



Mr Justin Sammut
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24 October 2016

Dear Mr Sammut,

APPLICATION NO: 1-4486754951
1-4904382593

APPLICATION FOR: Removal of a full hotel licence

PROPOSED TRADING HOURS: Consumption on premises
Monday to Saturday 10:00AM – 12:00AM
Sunday 10:00AM – 10:00PM
Takeaway
Monday to Sunday 10:00AM – 10:00PM

APPLICANT: GC111 Pty Ltd

LICENSED PREMISES NAME: Metropolis Hotel

CURRENT PREMISES: 99 Walker St
North Sydney NSW 2060

PROPOSED PREMISES: 181 Miller St
North Sydney NSW 2060

ISSUE: Whether to grant or refuse an application to remove a full hotel licence.

LEGISLATION Sections 3, 15(1), 45, 48 and 59 of the
Liquor Act 2007

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION
FOR REMOVAL OF FULL HOTEL LICENCE METROPOLIS HOTEL, NORTH
SYDNEY**

On 20 May 2016 the Applicant lodged with the Independent Liquor and Gaming Authority (Authority) an application to remove a full hotel licence (Application) under

section 59 of the *Liquor Act 2007* (Act) from premises located at 99 Walker St, North Sydney (Current Premises) to new premises at 181 Miller St, North Sydney (Proposed Premises).

At its board meeting on 12 October 2016 the Authority decided to **approve** the removal of the licence pursuant to section 59 of the Act, subject to conditions 1-21 below:

1. Trading Hours
 - Consumption on premises
 - Monday to Saturday 10:00AM – 12:00AM
 - Sunday 10:00AM – 10:00PM
 - Takeaway
 - Monday to Sunday 10:00AM – 10:00PM
2. 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.
3. 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 Years Day, whichever is the later

Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
4. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 removing this licence to premises at 181 Miller Street NORTH SYDNEY 2060.
5. The liquor licence remains at 99 Walker Street NORTH SYDNEY NSW 2060 subject to the same conditions and trading hours that were immediately in force before this approval was granted until such time as the Independent Liquor and Gaming Authority is notified that the licence has been moved.
6. There is to be no sale or supply of liquor prior to 10.00am on any day.
7. The premises are to be operated at all times in accordance with the Plan of Management dated September 2016 as may be varied from time to time in consultation with the Local Area Commander.
8. The Independent Liquor & Gaming Authority approved the removal of the licence to 181 Miller Street NORTH SYDNEY 2060 on 12 October 2016. Notwithstanding this approval, the licence is not to be exercised at 181 Miller Street NORTH SYDNEY 2060 unless and until the

Independent Liquor and Gaming Authority has been provided with evidence that the premises is complete and ready to trade.

9. The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority has granted a transfer of the licence to a suitably qualified person or a manager is approved and appointed to manage the premises
10. Upon expiry of the permitted hours: (a) all service (and entertainment) must immediately cease; (b) no person shall be permitted entry; and (c) all customers on the premises must be required to leave within the following half hour.
11. The licensee/management shall maintain a CCTV system that meets the following minimum requirements during installation and operations:
 1. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when: (a) the person represents not less than 100% of screen height, and (b) there is an unobstructed view of the person's face.
 2. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas: (a) all entrances and exits, whether or not in use at the time where persons are entering or leaving the premise, and (b) any rooms where staff or the public may have access to (excluding toilets).
 3. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before when: (a) the person represents not less than 50% of screen height, and (b) there is an unobstructed view of the person's face.
 4. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
 5. Camera recordings must meet the standards set out at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.
 6. Recordings must: (a) be digital in format, (b) record at a minimum of six frames per second, and (c) be continuous 24 hours per day.
 7. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
 8. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder shall ensure that no person is able to delete or alter any recordings within the 30-day period.
 9. When premise is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
 10. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, or other regulatory officer upon request.

11. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD, or USB memory stick and must be provided within one working day to NSW Police, or other regulatory officer upon request.
12. Prior to the commencement of trade each day the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder or employee/staff/management is to notify the Local Area Commander or delegate within 2 hours. All reasonable steps must be undertaken to repair the system as soon as practicable. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.
12. The proprietors/management of the premises must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The proprietors/management must ensure that:
 - (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
 - (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
 - (c) The management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
13. The maximum number of patrons allowed by this consent within the outdoor/external areas of the premises, including the courtyard beneath the retractable awning, is 475 patrons, subject to the following:
 - (a) Indoor capacity
 - i. The maximum number of patrons internally within the premises when doors and/or windows are open (other than for ingress and egress) shall not exceed 200 patrons before 6.00pm;
 - ii. The maximum number of patrons internally within the premises when doors and/or windows are open (other than for ingress and egress) shall not exceed 350 patrons between 6.00pm and 10.00pm;
 - (b) Outdoor capacity
 - i. The maximum number of patrons in the external areas of the premises shall not exceed 150 patrons before 6.00pm;
 - ii. The maximum number of patrons in the external areas of the premises between 6.00pm and 10.00pm shall not exceed 200 patrons when the retractable awning is fully closed and not exceed 50 patrons when the retractable awning is open in part or in full;
 - iii. The maximum number of patrons in the external areas of the premises between 10.00pm and 12 midnight shall not exceed 200 patrons during which time the retractable awning is required to be fully closed.

- iv. The maximum number of patrons in the external areas of the premises between 12 midnight and 2.00am (next day) shall not exceed 120 patrons during which time the retractable awning is required to be fully closed.

A notice must be displayed at all times in the front window of the premises (or any other clearly visible place) identifying the maximum capacity described in (a) and (b) above. The number of tables, their location and the outdoor seating capacity are limited to that shown by the approved plans. The outdoor seating must not cover or impede access to public or private property and not obstruct the thoroughfare of adjoining properties.

14. The entrance from Berry Street shall be closed from 9:00pm daily, no patron be permitted to enter or exit from this entrance.
15. Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the forecourt area on Miller Street. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises. The licensee/management shall ensure that no amplified music or entertainment is played in the outdoor areas, and that no music or live entertainment from within the premises is heard at the boundary of the closest residential receivers.
16. Provisions of any entertainment within the premises shall be limited only to that which is incidental and/or ancillary to the approved use of the premises as a hotel, restaurant and conference and function space, and may include live music and performances, karaoke and the like.

The provision of any entertainment in accordance with this condition is subject to compliance with the conditions of this consent relating to noise. In the event that such entertainment results in a breach of conditions of this consent relating to noise, then such entertainment must cease immediately.

17. The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to:
 - (a) The licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;
 - (b) The licensee and/or staff make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and
 - (c) The licensee and/or staff 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", in relation to subject premises, 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 activities as a crowd controller or bouncer on or about the premises.

18. On Friday, Saturday or any day proceeding a public holiday the hotel will have two (2) licensed uniformed security guards for the first 100 patrons and one (1) additional security guard per further 100 patrons. Security will be required from 9:00pm until 02:00AM or the last patron has left the vicinity of the premises.

19. The licensee or its representative must join and be an active participant in the local liquor accord. The licensee, or person nominated by the licensee, must attend all general meetings of the Harbourside Liquor Accord, and remain present for the duration of the meeting, provided however that the accord coordinator has properly advised the licensee in advance and the meeting is properly scheduled and has a set agenda. Licensee to contribute a fee and maintain membership as set by the Harbourside Liquor Accord to promote or assist an accord initiative.
20. No open containers of alcohol are to be carried off the licensed premises.
21. The boundary of the outdoor licensed area be defined so that patrons are unable to unwittingly carry open containers of alcohol off the premises. Security and staff to ensure that all patrons consuming alcohol remain on the licensed premises at all times.

If you have any enquiries about this letter please contact the case manager via email to rochelle.hurst@olgr.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to be 'DAVID ARMATI', written over a horizontal line.

