



Mr Dion Manca
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Dear Mr Manca

**Application for Variation of an Extended Trading Authorisation
Greenfield Tavern Hotel, Greenfield Park**

I am writing to you about an application made under the *Liquor Act 2007* on behalf of Mr Robert Gordon Aldridge to the Independent Liquor and Gaming Authority dated 28 January 2014.

The application seeks to vary and expand an existing extended trading authorisation which currently applies in respect of certain limited areas of the "full" hotel licensed premises known as "Greenfield Tavern Hotel", located at the corner of Greenfield and Mimosa Roads, Greenfield Park.

The Authority considered the application at its meeting on 25 November 2015. After careful consideration of the application and the submissions provided in relation to the application, the Authority decided, pursuant to section 51(9)(b) of the *Liquor Act 2007*, to *refuse* the application. This decision was advised to you informally in an email from Authority staff dated 30 November 2015.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those types of decisions that are prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008.

This letter attaches a statement of reasons for the Authority's decision, which has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

If you have any enquiries about this letter, please contact the case manager, Ms Santina Causa via email at santina.causa@ilga.nsw.gov.au.

Yours faithfully

Micheil Brodie
Chief Executive

31 January 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 4 February 2014, the Independent Liquor and Gaming Authority (Authority) received an application dated 28 January 2014 (Application) made on behalf of Mr Robert Gordon Aldridge (Applicant), the former licensee of the hotel licensed premises known as "Greenfield Tavern Hotel", located at the corner of Greenfield and Mimosa Roads, Greenfield Park (Premises).
2. According to licensing records maintained by the Authority on the *OneGov* database, the Premises currently has a "full" hotel liquor licence number LIQH400104936, which has the benefit of an extended trading authorisation that permits the sale or supply of liquor beyond the standard licensed trading hours prescribed by section 12 of the Act in the entrance lobby and part of the public bar only of the Premises. The licence record indicates that the current licensed trading areas are as follows:

Entrance lobby and part of public bar

Monday to Saturday	5:00am to 5:00am
Sunday and public holidays	10:00am to 10:00pm

All other areas

Monday to Saturday	5:00am to 12:00 midnight
Sunday and public holidays	10:00am to 10:00pm.

3. The Application seeks to *vary* the existing extended trading authorisation in a manner that would expand the scope of the authorisation in a spatial sense. Were the Application to be granted, the sale or supply of liquor would be authorised in the relevant areas of the Premises as follows:

Entire public bar and outdoor gaming area

Monday to Saturday	10:00am to 4:00am
Sunday	10:00am to 10:00pm
Public holidays	10:00am to 12:00 midnight

All other areas

Monday to Saturday	10:00am to 12:00 midnight
Sunday and public holidays	10:00am to 10:00pm

Takeaway sales

Monday to Sunday	10:00am to 10:00pm.
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4. Processing of the Application was delayed by reason that further information in relation to the Application, requested by Authority staff in June 2014, was not provided by the Applicant until May 2015.

MATERIAL BEFORE THE AUTHORITY

5. The Authority had before it the Application, the accompanying Category B community impact statement (CIS), and further submissions and other relevant material, including:
6. **Application Form dated 28 January 2014.**
7. **CIS document prepared by LAS Lawyers & Consultants on behalf of the Applicant dated 28 January 2014.**

8. **Plan of Management for the Greenfield Tavern Hotel dated December 2012.** The stated purpose of this internal business document is to "ensure that the hotel is run at all times in a way that is consistent with good management and does not disturb the quiet and good order of the neighbourhood". The *Plan of Management* also contains provisions relating to neighbourhood amenity; hours of operation of the Premises; signs and advertising; noise; security staff; maintenance; emergency exits and fire safety; and amendments to this *Plan*.
9. **House Policy: Responsible Service of Alcohol for the Greenfield Tavern Hotel** (undated). This 2-page internal business document outlines a number of measures by which the Greenfield Tavern Hotel "promotes and provides responsible service of alcohol" on the Premises including, *inter alia*, promoting the NSW Liquor Industry *Code of Practice for the Responsible Promotion of Liquor Products*; refusing to sell or supply liquor to persons exhibiting signs of intoxication; declining entry to persons exhibiting signs of intoxication; refusing to sell or supply liquor to persons believed to be under the age of 18 years; not permitting intoxication or any indecent, violent or quarrelsome conduct on the Premises; ensuring all staff have completed an approved Responsible Service of Alcohol (RSA) course; ensuring all staff members are trained in accordance with the *House Policy* and ensuring that alcohol is not sold outside approved trading hours. The *House Policy* also outlines the procedures in place at the Premises in relation to preventing alcohol sales to minors, prevention of intoxication and mandatory signage.
10. **Plan of the Premises**, being a diagram outlining the licensed areas of the Premises, including the areas of the hotel which currently enjoy extended trading hours and the areas that are proposed to have extended trading should the Application be granted. The areas of the hotel that are the subject of the extended trading authorisation if varied by this Application comprise the entire public bar area and outdoor gaming area. The areas of the Premises that are currently authorised for extended trading hours comprise only the entrance lobby and part of the public bar area of the hotel.
11. **Liquor licence record for the Premises as at 4 February 2014**, as maintained by the Authority on the *OneGov* database. This record indicates, *inter alia*, the conditions to which the licence is currently subject and that the business owner and premises owner of the hotel is a corporation, Meerlen Pty Limited (ACN 089 981 304). The licence record also discloses that the hotel has a gaming machine threshold (that is, the maximum number of gaming machines that may lawfully be kept on the Premises) of **30**; and that there are currently **19** gaming machine entitlements and **11** poker machine permits held in respect of this venue. The licence further records that the gaming machine shutdown period is from between 4:00am and 10:00am on Monday to Friday and from between 6:00am and 9:00am on Saturday, Sunday and public holidays.
12. **Notice of Determination of Development Application No. 943.1/2012 (DA) issued by Fairfield City Council (Council) dated 3 July 2013.** This document records the granting of development consent for "use of an outdoor gaming room, extension of operating hours and construction of a boundary wall" in respect of the Premises. Relevantly, Condition 21 of the DA states that the approved hours of operation for the outdoor gaming area, sports bar, pub tab and public bar are (subject to a 12-month trial period) from 10:00am to 4:00am on Monday through Saturday, 10:00am to 10:00pm on Sunday, and 10:00am to 12:00 midnight on public holidays. The DA also specifies conditions dealing with the conduct of inspections, construction, noise, and fire safety.
13. **Notice of Determination of Section 96(2) Modification No. 943.2/2012 issued by Fairfield City Council dated 13 July 2015.** This document records the approval by Council of *permanent* extended hours of operation for the use of the outdoor gaming

area, sports bar, pub tab and public bar areas of the Premises, as had previously been approved on a *trial* basis in July 2013.

14. **Submission from NSW Roads and Maritime Services (RMS) in relation to the Application dated 9 January 2014.** RMS states that its focus is the relationship between alcohol consumption by all road users, including pedestrians, and road injuries and fatalities. RMS states that during the past five years (2008 to 2012) alcohol impairment has been a factor in 3 per cent of all crashes in "Sydney" [the Authority notes that the area comprising Sydney is not defined], with 51 per cent of alcohol related crashes resulting in a casualty. Within the Fairfield Local Government Area during 2012, there were 25 alcohol related crashes, resulting in 19 casualties.
15. RMS recommends that if the Application is approved, measures to prevent and decrease the likelihood of alcohol involvement in road crashes in the Greenfield Park area should be addressed in the approval process. RMS submits that physical barriers such as pedestrian fencing should be installed to separate patrons (as they exit the Premises onto the footpath) and the roadway; and that improved lighting and the elimination of any potential trip points to improve pedestrian safety should also be considered.
16. RMS recommends that if the Application is approved, the licensee must maintain awareness of any specific local alcohol related issues to impact the community by attending the local liquor accord and that this requirement be manifested in any approval. RMS further recommends that if the Application is approved, the licensee be required to "provide access to local public transport information and taxi services"; "display public education material focused on drink drive and pedestrian-alcohol issues (from either Council or RMS)"; and "install an Australian Standards Approved breath testing device, enabling patrons to check their BAC [blood alcohol concentration] level".
17. **Report to the Authority from a delegate of the (then) Secretary of NSW Trade and Investment (Secretary) via the Compliance and Enforcement Division of the Office of Liquor, Gaming and Racing (OLGR) dated 5 May 2014 (OLGR Report).** The OLGR Report states that while the Applicant seeks to reduce the authorised on-premises hours in some parts of the venue, it also seeks to vary the authorised licensed areas applicable under the hotel's existing extended trading authorisation, which would ultimately increase the hours for consumption of liquor on the Premises in the hotel's outdoor gaming area and the entire public bar area of the hotel.
18. OLGR submits that the Applicant has "thoroughly addressed" the RSA and liquor related harm minimisation issues associated with the Application in the CIS document, *House Policy* and *Plan of Management* submitted with the Application; but has "failed altogether" to address responsible conduct of gambling (RCG) or other gaming related issues associated with extending the on-premises hours in the venue's outdoor gaming area in any of the previously mentioned documents.
19. OLGR submits that the Applicant's failure to address RCG issues is "concerning when it is clear [the Applicant] had their gaming market in mind when preparing the Application".
20. OLGR further submits that "this omission is concerning given the amount of empirical data available that shows the adverse causal effect that alcohol has on people's gambling habits, particularly those who have been identified as problem or at-risk gamblers".
21. OLGR notes that the primary purpose of this hotel licensed premises is the sale or supply of liquor by retail on the licensed premises for consumption on or away from the licensed premises, and that the hotel has been endorsed with both an extended trading

authorisation and a minors area authorisation. The business model of this type of venue is assessed by OLGR as "high risk".

