



Tony Schwartz
c/o Back Schwartz Vaughan
Level 1, 156 Edgecliff Road
Woollahra NSW 2025

23 August 2016

Dear Mr Schwartz,

APPLICATION NO: 1-3883815578

APPLICATION FOR: New Full Hotel Licence (Hotel Application) with a Minors Area Authorisation (MAA Application) and a variation of the usual 6-hour closure period

PROPOSED TRADING HOURS: Monday to Saturday 07:00AM- 12:00 Midnight
Sunday 10:00AM – 10:00PM

APPLICANT: Mr Robert Kelsall

PROPOSED LICENSED PREMISES NAME: Woolgoolga Beach Tavern

PREMISES LOCATION: 78 Beach Street, Woolgoolga NSW 2456 (Premises)

ISSUE: Whether to grant an application for a new (full) hotel licence with a minors area authorisation and a varied 6-hour closure period.

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

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR
NEW HOTEL LICENCE WITH MINORS AREA AUTHORISATION – WOOLGOOLGA
BEACH TAVERN**

The Independent Liquor and Gaming Authority considered the Application at its meeting on 29 June 2016 and pursuant to section 45 and 121 of the *Liquor Act 2007* (Act), has decided to **grant** the Hotel Application and MAA Application (the Application) subject to the following conditions:

1. Trading hours

consumption on premises

Monday to Saturday 7:00AM – 12:00 midnight

Sunday 10:00AM – 10:00PM

take away

Monday to Saturday 7:00AM – 10:00PM

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 01:00AM and 07:00AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

3. **Consumption on premises**

Good Friday 12:00 noon – 10:00PM

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

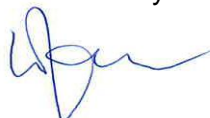
December 31st Normal opening time until normal closing time or 2:00AM on New Year's Day, whichever is the later

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 obtaining this licence.
5. The licensee must join and be an active participant in the local liquor accord.
6. The premises are to be operated at all times in accordance with the Plan of Management dated 10 May 2016 as may be varied from time to time after endorsement by the Local Area Commander.
7. A courtesy bus is to be made available on Friday and Saturday evenings or on any night when live entertainment is provided from 6.00pm onwards. This bus is to operate until the last person has left the Hotel. This bus is to be utilised to effect the removal of patrons and to ensure patrons are transported quickly and quietly from the Hotel, and the vicinity of the Hotel without causing undue disturbance to the quiet and good order of the neighbourhood.
8. Notwithstanding compliance with the condition 3030 (above condition), at the request of the Local Area Commander or delegated officer acting reasonably, and after consultation with the licensee, the licensee will make available a courtesy bus if an identified need exists.
9. On Friday and Saturday nights and any other night when live entertainment is provided, at least one (1) licensed security guard is to be engaged to patrol the interior and exterior of the premises to ensure that departing patrons do not loiter or linger in the area or cause nuisance and annoyance to the neighbourhood. These patrols are to continue until the last patron has left the vicinity of the Hotel. For the purpose of this condition, the vicinity is taken to be:
 - (a) an approximate area from the entry of the premises on Beach Street, to a point approximately 50 metres away in a westerly, northerly and easterly direction; and

- (b) from the entry to the basement car parking facilities on Younger Lane to a point approximately 30 metres away in a westerly, southerly and easterly direction on both sides of Younger Lane
10. Any public entertainment held at the licensed premises is to be conducted in accordance with development consent as provided by the Coffs Harbour City Council from time to time. A copy of the current development consent is to be kept on the premises and made available to police on request.
 11. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am. For the purpose of this condition, the LA 10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
 12. No TAB is to be operated at the licensed premises.
 13. No separate bottle shop is to be operated at the licensed premises (for clarification over the counter take away sales of packaged liquor are permitted).
 14. The pergola terrace and the covered outdoor seating area depicted on the approved plans are to be closed off to the public at 10 pm with the doors to this area kept closed after this time.
 15. The maximum number of patrons is limited to 250 at any time.
 16. No seating is to be provided within the entry terrace.
 17. Seating for 28 persons shall be provided at all times that the pergola terrace area is permitted to operate. In addition seating for 48 persons shall be provided at all times that the covered outdoor seating area is permitted to operate.
 18. Entertainment provided at the premises which is live must be acoustic (no amplification).
 19. Announcements are to be made close to the ordinary closing times of the licensed premises and at least once during the last 10 minutes of trade requesting patrons to leave the premises quickly and quietly in order to avoid disturbance to the neighbourhood.
 20. Minors area authorisation: Public areas (Bistro, Bars, Lounge, Alfresco, Entry Plaza, Toilets)
 21. The licence cannot be operated unless and until the Independent Liquor and Gaming Authority has been provided with evidence that the premises are complete and ready to trade.

Yours faithfully



Philip Crawford

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 publication of a statement of reasons, as soon as practicable, in a high volume jurisdiction.
2. In making this decision, the Authority has considered the application for a new full hotel licence with a MAA and a varied six-hour closure period (Application), 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) data pertaining to the local and broader communities sourced by licensing staff from publicly available sources. That material is listed and briefly summarised in the Schedule.

Summary of Further Submissions

3. Report to the Authority dated 25 February 2016 from a Delegate of the Department of Justice via the Compliance Branch of LGNSW. The Report included an Environmental Assessment Tool (EVAT) report, and notes that a “general assessment has been carried out” on the Application. LGNSW submit that:
 - (a) The location of the new licence has not been the subject of any liquor licence and there is no adverse compliance history recorded against the Premises.
 - (b) LGNSW Compliance Branch records “did not disclose any adverse information” regarding the Applicant and that a review of open source material did not disclose any adverse findings regarding the fitness of the Applicant.
 - (c) The proposed business model is a “recreational and entertainment venue” and the tavern will be operated under a number of conditions which are also included in the *Plan of Management* dated 25 November 2015, which was provided to NSW Police.
 - (d) The existing radial density of liquor licensed premises in the suburb of Woolgoolga is “below the state average”.
 - (e) BOCSAR data shows that the venue is “centrally located within a high density hotspot in terms of alcohol-related assaults” and that BOCSAR data for the period between October 2014 and September 2015 indicates that:
 - i) the rate of *alcohol related assaults* (domestic and non-domestic) that occurred in the suburb of Woolgoolga was **700** per 100,000 persons of population compared to the whole of NSW which had a rate of **288** per 100,000 persons of population;

