

Mr Justin Sammut
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30 October 2018

Dear Mr Sammut,

Application No.	1-6350086705
Applicant	Mr Simon Arthur Tilley
Application for	Removal of a full hotel liquor licence
Licence number	LIQH400106599
Current licence name	New Windsor Hotel
Current premises	185 Castlereagh Street SYDNEY NSW 2000
Proposed licence name	New Windsor Hotel
Proposed premises	161 Castlereagh Street SYDNEY NSW 2000
Trading hours	<u>Consumption on premises – indoor area</u> Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM <u>Consumption on premises – outdoor area</u> Monday to Wednesday 10:00 AM – 10:00 PM Thursday to Saturday 10:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM <u>Takeaway sales</u> Monday to Sunday 10:00 AM – 10:00 PM
Legislation	Sections 3, 11A, 12, 14, 15, 15A, 17, 40, 45, 48 and 59 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for the removal of full hotel liquor licence – New Windsor Hotel – Sydney**

At its meeting on 15 August 2018, the Independent Liquor and Gaming Authority (“Authority”) considered, an application to remove a full hotel licence (“Removal Application”). Following further consultation with the applicant, the Authority has decided, pursuant to section 59 of the Liquor Act 2007 (NSW) (“Act”), to approve the Removal Application. The 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 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. Consumption on premises

Good Friday	12:00 noon - 10:00 PM
Christmas Day	12:00 noon - 10:00 PM (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 2:00 AM on New Year's 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.

3. 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 well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at 161 Castlereagh Street, Sydney NSW 2000.

5. The premises is to be operated at all times in accordance with the Plan of Management dated August 2018 as may be varied from time to time after consultation with 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. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a 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 premises.
 - 2) The licensee must also:
 - a. keep all recordings made by the CCTV system for at least 30 days,
 - b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

7. 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:

 - 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
 - 3) make direct and personal contact with NSW Police to advise it of the incident, and
 - 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

- 5) In this condition, 'staff member' 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.
8. The licensee must join and be an active participant in the local liquor accord.
9. Last orders for drinks for 'outdoor' patrons to be 10.30 PM on Thursday, Friday and Saturday nights.
10. Staff to make an announcement to the effect that the outdoor area will be closed at 11.00 PM on Thursday, Friday and Saturday nights and that patrons should either relocate to the internal areas of the Hotel or leave the Hotel and the vicinity quickly and quietly to avoid potential disturbance to the surrounding area.
11. No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.
12. All doors and windows to the internal bars shall be closed from 10.00 PM Monday to Saturday.
13. (a) Security guards are to be provided at the premises on Thursday, Friday and Saturday from 6.00pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.
- (b) In addition to (a) above, at least one (1) security officer is to be employed to patrol the licensed area and the immediate vicinity from 8.00pm on Thursday, Friday and Saturdays until 30 minutes after closing time or the last person has left the premises.
- (c) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back.
14. If the local consent authority does not approve the continuation of the trial period in development consent D/2017/725 permitting use of the outdoor area between 7:00 am and 10:00 am Sundays, Mondays, Tuesdays and Wednesdays and between 7:00 am and 11:00 pm Thursdays, Fridays and Saturdays for a period of 12 months from 3 October 2018, the licensed trading hours for the outdoor area will revert to 10:00 am to 10:00 pm Mondays to Sundays.

A copy of the relevant development consent is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.

15. Neighbourhood Amenity
 - 1) The licensee of 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.
16. The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor seating areas.

Removal of the hotel liquor licence

Notwithstanding the Authority's approval of the Removal Application with effect from 3 October 2018, the licence shall not be exercised on the proposed premises at 161 Castlereagh Street, Sydney NSW 2000 unless and until the Authority is provided with evidence (through the Liquor and Gaming NSW licensing section) that the premises is complete and ready to trade.

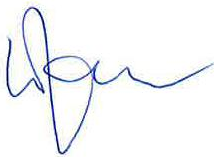
The licence remains at 185 Castlereagh Street, Sydney NSW 2000, subject to the same conditions and trading hours that were in force immediately before the approval of this Removal Application, until such time as the Authority is notified, through the licensing section of Liquor & Gaming NSW, that the licence has been removed.

