

Independent Liquor & Gaming Authority  
Liquor Applications  
GPO Box 7060  
SYDNEY NSW 2001

25 July 2019

**Re: Northern Sydney Local Health District Health Promotion submission regarding Moko – Heather’s Kitchen’s application for an extended trading authorisation (1-7369469442)**

Thank you for providing the opportunity to comment on the Moko – Heather’s Kitchen’s application for an extended trading authorisation.

Northern Sydney Local Health District (NSLHD) has an active interest in measures to prevent or reduce alcohol-related harm such as malicious damage, interpersonal violence, accidental injury and long-term health impacts.

**NSLHD objects to the granting of the proposed changes to trading hours for the Moko- Heather’s Kitchen due to the following concerns:**

**1. Increased risk of alcohol-related harm**

The hotel’s current trading hours are 10am –12am from Monday to Saturday and 10am–10pm on Sundays. The Applicant is proposing an additional 2.5 hours liquor trade to 2.30am Monday to Saturday, and an additional 2 hours on Sunday to 12am, this is a substantial increase of 17 hours per week, or an 18% increase on the existing trading hours. It is reasonable to assume that in-order to offset the operational costs of opening for an additional 17 hours per week, the Applicant intends to substantially increase the volume of alcohol sold from the premises. A 2015 Evidence Check conducted by Livingston identifies a strong association between the volume of alcohol sales and rates of alcohol-related harm in a given area<sup>1</sup>.

Within page 22 of their Community Impact Statement (CIS), the Applicant has asserted that “*there is no evidence to suggest that extended sale of liquor for a further two and a half hours in the early morning will result in an unacceptable increase in alcohol-related assaults in Eastwood or the Ryde LGA.*”. This statement is misleading and places the burden of proof solely on the community to provide evidence that the extended trade authorisations (ETA) will have a negative social impact on the local community. However, Guideline 6 – Consideration of social impact under section 48(5) of the Liquor Act 2007 states that:

*The Authority must not grant a licence, authorisation or approval unless it is satisfied, having regard to the CIS and any other matter it is made aware of, that the overall social impact of granting the licence, authorisation or approval will not be detrimental to the well-being of the local or broader community.”*

The onus is on the Applicant to empirically demonstrate that the granting of the ETA will **NOT** be detrimental to the well-being of the community, which we believe they have failed to do.

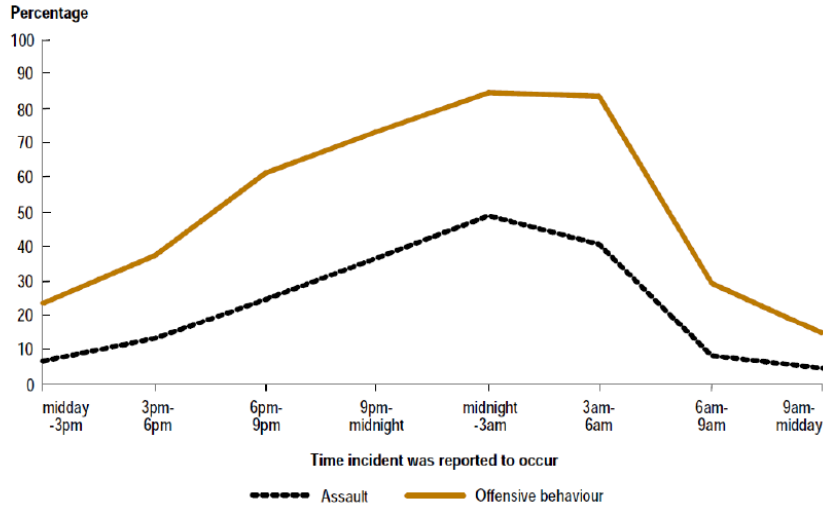
Burden of proof issues notwithstanding, research undertaken by the Bureau of Crime Statistic and Research (BOCSAR) highlights the misleading nature of the Applicant’s suggestion that extending trading hours will not result in increased harm. BOSCAR identified a substantial increase in the percentage of alcohol-related assaults and offensive behaviour in NSW commencing from 6pm and continuing to increase until 3am (see Graph 1 below)<sup>2</sup>. The Applicant is proposing to extend trading for an additional two and a half hours until

<sup>1</sup> Livingston M., Wilkinson C., and Room R., Community impact of liquor licences: An Evidence Check rapid review brokered by the Sax Institute ([www.saxinstitute.org.au](http://www.saxinstitute.org.au)) for the NSW Ministry of Health. 2015.

