



Our ref: DOC23/118031

Mr Bobby Stefanovski  
Liquor Advisory Services

By email to: [bobby.las@bigpond.com](mailto:bobby.las@bigpond.com)

29 May 2023

Dear Mr Stefanovski

<b>Application No.</b>	APP-0008655402
<b>Applicant</b>	Keith Freddie Muchirawehondo
<b>Application for</b>	Hotel (general bar) licence with minors area authorisation
<b>Licence name</b>	El Patron Bar
<b>Trading hours</b>	Sunday to Wednesday 10:00 am – 10:00 pm Thursday to Saturday 10:00 am – 12 midnight
<b>Premises</b>	Tenancy G3 & G4 31 Lasso Road Gregory Hills NSW 2557
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 44, 45, 48, 51 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a hotel (general bar) licence with minors area authorisation  
El Patron Bar, Gregory Hills**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 11 August 2021 to **approve** the application under section 45 and 121 of the *Liquor Act 2007*.

**Statement of reasons**

A statement of reasons for this decision is attached at the end of this letter.

**If you're not happy with this decision**

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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 [Leonie.Jennings@liquorandgaming.nsw.gov.au](mailto:Leonie.Jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in purple ink that reads "Caroline Lamb". The signature is written in a cursive style with a large initial 'C'.

Caroline Lamb

**Chairperson**

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

# STATEMENT OF REASONS

## Our decision

We approve the application under section 45 and 121 of the *Liquor Act 2007* (NSW) (the Act).

Overall, 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 findings

### Procedural and trading hour requirements

We are satisfied that:

- a) the application is valid and meets the Act's requirements for procedural fairness and trading period the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 14 of the Act in respect of trading and 6-hour closure periods.

The Community Impact Statement (CIS) meets the relevant requirements.

### 'Fit and proper person'

Police noted the nomination of a new licensee, the appointment of a new business owner, and agreement to measures in the licence conditions and Plan of Management.

The new proposed licensee is a 'fit and proper person' to operate the business to which the proposed licence relates, as law enforcement agencies raised no concerns about their integrity.

### Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

### Development consent requirements

The necessary development consent is in force. Camden Council approved the modification of development consent 2021/43/1 for the premises on 5 May 2021.

### Community impact

#### *Local and broader communities*

The relevant 'local community' is the community in the suburb of Gregory Hills, and the relevant 'broader community' comprises the Local Government Area of Camden.

#### *Diversity and density of licensed outlets*

L&GNSW Liquor & Gaming LiveData Report for Gregory Hills shows:

- there are 11 authorised liquor licenses, of which three are authorised to sell packaged liquor. This includes one packaged liquor store, one registered club licence and one hotel licence.
- saturation and clustering of Hotel (General Bar) licences in Gregory Hills is lower compared to the Camden LGA and lower compared to all of NSW.

#### *Crime data (annual rate per 100,000 residents)*

BOCSAR data shows that, in the year to December 2020:

- the premises was located close to hotspots for incidents of alcohol-related domestic assault and malicious damage to property in areas that are likely to be serviced by the licence.
- alcohol-related domestic assault in Gregory Hills was higher compared to the Camden LGA and lower compared to all of NSW.

- alcohol-related non-domestic assault in Gregory Hills was higher compared to the Camden LGA and lower compared to all of NSW.
- alcohol-related non-domestic serious assault in Gregory Hills was higher compared to the Camden LGA and lower compared to all of NSW.
- alcohol-related offensive conduct in Gregory Hills was lower compared to the Camden LGA and lower compared to all of NSW.
- malicious damage to property in Gregory Hills was higher compared to the Camden LGA and lower compared to all of NSW.

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

The most recent HealthStats NSW data available show that between:

- 2017/2018 alcohol-related deaths in Camden LGA were lower compared to the NSW average.
- 2017/2018-2018/2019 alcohol-related hospitalisations in Camden LGA were lower compared to the NSW average.

#### *SEIFA*

ABS Socio-Economic Index for Areas (SEIFA) data as at 2016 shows that Gregory Hills and Camden LGA were 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 proposed business model involves a General Bar located within a newly constructed business complex and offers an upmarket facility for patrons.

#### *Proposed benefits*

The applicant proposes that there would be these benefits:

- Gregory Hills has been identified as a large growth area in NSW.
- the business park is recognised as a leading commercial project in South West Sydney and is a key source of local employment.
- the premises will offer an upmarket facility for the business community and local broader community.

