



Mr Warwick Caisley

AMW Lawyers

By email to: WCaisley@amwlawyers.com.au

19 December 2023

Dear Mr Caisley

Application No.	1-8356454934
Applicant	Toni Maree Dibb
Application for	Amendment – hotel (full) – vary an existing extended trading authorisation (ETA)
Decision Date	15 February 2023
Licence name	The Haymarket Hotel
Licence No.	LIQH400110081
Proposed trading hours	Consumption on premises Monday to Saturday 10:00 AM – 4:00 AM Sunday 10:00 AM – 12:00 midnight Take away Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 11:00 PM
Current trading hours	Consumption on premises Monday to Saturday 10:00 AM – 2:00 AM Sunday 10:00 AM – 10:00 PM Take away Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	661-663 George Street Haymarket NSW 2000
Legislation	Sections 3, 14, 48 and 49 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application to vary extended trading authorisation for hotel – The Haymarket Hotel

We **refuse** the application under section 49(8) of the *Liquor Act 2007* (the Act).

Statement of reasons

Overall, we are concerned that the social impact of approving the application is likely to be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Act's requirements for procedural fairness

- the proposed trading hours for the premises meet the requirements under section 14 of the Act in respect of trading periods.
- the Community Impact Statement (CIS) meets the relevant requirements set out in section 48(4) of the Act.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Haymarket, and the relevant 'broader community' comprises the Local Government Area (LGA) of Sydney.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Haymarket shows that:

- there are 134 authorised liquor licenses, of which 25 are authorised to sell packaged liquor. This includes 5 packaged liquor licence, 18 hotel licences, 2 producer/wholesalers
- the saturation of hotel licences in Haymarket is significantly higher compared to the LGA of Sydney as well as to all of NSW

Crime data (annual rate per 100,000 residents)

Bureau of Crime Statistics and Research (BOCSAR) data in the year to June 2022 shows that:

- the venue is located in a high-density crime hotspot for all categories usually considered by us
- crime rates for all categories usually considered by us are higher in both, the suburb and LGA compared to NSW
- alcohol-related domestic assault in Haymarket was higher compared to the LGA of Sydney and almost double compared to all of NSW
- alcohol-related non-domestic assault in Haymarket was significantly higher compared to the LGA of Sydney as well as to all of NSW
- alcohol-related offensive conduct in Haymarket was significantly higher compared to the LGA of Sydney as well as to all of NSW
- malicious damage to property in Haymarket was significantly higher compared to the LGA of Sydney as well as to all of NSW

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

HealthStats NSW data shows that:

- alcohol-related deaths in the LGA of Sydney is slightly lower compared to the NSW average
- alcohol-related hospitalisations in the LGA of Sydney were higher compared to the NSW average

Australian Bureau of Statistics (ABS) Socio-Economic Index for Areas (SEIFA)

Haymarket shows an average level of being relatively advantaged and the LGA of Sydney shows high levels of being relatively advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the current business model is a full hotel offering patrons various gaming options, food offerings and the sale of alcohol for consumption on and away from the premises.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- the premises cater for the contemporary social needs of the locals and the surrounding businesses, community, visitors and tourists
- positive social impact to the community, providing late night meals in a non-alcohol environment, with international sports, appealing in particular to females
- experienced operator in hotel management

We believe that these proposed benefits are limited by the lack of evidence of community support for the application.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 29 July 2022, which notes their agreement with conditions proposed by the L&GNSW case manager as well as the request to update the plan of management with the correct date, no objection
- Local Council, dated 5 April 2022, 12 July 2022 and 30 August 2022, which notes no concerns, no objection
- L&GNSW Compliance, dated 3 August 2022, which notes no objection
- L&GNSW Gaming, dated 11 August 2022, which requests the responsible gambling officer to be present when gaming machines are operated, no objection
- One submission from a member of the public, dated 25 August 2022, objecting to the proposal raising concerns about errors made in the application process and the increased risk of potential harm to the community

We also considered the applicant's submission in response, to these submissions, which notes:

- their consent to proposed conditions and that the liquor and gaming plans of management have been updated accordingly
- contends that the proposed offerings are beneficial, outweighing any adverse social impact.

Findings of concern

There is a risk that if the licence was granted, liquor sold at the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

We note that the venue is located in a cumulative impact Band 2 SA2 area and in a high-density crime hotspot for all categories usually considered by us. We are also concerned about the high gaming intensity at the venue and that the proposal seeks an additional 12 hours per week of post 2:00 AM gaming which is a known risk factor for problem gambling. With the proposed increased trading hours, we are concerned that it would be difficult to mitigate risks of potential harm in the community even if conditions were imposed.

The risks may be mitigated by the:

- the venue being located within the Sydney CBD which attracts visitors both locally and internationally, therefore crime statistics may be skewed when considering the population size compared to the number of transient visitors
- high licence saturation rates in the Sydney CBD cater for the large number of visitors from outside the suburb and LGA
- the gaming plan of management being assessed as exceeding the minimum standard for a venue of this risk profile

However, 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 all the material we received about the application, including:

Application Material

- completed application dated 27 July 2022
- completed Category B Community Impact Statement (CIS) dated 5 July 2022
- completed certifications of advertising dated 19 July 2022
- liquor plan of management documents for the premises, titled Plan of Management for the operation of "The Haymarket Hotel", updated December 2022
- gaming plan of management documents for the premises, titled Gaming Plan of Management Haymarket Hotel, Haymarket and dated October 2022
- liquor licence details recorded as at 20 December 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, indicating the existing licensed area and ETA as well as the proposed ETA extension

Under [Guideline 6](#), we also considered: data published by BOCSAR, NSW Department of Health, ABS and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 29 July 2022 and 20 December 2022 in relation to the assessment of the application
- Google map images extracted from the Google website showing the location and photos of the Premises in map view

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**