

Mr Justin Sammut  
LAS Lawyers  
[j.sammut@laslawyers.com.au](mailto:j.sammut@laslawyers.com.au)

27 September 2017

Dear Mr Sammut

<b>Application No.</b>	1-5518858894
<b>Application for</b>	Full hotel licence with extended trading authorisation
<b>Trading hours</b>	<u>Consumption on premises</u> Monday to Saturday: 10:00am-12:00am Sunday: 10:00am-10:00pm <u>Takeaway Sales</u> Monday-Saturday: 10:00am-10:00pm Sunday: 10:00am-10:00pm
<b>Licence name</b>	263 Church Street Pty Ltd
<b>Applicant</b>	263 Church Street Pty Ltd
<b>Premises</b>	263-265 Church Street PARRAMATTA NSW 2150
<b>Issue</b>	Whether to grant or refuse an application for a new full hotel liquor licence and an application for an extended trading authorisation in respect of that licence
<b>Legislation</b>	Sections 3, 11A, 14, 15, 15A, 16, 17, 40, 45, 48, 49 and 51 <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority  
Application for a full hotel liquor licence and extended trading authorisation – 263 Church Street Pty Ltd**

The Independent Liquor and Gaming Authority (“Authority”) considered application number 1-5518858894 lodged on 17 January 2017 seeking the grant of a new full hotel liquor licence in respect of premises at 263-265 Church Street, Parramatta NSW 2150 (“Licence Application”), together with an application received on 13 March 2017 seeking an extended trading authorisation (“ETA”) in relation to the licence sought in the Licence Application (“ETA Application”). The Authority has decided, pursuant to section 45 of the *Liquor Act 2007* (“Act”), to **grant** the application for a new full hotel licence, but to **refuse** the application for an extended trading authorisation, pursuant to section 49(2) of the Act.

The Licence Application is granted 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 be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
3. The premises is to be operated at all times in accordance with the Plan of Management dated June 2017 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.
4. No live entertainment will be provided.
5. The licensee must join and be an active participant in the local liquor accord.
6. The premises are only permitted to trade the hours approved by the local consent authority for the trial period whilst it remains in force.
7. The licensee or approved manager must ensure that no live entertainment, DJ entertainment, nightclub entertainment, live bands or vocalists entertainment is to occur at the premises.

In this condition: "nightclub entertainment" means where the licensed premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music played by a DJ, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.

8. The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
  - (1) The name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the *Crimes (Criminal Organisation Control) Act 2012*.
  - (2) the colours, club patch, insignia or logo of any such organisation, or
  - (3) the "1%" or "1%er" symbol, or
  - (4) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).

Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.

9. **Closed-circuit television system**

- (1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
  - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of premises that is not required to cease trading, continuously at all times),
  - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
  - (c) any recorded image must specify the time and date of the recorded image,
  - (d) the system's cameras must cover the following areas:
    - (i) all entry and exit points on the premises,

- (ii) the footpath immediately adjacent to the premises, and
  - (iii) all publicly accessible areas (other than toilets) within the licensed area.
- (2) The licensee must also:
  - (a) keep all recordings made by the CCTV system for at least 30 days,
  - (b) ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
  - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

**10. Crime Scene Preservation**

- (1) Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
  - (a) Take all practical steps to preserve and keep intact the area where the act of violence occurred,
  - (b) Retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
  - (c) Make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
  - (d) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- (2) In this condition, 'staff' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. Crowd controller or bouncer) on or about the premises.

The licence is granted subject to a requirement that the licence cannot be exercised until it is transferred to a suitable qualified licensee or until the appointment of a person to manage the licensed premises approved by the Authority pursuant to section 68(1) of the Act.