David Armati

Deputy Chairperson

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

STATEMENT OF REASONS

Material Before The Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publishing a statement of reasons, as soon as practicable, in a high volume jurisdiction.
2. In making this decision, the Authority has considered the application to remove a full hotel licence filed on 20 May 2016 (Application) from 99 Walker Street, North Sydney NSW 2060 (Current Premises) to 181 Miller Street, North Sydney NSW 2060 (Proposed Premises), the accompanying 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 and licence density data 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. That material is listed and in some cases briefly summarised in the Schedule.

Summary of Further Submissions

3. Submission from Superintendent Allan Sicard of the Harbourside Local Area Command (LAC) of NSW Police (Police) received by the Authority on 1 July 2016. This letter attaches the submission from Senior Constable Bradley Duke of North Sydney Police Station dated 27 April 2016. In this six-page submission Police advise that they do not object to the Application and submit that there is nothing recorded which would raise doubt about the integrity of the Applicant or financially interested persons to be associated with the business to be conducted on the Proposed Premises pursuant to the licence.
4. Police advise that the Proposed Premises is subject to a number of conditions under the development consent and request that similar conditions be imposed upon the liquor licence. Police contend that the proposed conditions are to ensure that the venue does not have an adverse impact upon the community. The conditions proposed by Police are in regards to trading hours, CCTV, patron behaviour, maximum capacity, rear entry/exit to Berry Street, amplified sounds, entertainment, the *Plan of Management*, crime scene prevention, security, liquor accord participation, alcohol carried off the Proposed Premises, the licensed boundary and appointing and approving a manager.
5. Email from the Applicant dated 26 August 2016 in which the Applicant: confirms that neither Police nor North Sydney Council (Council) object; agrees to all the conditions proposed by Police; advises that the licensed area does not comprise the entire ground floor (as per the floor plan/diagram detailed below); submits that the Applicant does not intend to apply for a minors area authorisation or extended trading authorisation; advises that there is 512sqm internal floor space and 466sqm external floor space (978sqm in total); submits that the Applicant does not intend to operate gaming machines prior to 10:00am even though the Proposed Premises will be open

from 7:00AM; and agrees to a condition regarding not exercising the licence until the Proposed Premises are complete and ready to trade. The Applicant confirms that the existing 15 gaming machine entitlements are to be transferred to the Proposed Premises and that all the conditions proposed by licensing staff in their email dated 25 August 2016 (regarding the six hour closure period, the licence remaining at the Current Premises until the Authority is notified that the licence has been moved, liquor not being supplied or sold prior to 10:00AM, joining the local liquor accord and that the operation of the Proposed Premises is in accordance with the Plan of Management) are agreed to. The following documents are attached to this email: *Plan of Management* dated September 2016 and the Certificate of Advertising signed by the Applicant (undated).

6. Email from the Applicant dated 29 August 2016 advising that the hotel licence at the Current Premises has been held in a dormant capacity for a significant period of time and the internal configuration for the building has changed since the hotel last operated.
7. Email from the Applicant dated 30 August 2016 advising that the hotel licence at the Current Premises has been dormant for approximately 10 years.
8. Email from LGNSW dated 1 September 2016 advising that a review of the compliance history did not reveal any adverse information regarding the venue and that the removal Application is considered low risk and does not appear to warrant a full submission.
9. Notice to Local Consent Authority signed by Executive Planner, Gavin McConnell on behalf of Council advising that the Application was received on 12 May 2016 and that the Proposed Premises is to be operated in accordance with development consent 413/2015 issued on 1 April 2016.
10. Email from the Applicant dated 29 September 2016 agreeing to a condition posed by licensing staff that the licence may not be exercised at the Proposed Premises until a manager is appointed and approved.

Legislative Framework

11. Legal requirements regarding the removal of a licence to another premises are provided by section 59 of the *Liquor Act 2007* and the *Liquor Regulations 2008* (Liquor Regulations).
12. 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.*
- 13. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
- 14. An application for approval to remove a hotel licence is a “relevant application” within the meaning of section 48(2) of the Act for which a Category B CIS is required.
- 15. Section 48(5) of the Act requires that the Authority must not grant the 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”.
- 16. 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 State suburb of North Sydney while the “broader community” comprises the responsible Local Government Area (LGA), the North Sydney LGA.

