



Ms Angela Frost
Solicitor
GPO Box 4592
SYDNEY NSW 2001
angelamfrost@bigpond.com

7 September 2017

Dear Ms Frost,

Application No.	1-5619244108
Application for	New Full Hotel Licence Extended Trading Authorisation ("ETA") Minors Area Authorisation ("MAA")
Trading hours	<u>Consumption on premises</u> Monday to Sunday 7:00am – 12:00am <u>Consumption off premises</u> Monday to Sunday 10:00am – 10:00pm
Licence name	The Governor
Applicant	Waterloo Projects Pty Ltd
Premises	9-13 Waterloo Street MACQUARIE PARK, NSW, 2113
Issue	Whether to grant or refuse an application for a new full hotel licence with an ETA and MAA
Legislation	Sections 3, 11A, 14, 15, 15A, 17, 40, 45, 48, 49, 51 and 121 the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority – Application for a new full hotel licence with an extended trading authorisation and minors area authorisation–
The Governor, Macquarie Park**

The Independent Liquor and Gaming Authority considered application number 1-5619244108 seeking the grant of a new full hotel licence ("Hotel Application") with an extended trading authorisation ("ETA Application") and minors area authorisation ("MAA Application"). The Authority has decided to **grant** these Applications pursuant to sections 45, 49(2) and 121 of the *Liquor Act 2007* (Act) respectively. The new hotel licence is 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 1.00 AM and 7.00 AM during each consecutive period of 24 hours (other than on 1 January in any given year, on which day liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 2.00 AM and 8.00 AM). The licensee must comply with this 6 hour closure period along with any other limits specified in the trading hours for this licence.
2. **Restricted trading & NYE (std) – Consumption on premises**
Good Friday 12:00 noon – 10:00PM

Christmas Day 12:00 noon – 10:00PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st Normal opening time until normal closing time or 2:00AM on New Year's Day, whichever is the later.

3. **Restricted trading & NYE (std) – Take away sales**

Good Friday Not permitted

Christmas Day Not permitted

December 31st Normal trading

4. 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 and extended trading authorisation.

5. The premises is to be operated at all times in accordance with the Plan of Management dated 8 May 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.

6. The licensee must join and be an active participant in the local liquor accord.

7. **Minors area authorisation:**

(i) Ground Floor - Public Floor Area (excluding Gaming Room & TAB)

(ii) Roof Top - Public Floor Area only

8. **Closed-circuit television system**

(i) 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.

e. The licensee must also:

i. keep all recordings made by the CCTV system for at least 30 days,

ii. 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

- iii. 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.

9. Crime Scene Preservation

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:

- (i) Take all practical steps to preserve and keep intact the area where the act of violence occurred,
- (ii) Retain all materials 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,
- (iii) 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
- (iv) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

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.

10. Neighbourhood Amenity

- (i) The management of the licensed business on the premises:
 - a. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
 - b. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the management is to employ private security staff to ensure that this condition is complied with.
 - c. Shall record in a register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
 - d. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.
- (ii) An adequate queuing system for patrons must be implemented at the main entrance of the Hotel so as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.

11. The LA 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

12. The general public are not permitted on levels 1 and 2 of the Hotel.

If you have any questions, please contact the case manager at santina.causa@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to be 'DAVID ARMATI', written in a cursive style.

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

Statement of reasons

Decision

1. On 1 March 2017 the Independent Liquor and Gaming Authority (“Authority”) received from the Applicant, through Liquor and Gaming NSW (“L&GNSW”), an application for a new full hotel liquor licence (“Hotel Application”) with an extended trading authorisation (“ETA Application”) and minors area authorisation (“MAA Application”).
2. The Hotel Application is granted pursuant to section 45 of the *Liquor Act 2007* (“Act”). The ETA Application is granted pursuant to section 49(2) of the Act. The MAA Application is granted pursuant to section 121 of the Act.
3. For the purpose of section 49(6) of the Act, the ETA will permit the sale of liquor for consumption on the premises outside of the standard licensed trading period prescribed by section 12 of the Act, between 7:00AM and 10:00AM on Sunday and between 10:00PM and Midnight on Sunday. The ETA will apply to the entire licensed area of the Premises.
4. The Authority notes that the MAA Application is in respect of the ground floor (Pizzeria, public bar and garden terrace) and the roof top (the secret garden lounge, garden lounge and Japanese conservatorium).
5. In reaching this decision, the Authority has had regard to all material before it, the relevant legislative requirement under sections 3, 11A, 14, 15, 15A, 17, 40, 45, 48, 49, 51 and 121 of the Act, and relevant provisions of the *Liquor Regulation 2008* (“Regulation”).

