to Saturday. OLGR note that the *Liquor Amendment Act 2014* prohibits the sale of packaged liquor after 10:00pm every day of the week. OLGR assess the business type on the Premises (a hotel) as a high risk operation.
34. OLGR notes the NSW Bureau of Crime Statistics and Research (BOCSAR) identifies the radial density of licensed Premises in Paddington as well above the State average with the Premises location being rated as a moderate risk. OLGR contend that the BOSCAR statistics suggest that the suburb of Paddington has a mild concentration of alcohol-related anti-social behaviour.
35. OLGR note that the Police do not object provided that no liquor is to be sold prior to 10am on any trading day and that no gaming activities are to commence prior to 10am on any trading day. OLGR acknowledge that Council amended the development consent for the Premises to allow trading to commence at 7:00am on Sundays.
36. OLGR advise that a review of Compliance Division records disclosed that: the Premises was subject to a complaint in 2012 and a section 102A notice in 2014 in regards to irresponsible liquor promotions and that the venue has been below the threshold for all applicable rounds of the Declared Premises (for the purposes of the Scheme administered by the Secretary under Part 4 of the Act).

37. Email from Ms Michelle Easton, Council, dated 24 February 2015: This email contains Council's determination on Development Application (DA) and confirms the DA was granted on 29 September 2014 and is subject to conditions imposed in regard to the proposed trading hours. Council has approved the proposed early trading hours (for planning purposes) for a trial period of one year.
38. DA number DA-303/2014 by Council dated 29 September 2014, attached to the email from Michelle Easton dated 24 February 2015: This document records the grant of development consent for the extension of the hotel's trading hours (for planning purposes). It specifies conditions including, *inter alia*, that trading hours of the Premises are restricted to Monday through Saturday 7:00am to 12:00 midnight, Sunday and Public Holidays 7:00am to 10:00pm; and that the sale and supply of liquor is prohibited between 7:00am to 10:00am all days. These trading hours are contended to be on a trial basis for 12 months from the date of the consent.
39. The DA specifies conditions which must be satisfied, *inter alia*, that the management of the Premises shall ensure patrons do not crowd or loiter in the vicinity of the Premises; that the business is not conducted in a way that causes undue disturbance to the amenity of the neighbourhood; that noise and litter will be responsibly controlled; that disturbances complaints are recorded and responded to in a timely manner; and that CCTV is maintained to a specified level.
40. The DA outlines further conditions specifically pertaining to, *inter alia*, incidents involving acts of violence, safety and security measures, waste collection, noise control and acoustics.
41. The DA assessment report dated 29 September 2014 provides an outline of the decision made by the Development Control Committee and explains how (from a planning perspective) the proposed conditions in the DA will deal with any issues that may be raised. This report concludes that the proposal is in the public interest.
42. Email submission on the Application from Constable Phillip Street of Rose Bay Local Area Command (LAC) to the Authority dated 28 November 2014: In this email, Police acknowledge that the Applicant has obtained the appropriate DA from Council to amend the hotels trading hours allowing it to operate as a café serving breakfast to patrons. Police note that the Applicant has stated that no liquor will be served prior to 10:00am on any trading day. The Police propose that should the Application be granted two conditions should be placed on the Licence. The first proposed condition is that no liquor is to be sold prior to 10:00am on any trading day and the second proposed condition is that no gaming activities are to commence prior to 10:00am on any trading day. Police believe the above conditions will allow the Applicant to trade as a café and offer breakfast without detracting from the amenity of community life in the Paddington area.
43. Email from Trudy Tafea dated 14 March 2015 at 11:46 informing the Applicant that the Certificate of Advertising must be completed; that should the Application be granted the Applicant will need to confirm the on Premises trading hours of the Premises, confirm acceptance of a condition regarding the imposition of a six hour shutdown period between 1:00am to 7:00am and that the licenced trading hours for Monday to Saturday will start from 7:00am and that the legislation has changed the trading hours for takeaway liquor sales to cease at 10:00pm. The Applicant is further requested to confirm acceptance of licence conditions requiring that the business not operate with a greater overall level of social impact on the wellbeing of the community; that the licensee join the local liquor accord; that the licensee conduct the business in accordance with the Plan of Management dated July 2014 and requiring that the Premises is only permitted to trade the hours approved by the local consent Authority for the trial period.