- ii) the rate of *alcohol related disorderly conduct offences* that occurred in the suburb of Woolgoolga was **95** per 100,000 persons of population compared to the whole of NSW which had a rate of **89** per 100,000 persons of population.
- (f) This crime data indicates “Woolgoolga appears to have a significant concentration of alcohol-related anti-social behaviour when compared against the State average”.
 - (g) In an application dealt with pursuant to the transitional provisions in the Act, the Applicant applied for and was granted conditional approval of a hotel licence at the same address by the Local Court during October 2009 (Conditional Order), but no application for a final order has been made by the Applicant in respect of that application.
 - (h) While the subject of previous conditional approval is similar to this Application, the trading hours then approved were from 5:00am to 12:00 midnight on Monday to Saturday, with proposed trading to midnight on a Sunday subject to a “stay”.
 - (i) The only other noticeable difference between the two applications is that the Premises will now occupy the first floor, rather than the previous ground floor.
 - (j) Should the current Application not be granted, the Applicant would be entitled to apply for a final order in respect of the previous (conditionally approved) application pursuant to section 160 of the Act.
 - (k) Police do not object subject to a condition being imposed upon the licence mandating compliance with the *Plan of Management* dated 25 November 2015.
 - (l) There is a submission on behalf of the owners of the *Seaview Tavern* in Woolgoolga opposing the Application on the basis that the CIS process was flawed (noted below).
 - (m) The *Plan of Management* indicates that controls and procedures that mitigate risks of alcohol related anti-social behaviour have been considered, and will be implemented should the licence be granted.
 - (n) LGNSW “does not object” to the Application, provided that a licence condition is imposed requiring compliance with the *Plan of Management* dated 25 November 2015, or any version revised in consultation with NSW Police.
4. Submission from Senior Constable David Fish, Coffs Clarence Local Area Command (LAC) of NSW Police (Police) (undated). In this one sentence submission Police advise that they have no objection to the Application, subject to the imposition of a licence condition requiring compliance with the *Plan of Management* dated 25 November 2015.
 5. Email submission from Aboriginal Affairs, Department of Education NSW dated 5 January 2016. In this four-paragraph submission, Aboriginal Affairs advise that they have “no objection” to the Application on the basis that the Applicant has also notified the NSW Aboriginal Land Council and the Local Aboriginal Land Council.
 6. Submission from Kim Stapleton of JDK Legal on behalf of Woolgoolga Freehold Pty Ltd, the owner of the *Seaview Tavern* located at 51 River Street Woolgoolga, dated 4

February 2016. This official Authority submission form has attached a 24-page report prepared by John Coady Consulting Pty Ltd (Consultant) in which the Consultant recommends that the Authority reject the CIS, consult with Coffs Harbour LAC and refuse the Application. The Consultant contends that the CIS falls short of what is required on the following bases:

- (a) Mr Schwartz (the Applicant's lawyer) is not suitably qualified to best prepare the CIS, resulting in it being "flawed";
 - (b) Mr Schwartz has only considered the potential social impact of the Application in terms of the difference between exercising a licence pursuant to the Application and exercising the licence for which a Conditional Order has been granted;
 - (c) The CIS provides "inadequate justification" for the trading period sought;
 - (d) It cannot be concluded that all town planning implications have been satisfactorily addressed by the Development Application (DA) process when Coffs Harbour City Council (Council) treated the Application favourably in respect of the parking requirement;
 - (e) The Authority should confirm with Coffs Harbour LAC whether the reported position of Police is true;
 - (f) Consultation with stakeholders and special interest groups is "inadequate";
 - (g) The description of the local community is incorrect;
 - (h) The description of the hotel is inconsistent with that described in the DA and there are no measures to ensure that the hotel operates pursuant to the CIS.
7. The Consultant contends that if the licence is granted, it is essential that it incorporate conditions requiring adequate security personnel, prohibiting the sale of takeaway liquor and restricting licensed hours to between 10:00am and midnight Monday through Saturday and between 10:00am and 10:00pm on Sunday.
8. The following material is attached to the Consultant's submission:
- (a) the Curriculum Vitae of Consultant;
 - (b) Submission from Mr J Arkan, local resident of Woolgoolga and a Coffs Harbour City Councillor dated 3 February 2016;
 - (c) Submission (undated) from John Arkan, Teja Singh Grewal, Bakhshish Singh Atwal and Rashmere Bhatti of the Sikh community in Woolgoolga;
 - (d) Submission from Mr T Perkins of Moore Street, Woolgoolga, member of the local Aboriginal community and spokesperson for the Garby Elders and the Yarrowarra Aboriginal Corporation dated 10 April 2007; and
 - (e) Three discrete pro forma letters dated 14, 15 and 20 January 2016, each of which is signed by numerous residents of the local and broader community.
9. Submission from Mr J Arkan, dated 3 February 2016. In this one-page submission, Mr Arkan states that there is a "very important need for a CIS done properly assessing this proposed pub". He contends that the beach and beach reserve are enjoyed by the

community; that there is a playground used by families opposite the Premises; that people use this area of town for fitness activities, picnics and swimming involving children; that the atmosphere is not the place for a pub and that the Coffs Harbour Local Government Area (LGA) has the “highest rates of alcohol abuse and related anti-social behaviour”. Mr Arkan contends that increasing availability of such is irresponsible”.

10. Submission (undated) from John Arkan, Teja Singh Grewal, Bakhashish Singh Atwal and Rashmere Bhatti of the Sikh community Woolgoolga opposing the Application. Mr Arkan submits that the opinions attributed to the representative of the Sikh community by the Applicant in the CIS do not reflect those of the wider Sikh community and that the Applicant failed to properly consult this community. He contends that the Application will:
 - (a) Have a detrimental impact on the village atmosphere;
 - (b) Encourage alcohol consumption on the beach and increase crime and hooliganism;
 - (c) Discourage Sikh people from using the beach reserve as a result of it becoming frequented by intoxicated people;
 - (d) Result in underage drinking due to its beach location; and
 - (e) Exacerbate Woolgoolga’s major problem with “youth and vagabond issues” relating to public drinking.
11. Submission from Mr T Perkins of Moore Street, Woolgoolga, dated 10 April 2007. In this one-page letter, Mr Perkins opposes the Application and makes the following key contentions:
 - (a) The location of the hotel serving alcohol adjacent to McDougall’s Run (a coastline with cultural significance to Aboriginal people) will be seen as disrespectful and as destroying the cultural landscape;
 - (b) The existing alcohol-related problems with younger members of the Aboriginal community will be “significantly worsened” due to the location as the Aboriginal community is experiencing the greatest population growth of young people of any coastal community in the area;
 - (c) The location of the hotel near the Woolgoolga Swimming Centre, which is frequented by large numbers of young people including members of the local Aboriginal community, is concerning; and
 - (d) The location of the hotel is currently subject to serious traffic and parking congestion and will be unable to accommodate the additional traffic and parking generated by the hotel, potentially affecting the nearby Woolgoolga Ambulance Station.
12. Pro forma letter dated 14 January 2016. These five identical letters are signed by local residents of Queen Street, Beach Street, Fawcett Street and Solitary Island Way of Woolgoolga, who oppose the Application and make the following key contentions:

- (a) Woolgoolga does not need a tavern anywhere near the CBD and adjacent to the beach reserve;
 - (b) The development will destroy the quiet atmosphere of Woolgoolga;
 - (c) Noise and drunks are not part of a seaside village atmosphere;
 - (d) Vandalism and violence will increase in the vicinity of the development;
 - (e) The development will add to the already existing parking problems; and
 - (f) Alcohol related problems already exist, as evidenced by the Alcohol Free Zone surrounding the Hotel and the Alcohol Prohibited Zone directly across the road.
13. Pro forma letter dated 15 January 2016. These 12 identical letters are signed by local residents within Woolgoolga and from the nearby suburbs of Sapphire Beach, Safety Beach, Emerald Beach, North Boambee Valley, Urunga and Sandy Beach. [The Authority notes that 18 of these letters were submitted, however multiple letters from the same people have been received and have not been counted as separate submissions.] Very briefly, the submitters contend that:
- (a) Licensing a hotel in this location is “madness”;
 - (b) 6 months have been spent working with the Surf Club and Council on a new Woopi Reserve Master Plan; and
 - (c) A beautiful public place that includes a smaller planned high value caravan park is at odds with a pub across the road and that under current conditions, campers are concerned about security after incidents with “drunken yobbos”.
14. Pro forma letter dated 20 January 2016. These 52 identical letters (some of which are submitted multiple times by the same person) are signed by local residents from Woolgoolga, Safety Beach, Sapphire Beach, Corindi Beach, Mullaway, Bellingen, Sawtell, Sandy Beach and Korora. The submitters object to the Application and contend that more consideration needs to be given to parking and policing issues; that there is neither the taxi capacity nor Police resources (since the local Police station has been “earmarked” for closure) to “move on” 250 hotel patrons who would inevitably be causing anti-social behaviour at midnight on a Friday or Saturday night; that loading of goods and smoking has not been addressed; that Council is working on a New Woolgoolga Reserve Master Plan and any major changes to an existing DA of this type or the consideration of a new DA for a licensed hotel should be given due consideration within the context of this new Master Plan. The submitters question whether those working on the Master Plan have been briefed on the proposed new hotel and whether Council has hired an expert town planner to assist with this Master Plan.
15. Applicant response to requisitions from licensing staff dated 17 March 2016 via submission from Mr Tony Schwartz dated 7 June 2016. Briefly, the Applicant:
- (a) Contends that the hotel does not intend to operate gaming machines;

- (b) Agrees to the grant of licence providing that it cannot be exercised until the Authority has been provided with evidence that the Premises are complete and ready to trade;
 - (c) Agrees to licence conditions requiring that the hotel business not operate with a greater overall level of social impact than what could be reasonably expected from the Application and CIS; that the licensee join and be an active participant in the local liquor accords; and that the Premises are to be operated at all times in accordance with the *Plan of Management* dated 10 May 2016;
 - (d) Agrees to the 13 licence conditions applicable to the Conditional Order that had been previously granted by the Local Court while noting that the *Plan of Management* has been updated to remove these conditions from the *Plan* so that there is no duplication between the licence conditions and the *Plan*;
 - (e) Agrees to the condition that the 6-hour daily closure period pursuant to section 11A of the Act be fixed at between 1:00am and 7:00am;
 - (f) Contends that both the NSW Aboriginal Land Council and the Local Aboriginal Land Council were notified of the Application and there are no matters outstanding with Aboriginal Affairs, which does not object to the Applications;
 - (g) Advises that the registered business name will be “Woolgoolga Beach Tavern” as the Applicant was unable to secure “Woolgoolga Beach Hotel”.
16. Applicant response to community submissions via Mr Schwartz dated 7 June 2016. In this 34-page letter, the Applicant makes the following key contentions:
- (a) The circumstances going to an assessment of social impact in the suburb of Woolgoolga have not deteriorated since the Local Court granted the Conditional Order in 2009 to licence the ground floor of the Premises as a hotel and it is reasonable and logical to conclude that the social impacts of this proposal have been thoroughly considered and previously addressed by Council, the former Liquor Administration Board (LAB) and the Local Court;
 - (b) A license for the BWS Woolgoolga packaged liquor outlet was granted in May 2014 which has traded for some time without criticism;
 - (c) Whilst 75 pro forma letters were received from the community, the Applicant contends that only 8 were “genuine” and the remaining 67 were either “duplications” by the same individuals, “falsely completed”, or the individuals in question are associated with the Seaview Tavern;
 - (d) Of the 8 “genuine” letters, it cannot be said that their views represent the Woolgoolga community as the nearest objector resides some 587 metres (straight line distance) or 1.1km (by road) away from the hotel;
 - (e) No objections were made from any neighbouring premises;
 - (f) There does not need to be a “zero risk” for the Application to be approved;
 - (g) The *Plan of Management* and the *Social Impact Management Plan* demonstrate a strong commitment by the hotel owners to good management of the hotel;

- (h) The Conditional Order remains valid and the Applicant could apply for a Final Order in respect of that previous application, again noting the current proposal to relocate to the first floor of the Premises, which Police regard as a beneficial factor;
 - (i) The hotel will operate pursuant to the same conditions approved by the Local Court with respect to the Conditional Order;
 - (j) The Consultant engaged on behalf of the trade competitor, Seaview Tavern:
 - i) Is neither balanced or unbiased;
 - ii) Sought to shed doubt upon the validity of the Conditional and Final Order;
 - iii) Set a theme that favourable treatment was given to the Applicant during the DA process;
 - iv) Has not criticised the Applicant for providing incorrect data, nor did he provide any different data to support his views;
 - v) Was previously engaged to object to this proposal before Council, the former LAB and the Local Court;
 - vi) Has “different views” when acting for other hotel operators/developers;
 - vii) Has relied when forming his views upon objection letters that have been “obviously fabricated and duplicated”; and
 - viii) Has not provided evidence that he has ever prepared a CIS himself;
 - (k) When the Seaview Tavern objection is removed, the CIS is “largely unopposed”;
 - (l) The Application is unopposed by LGNSW and has the support of NSW Police.
17. The Applicant attaches the following material:
- (a) Correspondence from Bennell and Associates (the Applicant’s town planning consultant) to Back Schwartz Vaughan (BSV) dated 3 May 2016 attaching the associated report from Bennell and Associates;
 - (b) Eight letters of support for the Application from local residents;
 - (c) *OneGov* key liquor licence details for the Seaview Tavern as at 9 December 2015;
 - (d) Australian Securities and Investments Commission (ASIC) Current Organisation Extracts;
 - (e) Email from Mr Harry Barry dated 9 November 2013 to Twane Voglsinger, Richard Gianoli and Charles Nalder;
 - (f) Two paid advertisements in the local newspaper;
 - (g) Results of a Poll undertaken by the *Advocate* newspaper in October 2009;
 - (h) Pages 1 and 6 of a letter from Key Insights Pty Ltd to Mr Stephen Howard of the former LAB dated 29 May 2007;
 - (i) Views of Seaview Tavern’s Consultant when acting for the hotel developer;

- (j) Transcript of the Full Bench of the Licensing Court when the Conditional Order was made;
 - (k) The Applicant's observations surrounding the letters of objection;
 - (l) Updated comparison of the services and facilities at the Seaview Tavern compared with this hotel;
 - (m) Alcohol Free Zone Map; and
 - (n) Curriculum Vitae of Tony Schwartz.
18. Report from Bennell and Associates to BSV dated 3 May 2016. This report attaches a copy of the report from Council's officers to the Ordinary Council Meeting held 25 June 2015; the draft Woolgoolga Town Centre Car Parking Development Contribution Plan and a copy of the *Woolgoolga Town Centre Car Parking Development Contribution Plan 2004*. The consultant addressed each of the Coffs Harbour City Council matters raised by Seaview Tavern's Consultant and concluded that Council considered the DA in a transparent manner at an open meeting and considered a thorough report by Council officers with input from the Council's Technical Sections and NSW Police. The consultant concludes that Council considered all matters requiring consideration under the legislation and addressed the submissions that parking has been provided on site for 28 spaces and a contribution for a further 36 spaces paid under a previous application was determined by Council to meet the expected demand, meaning that the parking demand was based on Council's objective standard under the *Development Control Plan*.
 19. Letter from Dr Amarjit Singh More, registered proprietor at Queen Street and Trafalgar Street, Woolgoolga dated 23 May 2016 submitting that as a resident of the suburb for 50 years he supports the Application as it will benefit the community by increasing employment opportunities; increase pedestrian activity which will benefit surrounding businesses; encourage redevelopment and diversity of the town centre; provide a family friendly environment and encourage tourism and the return of holidaymakers.
 20. Letter from Mr A Lindsay, owner of local business *Coopers Surf Australia* dated 31 May 2016 submitting that the new development will play a role in revitalising the town centre; that more modern social facilities are needed for choice for locals but to also attract visitors and improve business for local business; that the hotel is a convenient location; that there will be plenty of parking; that this hotel will differ from the only other hotel in Woolgoolga (the Seaview Tavern) by offering upmarket dining; and that it is likely that the presence of more people will improve safety of locals in the surrounding areas.
 21. Letter from Ms N Cardow, owner of local business *Cardow and Partners Property* dated 31 May 2016 submitting that her office is located 250m from the Premises; that the hotel will increase employment, draw more tourists and attract customers from other nearby towns which will result in increased business for most local businesses; that the hotel will provide a more upmarket style dining option which will enhance the sense of community and assist in enticing more out of town developers to invest in the local community; that the Premises is conveniently located; that most locals are