Material considered by the Authority

6. The Authority has considered the Hotel Application, ETA Application and MAA Application (“Applications”), Community Impact Statement (“CIS”) and all submissions received in relation to the Applications.
7. 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.
8. As foreshadowed in the Authority’s *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by L&GNSW staff from publicly available sources.
9. The material considered by the Authority is listed in the Schedule, with a brief summary where appropriate.

Legislative framework

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

Objects of the Act

11. The objects of the Act, as set out in section 3(1), are to regulate the supply of liquor in line with the expectations, needs and aspirations of the community, facilitate the balanced development in the public interest of the liquor industry and contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
12. In the pursuit of these objectives, section 3(2) requires the Authority 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.

Minimum procedural requirements

13. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence to be validly made to the Authority.
14. Section 51 of the Act prescribes the minimum procedural requirements for licence related authorisations 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 proposed business,
 - 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 (“DC”) is required to use the premises for business or activity to which the licence relates, such consent is in force.

Restrictions on granting extended trading authorisation

17. Section 49(8) of the Act provides that the Authority must not grant an extended trading authorisation 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 hotel licence and an extended trading authorisation (“ETA”) in relation to a hotel licence, must be accompanied by a CIS prepared in accordance with the requirements specified in the Act and Regulation.
19. Section 48(5) provides that the Authority may only grant the licence, authorisation or approval if it is satisfied that the overall social impact of doing so 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 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.

Matters relating to gambling activities

21. 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

22. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings.
23. Pursuant to section 51(2) and section 40 of the Act, the Authority is satisfied that the Applications have been validly made and meet the minimum procedural requirements. This finding is made on the basis of the Applications and CIS material before the Authority and the Certificate of Advertising signed by Mr Ricardo Pietro Colosimo, the sole Director/Secretary of the Applicant company dated 13 June 2017.
24. 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 the proposed business, on the basis that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies including Police and L&GNSW,
 - 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 serving of alcohol and prevent intoxication, having regard to the Applicant's Plan of Management as amended and finalised on 8 May 2017, and
 - for the purposes of section 45(3)(c) the requisite DC for use of the Premises as a hotel is in force, pursuant to development consent LDA2016/0196 granted by City of Ryde Council (“Council”) on 20 December 2016. The Authority notes that this DC restricts the Premises to a patron capacity of 550 persons and that the hours proposed by the ETA Application are within the hours of operation permitted by the DC (7:00am to 12:00 midnight Monday to Sunday).

25. Pursuant to section 49(8), the Authority is also satisfied, on the basis of the absence of any trading history for this new venue and the measures undertaken in the Plan of Management submitted on 8 May 2017, that the extended trading period sought in the ETA Application will not result in undue disturbance of the quiet and good order of the neighbourhood of the Premises.
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 this decision and consistent with its position in *Guideline 6* and longstanding practice, the Authority is satisfied that the relevant “local community” is the community within the suburb of Macquarie Park, and the relevant “broader community” comprises Ryde City Local Government Area (“Ryde LGA”).
28. While the Ryde LGA was subject to a proposal to amalgamate with the Hunter’s Hill and Lane Cove local government areas, that proposal was subject to litigation and was not effected at the time of this decision. At the time of publishing this decision the Government has indicated that the proposed amalgamation will not proceed.