Exemption under clause 117 of the Liquor Regulation 2018

Please note that pursuant to section 12 of the Act, the standard trading period during which liquor may be sold for consumption away from the licensed premises must end at 10:00 pm on all trading days. Nevertheless, the exemption provision under clause 117 of the *Liquor Regulation 2018* (NSW) permits takeaway liquor sales between 10:00 pm and 11:00 pm on days other than a Sunday that does not fall on 24 December or 31 December or a restricted trading day.

If you have any questions, please contact beatrice.pitpaiaac@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', written in a cursive style.

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 11 September 2017 the Independent Liquor & Gaming Authority (“the Authority”) received through Liquor and Gaming NSW (“LGNSW”), an application dated 4 August 2017 to remove a full hotel licence LIQH400106599 (“Removal Application”) currently attaching to premises at 185 Castlereagh Street, Sydney NSW 2000 (“Current Premises”) to premises at 161 Castlereagh Street, Sydney NSW 2000 (“Proposed Premises”). The licenced business to operate on the Proposed Premises will trade as “New Windsor Hotel”.
2. The Removal Application was initially lodged by the then licensee Mr David Leslie Thompson but was subsequently taken over by Mr Simon Tilley who commenced the role of licensee on 14 March 2018 and approved the continuation of the assessment of the Removal Application in an email dated 1 July 2018 (“Applicant”).
3. Accompanying the Removal Application was an application dated 8 August 2017 for a minors area authorisation (“MAA”) lodged by the Applicant on 11 September 2017 (“MAA Application”), which was proposed to extend to the entirety of the Premises. However, after the Authority sought further submissions on the rationale for this application the MAA Application was withdrawn by email dated 24 August 2018.
4. The Authority initially considered the Removal Application at its meeting on 15 August 2018 and after further consultation with the Applicant has decided, pursuant to section 59 of the *Liquor Act 2007* (NSW) (“Act”) to approve the Removal Application. Initial advice of this decision was communicated in a letter dated 3 October 2018.
5. This document provides reasons for the decision to approve the Removal Application. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 14, 15, 15A, 17, 40, 45, 48 and 59 of the Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Regulation”).

Material considered by the Authority

6. The Authority has considered the Removal Application, the Community Impact Statement (“CIS”), and all submissions received in relation to the Removal Application.
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 were provided with a reasonable opportunity to make submissions.
8. In accordance with the Authority’s *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, NSW Department of Health data and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by LGNSW staff from publicly available sources.
9. The material considered by the Authority when determining the Removal Application is listed in Schedule 1 and briefly described, where appropriate.

Legislative framework

10. The Authority has considered the Removal Application in accordance with the legislative provisions briefly described in Schedule 2.

Key findings

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

Validity, procedural and trading requirements

12. The Authority is satisfied that the Removal Application and accompanying CIS were validly made in that they meet the minimum content and consultation requirements of sections 40 and 59 of the Act and clauses 20 through 26 of the Regulation. This finding is made on the basis of the information provided in the Removal Application form, the CIS material and the Certificate of Advertising signed by Mr Simon Tilley dated 18 June 2018.
13. The Authority is satisfied that the licensed trading hours sought for the licence upon removal meet the requirements specified by sections 11A, 12 and 14 of the Act in respect of standard licensed trading hours and the 6-hour daily liquor cessation period.
14. The Onegov licence record as at 22 June 2018 indicates that the licence commenced on 10 December 1958 and is not currently subject to the requirement under section 11A of the Act for a 6-hour liquor cessation period. However, upon removal to the Proposed Premises, a 6-hour liquor cessation will apply and the Applicant seeks that it be fixed during the usual period of between 4:00 am and 10:00 am.
15. Although the Current and Proposed Premises are both located within the Sydney CBD Entertainment Precinct, which is a prescribed precinct that is subject to a freeze with respect to the grant of certain licence applications, the Authority is satisfied, for the purpose of section 47F(3) of the Act, that the patron capacity of the hotel at the Proposed Premises will be less than the patron capacity at the Current Premises. This finding is made on the basis of condition 2 (a) of the development approval D/2017/725 ("DA") which provides that the maximum number of patrons permitted on the Proposed Premises is 680. The Authority is further satisfied, on the basis of a report from Credwell Consulting, a private certifier, dated 3 May 2017 that the patron capacity of the Current Premises was 700 plus 20 staff (prepared by reference to the national construction code). This means that it is open to the Authority to consider the Removal Application, notwithstanding that the removal will occur within a freeze precinct.