<sup>2</sup> Briscoe, S., Donnelly, N., Temporal and regional aspects of alcohol-related violence and disorder. Alcohol Studies Bulletin, 2001

2.30am from Monday to Saturday, a period evidenced to have higher rates of alcohol-related assaults and offensive behaviour. This data is especially relevant locally, with 30% of all alcohol-related domestic assault and 26% of all alcohol-related non-domestic assault occurring between 12am and 6am in Ryde LGA.<sup>3</sup>

Graph 1 – NSW Time Periods Alcohol-Related Assaults and Offensive Behaviour Occurred



Source: Briscoe, S., Donnelly, N. (2001). 'Temporal and regional aspects of alcohol-related violence and disorder'. Alcohol Studies Bulletin.

With regards to the local community, on page 21 of their CIS, the Applicant asserts that “there is no evidence to suggest that the Ryde LGA, or the suburb of Eastwood, currently experiences issues with alcohol related assault”. However, recent data from BOCSAR shows the premises is located within a hotspot for alcohol-related assault, as well as hotspots for domestic assault, non-domestic assault and incidents of malicious damage to property (see Images 1-4 below). We are concerned that these patterns of assault and malicious damage will only worsen with additional extended trade in the area.

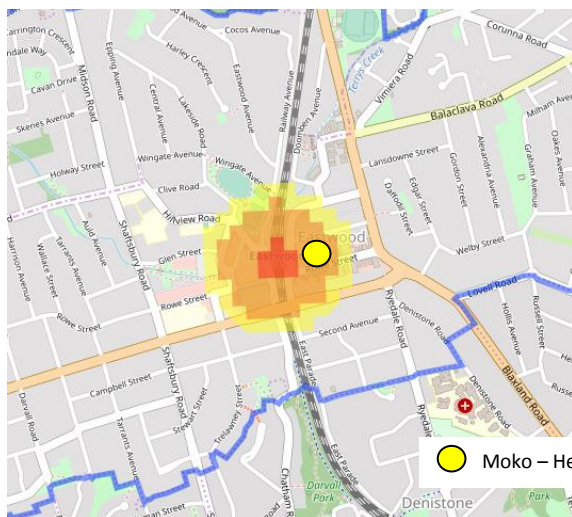
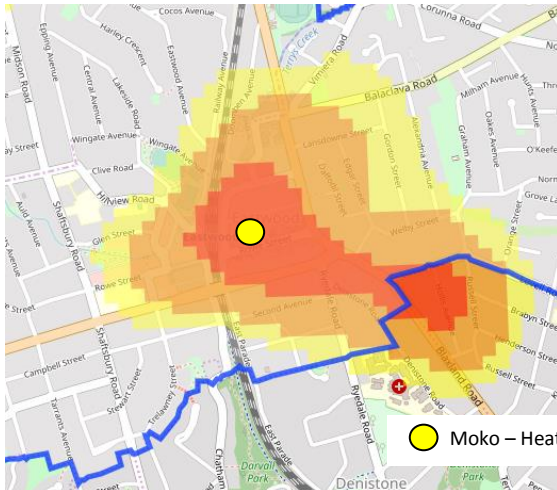


Image 1 – Hotspot for incidents of Alcohol Related Assault from April 2018 to March 2019

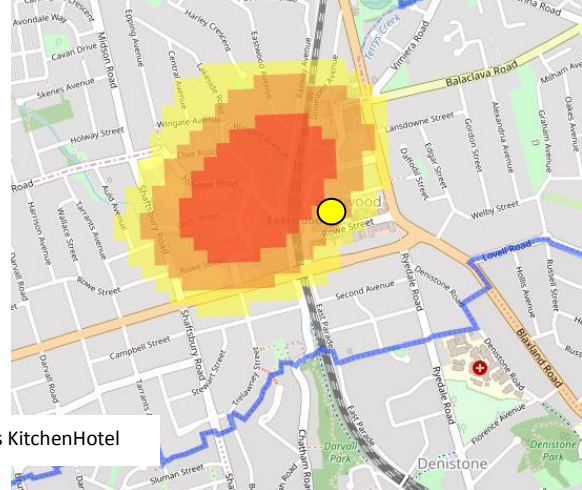


Image 2- Hotspot for incidents of Assault (Non-domestic assault) from April 2018 to March 2019

