



Mr Jon Martin  
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7 August 2017

Dear Mr Martin

<b>Application No.</b>	1-4969013543
<b>Application for</b>	Extended trading authorisation
<b>Current trading hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Consumption away from premises (take away)</u> Monday to Sunday 10:00 am – 10:30 pm
<b>Proposed trading hours</b>	<u>Consumption on premises</u> Monday to Saturday 10:00 am – 2:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption away from premises (take away)</u> Monday to Sunday 10:00 am – 10:00 pm
<b>Licence name</b>	Kings Park Tavern
<b>Licensee</b>	Marlow Investments (No 3) Pty Limited
<b>Premises</b>	214 Sunnyholt Rd KINGS PARK NSW 2148
<b>Issue</b>	Whether to grant an extended trading authorisation
<b>Legislation</b>	Sections 3, 48, 49 and 51 of <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority  
Application for an extending trading authorisation – Kings Park Tavern**

The Independent Liquor and Gaming Authority has considered your application for an extended trading authorisation in relation to the Licensee's hotel licence.

Pursuant to section 49 of the *Liquor Act 2007*, the Authority has decided to **grant** the authorisation subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4.00 am and 10.00 am during each consecutive period of 24 hours. The licensee must comply with this 6 hour closure period along with any other limits specified in the trading hours for this licence.
2. 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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the extended trading authorisation.
3. The premises is to be operated at all times in accordance with the Plan of Management as may be varied from time to time after consultation with the Local Area Commander of NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for

inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

To avoid doubt, the above conditions to which the authorisation is subject are taken to be conditions of the hotel licence to which the authorisation relates, and are imposed in addition to the existing licence conditions.

If you have any questions, please contact the case manager at

[mike.freeman@justice.nsw.gov.au](mailto:mike.freeman@justice.nsw.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P Crawford', is positioned below the text 'Yours faithfully'.

Philip Crawford

Chairperson

For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 30 September 2016 the Independent Liquor and Gaming Authority (“the Authority”) received, through Liquor and Gaming NSW (“L&GNSW”), an application from the then Licensee of Kings Park Tavern for an extended trading authorisation in relation to its hotel licence (“the Application”).
2. Specifically, the Licensee sought authorisation to extend the closing time for the sale and supply of liquor for consumption on the Premises:
  - a) from 12 midnight to 2 am on days between Monday and Saturday, and
  - b) from 10 pm to 12 midnight on Sundays.
3. Pursuant to section 49 of the *Liquor Act 2007* (“the Act”), the Authority has decided to grant the authorisation.
4. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 48, 49 and 51 of the Act, and relevant provisions of the *Liquor Act Regulation 2008* (“the Regulation”).

### Material considered by the Authority

5. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Licensee and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. In accordance with the Authority’s *Guideline 6*, the Authority has also had regard to relevant L&GNSW records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data and Australian Bureau of Statistics (“ABS”) socio-demographic data obtained by L&GNSW staff from publicly available sources.
8. A list of the material considered by the Authority is set out in the Schedule.

### Legislative framework

9. The Authority has considered the Application in the context of the following legislative provisions.

### Objects of the Act

10. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
11. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

### Community impact statement

12. Section 48 of the Act requires certain applications, including an application for an extended trading authorisation in relation to a hotel licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
13. Subsection 48(5) provides that the Authority may only grant the authorisation if it is satisfied that the overall social impact of doing so will not be detrimental to the wellbeing of the local or broader community, having regard to the CIS and any other matter before it.

### Provisions specific to an extended trading authorisation

14. Section 49 of the Act allows the Authority to authorise licensees of certain types of licences, including hotel licences, to sell or supply liquor for consumption on the licensed premises during specified periods on application by the licensee.
15. Subsection 49(8) provides that the Authority may only grant the authorisation if it is satisfied that:
  - a) practices are and will remain in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - b) the extended trading period will not result in undue disturbance of the quiet and good order of the neighbourhood of the premises.
16. Section 51 of the Act prescribes the minimum procedural requirements for a licensee to make a valid application for an extended trading authorisation.

### Gambling activities in hotels

17. Section 10A of the Regulation requires the CIS for an extended trading authorisation in relation to a hotel to address matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

### **Key findings**

18. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

### Validity and procedural requirements

19. The Authority is satisfied that the Application has been validly made and meets the procedural requirements under section 51 of the Act.
20. The Authority is also satisfied that the proposed additional hours of trade fall within the specified periods for which the Authority can grant an authorisation under section 49 of the Act. The Authority notes that the additional hours are also authorised under the relevant development consent issued by Blacktown City Council.
21. Further, pursuant to subsection 49(8) of the Act, and having regard to the Plan of Management (“POM”) for the Premises, the location of the Premises away from residential dwellings, and the existing and proposed conditions, the Authority is satisfied that:
  - a) practices are and will remain in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - b) the extended trading period will not result in undue disturbance in the neighbourhood.

### Community impact statement

22. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
23. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the suburb of Kings Park, and the relevant “broader community” comprises Blacktown Local Government Area (“the LGA”).

### Gambling activities

24. The Authority accepts that the CIS has addressed matters relating to gambling activities on the Premises during the additional trading hours sought, and that no issues were raised by the parties notified and consulted in relation to the Application.