Analysis of Relevant Facts

- 17. The Authority is satisfied, on the basis of the Application and CIS material before the Authority that, for the purposes of section 59(2) 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.
- 18. The Authority notes section 59(3) of the Act, which provides that when determining an application for approval to remove a licence to other premises, the Authority is to deal with the Application as if it were an application for the granting of a licence in respect of those other premises. The Authority has the same powers in relation to the Application as the Authority has in relation to an application for a licence.
- 19. To that end, 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 licenced venue of the kind proposed in the Application. The Authority notes that no probity issues were raised with regard to the Applicant following consultation with law enforcement agencies, including Police and LGNSW.
- 20. The Authority is 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 *Plan of Management* dated September 2016.

21. The Authority is further satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in force, on the basis of 413/15 determined on 1 April 2016 by Council.

Social Impact – Positive Benefits

22. The Authority notes that the address of the Proposed Premises is approximately 200 metres from the Current Premises within the same suburb of North Sydney.
23. The Authority is also satisfied, on the basis of the removal Application and CIS material, that the Applicant distributed notices to the surrounding community which resulted in no objection from the local community, Police, LGNSW, Council or any relevant stakeholders. On this basis the Authority is satisfied that removing the licence to the Proposed Premises would be consistent with the “expectations, needs and aspirations of the community” in respect of the local community of North Sydney, being an object of section 3(1)(a).
24. The Authority notes, from the submission from the Applicant dated 30 August 2016, that the hotel licence at the Current Premises has been held in a dormant capacity for at least 10 years. As a result, removing the licence will be different to the removal of an active hotel and will in practice result in the introduction of a new hotel into North Sydney. On this basis, the Authority is satisfied that the granting of the removal Application will reasonably develop, in the public interest, the liquor industry in respect of the local community in furtherance of the statutory object in section 3(1)(b) of the Act – albeit to a modest extent in light of the number and variety of incumbent licenses in the local and broader community.
25. The Authority notes the Applicant’s submission in the CIS material that granting the Application will provide significant employment opportunities. While the new hotel may well do this, in the absence of a clear commitment from the Applicant as to the hiring policy of the Proposed Premises the Authority does not give significant weight to this purported benefit.

Social Impact – Negative Impacts

26. The Authority acknowledges that there is a risk that a full hotel licensed premises, whose primary purpose is the sale of liquor may cause adverse social impacts upon the community over time, including amenity impacts upon the neighbourhood and local community that may or may not rise to the level of criminality.
27. The nature of the licensed business is a hotel and its primary function is the sale of liquor by retail for consumption on the premises and a hotel is also authorised to sell take away liquor.
28. The extensive trading hours sought by the Proposed Premises and its substantial scale are factors that objectively increase the scope of this business to contribute along with other licensed premises, to prevailing adverse alcohol related social impacts in the local and broader community. However, the Authority notes that the licensed trading hours at the Proposed Premises are less than those permitted by the Act.