excited about this development; that moving the licensed area to the first floor will mean that alcohol consumption will not be visible from the street, giving it a relaxed and upmarket feel; and that the development promises a viable upmarket dining alternative where locals and visitors can socialise in a safe and modern environment.

22. Letter from Mr S Coatsworth, local resident of Woolgoolga and operator of a butcher business on Beach Street, dated 28 May 2016 submitting that the hotel is in a convenient spot that he can walk to after work; that it is the first “upmarket” modern hotel to open in the area and that will attract locals and visitors which will likely provide benefits to nearby businesses; that the only other hotel in Woolgoolga is focused on drinking and entertainment, while locals and visitors need a facility where they can dine and socialise with good food and company in a relaxed environment.
23. Letter from Mr J Reynolds, local resident and owner of local butcher shop, dated 28 May 2016 submitting that Woolgoolga really needs a family friendly dining and hotel facility where people of all ages can socialise in a modern and safe environment; that the Seaview Tavern is currently the only hotel in Woolgoolga and it has a focus on pub-style food and entertainment as well as TAB, gaming machines and a separate bottle shop; that the new hotel will be different as it will focus on good quality food in a low-key modern and more upmarket atmosphere; and that it is conveniently located which will benefit all businesses in Woolgoolga by attracting more customers to the area and making the area safer and more enjoyable.
24. Letter from Mr P Watt, owner of local business *Local Farm Fresh Pty Ltd*, dated 31 May 2016 submitting that the hotel will revitalise the town centre and will meet the requirements of the tourists and visitors to the area; that Woolgoolga lacks a sufficient range of licensed premises where one can enjoy a drink with a good quality meal and great service; that retail business in operation throughout Woolgoolga will be diversified; that the hotel will improve local employment prospects, grow the local tourism industry and develop the local economy; and that there have not been any problems with alcohol fuelled crime so far.
25. Letter from A Stevens, local resident of Lake View Avenue, Safety Beach dated 30 May 2016 submitting that the facilities in Woolgoolga cater to residents of surrounding areas as well as visitors and tourists; that Woolgoolga is a hub for the community and more modern facilities are needed; that the hotel will provide a safe, modern and family friendly dining facility that will act as a community centre where people can socialise; that the only other pub in Woolgoolga is focused on drinking and has a “pub-like atmosphere”; that the new hotel will focus more on quality dining in a relaxed atmosphere; that Woolgoolga needs a venue to cater for growing population and visitor numbers; and that the hotel will make the community safer, improve the look and feel of the town centre and benefit other local businesses by attracting more people to the area.
26. Letter from Mr M David, local resident of Ocean Drive, Safety Beach dated 16 May 2016 submitting that he is looking forward to the Hotel, as it will revitalise the town centre.

27. The *OneGov* liquor licence details as at 9 December 2015 for the Seaview Tavern confirming that the licensee is 4 Boys (NSW) Pty Ltd, the approved manager is Richard Gianoli, the business owner is 4 Boys (NSW) Pty Ltd and the freehold owner is Woolgoolga Freeholds Pty Ltd.
28. ASIC Current Organisation Extracts for 4 Boys (NSW) Pty Ltd as at 24 March 2016 and Woolgoolga Freeholds Pty Ltd as at 6 May 2016 indicating the directors and shareholders of those companies. [The licensee and freehold owner of the objecting trade competitor the Seaview Tavern]
29. Email from Mr Harry Barry dated 9 November 2013 to Twane Voglsinger, Richard Gianoli and Charles Nalder discussing actions on how to stall or stop the development of the hotel, which include suggesting that “we accuse the Council of corruptness if we have to”. [The Applicant contends that Mr Barry’s actual name is Henry and that he is a director of the business owner of the Seaview Tavern]
30. Two paid advertisements in the local newspaper regarding the Application and advising people to object.
31. Poll results undertaken by the *Advocate* newspaper in October 2009 noting that 92% of people answered that it is “exciting” that there will be “somewhere new and flash”.
32. Pages 1 and 6 of the letter from Key Insights Pty Ltd to Mr Stephen Howard of the former LAB dated 29 May 2007 forming part of the letter before the LAB which resulted in approval of a previous social impact assessment with regard to the keeping of gaming machines at the proposed hotel for this site.
33. Views of Seaview Tavern’s Consultant. The Applicant refers to this information in support of the submission that the views of Seaview Tavern’s Consultant in this matter are in opposition to those when the Consultant acts for hotel developers.
34. Transcript of decision of Full Bench of the New South Wales Licensing Court when the Conditional Order was made in October 2009.
35. Applicant’s observations on letters of objection. Briefly, in this 2-page document, the Applicant contends that:
 - (a) 37 of the 75 letters are duplicates;
 - (b) 6 of the duplicate signatures and addresses have been obscured to make them appear dissimilar;
 - (c) 35 of the 75 letters have been falsely signed;
 - (d) At least 25 of the 75 letters have been signed by just 4 separate people;
 - (e) 10 of the 75 letters were signed by a single person;
 - (f) 10 of the letters were both falsely signed and duplicated;
 - (g) 5 of the 75 letters have completely illegible names (all with identical handwriting);
 - (h) 5 of the 75 letters stated the address being 20 Queen Street, Woolgoolga which is a vacant plot of land with no dwelling owned by Dr More who supplied a letter of support;

- (i) 2 of the 75 letters were signed by Mr Harry Barry who has a direct pecuniary interest in the failure of this Application. The Applicant contends that Mr Barry's actual name is Henry and that he is a director of the business owner of the Seaview Tavern;
 - (j) 2 of the 75 letters were signed by Jennifer Barry, who is part of Harry Barry's family and has an indirect pecuniary interest in the failure of the Application;
 - (k) 2 of the 75 letters were signed by Mr Charlie Nalder, a director of the business owner of the Seaview Tavern who has a direct pecuniary interest Application's failure;
 - (l) 2 of the 75 letters were signed by N Nalder who is part of Charles Nalder's family and has an indirect direct pecuniary interest in the failure of this Application;
 - (m) 1 of the 75 letters was signed by Ms Brittany Wilson who is the daughter of Janice Wilson, a director of the freehold owner of the Seaview Tavern and has an indirect direct pecuniary interest in the failure of this Application;
 - (n) There are 6 letters signed in the same handwriting as Ms Wilson's, namely S King, Z King, B King, E Dunn, S Marsden and J Adams;
 - (o) 1 of the 75 letters states the address as 17 Beach Street, Woolgoolga which is the local RSL Club;
 - (p) 16 of the 75 letters did not contain the objector's address and 21 did not contain the objector's signature; and
 - (q) There were no "personalised" or "individual" letters of objection.
36. Updated comparison table of the services and facilities at the Seaview Tavern compared with the Applicant's contended services should the Application be granted.
 37. Alcohol Free Zone Map depicting the location of the Premises and the Seaview Hotel with regard to the alcohol regulated zones in Woolgoolga.
 38. Plan of the Premises clearly highlighting the proposed licensed area and the area subject to the MAA Application on level 1 of the building.
 39. Record of decision on Local Court of New South Wales Application No. 284095.00 advising that an application for conditional grant of a hotelier's licence was granted on 8 October 2009.