If you have any questions about this letter, please contact the case manager via [santina.causa@liquorandgaming.nsw.gov.au](mailto:santina.causa@liquorandgaming.nsw.gov.au)

Yours faithfully



David Armati  
Deputy Chairperson  
For and on behalf of the Independent Liquor & Gaming Authority

## Statement of reasons

### Decision

1. On 17 January 2017, the Independent Liquor and Gaming Authority (“Authority”) received from 263 Church Street Pty Ltd (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new full hotel liquor licence dated and lodged on 17 January 2017 (“Licence Application”), in respect of premises located at 263-265 Church Street, Parramatta NSW 2150 (“Premises”). On 13 March 2017, the Applicant lodged an application for an extended trading authorisation (“ETA”) in respect of the licence sought for the Premises (“ETA Application”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to **grant** the Licence Application.
3. Pursuant to section 49(2) of the Act, the Authority has decided to **refuse** the ETA Application.
4. In reaching this decision, the Authority has had regard to all the material before it, the legislative requirements under sections 3, 11A, 14, 15, 15A, 16, 17, 40, 45, 48, 49 and 51 of the Act, and relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

### Material considered by the Authority

5. The Authority has considered the Licence Application and the ETA Application (“Applications”), the accompanying Community Impact Statements (“CIS”), and all submissions received in relation to the Applications.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Applications were provided with the opportunity to make submissions.
7. As foreshadowed in the Authority’s *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, New South Wales Department of Health *HealthStats* data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by licensing staff from publicly available sources.
8. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

### Legislative framework

9. The Authority has considered the Applications in accordance with the following legislative provisions.

### Objects of the Act

10. The objects of the Act, as set out in section 3(1), are 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; to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimum formality and technicality; and to contribute to the responsible

development of related industries such as the live music, entertainment, tourism and hospitality industries.

11. In the pursuit of these objectives, section 3(2) requires the Authority, when determining a liquor licence application, to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm from violence and anti-social behaviour); the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor; and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

#### Trading hours and 6-hour closure period

12. Section 12 of the Act sets out the standard trading period for different types of liquor licences. Additionally, section 11A imposes a condition prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6-hours during each consecutive period of 24 hours.

#### Minimum procedural requirements

13. Section 40 of the Act and the Regulation prescribe the minimum procedural requirements for a liquor licence application to be validly made to the Authority.
14. Section 51 of the Act prescribes further the minimum procedural requirements for an application for an ETA to be validly made to the Authority.

#### Fit and proper person, responsible service of alcohol, and development consent

15. Section 51(3) of the Act provides that when determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence.
16. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
  - the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
  - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - if any applicable development consent is required to use the premises for the business or activity to which the proposed licence relates, such consent is in force.

#### Restrictions on granting extended trading authorisations

17. Section 49(8) of the Act provides that the Authority must not grant an ETA in respect of licensed premises unless the Authority is satisfied that:
  - practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and

- the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.

### Community Impact Statement

18. Section 48 of the Act requires that certain applications, including an application for a full hotel liquor licence, and an application for an ETA for a hotel must be accompanied by a CIS prepared in accordance with the relevant requirements in the liquor legislation.
19. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of granting a hotel licence and an ETA in respect of a hotel will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter the Authority becomes aware of during the application process.

### Provisions specific to a hotel liquor licence

20. Further legislative provisions specific to hotel liquor licences are set out in sections 14, 15, 15A, 16 and 17 of the Act and in the Regulation.

### Provisions specific to an extended trading authorisation

21. The legal requirements for making a valid application for an ETA are provided by section 51 of the Act and the Regulation. The power to grant an ETA is provided by section 49(2) of the Act.

### Matters relating to gambling activities

22. Section 10A of the Regulation requires, in the case of an application for an ETA in relation to a hotel licence, the CIS to address matters relating to gambling activities that will be conducted on the Premises during the period that the authorisation is proposed to be in force.

### **Key findings**

23. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings on the Applications.

### Validity, procedural and trading requirements

24. The Authority finds that:
  - Pursuant to sections 51(3) and 40 of the Act, the Authority is satisfied that both Applications were validly made and meet minimum procedural requirements. These findings are made on the basis of the information provided in the Applications, CIS and Certificate of Advertising signed by Sam Arnaout dated 9 June 2017, and signed by Wassim Arnaout (the sole director of the Applicant company) dated 21 June 2017.
  - The proposed trading hours for the Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods. This finding is made on the basis of the Applications, CIS material and additional submissions provided by the Applicant.