44. Email from consultant Mr Rippingill (Design Collaborative) on behalf of the Applicant dated 25 March 2015 at 4:14pm in response to the email sent by Trudy Tafea dated 14 March 2015. The email outlines that the Certification of Advertising [is] attached; that the Applicant agrees to the imposition of the shutdown and changes to the takeaway sales provisions under the Liquor Act; that no response is needed in regards to the submissions from the NSW Police, Council and the Secretary as no objection was noted; and that the Applicant has no objections to the imposition of the conditions listed in the email from Trudy Tafea dated 14 March 2015 at 11:46.
45. Email from Trudy Tafea dated 14 April 2015 at 9:52am requesting the Applicant to also respond to the two conditions imposed by the Police.
46. Email from Mr Rippingill (Design Collaborative) on behalf of the Applicant dated 14 April 2015 at 10:06am advising the Applicant has no objection to the first police condition that no liquor is to be sold prior to 10:00am on any trading day. The consultant submits that the Premises is subject to the operation of a gaming machine shutdown between 4:00am and 10:00am, making the Police proposal of a gaming condition unnecessary.
47. Email from Trudy Tafea dated 14 April 2015 at 11:00am requesting the Applicant consider a change to a condition reflecting the trial period granted by the Council regarding the development consent. The condition would instead state that the licence is authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by the consent Authority from time to time.
48. Email from Mr Rippingill (Design Collaborative) on behalf of the Applicant dated 14 April 2015 at 12:33pm submitting the Applicant does not think the wording of that condition is preferable to the previous one. The consultant argues that the revised proposed condition proposed by Ms Tafea in her email of 14 April 2015 delegates, far too broadly the restriction of licenced trading hours to the action taken by the local consent Authority. The Applicant submits that the Application already proposes to cease the sale and supply of liquor prior to 10:00am. This, combined with the risk of strikes against the licence should the business trading outside of licenced trading hours makes it inappropriate to delegate restriction of liquor licensed trading hours to local consent authorities.
49. Email from Mr Rippingill (Design Collaborative) on behalf of the Applicant dated 14 April 2015 at 2:26pm advising that during a phone call discussing the Application it was considered that the Authority viewed the second condition proposed by Police applied only to gaming machines and *not* other facilities such as the TAB. The consultant states that the Applicant has dispensed with all gaming machines and gaming machine entitlements at the Hotel and as a result the second condition imposed by the Police is not necessary.
50. OneGov liquor licence record for licence number LIQH400100469 for the Premises as of 14 April 2015 noting the trading hours and that the licensee is Mr Walker, the business owner is Bellevue on Hargrave Pty Limited and the Premises owner is WDS Mercantile Pty Limited.
51. Authority licensing records indicating the addresses of other hotel, on-Premises and other nearby licensed businesses in the suburbs of Paddington, Woollahra and Surry Hills.

52. Authority licensing data indicating that liquor licence density per 100,000 persons of population in postcode 2021 was above the NSW rates for *club licences*, *hotel licences* and *on-Premises licences*. Postcode 2021 has a licence density rate of **56.11** per 100,000 people compared to the NSW rate of **30.36**. *Packaged liquor licences* and *producer wholesaler licences* for postcode 2021 are lower than the NSW state average. The Woollahra LGA, by comparison, had a substantially lower rate of *club licences*, *hotel licences*, *limited licences* and *packaged liquor licences*, and a rate well below NSW state average for *on-Premises licences*.
53. 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, within a medium density hotspot for *malicious damage* incidents, and not near any hotspots for incidents of *non-domestic assault*.
54. BOCSAR crime data for calendar year 2013 detailing rates of alcohol related 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 and *offensive behaviour* was also substantially below the NSW rate.
55. 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 Paddington 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

56. 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.

57. 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 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.