<sup>3</sup> NSW Recorded Crime Statistics Last 5yrs, BOCSAR data available at [www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Alcohol\\_Related\\_Violence.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx)



*Image 3- Hotspot for Incidents of Assault (Domestic assault) from April 2018 to March 2019*



*Image 4 – Hotspot for Incidents of Malicious Damage to Property from April 2018 to March 2019*

Regarding the hotspot for domestic assault that surrounds Moko – Heather’s Kitchen (Image 3), a 2018 analysis of intimate partner violence (IPV) by the Australian Domestic Violence and Family Violence Death Review Network is of particular importance. The review team provided recommendations for implementation by government and non-government agencies to reduce the incidents of domestic violence causing deaths. The most recent 2015-2017 report made an unprecedented recommendation relating to licensed premises which states:

**Recommendation 14:**

“When making determinations regarding any alcohol licensing related applications in areas identified by the NSW Bureau of Crime Statistics and Research as domestic violence ‘hot spots’, apply the following criteria:

- For any applications pertaining to an extension of trading hours, or the development of new liquor outlets or bottle-shops in domestic violence hot spots, there should be a rebuttable presumption against granting the application.<sup>4</sup>”

The Report on the Government Response to this Report states that Recommendation 14 is “Supported in Principle”<sup>5</sup>. We strongly recommend that Liquor and Gaming NSW adhere to the NSW Government’s support of Recommendation 14 outlined in the abovementioned report and refuse the present application to extend trading hours as it is within an area identified as a hotspot for domestic violence and the applicant has not provided any evidence indicating that the ETA won’t increase domestic violence related assaults.

Regarding hotel and club licence density within the local area, despite densities being lower than the state average, we remain concerned with the development of a cluster of late night venues and the increased patron migration this may encourage. Within the Authority’s Decision Report for the Red Lantern Hotel, it is quoted that disturbance from migrating patrons may include:

*“Congregating outside venues... smoking near venues, talking in groups, arguing, yelling or getting into private or public transport as they move through neighbouring streets”. L&GNSW further quote that “this conduct is likely to cause adverse impact upon local residential amenity regardless of whether such conduct arises to the level of criminality.”(\*)*

<sup>4</sup> NSW Domestic Violence Death Review Team Report 2015-2017. State Coroner’s Court of New South Wales, Department of Justice, 2017

<sup>5</sup> NSW Coroners Court website, Domestic Violence Death Review Team Report 2015-2017 Government Response. Available at:

[http://www.coroners.justice.nsw.gov.au/Documents/DVDRT%20Report%202015-17%20-%20Government%20response\\_received%2029June2018\(for%20web\).pdf](http://www.coroners.justice.nsw.gov.au/Documents/DVDRT%20Report%202015-17%20-%20Government%20response_received%2029June2018(for%20web).pdf) (Accessed 14/06/2019)

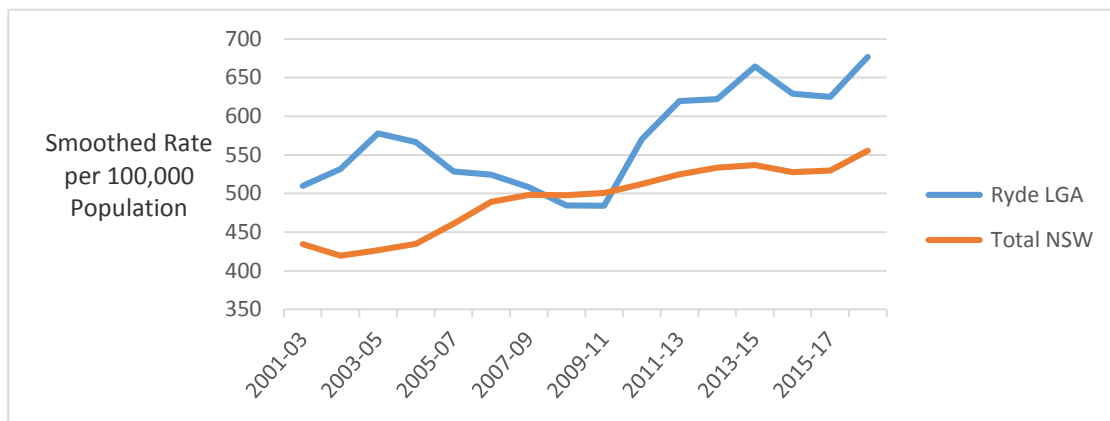
Eastwood currently has three hotels or clubs with late night trading, one trading until 4am and two others until 2.30am. The inclusion of an additional venue trading until 3am only increases the potential for disturbances caused by patron migration, particularly with the absence of a one-way door (lockout) policy.