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

16. The Authority is satisfied that:
 - (a) Pursuant to section 45(3)(a) of the Act, the Applicant is a fit and proper person to carry on the business to which the proposed licence relates. This finding is made on the basis that no objection or probity grounds were provided in response to the initial Applicant, Mr David Thompson or the current licensee, Mr Simon Tilley notwithstanding that NSW Police ("Police") and LGNSW have been consulted on the Removal Application. The Authority further notes that on 16 March 2018 the Applicant provided a National Police Certificate to licensing staff indicating no disclosable court outcomes for Mr Tilley.
 - (b) Pursuant to sections 45(3)(b) and 59(5) of the Act, practices will be in place from the commencement of licensed trading at the Proposed Premises and will remain in place to ensure the responsible serving of alcohol and prevention of intoxication. This finding is made on the basis of the Applicant's Plan of Management dated August 2018.

- (c) Pursuant to section 45(3)(c) of the Act, the requisite development consent for the conduct of the business or activity to which the licence relates (a hotel licence) is in force with respect to the Proposed Premises. This finding is made on the basis of a determination by City of Sydney Council (“Council”) dated 19 February 2018 in respect of DA D/2017/725 permitting “Use and fit out of tenancies 6, 7, 8 and 9 of Liberty Place Plaza for a licensed pub to be known as ‘Liberty Place Bar’” (the name the Applicant used during the DA process which the Applicant proposes to change). The Authority notes that condition 3 of the DA permits the indoor areas of the hotel to trade between 7:00 am and 12:00 midnight Monday to Saturday and 7:00 am to 10:00 pm Sunday. Condition 4 permits the outdoor areas of the hotel to trade between 10:00 am to 10:00 pm Monday to Sundays with a 1-year trial (from the date of the issue of the approved transfer of the liquor licence) permitting outdoor areas to trade between 7:00 am and 10:00 am Sunday, Monday, Tuesday and Wednesday and between 7:00 am to 11:00pm Thursday, Friday and Saturday.

Community impact statement

17. The Applicant is required to submit a CIS by reason that the Removal Application is prescribed as a “relevant application” under section 48(2) of the Act. The Authority has taken into account the CIS material and all of the additional submissions and information before it when making the findings set out below on the overall social impact of granting the removal of this licence on the local and broader communities. Consistent with *Authority Guideline 6*, the Authority considers that the relevant “local community” is the community within the State suburb of Sydney, while the relevant “broader community” comprises the local government area of Sydney (“Sydney LGA”).

Positive social impacts

18. The Authority accepts the Applicant’s contentions in the CIS that the removal of this licence is sought by reason of the New South Wales Government’s compulsory acquisition of the Current Premises for the purpose of constructing the new Sydney Metro Line. The Proposed Premises is approximately 140 metres to the north of the Current Premises, within the same local and broader communities. Removal of the licence will enable the licenced business to continue to serve patrons, residents and visitors frequenting the Sydney CBD.
19. Notwithstanding the concerns raised by Police (which are discussed below), the Authority notes that Police do not object to the licence removal. No adverse submissions were received from any members of the public or other stakeholders in response to the proposal. Although Council initially opposed the Removal Application (on the basis that no development for the use of the Proposed Premises as a hotel had then been approved) Council has now determined, on 19 February 2018, to approve DA D/2017/725 permitting the operation of a licensed hotel on the Proposed Premises.
20. The Authority is satisfied, on the material before it, that removing the licence will be consistent with the “expectations needs and aspirations of the community” in respect of the sale, supply and consumption of liquor in the local and broader communities, in furtherance of the statutory object in section 3(1)(a) of the Act.
21. The Authority is further satisfied that removing the licence will enable the commercial development of an existing licensed business that is unable to continue operating from the Current Premises. This will facilitate the *balanced* development, in the public interest, of

the liquor industry serving the relevant communities advancing the statutory object in section 3(1)(b) of the Act.