#### *Stakeholder submissions*

We considered the submissions from:

- NSW Police Force, dated 22 July 2021, which noted that after extensive consultation with the applicant's agent and provided the plan of management is adhered to, Police do not object to the application. However, Police still hold minor concerns over the name 'El Patron Bar' which has an 'objectionable drug connotation'.
- Camden Council, dated 25 June 2021, which noted the approval of modification of development consent 2021/43/1.
- L&GNSW Compliance, dated 16 May 2021, which noted no adverse findings.
- Transport for NSW, dated 29 March 2021, which requested that the licensee maintain awareness of specific local alcohol-related issues by participating in the local liquor accord, and consider offering information on local public transport and taxi services in the premises.

We also considered the Applicant's submission in response, to these submissions, which noted that:

- after a lengthy consultation process, the numerous concerns raised by NSW Police have been addressed within the plan of management, including certain undertakings that the venue will comply with.
- the requests made by Transport for NSW have been consented to.

### **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.

#### *Factors that may reduce this risk*

However we are satisfied that the risk is reduced by the following:

- the venue is the only general bar licence in the broader community, and will not trade past midnight
- Gregory Hills and Camden LGA are amongst the most advantaged suburbs and LGAs in NSW
- lower than average outlet saturation and clustering of hotel licences in the local and broader communities
- absence of any objections from agency stakeholders or members of the community
- significant consultation was undertaken with local Licensing Police in relation to the Plan of Management and licence conditions
- security presence and patrols on Friday and Saturday nights from 6 pm until close
- harm minimisation measures set out in the Plan of Management and licence conditions as set out in Schedule 1.

### **The material we considered**

We considered all the material we received about the application, including:

#### Application Material

- Plan of Management documents for the premises, titled PLAN OF MANAGEMENT and dated 20 July 2021.
  - Completed certification of advertising dated 6 May 2021.
  - Completed application dated 27 April 2021.
  - Completed Category B Community Impact Statement (CIS) dated 28 March 2021.
  - ASIC business records for the Applicant and associated companies.
  - Floor plan for the premises, dated 4 February 2021, indicating the proposed licensed area.
- Under Guideline 6, we have also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

#### Submissions

- Submission from NSW Police Force, dated 22 July 2021.
- Submission from Camden Council, dated 25 June 2021.
- Submission from L&GNSW Compliance, dated 16 May 2021.
- Submission from Transport for NSW, dated 29 March 2021.

Other relevant material

- Correspondence between L&GNSW staff and the applicant between 7 May 2021 and 26 July 2021 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.

### **The law that applies**

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 14, 15, 15A and 17: Specific provisions about a hotel licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being.

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

Yours sincerely



Caroline Lamb

**Chairperson**

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

## Schedule 1 – Licence conditions to be imposed

### El Patron Bar, Gregory Hills

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 AM 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.
2.	<b>Restricted trading &amp; NYE</b>	Consumption on premises Good Friday 12:00 noon – 10:00 PM Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 <sup>st</sup> Normal opening time until normal closing time or 2:00 AM 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.
3.	<b>Social impact</b>	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated 20 July 2021 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.	<b>Liquor accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	<b>CCTV</b>	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and

		<p>(iii) all publicly accessible areas (other than toilets) within the premises.</p> <p>2) The licensee must also:</p> <p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <p>(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>(c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</p>
7.	<b>Incident register</b>	<p>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:</p> <p>(a) any incident involving violence or anti-social behaviour occurring on the premises,</p> <p>(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,</p> <p>(c) any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</p> <p>(d) any incident that results in a patron of the premises requiring medical assistance.</p> <p>3) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</p> <p>(a) make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</p> <p>(b) allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</p> <p>2) 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.</p>
8.	<b>Crime scene preservation</b>	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <p>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</p> <p>2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,</p> <p>3) make direct and personal contact with NSW Police to advise it of the incident, and</p> <p>4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</p>



		In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.
9.	<b>No gaming</b>	No gaming machine, TAB or Keno facilities may be operated on the licensed premises.
10.	<b>Minors Area Authorisation</b>	whole of the licensed premises excluding bar area.
11.	<b>OMCG and declared organisation</b>	<p>1) The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:</p> <p>(a) the name of any of the following motorcycle-related and similar organisations:</p> <p>Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life &amp; Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control) Act 2009.</p> <p>(a) the colours, club patch, insignia or logo of any such organisation, or</p> <p>(b) the "1%" or "1%er" symbol, or</p> <p>(c) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).</p> <p>2) Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.</p>
12.	<b>New Applicants with no Licensee or Advanced Licensee Training</b>	Licensee training must be completed no later than six (6) months from the date of grant of the liquor licence.
13.	<b>Security</b>	<p>1) Security presence and patrols on Friday and Saturday nights commencing from 6:00pm until close, and</p> <p>2) Security deployment around the venue 30 minutes after closing time to ensure patrons have dispersed quickly and quietly, to minimise noise disturbances in the neighbourhood.</p>