### Fit and proper person, responsible service of alcohol and development consent

25. Pursuant to section 45 of the Act, the Authority is satisfied that:

- for the purposes of section 45(3)(a), the Applicant is a fit and proper person to carry on a hotel licensed business, on the basis that no issues of concern were raised regarding the probity of the Applicant Company following consultation with relevant law enforcement agencies including NSW Police and LGNSW,
- for the purposes of section 45(3)(b), practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible service of alcohol (“RSA”) and to prevent intoxication, having regard to the Plan of Management dated June 2017 for the Premises and the Applicant’s consent to the imposition of additional conditions relating to the RSA, and
- for the purposes of section 45(3)(c), the requisite development consent for the proposed use of the Premises as a hotel is in force, as recorded in a determination by Parramatta Council (“Council”) dated 23 December 2016 No. DA/525/2016, which provides consent, inter alia, for “alterations and additions to a heritage listed building including fitout and use of the ground and first floor as a food and drink premises (pub) and second floor as an office premises”. The Authority further notes advice to licensing staff from the Applicant’s solicitor dated 24 July 2017 that rear lane access will *not* be used for the Premises and that the area identified as “smoking lounge” will only be used for smoking if it is assessed by an appropriate person to be an “unenclosed public space” for the purposes of the *Smoke Free Environment Act 2000*.

#### Community Impact Statement

26. The Authority has taken into account the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
27. For the purposes of section 48(5) of the Act and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Parramatta. The broader community is the local government area (“LGA”) of the City of Parramatta (“Parramatta LGA”), which was formed on 12 May 2016 through the amalgamation of the former Parramatta City, The Hills Shire, Auburn City, Holroyd City and Hornsby Shire councils.

#### Positive social impacts

28. The Authority notes, on the information provided in the CIS material, that the new hotel will provide a hotel business similar to many other mainstream hotels. The business will have some focus on affordable dining, and comprise several separate and distinct areas including a restaurant, smokers lounge/wine bar, TAB area, and gaming room.
29. The Authority accepts, on the basis of the information provided in the CIS material, that the venue will feature high quality “finishes and furnishings” in order to appeal to a “mature clientele” appreciative of a venue in which to “drink, dine and gamble in intimate, club-like surroundings”.

30. The Authority further accepts the Applicant's contention in the CIS that the clientele is intended to be drawn from the growing residential population in Parramatta, the local business community and particularly the legal sector which has a presence within close proximity to the Premises. The Authority further accepts as credible information provided in the CIS that there is a growth in residential and commercial development in the Parramatta CBD and that the business may also service visitors to the local and broader community.
31. The Authority notes, on the basis of the Applicant's contentions in the CIS material and the 2011 ABS Census QuickStats data provided by the Applicant, that the local and broader communities are experiencing rapid commercial, mixed-use and residential development and population growth, with median personal weekly incomes and full-time employment rates above NSW State averages. The Authority accepts the Applicant's contentions that the development in these communities has created increased "localised" demand for "leisure and recreation facilities", including "late night food, beverage and gaming venues".
32. In this respect, the Authority is satisfied that granting the Licence Application will provide additional choice and convenience to a growing community, comprising local residents as well as workers and visitors who live outside the local or broader community, and who wish to patronise a traditional-style, full hotel licensed venue offering food, beverage and/or gaming facilities.
33. The Authority further notes that no adverse submissions were received in relation to the Licence Application and is satisfied that granting the Licence Application will be consistent with the "expectations, needs and aspirations of the community" with respect to the local community of Parramatta and the broader community of Parramatta LGA, furthering an object of section 3(1)(a) of the Act.
34. The Authority further notes, on the basis of the Applicant's contentions in the CIS material and Google Maps provided with the Licence Application, that the local community is currently dominated by licensed premises offering "restaurant/café style uses".
35. While the Authority accepts that a new mainstream hotel in this part of the Parramatta CBD will contribute to the reasonable development, in the public interest, of the liquor industry in respect of the local and broader communities, and that this will advance the statutory object in section 3(1)(b) of the Act, the extent of that contribution is constrained by the number and location of mainstream hotel licensed premises serving those communities, in particular hotels located within the suburb of Parramatta.