Negative social impacts

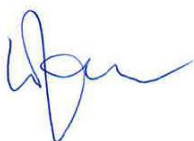
22. The Authority notes that licensed trading hours at the Proposed Premises will be reasonably extensive across the course of the week with the hotel permitted to trade between 10:00 am to 12:00 midnight Monday to Saturday and 10:00 am to 10:00 pm Sunday for the indoor areas and between 10:00 am to 10:00 pm Monday to Wednesday, 10:00 am to 11:00 pm Thursday to Saturday and 10:00 am to 10:00 pm Sunday for the outdoor areas.
23. However, a mitigating factor is that the licensed trading hours will be significantly reduced upon removal of the licence. The Onegov licence record as at 22 June 2018 indicates that the licence currently has the benefit of an extended trading authorisation enabling certain areas of the Current Premises to commence licensed trading at 5:00 am and cease trading at 3:00 am Monday to Saturday. Removing the licence will bring about a substantial reduction in licensed and actual trading hours, including during higher risk times of the evening on weekends.
24. There will be a minor reduction in patron capacity. In that the current patron capacity will be reduced from 700 (720 if the additional 20 staff are included) to 680, which will be enforceable through D/2017/725.
25. The Authority notes that there is no shortage of licensed venues within the local and broader communities with licence density high across the Sydney CBD. LGNSW licensed premises information sourced by licensing staff on 15 July 2018 indicates that there are 137 hotel licences in the suburb of Sydney and 345 hotel licences in the LGA, which equates to a rate of hotel licences per 100,000 persons of 794.11 for the suburb, 165.57 for the LGA and 28.42 for NSW. Noting that this application concerns the removal of an *existing* and recently active licence, approximately 140 metres from the Current Premises to within the same suburb, the Authority is satisfied that the density of licensed premises in both the local and broader communities will not be impacted.
26. The Authority notes that the BOCSAR crime maps for the local community from April 2017 to March 2018 indicate that the suburb of Sydney is experiencing elevated concentrations of crime with the Proposed Premises located within high-density hotspots for *alcohol related assault, domestic assault, non-domestic assault* and *malicious damage to property*.
27. The BOCSAR data for the local and broader communities for the year to March 2018 is also troubling in that the LGA and suburb has recorded the following:
 - A rate of **530.1** per 100,000 persons for *alcohol related domestic assault* for the suburb, with a rate of **197.1** for the LGA and **114.4** for NSW.
 - A rate of **2,677.2** per 100,000 persons for *alcohol related non-domestic assault* for the suburb, compared to **679.3** for the LGA and **130.4** for NSW.
 - A rate of **1,982.7** per 100,000 persons for *malicious damage to property* for the suburb, compared to **1,110.1** for the LGA and **779.5** for NSW.
 - A rate of **848.2** per 100,000 persons for *alcohol related disorderly conduct (offensive conduct)* for the suburb, compared to **281.9** for the LGA and **41.2** for NSW.
28. Although the licence is being removed within an area that is experiencing concentrations of crime and elevated crime rates (at both locations), the Authority is reassured by the fact that the licence has been operating within the same local and broader communities (only 140 metres away) without apparent regulatory concern. Neither the Police submission

dated 22 November 2017 nor the LGNSW Compliance record generated on 22 June 2018 (which pertains to regulation of the Premises from 22 June 2008 to 22 June 2018) identify any substantial concerns with the regulatory performance of the hotel, nor exposure to alcohol related crime or disturbance attributed to this venue.

29. The local and broader communities are ranked in the second highest decile (being the 9th decile) on the index of relative socio-economic advantage and disadvantage compared to other suburbs and LGAs within the State, according to the 2016 ABS data. That is, local socio-economic disadvantage is not a compounding risk factor.
30. Some further cause for concern arises from NSW Department of Health *HealthStats* data on alcohol attributable hospitalisations. The Sydney LGA recorded a higher smoothed estimate of standardised separation ratio of **130.1** compared to the NSW average of 100 between 2013 and 2015. By contrast, the smoothed estimate of standardised mortality ratio (alcohol attributable deaths) was **101.8**, which is on par with the NSW average for the period between 2012 to 2013. Those concerns apply equally to the Current and Proposed Premises, although the reduction of late licensed hours, noted above, will significantly reduce the scope for this venue to contribute to alcohol related harm, in that it will not have the same capacity to accommodate or attract migrating patrons affected by liquor at higher risk times of the day and week. When assessing the scope of negative social impact, the Authority has given weight to the fact that the Applicant *has not sought an extended trading authorisation* for the Proposed Premises.
31. The Authority has considered the concerns raised by Police in their submission dated 22 November 2017 in relation to the saturation of licensed premises, the impact of the lockout and last drink reforms on assaults and the high volume of crime being experienced by licensed premises in the area. However, the Authority is reassured by the fact that Police, after raising these concerns, did not object to the Removal Application, that the removal is a short distance within the same suburb, no concerns have been raised in regard to the trading history of this hotel and when the licence is removed to the Proposed Premises it will operate within the standard trading period. The Authority considered the conditions that Police recommended but determined to impose the conditions specified above as it is satisfied that they are sufficient to reduce the scope for adverse alcohol related impacts.

