



Mr Adam Bowe
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2 May 2017

Dear Mr Bowe,

APPLICATION NO: 1-5008730462
APPLICATION FOR: Full hotel licence

APPLICANT: Mr Mathew Sweeney
LICENSED PREMISES NAME: The Eveleigh Hotel

PREMISES: 158 Abercrombie Street
REDFERN, NSW, 2016

ISSUE: Whether to grant or refuse a new hotel licence

LEGISLATION: Sections 3, 11A, 14, 15, 17, 40, 45, 48, 51
121 of the *Liquor Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION FOR
HOTEL LICENCE – THE EVELEIGH HOTEL, REDFERN**

The Independent Liquor and Gaming Authority considered application number 1-5008730462 for the grant of a full hotel licence (Application) on 22 March 2017 and, pursuant to section 45 of the *Liquor Act 2007* (Act), decided, in principle, to **grant** the Application. An associated application for a minors area authorisation was also granted. The licence is granted subject to the following conditions:

- Trading Hours – Consumption on premises**
Monday to Saturday 10:00AM – 12:00AM
Sunday 10:00AM – 10:00PM
Trading Hours – Retail sales
Monday to Saturday 10:00AM – 11:00PM
Sunday 10:00AM – 10:00PM
- 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 4:00AM and 10:00AM during

each consecutive period of 24-hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

3. **Restricted trading & NYE - Retail Sales**

| | |
|---------------------------|----------------|
| Good Friday | Not permitted |
| Christmas Day | Not permitted |
| December 31 st | Normal trading |

4. **Restricted trading & NYE - Consumption on premises**

| | |
|---------------------------|---|
| Good Friday | 12:00PM – 10:00PM |
| Christmas Day | 12:00PM – 10:00PM (liquor can only be served with or ancillary to a meal in a dining area) |
| December 31 st | Normal opening time until normal closing time or 2:00AM on New Year's Day, whichever is later |

5. 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.
6. Minors Area Authorisation: all of premises excluding kitchen, cool rooms and store room.
7. The licence no longer remains in force if the development consent for the use of the premises as a hotel lapses.
8. The premises must be operated at all times in accordance with the Plan of Management and House Policy filed with the Independent Liquor and Gaming Authority on 24 March 2017, as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
9. The capacity of the licensed premises is limited to 100 patrons. A sign stating the maximum capacity is to be displayed above the main entrance of the premises stating this capacity.
10. Service of liquor must cease 15 minutes prior to the authorised closing time.
11. The licensee or its representative must join and be an active financial member of the local liquor accord.
12. No gaming (poker) machines, TAB or Keno are to be kept on or operated from the licensed premises.

13. **CCTV**

The licensee shall maintain a CCTV system that meets the following requirements:

(i) surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:

- a. All principal entrances and exits,
- b. All areas within the premises occupied by the public excluding toilets,
- c. All areas within 10m radius external to the public entrances to the premises.

(ii) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the

depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

(iii) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive.

(iv) The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB drive or other appropriate digital copy of recorded footage on demand of LGNSW, Council or Police officers either immediately or within 24 hours of the request being made.

(v) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable.

(vi) The CCTV recording device shall be secured within the premises and only accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises are operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

If you have any advice or enquiries about this letter, please contact the case manager via email to santina.causa@justice.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is written over a light blue horizontal line.

Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. The Independent Liquor and Gaming Authority (Authority) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the application lodged on 16 September 2016 for a new full hotel liquor licence (Application) with an associated application for a minors area authorisation. The Authority is satisfied that all parties required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
2. Having considered together the positive benefits and negative impacts that are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the *Liquor Act 2007* (Act) that the overall social impact of granting this new full hotel liquor licence with a minors area authorisation would not be detrimental to the well-being of the local and broader communities.
3. The Application is approved pursuant to section 45 of the Act and the minors area authorisation is granted pursuant to section 121 of the Act.
4. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) of the Act.