## 2. Increased risk of alcohol-attributable health impacts

The alcohol-attributable health impacts for Ryde are provided below, and provide additional context as to why this ETA application should be refused. The data refutes the Applicant’s assertion on page 19 of their CIS that Ryde LGA and NSLHD “*experience fewer alcohol-related issues than the NSW average*”.

On page 20 of their CIS, the Applicant presents state-wide data on alcohol-attributable hospitalisations by age group, and have failed to apply this data at a local level. As seen in Graph 2, despite the short term drop in hospitalisations between 2009 and 2011, long term trends highlight that Ryde LGA has consistently exceeded the NSW rate of alcohol-attributable hospitalisations. Data from the most recent 2016-18 period indicate a sharp increase that has Ryde LGA currently exceeding the NSW average by 22%.

Graph 2 – Ryde LGA Vs NSW Alcohol-Attributable Hospitalisation Rate



The applicant deems alcohol-attributable hospitalisations irrelevant to the application as it incorporates “all presentations at a hospital that are alcohol related such as any cardiovascular diseases, digestive diseases, neuropsychiatric conditions and injuries including self-harm”. However, this approach completely dismisses the substantial contributing role alcohol establishments such as the Moko hotel play in causing these chronic conditions. Indeed, local alcohol-attributable hospitalisations provide a much more comprehensive overview of the overall health impacts a community experiencing and the level of risk associated with the granting of liquor licences.

In addition to the higher alcohol-attributable hospitalisation rate, there were 172 Emergency Department (ED) alcohol-related visits to the nearby Ryde Hospital in 2017, 85 of which occurred during the hours of 10pm and 6am. These occurrences have Ryde Hospital’s rate of late night alcohol visits per 1,000 unplanned ED visits 37% higher than the state average<sup>6</sup>.

Whilst the Ryde LGA has a relatively high SEIFA score, it doesn’t preclude residents from the significant harms associated with alcohol. According to an Australian Institute of Health and Welfare analysis of the Australian Health Survey 2011-12, adults living in the least disadvantaged areas are 1.4 times as likely to exceed alcohol consumption guidelines as those living in the most disadvantaged areas<sup>7</sup>. Healthstats NSW data also indicates that the most advantaged (ie least disadvantaged) population are more likely to drink daily or weekly than the rest of the population<sup>8</sup>.

<sup>6</sup> Emergency Department Presentations by LGA and Hospital obtained via Ministry of Health, May 2018

<sup>7</sup> AIHW analysis of ABS Microdata: Australian Health Survey, National Health Survey, 2011–12. Available at <http://www.aihw.gov.au/risk-factors/alcohol/> (Accessed 1/3/2017)

<sup>8</sup> NSW Population Health Survey (SAPHaRI). Centre for Epidemiology and Evidence, NSW Ministry of Health

Finally, the Applicant makes a spurious assertion that school students in the area are “*unlikely to be susceptible to problem drinking habits*” based on the current rate of alcohol drinking in school students. The Applicant has failed to provide any evidence or research to support this assertion.

### 3. Limited transport options

An Australian Institute of Criminology factsheet on reducing alcohol-related assaults identifies late night transport options as a key factor in preventing intoxicated patrons congregating outside licensed premises<sup>9</sup>. Analysis of late night transport options surrounding Moko- Heather’s Kitchen shows there is a notable lack of options available to patrons during the proposed hours.

