



Mr Brett Tobin
Hatzis Cusack Pty Limited
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24 August 2017

Dear Mr Tobin

Application No.	1-5691771498
Application for	Extended trading authorisation
Current trading hours	<u>Consumption on premises</u> Monday to Saturday 10:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Consumption away from premises (take away)</u> Monday to Sunday 10:00 am – 10:00 pm
Proposed trading hours	<u>Consumption on premises</u> Monday to Saturday 10:00 am – 1:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption away from premises (take away)</u> Monday to Sunday 10:00 am – 10:00 pm
Applicant	Mr John Francis Payne
Licence name	Gregory Hills Hotel
Premises	Gregory Hills Drive GREGORY HILLS NSW 2557
Issue	Whether to grant an extended trading authorisation
Legislation	Sections 3, 48, 49 and 51 of <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for an extending trading authorisation – Gregory Hills Hotel**

The Independent Liquor and Gaming Authority has considered your application on behalf of the Applicant for an extended trading authorisation in relation to the Applicant's hotel licence.

Pursuant to section 49 of the *Liquor Act 2007*, the Authority has decided to **grant** the authorisation subject to the following conditions:

1. Live entertainment

On any day that the hotel is open for trade, the licensee must ensure that all forms of amplified music are prohibited in all areas of the hotel from midnight.

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

2. Lock out condition

The licensee must ensure that no patron enters the licensed premises after midnight unless:

- a) the patron is attending the gaming area only, and

- b) any patron using the gaming room is an active gaming patron.
3. Crime scene preservation
- Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing injury to a person on the premises, the person must:
- a) take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - b) retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police,
 - c) make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident, and
 - d) comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
4. The following drink restrictions will apply after 12:00 midnight:
- a) No drinks commonly referred to as shots, slammers or bombs will be sold or supplied.
 - b) No drink that contains more than 30mls of spirits will be sold or supplied.
 - c) Limit of one drink per person.

To avoid doubt, the above conditions to which the authorisation is subject are taken to be conditions of the hotel licence to which the authorisation relates, and are imposed in addition to the existing licence conditions.

If you have any questions, please contact the case manager at ash.maurya@justice.nsw.gov.au.

Yours faithfully



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

Statement of reasons

Decision

1. On 24 April 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from the Applicant, through Liquor and Gaming NSW (“L&GNSW”), an application for an extended trading authorisation in relation to the Applicant’s hotel licence (“the Application”).
2. Specifically, the Applicant sought authorisation to extend the closing time for the sale and supply of liquor for consumption on the Premises:
 - a) from 12 midnight to 1 am on days between Monday and Saturday, and
 - b) from 10 pm to 12 midnight on Sundays.
3. Pursuant to section 49 of the *Liquor Act 2007* (“the Act”), the Authority has decided to grant the authorisation.
4. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 48, 49 and 51 of the Act, and relevant provisions of the *Liquor Act Regulation 2008* (“the Regulation”).

Material considered by the Authority

5. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. In accordance with the Authority’s *Guideline 6*, the Authority has also had regard to relevant L&GNSW records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by L&GNSW staff from publicly available sources.
8. A list of the material considered by the Authority is set out in the Schedule.

Legislative framework

9. The Authority has considered the Application in the context of the following legislative provisions.

Objects of the Act

10. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
11. In the pursuit of these objectives, section 3 requires the Authority to, in determining an application for an authorisation, have due regard to the need to minimise alcohol related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

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

12. Section 51 of the Act provides that, in determining an application for an authorisation, the Authority has the same powers as it does in relation to an application for a licence. Such powers includes the Authority's obligation under subsection 45(3) of the Act to only grant a licence if it is satisfied that:
- a) the applicant is a fit and proper person to carry on the business 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 ("DC") required for use of the premises for the proposed business is in force.

Community impact statement

13. Section 48 of the Act requires certain applications, including an application for an extended trading authorisation in relation to a hotel licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
14. Subsection 48(5) provides that the Authority may only grant the authorisation 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 before it.

Provisions specific to an extended trading authorisation

15. Section 49 of the Act allows the Authority to authorise licensees of certain types of licences, including hotel licences, to sell or supply liquor for consumption on the licensed premises during specified periods, including after midnight, Monday to Saturday, on application by the licensee.
16. Subsection 49(8) provides that the Authority may only grant the authorisation if it is satisfied that:
- a) practices are and will remain in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - b) the extended trading period will not result in undue disturbance of the quiet and good order of the neighbourhood of the premises.
17. Section 51 of the Act prescribes the minimum procedural requirements for a licensee to make a valid application for an extended trading authorisation.

Gambling activities in hotels

18. Section 10A of the Regulation requires the CIS for an extended trading authorisation in relation to a hotel to address matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

Key findings

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

Validity and procedural requirements

20. The Authority is satisfied that the Application has been validly made and meets the procedural requirements under section 51 of the Act.
21. The Authority is also satisfied that the proposed additional hours of trade fall within the specified periods for which the Authority can grant an authorisation under section 49 of the Act.