Positive social impacts

29. The Authority is satisfied that the Applicant has demonstrated a substantial positive case for the operation of a new full hotel licensed premises with an ETA and minors area authorisation (“MAA”) within the suburb of Macquarie Park. This finding is made on the basis of the information provided in the Applications, CIS and additional submissions made by the Applicant.
30. The Authority accepts the Applicant’s submission in the CIS that granting this licence will provide Macquarie Park with a new up-market hotel venue in keeping with its status as one of the State’s major employment centres.
31. The Authority accepts the Applicant’s contentions in the CIS that the hotel would emphasise the provision of fine food and entertainment as well as providing spaces where patrons, including families, could enjoy quiet social engagement and relaxation. The Applicant also contends that the hotel will provide varied menus and catering for different styles of dining ranging from a quick service bistro to fine dining. Although the Authority accepts this as generally credible, the Applicant has provided no evidence by way of a menu to satisfy the Authority of the dining options to be provided, diminishing the weight that can be given to this representation. The pizzeria identified in the CIS satisfies the Authority that the venue will provide casual dining of this nature.
32. While noting the submission received from NSW Police (“Police”) (who oppose the Application), the Authority is satisfied, on the basis of the lack of any other concerns or objections from the local and broader community or Council that broadly speaking this venue will serve the “expectations, needs and aspirations” of the relevant communities, advancing the statutory object in section 3(1)(a) of the Act.
33. Furthermore, by providing a new hotel (as the Applicant contends in the CIS) which proposes to include a pizzeria, public bar, garden terrace, secret garden lounge, garden lounge, Japanese Conservatorium and live entertainment on most evenings

and on weekend afternoons (intended to include soul, jazz and easy listening) the Authority is satisfied that granting this Application will ensure that the business will contribute to the balanced development of liquor industry serving the local and broader communities, in furtherance of the statutory object in section 3(1)(b) of the Act.

34. The Authority also accepts the Applicant's contentions in the CIS that on weekdays, the hotel would accommodate business presentations, seminars, training workshops and meetings. In this respect, and noting the Authority's findings on the type of hospitality services to be provided on the Premises, the Authority is satisfied that granting this licence with the proposed extended trading hours (subject to the conditions imposed upon the licence) will also contribute to the responsible development of related industries – including the live music, entertainment, tourism and hospitality industries for the purposes of the statutory object in section 3(1)(c) of the Act.
35. The Authority also notes and accepts the Applicant's other contentions in the CIS that: the hotel will provide the large and growing population with a place where the business community can hold meetings, functions, presentations and workshops as well as a place for informal meetings over lunch and the like. The hotel will provide the community with a place where residents can meet friends and make new acquaintances while having a drink at the bar, a meal in the restaurant or enjoying entertainment or where they can hold functions ranging from weddings to wakes. The hotel will also provide a place where residents, workers and visitors can rest and relax in air-conditioned comfort and enjoy good service in elegant surroundings with an ambience well-removed from those of their homes, workplaces or temporary accommodation. The hotel is intended to broaden the types of businesses in the commercial core of Macquarie Park and to introduce some night-time activity which will assist in the achievement of Council's vision for the Macquarie Park Corridor.
36. The Authority has considered the Applicant's contentions in the CIS in relation to employment practices and staff training being important to the economy but cannot give great weight to those purported benefits by reason of the lack of evidence supporting those contended economic benefits, beyond the fact that the new hotel will provide employment opportunities, to the extent that the Applicant sources its employees within the relevant communities.

Negative social impacts

37. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this new hotel licensed Premises 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.
38. The Authority considers that a full hotel licensed premises, whose primary purpose is to sell or supply liquor for consumption on or away from the Premises, is a licence type that has a relatively greater scope to generate adverse social impacts upon the community over time and cause disturbance to the local community and neighbourhood, whether or not such conduct rises to the level of criminality.