22. OLGR submits that the radial density of liquor licensed premises in relation to this location (being the State suburb of Greenfield Park) is assessed as "below the State average". OLGR assesses the location risk associated with the Premises as "low".
23. OLGR refers to data sourced from the NSW Bureau of Crime Statistics and Research (BOCSAR) for calendar year 2013 indicating that the suburb of Greenfield Park has alcohol related assault and offensive behaviour rates "well below" the State average, indicating that the suburb "does not appear to have a high concentration of alcohol related anti-social behaviour".
24. OLGR notes that NSW Police have not provided a response to the Applicant's notice of the Application or the Authority's referral of the Application to Police, so the Police position on this Application is "not known".
25. In relation to the venue's compliance history according to OLGR compliance records, OLGR notes that Mr Robert Gordon Aldridge is the current licensee of the hotel (as at the date of the Application) and has held this position since 4 September 2013.
26. OLGR notes that Mr Aldridge was previously the licensee of The Village Tavern in Auburn (liquor licence number LIQH400105177) and that both that venue and Mr Aldridge were the subject of an investigation in 2011 in relation to gaming machines being operated during the mandatory shutdown period (the allegations could not be substantiated). Furthermore, in 2011 a compliance notice was issued by OLGR to Mr Aldridge for failing to keep a record of prizes won on a progressive machine/jackpot.
27. OLGR advises that a review of Compliance and Enforcement Division records did not disclose any recent adverse information regarding the Premises or Mr Aldridge. The review also showed that in each applicable round of the Declared Premises Scheme contained within Schedule 4 to the Act (Rounds 1, 2, 3, 9, 10 and 11), the venue was recorded as below the threshold in relation to incidents of alcohol related violence occurring on the Premises.
28. The OLGR Report concludes that:

The Director Compliance objects to the granting of this Application on the grounds that it may result in an increase in gambling-related harm and negative outcomes for the local and broader community.
29. **Submission from the District Director, South Western Sydney District of the NSW Department of Family and Community Services (FACS) in relation to the Application** (undated). In this letter, FACS states that "generally Community Services is concerned about the increasing number of liquor outlets and hours of operation of licensed premises in South Western Sydney and the impact this may have on children, families and communities as a whole".
30. FACS states that it is "aware" that there are a number of liquor outlets including *Vic's Liquor Store, BWS Bossley Park, Liquorland, Pubmart, Liquorstop* and *Liquor Stax* in the surrounding area of Greenfield Park.
31. FACS states that it "expects Greenfield Tavern management will continue to consult with and respond to community concerns on extending hours of operation and takes every opportunity, within its control, to address the negative effects of changes in alcohol

availability". Given the information provided, FACS states that it does not object to the Application subject to "strict compliance with the provisions of the *Liquor Act 2007*".

32. **Email from Ms Susan Gibbeson, Manager of Social Development at Fairfield City Council dated 29 May 2014**, acknowledging receipt of the Application and confirming that on 3 July 2013, Council issued development consent for "use of an outdoor gaming room, extension of operating hours and construction of a boundary wall" in respect of the hotel Premises.
33. Council notes that the extended trading hours for the outdoor gaming area and public bar (from 10:00am to 4:00am on Monday to Saturday and from 10:00am to 10:00pm on Sunday and public holidays) are to operate for a trial period of 12 months and advises that "these hours will be reviewed if complaints are received".
34. **Email from Authority staff to Ms Nakita Brown of the law practice LAS Lawyers & Consultants on behalf of the Applicant dated 2 June 2014**. In this email, the Applicant is advised that, should the Application be granted, the licence will be subject to a daily 6-hour closure period as per section 11A of the Act. The Applicant is also provided with a copy of the submissions received from RMS, OLGR and FACS in response to the Application and is invited to comment on any aspects of these submissions that the Applicant considers adverse to the Application.
35. Authority staff request the Applicant to address the following matters in order for the Application to proceed:
 - a) Complete and sign the "Certification of Advertising Application" form as evidence of having properly complied with advertising requirements.
 - b) Provide a plan of the Premises that clearly highlights the boundaries of the whole of the licensed premises in red, including areas endorsed with other authorisations such as an extended trading authorisation or minors area authorisation.
 - c) Confirm if the Premises is situated within any alcohol free zones.
 - d) Provide an update on the extended trading hours for the Premises which were approved for a 12-month trial period which is due to lapse on 3 July 2014.
36. Further, Authority staff invite the Applicant to make submissions in relation to the following proposed conditions, which may be imposed upon the licence in the event that the Application is granted:
 - a) 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 6-hours period 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.
 - b) 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 the extended trading authorisation.
 - c) The licensee or its representative must join and be an active participant in the local liquor accord.
 - d) The premises are only permitted to trade during the hours approved by the local consent authority for the trial period whilst it remains in force.
37. **Email from Authority staff to Ms Brown dated 22 April 2015**, noting that the Applicant had not provided a response to the email from Authority staff dated 2 June 2014. The email advises that if the Authority does not receive a response within 10 days of the date of this email, assessment of the Application will be completed based on the information

currently held and that if there is insufficient information before the Authority to allow the Authority to approve the Application, then the Application may be withdrawn.

38. **Submission from Mr Dion Manca of LAS Lawyers & Consultants in relation to the Application dated 1 May 2015.** Mr Manca advises that the Applicant is still awaiting approval of the development application submitted to Council pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* and that this is the "primary reason for the delay".
39. Briefly, Mr Manca makes the following observations and contentions in response to the email from Authority staff dated 2 June 2014:

Applicant Response to the OLGR Report

40. Mr Manca notes that the OLGR Report raised an issue regarding the Applicant's failure to address gambling related issues, and that the OLGR Director of Compliance objects to the granting of the Application on the basis that it may result in an increase in gambling related harm and negative outcomes for the local and broader community.
41. Mr Manca submits that the Director of Compliance does not provide any evidence supporting this conclusion and "merely makes a general statement" regarding an adverse causal effect that alcohol has on people's gambling habits.
42. Mr Manca submits that the Director of Compliance "fails to link" the same adverse effect to the Premises, or to the local community.
43. Mr Manca notes that the location risk assessment conducted by OLGR states that Greenfield Park has alcohol related assault and offensive behaviour rates that are "well below the State average, indicating that the suburb does not appear to have a high concentration of alcohol related anti-social behaviour". Mr Manca submits that that statement:

...does not correlate with a finding that the Premises is located within an area where alcohol detracts from the amenity of the local community, nor is there a link that the consumption of alcohol has increased gambling-related harm and negative outcomes for the local and broader community.
44. Mr Manca submits that the OLGR Report does not detail the possible "negative outcomes", nor does it provide evidence of current negative outcomes within the local community as a result of the current operations of the Premises, which include the sale and supply of alcohol and provision of gaming activities in circumstances where the current approved trading hours "are in excess of those sought by the current Application".
45. Mr Manca submits that the current operators of the hotel have implemented management practices at the hotel to "regulate and control the sale of liquor and use of gaming machines without detracting from the amenity of the local community", and this is supported by the hotel's "clear compliance history, low location risk, lack of alcohol related anti-social behaviour and operations" pursuant to the hotel's *Plan of Management*.
46. Mr Manca submits that the Applicant did not address potential concerns regarding gambling related harm by reason that the current practices at the hotel are "effective", demonstrated by the "clear compliance history" regarding gambling at the Premises. Mr Manca submits that the hotel will continue to operate pursuant to the strategies currently implemented and will continue to assess such strategies.

47. Mr Manca submits that the hotel's management and staff "are supportive of and encourage responsible gaming practices". All staff engaged in the operation of gaming machines have completed the required RCG Course and RCG certificates for all staff are maintained in a register at the hotel.
48. Mr Manca states that the hotel currently has 30 gaming machines, and that all of these gaming machines are located within a gaming room of the hotel, as prescribed by clause 9 of the (now repealed) Gaming Machines Regulation 2002, in that:
- a) The gaming room is located in a bar area of the hotel
 - b) The gaming room is physically separated from the general bar area by walls and doors
 - c) Patrons are not compelled to pass through the gaming room in order to enter or leave the hotel or in order to gain access to another part of the hotel
 - d) Entry to the gaming room is free of charge
 - e) The machines cannot be seen from any place outside the hotel that is used by the public or to which the public has access
 - f) All gaming machines are suitably spaced in order to facilitate access
 - g) The gaming room is supervised at all times by way of electronic means and physical presence of the licensee or an employee
 - h) The gaming room has two (2) doorways that provide reasonable access to and from the gaming room to at least one operating bar and at least one toilet for each gender without the need for patrons to go a public street, or to any area not forming part of the hotel when moving from the gaming room to the other facilities
 - i) The gaming room cannot be accessed directly from a public street.
49. Mr Manca makes the following further submissions with regard to the gaming related practices that are or will be in place at the Premises:
- a) The hotel will continue to comply with the gaming machine shutdown hours approved by the Authority.
 - b) The hotel is a current member of the Australian Hotels Association (**AHA**) NSW and will continue to support its practices and procedures for gaming harm minimisation.
 - c) Patrons of the hotel are made aware of the AHA's counselling services and of the Government funded "gambling HELP" counselling service.
 - d) Patrons will be made aware of the chances of winning and the problems associated with excessive gambling through the prescribed signage located on each gaming machine and throughout the gaming room by way of the prescribed information notices on display.
 - e) The ATM located within the hotel also displays the appropriate signage to notify patrons of the problems associated with gambling.
 - f) The hotel does not offer prizes associated with the use of its gaming machines and the hotel has a policy of not cashing cheques.
 - g) The hotel will comply with advertising requirements in respect of gaming, in that:
 - i. the hotel will not use the word "casino" in any description or promotion of the hotel
 - ii. the hotel will not permit gaming related advertising material to be displayed on the exterior or interior of the Premises
 - iii. the hotel will not promote irresponsible gaming or gaming practices
 - iv. the hotel will display a clock that is set to, or within 10 minutes of, the correct time and is in view of patrons in the gaming room
 - v. the hotel will not publish the details of any person who has won a prize in excess of \$1,000
 - vi. the hotel will display the prescribed signage within the gaming room on all gaming machines and on the ATM and any EFTPOS facilities

- h) The hotel provides gaming related helpline pamphlets and has signage located throughout the hotel.
 - i) The hotel operators have "extensive experience" in the industry and ensure that the managers are trained to watch for problem gamblers and talk regularly to patrons, assisting patrons when required.
50. Mr Manca submits that it is "clear" that the only compliance notice issued to Mr Aldridge (the licensee of the Premises as at the date of the Application) occurred in 2011. Mr Aldridge had not received a notice prior to 2011 and has not received a notice since 2011.
51. Mr Manca submits that Mr Aldridge has extensive experience in the industry and continues to be involved in the operation of numerous successful businesses within the industry and that there is "nothing arising from the compliance history of Mr Aldridge" which would suggest that he is not fit and proper to manage the Premises or that the proposed Application should not be granted.