29. The Authority notes that there is some cause for concern arising from the BOCSAR Crime Maps for July 2015 to June 2016, which indicate high and medium concentrations of offences within the local community of North Sydney.
30. However, the Authority is reassured on the basis that Police and LGNSW did not object to the Application and have not identified any alcohol related issues occurring in the suburb of North Sydney.
31. The Authority is further reassured by the BOCSAR *Report on Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources between July 2014 to June 2015. This report indicates that the prevailing rates of alcohol related harm across the broader community of North Sydney LGA are below the rates for New South Wales as a whole in the incident categories of (alcohol related) *assault police*, *non-domestic violence* and *domestic violence*. The Authority notes, however that this data indicates that the North Sydney LGA had a higher rate per 100,000 persons for incidents of alcohol related *offensive behaviour* compared to NSW as a whole.
32. The Authority is further satisfied, on the basis of ABS Socio-Economic Indexes For Areas (SEIFA) data that the suburb of North Sydney and the North Sydney LGA is relatively advantaged, by comparison to other state suburbs and LGA's in New South Wales on the Index of Relative Socio-economic Advantage and Disadvantage.
33. While granting the Application will enable a new hotel to operate in North Sydney, the Authority is satisfied on the basis of density data from LGNSW that the North Sydney LGA has lower rates of *full hotel*, *packaged liquor* and *registered club* licences per 100,000 persons compared to NSW as a whole. Prevailing license density is not of itself a factor of concern when assessing the overall social impact of granting this Application.
34. The Authority is satisfied on the basis of the *Plan of Management* dated September 2016 that the Applicant has implemented comprehensive harm minimisation measures and the processes in this document satisfy the Authority that staff members will be adequately trained and will engage in steps that ensure the extent of adverse impact arising from the abuse of liquor sold at the Proposed Premises is constrained.
35. The Authority is further satisfied, on the basis of the email from the Applicant dated 26 August 2016 and the extensive licence conditions to be imposed upon the operation of the hotel (including measures that exceed the minimum requirements of legislation, particularly with regard to maximum patronage, CCTV and security staff) that substantial harm minimisation measures will be in place upon the commencement of trading that will meaningfully reduce the risk of alcohol related misconduct and disturbance.

Conclusion

36. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Removal 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 NSW

Police, the Licensee, Council, Roads and Maritime Services (RMS), neighbouring occupiers, NSW Health and Family and Community Services (FACS) and all other parties required to be consulted under the legislation.

37. 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 hotel removal would not be detrimental to the well-being of these local and broader communities.
38. The Application is granted pursuant to section 59 of the Act.
39. 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, and (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: 12 October 2016



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 in the liquor and gaming website

<https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilqa/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. Removal Application form lodged on 20 May 2016.
2. CIS for the removal Application with supporting material lodged on 20 May 2016.
3. Related Threshold Application lodged on 7 September 2016.
4. Six-page submission (attached to the CIS lodged on 20 May 2016) addressing Part 7 of the CIS form. In this document the Applicant discusses the location of the Proposed Premises and facilities to be provided, responsible management practices (which include the responsible service of alcohol and security), means by which the licensee shall meet the requirements of the Act and Regulations and the overall social and economic impact of removing the licence. The Applicant notes the submissions received during the CIS consultation process from Council and RMS, and discusses socio demographic characteristics for the North Sydney LGA on the basis of ABS data from the 2011 census *Quickstats* data and BOCSAR crime data for alcohol related assault across the North Sydney LGA and the state suburb of North Sydney between January 2015 to December 2015.
5. Briefly the Applicant makes the following key contentions:
 - (a) The amenity of the local area of the Proposed Premises will not be affected as this new hotel will be offering substantially similar services to those offered by the hotel when it was previously operated at the Current Premises;
 - (b) The business operators have effective management practices and extensive experience within the industry;
 - (c) No objecting submissions were received from the community;
 - (d) The hotel on the Proposed Premises will be a family friendly establishment that provides an excellent food and beverage offering to the local community and tourists. The hotel will provide for a “well-considered clientele” and focal point for the local community of North Sydney;
 - (e) If the removal Application is granted there would not be any additional negative impact on the local community and there would be a significant positive impact due to the significant funds that are to be expended on the hotel’s facilities to be made available for all its future patrons and significant employment opportunities.
6. The following documents are attached to the CIS lodged on 20 May 2016:
 - (a) the notice of intention to apply for a liquor licence;
 - (b) a map depicting the 100m radius in which notice of the Application was distributed;
 - (c) CIS Feedback sheet from Council dated 9 May 2016. In this two-page submission Council states *inter alia* that the intended use of the Proposed Premises is consistent with the development consent, there are no issues with litter, property damage or graffiti, that Council Ranger services raise no issues with the

Application and that no transport issues are raised by this Application. Attached to Council's response is a geographical map of Alcohol Free Zones in North Sydney and Milsons Point for December 2015 to November 2019;