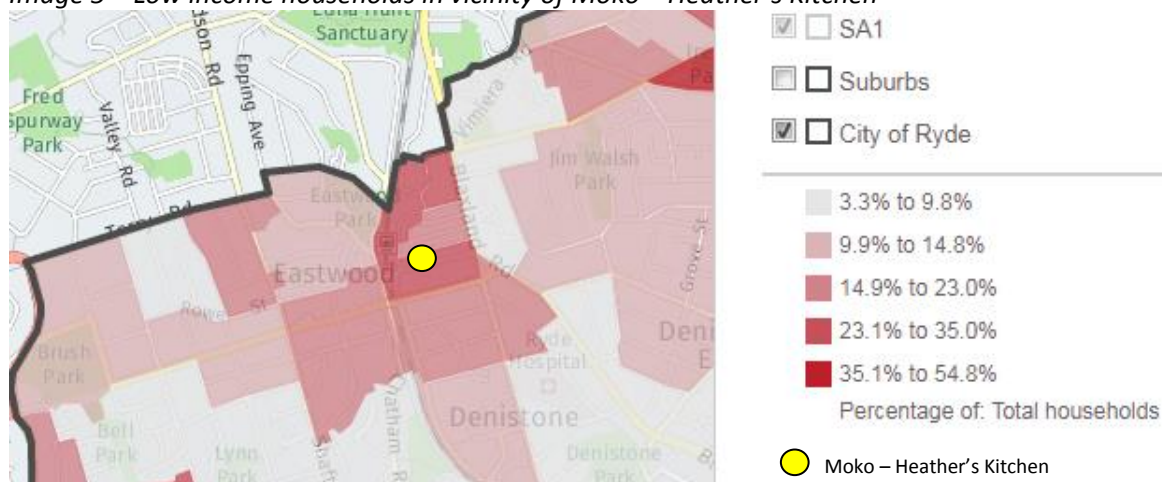
According to Transport NSW, train services to and from the nearby Eastwood Station cease between 12.30am and 4.30am on weeknights and 1:30am and 5:15am on weekends, a pivotal time for patron disbursement during the proposed extended trading hours. Additionally, only one bus continues past 12:30am (N80) on weekends with these occurring infrequently late at night<sup>10</sup>. The lack of public transport is likely to place pressure on Uber and taxis, and with taxi changeover times traditionally at 3am, taxis are also likely to be scarce at this time.

Overall the possible lack of patron disbursement from the premises at 3am (the Applicant’s proposed close time) raises issues about subsequent risk of alcohol-fuelled violence and road safety. We do not believe the Eastwood area currently contains the necessary infrastructure to safely support the proposed extended trading hours of Moko Hotel nor to safely support the potential establishment of a late night precinct which this decision may encourage.

### 4. Negative impacts on vulnerable populations

As discussed previously, Ryde LGA has a relatively high SEIFA score overall. However, within the Ryde LGA, Eastwood is the second most disadvantaged suburb.<sup>11</sup> The suburb also has the third highest number and percentage of low income houses and the second highest unemployment rate of the LGA. Image 5 below shows the pocket of 1,160 low income households that surrounds Moko – Heather’s Kitchen and houses 1,876 unemployed individuals.<sup>12</sup>

Image 5 – Low income households in vicinity of Moko – Heather’s Kitchen



<sup>9</sup> Boxall, H., Morgan, A., Australian Institute of Criminology Fact sheet: Strategies to reduce alcohol-related assault in entertainment precincts. Commissioned by the NSW Department of Justice, 2012

<sup>10</sup> Transport NSW Routes and timetables. Available at <https://transportnsw.info/routes/bus> (accessed 15/7/19)

<sup>11</sup> Atlas.id- City of Ryde Index of Relative Socio-economic Disadvantage 2016. Available at <https://atlas.id.com.au/ryde> (Accessed 10/7/2019)

<sup>12</sup> Atlas.Id – City of Ryde Low income houses. Available at <https://atlas.id.com.au/ryde> (Accessed 19/7/2019)