Applicant Submissions on Alcohol Free Zones

52. Mr Manca states that he contacted Fairfield City Council on 14 August 2014 and was advised that the staff member who dealt with the alcohol free zone information (Ms Susan Gibbeson) was unavailable until the following week. Following a written request for further information dated 19 August 2014, Ms Gibbeson confirmed on 20 August 2014 that "as far as Council is aware, there are no alcohol free zones in Greenfield Park".

Applicant Submissions on Council Development Approval

53. Mr Manca confirms that the extended trading hours approved pursuant to the development consent issued by Council dated 3 July 2013 were based on a 12-month trial period which has lapsed. However Mr Manca notes that the trial period was in operation at the time of lodgement of the Application with the Authority.
54. Mr Manca advises that the Applicant has lodged a modification application pursuant to section 96 of the *Environmental Planning and Assessment Act 1979* with the Applicant seeking that the extended trading hours continue or that another trial period commence operation – however this application is yet to be determined by Council.
55. Mr Manca submits that if the Authority determines not to approve the Application due to the fact that this trial period has lapsed, then it should extend the time for an assessment of the Application pending the outcome of the Council determination.

Applicant on Proposed Conditions

56. Mr Manca confirms that the Applicant consents to the imposition of the four proposed conditions outlined in the email from Authority staff dated 2 June 2014, subject to approval of the Application.

Applicant Concluding Submissions

57. Overall, Mr Manca submits that the hotel has "adequate measures in place to minimise the risk of alcohol related violence to prevent intoxication and reduce the risk of gaming related harms". The operators of the hotel business continue to implement strategies in order to ensure that the impact on the community is "not detrimental" and provide the

community with a "safe and friendly environment to enjoy the various forms of entertainment provided".

58. Mr Manca notes that the venue already operates pursuant to extended trading hours, allowing 24-hour licensed trading within the area deemed the "entrance lobby and part of the public bar" which was previously used as a gaming room.

59. The Applicant seeks the proposed trading hours in order to authorise extended trading in the proposed new gaming room area and public bar areas. Mr Manca submits that the impact of this Application "will not result in any increased trading hours, but merely a change to the areas where the existing extended trading authorisation relates" in order to allow the Premises to operate efficiently as a result of internal alterations of the Premises, namely that the gaming room is to be relocated.

60. Mr Manca concludes with the submission that:

...it is reasonable to conclude that approval of the current Application in such circumstances is not likely to result in significant alcohol related incidents, nor an increase in gaming related harms to the extent that patrons of the hotel should be denied the opportunity to enjoy and utilise renovated Premises or that the operators of the venue should be denied the opportunity to advance their business interests by operating to the potential of the premises.

61. **Email from Mr Manca to Authority staff dated 16 July 2015** attaching a copy of the development consent issued by Fairfield City Council on 13 July 2015 confirming the extended trading hours previously approved by Council on a trial basis as now permanent.

62. **Email from Authority staff to Mr Manca dated 12 August 2015.** In this email, Authority staff request Mr Manca to provide the completed Certificate of Advertising and an updated floor plan of the Premises clearly showing the current licensed boundaries in red and the proposed boundaries of the variation to the extended trading authorisation the subject of the Application. This email also notes that since the Application was lodged with the Authority 18 months ago, there has been a change in licensee. Authority staff request that the current licensee, Mr Brent Gary Lawson, acknowledge the Application and confirm that it is to proceed.

63. **Email from Authority staff to Mr Manca dated 3 September 2015,** advising that the Authority had considered the Application at its meeting on 26 August 2015 and deferred determination of the matter as a number of issues are required to be addressed prior to the Application proceeding, being:

- a) The Applicant is requested to provide a Category B CIS to the Authority pursuant to section 48(4) of the Act. The Authority observed that the CIS provided with the original Application is out of date and does not properly address part 7.1 which states that "in the case of an application for an extended trading authorisation in relation to a hotel licence, matters relating to gambling activities during the period that the authorisation is proposed to be in force should be addressed".
- b) The Authority requested the Applicant to consider the 2010 *Productivity Commission Report on Gambling* (particularly the Executive Summary findings with regard to problem gambling and gaming machines); the 2012 *Ogilvy Report* on problem gambling prevalence in NSW (particular Chapter 10 conclusions with regard to demographic factors associated with problem gambling); licensing data held by Authority Gaming and Licensing for the suburb of Greenfield Park (data detailing gaming machine density, average gaming machine expenditure and income data that underpins the classification of the Fairfield LGA as a "Band 3" area); and Australian Bureau of Statistics *Quickstats* demographic data for the

suburb of Fairfield from the 2011 Census when making submissions on the overall social impact of the Application.

64. This email dated 3 September 2015 notes the email previously sent to the Applicant on 12 August 2015 seeking the provision of further information and that a response has still not been provided. Mr Manca was requested to provide a response to the matters raised in both the email dated 3 September 2015 and the email dated 12 August 2015 by **16 September 2015**.
65. **Email from Authority staff to Mr Manca dated 2 November 2015** advising that if a response to the outstanding issues raised in emails from Authority staff dated 12 August 2015 and 3 September 2015 is not received by close of business on **6 November 2015**, then the assessment of the Application will be based on information currently held. Further, if there is insufficient information to allow the Authority to approve the Application, then the Application may be withdrawn.
66. **Submission from Mr Manca in relation to the Application dated 6 November 2015.** Mr Manca notes that the Authority has requested that the Applicant provide a Category B CIS. He submits that a Category B CIS was provided along with the Application at the time of lodgement on 4 February 2014. Mr Manca submits that there have been "no substantial changes to report" since that CIS was prepared and that if it is the case that the Authority requires a new round of notification and preparation of a new CIS then the Applicant should be afforded additional time to prepare new consultation notices and a new CIS document.
67. Mr Manca further submits that to the extent that the Applicant is "criticised" for not properly addressing part 7.1 of the CIS form, the prescribed Category B CIS form did not include a part 7.1 at the time the Application was originally made. Mr Manca states that if the Authority requires the Applicant to simply address matters arising under part 7.1 of the updated Category B CIS document, rather than embark on a completely new consultation process and preparation of a new CIS document altogether, this can be "done quite succinctly" herein.
68. Mr Manca then makes the following submissions in relation to part 7.1 of the updated Category B CIS form:

Approval of this Application will have no, or a negligible net negative impact on problem gambling. The Premises is already the subject of an extended trading authorisation which permits 24 hour trading (Monday to Saturday) in the entrance lobby and part of the public bar, including the area that is described on the approved plans as the poker machine area. The application for 24 hour trading was approved on 28 November 1994. The hotel is also subject to a standard 6-hour shutdown period Mondays to Fridays, but a reduced 3 hour shutdown on Saturdays, Sundays and public holidays. [The Authority notes that is an apparent reference to the gaming machine shutdown period that applies in respect of the Premises.]

The approval of the Application will have an overall net reduction in the approved trading hours from the existing approved 24 hours Monday to Saturday to the proposed reduced trading hours of 10:00am to 4:00am Monday to Saturday. This would have the effect of prohibiting the Applicant from operating gaming machines between 4:00am and 6:00am Saturdays, Sundays and public holidays if the Application is approved, whereas currently, the Applicant is in fact authorised to do so.

Further, it must be noted that the Applicant seeks only to relocate the existing gaming room to another area within the hotel. It is not the case that there are additional areas being sought to be included in the areas the subject of the extended trading authorisation, merely a relocation of the areas and a net reduction in trading hours given

the existing approval for 24 hour trading. The existing approved area for extended trading includes the poker machine area. The proposed area to be approved for extended trading is the proposed new gaming room. As a result, the effect of the Application on problem gambling is at worst neutral, and at best, improved, due to the reduction in hours that the hotel will be permitted to offer gaming facilities to its patrons.

69. **Attachment 1 to the Applicant's submission dated 6 November 2015** – Certification of Advertising Application Form signed by Mr Robert Aldridge dated 4 November 2015.

70. **Attachment 2 to the Applicant's submission dated 6 November 2015** – letter of consent to the Application from the current licensee, Mr Brent Lawson (undated). This letter states as follows:

I, Brent Lawson, licensee of the Greenfield Tavern, hereby acknowledge and consent to the Application to vary the extended trading authorisation as lodged by the previous licensee, Mr Bob Aldridge on 4 February 2014.

71. **Attachment 3 to the Applicant's submission dated 6 November 2015** – this is an updated floorplan of the Premises showing the current licensed boundaries in red, the current minors area authorisation and the current extended trading authorisation.