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

22. Pursuant to subsections 45(3)(b) and 49(8) of the Act, and having regard to the Applicant's plan of management ("POM") and the existing and proposed conditions, the Authority is satisfied that practices are and will remain in place to:
- a) ensure the responsible service of alcohol on the premises,
 - b) prevent intoxication on the premises, and
 - c) minimise undue disturbance in the neighbourhood.
23. The Authority is also satisfied, for the purposes of subsections 45(3)(a) and 45(3)(c) of the Act, that:
- a) the Applicant is a fit and proper person to carry on the business to which the proposed authorisation relates, given the absence of any information indicating otherwise following consultation with relevant law enforcement agencies, and
 - b) the requisite DC is in force, based on the notice of determination issued by Camden Council on 10 February 2015.

Community impact statement

24. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
25. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Gregory Hills, and the relevant "broader community" comprises Camden Local Government Area ("the LGA").

Positive social impacts

26. Having regard to the available information, the Authority accepts the Applicant's contention that:
- a) there are no other hotel licences in Gregory Hills or the suburbs adjacent to Gregory Hills,
 - b) recent land releases and residential development in Gregory Hills and the surrounding areas will likely result in significant population growth, and
 - c) the proposed trading hours are within the hours authorised by Camden Council in its development consent for the Premises.
27. The Authority also notes that there has been no objection from the public, NSW Police, Camden Council, NSW Health, or any other relevant agencies and bodies following notification of the Application.
28. On the basis of the above, the Authority is satisfied that granting the authorisation will benefit members of the local and broader communities by providing them with a longer period of time during which they may attend the Premises and enjoy a variety of recreational pursuits.
29. The Authority is also satisfied that granting the authorisation will contribute to the balanced development of the liquor industry, in line with the needs and expectations of the expanding population in the area.

Negative social impacts

30. The Authority notes from the BOCSAR data that:

- a) for the year to September 2016, the rates of alcohol related assault (domestic and non-domestic) and malicious damage to property in the LGA were at least 20 percent below the NSW state average, and
 - b) for the year to March 2017, the Premises was not located within any hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
31. The Authority also notes from the HealthStats NSW data that alcohol related deaths and hospitalisations in the LGA were below the NSW state average for the period 2012-13.
 32. The Authority further notes from the L&GNSW compliance data that the level of reportable incidents at the Premises for the year to December 2016 was "below threshold".
 33. On the basis of these statistics, the Authority is satisfied that the prevailing level of alcohol related crime and health issues in Gregory Hills and the LGA does not raise any immediate concerns, or indicate that granting the authorisation would exacerbate any existing social problems attributable to alcohol.
 34. While no opposition was received in respect of the Application, the Authority notes that the Applicant has consented to all of the conditions and recommendations proposed by NSW Police and NSW Transport Roads and Maritime Services.
 35. The Authority also notes the practices and procedures set out in the POM to ensure the responsible service of alcohol at the Premises, and the voluntary measures proposed by the Applicant to restrict drinking after midnight.
 36. Having regard to the above, the Authority is satisfied that the Applicant has taken and will continue to take adequate steps to minimise any potential risks associated with the extended hours of liquor supply, and to protect the amenity of the neighbourhood.

Overall social impact

37. The Authority has had regard to the ABS data indicating that as at 2011, the LGA was among the most advantaged areas in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
38. Having considered the positive and negative impacts that are likely to flow from granting the authorisation, and the proposed measures and licence conditions, the Authority is satisfied that the overall social impact of granting the authorisation would not be detrimental to the well-being of the local and broader communities.
39. The Authority is also satisfied that a decision to grant the authorisation would be consistent with the objects of the Act to regulate liquor supply and facilitate responsible industry development consistent with community expectations and needs.
40. Accordingly, the Authority has decided to grant the extended trading authorisation.



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

Material before the Authority

1. ABS SEIFA data based on the 2011 Census, ranking the LGA on the Index of Relative Socio-Economic Advantage and Disadvantage.
2. HealthStats NSW data showing alcohol related deaths and hospitalisations in the LGA for the period 2012-13.
3. Plan of management for the Premises titled 'Venue management plan' and dated September 2016.
4. NSW crime statistics for the years to September 2016, published by BOCSAR, showing the rates of alcohol related assault (domestic and non-domestic) and malicious damage to property in the LGA.
5. BOCSAR crime maps for the year to March 2017, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
6. Notice of determination of development application issued by Camden Council on 10 February 2015, approving the Applicant's development application 671/2014.
7. Completed Category B CIS form signed and dated 24 April 2017, and additional information provided by the Applicant in support of the CIS.
8. Completed application form signed and dated 24 April 2017.
9. Submissions from NSW Police, NSW Transport, and Aboriginal Affairs in relation to the Application, and the Applicant's response to the submissions.
10. L&GNSW liquor licensing records as at 9 June 2017, setting out the key liquor licence details for the Premises.
11. Signed Certification of Advertising Application dated 22 and 23 May 2017.
12. L&GNSW liquor licensing records as at 19 June 2017, listing liquor licences in the LGA.
13. Google maps dated 30 June 2017 showing the location of the Premises.
14. L&GNSW compliance data dated 7 July 2017, listing all compliance incidents and activities at the Premises between 1 July 2008 and 7 July 2017.
15. Floor plan for the Premises indicating the area to which the proposed extended trading authorisation applies.