Findings from the Household Expenditure Survey 2009-2010 highlight that the most disadvantaged portion of the population spend a larger proportion of total household income on alcohol<sup>13</sup>. Similarly, a 2017 research report conducted by the Australian Gambling Research Centre (Australian Government) identified those who experience problem gambling were over-represented among people with a low income. Problem gamblers in low income households also spent the greatest proportion of their household's disposable income (27%)—equivalent to four times the average yearly household utility bills, and more than half the grocery bills, of that income group<sup>14</sup>. This has particular relevance to health as money spent on alcohol and gambling cannot be spent on essential food and medical costs. The additional alcohol consumed and gambling revenue generated during the proposed extended trading hours for Moko-Heather's Kitchen will place this already vulnerable portion of the community further 'at-risk'. We therefore strongly recommend that this for an ETA application be refused.

### **5. Overstated positive impact on local community**

Within their CIS, the Applicant refers to the 2016 City of Ryde Night Time Economy Study whereby 560 residents of the City of Ryde and Hunter's Hill town centres were consulted on the future development of their local night time economies (NTEs). The Applicant quotes the report states "*there is a clear desire from the community for a more activated NTE*", however, a detailed look at this report indicates there is no evidence that the local community supports or has expressed a desire for further late night alcohol trade.

Firstly, having completed a review of best practice approaches to activating NTE, the report identifies key criteria for a great NTE, these include "*Diversity on offer (not just alcohol related, or targeting young people)*" and "*Great safe public domain and venues, reducing risks*".<sup>15</sup> As the Applicant is applying to add to existing late night alcohol trade, they are not offering any further NTE diversity to the community. Furthermore, they contrast the criteria for a great NTE as it is the Applicant's intention to increase alcohol supply, and they have openly identified young people as their target market.

With respect to local NTE desires, the report identifies a number of popular ideas suggested by the community across both LGAs. There is no stated desire for extended late night alcohol trade from pubs or clubs, in fact the idea suggested is in contrast to an extension of alcohol trade. The most popular ideas included:

- Making night time places and activities more family friendly
- Small wine bars rather than large pubs
- Extended *retail* and *dining* hours
- More cultural/community events/festivals/popups

The community surveyed identified a number of concerns over activation of the City of Ryde's NTE, some of which directly contradict Moko-Heather's Kitchen's application for an ETA. These include "*increased violence, crime and anti-social behaviour due to drinking*" and "*Increased noise*".

In relation to the local Eastwood community, the Applicant has quoted "*later trading hours*" was recommended as a top 3 idea from local survey respondents. However, the report further explains this to be reference to '*extended retail trading hours*'. Local Eastwood residents are most interested in improved parking, public space improvements and cleaning, lighting and pedestrian safety.

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<sup>13</sup> Yusuf, F., Leeder, S.R., Making sense of alcohol consumption data in Australia. Medical Journal of Australia, 203(3): 128-30, 2015.

<sup>14</sup> Armstrong, A., & Carroll, M. (2017). Gambling activity in Australia. Melbourne: Australian Gambling Research Centre, Australian Institute of Family Studies.

<sup>15</sup> Night Time Economy Study, City of Ryde Council, November 2016, <https://www.ryde.nsw.gov.au/Business-and-Development/Business-Economic-Development/Night-Time-Economy> (accessed 19/7/19)

Overall the Applicant's final statements in response to NSLHDs objection are extremely concerning. The Applicant has stated that *"there is no evidence to suggest that extended sale of liquor for a further two and a half hours in the early morning will result in an unacceptable increase in alcohol-related assaults in Eastwood or the Ryde LGA. Any moderate increase could readily be absorbed in these statistics."* This statement not only implies there is an *acceptable* level of alcohol-related assaults, the Applicant appears to have absolved themselves from any negative impact their establishment may or may not have on the local area. These statements appear to reflect a disregard for the wellbeing of local residents.

**Recommendation:**

- 1. That Moko- Heather's Kitchen application for an extended trading authorisation (1-7369469442) be refused**

If you have any questions, please do not hesitate to contact Kara McDonnell, NSLHD Health Promotion (Ryde Hornsby) at 02 8877 5122 or [kara.mcdonnell@health.nsw.gov.au](mailto:kara.mcdonnell@health.nsw.gov.au).

Kind regards,

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