#### Negative social impacts

36. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this full hotel licensed business will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse liquor.
37. The type of licence sought by the Applicant is a full hotel licence and therefore the primary purpose of the licensed Premises will be sale of liquor by retail.



38. The Authority notes that the patron capacity sought in the Licence Application is 160 seated persons. It is a two-storey venue that is of medium scale compared to other licensed premises, and not particularly large by comparison to full hotel licensed venues. The Authority is satisfied, on the basis of the CIS material provided by the Applicant with the Licence Application, that the Premises is located in the immediate vicinity of low-rise commercial buildings and the nearest residential buildings are approximately 150 metres from the Premises. This reduces the scope for operations on the Premises to cause disturbance to nearby residents but it does not avoid the prospect of disturbance to local amenity in neighbouring streets caused by late night migration of patrons moving to or from the Premises.
39. When considering the overall social impact of the Applications, the Authority has given close consideration to a submission from Acting Sergeant Gurneet Grewal, Parramatta Local Area Command (“LAC”), NSW Police (“Police”) dated 10 April 2017. Police object to the ETA Application but do not oppose the Licence Application.
40. Police contend, and the Authority accepts (having regard to LGNSW licensed premises information) that there are **8** existing full hotel licensed venues within a 900-metres radius of the Premises, which have extended trading authorisations permitting licensed trade until as late as 5:00am All of those hotels provide gaming facilities. Police further contend, and the Authority accepts, that there are 2 registered clubs within this radius that have unrestricted trading hours.
41. Police further submit that two existing Parramatta hotels, Crown Hotel and PJ’s Irish Pub, are part of the same business group of which this new hotel will be a part and should the ETA Application be granted there will be 3 licensed hotels providing gaming facilities with extended licensed hours situated within a 100-metre radius.
42. Police contend that this will “increase the harm associated with the misuse and abuse of gambling” due to what they describe as the “saturation” of gambling facilities concentrated within a small area of the local community, contrary to the object in section 3(1)(a) of the *Gaming Machines Act 2001*. Police submit that the Authority and all other persons exercising functions under the Act are required to have due regard to the need for gambling harm minimisation when considering the ETA Application.
43. The Authority is satisfied, on the basis of BOCSAR crime data (published on the BOCSAR website) that there is cause for concern arising from prevailing rates of alcohol-related crime, particularly at the level of the local community. While the ETA Application must be assessed in light of the local and broader community, crime data for the Parramatta suburb and the immediately surrounding suburbs that constituted the *former* Parramatta LGA are of particular interest to the Authority, given the Applicant’s description of the likely catchment area of patronage for the business, the proximity of these areas to this venue and the breadth of the geographical area comprising the (post amalgamation) City of Parramatta with more distant suburbs less directly impacted by, or servicing, the new venue. BOCSAR data for the period from April 2016-March 2017 relating to the pre-amalgamation Parramatta LGA and the suburb of Parramatta, indicates that:
- a. The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* for the suburb of Parramatta was **94.4** per 100,000

persons of population, **69.9** across the former Parramatta LGA, and **114.7** for NSW as a whole.