39. The Authority notes, on the basis of the CIS, that the hotel is relatively large, comprising 3,049 square metres with a maximum patron capacity (according to the development consent LDA2016/0196) of 550 persons. The scale of the venue objectively increases its capacity to contribute, along with the incumbent licensed premises, to alcohol related impacts in the local and broader communities.
40. The licensed trading hours sought by the Applicant are also quite extensive, with the ETA enabling the hotel to trade from 7:00am to 12:00am Monday to Sunday.
41. When considering the cumulative impact of adding another licence to the local and broader community, the Authority has considered the licence density data calculated by licensing staff from the L&GNSW licensed premises list as at 19 June 2017 and ABS *Quickstats* population data for Ryde LGA, the State suburb of Macquarie Park and the State of New South Wales.
42. This data establishes that both the local community of Macquarie Park (which has a rate of **0** hotel licences per 100,000 persons of population) and the broader community of Ryde LGA (which has a rate of **7.73** hotel licences per 100,000 persons) have *lower* rates of hotel licences compared to New South Wales as a whole (which recorded a rate of **28.47** hotel licences per 100,000 persons).
43. The Authority further notes, on the basis of L&GNSW records for as at 28 May 2017 that the Ryde LGA currently has **9** hotel licences, **12** club licences, **6** limited licences, **155** on-premises licences, **40** packaged liquor licences and **5** producer-wholesaler licences.
44. While the broader community is serviced by a range of hotels, clubs and other licensed premises, licence density is not particularly high across the Ryde LGA and there are *no* hotels in the local community of Macquarie Park.
45. BOCSAR Crime Maps for the period from April 2016 to March 2017 indicate that the Premises is *not* located within any hotspots for incidents of alcohol related assault, assault (domestic assault), assault (non-domestic assault) and malicious damage to property.
46. The Authority is further reassured by BOCSAR crime data for the year to March 2017 indicating that the local community of Macquarie Park and the broader community of Ryde LGA recorded significantly lower rates per 100,000 persons of population than the state of New South Wales for incidents of *alcohol related domestic assault* (**28.4** for Macquarie Park and **37.6** for Ryde LGA compared to **114.7** for NSW), *alcohol related non-domestic assault* (**71** for Macquarie Park and **40.1** for Ryde LGA compared to **133.9** for NSW) and *malicious damage to property* (**610.4** for Macquarie Park and **436.1** for Ryde LGA compared to **816.4** for NSW).
47. The Authority is satisfied that the new hotel will operate in a local and broader community which is exposed to substantially lower rates of alcohol related crime and anti-social conduct (in the form of malicious damage) compared to New South Wales as a whole.
48. The ABS Socio-Economic Indexes For Areas (“SEIFA”) data establish that both the broader community of Ryde LGA and local community of Macquarie Park are relatively

very advantaged. Ryde LGA ranked in the 10th decile on the Index of Relative Socio-economic Advantage and Disadvantage (with the 10th decile being the most advantaged) compared to other local government areas in NSW. The suburb of Macquarie Park is ranked in the 7th decile compared to other suburbs in New South Wales. Socio-economic disadvantage is not, therefore, a factor of concern at the level of either community.

49. NSW Department of Health, Health Stats data obtained by licensing staff indicates that during 2013 the Ryde LGA recorded a lower smoothed standardised mortality ratio (alcohol related death) of **73.70** but a moderately higher smoothed standardised separation ratio (alcohol related hospitalisation) of **110.50**, noting that the NSW average is fixed at 100.
50. The Authority has considered a submission dated 3 April 2017 from Police objecting to the Application. Police have raised concerns as to certain stakeholders being notified of the Application, the impact of noise generated by the Premises on neighbouring and nearby residential premises, the type of music to be provided in the roof top area of the Premises and the licensed area of the Premises.
51. However, the Authority is satisfied that the Applicant's submission dated 23 May 2017, has adequately addressed each of these concerns. The Authority is satisfied that on 4 January 2016 the Applicant personally delivered the Notice of Intention to Apply for a licence to Nought to Five Early Childhood Centre (2.28 pm) and Macquarie Park Montessori Academy (2.30 pm), that on 1 March 2017 the Applicant delivered the Notices advising both these parties (2.03 pm and 2.05 pm respectively) that the Application for a licence had been lodged with L&GNSW and that the Ryde Hunters Hill District Hockey Club was notified by email on 10 January 2016 and again on 1 March 2017.
52. Having accepted the Applicant's submission, the Authority is satisfied that in relation to noise generated from the roof top area of the hotel, that background music on the roof top was specifically addressed in the acoustic report prepared by The Acoustic Group for the development application which stated that there is no acoustic reason why the hotel could not provide "background music" in this area. The Authority is satisfied, on the basis of an email from the Applicant's representative dated 19 June 2017 and the submission from Council that Council considered background music permissible at the roof top area of the hotel.
53. In addition to this, in an email dated 7 July 2017 the Applicant has agreed to the imposition of a condition upon the licence that the general public are not permitted on levels 1 and 2 of the hotel building.
54. The Authority notes the Applicant's anticipation, disclosed in the CIS for the purposes of clause 10A of the Regulation, that the hotel will ultimately keep 30 gaming machines (which is the maximum permitted for a hotel pursuant to section 11 of the *Gaming Machines Act 2001* ("GM Act")) and provide TAB and Keno facilities.
55. The extended licensed trading hours sought in this ETA Application will apply for a relatively modest period of time across the course of the week – on Sundays only, between 7:00AM and 10:00AM and between 10:00PM and Midnight. The Authority has

taken into account the proposed gambling activities, noting that Ryde LGA is a Band 1 area for the purposes of the *Gaming Machines Act 2001*.