Overall social impact

32. Having considered the positive and negative impacts that are likely to flow from granting the removal of the licence, the Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Removal Application will not be detrimental to the well-being of the local or broader communities.
33. The Removal Application is granted pursuant to section 59 of the Act.



Philip Crawford

Chairperson

Important Information:

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

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

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

Schedule 1

Material before the Authority

1. Hotel Licence Removal Application Form (“Removal Application”) lodged by Mr David Thompson, the previous licensee, (“the Applicant”) on 11 September 2017, signed and dated 4 August 2017. This form is accompanied by the Notice to Police, Notice to Local Consent Authority and the Site Notice and Notice to Neighbouring Premises and Other Stakeholders, all signed and dated 4 August 2017.
2. Minors Area Authorisation (“MAA”) Application Form (“MAA Application”) lodged by the Applicant on 11 September 2017, signed and dated 8 August 2017. This form is accompanied by the Notice to Police and the Notice to Local Consent Authority, both signed and dated 8 August 2017.
3. Category B Community Impact Statement (“CIS”) Form lodged by the Applicant on 11 September 2017 and signed by the Applicant on 7 August 2017. This document is accompanied by:
 - (a) A seven-page document providing information on Part 7 of the CIS.
 - (b) A one-page letter from City of Sydney Council (“Council”) dated 27 July 2012 granting approval of the plan prepared by FJMT outlining the Plaza – Leasable Seating Zone for 161 Castlereagh Street, Sydney NSW 2000 (“Proposes Premises”) subject to 4 conditions and noting that condition 6(c)(i) of D/2007/1792/I has been satisfied.
 - (c) Plan of Management dated May 2017.
 - (d) Notice of Intention to Apply for Liquor Licence or a Licence Authorisation dated 22 June 2017.
 - (e) A geographical map depicting the notification zone.
 - (f) 14 letters from LAS Lawyers, on behalf of the Applicant, dated 26 June 2017 enclosing a copy of the Notice of Intention sent to: Sydney City Local Area Command; Council, La Trobe University Sydney Campus; St Andrews Cathedral School; St Andrews Cathedral; St Georges Presbyterian Church; Pitt Street Uniting Church; Sydney CBD Medical Centre & Skin Cancer Clinic; City Doctors; Sydney Premier Medical & Health Centre; Metropolitan Aboriginal Land Council; NSW Roads & Maritime Services; Department of Community Services; Drug and Alcohol Population and Community Programs Centre for Population Health NSW Ministry of Health.
 - (g) A one-page letter from Council dated 11 July 2017 advising that they do not support the Removal Application as D/2017/725 for use of the Proposed Premises as a hotel has not yet been approved.
 - (h) One-page letter from Family and Community Services dated 5 July 2017 advising that they do not have a response and will not be providing input.
 - (i) Australian Bureau of Statistics (“ABS”) Quickstats demographic data based on the 2011 Census for the suburb of Sydney.
4. A one-page letter from Council dated 19 September 2017 (sent via email dated 27 September 2017) advising that they do not support the application as D/2017/725 for use of the Proposed Premises as a hotel has not yet been approved.
5. Eight-page submission from Senior Constable David Marshall of the Sydney City Local Area Command of NSW Police (“Police”) dated 22 November 2017 advising that Police do not object but seek the imposition of conditions on the licence, if removed, requiring minimum requirements for a CCTV system, maximum patron capacity, use of signage (regarding patron capacity and noise from patrons when leaving the premises), measures to preserve neighbourhood amenity, membership of the liquor accord, observance of smoke-free environment requirements, observance of crime scene preservation measures,

a requirement to operate in accordance with the Plan of Management, no “themed” nights or operation in the mode of a nightclub, a requirement that the premises maintain the overall social impact on the community as reasonably disclosed by the Removal Application and CIS, a requirement to keep development consents on the premises, a requirement to keep registers and any Plan of Management on the premises and a requirement to cease the service of liquor 15 minutes prior to the cessation of licensed trading hours for the specified indoor seating areas.