MATERIAL CONSIDERED BY THE AUTHORITY

5. In making this decision the Authority has considered the Application, Community Impact Statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority *Guideline 6*, the Authority has also had regard to relevant liquor licensing records maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) socio-demographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. The material before the Authority that was considered when making this decision is listed and, in some cases, briefly summarised in the Schedule.
6. The Authority notes that the Applicant currently holds a hotel (general bar) licence (LIQH440010037) with a minors area authorisation in respect of the Premises and that an application to surrender that licence was submitted by the Applicant on 24 February 2017.
7. The Authority further notes, by way of background, that the Premises was previously known as the Berkeley Hotel which ceased trade on 4 October 2010. Having purchased the Berkeley Hotel business on 10 April 2012, the Applicant sought and was refused a full hotel licence on 20 August 2013. It subsequently recommenced trade as a general bar, the Eveleigh Hotel, pursuant to licence LIQH440010037 following approval by the Authority on 22 August 2014.

LEGISLATIVE FRAMEWORK

8. The legal requirements for the making of a valid application for a new liquor licence are provided by section 40 of the Act and by the *Liquor Regulation 2008* (Regulation). The power to grant an application for a liquor licence is provided by section 45 of the Act.
9. Pursuant to section 121 of the Act the Authority has the power to grant a minors area authorisation and general provisions regarding licence related authorisations are provided by section 51 of the Act.
10. Section 48(5) of the Act requires that the Authority must not grant an application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
11. For the purposes of this decision 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 suburb of Redfern.
12. Consistent with the Authority’s long standing policy to find that the broader community comprises the relevant local government area (LGA), the Authority is satisfied that the broader community is the City of Sydney LGA.
13. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
 - (1) *The objects of this Act are as follows:*
 - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
 - (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
 - (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

KEY FINDINGS

14. The Authority is satisfied, on the basis of the Application and CIS material before the Authority, that, for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
15. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a licensed venue of

the kind proposed in the Application. The Applicant provided a copy of a National Police Certificate issued on 18 July 2016 and no probity issues were raised with regard to the Applicant following consultation with law enforcement agencies, including NSW Police (Police) and LGNSW.

16. The Authority is further satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the Applicant's comprehensive Plan of Management dated "August 2016" but as amended and filed with the Authority on 24 March 2017.
17. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act that the proposed use of the Premises falls within the scope of development consent that is currently in force with regard to the Premises. This finding is made on the basis of a submission from the City of Sydney Council (Council) dated 13 July 2016 advising that the Premises had been purpose built as a hotel and has previously been subject to a number of development applications acknowledging the permitted use of the Premises as a hotel.

Social Impact – Positive Benefits

18. The Authority is satisfied, on the basis of the information provided in the Application and CIS that granting the Application will provide some modest increase in benefits by way of convenience and choice to members of the local and broader community.
19. While that benefit is diminished by the large number of alternative sources of liquor in local and broader communities, the Authority accepts that this proposal involves a more intimate venue, with an emphasis on food service (available to patrons between 12pm - 2.30pm and 6pm - 9pm) and the provision of premium liquor products, which may also be purchased over the bar to take away by patrons after drinking those products on the premises and/or eating a meal.
20. The hotel will not provide gaming machines or other gambling services and the Applicant has consented to a condition to that effect. This commitment supports the bona fides of the Applicant as seeking to foster an alternative to mainstream hotels and clubs on offer in the local and broader community.
21. Given that the Application is made in connection with the proposed surrender of an existing general bar licence, the major change that will be facilitated by granting a full hotel licence to this licensee will be to enable the sale or supply of liquor for consumption *off* the Premises.
22. The Authority accepts, on the information provided in the CIS, the emphasis the Applicant has placed on providing meals, premium boutique Australian products, and creating a family oriented venue. The intention of the Application is to enable the business to sell liquor consumed by patrons on the Premises to those patrons for consumption off the Premises as well. The Applicant has provided a product list in a submission from the Applicant's solicitor dated 24 February 2017. One of the

Australian producers listed (Lord Nelson Brewery) is also situated within the broader community. The Authority accepts that this degree of specialist takeaway liquor service represents some, albeit modest, benefit to the local and broader community.