56. While the Authority has not conducted a comprehensive social impact assessment with respect to gaming machines of a kind that *may* be required if and when the hotel seeks to increase its gaming machine threshold, the Authority has considered the Applicant's proposed extended trading gambling facilities in light of the statutory objects and considerations in section 3 of the Act and in the context of the licence type, location, scale and variety of licensed entertainment services and facilities proposed for the hotel.
57. The Authority notes that no adverse submissions were made by the community with regard to this aspect of proposed hotel operations. While the proposed gambling services may offer little benefit to a broader community that already boasts numerous hotel and club premises offering gaming machines and other gambling services (including during extended hours), it is notable that there are no hotel or club licenced venues within the local community of Macquarie Park.
58. The Authority has also had regard to the additional harm minimisation measures, including enforceable licence conditions that will work to reduce the risk of negative impacts from the operation of the hotel. The Authority notes and gives weight to the Applicant's consent to conditions regarding CCTV, neighbourhood amenity and crime scene preservation.
59. The Authority has also considered the operational measures detailed in the *Plan of Management* which form part of the Application and was prepared by Liquor Advisory Services on behalf of the Applicant. The Authority is satisfied, on the basis of this document that the Applicant has implemented comprehensive and well-developed harm minimisation measures to ensure that alcohol will be served responsibly at the Premises. The Plan will be enforceable through a licence condition.
60. The Plan concerns patron dress code, behaviour of patrons, the key operating practices of the hotel, a designated driver program, signage, CCTV, management of illicit substances, graffiti management, security measures, an incident register, responsible conduct of gaming, liquor harm minimisation, staff competency, patron transport, parking, crowd control and incident response (including control of patron numbers in premises and fail to quit incidents), neighbourhood amenity (including noise, complaints, patron dispersal at closing time), barring, control of smoking and consultation with local Police. The Plan provides that the hotel does not operate a separate stand-alone bottle shop, but may sell takeaway liquor over the counter.

Overall social impact

61. Having considered the positive and negative impacts that are likely to flow from granting the Hotel Application and ETA Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of granting the Hotel and ETA Applications would not be detrimental to the well-being of the local and broader communities.

62. The Authority is further satisfied that it is in the public interest to grant the MAA Application in association with the Hotel Application.
63. The Applications are granted pursuant to sections 45, 49(2) and 121 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 sourced from the 2011 Census for the Ryde LGA obtained by licensing staff.
2. NSW Department of Health, *Health Stats* data obtained by licensing staff on *alcohol attributable deaths and hospitalisations* for the Ryde LGA for 2013.
3. NSW BOCSAR Crime Statistics for April 2015 to March 2017 for the State suburb of Macquarie Park, Ryde LGA and the State of New South Wales as a whole.
4. NSW BOCSAR Crime Maps based upon data from April 2016 to March 2017 detailing hotspots for the concentration of offences in the local community.
5. Letter from Roads and Maritime Services (“RMS”) to Ms Frost, the Applicants legal representative, dated 9 January 2017 including road crash statistics and recommendations for the operation of the Premises.
6. ETA Application form lodged by the Applicant on 1 March 2017 accompanied by the local consent authority notice, Police notice and the public site notice in relation to the ETA (signed and dated 1 March 2017).
7. MAA Application form lodged by the Applicant on 1 March 2017 accompanied by the local consent authority notice, Police notice and the public site notice in relation to the MAA (signed and dated 1 March 2017).
8. Hotel Application form lodged by the Applicant on 1 March 2017 accompanied by the local consent authority notice, Police notice and the public site notice in relation to the new full hotel licence and the relating ETA and MAA (signed and dated 1 March 2017) and Australian Securities and Investments Commission (“ASIC”) Current Company Extract for the Applicant WATERLOO PROJECTS PTY LTD as at 27 February 2017.
9. Change 6-hour closure period Application form lodged by the Applicant on 1 March 2017 accompanied by a notice of Application to the local consent authority, Police and the public site notice (signed and dated 28 February 2017).
10. Category B CIS signed and dated 28 February 2017 and lodged with the Application on 1 March 2017 with detailed information on social impact and the local and broader communities. The following documents are provided with the CIS:
 - (a) Google geographical map extracted on 4 January 2017 highlighting the notification zone around the Premises.
 - (b) Design Collaborative Plan 150582/1 – Location plan, highlighting the location of the Premises.
 - (c) Four plans/diagrams of the Premises highlighting the licensed area in red and the MAA in green. The Authority notes, from these diagrams, that the licensed area covers the ground floor, first floor, second floor and the roof top plan whereas the MAA only covers the ground floor and the roof top plan.