Legislative Framework

40. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and the *Liquor Regulations 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
41. 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.*
42. 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.
43. An application for a new hotel licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
44. 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”.
45. The Authority notes that the Applicant has posited a local community that extends beyond the suburb of Woolgoolga to include Postcode 2456 which covers Arrawarra, Arrawarra Headland, Corindi Beach, Emerald Beach, Mullaway, Red Rock, Safety Beach, Sandy Beach, Upper Corindi and Woolgoolga.
46. In the absence of a statutory definition of “local community” and for the sake of regulatory certainty and consistency with the Authority’s long established practice, the Authority finds the relevant local community to comprise the State suburb in which the actual premises is situated. This approach is preferable to a purported local community that incorporates a number of suburbs which would, in the Authority’s view, tend to lose any genuinely “local” focus when assessing overall social impact.
47. 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 Woolgoolga while the “broader community” comprises the responsible LGA, the Coffs Harbour LGA.

Analysis of Relevant Facts

48. The Authority is satisfied, on the basis of the Application material and CIS before the Authority, that for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
49. While local objectors may disagree with the merits of the Application, the Authority is not satisfied that any of these submitters provided sufficient evidence to find that minimum statutory requirements regarding the Application and CIS were not observed.
50. 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 full hotel licensed venue of the kind proposed in the Application material. The Authority makes this finding on the basis that no issues of concern were raised regarding the probity of the Application following consultation with relevant enforcement agencies, including Police and LGNSW.
51. 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 comprehensive *Plan of Management* dated 10 May 2016 provided by the Applicant.
52. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in force to permit use of the Premises as a hotel, on the basis of DA 0504/15DA issued by Council dated 27 October 2015.

Social Impact – Positive Benefits

53. The Authority is satisfied that the Applicant has demonstrated a substantial positive case for a new full hotel licensed premises within Woolgoolga. This finding is made on the basis of the information provided about the proposal in the Application form, the CIS and additional submissions made by the Applicant.
54. The Authority is satisfied, on the basis of this material, that granting the Application will provide additional benefits to the local and broader community who wish to participate in licensed entertainment and hospitality services at a new and modern venue. Given the prevailing number and type of licensed premises within the local community, the Authority is satisfied that granting the Application will diversify the licensed entertainment and hospitality options available to both the local and broader communities and particularly the local community.
55. On balance (and acknowledging some community opposition) the new enterprise may be said to serve the “expectations, needs and aspirations” of the communities, which is a statutory object of section 3(1)(a) of the Act. The Authority acknowledges that there was some support for the Application by Dr Amarjit Singh More, Mr A Lindsay, Ms N Cardow, Mr S Coatsworth, Mr J Reynolds, Mr P Watt, Mr M David and A Stevens. Some further support is evidenced in the article in a local newspaper with reports of residents supporting the proposal. Local organisations with a jurisdictional interest in ensuring public amenity, such as the Council and Local Police do not oppose the Application.

56. The Authority is satisfied, on the basis of the information provided in the CIS and further submissions by the Applicant, that the hotel will differ from the only other hotel licence within the suburb of Woolgoolga in that it will be a newer facility and diversify the range of options within the local and broader community.
57. On this basis, the Authority is satisfied that granting the Application will reasonably develop, in the public interest, the liquor industry in respect of the local and broader community in furtherance of the statutory object in section 3(1)(b) of the Act.
58. The Authority is also satisfied that the business will also provide a facility with the capacity to host functions, weddings and corporate events which will serve to develop, in the public interest, the hospitality and entertainment industry in the local and broader community for the purpose of section 3(1)(c) of the Act.
59. The Authority has considered the Applicant's contention that constructing and operating the hotel will create employment and that the Applicant proposes to source local staff to the extent possible.
60. The Authority finds it generally credible, particularly given the regional location, to assert that staff will likely be sourced from within the local or broader communities. While this factor has been taken into account as a positive benefit, it would have been given greater weight if the Applicant had specified how many jobs will be sourced from within the local and broader communities, or made an unequivocal minimum commitment to staffing from those communities during the building and operation of the hotel.

Social Impact – Negative Impacts

61. The Authority is satisfied that a full hotel licensed premises whose primary purpose is to sell or supply liquor, is more likely than not going to cause adverse social impacts upon the community over time and disturbances to the local community and neighbourhood, whether or not such conduct rises to the level of criminality.
62. Granting the hotel licence subject to the proposed trading hours between 7:00am and 12:00 midnight on Monday through Saturday and between 10:00am and 10:00pm on Sunday would mean that the Premises will be operating within the standard trading hours available under section 12 of the Act.
63. While the Application before the Authority has been considered in accordance with prevailing circumstances and on their merits, the Applicant properly draws attention to the fact that a previous application has already resulted in a Conditional Order issued by the Local Court pursuant to transitional provisions in the Act. If finalised, that Order will enable the operation of a full hotel licensed premises on the ground floor of this site. That counterfactual has been taken into account and the Authority is satisfied that the current Application provides lesser scope for negative social impacts than the previously approved application.
64. The Application proposes a venue of approximately 585m² with a maximum patron capacity of 250 persons. In relative terms, it is a medium scale licensed business.
65. On the basis of licensing records before the Authority, the suburb of Woolgoolga currently has only 1 full hotel licensed premise and 2 registered clubs. On the basis of

the licence density data detailed above, the Authority is satisfied that the Coffs Harbour LGA has lower licence density rates (per 100,000 persons of population) than New South Wales as a whole for *full hotel licences, packaged liquor licences, registered club licences and on-premises licences*.