- b. The rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the suburb of Parramatta was **328.2** per 100,000 persons, while the rate for the former Parramatta LGA was **100.3**, and the NSW state wide rate was **133.9**.
  - c. The rate of *malicious damage to property* incidents for the suburb of Parramatta was **1436** per 100,000 persons, while the rate across the former Parramatta LGA was **706.6** and the rate for NSW as a whole was **816.4**.
44. BOCSAR Crime Maps before the Authority, based upon data from April 2016 to March 2017, detail hotspots for the concentration of offences within the suburb of Parramatta. These maps indicate that the Premises is located:
- a. within a *high-density* hotspot for incidents of *domestic assault*,
  - b. within a *high-density* hotspot for incidents of *non-domestic assault*,
  - c. within a *high-density* hotspot for incidents of *malicious damage to property*;
  - d. within a *high-density* hotspot for incidents of *alcohol related assault*.
45. The Authority is satisfied, on the basis of liquor licensing records from LGNSW as at 19 June 2017 with respect to licensed premises in Parramatta and Parramatta LGA, that there are **23** hotel liquor licences within the current Parramatta LGA (created in 2016) and **12** hotel liquor licences within the suburb of Parramatta.
46. NSW Department of Health data provided in the *Healthstats* Report indicates that the Smoothed Estimate of Standardised Separation Ratio for alcohol attributable hospitalisations for 2013 for the former Parramatta LGA was **107.50**, compared to the NSW average that is fixed at **100** providing a factor of moderate concern to that community. The Smoothed Estimate of Standardised Mortality Ratio for alcohol attributable deaths for 2012-2013 for the former Parramatta LGA was more favourable, at **85.60**. The health data is not particularly problematic when assessing these Applications.
47. ABS Socio-Economic Indexes For Areas (“SEIFA”) data prepared on the basis of the 2011 Census indicates that the former Parramatta LGA ranked in the 8<sup>th</sup> decile, compared to other local government areas in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged). The SEIFA data does not indicate that socio-economic disadvantage is a compounding factor of concern when assessing the relative vulnerability of the communities to adverse alcohol related social impact.
48. However, the Authority is *not* satisfied that granting the ETA Application will not be detrimental to the overall wellbeing of the local and broader community.
49. The analysis of crime by time of week noted in the BOCSAR Excel Report “Recorded Crime Statistics 2016” for the former Parramatta LGA indicated that during 2016 the proportion of *alcohol related assault* peaked in this area on Saturday evening between the 6pm and midnight time period (13.3% of all events). Relevantly, the second highest

proportion of alcohol related assault (12%) occurred on Sunday morning between Midnight and 6am.

50. Alcohol related assault was also elevated on Saturday morning between midnight and 6am (4.8%) compared to most other time periods of the week. This data is adverse to the ETA Application demonstrating that the Applicant seeks to trade during higher risk times of the week for alcohol related assault in an area incorporating the Parramatta suburb, where most licensed premises are located.
51. The Authority has also given weight to the fact that, as stated on the Licence Application Form, the Applicant has *not* had more than 6 months continuous experience selling or supplying liquor at a licensed venue.
52. The licence density information regarding the number, type and location of licensed premises in the Parramatta CBD demonstrates a high likelihood of patron migration among hotels and other licensed venues, including between standard and late trading venues, in the CBD.
53. The ETA Application, if granted, will increase the exposure of the venue to patrons who are migrating from other licensed premises, or patrons who have been consuming liquor on the Premises over a prolonged period of time. A late trading venue has greater scope to attract and generate patrons who become involved in alcohol related violence, or anti-social conduct. It also makes the premises more likely to attract and generate patrons who engage in a variety of conduct that adversely impacts local amenity whether or not such conduct rises to the level of criminality.
54. Likely and commonplace amenity impacts will include patrons and groups of patrons affected by liquor to varying degrees moving through streets late at night in the Parramatta CBD, to and from the venue, smoking in nearby areas, talking, laughing, yelling or arguing amongst themselves and making noise while seeking public or private transport during late hours. The medium scale of the venue and its patron capacity expands the scope for this new hotel to attract and generate such patron impacts during late trading hours.
55. This conduct may be more readily accepted as an ordinary incident of community life in a major central business district earlier in the evening but it becomes more problematic from a social impact perspective the later in the evening that it occurs.
56. Having regard to the prevailing BOCSAR data for the extent, concentration and timing of alcohol related crime in the Parramatta CBD, the location and type of licensed venues in the Parramatta CBD contributing to patron migration and the limited experience of the Applicant with respect to the operation of licensed premises, the Authority is not satisfied that the overall social impact of granting the ETA Application would not be detrimental to the local community of Parramatta.