72. **Attachment 4 to the Applicant's submission dated 6 November 2015** – this is a separate floorplan of the Premises showing these areas again, as well as the proposed areas for the extended trading authorisation the subject of this Application.

73. **NSW Bureau of Crime Statistics and Research crime maps based upon data for April 2014 to March 2015 detailing hotspots for the reported commission of offences in Greenfield Park.** This data, obtained by Authority staff from published BOCSAR sources, indicates that the Premises is situated:

- a) **Near** a low density hotspot for the occurrence of incidents of *domestic assault*;
- b) **Near** a low density hotspot for the occurrence of incidents involving *malicious damage to property*.

74. **BOCSAR Report on Crime by LGA and Alcohol Related Status.** This data indicates that during calendar year 2013 across the Fairfield LGA:

- a) The rate of *assault Police* incidents recorded by reporting Police as *alcohol related* was **13.0** per 100,000 persons of population, below the NSW average rate of **24.0** per 100,000 persons of population
- b) The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* was **89.0** per 100,000 persons of population, below the NSW average rate of **145.0** per 100,000 persons of population
- c) The rate of *non-domestic violence related assault* incidents recorded by reporting Police as *alcohol related* was **81.0** per 100,000 persons of population, below the State wide average rate of **191.0** per 100,000 persons of population
- d) The rate of incidents involving *offensive conduct* recorded by reporting Police as *alcohol related* was **6.0** per 100,000 persons of population, well below the State wide average rate of **83.0** per 100,000 persons of population.

75. **BOCSAR crime data for the Fairfield LGA for calendar year 2013.** According to this data:

- a) The proportion of incidents involving *domestic assault* recorded as occurring in this LGA *peaks* between 6:00pm and 12:00 midnight on Saturday evening and is *elevated* between 6:00pm and 12:00 midnight on both Friday and Sunday evenings.
- b) The proportion of incidents involving *non-domestic assault* recorded as occurring in this LGA *peaks* between 12:00 midnight and 6:00am on Sunday morning, and is

- elevated* between 6:00pm and 12:00 midnight on both Friday and Saturday evenings.
- c) The proportion of incidents involving *malicious damage to property* offences recorded as occurring in this LGA is *elevated* between 6:00pm and 12:00 midnight every night of the week and between 12:00 midnight and 6:00am on Saturday and Sunday mornings; and *peaks* at between 6:00pm and 12:00 midnight on Friday evening
 - d) The proportion of *prescribed concentration of alcohol (PCA)* offences recorded as occurring in this LGA *peaks* between 12:00 midnight and 6:00am on Saturday and Sunday mornings, and is *elevated* between 6:00pm and 12:00 midnight on Friday and Saturday nights.
76. **Authority licensing records** listing twenty (20) licensed premises that are located within 2 kilometres of the Premises, comprising:
- a) **five** registered club licensed premises, being *Triglav Mounties; St Johns Park Bowling Club Limited; Hungarian (Magyar) Social Club Limited; King Tomislav Croatian Club Limited* and *Club Marconi of Bossley Park Social Recreation and Sporting Club Limited*.
 - b) **nine** on-premises licensed premises, being *Golden Asian Restaurant; Edessa Hall; Il Posto Restaurant Café; Assyrian Australian Social Centre; Dom's Pizza Bar; Lantana Palace; Savanas Restaurant; Wetherill Park Chinese Restaurant; and Stonegrill Steakhouse*.
 - c) **six** packaged liquor licences, being *Liquorland Edensor Park; Cellarbrations at Bonnyrigg; BWS – Beer, Wine, Spirits Bossley Park; Woolworths Liquor Bonnyrigg; BWS – Beer, Wine, Spirits Wetherill Park; and Khan's Super IGA*.
77. **Authority liquor licence density data** indicating that for the Fairfield local government area (**LGA**) as a whole:
- a) There are **5.33** *"full" hotel licences* per 100,000 persons of population, well below the corresponding State average rate of **30.36**
 - b) There are **2.66** *club licences* per 100,000 persons of population, well below the corresponding State average rate of **20.48**
 - c) There are **5.86** *on-premises licences* per 100,000 persons of population, well below the corresponding State average rate of **121.31**
 - d) There are **6.92** *packaged liquor licensed premises* per 100,000 persons of population, well below the corresponding State average rate of **32.85**.
78. **Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS)**. This data, prepared on the basis of the 2011 Census, indicates that the State suburb of Greenfield Park ranked in the 4th decile compared to other State suburbs on the Index of Relative Socioeconomic Advantage and Disadvantage, while the Fairfield LGA ranked in the 1st decile compared to other local government areas in the State on the Index of Relative Socioeconomic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

STATUTORY OBJECTS AND CONSIDERATIONS

79. In determining the Application, the Authority has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states as follows:

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.*

80. The power to vary an existing extended trading authorisation is provided by section 51(9)(b) of the Act, which states as follows:

51 General provisions relating to licence-related authorisations

- (9) *An authorisation:*
 - (a) *...*
 - (b) *may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee, the Director-General or the Commissioner of Police.*

COMMUNITY IMPACT TEST

- 81. An application to vary an existing extended trading authorisation is not, *per se*, a type of liquor application that is deemed to be a "relevant application" under section 48(2) of the Act in respect of which the provision of CIS is mandatory.
- 82. Nevertheless, in this case the Applicant voluntarily provided a Category B CIS at the time the Application was lodged with the Authority.
- 83. Liquor applicants may from time to time submit CIS documents as a means of structuring submissions in support of an application or (as in this case) to provide evidence of community support, or at least lack of community opposition to an application.
- 84. In circumstances where a CIS document is voluntarily provided, the Authority will have regard to the information provided in that document as part of the submissions before the Authority.
- 85. However, in this case, by reason of the nature of the Application (proposing to substantially extend the late night operations of a full hotel) the Authority considered it appropriate, when it first considered the matter on 26 August 2015, to require the Applicant to produce a CIS document pursuant to the Authority's power under section 48(2)(f) of the Act.
- 86. The Authority made this request noting that the information provided by the Application and CIS was now stale by reason of the considerable amount of time that had elapsed since the Application was filed. This occurred due to the Applicant's delay in providing the Authority with the information first requested in an email from Authority staff to the Applicant dated 2 June 2014.
- 87. In an email dated 3 September 2015 the Authority formally required the Applicant, pursuant to section 48(2)(f) of the Act, to require the Applicant to furnish a fresh CIS. The Authority also required the Applicant to address the gaming related social impacts of granting this Application. The Authority provided the Applicant with information and data

pertinent to gaming related impacts in relation to which the Applicant was invited to make submissions.

88. No fresh CIS document was furnished by the Applicant, contrary to this requirement. Nevertheless, the Authority's requirement that the Applicant produce a CIS had the effect of rendering this Application a type of "relevant application" within the meaning of section 48(2). This means that the overall social impact test prescribed by section 48(5) of the Act applies to this Application.
89. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
90. Section 48(5) of the Act states as follows:

48 Community impact

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
 - (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),**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.*

APPLICANT'S SUBMISSIONS

Application Form

91. In response to part 3 of the Application Form in relation to how the Application addresses the considerations to which the Authority will have regard as set out in section 3(2) of the Act, the Applicant makes the following submissions:

Subsection 3(2)(a) – the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour)

92. The Applicant notes the current licensed trading hours of the Premises and submits that the hotel is seeking to "reduce" its licensed trading hours and "change" the areas approved under the existing extended trading authorisation.
93. The Applicant refers to the initial CIS document that accompanied the Application (discussed below) and submits that the hotel is not a "declared premises" within the meaning of Schedule 4 to the Act in respect of the number of alcohol related violent offences recorded as occurring on or near the Premises.
94. The Applicant further submits in relation to the consideration prescribed by subsection 3(2)(a) of the Act that:

The hotel operators employ security to ensure that all guests leave the hotel quietly, do not re-enter and do not congregate outside the hotel. Security assist to provide a safe environment to patrons whilst in the venue and whilst entering or leaving the venue and promote that patrons take safe measures when leaving the Premises, such as providing a taxi calling service.

As the previous operation of the venue on a 24 hour basis did not result in any significant reported harm arising from violence or anti-social behaviour, the measures in place have been effective. The current Application proposes to reduce the trading hours so that there will be no trade after 4:00am,

and the areas to which the extended trading authorisation are to relate are restricted to the gaming room and public bar only.

Subsection 3(2)(b) – the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor

95. The Applicant makes the following submissions in relation to subsection 3(2)(b) of the Act:

The licensee and all staff engaged by the hotel in the sale, supply and service of alcohol have completed a prescribed Responsible Service of Alcohol course.

Non-alcoholic beverages and free water are available at all times that the hotel operates. The hotel provides free soft drink to patrons in the gaming area.

All prescribed signage is in place within the hotel. In accordance with management policies, all staff are regularly updated on their responsibilities in respect of the sale and supply of liquor and the importance of ensuring that the amenity of the local community are not affected by patrons whilst at or when leaving the Premises.

The venue operator has implemented a House Policy for the responsible service of alcohol.

Subsection 3(2)(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

96. The Applicant makes the following submissions in relation to subsection 3(2)(c) of the Act:

The hotel is within close proximity to public transport facilities, including the Liverpool to Parramatta T-way.

The proposed change in extended trading authorisation will reduce the hotel's trading hours and is not likely to cause an undue impact on the amenity of the neighbourhood of the Premises, nor any undue social impact on the community, and subsequently may reduce the risk of alcohol related violence occurring as a result of closing the Premises at 4:00am Monday to Saturday instead of trading 24 hours a day.

It is submitted that the change of extended trading hours will not be detrimental to the amenity of the community as the hotel has management procedures in place to minimise harm associated with the consumption, sale and supply of liquor in addition to providing security personnel.

The enforcement of management policies and practices with respect to responsible service of alcohol and provision of security assists to prevent potential negative impacts.