23. Having established a community benefit of some increased choice and convenience for those seeking a smaller venue with a premium liquor product range, the Authority is satisfied, noting the absence of community opposition (save for the Police concerns discussed below), that granting the Application is consistent with the “expectations, needs and aspirations of the community” in respect of the local and broader community advancing the object of section 3(1)(a) of the Act.
24. The Applicant contends that there have been requests by patrons for the provision of take-away alcohol at the Premises based on the quality of the products sold on the Premises and the convenience of purchasing products after enjoying a meal or entertainment. While the Authority finds this information to be generally credible, it would have received greater weight had some evidence been provided of such requests.
25. Nevertheless, the Authority also finds on the information provided in the CIS that granting the Application will further the reasonable development, in the public interest, of the liquor industry in respect of the local community in furtherance of the statutory object in section 3(1)(b) of the Act.

Social Impact – Negative Impacts

26. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from the 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.
27. However, a number of factors associated with this proposal will reduce the scope for adverse impact that is otherwise presented by granting a new hotel licence. First, the Applicant has already been trading at the Premises under a general bar licence since 22 August 2014 and has a good trading history.
28. This is not an instance of adding a new hotel licence to the local or broader community, but replacing an existing general bar with a full hotel licence on a Premises that will maintain a substantially similar business model to that exercised under the general bar licence. This factor has been given considerable weight when assessing the overall social impact upon the relevant communities of granting *this* Application.
29. Neither Police nor the compliance branch of LGNSW have reported any significant compliance issues related to the Premises and no adverse submissions have been received from any stakeholders objecting to the Application.

30. Police advised in their submission dated 19 October 2016 that “since operating as a general bar, the venue has been managed in a responsible and community friendly manner” and Police have “had no cause to attend the venue as a result of intoxicated or anti-social behaviour”.
31. Second, the Premises are approximately 256 square metres in scale with a maximum patron capacity of 100 people, as specified in the enforceable Plan of Management. While it is a medium scale licensed venue in relative terms the patron capacity is the same as a small bar.
32. Third, the Applicant has agreed to the imposition of a number of conditions on the licence that will limit or manage the potential for adverse social impacts or maintain the current business model that has operated without generating any significant regulatory concerns since 2014. These include a requirement not to provide gaming machines or gambling services, extensive CCTV requirements, an enforceable Plan of Management and the cessation of liquor sales 15 minutes prior to the authorised closing time.
33. Fourth, there will be no change to the current licensed trading hours that have been exercised on the Premises under the existing licence. The licence will trade within the standard trading hours period. This factor has been given some weight as the hotel in its current configuration has been operating without any significant adverse impact on amenity. While the LGNSW report dated 12 January 2017 noted that three complaints were made about the venue on 14 October 2015, 16 May 2016 and 23 September 2016, no action was taken by reason that the agency did not find those complaints to be of substance.
34. Fifth, there will be no dedicated bottle shop. While the transition to a full hotel licence will authorise the sale of liquor for consumption off the Premises, a factor that objectively increases the scope for this hotel to contribute to adverse alcohol related impacts in the communities, takeaway liquor sales will be made over the counter in the main bar. This is a practical limitation that somewhat confines the scale and nature of the takeaway liquor operation and reinforces the bona fides of the Applicant’s case for seeking this facility.
35. Police make an important observation that once a full licence is granted, the potential social impact concerns that Police have raised (summarised in the Schedule) will remain possible with the change of licence type and subject to variation in the future. The Applicant is on notice that the representations it has made as to the character and scope of the proposed full hotel operation have been decisive in making the case for this Application and any attempt by a current or future licensee to vary such conditions will be scrutinised in that context.
36. When assessing the scope for negative social impact there is prima facie cause for concern arising from BOCSAR crime rates and crime data for the relevant communities. Crime data disclosed in the Schedule indicates that the rates of *alcohol related* domestic and non-domestic assault are significantly higher than the

NSW average in both the local and broader communities. Furthermore, the Premises are located within hotspots for the concentration of incidents of domestic and non-domestic assault, malicious damage to property, and alcohol related assault. Department of Health data also indicated higher than State wide rates for alcohol attributable hospitalisations in the City of Sydney LGA. This is no doubt a product of the great many licensed premises servicing local residents and the great many City workers and visitors to the area, but this data calls for careful scrutiny when the expansion of a hotel facility is proposed.

