

3 February 2018

Mr Tim Pollard & Dr Wayne Mullen
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Sydney South NSW 1235
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Dr Jonathan Horton QC
Newcastle CBD Liquor Licence Conditions Review
c/- Independent Liquor & Gaming Authority
GPO Box 7060
Sydney NSW 2001

Dear Dr Horton,

Submission from two local residents in the Newcastle CBD

1. We live part-time in Darlinghurst, Sydney and part-time in the Newcastle CBD. We have lived in Newcastle for 10 years.

Our position on this review

2. We **fully support** the Newcastle Liquor Licence Conditions as they stand and **object** to any changes at all to those conditions. Our reasons are outlined below.

Our residential location

3. We live in an apartment on King Street, Newcastle, facing the street. This is 90 metres from **MJ Finnegan's Hotel** LIQH400118163 on the corner of King and Darby Streets. MJ Finnegan's was a named venue in the March 2008 Newcastle Conditions. We have line-of-sight of **Fanny's of Newcastle** LIQH400117108, another named venue (now known as Argyle House), and are 150 metres from the **Lucky Hotel** LIQH400117914, formerly known as the Lucky Country Hotel. This venue was also named in the original Newcastle Conditions.

The proximity of our property to MJ Finnegan's and Fanny's of Newcastle can be seen in the image below.

Image 1: Our proximity to two of the venues listed in the March 2008 Newcastle Conditions



Source: Google Earth

Our experience

4. The early years at our current address were marked by weekly incidences of loud street noise, criminal damage, brawling and occasional violence on nearby footpaths and streets. These incidents, influenced by alcohol, spiked on Friday and Saturday nights and became an unwelcome feature of every weekend. Our experience is reflected in the NSW state government's response. In the period July 2008 to June 2012, MJ Finnegan's Hotel and Fanny's of Newcastle were constantly listed among the most violent venues in NSW and had conditions placed upon them (see **Table 1** below).

Table 1: NSW Violent Venues List

Level 1 and level 2 licences for the purpose of Schedule 4 of the Liquor Act 2007, including assault incident numbers.

Round	Period	Venue	Assault Incidents	Condition Level
Round 2	01/07/2008 - 30/06/2009	Fanny's of Newcastle LIQH400117108	17	Level 2
Round 3	01/01/2009 - 31/12/2009	Fanny's of Newcastle LIQH400117108	22	Level 1
Round 4	01/07/2009 - 30/06/2010	Fanny's of Newcastle LIQH400117108	29	Level 1
Round 5	01/01/2010 - 31/12/2010	Fanny's of Newcastle LIQH400117108	25	Level 1
		MJ Finnegan's LIQH400118163	19	Level 1
Round 6	01/07/2010 - 30/06/2011	MJ Finnegan's LIQH400118163	26	Level 1
		Fanny's of Newcastle LIQH400117108	19	Level 1
Round 7	01/01/2011 - 31/12/2011	MJ Finnegan's LIQH400118163	31	Level 1
		Fanny's of Newcastle LIQH400117108	30	Level 1
Round 8	1/07/2011 - 30/06.2012	Fanny's of Newcastle LIQH400117108	28	Level 1
		MJ Finnegan's LIQH400118163	21	Level 1

Source: Liquor & Gaming NSW

<https://www.liquorandgaming.nsw.gov.au/Pages/liquor/law-and-policy/alcohol-restrictions-for-violent-venues.aspx>

5. Given the level of violence inside those venues, it's not surprising there was widespread anti-social night-time behaviour in the surrounding streets. In addition to the behaviour outlined in paragraph 4 above, there was also public urination and a major problem with discarded beer and spirit bottles (often used as convenient missiles or weapons). One positive outcome of the Newcastle Conditions, was that MJ Finnegan's was forced to mount regular security and litter patrols in the nearby streets and park.
6. In a February 2017 peer-reviewed bulletin, the NSW Bureau of Crime Statistics and Research cited research by Jones, Kypri, Moffatt, Borzycki and Price (2009), which "found that regulatory restrictions on the trading hours of 14 licensed premises in the Newcastle area in 2008 resulted in significant reductions in the incidence of violence in the vicinity of these premises" ([*The effect of lockout and last drinks laws on non-domestic assaults in Sydney: An update to September 2016*](#), Neil Donnelly, Suzanne Poynton and Don Weatherburn, Bulletin No 201, p 2).
7. It is noteworthy that the situation improved from 2012. MJ Finnegan's and Fanny's (re-named as Argyle House) were both declared removed from the violent venues list in that year and haven't been re-listed since. We have seen similar improvements in our residential amenity. While the neighbourhood isn't perfect (see paragraph 9 below), there has been a marked decrease in violent anti-social behaviour. We attribute this to the growing and continuing success of the Newcastle Conditions. We believe there are huge risks in unwinding those conditions and fear a return to weekly incidences of violent and anti-social behaviour.

