

NSW Independent Liquor & Gaming Authority

Our ref: DF24/019584

Ms Alexandra Sarah Gibson Roy

11 September 2024

Dear Ms Gibson Roy

Application No.	1-9068992304
Applicant	Ms Alexandra Gibson Roy
Application for	Extended trading authorisation
Application date	24 April 2024
Decision date	21 August 2024
Licence name	We Three
Current trading hours	Wednesday and Thursday 4:00 PM – 12:00 midnight Friday and Saturday 12:00 noon – 12:00 midnight Sunday 12:00 noon – 10:00 PM
Proposed trading hours	Wednesday and Thursday 4:00 PM – 12:00 midnight Friday and Saturday 12:00 noon – 1:00 AM Sunday 12:00 noon – 10:00 PM
Premises	329 Illawarra Road Marrickville NSW 2204
Legislation	Sections 3, 11A, 12, 20A, 20B, 20C, 40, 44, 45, 48 and 49 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for an extended trading authorisation – We Three

We **approve** the application above under section 49A of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Statement of reasons

We are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

The local community for the purposes of this decision is Marrickville. The broader community is the Local Government Area (LGA) of Inner West.

Positive social impacts

The application seeks to increase trading post midnight by two hours per week.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- premises operating an additional two hours per week; one hour each on Friday and Saturday nights between 12:00 midnight and 01:00 AM
- location in a high-density hotspot for domestic assault, non-domestic assault, and malicious damage to property; located in a medium-density hotspot for alcohol-related assault
- higher incidence of malicious damage to property and alcohol-related disorderly conduct in the suburb than in NSW.

However, we are satisfied that these risks are somewhat reduced by the:

- lower incidence of alcohol-related assault in the suburb and LGA than in NSW; lower incidence in the LGA of malicious damage to property and alcohol-related disorderly conduct
- patron capacity remaining unchanged
- approval of this application will not affect the saturation rate of small bar licences in the suburb or LGA
- SEIFA data indicating an above average level of relative socio-economic advantage in the LGA and suburb compared to other communities in NSW
- venue not being permitted to sell take away liquor
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a modification consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact the case manager, Leonie Jennings, at Liquor and Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed – We Three

No.	Condition	Description
1.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
2.	Extended Trading	Extended Trading Authorisation: whole of the licensed premises.
3.	Trial period for full set of hours (i.e. no trading period to revert to if trial is not extended)	<p>The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on 20 March 2025 (or as may be extended from time to time).</p> <p>A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.</p>
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 27 May 2024 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5.	Incident Register	<ol style="list-style-type: none"> 1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

Schedule 1: Licence conditions to be revoked – We Three

Condition	Description
Condition 3010 (<i>replaced by Plan of Management condition 4 above</i>)	The premises is to be operated at all times in accordance with the Plan of Management dated January 2023 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.