37. However, the Authority takes some comfort from the factors limiting adverse impact that are identified above in respect of this case. Furthermore, the BOCSAR crime data for the period from October 2014 to September 2016 indicates a significant decrease in alcohol related non-domestic assault in the local community in the 2 years leading up to September 2016.
38. The Authority considers that the scope for social impact at the level of the broader community will be more diffuse by reason of the numerous incumbent packaged liquor retailers in those communities, including mainstream liquor stores, licensed supermarkets and hotels, many of which will operate a larger range and longer hours than this business.
39. The Authority is satisfied, on the basis of ABS Socio-Economic Indexes For Areas (SEIFA) data that the broader community of the Sydney LGA is relatively advantaged compared to other local government areas in New South Wales ranking in the 9th decile on the Index of Relative Socio Economic Advantage and Disadvantage, while the State suburb of Redfern is also somewhat advantaged by comparison to other state suburbs in New South Wales, ranking 6th on that index, reflecting the recent and ongoing gentrification of this inner city suburb.
40. That is, the socio-economic status of the local and broader community does not provide a compounding factor of concern, particularly with regard to domestic violence (see for example Livingstone, M: "A longitudinal analysis of alcohol outlet density and domestic violence" *Addiction* (2011) *Society for the Study of Addiction*, on alcohol and domestic violence, as noted in Authority *Guideline 6*).
41. When making this decision, the Authority has had regard to all of the conditions to which the new licence will be subject and the reasonably detailed measures set out in the amended Plan of Management dated August 2016 and filed on 24 March 2017. The Authority is satisfied, by reason of the prevailing crime and health data for Redfern and the Sydney LGA, that compliance with the Plan of Management should in this case be made enforceable through the imposition of a condition imposed upon the liquor licence.

Conclusion

42. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the

opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include Police, the Applicant, Council, Roads and Maritime Services (RMS), neighbouring occupiers and all other parties required to be consulted under the legislation.

43. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of granting this new full hotel liquor licence with a minors area authorisation would not be detrimental to the well-being of the local and broader communities.
44. The Application is granted pursuant to section 45 of the Act. The Authority is further satisfied that it is in the public interest to grant the minors area authorisation in respect of the Premises excluding the kitchen, cool rooms and store room, as sought by the Applicant, pursuant to section 121 of the Act. The Authority has taken into account the proposed bistro service, patron capacity restrictions, the moderate scale and layout of the Premises and the imposition of conditions preventing gambling services.
45. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Decision Date: 22 March 2017



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.justice.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. Plan or diagram of the Premises (not dated) indicating the proposed licensed and authorised minors areas.
2. ABS SEIFA data prepared on the basis of the 2011 census.
3. Documents relating to the transition of the business operating on the Premises from the former Berkeley Hotel to the Eveleigh Hotel, including the following:
 - Cease to trade notice for the Berkeley Hotel, dated 4 November 2010.
 - Application for transfer of liquor licence number LIQH440010037 from George Thomas Hotels (Madison) Pty Ltd to the Applicant, received by the Authority on 4 April 2012.
 - Authority Paper dated June 2013 concerning a prior application made by the Applicant for a full hotel licence at the Premises, refused by the Authority in a decision dated 20 August 2013 .
 - Application made by the Applicant to recommence trade for the Berkeley Hotel, dated 16 July 2014.
 - Application made by the Applicant to change licence name for licence LIQH440010037 from “The Berkeley Hotel” to “The Eveleigh Hotel” dated 16 July 2014.
 - Photo of exterior of Premises.
 - The Eveleigh Hotel Menu.
4. Submission from RMS dated 21 June 2016, making no objection to the Application.
5. Letter from Council’s Health and Building Department, dated 13 July 2016. Council does not object to the Application provided that a comprehensive plan of management is provided relating to various issues including patron capacity and CCTV. This submission notes advice from Council’s Planning Department that the Premises was purpose built as a hotel and Council has determined a number of applications acknowledging the permitted use of the Premises as a hotel.
6. Applicant’s *Plan of Management* for the Premises dated August 2016 (an amended version of which was filed on 24 March 2017).
7. BOCSAR Crime Maps based upon data from October 2015 to September 2016 detailing hotspots for the concentration of offences near the location indicating that the Premises:
 - (a) Is located within a *medium-density hotspot* for incidents of *alcohol related assault*;
 - (b) Is located within a *high-density hotspot* for incidents of *assault (domestic assault)*;
 - (c) Is located within a *high-density hotspot* for incidents of *assault (non-domestic assault)*;