Increase in licensed venues

8. Our second reason for opposing any change to the Newcastle Conditions as they stand is that there has been an explosion in licensed premises in our immediate neighbourhood. In 2008 when we moved to King Street, Newcastle there were only **4** licensed venues in our vicinity. There are now **12** venues (see **Table 2** below). The capacity of these venues is close to 1000 people. The behaviour of those patrons is limited and controlled by strict licensing regulations, which include the Newcastle Conditions. We fear for a future in which those conditions are relaxed or removed, leading to a repeat of the 2008-12 experience but on a much larger scale.

Table 2: Licensed venues near 199 King Street, Newcastle

2008	2018 - current licences
1. MJ Finnegans (hotel) LIQH400118163	1. MJ Finnegans (hotel) LIQH400118163
2. Fanny's of Newcastle (hotel) LIQH400117108	2. Argyle House (hotel) LIQH400117108
3. Lucky County Hotel (hotel) LIQH400117914	3. The Lucky Hotel (hotel) LIQH400117914
4. Clarendon Hotel (hotel) LIQH400117256	4. Clarendon Hotel (hotel) LIQH400117256
5. Surtaj Restaurant (on-premises) LIQO624005755	5. Surtaj Restaurant (on-premises) LIQO624005755
	6. Foghorn Brewhouse (on-premises) LIQO660032220
	7. Slice Virtual Golf (on-premises) LIQO660030864
	8. Mavericks on Darby (on-premises) LIQO660031366
	9. Central Hall (on-premises) LIQO624014707
	10. Napoli Centrale (on-premises) LIQO660031865
	11. Zaffran Indian Restaurant (on-premises) LIQO660033997
	12. Coal & Cedar (small bar) LIQS220000017
	13. Habesha Restaurant (on-premises) LIQO660033495
	14. Asa-Don Pty Ltd (on-premises) LIQO660033760
	15. Hunter's Trophy Grill (on-premises) LIQO660031859

Source: Service NSW <https://www.onegov.nsw.gov.au/publicregister/#/publicregister/search/Liquor>

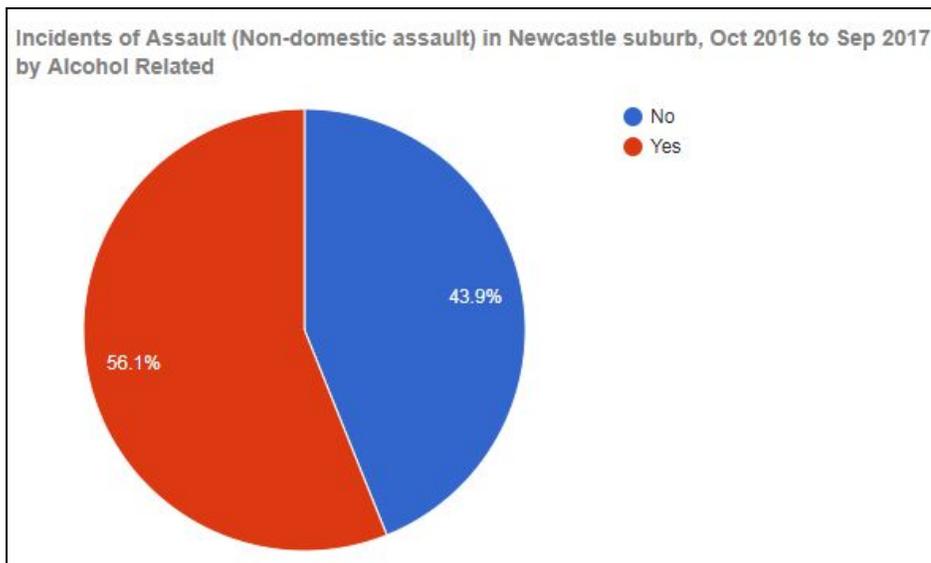
9. Two of the new venues close to us, **Foghorn Brewhouse Restaurant** LIQO660032220 and **Mavericks on Darby** LIQO660031366, are large “barn-like” establishments and have a combined approved capacity of **350** people. Both venues have a Primary Service Authorisation and operate like *de facto* public hotels. Foghorn, as the name suggests, is a wholesale and retail brewery.
10. Foghorn Brewhouse and Mavericks are subject to the current Newcastle Conditions to varying degrees, but lack the sound insulation, security staff and other controls required of a regular hotel (see the conditions imposed on **MJ Finnegan’s** LIQH400118163 for comparison). Indeed, our strata apartment building has made numerous formal complaints and submissions to Police, Newcastle Council and Liquor & Gaming NSW about our nearest licensed neighbour, Foghorn Brewhouse. These complaints ranged from noise issues to outright breaches of their DA and licensing conditions.
11. Our experience is that licensees don’t always operate or consult in good faith; that they seek regular incremental changes to their licensing and development conditions (for