97. The Applicant submits that the following practices are in place, and will remain in place, at the licensed premises to ensure that liquor is sold, supplied or served responsibly, and that steps are taken to prevent intoxication on the Premises:
- a) All staff employed by the hotel have completed an approved Responsible Service of Alcohol course.
 - b) Non-alcoholic beverages and free water are available at all times that the hotel trades.
 - c) The hotel provides low alcohol beverages and/or mid-strength beer as alternative options to full strength beer and/or higher alcohol content beverages.
 - d) Security is currently engaged as detailed in part 7 of the (initial) CIS document and will continue to be engaged.
98. Further, the Applicant submits that the following steps will be taken to ensure that the extended trading period (if approved) will not result in frequent undue disturbance of the quiet and good order of the neighbourhood:
- a) Staff will request patrons to leave the area in a quiet and orderly manner. Security will continue to be engaged to ensure that patrons do not linger or loiter in the vicinity of the hotel.

- b) The hotel is located within close proximity to public transport facilities, including the Liverpool to Parramatta T-way.
- c) The hotel will arrange for taxi pickups from the hotel of any patron who requests such service or will escort on request any person to awaiting transport.
- d) The enforcement of management policies and practices with respect to responsible service of alcohol and provision of security assists to prevent potential negative impacts.

Voluntary CIS document

- 99. In the CIS document that accompanied the Application, the Applicant notes that the Premises is located adjacent to the Greenfield Shopping Centre which includes restaurants, speciality shops, a service station and a supermarket.
- 100. The Applicant contends that the hotel caters to the local community [the Authority notes that the "local community" is not defined] and provides a range of facilities including a public bar, sports bar, gaming room, outdoor gaming/beer garden, TAB and kitchen.
- 101. The Applicant states that the hotel has a car park which can accommodate approximately 40 vehicles and contends that the hotel will arrange for taxi pickups from the hotel of any patron who requests such a service.
- 102. The Applicant notes that the current operators of the hotel recently purchased both the business and the premises. The Applicant submits that these operators are experienced in the operation of hotels as they are also the business owners of several other hotel businesses and that the operators "take seriously their involvement in building relationships within the local community within which they have a presence with a view to continue providing their services for the benefit of the local community".

CIS on Responsible Service of Alcohol

- 103. With regard to the responsible service of alcohol, the Applicant submits that all staff engaged in the sale and supply of alcohol have completed a prescribed RSA course. A register is maintained at the hotel with a copy of the RSA certificates and the details of any photo competency cards issued.
- 104. The Applicant submits that all prescribed signage required pursuant to the relevant liquor and gaming legislation is on display within the required areas and that in accordance with management policies, all staff are regularly updated on their responsibilities in respect of the sale and supply of liquor and the importance of ensuring that the amenity of the local community is not affected by patrons whilst at or leaving the Premises.
- 105. Further, the Applicant submits that the current business operators have implemented practices and strategies including the provision of free soft drink in the gaming room, the distribution of educational material and the provision of various low alcohol content beverages and mid-strength beer.

CIS on Security Staff

- 106. The Applicant submits that the operators have adopted measures to "prevent and reduce the risk of anti-social behaviour" by employing security at the Premises to carry out various tasks, including patrolling the Premises and assisting patrons when leaving the Premises. Additionally, staff at the Premises and security will assist patrons by calling a taxi for all patrons, when requested, to promote a safe travel option. Security staff are

also to ensure that all guests leave the hotel quietly, do not re-enter and do not congregate outside the hotel.

107. The Applicant states in this document that security staff will assist to provide a safe environment for patrons whilst in the venue and whilst entering or leaving the venue.
108. The Applicant also states that the hotel operates CCTV to monitor the hotel Premises in order to provide a safer venue for patrons and a safer location for the local community.

CIS on Consultation Requirements

109. The Applicant submits that the requirements of the *Liquor Act 2007* and the *Liquor Regulation 2008* (Regulation) were addressed as follows:
 - a) A Notice of Intention (Attachment 1 to the CIS document) was distributed by letterbox drop to the occupiers of all properties located within 100 metres of the hotel Premises as identified on a Google Streetview map (Attachment 2 to the CIS document).
 - b) A letter and a copy of the Notice of Intention was also sent by mail to the following stakeholders (provided at Attachment 3 to the CIS document):
 - NSW Police Wetherill Park Local Area Command (LAC)
 - Fairfield City Council
 - Deerubbin Local Aboriginal Land Council
 - Roads and Maritime Services
 - Department of Family and Community Services
 - NSW Department of Health
 - St Johns Park High School
 - Assyrian Church of the East
 - SWIAA Gardens
 - Church of Love
 - Prairievale Public School; and Goodstart Early Learning
 - c) Submissions in response to the Notice of Intention were received from the Department of Family and Community Services (Attachment 4 to the CIS document) and RMS (Attachment 5 to the CIS document).
110. The Applicant notes that the submission from FACS advises that this agency "does not object" to the Application.
111. The Applicant describes the RMS submission as raising "generic concerns" in relation to alcohol consumption and road users and suggested measures to decrease the likelihood of alcohol involvement in road crashes.
112. In response to these suggested measures, the Applicant states that the portion of the hotel that fronts Mimosa Road is separated from the road as a result of the Premises' car park being located at the front of the Premises, thus separating patrons from the roadway when leaving the hotel.
113. The Applicant states that the hotel has lighting in the car park outside the Premises, assisting patrons whilst entering and exiting the Premises during low light hours.
114. The Applicant states that the hotel operators provide a "free taxi-calling service" and that they provide education material, such as drinks coasters, in relation to liquor and gaming issues.
115. The Applicant notes that no submissions were received from the local community either supporting or objecting to the proposed variation in the existing extended trading

authorisation at the hotel, and there was no written submission received from either Council or Police.

CIS on Social and Economic Impact

116. The Applicant submits that it seeks to authorise extended trading in the proposed new gaming room area and public bar, by reducing the current extended trading hours from 24-hour trading to 4:00am trading and changing the areas to which the extended trading authorisation applies.
117. The Applicant submits that the hotel currently has an extended trading authorisation that allows "24-hour trading" within the "area deemed the entrance lobby and part of public bar" which the Applicant submits was "previously used as a gaming room".
118. The Applicant submits that granting this Application "will not result in any increased trading hours", but "merely a change to the areas where the existing extended trading authorisation relates".
119. The Applicant submits that Fairfield City Council DA No. 798/93 originally approved 24-hour trading in the gaming room and additional parts of the Premises. The hotel has since undergone internal alterations and the gaming room is to be relocated.
120. The Applicant submits that Fairfield City Council DA No. 943.1/2012 approves construction of the new gaming room and new hours of operation of the hotel, as follows:

Outdoor gaming area and public bar

Monday to Saturday	10:00am to 4:00am
Sunday	10:00am to 10:00pm
Public holidays	10:00am to 12:00 midnight

All other areas (excluding TAB)

Monday to Saturday	10:00am to 12:00 midnight
Sunday and public holidays	10:00am to 10:00pm.

121. The Applicant submits that the current use of the Premises as a hotel will continue.
122. The Applicant contends that noise levels will "not likely differ" from the current noise levels at the hotel. The Applicant submits that the hotel "does not provide live entertainment" and "continues to comply with acoustic requirements in order to prevent any detriment to the local community".
123. The Applicant submits that the hotel has enjoyed the benefit of extended trading hours from Monday through Saturday since at least 1993 without a significant record of complaints or disturbance to the amenity of the local neighbourhood.
124. The Applicant further submits that the new owners and operators will "continue to implement appropriate management practices in order to operate the business without negatively impacting the local community".
125. The Applicant submits that the hotel operators "take their responsibilities seriously" and review management practices and procedures to provide the local community with a "safe and friendly environment" within the Premises.

126. The Applicant states that the hotel currently provides various low alcohol beverages and/or mid-strength beer as alternative options to full strength beer and/or high alcohol content beverages for all patrons.
127. The Applicant submits that the hotel provides "significant employment opportunities" and that granting the Application would encourage development of the business (currently operated by new owners), and improved amenity in the gaming room, which ultimately "contributes positively to the overall economy of the local community".
128. The Applicant contends that the impact of granting the Application in relation to traffic surrounding the hotel is "minimal". This submission is made on the basis that the hotel provides a car park for patrons and seeks a net reduction in overall trading hours.
129. The Applicant contends that granting the Application is "not going to increase the amount of patrons trying to enter the Premises", but "allow patrons who previously remained on the Premises during extended trading hours in the old gaming room and public bar to use the new gaming room during extended trading hours".
130. The Applicant submits that the Premises is not a declared premises for the purposes of alcohol related violence offences and "has never been listed" as a level 1 or level 2 declared premises since the introduction of this scheme.
131. The Applicant further submits that the hotel will operate in accordance with a detailed *Plan of Management* and *House Policy* implemented at the Premises.

CIS on the "Local Community"

132. The Applicant provides the following ABS statistics (based on 2011 Census data) for the State suburb of Greenfield Park:
 - a) The population of the suburb of Greenfield Park is **4,755**
 - b) The percentage of Indigenous persons within the population is **0.5%** compared to **2.5%** both State wide and nationally
 - c) The median age of the population is **35** years
 - d) The median weekly income for households within the suburb of Greenfield Park is **\$1,331** compared to the NSW median weekly household income of **\$1,237**
 - e) The most common occupations in the suburb of Greenfield Park are professionals at **16.6%**, clerical and administrative workers at **16.2%** and technicians and trade workers.
133. The Applicant notes that unemployment in the suburb of Greenfield Park is higher than the State average of 5.9% [the Authority notes that the Applicant does not specify the rate], but submits that:

...based on the majority of the Census statistics, the overall demographic profile of the suburb does not indicate increased vulnerability which would reasonably lead to a conclusion that the proposed Application poses an unacceptable negative impact on the local community, nor an increased risk of alcohol related harm on the basis that the suburb does not have a large portion of socially disadvantaged persons at risk.
134. The Applicant submits that its position on the overall social impact of granting the Application is supported by the Premises' "history of compliance" and lack of significant complaint within the community. The Applicant submits that the Applicant now seeks to "reduce" the licensed trading hours at the Premises.