58. The power to implement the closure period 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

59. The Authority is satisfied that the Application has been validly made and that minimum procedural requirements with regard to the Application and CIS have been satisfied.
60. 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. The Authority is satisfied on the basis that no alcohol will be served during the extended hours sought in the Application and that the *Plan of Management* specifically outlines on pages 4-7 the performance criteria the Premises will follow in regards to the responsible service of alcohol. In addition, the Authority noted that the Police and OLGR did not make any adverse submission in regards to the Application.
61. The Authority is satisfied, for the purpose of section 49(8)(b) of the Act, that extending the Premises trading hours to begin trading at 7:00am on Sunday for the purpose of serving breakfast, will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the Premises. The Authority is satisfied that the condition offered by the Applicant, to not serve alcohol until 10:00am and the fact that all gaming machines have been dispensed with, will ensure that the Premises will operate within these proposed hours with the same impact that a café or brasserie serving breakfast would have on the local community and therefore does not warrant refusal of the Application. Given that the extended trading hours proposed by the Application would only permit the Premises to open for an additional three hours in the morning on one day of the week, for the purpose of serving breakfast, the Authority is satisfied the Application should not be refused as the conduct of the Premises and the patrons, within these additional hours, would not result in undue disturbance of the quiet and good order of the neighbourhood of the Premises.

Overall Social Impact Test

62. The Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application will *not* be detrimental to the wellbeing of the local or broader community.
63. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.
64. With regard to the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the suburb of Paddington and the broader community comprises the Woollahra LGA.
65. Based on the Applicant's submissions, the Authority is satisfied that the early extended trading hours are sought for the sole purpose of enabling the Premises to expand its services to provide breakfast on Sunday mornings between 7:00am and 10:00am.

Positive Benefits

66. The Applicant has satisfied the Authority that granting the Application will deliver some positive benefits to members of the local and broader community who seek this style of breakfast service on a Sunday morning at this location.
67. The Authority notes that the Premises is a substantial hotel with established dining facilities and granting the Application to expand the food services offered can be said to promote the statutory object of section 3(1)(c). The Application will facilitate the development of the local hospitality industry.

Negative Impacts

68. The Authority is satisfied that any adverse social impacts of granting the Application will be limited. The Authority is satisfied as a result of the purpose of the Application which is to provide a morning breakfast service on Sunday and there will be *no* service of alcohol until 10:00am.
69. The Authority acknowledges the BOCSAR data that reveals, related and non-alcohol related offences, in Paddington and the Woollahra LGA are very low compared with the NSW State average. In addition to these low crime rates, the data suggests that *assault (domestic and non-domestic)*, *exceed PCA* and *assault police* offences in the suburb of Paddington and the Woollahra LGA are low during the period between 6:00am and 12:00 midnight on Sundays.
70. The Authority notes that the Council approved the proposed use of the Premises from a planning perspective, on a 12-month trial basis, however, the Authority has granted the Application with a condition *the licence is authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by the consent Authority from time to time*.
71. The Authority is satisfied that, for the most part, the majority of the noise created by patrons departing the Premises will be similar in character to the noise emitted from patrons departing from a café or brassiere conducting a breakfast business. The Authority notes that in this case no alcohol will be served during the early trading hours proposed in the Application any impact on the amenity of the local community will not be of a kind experienced from patrons affected by alcohol to varying degrees leaving licensed premises either late in the evening or very early in the morning.
72. The Authority notes no objections to the Application were received from the community, OLGR, the Police and Council. The Authority notes that a review of OLGR Compliance Division records disclosed that the venue was subject to a complaint in 2012 and a section 102A notice in 2014. Those concerns arose in relation to irresponsible liquor promotions not general or patron disturbance and the Authority is satisfied that the Application for extended hours, to allow the Premises to provide breakfast services on a Sunday morning, will not result in the Premises engaging in the type of activity outlined in those complaints. 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.
73. The Authority noted the conditions proposed by Police but has decided *not* to impose them on the liquor licence on the basis that that they are sufficiently covered by the legislation.

74. Granting the Application will provide the benefit of an expanded focus on food at the Premises. The Authority is satisfied that this focus combined, with the factors that objectively constrain the scope for negative impacts in this, satisfies the Authority that the overall social impact of granting the Application will not be detrimental to the well-being of the local or broader community.
75. Although no liquor is proposed to be sold during the extended trading period in this case, 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 for the purposes of section 49(8)(a).
76. Aside from the overall social impact test, the Authority does not consider that granting an application of this kind in the present circumstances is likely to cause frequent undue disturbance to the quiet and good order of the neighbourhood contrary to section 49(8)(b).

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

DATED: 2 July 2015