- (d) ABS demographic data for the suburb of Macquarie Park, the suburb of North Ryde, the combined suburbs of North Ryde and Macquarie Park, the City of Ryde LGA and NSW as a whole, sourced from the 2011 Census.
 - (e) Plan 150582/2 highlighting the suburbs of Macquarie Park and North Ryde.
 - (f) BOCSAR hotspot maps between October 2015 and September 2016 for incidents of *domestic assault*, *non-domestic assault* and *malicious damage to property* in the suburb of Macquarie Park and in the suburb of North Ryde.
 - (g) DC LDA2016/0196 issued by Ryde Council on 20 December 2016.
 - (h) Plan of Management prepared by Liquor Advisory Services on behalf of the Applicant. [Later amended in a version provided on 8 May 2017].
11. Letter from Detective Inspector Glyn Baker of Ryde Local Area Command (“LAC”) of Police to the Authority dated 3 April 2017. This four-page letter was sent to L&GNSW via the online submission form dated 3 April 2017.
 12. Letter from Ms Frost, the Applicant’s legal representative, to the Authority dated 23 May 2017 responding to the Police submission and attaching the latest version of the Plan of Management dated 8 May 2017 and a copy of the RMS submission dated 9 January 2017.
 13. L&GNSW licence density data at 28 May 2017 for the Ryde LGA and NSW.
 14. Email from Ms Frost, the Applicant’s legal representative to licensing staff dated 14 June 2017 attaching a copy of the Certificate of Advertising signed by Mr Ricardo Pietro Collosimo, the sole Director/Secretary of Waterloo Projects Pty Ltd on the 13 June 2017 and the amended plans/diagrams of the Premises. The Applicant responds to a number of proposed conditions relating to the trading hours (including takeaway liquor being permitted between 10:00am and 11:00pm Monday to Saturday and 10:00am to 10:00pm Sunday), the 6-hour closure period (being from 1:00Am to 7:00pm), the overall level of social impact on operating the business, membership of the local liquor accord, the areas in which the MAA is restricted to, no sale of liquor prior to 9:00am on any day and operating the Premises in accordance with the Plan of Management.
 15. L&GNSW records listing all hotel licensed premises in the Ryde LGA, all premises that provide packaged liquor sales in the Ryde sourced by licensing staff on 19 June 2017.
 16. Licensed density data provided by licensing staff calculated on the basis of L&GNSW licensed premises information as at 19 June 2017 and ABS *Quickstats* population data for Ryde LGA, the State suburb of Macquarie Park and the State of New South Wales.
 17. Email from Ms Frost, the Applicant’s legal representative to licensing staff dated 19 June 2017 referring to information from Council, which confirms that background music is permissible.
 18. Google geographical maps (aerial and satellite view) indicating the area surrounding the Premises extracted by licensing staff on 28 June 2017.

19. Email from Ms Frost, the Applicant's legal representative to licensing staff dated 4 July 2017 reminding licensing staff about providing a copy of the CCTV condition.
20. Email from Ms Frost, the Applicant's legal representative dated 6 July 2017 in response to an email from licensing staff dated 5 July 2017. In this email, the Applicant agrees to a number of conditions and (including CCTV, crime scene preservation and neighbourhood amenity) and proposing certain amendments to those conditions.
21. Email from Ms Frost, the Applicant's legal representative dated 5 July 2017 in response to an email from licensing staff dated 5 July 2017. In this email, the Applicant agrees to a number of conditions provided the Applicant's amendments to the conditions are incorporated.
22. Email from Ms Frost, the Applicant's legal representative dated 7 July 2017 in response to an email from licensing staff dated 6 July 2017. In this email, the Applicant agreed to the imposition of a condition that the general public are not permitted on levels 1 and 2 of the hotel.
23. Google Maps street image of the premises.