financial gain); and that it is up to residents to constantly monitor the behaviour of licensees and patrons, calling out any breaches. This requires vigilance and, frankly, a lot of time, forbearance and energy. We have reached a point where the situation is **stable** at best. We absolutely fear what will occur if the Newcastle Conditions are relaxed or removed and we're forced into a new and prolonged battle with our licensed neighbours.

Newcastle crime trends and statistics

12. Our final reason for opposing any changes to the Newcastle Conditions is that alcohol is still a factor in crime in the Newcastle CBD. According to the NSW Bureau of Crime Statistics and Research, alcohol was a factor in more than 56% of the non-domestic assaults in the suburb of Newcastle between October 2016 and September 2017 (see **Image 2** below).

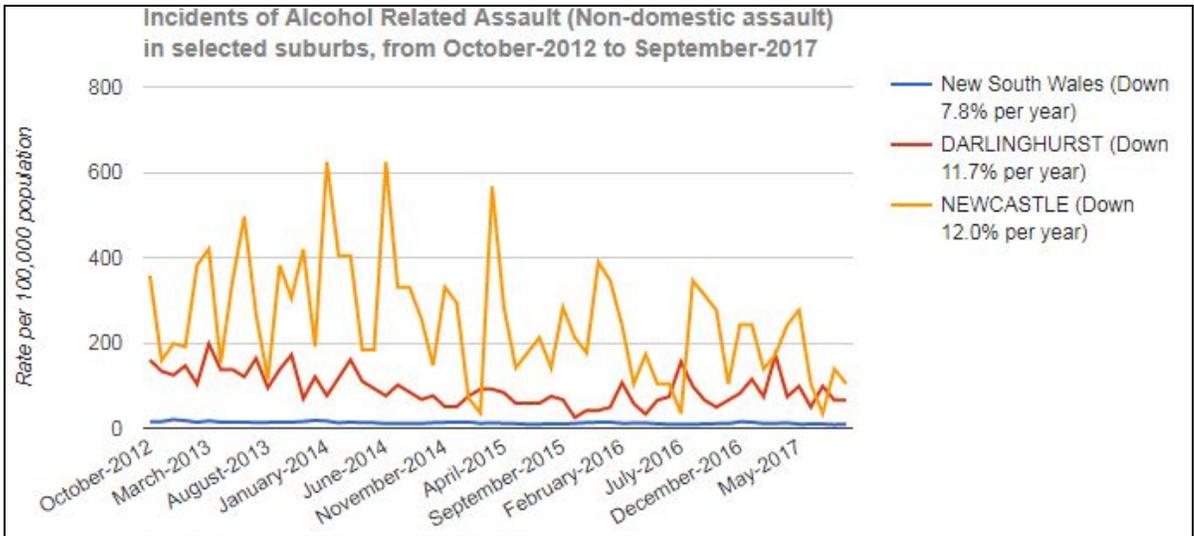
Image 2



Source: NSW Bureau of Crime Statistics and Research

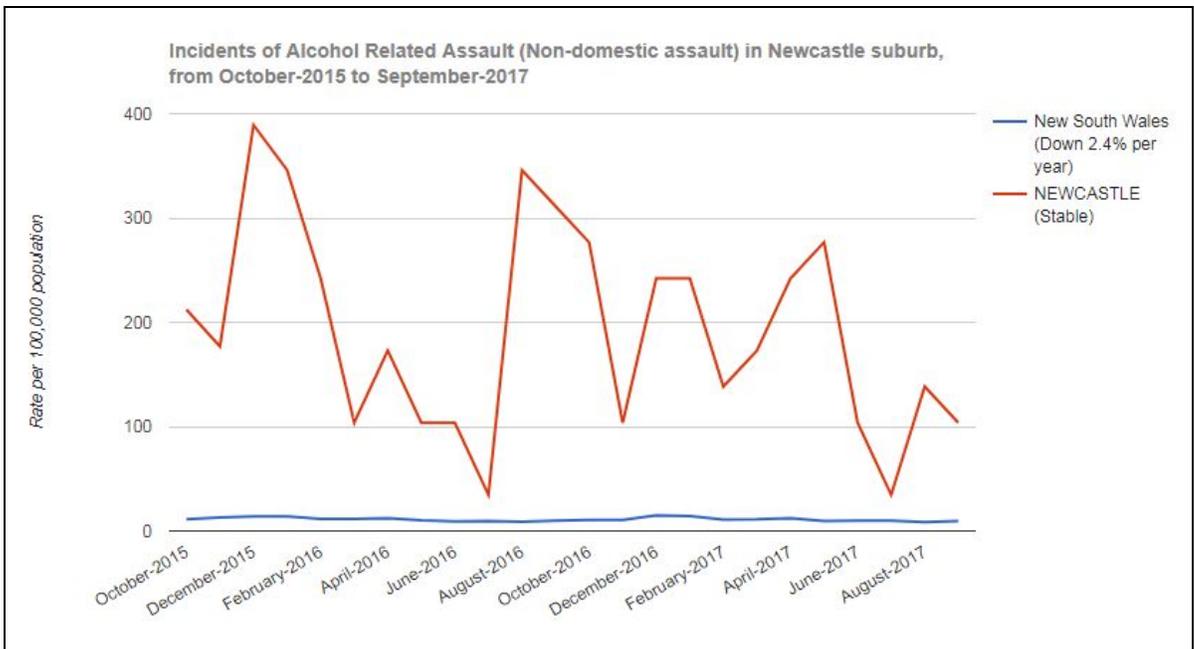
13. While the trend line is down year-on-year in Newcastle, the per capita incidents of alcohol related assault are still higher in the suburb of Newcastle than Darlinghurst—the location of our other residence and where lock-out laws are also in place—and much higher than in NSW as a whole (see **Image 3** below). We find it remarkable that the rate in Newcastle is higher than Darlinghurst, particularly given the higher number of licensed venues in that Sydney suburb. Over a shorter timeframe, for the period October 2015 to September 2017, the NSW Bureau of Crime Statistics and Research characterises the