135. The Applicant contends that granting the Application "will not alter in any meaningful way" the current operation of the Premises, which currently involves extended trading until at least 4:00am and an authorisation to actually trade on a 24-hour basis.

Applicant Submissions on BOCSAR Crime Data

136. The Applicant makes the following further submissions in relation to BOCSAR crime statistics for the State suburb of Greenfield Park:
- a) Incidents of assault overall between October 2009 and September 2013 show a "stable trend".
 - b) Although crime mapping data from October 2012 to September 2013 indicates that there was a hotspot over part of Greenfield Park during that period, the hotspot is not located over the Premises or the immediately surrounding area. Further, the hotspot map does not provide information that directly links any incidents to the Premises.
 - c) The rate of incidents of *assault* offences recorded within the suburb of Greenfield Park is **455.1** per 100,000 persons of population compared to the corresponding rate for NSW of **892.9**, which demonstrates a "considerably lower comparative risk of assault".
 - d) Between October 2012 and September 2013, the rates of incidents of specific *alcohol related domestic assaults* and *alcohol related non-domestic assaults* occurring in the suburb of Greenfield Park fell in the "lowest rate categories of the BOCSAR incident rate map".
 - e) In Greenfield Park between October 2012 and September 2013, the rate of incidents of *alcohol related domestic assault* was **54.6** per 100,000 persons of population compared to the corresponding NSW rate of **138.5**.
 - f) Further, the rate of incidents of *alcohol related non-domestic assault* recorded as occurring in Greenfield Park between October 2012 and September 2013 was **36.4** per 100,000 persons of population compared to the corresponding NSW rate of **184.8**.
137. The Applicant contends that overall, the suburb of Greenfield Park presents a "significant reduction in risk" of the occurrence of alcohol related domestic assault and alcohol related non-domestic assault and that there is "no basis" for finding that granting the Application will be detrimental to the local community.
138. The Applicant again submits that the Application does not propose to increase the trading hours of the Premises, but "merely to change the areas the subject of the extended trading authorisation" and to "reduce the existing approved trading hours", The Applicant contends that this "may subsequently further reduce the risk of alcohol related incidents of assault within Greenfield Park".
139. The Applicant further submits that similar trends are found in relation to the Fairfield LGA, in which Greenfield Park is located.
140. The Applicant refers to BOCSAR crime data and submits that between October 2012 and September 2013:
- a) The rate of incidents of alcohol related domestic assault recorded as occurring in the Fairfield LGA was **91.1** per 100,000 persons of population compared to the corresponding NSW rate of **138.5**.
 - b) The rate of incidents of *alcohol related non-domestic assault* recorded as occurring within the Fairfield LGA was **74.8** per 100,000 persons of population compared to the corresponding NSW rate of **184.8**.

141. The Applicant submits that approximately **5.9%** of all reported criminal incidents of assault occurred at licensed premises in the Fairfield LGA during 2012 and approximately **3.13%** of all reported criminal incidents of harassment, threatening behaviour and private nuisance occurred at licensed premises in the Fairfield LGA during 2012 (as set out in the BOCSAR *Specific Crime Information Tool* provided at **Attachment 7** to the CIS document).
142. The Applicant submits that the crime rates within the Fairfield LGA are "significantly lower" than the rates for NSW as a whole, supporting the conclusion that there is a "significant reduction in risk" of the occurrence of alcohol related domestic assault and non-domestic assault.
143. The Applicant further submits that given the "relatively low" incidents of assaults within the suburb of Greenfield Park and Fairfield LGA and the absence of any evidence directly linking the operation of the hotel to incidents of alleged assaults, it is "unlikely" that the proposed change in extended trading (being an actual reduction in trading hours to allow trading until 4:00am in the outdoor gaming area and public bar) will contribute to the increased risk of assaults.
144. Based on all of the above information, the Applicant concludes with the submission that:

...if the subject Application is approved by the Authority the proposed hours are not likely to cause an undue impact on the amenity of the neighbourhood of the Premises, nor any undue social impact on the community, and subsequently may reduce the risk of alcohol related violence occurring, preventing an increase in the likelihood of incidents occurring in the early hours of the morning as a result of the trading hours being reduced and the Premises closing at 4:00am Monday to Saturday while continuing to provide opportunities for community members to socialise and enjoy the facilities of the hotel. It is the intention of the new operators to provide a safe establishment for patrons and the local community, offering a range of facilities including a sports bar, gaming area and TAB.

DECISION AND REASONS

145. The Authority has critically examined the Application for the variation of the extended trading authorisation in respect of the Premises and all of the material before it.
146. While section 51(9) of the Act does not provide an express legal test to be applied when considering the power to vary an existing extended trading authorisation, the Authority will consider whether the proposed administrative action sought by an applicant is in the public interest – a matter that will be informed by relevant provisions of the Act and the statutory objects provided by section 3(1) of the Act and the broad considerations which all decision makers must apply under section 3(2) of the Act.
147. However, as noted above, by reason that the Authority required this Applicant to furnish a CIS pursuant to section 48(2)(f) of the Act, this Application became a "relevant application" for the purposes of section 48(2) in respect of which the overall social impact test prescribed by section 48(5) now applies.

Local and Broader Community

148. As noted in Authority *Guideline 6: Consideration of Social Impact* the Authority will identify the relevant "local" community by reference to the locality in which the licensed premises the subject of an application is situated, while the "broader" community will usually be the local government area in which the licensed premises the subject of an application is situated.

149. The Authority's usual practice, communicated through many published decisions applying the overall social impact test, is to assess the local community by reference to the community in the State suburb or town in which the licensed premises the subject of an application is located.
150. For the purposes of this decision, the Authority is satisfied that the relevant "local community" is the community within the state suburb of Greenfield Park, while the relevant "broader community" comprises the community within the Fairfield LGA.

Overall Social Impact Test

151. Determining the overall social impact upon a local and broader community of granting the Application requires a degree of speculation about what is likely to occur should the Application be granted – the likely benefits and likely negative impacts – albeit speculation that is informed by what is known about the Applicant's proposal, the material before the decision maker and relevant information concerning the local and broader communities in question.
152. Authority *Guideline 6* identifies the decision making factors and the usual sources of information that will be considered by the Authority when assessing overall social impact in relation to a given local and broader community.
153. *Guideline 6* places applicants on notice that when assessing overall social impact, the Authority will have regard to the type of licensed business in question, the location of the licensed business, the trading hours sought and any measures that will be implemented by the business over and above the requirements of the legislation to mitigate harm.
154. *Guideline 6* also places applicants on notice that the Authority will consider a range of publicly available data at the level of the relevant local and broader community, including liquor licence data, BOCSAR crime and crime mapping data and ABS socio-demographic data for the relevant communities.

Positive Benefits

155. The Authority is satisfied, on the basis of the description of the Premises provided in the Application, CIS and submissions from the Applicant, that the hotel caters to the local community of the State suburb of Greenfield Park and provides a range of liquor and gaming facilities commonly provided by many full hotel licensed premises across the State – including a public bar, sports bar, gaming room, outdoor gaming/beer garden, TAB and kitchen.
156. The Authority notes that the Premises currently has an extended trading authorisation that allows 24-hour licensed trading but the authorisation is confined to operate only within the limited area recorded on the licence record – that is, the entrance lobby and part of the public bar.
157. The Application now seeks to considerably expand the extended trading authorisation in a spatial sense across the hotel. It is proposed that the authorisation will be expanded in its scope of operation to a considerably larger area of the Premises than is currently the case – encompassing the entire public bar and the outdoor gaming area.
158. Were the Application granted, those areas, which are presently only licensed to trade during the standard trading hours prescribed by section 12 of the Act (from 5:00am to 12:00 midnight on Monday through Saturday and from 10:00am to 10:00pm on Sunday)

would instead be licensed to trade from 10:00am until 4:00am on Monday through Saturday.

159. The Authority has no difficulty accepting that greatly expanding the area to which the extended trading authorisation applies will benefit the Applicant's private business.
160. However, the issue is the extent to which the proposal will benefit the public at the level of the local or broader community as a whole.
161. While the Authority accepts that granting the Application will provide some measure of additional convenience to patrons of this particular hotel who may wish to procure liquor and gaming entertainment services during later hours of the night, it is difficult to give great weight to the purported local or broader community wide benefits from granting the Application in the absence of a clearer picture as to the nature of demand for licensed trading until 4:00am in the public bar and outdoor gaming areas, and how frequently this demand arises with respect to the hotel's liquor, gaming or other hospitality services at this venue.
162. That is, the Authority is not satisfied, on the material before it, that the Applicant has provided a particularly persuasive positive case, let alone any independent evidence or analysis, explaining how granting the Application would promote the "expectations, needs and aspirations" (within the meaning of section 3(1)(a) of the Act) of the local or broader community in respect of extended trading until 4:00am on the morning following Monday through Saturday evening trade.
163. The Authority is satisfied, on the basis of Authority licensing records, that there are **five** registered club licensed premises located within a 2 kilometre radius of the Premises, all of which enjoy unrestricted on-premises trading hours and are authorised to keep gaming machines.
164. The availability of these late trading licensed premises providing similar liquor and gaming services within close proximity to the hotel Premises objectively diminishes the scope for which the "needs, expectations and aspirations" of this local community (within the meaning of section 3(1)(a) of the Act) will be cumulatively advanced by granting the Application now before the Authority. The fact that parts of this hotel are already trading during the proposed extended trading hours further reduces the benefit posed by granting this Application. This is not an application to benefit the local community by opening past midnight for the first time but an application to increase the amount of space at the hotel trading during the proposed late hours.
165. The lack of any great specificity as to how *this* full hotel licensed venue provides liquor, gaming or other hospitality services that distinguish this business from other full hotels and clubs in the local and broader community mean that the Authority is unable to gain a sense as to how granting this Application will further the *balanced* development of the local liquor industry, or the *reasonable* development of related industries, being objects of section 3(1)(b) and section 3(1)(c) of the Act.
166. The Authority notes the Applicant's submission that granting the Application will provide "significant employment opportunities". While the Authority finds it generally credible to assert that an expansion of the hotel's late night operations may well lead to some increase in staff hours at this business, the Applicant has not specified how many more staff will be recruited, nor has the Applicant provided clear or unequivocal undertakings that any new or additional employees of the business will actually be sourced from within the relevant local or broader communities in question. In those circumstances little

weight can be given to this purported community benefit of increased employment on the basis of the material before the Authority.