66. On the basis of this data, licence density *per se* is not a particular concern for the local and broader community. The low prevailing number of licensed premises, combined with the standard trading hours, reduces the scope that may otherwise exist for this new licence to encourage patron migration among venues.
67. There is some cause for concern with respect to the broader community arising from the BOCSAR crime data for 2013 which indicates that the Coffs Harbour LGA has significantly higher rates per 100,000 persons than NSW as a whole for incidents of *domestic violence related assault, non-domestic violence related assault, offensive conduct, assault Police and malicious damage to property*.
68. However, taking into consideration the data expressed by LGNSW in their submission, the Authority is satisfied that the BOCSAR Crime Maps based upon data from April 2015 to March 2016 indicate that although there are some hotspots within the local community, the Premises itself is not located within any prevailing hotspots for incidents of *domestic assault or non-domestic assault*.
69. On the basis of the ABS Socio-Economic Indexes For Areas (SEIFA) data, the broader community in the Coffs Harbour LGA ranked in the 5th decile on the Index of Relative Socio-Economic Advantage and Disadvantage, compared with other local government areas in the State (with a decile ranking of 10 being the most advantaged). The local community in Woolgoolga is relatively disadvantaged, ranking in only the 2nd decile on the Index of Relative Socio-Economic Advantage and Disadvantage compared to other State suburbs in NSW (with a decile ranking of 10 being the most advantaged).
70. Notwithstanding this localised socioeconomic disadvantage, some reassurance is provided by the above-mentioned crime mapping data in the local community, and the absence of objection from Police. Police have not identified localised alcohol-related social issues or crime occurring in the local community or any issues or evidence with potentially sensitive sites identified by the Applicant as located nearby the Premises, noting its beachside location.
71. The Authority is satisfied the Police view, as reported by the Applicant, is that the current proposal to situate the venue on the first floor is preferable to locating it on the ground floor. The Authority accepts that this change of location may assist with local amenity in that the Premises will not be immediately on street level. Its location may enable some greater control and monitoring of patron behaviour while reducing the attraction of patrons loitering at street level.
72. The concern raised by a local resident regarding parking related issues have been considered and on the basis of the DA issued by Council and the analysis of that decision by the Applicant's consultant, the Authority is satisfied that Council has assessed this proposal from a planning perspective and there is insufficient information or evidence before the Authority to give this submission much weight when assessing *alcohol related social impact*.

73. By comparison, NSW Roads and Maritime Services (RMS) provided a data rich submission pertaining to the prevalence of road crashes in the broader community. The RMS submission is not, as suggested by the Applicant, a “standard” form submission and raises relevant concerns arising from drink driving in the broader community.
74. The RMS submission underscores the risk factors associated with patrons in regional areas driving to and from licensed premises when other transport options are more limited. Some reassurance is provided from the measures committed to by the Applicant, including a courtesy bus (being an enforceable condition upon the licence). The fact that the hotel will not operate into later trading hours is another factor that reduces the risk of the venue hosting or attracting drink drivers during the higher risk times of day and week.
75. The Authority has also had regard to the additional harm minimisation measures to ameliorate the scope for negative social impact from the operation of this new hotel, as outlined in the *Plan of Management* dated 10 May 2016.
76. The Authority has considered whether the extent of local opposition indicates that this proposal is inconsistent with community expectations. Although there is some opposition to the proposal within the local and broader community, the weight that may be given to the local opposition is diminished by the absence of many objectors living close to the Premises (and thus likely to be most impacted by its operations); the “standard form” nature of these objections and the connection of some of these local objectors to a commercial competitor; and the evidence of “astro turfing” (the artificial promotion of grass roots opposition through evidence of local media advertisements placed by a commercial competitor). Notwithstanding that much of this opposition appears to have been generated by an incumbent licensed business, the Authority accepts that there are some in the local or broader community who oppose the Application on social impact grounds or on the basis that it is otherwise inappropriate to locate a new hotel near this beach.
77. There are some in the local and broader community who oppose the Application on alcohol related social impact grounds, and/or on the basis that the beach is not an appropriate location for a hotel. The Authority accepts that some submissions are genuine, but it is difficult to give those concerns great weight by reason that there is not a compelling body of evidence indicating that this beachside location is problematic in terms of alcohol related social impact. Council has assessed the suitability of the location from a planning perspective and DA is in force.
78. The Authority has had regard to the Applicant’s contention that there will be no gaming machine or TAB facilities provided by the hotel operating on the Premises. Hotel licensed premises ordinarily have the capacity to provide wagering and gaming machine services and this commitment both assists in establishing the bona fides of the new business as a more “family friendly” and dining focussed enterprise, while reducing the potential negative social impacts that may flow from this aspect of a business operating with a “full” hotel licence.
79. The Applicant has consented to a condition that no separate bottle shop is to be operated at the Premises. That is a significant harm minimisation commitment. While

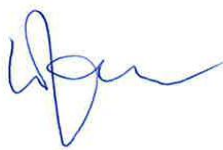
acknowledging that the hotel will still be able to sell takeaway liquor across the bar, this measure meaningfully reduces the scope for this new business premises to attract and contribute to packaged liquor abuse in public places (and in private residences) over time. This factor has been given particular weight in countering the legitimate social impact concerns raised by local objectors that the beachside location may attract and contribute to public drinking or youth drinking through takeaway sales.

80. The Authority has considered the cultural sensitivities raised by members of the Sikh community and the concerns raised by a local member of the Aboriginal community about alcohol related impacts in the Aboriginal community. The Authority accepts that those concerns are genuine and that there are some in the local community who do not support placing a hotel in this location. These opposing submissions are not made by local Sikh or Aboriginal representative organisations, but are the views of individual submitters and have been weighted accordingly.
81. The Authority has also had regard to the various operational measures detailed in the *Plan of Management* dated 10 May 2016, which form part of the Application. The Authority is satisfied, on the basis of this document, that the Applicant has implemented comprehensive and well-developed harm minimisation measures to ensure that alcohol will be served responsibly at the Premises. In this case, the *Plan of Management* will not only serve as a business planning resource, but will be enforceable as a condition on the liquor licence.

Conclusion

82. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of both the Hotel and MAA Applications were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties are NSW Police, the Licensee, Council, RMS, neighbouring occupiers, NSW Health and Family and Community Services and all other parties required to be consulted under the legislation.
83. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application subject to a MAA, the Authority is satisfied that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
84. The Hotel Application is granted pursuant to section 45 of the Act and the MAA Application is granted pursuant to section 121 of the Act.
85. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Decision Date: 23 August 2016

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Philip Crawford
Chairperson

SCHEDULE

Material Before The Authority

1. Application Hotel Application form – lodged on 23 December 2015.
2. MAA Application form – lodged on 23 December 2015
3. CIS and supporting material dated 23 December 2015. Briefly, the following contentions on the overall social impact of granting the Application are made:
 - (a) The hotel will: have a relatively small maximum capacity of 250 patrons; improve the character of the area by replacing a “tired and run down motel” with a new and attractive building; provide a modern, safe, well managed, first class facility and comprise an internal customer area of 402sqm and an alfresco area of 183sqm
 - (b) Granting the Application will provide the following public interest benefits:
 - i) Improvement in community amenity through relocating the proposed hotel from the (currently approved) ground level to the first level of the building;
 - ii) Providing a contemporary, quality venue with impeccable service, and variety of quality meals to meet the needs, expectations and aspirations of the public;
 - iii) Improvement in community amenity and potential for significant improvement of community interaction by offering local residents, tourists and workers a vibrant and safe location where they can socialise in safe and modern surroundings, the upgrade of Younger Lane and the construction of footpaths;
 - iv) Enhance the economic viability of the precinct by attracting more customers, some of whom would also patronise other businesses;
 - v) A minimum of 20 kitchen and bar staff will be sourced from within the local community “where possible”;
 - vi) Construction of the hotel will require an estimated 70 to 80 builders with flow-on effects to local tradesmen;
 - vii) Enhanced neighbourhood safety and security as a result of the casual surveillance generated by the presence of the hotel and CCTV systems;
 - viii) The hotel business will contribute to local charities and other organisations, through donations and the like of fundraising activities;
 - (c) The Applicant makes the following submissions on the negative community impacts from the proposal:
 - i) Issues such as the potential for noise or disturbance, traffic or parking related matters and litter have been considered as part of the DA process which were found to be satisfactory or manageable through conditions endorsed on each of the planning approvals;
 - ii) The *Plan of Management* prepared by the Applicant for planning purposes addresses typical neighbourhood amenity type matters and response

methods “ensuring” that the potential for customers loitering near the hotel is reduced and patrons leave as quietly as possible;