#### Overall social impact

57. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Applications, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of

granting the Licence Application would not be detrimental to the wellbeing of the local and broader communities.

58. The Licence Application is granted pursuant to section 45 of the Act.
59. However, the Authority is *not* satisfied that the overall social impact of granting the ETA Application would not be detrimental to the wellbeing of the local community.
60. The ETA Application is refused pursuant to section 49(2) of the Act.



David Armati  
Deputy 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 <http://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 prepared on the basis of the 2011 Census for the former Parramatta LGA.
2. NSW Department of Health *Healthstats data* for 2013 depicting the ratio of Alcohol Attributable Deaths and Hospitalisations for 2013 in the pre-amalgamated Parramatta LGA.
3. BOCSAR Excel Report “NSW Recorded Crime Statistics 2016” for the former Parramatta LGA.
4. BOCSAR Crime Maps based upon data from April 2016 to March 2017 detailing hotspots for the concentration of offences near the location of the Premises in the suburb of Parramatta.
5. BOCSAR NSW Crime Statistics for the period from April 2015-March 2017 relating to the pre-merged Parramatta LGA, the suburb of Parramatta, the former Auburn LGA, the former Holroyd LGA, the former Hornsby LGA and the former Hills LGA, publicly available online.
6. Submission from Senior Constable Gurneet Grewal and Acting Sergeant Michael Blades, Parramatta LAC of Police to LGNSW dated 2 August 2016 and signed on 6 February 2017.
7. Development Consent No. DA/525/2016 issued by Council on 4 January 2017, noting the date of determination as 23 December 2016.
8. Application Form for a new full hotel liquor licence (application no. 1-5518858894) lodged on 17 January 2017. The following documents were provided with the Licence Application:
  - (a) 2-page document submitted in support of the Licence Application, in which the Applicant makes contentions as to how granting this Application will further the objects of the Act.
  - (b) CIS document submitted in support of the Licence Application lodged on 17 January 2017.
  - (c) Appendix A to the CIS dated 17 January 2017. In this 8-page document, the Applicant makes various contentions in relation to the Licence Application.
  - (d) Notice of intention to apply for a liquor licence, in relation to the Licence Application, dated 1 September 2016.
  - (e) Copies of identical letters from LAS Lawyers dated 1 September 2016, stating that a notice of intention to apply for a liquor licence is enclosed, addressed to Council, local Police, NSW Ministry of Health, Department of Community Services, NSW Roads & Maritime Services and Metropolitan Aboriginal Land Council.
  - (f) Letter from Ms Christine Treadgold, on behalf of Council to LAS Lawyers dated 8 September 2016, advising that Council would not consent to the Licence

Application on the basis that while there is a pending application seeking approval for the use of the Premises as a hotel, that application has not yet been approved.