Negative Impacts

167. With regard to the *type* of licensed premises that is under consideration, the Authority is satisfied, on the basis of the *OneGov* licence record, that the Premises has a "full" hotel licence.
168. A "full" hotel poses a relatively greater potential social impact than other types of licensed businesses by reason that the *primary purpose* of a hotel licence is the sale or supply of liquor by retail.
169. A "full" hotel (as distinguished from a general bar) may also sell liquor for consumption both on and off the premises. Moreover, this type of premises may also provide gaming machine and other gambling services such as TAB and Keno.
170. The sale of liquor for off-premises consumption is not an issue arising from this Application, as the trading hours for takeaway sales from any licensed premises in NSW are limited by the Act to 10:00pm for any licensed premises. It is the on-premises consumption of liquor that is the relevant liquor related impact given the expanded scope of the hotel's late night operations proposed by this Application.
171. As for the *scale* of the licensed premises in question, the Authority is satisfied, on the basis of images provided by the Applicant, that the Premises is a one-storey medium scale hotel, located in a commercial complex adjacent to the Greenfield Shopping Centre and within about 200 metres of residential buildings on Mimosa Road and Devenish Street. The Premises also has a separate car park.
172. With regard to the *location* of the Premises, the Authority accepts the Applicant's submission, made by reference to BOCSAR data, that the suburb of Greenfield Park and the broader community in the Fairfield LGA perform relatively well in terms of alcohol related crime rates by comparison to state wide rates.
173. Nevertheless, within the local community, the Authority is satisfied, on the basis of BOCSAR crime maps based upon data for April 2014 to March 2015 pertaining to the Fairfield LGA, that the Premises is in a location that is:
 - a) **Near** a low density hotspot for the occurrence of incidents of *domestic assault*;
 - b) **Near** a low density hotspot for the occurrence of incidents involving *malicious damage to property*.
174. The Authority is further satisfied, on the basis of BOCSAR crime data for the Fairfield LGA for calendar year 2013, that the proportion of the occurrence of incidents involving *domestic assault*, *non-domestic assault*, *malicious damage to property* and *prescribed concentration of alcohol offences* are elevated between 6:00pm and 12:00 midnight on Friday, Saturday and Sunday nights, and between 12:00 midnight and 6:00am on Saturday and Sunday mornings – which includes times during which the Applicant is seeking to expand the existing extended trading authorisation in respect of the hotel.
175. That is, while the local and broader communities are not currently exposed to levels of violence or alcohol related crime that are relatively problematic by comparison to State wide rates, there is some moderate localised cause for concern arising from the location of the Premises in close proximity to prevailing localised hotspots for crime. The BOCSAR crime mapping data indicates that when crime does occur in this broader community, there is some concentration of it occurring in areas nearby the Premises.

176. Notably, BOCSAR data for the broader community indicates an elevated risk of prescribed concentration of alcohol offences occurring in the time period between 6:00pm and 12:00 midnight on Friday and Saturday nights and between 12:00 midnight and 6:00am on Saturday and Sunday mornings.
177. The Authority is satisfied that by granting this Application, this venue will have a greatly expanded capacity to operate during those extended trading hours, thus expanding the scope for patrons of this venue to contribute, along with the other late night licensed premises in the local and broader community, to this significant problem affecting the local and broader community.
178. Prescribed concentration of alcohol offences are matters of particular concern with respect to late night venues trading at times when public transport is less available to patrons who have been on licensed premises for a prolonged period of time.
179. The Authority notes that the RMS submission raises concerns as to the relationship between alcohol consumption by all road users, including pedestrians, and road injuries and fatalities and the recommendations from RMS that the licensee display public education material focused on drink drive and pedestrian-alcohol issues and install an Australian Standards Approved breath testing device, enabling patrons to check their BAC level.
180. The Applicant has described the RMS submission as raising "generic concerns" in relation to alcohol consumption and road users. In response to the measures suggested by RMS to decrease the likelihood of alcohol involvement in road crashes, the Applicant states that patrons are naturally separated from the roadway when leaving the hotel by reason that the hotel car park is located on Mimosa Road at the front of the Premises; that the hotel has lighting in the car park outside the Premises; that the hotel operators provide a "free taxi-calling service" and that the hotel business operators provide education material, such as drinks coasters, in relation to liquor and gaming issues.
181. However, the Authority is not satisfied that the Applicant has adequately addressed managing the specific hazard of drink driving in the Application and the supporting material provided with the Application. The Authority notes that the Applicant has not provided any undertaking to install an Australian Standards Approved breath testing device on the Premises. The "generic concerns" raised by RMS are reinforced in this instance by the BOCSAR crime data, and warrant greater weight than the Applicant has given them in its submissions.
182. The Authority accepts the Applicant's submission that the Premises has operated since 1993 "without a significant record of complaint or disturbance to the amenity of the local neighbourhood" and notes the absence of any submission from OLGR or Police to the contrary.
183. This is a relevant submission in the Applicant's favour that the hotel has not, during its current licence configuration, given rise to any formal complaints of undue disturbance to the quiet and good order of the neighbourhood.
184. Nevertheless, the Authority must assess the risk posed to the community of substantially expanding, in a spatial and hence patron capacity sense, the scope of extended trading on the Premises across the entire public bar area and gaming room area of this hotel until 4:00am after Monday through Saturday evening trade.
185. In order to approve the Application, the Authority *must* be satisfied, on the material before it, under section 48(5) of the Act, that the overall social impact of granting this

Application *will not* be detrimental to the wellbeing of the local or the broader community. It is, in a practical sense, incumbent upon an applicant to provide sufficient material to the Authority to persuade it that this test is satisfied, having regard to the likely positive benefits and the likely negative impacts for those communities.

186. The Applicant has downplayed the nature and extent of the proposed change to the extended trading authorisation in its submissions. The Authority is satisfied that the reality of the Applicant's proposal is that this venue will be a much larger, very late trading venue than is presently the case, capable of attracting and accommodating more patrons than is currently the case until 4:00am on six mornings of the week. This is notwithstanding that the Application also poses a small temporal reduction in the extended trading authorisation from 5:00am to 4:00am in certain areas of the Premises.
187. The Authority is satisfied that granting the Application would result in the public bar and outdoor gaming areas of the hotel operating during much later and higher risk times of the day and week than is currently the case.
188. Notwithstanding the relatively favourable BOCSAR crime data identified by the Applicant at the level of the local and broader community, the Authority is satisfied that granting the Application will more likely than not enable the hotel to attract and accommodate a considerable expansion in its late night patron capacity in the hotel's public bar and outdoor gaming areas.
189. That is, the Authority is satisfied that granting this Application is more likely than not to result in the hotel hosting and/or attracting more patrons who are either tired due to the very late hours and/or have consumed liquor over a longer period of time, either on the Premises and/or at other licensed venues prior to migrating to this hotel up to 4:00am after Monday through Saturday evening trade.
190. The Authority is satisfied that whether or not late trading patrons engage in any conduct rising to the level of criminality, extending the late trading capacity of the venue, as proposed by the Application, will more likely than not adversely impact local *amenity* during times of the late evening and early morning when most licensed and non-licensed premises have ceased operating and the neighbouring streets of the local community are relatively quiet.
191. The Authority notes that the Applicant has not specified the current patron capacity of the Premises or the resulting patron capacity of the Premises were the Application to be granted.
192. It is incumbent in a practical sense for any applicant to provide clear, meaningful information about the overall social impact of an application being granted, or, in the alternative, how granting the application is in the public interest in respect of the Act.
193. It is difficult for the Authority to be satisfied that an Application meets the requirements of section 48(5) when the contended positive benefits and the negative impacts are not comprehensively articulated by an Applicant.
194. Nevertheless, given the extent of spatial expansion of the extended trading area that is apparent from the Application and the diagrams of the Premises the Authority is satisfied that, were the Application to be granted, the hotel would have the capacity to accommodate a larger number of patrons in the public bar and outdoor gaming areas during extended trading hours than is presently the case.