- iii) The security measures coupled with responsible service of alcohol practices are not likely to result in departing patrons causing increased disturbance to the neighbourhood;
 - iv) Data from the NSW Department of Health for the Coffs Harbour LGA indicate that the level of risk for an alcohol related hospitalisation in the broader community is lower than the NSW rate while the risk of alcohol related death is not statistically different from the rate for NSW.
- (d) BOCSAR crime data is “skewed” by reason that Woolgoolga has a much higher population through tourists and visitors from nearby villages and towns than the base population per 100,000 persons of population.
- (e) Taking into account this transient population, alcohol related crime is low within Woolgoolga and postcode 2456 (which the Applicant submits comprises the “local community” incorporating Arrawarra, Arrawarra Headland, Corindi Beach, Emerald Beach, Mullaway, Red Rock, Safety Beach, Sandy Beach, Upper Corindi and Woolgoolga) (Postcode) and the Premises will not be located in any hotspots for alcohol related crime.
- (f) Although the broader community (which the Applicant submits is the Coffs Harbour LGA) has relatively high crime rates, little weight should be given to that data by reason that the broader community is a large geographical area and only a small number of people within the broader community will attend the hotel on any given day. The Applicant contends that it is “expected” that there will be no additional impact on the existing rates or frequency of alcohol related crime in the local or broader community by granting this Application.
- (g) Although the ABS SEIFA data suggests that the suburb of Woolgoolga and the Postcode are disadvantaged areas, these low SEIFA scores do not detract from the public interest benefits of granting the Application and have not translated into unmanageable levels of alcohol related crime.
- (h) The Postcode and suburb of Woolgoolga display socio demographic “at-risk indicators” including the number of Indigenous persons, older Australians, persons with disabilities, unemployed persons and labourers and single parent families.
- (i) With the harm minimisation and responsible service of alcohol policies and procedures in place, the potential risk to at-risk groups has been minimised.
- (j) On the issue of sensitive locations located “near” the Premises (which the Applicant equates to the 100 metre radius required to be consulted on the CIS), the Applicant identifies Woolgoolga Beach (approximately 100m away), the reserve associated with Woolgoolga Beach (approximately 20m away), the Woolgoolga Tennis Courts (approximately 100m away) and the alcohol free and alcohol prohibited zones as potentially sensitive facilities near the Hotel.
- (k) The Applicant submits that while there are alcohol free and alcohol prohibited zones nearby, it is common for many suburbs to have the benefit of these zones

and not unusual to find them in Woolgoolga as they are considered beneficial to the business operations of the hotel.

- (l) On prevailing liquor licence density the Applicant contends:
- i) There is a “clear under-provision” of hotel licensed premises in Woolgoolga compared with the NSW average;
 - ii) There is “strong support” for increasing the density of the hotels in this location;
 - iii) Woolgoolga is the only major town identified in the Mid North Coast Regional Strategy with a single hotel (the Seaview Tavern);
 - iv) The hotel will service an area of “rapid growth” by reason that Woolgoolga and the Postcode are “significant population growth areas”;
 - v) Woolgoolga and the Postcode are significant tourist destinations;
 - vi) Although granting the Application would result in an increase in the density of hotels in the local community it will not be a “high risk venue” and only provide “low key style entertainment” that is restricted to “unamplified relaxed contemporary or jazz style music” played by “soloists or duos” during its trading hours that are within standard trading hours;
 - vii) As there is already one hotel and two clubs operating in the suburb of Woolgoolga it is “unlikely” that the hotel could have an adverse impact on the drinking culture or established consumer behaviour of the public residing in or resorting to Woolgoolga;
 - viii) Declining levels of alcohol consumption have occurred across Australia at the same time as a liberalisation of liquor licences (the Authority notes that this contention is made by general reference to ABS data without specifying the time frame or the consumption levels).
- (m) On the community responses received during the CIS process, two local submissions were in support, with one local submitter raising concerns about parking (which the Applicant submits have been “satisfied” through the terms of the DA). The Applicant submits that the lack of local interest in this Application means that there is little to no community concern with this application.
- (n) The Applicant describes the submission from RMS (noted below) as a “standard” response that did not object to the Application. In response to the RMS submission, the Applicant submits that:
- i) the recommended educational material will be supported at the hotel;
 - ii) there will be a higher probability in regional areas that a person will be a victim or offender of an alcohol related crash due to there not being enough public transport options late at night;
 - iii) the RMS figures confirm that the rate of alcohol related crashes in the broader community and the Northern Region as a whole remain above the State level;

- iv) there is “no evidence” that the proposed new business could contribute to the alcohol-related crash statistics;
 - v) RMS failed to consider the hotel-negotiated conditions with the Police about the provision of a courtesy bus; and
 - vi) the Applicant has consented to a licence condition regarding the RMS recommendation regarding liquor accord participation.
 - vii) NSW Police were consulted and advised that they did not have any objection to the Application and observed that it was “better” that the hotel would be lifted from ground level to the first level of the building.
4. The following material was provided with the CIS:
- (a) A list of stakeholders and special interest groups consulted;
 - (b) Letter from the Local Court of New South Wales dated 15 October 2009 confirming conditional grant of hotelier’s licence on the site, with an attached copy of the conditions agreed upon with Police with respect to that Conditional Order;
 - (c) *Plan of Management* incorporating conditions agreed with Police in relation to the Conditional Order;
 - (d) Plans relevant to the overall development of the hotel and layout plans;
 - (e) Assessment of services at the Seaview Tavern compared to the Application;
 - (f) Details of the hotels in the broader community, the Postcode and Woolgoolga;
 - (g) Alcohol free zones applicable to the location;
 - (h) Health statistics from NSW Department of Health;
 - (i) A Dwellings and Development Map; “Forecast Dwelling and Development” information; and letter issued by the Woolgoolga Visitor information Centre outlining tourist numbers to the region; and
 - (j) Mid North Coast *Regional Strategy* (2009) Fact Sheet.
5. Submissions on the proposed variation of the usual 6-hour closure period include:
- (a) The development consent covers the proposed hours of licenced trade;
 - (b) The local community does not exhibit heightened risk of alcohol related crime or harm;
 - (c) It is in the public interest to trade during the proposed time as it is highly likely that the hotel will cater to morning weddings and corporate events;
 - (d) There is a lack of modern quality licensed venues in Woolgoolga where family functions, corporate events, weddings and the like can be held;
 - (e) There is a proposed general breakfast service from 7:00am on Monday to Saturday and the varied closure period will enable this.
6. Plan of Management for the hotel dated 10 May 2016.