- (d) 2011 ABS *Quickstats* socio demographic data for North Sydney LGA regarding education, cultural and language diversity, employment, family composition, weekly incomes, employment status of couple families, dwelling structure, household composition, mortgage and rent, number of motor vehicles and characteristics for Aboriginal and Torres Strait Islander households.
7. Onegov liquor licence records for the Metropolis Hotel at the Current Premises as at 22 August 2016.
8. Plan/diagram of the Proposed Premises highlighting the relevant licensed boundaries in red (attached to the CIS lodged on 20 May 2016).
9. Decisions on Development Approval (DA) number 413/15 by Council dated 1 April 2016 (attached to the CIS lodged on 20 May 2016) granting consent for "fitout and use of lower ground floor tenancy of a commercial building as a pub".
10. BOCSAR Crime Maps for North Sydney based upon data from July 2015 to June 2016 identifying hotspots for the concentration of offences near the location of the Proposed Premises. This data, which is publicly available on the BOCSAR website indicates that the Proposed Premises:
 - (a) Is located *within a high density hotspot* for incidents of *alcohol related assault*
 - (b) Is located *on the border of a high and medium density hotspot* for incidents of *non-domestic assault*
 - (c) Is located *within a medium density hotspot* for incidents of *domestic assault*
 - (d) Is located *within a high density hotspot* for incidents of *malicious damage to property*
11. Licensing records from LGNSW indicating that the suburb of North Sydney already has 11 full hotel licences, 5 packaged liquor licences and 2 registered club licences.
12. Liquor licence density data from LGNSW indicating that the North Sydney LGA as a whole recorded:
 - (a) A rate of **16.05** *full hotel licences* per 100,000 persons, which is below the NSW state wide rate of **30.36**.
 - (b) A rate of **20.87** *packaged liquor licences* per 100,000 persons, which is below the NSW state wide rate of **32.85**.
 - (c) A rate of **8.03** *registered club licences* per 100,000 persons, which is below the NSW state wide rate of **20.48**.
13. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for July 2014 to June 2015. This data indicates that:

- (a) The rate of *assault police* incidents flagged by reporting Police as alcohol related across the North Sydney LGA was **16.9** slightly below the rate of **18.2** per 100,000 for New South Wales as a whole.
 - (b) The rate of *alcohol related non-domestic violence related assault* incidents in the North Sydney LGA was **125.3** per 100,000 persons, below the rate for New South Wales at **144.0** per 100,000 persons.
 - (c) The rate of *alcohol related domestic violence related assault* incidents across the North Sydney LGA was **77.4** per 100,000 persons of population, substantially below the rate for New South Wales of **122.6**.
 - (d) The rate of *alcohol related offensive behaviour* offences flagged by reporting Police as *alcohol related* across this LGA was **109.8** per 100,000 persons above the rate for New South Wales at **88.2**.
14. ABS SEIFA data prepared on the basis of the 2011 census indicating that both the suburb of North Sydney and the North Sydney LGA ranked in the 10th decile, compared to other local government areas and state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
 15. Submission from Superintendent Allan Sicard of the Harbourside LAC of Police received by the Authority on 1 July 2016. This letter attaches the submission from Senior Constable Bradley Duke of North Sydney Police Station dated 27 April 2016.
 16. Email from the Applicant to the Authority dated 26 August 2016 attaching the *Plan of Management* dated September 2016 and the Certificate of Advertising signed by the Applicant.
 17. Email from the Applicant dated 29 August 2016.
 18. Email from the Applicant dated 30 August 2016.
 19. Email from LGNSW dated 1 September 2016.
 20. Notice to Local Consent Authority signed by Executive Planner, Gavin McConnell on behalf of Council.
 21. Submission from the Applicant dated 26 September 2016 attaching five photographs depicting the outside entrance to the School, the Corner of Miller and Berry Street, outside doors to internal part of the Proposed Premises, outside proposed courtyard entrance to the Proposed Premises; Google geographical map of the immediate vicinity of the Proposed Premises, the location of the School and the location of the Proposed Premises.
 22. Email from the Applicant dated 29 September 2016.