6. In an email dated 16 March 2018, the Applicant provided a copy of National Police Certificate NCHRC-2018-19637 issued on 6 March 2018 certifying that there are no disclosable court outcomes or outstanding matters recorded against the name of Simon Arthur Tilley (the current licensee and Applicant) within the records of police services in Australia.
7. In a three-page letter from the Applicant, sent via email dated 21 June 2018, the Applicant responded to requisitions from licensing staff dated 8 June 2018 and attached:
 - (a) Certificate of Advertising signed by Mr Simon Tilley (the current licensee and Applicant) dated 18 June 2018.
 - (b) Development approval D/2017/725 issued by Council on 19 February 2018 for “Use and fit out of tenancies 6, 7, 8 and 9 of Liberty Place Plaza for a licensed pub then to be known as ‘Liberty Place Bar’”.
8. Onegov licence record for the New Windsor Hotel LIQH400106599 as at 22 June 2018, sourced by licensing staff.
9. Liquor and Gaming NSW (“LGNSW”) report titled *Selected compliance and related activities recorded in relation to a venue, relevant to Licensing considerations* generated on 22 June 2018 for The New Windsor Hotel between 22 June 2008 and 22 June 2018.
10. Email from the Applicant to licensing staff dated 2 July 2018 attaching an email dated 1 July 2018 in which Mr Simon Tilley (the current licensee and Applicant) consents to and acknowledges the lodgement of the Removal Application and the MAA Application and requests that the assessment of the applications proceed.
11. Six-page letter from the Applicant dated 12 July 2018, sent via email of the same date, responding to requisitions from licensing staff dated 28 June 2018 and attaching an updated plan/diagram of the Proposed Premises highlighting the licensed area in red and the area covered by the MAA in blue.
12. Licence density calculations performed by licensing staff on the basis of LGNSW licensed premises information as at 15 July 2018 and population data from the ABS 2016 Census.
13. LGNSW licensed premises records for the suburb of Sydney and Sydney local government area (“Sydney LGA”), sourced by licensing staff on 15 July 2018.
14. Bureau of Crime Statistics and Research (“BOCSAR”) crime hotspot maps for the suburb of Sydney between April 2017 and March 2018 recording concentrations of alcohol related assault, domestic assault, non-domestic assault and malicious damage to property events, sourced by licensing staff on 17 July 2018.
15. Google geographical maps depicting the location of the Current Premises and Proposed Premises (and the distance between the two), sourced by licensing staff on 17 July 2018 and a Google image depicting the street view of the Proposed Premises, sourced by licensing staff on 17 July 2018.