### Positive social impacts

25. The Authority accepts the Licensee's contention that:

- a) the Premises holds functions on a regular basis, and
- b) the current closing times are inconvenient for functions which start later in the evening, as patrons are having to be asked to leave the Premises by 11:30 pm.

26. The Authority also notes that:

- a) the density of late trading clubs and hotels in Kings Park and the LGA are below the NSW state average, and
- b) the Licensee is an experienced hotel operator and part of a larger group of hotels across NSW.

27. There has been no objection from the public, NSW Police, Blacktown City Council, NSW Health, or any other relevant agencies and bodies following notification of the Application.

28. On the basis of the above, the Authority is satisfied that granting the authorisation will benefit members of the local and broader communities by providing them with:

- a) increased flexibility in holding and attending functions at the Premises, and
- b) a longer period of time during which they may enjoy a variety of recreational pursuits at the Premises.

29. The Authority is also satisfied that authorising the Premises to trade for the extended hours, under the management of an experienced operator, will contribute to the balanced development of the liquor industry in line with community needs and expectations.

### Negative social impacts

30. The Authority notes from the BOCSAR data that:

- a) for the year to March 2017, the Premises was not located within any hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property, and
- b) for the two years to March 2017:
  - i. Kings Park reported lower rates of alcohol related domestic assault, alcohol related non-domestic assault and malicious damage to property in comparison with the NSW state average, and
  - ii. the LGA reported a lower rate of alcohol related non-domestic assault, and higher rates of alcohol related domestic assault and malicious damage to property, in comparison with the NSW state average.

31. The Authority also notes from the HealthStats NSW data that for the period 2012-13, the LGA reported:

- a) a lower level of alcohol attributable deaths, expressed by a smoothed standardised mortality ratio, compared to the NSW state average, and
- b) the same level of alcohol attributable hospitalisations, expressed by a smoothed standardised separation ratio, as the NSW state average.

32. Having regard to these statistics, and in the absence of any opposition to the grant of the authorisation, the Authority considers that the prevailing levels of alcohol related crime and health issues in Kings Park do not raise immediate concerns, or indicate that granting the authorisation would exacerbate any existing social problems attributable to alcohol.
33. Additionally, the Authority finds on the following basis that the Licensee has taken and will continue to take adequate steps to minimise any potential adverse social impacts arising from its longer trading hours, and to protect the amenity of the neighbourhood:
- a) The Premises is located inside an industrial area away from residential dwellings, and provides its patrons with courtesy bus services to and from the Premises.
  - b) Relevant L&GNSW compliance data indicates that the level of reportable incidents at the Premises from 2007 through to 2016 was “below threshold”, and that no complaints were received about the Premises since December 2012.
  - c) The Licensee has set out detailed practices and procedures in the POM and a report prepared by John Coady Consulting, to ensure the responsible service of alcohol and minimisation of adverse environmental effects of the authorisation.
  - d) The Licensee has also proposed in the Application a number of voluntary measures to restrict late night drinking.

#### Overall social impact

34. The Authority has had regard to the ABS data indicating that as at 2011, the LGA was slightly advantaged in comparison with the NSW state average, on the Index of Relative Socio-economic Advantage and Disadvantage.
35. Having considered the positive and negative impacts that are likely to flow from granting the authorisation, and the proposed measures and conditions, the Authority is satisfied that the overall social impact of granting the authorisation would not be detrimental to the wellbeing of the local and broader communities.
36. The Authority is also satisfied that a decision to grant the authorisation would be consistent with the objects of the Act to regulate liquor supply and facilitate responsible industry development in line with community expectations and needs.
37. Accordingly, the Authority has decided to grant the extended trading authorisation.



Philip Crawford  
Chairperson

#### **Important Information:**

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

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

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

## Schedule

### Material before the Authority

1. ABS SEIFA data based on the 2011 Census, ranking the LGA on the Index of Relative Socio-Economic Advantage and Disadvantage.
2. HealthStats NSW data showing alcohol related deaths and hospitalisations in the LGA for the period 2012-13.
3. Report titled "Statement of environmental effects", prepared by John Coady Consulting Pty Ltd and dated 1 April 2014, on the environmental effects of the authorisation sought.
4. Notice of determination issued by Blacktown City Council on 14 October 2014, approving the application to modify DA-09-1892 in relation to the Premises.
5. Submissions from NSW Police, dated 17 June 2014 and 23 August 2016, in relation to the Application.
6. Completed application form signed and dated 29 September 2016.
7. NSW crime statistics for the two years to March 2017, published by BOCSAR, showing the rates of alcohol related domestic assault, alcohol related non-domestic assault, and malicious damage to property in Kings Park and the LGA.
8. BOCSAR crime maps for the year to March 2017, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
9. Completed Category B CIS form signed and dated 10 May 2017, and additional information provided by the Applicant in support of the CIS.
10. L&GNSW liquor licensing records as at 19 June 2017, listing club and hotel liquor licences in the LGA.
11. L&GNSW liquor licensing records as at 5 July 2017, setting out the key liquor licence details for the Premises.
12. Signed Certification of Advertising Application dated 5 July 2017.
13. Google maps dated 5 July 2017 showing the location of the Premises.
14. L&GNSW compliance data dated 7 July 2017, listing all compliance incidents and activities at the Premises between 1 July 2008 and 7 July 2017.
15. Plan of Management for the Premises.
16. Floor plans for the Premises indicating the area to which the proposed extended trading authorisation applies.