



Ms Nicole Beath
JDK Legal
By email to: n.beath@jdklegal.com.au
29 May 2023

Dear Ms Beath

Application No.	APP-0010540873
Applicant	FEROS HOTEL GROUP PTY LIMITED
Application for	Hotel (full) licence with minors area authorisation
Licence name	PARC Pavilion
Trading hours	Consumption on premises: Indoor areas & first floor terrace Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Consumption on premises: Ground floor terrace Monday to Saturday 10:00 AM – 09:00 PM Sunday 10:00 AM – 09:00 PM
Premises	138-142 Cronulla Street Cronulla NSW 2230
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a hotel (full) licence with minors area authorisation – PARC Pavilion**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 15 February 2023 to **approve** the application under section 45 of the *Liquor Act 2007*. Preliminary advice of this decision was provided on 31 March 2023.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority or Liquor & Gaming NSW has been notified:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

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

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 if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', written in a cursive style.

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 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:

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

The applicant 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. Sutherland Shire Council approved the development application DA22/0205 for the premises on 16 August 2022.

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Cronulla, and the relevant 'broader community' comprises the Local Government Area of Sutherland Shire.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Cronulla shows:

- there are currently 73 authorised liquor licences including: 3 hotel licences, 4 registered club licences, 60 on-premises licences, 3 small bar licences, and 3 packaged liquor licences.
- the saturation of full hotel licences in Cronulla is higher compared to the Sutherland Shire and lower compared to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to June 2022:

- the premises were located in hotspots for all categories considered by the Authority.
- alcohol-related domestic assault in Cronulla was higher compared to the Sutherland Shire and lower compared to all of NSW.
- alcohol-related non-domestic assault in Cronulla was higher compared to the Sutherland Shire and to all of NSW.
- alcohol-related offensive conduct in Cronulla was higher compared to the Sutherland Shire and to all of NSW.
- malicious damage to property in Cronulla was higher compared to the Sutherland Shire 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 2018/19 – 2019/20:

- alcohol-related deaths in the Sutherland Shire were lower compared to the NSW average.
- alcohol-related hospitalisations in the Sutherland Shire were higher compared to the NSW average.

SEIFA

Cronulla and the Sutherland Shire were ranked as relatively advantaged in terms of household income and residents in skilled occupations, compared to other suburbs and LGAs in NSW, under the ABS Socio-Economic Index for Areas (SEIFA).

Business model

We note that the proposed business model will include the sale of liquor to the public for consumption at the hotel, functions, betting in the form of TAB and KENO, and the future operation of gaming machines on the premises. The hotel will be located within the 'Cronulla Centre', a seven-storey, multi-use development consisting of commercial and retail tenancies which is to be constructed near Cronulla train station.

There will be no live entertainment or takeaway liquor offerings at the hotel.

Proposed benefits

The applicant proposes that there would be these benefits:

- the hotel restaurant and cafes will provide local residents, tourists and workers with a quality food offering in the heart of Cronulla
- the hotel will provide a modern, family-oriented environment
- the hotel will be managed by an experienced team as the applicant is an operator of several hotels across Sydney
- the venue will provide for a responsible contribution to the development of industry and tourism.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 12 November 2022, noting no objection to the application and advising that the applicant has been in constant communication with Police, implementing suggested improvements to the plan of management to mitigate the risk of any detrimental impact on the local or broader community.
- L&GNSW Compliance, dated 14 December 2022, noting an adverse finding against a former licensee of another FEROS HOTEL GROUP PTY LIMITED venue in relation to provision of free alcoholic beverages to a gaming machine patron. The Compliance Manager recommended that a comprehensive Gaming plan of management be developed to ensure staff are aware of their responsibilities - particularly around inducements to gamble. In addition, imposition a CCTV condition and plan of management condition on this licence are supported.
- Members of the public, with 26 objections and 41 in support. One additional submission was blank (submission #21) and provided no comment. Whilst many of the submissions objecting to the application raise issues that are regulated by council such as increases in noise, lack of parking availability and littering/waste management, we acknowledge the concerns of those making these submissions. Other submissions relate to concerns about an increase in intoxicated patrons close to residential apartment blocks, the location of the hotel facing Monro Park and surrounding alcohol-free zones, and the safety of pedestrians accessing Cronulla train station at night.

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

- several operational changes were introduced across all their venues which offer gaming facilities in response to the previous adverse finding against the former licensee of one of their other venues. These changes include: gaming plans of management and gaming incident registers at all venues, prohibition of complimentary liquor in gaming rooms, and training for venue staff to ensure up to date knowledge of requirements
- the liquor plan of management (developed in consultation with several stakeholders including the Police) adequately addresses the concerns raised by the public submissions.

Findings of concern

If the licence is granted, there is a risk that liquor sold at or from the premises would lead to an increase in alcohol-related crime, health, and other social and amenity issues, in the broader community.

Factors that may reduce this risk

We are satisfied that the risk is reduced by:

- the absence of government agency objections
- 41 submissions in support from members of the public
- the lower than average hotel liquor licence density in Cronulla compared to NSW
- the lower rate of alcohol-attributable deaths in the Sutherland Shire compared to NSW
- the indication of an above-average level of socio-economic advantage and disadvantage in both Cronulla and the Sutherland Shire
- the experience of the applicant as an operator of multiple licensed premises with sound compliance records
- the harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

The material we considered

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

Application Material

- Completed application dated 7 October 2022
- Completed Category B Community Impact Statement (CIS) dated September 2022
- Completed certification of advertising dated 27 October 2022
- Plan of Management documents for the premises, titled Plan of Management for the operation of Proposed Pub 138-142 Cronulla Street, Cronulla and dated November 2022
- ASIC business records for the Applicant and associated companies
- Floor plan for the premises, dated 4 February 2022, indicating the proposed licensed area
- Submissions received

Under Guideline 6, we 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.

Other relevant material

- Correspondence between L&GNSW staff and the applicant 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 and 15: 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
- Section 121: Minors in hotels in company of responsible adult.

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
PARC Pavilion**

No.	Condition to be imposed	Description
1.	Consumption on premises	<p>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 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later</p> <p>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.</p>
2.	6-hour closure period	<p>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 6 hours between 04:00 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.</p>
3.	Social impact	<p>The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.</p>
4.	Plan of management	<p>The premises is to be operated at all times in accordance with the Plan of Management dated November 2022 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.</p>
5.	Liquor Accord	<p>The licensee or its representative must join and be an active participant in the local liquor accord.</p>
6.	CCTV	<p>The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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 (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.

No.	Condition to be imposed	Description
7.	Incident Register condition	<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> <ul 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. <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul 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. <p>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.</p>
8.	Crime scene preservation	<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> <ul style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, 3) make direct and personal contact with NSW Police to advise it of the incident, and 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.</p>
9.	Trial trading hours	<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 12-months from the issue of the Occupation Certificate (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>
10.	Minors area	<p>Minors Area Authorisation: whole of the licensed premises excluding the gaming room.</p>
11.	Takeaway sales	<p>No takeaway liquor sales shall occur from the premises.</p>
12.		<p>The licensed premises is not to be themed or operated as a Nightclub. No disco/nightclub styled lighting system or designated dance floor area are to be utilised at any time on the premises.</p>