16. BOCSAR crime data for the year to March 2018 for incidents of alcohol related domestic assault, alcohol related non-domestic assault, malicious damage to property and alcohol related disorderly conduct (offensive conduct) in Sydney, Sydney LGA and NSW.
17. BOCSAR crime data for calendar year 2017 for the proportion of incidents by offence type, day of week and time of day for Sydney LGA and NSW, sourced by licensing staff on 17 July 2018.
18. BOCSAR 2017 crime data for Sydney LGA and NSW for the number and proportion of selected offences flagged as alcohol related by NSW Police, sourced by licensing staff on 17 July 2018.
19. Socio-Economic Indexes For Areas data on the basis of the 2016 ABS Census data for the State suburb of Sydney and the Sydney LGA, sourced by licensing staff on 17 July 2018.
20. NSW Department of Health *HealthStats* data for the Sydney LGA for alcohol attributable deaths (between 2012 and 2013) and hospitalisations (between 2013 and 2015), sourced by licensing staff on 17 July 2018.
21. Email from the Applicant dated 26 July 2018, responding to an email from licensing staff dated 25 July 2018, answering questions on section 47F(3) of the *Liquor Act 2007* (NSW) (“Act”) and providing a copy of development approval Z95-00852 dated 9 February 1996 in relation to “Windsor Castle Hotel” at 48-48A Park Street, Sydney.
22. Email from the Applicant dated 30 July 2018 responding to an email from licensing staff of the same date and providing information on the effect of section 104 of the Act.
23. LGNSW report titled *Selected compliance and related activities recorded in relation to an individual, relevant to Licensing considerations* generated on 30 July 2018 for Mr Simon Tilley (the current licensee and Applicant).
24. Email from the Applicant to licensing staff dated 3 August 2018 attaching an amended copy of the Plan of Management dated August 2018.
25. Email from the Applicant dated 24 August 2018, in which the Applicant responds to emails from licensing staff dated 22 August 2018, advises that the MAA Application is withdrawn and provides the following documents:
 - (a) A seven-page document prepared by James Deters, A1 Accredited Certifier (Unrestricted) BPB00089 of Credwell Consulting Pty Ltd providing a national construction code report in relation to The New Windsor Hotel at 48 Park Street Sydney. This document states *inter alia* that “given the available sanitary facilities, the total population is limited to a patron population of 700, plus 20 staff”.
 - (b) An updated plan/diagram of the Proposed Premises highlighting the licensed area in red and removing any reference to the MAA that has been withdrawn.
26. Email from the Applicant dated 31 August 2018 responding to an email from licensing staff of the same date and providing submissions on delineation of what is a bar area and a dining area at the Proposed Premises.
27. Email from the Applicant dated 14 September 2018 responding to an email from licensing staff of the same date, addressing the primary purpose of the hotel and the dining areas of the hotel and providing a plan/diagram of the Proposed Premises in which an area has been marked as the dining area.

Schedule 2

Legislative provisions

Objects of the Act

1. The objects of the *Liquor Act 2007* (NSW) (“Act”), as set out in section 3(1) of the Act, are to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community; to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimum formality and technicality; and to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
2. In pursuit of these objectives, section 3(2) of the Act requires the Independent Liquor and Gaming Authority (“Authority”) to have due regard to the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour); the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor; and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Trading hours and 6-hour closure period

3. Section 12 of the Act prescribes the standard trading period for liquor licences. Additionally, section 11A imposes a condition upon certain licences that fall within the scope of that section, prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

4. Section 40 of the Act and relevant provisions in the *Liquor Regulation 2018* (NSW) (“Regulation”) prescribe the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

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

5. Section 45(3) of the Act provides that the Authority may only grant a licence if it is satisfied that:
 - a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
 - b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - c) the applicable development consent required for use of the premises for the proposed business is in force.

Community impact statement

6. Sections 48(2) and (3) of the Act require that certain “relevant applications” (including an application to remove a hotel liquor licence) must be accompanied by a community impact statement (“CIS”) that is prepared in accordance with the relevant requirements specified in the Act and Regulation.
7. Section 48(5) of the Act provides that the Authority may only grant an application to which section 48 applies 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 a hotel liquor licence

8. Further legislative provisions that are specific to a hotel liquor licence are set out in sections 14 to 17 of the Act and in the Regulation

Provisions specific to the removal of a liquor licence

9. Section 59 of the Act provides the minimum legal requirements regarding the removal of a liquor licence to other premises.
10. Pursuant to section 59(3) of the Act, when determining an application for approval to remove a licence to other premises, the Authority is to deal with and determine 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 such applications as it does in relation to an application for a new licence.
11. Section 59(5) of the Act provides that the Authority must refuse an application for approval to remove a licence unless the Authority is satisfied that:
 - practices will, as soon as the removal of the licence takes effect, be in place at the premises to which the licence is proposed to be removed to ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on those premises and that all reasonable steps are taken to prevent intoxication on those premises, and
 - those practices will remain in place.

Restrictions on approving licence removals within freeze precincts

12. Section 47F(3) and (4) of the Act provides that during the freeze period, the Authority must not approve the removal of a hotel licence to subject premises from other premises situated in the same prescribed precinct in which the subject premises are situated if the Authority is satisfied that the patron capacity of the subject premises will be more than the patron capacity of the premises from which the licence would be removed.