situation in the suburb of Newcastle as “stable” (see **Image 4**). This reflects our own experience. These statistics further support the case for maintaining the status quo in Newcastle and retaining the Newcastle Conditions in their current form.

Image 3



Source: NSW Bureau of Crime Statistics and Research

Image 4



Source: NSW Bureau of Crime Statistics and Research

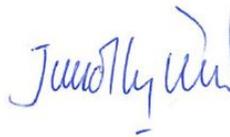
Conclusion

14. We believe it would be intemperate for the NSW government to relax or remove the Newcastle Conditions at the present time. There are strong local reasons, and there is clear statistical evidence, for maintaining the status quo.

15. The government is spending more than \$650 million to revitalise the Newcastle CBD which includes removal of heavy rail and installation of light rail up Hunter Street. It would be particularly intemperate to vary the Newcastle Conditions prior to knowing what impact the new transport system will have on venue patronage and patron demographics in the area during a period when licensed venues are also increasing in number and in size.
16. The removal of the Newcastle Conditions is inconsistent with the government's stated objectives of "bringing people back to the city" and transforming the way "we live, work and play" (see <http://revitalisingnewcastle.nsw.gov.au/>). As longtime residents of the Newcastle CBD, we endorse those aspirations and sincerely hope we can continue to live in a more peaceful, family-friendly environment, without fear of leaving our home after dark.



Wayne Mullen
Newcastle



Tim Pollard
Newcastle