- (g) Public Consultation – Site Notice, Police Notice, and Local Consent Authority Notice in relation to the Licence Application, signed by Mr Sam Arnaout and dated 17 January 2017.
  - (h) Australian Securities and Investments Commission (“ASIC”) Current Organisation Extract for 263 Church Street Pty Limited, disclosing that the sole director is Wassim Arnaout as at 25 August 2016.
  - (i) Google Map showing the location of the Premises within the suburb of Parramatta and the CIS consultation zone.
  - (j) ABS 2011 Census QuickStats data in relation to the State suburb of Parramatta.
9. Submission from Council to LGNSW dated 20 January 2017.
10. Application Form for an ETA – hotel licence lodged on 13 March 2017. In addition to the above-mentioned Google Map and Census information the following documents were provided with the ETA Application:
- (a) 2-page document submitted in support of the ETA Application, in which the Applicant makes contentions as to how granting this Application will further the objects of the Act.
  - (b) CIS document submitted in support of the ETA Application dated 8 March 2017, lodged on 13 March 2017.
  - (c) 8-page document in support of the CIS lodged on 8 March 2017, in which the Applicant reiterates contentions made in relation to the Licence Application and makes contentions specifically in relation to the ETA Application.
  - (d) Notice of intention to apply for a liquor licence, in relation to the ETA Application, dated 25 January 2017.
  - (e) Copies of identical letters from LAS Lawyers dated 25 January 2017, stating that a Notice of intention to apply for a liquor licence is enclosed, addressed to Council, local Police, NSW Ministry of Health, Department of Community Services, NSW Roads & Maritime Services, Metropolitan Aboriginal Land Council, CatholicCare, Multicultural Problem Gambling Service, University of Sydney Gambling Treatment Clinic, and UnitingCare Mental Health.
11. Submission from Acting Sergeant Gurneet Grewal, Parramatta LAC of Police to LGNSW, in relation to the ETA Application dated 10 April 2017.
12. Email from Authority licensing staff to Mr Sammut, LAS Lawyers, dated 23 May 2017 requesting comment on the imposition of standard licensing conditions, including standard hotel trading hours.
13. Letter from Mr Sammut, LAS Lawyers, to the Authority dated 24 May 2017, responding to the email dated 23 May 2017, attached to an email to licensing staff dated 9 June 2017.

14. Plan of Management prepared by Mecone on behalf of the Iris Group dated June 2017.
15. Certificates of Advertising Application number 1-5518858894 signed by Sam Arnaout dated 9 June 2017, and signed by Wassim Arnaout dated 21 June 2017.
16. Liquor licensing records from LGNSW as at 19 June 2017 with respect to licensed premises in the suburb of Parramatta, the former Parramatta LGA, the former Hills LGA, the former Auburn LGA and the former Hornsby LGA.
17. Licence density calculations performed by licensing staff on the basis of the ABS 2011 Census population data and the LGNSW list of licensed premises as at 19 June 2017 for the suburb of Parramatta and as at 1 November 2016 for the former Parramatta LGA. [The Authority notes advice from licensing staff that due to the recent amalgamation of councils, it is difficult to obtain reliable data for the broader community in order to accurately calculate the rate of licences per 100,000 persons for that new area].
18. Email from licensing staff to Mr Sammut dated 20 June 2017 requesting consent to a condition stating that the extended trading hours sought are subject to a trial period imposed by Council, comment on the adverse submission from Police, and the provision of a Certificate of Advertising.
19. Letter from Mr Sammut to the Authority dated 21 June 2017, responding to proposed licensed trading hours, issues raised in the Police submission dated 10 April 2017 and attaching a Certificate of Advertising. Email from Mr Sammut to licensing staff dated 26 June 2017 requesting that both the Licence Application and ETA Application be considered at the Authority board meeting of 19 July 2017.
20. Compliance Detail Report dated 27 June 2017 sourced by licensing staff in relation to PJ Gallagher's Irish Pub, Enfield.
21. Google maps depicting the location of the Premises sourced by licensing staff dated 27 June 2017.
22. Email from licensing staff to Mr Sammut dated 28 June 2017 requesting amendments to the Applicant's Plan of Management.
23. Email from Mr Sammut to licensing staff dated 29 June 2017 attaching the amended Plan of Management and outlining the primary purpose of the licence and authorisation sought in similar terms to contentions made in the CIS material.
24. Compliance Detail Report sourced by licensing staff dated 29 June 2017 in relation to Crown Hotel Parramatta.
25. Email from Applicant solicitor to licensing staff dated 24 July 2017 clarifying the Applicant's position on rear lane access and the smoking lounge on the Premises.
26. Plan of the Premises showing the proposed licensed area, encompassing the entire ground floor and first floor.
27. Map depicting the boundary of the new Parramatta LGA sourced by licensing staff (undated).