

NSW Independent Liquor & Gaming Authority

Our ref: DF24/021577

Mr Justin Sammut

22 November 2024

Dear Mr Sammut

Application No.	1-8846121552
Applicant	Troy Michael McFarlane-Child
Application for	Extended trading authorisation variation
Application date	29 September 2023
Decision date	18 September 2024
Licence name	Ambulance Station Hotel
Current trading hours	Consumption on premises – Ground Floor (including Gaming Room) Monday to Saturday 10:00 AM – 04:00 AM Sunday 10:00 AM – 10:00 PM
Proposed trading hours	Consumption on premises – Ground Floor (including Gaming Room) Monday to Saturday 10:00 AM – 04:00 AM Sunday 10:00 AM – 12:00 AM
Premises	60 Queen Street Auburn NSW 2144
Legislation	Sections 3, 11A, 12, 14, 15, 48, and 49 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for an extended trading authorisation variation – Ambulance Station Hotel

We **refuse** the application above under section 49 of the *Liquor Act 2007* (the Act).

Statement of reasons

We are concerned that the overall impact of approving the application may be detrimental to the well-being of the local or broader community and therefore refused the application to vary the extended trading authorisation (ETA) on harm minimisation grounds.

Our main findings

Procedural and trading hour requirements

We are satisfied that:

- the application has been validly made and meets the Act's procedural and trading period requirements
- the Community Impact Statement (CIS) meets the relevant requirements.

Community impact

Local and broader communities

The local community for the purposes of this decision is Auburn. The broader community is the Local Government Area (LGA) of Cumberland.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Harm Minimisation and Community Impact Data Report for Auburn shows:

- there are 39 authorised liquor licenses, of which 18 are authorised to sell packaged liquor. This includes 11 packaged liquor licences, 3 registered club licences and 4 hotel licences.
- saturation of hotel licences in Auburn is higher compared to the Cumberland LGA and lower than in NSW generally.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that:

- in the year to December 2023, the premises was located in high density crime hotspots for all categories we considered
- in the year to March 2024, incident rates of alcohol-related domestic assault, and malicious damage to property in Auburn was lower compared to the Cumberland LGA and NSW generally
- in the year to March 2024, incident rates of alcohol-related non-domestic assault, and alcohol-related offensive conduct in Auburn was higher compared to the Cumberland LGA and lower than in NSW generally.

Alcohol-related health data (per 100,000 residents)

HealthStats NSW data showed that:

- alcohol-related deaths in the Cumberland LGA were lower compared to the NSW average
- alcohol-related hospitalisations in the Cumberland LGA were lower compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Auburn and the Cumberland LGA were ranked as relatively disadvantaged in terms of household income and residents in skilled occupations compared to the rest of NSW.

Business model

We note that the proposal seeks to vary the current Sunday trading hours of the ground floor of the licensed premises to allow trade from 10:00 AM to 12:00 AM. The ground floor area includes the gaming area. This proposal does not include other areas of the premises,

including the dining area and sports bar, which are currently restricted to trade until 10:00 PM on Sunday.

Benefits proposed by applicant

The applicant proposes that the extended trading hours will have a positive impact on the community by promoting business diversity and by providing greater employment opportunities, a leisure and passive entertainment venue to service the growing demand in the area, and increased convenience and choice to the local community.

We believe that these proposed benefits are limited by the lack of concrete evidence of community support for the application. However, we also note that there was no objection raised by members of the community.

Findings of concern

While reviewing the application we noted that revenue figures cited by the applicant suggested that a high proportion of the venue's revenue was from gaming machines, which indicates high gaming intensity and raises concern about gaming related harm and the primary purpose of the venue. This also suggests that extended trading is unlikely to contribute to increased nighttime vibrancy.

Further to this, figures for gaming revenue after midnight (provided when the matter was under consideration) indicate that gaming intensity between 12:00 AM and 4:00 AM accounts for a significant part of the venue's revenue at a time of day when research has shown an increased risk of problem gambling.

Negative social impacts

The proposal could contribute to an increase in alcohol and gaming-related harm in the local and broader communities because of the:

- increase in gaming availability on Sundays which may potentially lead to an increased risk of gaming-related harms
- premises being located in high-density crime hotspots for all categories we considered
- SEIFA data indicating that the community in Auburn may be considered relatively disadvantaged when compared to the rest of NSW
- the high gaming intensity and presence of significant levels of disadvantage in the surrounding areas and vulnerable groups in the community.

We considered the following factors:

- incident rates of alcohol related domestic, non-domestic assault and malicious damage to property being lower in Auburn than in NSW
- incident rates of alcohol attributed hospitalisations and deaths being lower within the LGA than in NSW.

On balance, we are concerned that the likelihood of adverse social impact from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

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
- a community impact statement (CIS)

- the plan of the licensed premises and any authorisations
- a liquor plan of management for the licensed business
- a gaming plan of management for the licensed business
- a development 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 on the [ILGA website](#).

If you have any questions

Please contact the case manager, Wendy Yeung, at Liquor & Gaming NSW if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Honey', is displayed within a light blue rectangular box.

Chris Honey

Deputy Chairperson

Independent Liquor & Gaming Authority