195. In those circumstances, the Authority is satisfied that granting the Application will enable patrons to be accommodated by this venue in greater numbers than is presently the case and those patrons will more likely than not move through neighbouring streets of Greenfield Park, affected by liquor to varying degrees, during very late hours.
196. Foreseeable and likely amenity impacts over time include an increased capacity of this venue to attract and generate groups of patrons, affected by liquor to varying degrees, talking loudly, laughing, yelling, arguing, screaming, and getting into private motor transport (private cars), taxis or Uber vehicles or leaving the locality on foot during very late hours.
197. While the Applicant submits that the close proximity of the Premises to the Liverpool to Parramatta T-way will assist in ensuring that granting the Application will not result in frequent undue disturbance of the quiet and good order of the neighbourhood, the Authority notes that there is a limited number of bus services operating on this route between 12:00 midnight and 4:00am.
198. The Authority is not satisfied that the Applicant has adequately addressed how these types of commonplace amenity impacts will be managed during relatively sensitive times of the late evening and early morning when the trading hours of parts of the Hotel premises are proposed to be extended.
199. The Authority notes that the Applicant has submitted that a positive benefit associated with granting the Application is that there will be a net *reduction* in the hotel's overall licensed trading hours.
200. The Authority accepts, on the basis of the *OneGov* licence record, that the hotel currently enjoys the benefit of 24-hour trading in the entrance lobby and part of the public bar.
201. However, the Applicant has not indicated the extent to which these areas of the hotel are actually patronised between the hours of 4:00am and 10:00am. That is, the practical effect of surrendering the right to licensed trading between 4:00am and 10:00am in the entrance lobby and the part of the public bar that is currently authorised to engage in 24-hour licensed trading has not been specified let alone substantiated to any great extent and it is difficult to give weight to that proposed harm reduction factor on the material before the Authority.
202. The Authority has taken into account the Applicant's submission that the hotel will become subject to the 4:00am to 10:00am daily closure period prescribed by section 11A of the Act (to which the hotel is not currently subject by reason that it was licensed prior to the commencement of that provision). Again, that is a potential community benefit or harm reduction measure, but it is difficult for the Authority to give much weight to this factor when the Applicant has not substantiated the nature and extent of its patronage during this time of the day.
203. The Authority has taken into account that the Applicant has also consented to the imposition of three "standard" conditions usually imposed by the Authority upon licensed premises that have submitted a CIS in support of a liquor application. These conditions include that the business authorised by the 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 the extended trading authorisation; that the licensee or its representative must join and be an active participant in the local liquor accord; and the premises are only

permitted to trade during the hours approved by the local consent authority for the trial period whilst it remains in force.

204. The Authority has also considered the extent to which the Applicant's proposal implements measures that go above and beyond the minimum requirements of the legislation. The Authority has considered the conditions of the development consent and the business planning measures provided by the Applicant's *Plan of Management* and *House Policy*.
205. The Authority acknowledges that voluntary business plans and policies (which are not enforceable under the Act) provide a management tool for harm minimisation measures for the management of alcohol related conduct occurring on the Premises and a source of guidance and training for staff.
206. The Authority notes that the *Plan of Management* foreshadows the use of security staff and licensed security guards on the Premises, in that:
- a) A member of staff who is responsible for security and designated for that task shall be on duty at all times the hotel is open.
 - b) There shall be at least one security person and one other member of staff at, or in the vicinity of the exit from the hotel, from half an hour before closing each evening until the last patron has left the vicinity of the hotel.
 - c) There shall be a licensed and uniformed security officer at, and in the vicinity of the hotel from 12:00 midnight on any evening when the hotel trades after that time to 4:00am the next day, at least until all patrons have left the vicinity of the hotel, so as to ensure that all patrons do not linger or loiter in the area or otherwise cause nuisance or annoyance.
207. The Authority further notes the existing Conditions 300 and 310 upon the licence in relation to patrols of the Premises and the engagement of licensed security guards, which state as follows:

Condition 300

The licensee shall engage the services of at least one (1) licensed security guard during the conduct of any function, occasion or event to be held in the car parking areas of the licensed premises when up to two hundred and fifty (250) patrons are expected to attend. The licensee shall also engage the services of one (1) additional licensed security guard for every additional one hundred (100) patrons or part thereof expected to attend the function, occasion or event.

Condition 310

Staff will regularly patrol all areas of the car parking areas of the licensed premises when liquor is being supplied or consumed to ensure that no minors are permitted access to liquor. When a function, occasion or event is held in the car parking areas of the licensed premises, signs must be displayed at all entrances/exits to those areas to the effect that patrons are to leave the premises quietly and have consideration for the quiet and good order of the neighbourhood.

208. While the requirements imposed by the *Plan of Management* are not enforceable under the Act, the Authority notes that they are enforceable pursuant to Condition 14 of DA No. 943.1/2012 issued by Fairfield City Council on 3 July 2013. Conditions 300 and 310 are enforceable under the Act.
209. Assuming that these requirements are consistently implemented, the Authority accepts that a licensed security guard will be of particular use to deter and manage alcohol related misconduct or disturbance when it occurs on, or immediately outside, the Premises.

210. However, the Authority is not satisfied that a security guard will be able to monitor and manage alcohol related misconduct or disturbance occurring in the neighbouring streets and surrounds away from the vicinity of the Premises.
211. Furthermore, the Authority is not satisfied that the measures identified in the *Plan of Management* and the additional licence conditions to which the Applicant has consented will adequately combat the range of negative alcohol related amenity impacts that the Authority considers likely to occur as a result of patrons migrating to or from this hotel in neighbouring streets in the local community during the relevant late hours.
212. While the Applicant submits that the operators of the hotel have "extensive experience in the industry" and the Authority accepts this, the Authority notes that the former licensee of the Premises received a compliance notice and was the subject of an investigation concerning gaming related issues while he was licensee of another hotel licensed premises in 2011.
213. The Authority has considered the Applicant's submissions in respect of the responsible conduct of gambling. The Authority accepts that the hotel is a member of the AHA NSW and that there are a number of measures in place at the Premises in order to further the objects of the *Gaming Machines Act 2001*, including making patrons aware of the AHA's counselling services; providing gaming related helpline pamphlets and displaying appropriate signage as required by the gaming legislation.
214. However, the Authority notes the Applicant's non-compliance with the Authority's request that it provide an updated CIS and also make submissions on gaming related impacts from granting the Application.
215. If an applicant for a liquor licence or licence related authorisation makes an application at a time when the applicant is not yet in a position to furnish relevant evidence, such as the grant of development consent or otherwise, that applicant runs the risk that by the time the matter is ready for consideration, the information provided with the Application is no longer reasonably current and updated information, including a CIS, may be required.
216. It is not open to an applicant to refuse to provide a CIS when required to do so by the Authority under section 48(2)(f) of the Act. A fresh CIS may be required in a variety of circumstances including by reason that the information provided with the initial Application has become stale through the passing of time, or that the CIS was insufficient in some respect, or that the scope of the proposal or circumstances of the community have changed.
217. The Applicant has responded to the Authority's request for a fresh CIS arguing that there have been "no substantial changes to report" since the initial CIS was (voluntarily) provided. That assertion is incorrect as the licensee of the Premises has changed since the date of the initial Application.
218. Further, the Applicant failed to make substantive submissions addressing the social impact of any gaming related activities that may arise as a result of granting the Application in the initial (voluntary) CIS accompanying the Application. The Authority notes that OLGR had also raised this as an issue of regulatory concern with respect to the Application.
219. The Authority is satisfied from the material provided with the Application that the hotel's gaming operations at the venue are a significant driver of the proposed spatial expansion of the extended trading authorisation that is sought by the Applicant.

220. While the Act is silent on whether an application made under section 51(9) *must* deal with gaming related impacts, the public interest in respect of the Liquor Act, as informed by the statutory objects and considerations prescribed by section 3, is not confined to only an assessment of liquor related matters, but matters pertaining to the public interest in relation to the regulation of liquor licensed premises. For example, an object of the Act is the furtherance of the responsible development, in the public interest, of *related industries* – per section 3(1)(c).

221. Clause 10A of the Liquor Regulation 2008 states:

10A CIS to address matters relating to gambling activities in hotels during extended trading periods

In the case of an application for an extended trading authorisation in relation to a hotel licence, the matters to be addressed by a CIS are to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

222. The Act and Regulation do not mandate that a CIS be furnished with an application of this kind (to vary an existing extended trading authorisation) in relation to a hotel or club licence.

223. However, section 48(2)(f) empowers the Authority to require an applicant to furnish a CIS in a broad range of circumstances including an application made under section 51(9)(b).

224. The Authority is satisfied that should a CIS be required, the gambling activities to be conducted on the licensed premises during late hours are relevant matters when making an informed assessment of the overall social impact of granting the proposed operation of a hotel or club during the extended hours in question.

225. The Authority is satisfied that it is within the Authority's power to invite submissions on the impact of gaming activities to be conducted on the premises of a hotel or club during the period that the (varied) authorisation is proposed to be in force.

226. Aside from the question of gaming or gambling impacts, it is not in the public interest in respect of the Act for an applicant to fail to comply with a request made under section 48(2)(f) to furnish a CIS.

227. A failure to provide a current CIS when directed also has the practical effect of depriving the Authority of confidence that it is in an informed position to be satisfied that the overall social impact test required by section 48(5) is satisfied in respect of the relevant local or broader community.

CONCLUSION

228. Having considered together the Authority's findings on positive benefits and negative impacts of granting the Application before it, the Authority is *not* satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting an Application to vary the existing extended trading authorisation which applies to this licensed hotel premises situated in this location would not be detrimental to the wellbeing of the local and broader communities.

229. The Applicant's failure to provide an updated CIS in response to a request made under section 48(2)(f) of the Act has left the Authority in a position where it is unable to be satisfied that the requirements of section 48(5) have been met by the Applicant at the time of determining this Application.

230. In the alternative, the Authority is *not* satisfied that it is in the public interest to grant an application in respect of which the Applicant has failed to comply with a request by the Authority for the provision of an updated CIS pursuant to section 48(2)(f) of the Act.
231. In making this decision, the Authority has had regard to all of the objects and considerations prescribed by section 3 of the Act. It has given weight to section 3(2)(a) - the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and section 3(2)(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.

A handwritten signature in blue ink, appearing to read 'Micheil Brodie'.

Micheil Brodie
Chief Executive

31 January 2016