7. Modified DA number 0504/15DA issued by Council dated 27 October 2015 recording development consent with respect to the proposed use of the Premises as a hotel.
8. Submission from RMS dated 27 October 2015, providing an analysis of alcohol-related casualty crashes occurring in Coffs Harbour LGA between 2005 and 2014. RMS advise that data shows that on average 11% of casualty crashes in the Coffs Harbour LGA were *alcohol related* above the proportion for the State (5%) and the Northern NSW region (9%). RMS advise that the level of drink driving has *decreased* over that period in the LGA to a figure that is now below the Northern Region figure. There were 170 alcohol related casualty crashes in the Coffs Harbour LGA between 2005 and 2014. RMS also analyse the data further by discussing risk factors such as sex, age range, blood alcohol level, day of the week, the number of people killed and injured and the percentage of crashes that occurred by time of day. RMS recommend local liquor accord participation and the provision of educational material.
9. BSV Online CIS Survey Form completed by Mr K Boyle of Woolgoolga dated 15 November 2015 raising concerns about the lack of car parking sites on or near the Premises, that the Premises is opposite the only children's playground in the Woolgoolga township and that there will be competition for parking between hotel patrons and mothers taking their children to the playground.
10. ASIC Current Organisation Extract for "Woolgoolga Beach Tavern", registered on 7 January 2016.
11. Copies of stakeholder notices notifying the Application to various stakeholders as required by the liquor legislation – including Police, Council and the site notice placed on the Premises.
12. BOCSAR Crime Maps based upon data from April 2014 to March 2015 detailing hotspots for the concentration of offences near the location of the Premises which is publically available on the BOCSAR website. This data indicates that the Premises:
 - (a) Is *not* located within any hotspot for incidents of *domestic assault*
 - (b) Is *not* located within any hotspot for incidents of *non-domestic assault*
 - (c) Is located *on the edge of a low density hotspot* for incidents of *malicious damage to property*
13. Liquor licensing records indicating that the suburb of Woolgoolga already has 2 registered club licences; 1 full hotel licence; and 1 packaged liquor licence.
14. Liquor licence density data derived from licensing records that are publicly available from LGNSW indicating that the Coffs Harbour LGA as a whole recorded:
 - (a) a rate of **14.61 full hotel licences** per 100,000 persons, which is well below the NSW state wide rate of **30.36**.
 - (b) a rate of **19.00 packaged liquor licences** per 100,000 persons, which is well below the NSW state wide rate of **32.85**.
 - (c) a rate of **7.31 registered club licences** per 100,000 persons, significantly lower than the NSW state wide rate of **20.48**.

- (d) a rate of **16.08** *on-premises licences* per 100,000 persons, significantly below the NSW state wide rate of **121.31**.
15. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. This data indicates that:
- (a) the rate of *domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Coffs Harbour LGA was **297** per 100,000 persons, well above the New South Wales rate of **145** per 100,000 persons;
 - (b) the rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Coffs Harbour LGA for 2013 was **323** per 100,000 persons, substantially above the State wide rate of **191** per 100,000 persons;
 - (c) the rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across the Coffs Harbour LGA was **111** per 100,000 persons, above the State wide rate of **83** per 100,000 persons;
 - (d) the rate of *assault Police* incidents flagged by reporting Police as *alcohol related* across the Coffs Harbour LGA was **50** per 100,000 persons, well above the State wide rate of **24** per 100,000 persons; and
 - (e) the rate of *malicious damage to property* offences flagged by reporting Police as *alcohol related* across the Coffs Harbour LGA was **181** per 100,000 persons, well above the State wide rate of **122** per 100,000 persons.
16. ABS SEIFA data prepared on the basis of the 2011 census which indicates that:
- (a) The Coffs Harbour LGA ranked in the 5th decile compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
 - (b) The state suburb of Woolgoolga ranked in the 2nd decile compared to other state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
17. Report to the Authority dated 25 February 2016 from a Delegate of the Department of Justice via the Compliance Branch of LGNSW.
18. Submission from Senior Constable David Fish, Coffs Clarence LAC of NSW Police (undated).
19. Email submission from Aboriginal Affairs, Department of Education NSW dated 5 January 2016.
20. Submission from Kim Stapleton of JDK Legal on behalf of Woolgoolga Freehold Pty Ltd, the owner of the Seaview Tavern located at 51 River Street Woolgoolga, dated 4 February 2016. This official Authority submission form has attached a 24-page report prepared by Consultant John Coady Consulting Pty Ltd.
21. The following material is attached to the Consultant's submission:
- (a) the Curriculum Vitae of Consultant;

- (b) Submission from Mr J Arkan, local resident of Woolgoolga and a Coffs Harbour City Councillor dated 3 February 2016;
 - (c) Submission (undated) from John Arkan, Teja Singh Grewal, Bakhashish Singh Atwal and Rashmere Bhatti of the Sikh community in Woolgoolga;
 - (d) Submission from Mr T Perkins of Moore Street, Woolgoolga, member of the local Aboriginal community and spokesperson for the Garby Elders and the Yarrawarra Aboriginal Corporation dated 10 April 2007; and
 - (e) Three discrete pro forma letters dated 14, 15 and 20 January 2016, each of which is signed by numerous residents of the local and broader community.
22. Applicant response to requisitions from licensing staff dated 17 March 2016 via submission from Mr Tony Schwartz dated 7 June 2016.
23. Applicant response to community submissions via Mr Schwartz dated 7 June 2016.
24. The Applicant attaches the following material:
- (a) Correspondence from Bennell and Associates (the Applicant's town planning consultant) to BSV dated 3 May 2016 attaching the associated report from Bennell and Associates;
 - (b) Eight letters of support for the Application from local residents;
 - i) Letter from Dr Amarjit Singh More, registered proprietor at Queen Street and Trafalgar Street, Woolgoolga dated 23 May 2016
 - ii) Letter from Mr A Lindsay, owner of local business *Coopers Surf Australia* dated 31 May 2016
 - iii) Letter from Ms N Cardow, owner of local business *Cardow and Partners Property* dated 31 May 2016
 - iv) Letter from Mr S Coatsworth, local resident of Woolgoolga and operator of a butcher business on Beach Street, dated 28 May 2016
 - v) Letter from Mr J Reynolds, local resident and owner of local butcher shop, dated 28 May 2016
 - vi) Letter from Mr P Watt, owner of local business *Local Farm Fresh Pty Ltd*, dated 31 May 2016
 - vii) Letter from A Stevens, local resident of Lake View Avenue, Safety Beach dated 30 May 2016
 - viii) Letter from Mr M David, local resident of Ocean Drive, Safety Beach dated 16 May 2016
 - (c) *OneGov* key liquor licence details for the Seaview Tavern as at 9 December 2015;
 - (d) ASIC Current Organisation Extracts for 4 Boys (NSW) Pty Ltd as at 24 March 2016 and Woolgoolga Freeholds Pty Ltd as at 6 May 2016;
 - (e) Email from Mr Harry Barry dated 9 November 2013 to Twane Voglsinger, Richard Gianoli and Charles Nalder;

- (f) Two paid advertisements in the local newspaper;
 - (g) Results of a Poll undertaken by the *Advocate* newspaper in October 2009;
 - (h) Pages 1 and 6 of a letter from Key Insights Pty Ltd to Mr Stephen Howard of the former LAB dated 29 May 2007;
 - (i) Views of Seaview Tavern's Consultant when acting for the hotel developer;
 - (j) Transcript of the Full Bench of the Licensing Court when the Conditional Order was made in October 2009;
 - (k) The Applicant's observations surrounding the letters of objection;
 - (l) Updated comparison of the services and facilities at the Seaview Tavern compared with this hotel;
 - (m) Alcohol Free Zone Map; and
 - (n) Curriculum Vitae of Tony Schwartz.
25. Plan of the Premises clearly highlighting the proposed licensed area and the area subject to the MAA Application on level 1 of the building.
26. Record of decision on Local Court of New South Wales Application No. 284095.00 advising that an application for conditional grant of a hotelier's licence was granted on 8 October 2009.