- (d) Is located within a *high-density hotspot* for incidents of *malicious damage to property*.
8. BOCSAR NSW Crime Statistics for October 2014 to September 2016 indicate that:
- (a) The rate of incidents of *alcohol related domestic assault* for NSW as a whole was **121.5** per 100,000 persons in the year ending September 2015 and **118.1** per 100,000 persons in the year ending September 2016, decreasing **2.8% per year**. The rate recorded for the City of Sydney LGA was **222.9** per 100,000 persons in the year ending September 2015 and **204.2** per 100,000 persons in the year ending September 2016, remaining stable. The rate in the State suburb of Redfern was **313.7** per 100,000 persons in the year ending September 2015 and **299.8** per 100,000 persons in the year ending September 2016, remaining stable.
- (b) The rate of *alcohol related non-domestic assault* for NSW as a whole was **141.2** per 100,000 persons in the year ending September 2015 and **137.9** per 100,000 persons in the year ending September 2016, decreasing **2.4% per year**. The rate in the City of Sydney LGA was **806.2** per 100,000 persons in the year ending September 2015 and **770.4** per 100,000 persons in the year ending September 2016, remaining stable. The rate in the State suburb of Redfern was **648.4** per 100,000 persons in the year ending September 2015 and **362.5** per 100,000 persons in the year ending September 2016, down **44.1% per year**.
- (c) The rate of incidents of malicious damage to property for NSW as a whole was **859.0** per 100,000 persons in the year ending September 2015 and **838.1** per 100,000 persons in the year ending September 2016, down **2.4% per year**. The rate in the City of Sydney LGA was **1351.3** per 100,000 persons in the year ending September 2015 and **1383.5** per 100,000 persons in the year ending September 2016, remaining stable. The rate in the State suburb of Redfern was **1784.7** per 100,000 persons in the year ending September 2015 and **1763.8** per 100,000 persons in the year ending September 2016, remaining stable.
9. Application for packaged liquor licence lodged with the Authority on 16 September 2016, accompanied by the following:
- Documents relating to the Applicant including 3 identification documents (a UK Passport, Australian Passport, and Australian Drivers Licence), a LGNSW Competency Card expiring 22 February 2022, and a National Police Certificate dated 18 July 2016 recording no disclosable court outcomes.
 - Public consultation site notice, local consent authority notice and police notice all signed and dated by the Applicant on 16 September 2016
10. Category B CIS signed and dated 16 September 2016. A map of local premises that were notified of the Application and a copy of the notice of intention to apply for a liquor licence were attached to the CIS.
11. Police submission dated 19 October 2016 from Redfern Local Area Command (LAC). In this seven-page submission, Police discuss the local area, last place of alcohol consumption report for Redfern LAC between July 2015 and June 2016, minors and pre-loading in Redfern and Newtown LAC in May and June 2016, crime in Redfern, Darlington and Chippendale and minors authorisation. Briefly,

Police do not object to the Application but raise concerns and propose conditions directed to the following matters:

- Police are concerned with the potential introduction of gaming (including TAB, Keno and other forms of gambling) at this venue in the local community. Police acknowledge that the Applicant has agreed to a condition preventing gaming on the Premises but express concern that this position may be changed in future once a full hotel licence has been obtained.
 - Police are concerned about the potential for a “broad range of cheap packaged alcohol” to be sold to the local community. To this end Police have proposed a condition that no separate bottle shop is to be operated and that take away sales be over the counter only.
 - Police submit that the licensee’s residence on the Premises should not be included within the licensed area.
 - BOCSAR crime rates per 100,000 population for assault offences linked to alcohol in the suburbs of Darlington (Sydney), Chippendale and Redfern from July 2015 to June 2016. Police indicate that these crime rates “remain a significant problem” and the combined total of alcohol related assaults in this area is “510 per 100000 of population compared with 274 per 100000 population for NSW which is almost double the state average”.
 - Police note the introduction of a new packaged liquor facility to the local community.
 - Police are concerned with the risk of minors using liquor sold from this new packaged liquor outlet for “pre-loading” prior to going out. Police discuss a program conducted in May and June 2016 in Redfern and Newtown LAC by Sydney Local Health District, Health promotion Unit in conjunction with Shadow Shoppers Program. Although the program did not include the Eveleigh Hotel, Police contend that the results of this program are “indicative of a major problem with the sale of take away alcohol to minors”
 - Police observe that the minors area authorisation is the same as the licensed area for the proposed full hotel. Police “extrapolate” from section 3(1)(a) of the Act that a separation of drinkers and patrons who may have minors in their care is a “reasonable expectation”. Police submit that it is not unreasonable to hold the expectation that minors be restricted to the dining areas of the Premises and during those times when the dining room is open for the full service of meals. Police contend that minors area authorisations are sometimes abused by licensees and Police would like to see an additional plan of the ground floor of the Premises clearly outlining a minors authorised area incorporating these restrictions.
12. Submission from LGNSW Compliance Operations dated 12 January 2017 recording that no significant compliance issues have been identified with the Premises and that in the view of the Manager of Compliance the grant of this Application will likely not result in a significant increase in disturbance on the Premises.
13. Application to surrender liquor licence LIQ440010037 signed by the Applicant and dated 23 February 2017.

14. Certification of Advertising Application signed by the Applicant and dated 23 February 2017 recording that all notification requirements were met in accordance with section 40(4)(c) of the Act.
15. Liquor licensing records from LGNSW indicate that, as of 23 February 2017, the State suburb of Redfern already has **16** hotel licensed premises and the Sydney LGA has **348** hotel licensed premises. Redfern has a rate of **132.97** hotel licences per 100,000 persons of population, while the Sydney LGA has a rate of **205.31** per 100,000 persons, compared with the state of NSW as a whole which has a rate of **35.63** hotel licences per 100,000 persons.
16. NSW Department of Health *HealthStats* data prepared on the basis of the 2011 Census indicating that the smoothed standardised separation ratio for *alcohol attributable deaths and hospitalisations* in the Sydney LGA was **130.1** and a smoothed standardised mortality ratio of **101.8** compared to the NSW average of **100**.
17. Email from the Applicant's solicitor dated 24 February 2017, in response to an email from licensing staff on 19 December 2016, requesting additional information. The Applicant responds to Police concerns as follows:
 - The licensee's residence is not to be included in the licensed area.
 - The Premises has been managed in a manner that has not attracted adverse Police attention.
 - The product ranges sold will not be "mainstream and cheap" and will be over the counter sales only.
 - The minors authorised area would be the same as that which currently exists at the Premises, which is a very small area approved for only 100 patrons.
 - The Applicant consents to the imposition of conditions on the licence should the Application be granted requiring the cessation of sale or supply of liquor 15 mins prior to the authorised closing time, requiring the licensee to be a member of the local liquor accord, prohibiting the provision of gaming on the Premises, mandating the use of CCTV, making enforceable the Plan of Management, and a condition requiring the business conducted pursuant to this licence to operate with the same level of overall social impact disclosed by this Application and CIS.
18. Two Google Maps of the Premises and surrounding area in Redfern downloaded on 3 March 2017.
19. Email response from the Applicant's solicitor dated 8 March 2017, to an email from licensing staff on the same day, consenting to conditions proposed by licensing staff restricting gaming machines on the Premises, fixing the boundaries of the minors authorisation area, requiring stakeholder consultation for future concerns regarding the Premises, and causing the licence to no longer remain in force should development consent for the Premises as a hotel lapse.