

Denise Tse
Design Collaborative
By email to: DeniseTse@designcollaborative.com.au

30 January 2024

Dear Ms Tse

Application No.	SR0000927344, SR0000943836, 1-8445383826
Applicant	Yoorooga Holdings Pty Ltd
Application for	Hotel (full) - change of boundaries, minors' area authorisation (MAA) and a spatial variation to an extended trading authorisation (ETA)
Licence name	Wallacia Hotel
Proposed trading hours	Consumption on premises - Whole of the licensed premises other than reception, outdoor dining, beer garden and pool table area Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 12:00 midnight Consumption on premises - Reception, outdoor dining, beer garden and pool table area Monday to Saturday 5:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight
Current trading hours	Consumption on premises - Area: Restaurant, Lounge, Coffee Lounge, Public Bar (this captures the current gaming area) Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 12:00 midnight Consumption on premises - Other areas within the licensed premises Monday to Saturday 5:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight
Premises	1590-1594 Mulgoa Road Wallacia NSW 2745
Legislation	Sections 3, 14, 15, 40, 44, 45, 48, 49, 94 and 121 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a hotel (full) - change of boundaries, MAA and a spatial variation to an ETA – Wallacia Hotel

We first considered the application above on 15 March 2023 and, following the receipt and consideration of further requested information, decided on 17 May 2023 to **refuse** the application under section 45 of the *Liquor Act 2007*.

Statement of reasons

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

Our findings

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Wallacia, and the relevant 'broader community' comprises the Local Government Area of Penrith.

Diversity and density of licensed outlets

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

- there are 5 authorised liquor licenses, of which 4 are authorised to sell packaged liquor. This includes 1 packaged liquor licence, 2 registered club licences and 1 hotel licence.
- saturation of hotel licences in Wallacia is higher compared to both the Penrith LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

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

- the premises were located in a low-density crime hotspot for alcohol-related assault
- alcohol-related domestic assault and alcohol-related offensive conduct was lower in the Penrith LGA compared to all of NSW
- alcohol-related non-domestic assault was almost on par in the LGA compared to all of NSW
- malicious damage to property in the Penrith LGA was higher compared to all of NSW

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

HealthStats NSW data showed that:

- alcohol-related deaths in the Penrith LGA were similar to the NSW average
- alcohol-related hospitalisations in the Penrith LGA were lower compared to the NSW average

ABS Socio-Economic Index for Areas (SEIFA)

Wallacia was ranked as a community with an average level and the Penrith LGA with a high level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the primary purpose of the existing licence is the retail sale of liquor on the licensed premises for consumption on and away from the licensed premises, as well as accommodation. The class of licence is appropriate to the existing business model.

Benefits proposed by applicant

The applicant claims that there is minimal risk for additional impact on the surrounding areas considering that the application seeks to extend the approved licensed areas and that there are no changes to the approved hours of operation of the hotel. The additional areas will enable patrons to enjoy the Hotel's upgraded facilities for socialisation and recreation.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 7 October 2022 and 17 November 2022, which notes that a Section 54 application was pending with the L&GNSW Regulatory Interventions team, but no objection
- Local Council, dated 11 October 2022, 26 October 2022 and 31 October 2022, which notes no objection and that the appropriate development consent is in place
- L&GNSW Compliance, dated 18 November 2022, which notes no adverse holdings identified concerning the premises and no objection

- L&GNSW Gaming, dated 21 November 2022, which notes that additional measures should be included in the venue's gaming plan of management (GPOM) and no objection
- One member of the public in support of the application, noting that it would be beneficial for the growth of the area and great for the community

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

- an updated GPOM has been provided as requested, which includes provisions for the gambling incident register and responsible gambling officer
- No objections to the applications, notwithstanding the finalised s54 complaint

Findings of concern

Notwithstanding the absence of agency objections, we are concerned about the number and nature of previous incidents at the venue, including assaults and supply of alcohol to a minor. The history of alcohol related violence tends to demonstrate a disregard for the responsibilities of the licensee and the business owner.

In these circumstances, we are concerned that if the applications were granted it may increase the harm associated with the misuse and abuse of alcohol and gaming activities thereby failing to facilitate the balanced development, in the public interest of the hospitality industry.

The risks may be mitigated by the:

- venue being the only hotel within the suburb
- lower licence saturation in the LGA compared to NSW
- harm minimisation measures outlined in the liquor and gaming plans of management

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 applications lodged 6 October 2022 and 24 October 2022
- completed Category B Community Impact Statement (CIS) dated October 2022
- completed certifications of advertising dated 21 December 2022 and 30 January 2023
- liquor plan of management documents for the premises, titled Plan of Management Wallacia Hotel and dated January 2023
- gaming plan of management documents for the premises, titled Gaming Plan of Management for the licensed pub known as the Wallacia Hotel and dated 24 January 2023
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, indicating the proposed change of Licensed Area boundaries to which the MAA and ETA will apply
- Environmental Noise Assessment 6987-1.1R Rev B, issued 23 October 2020

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

- submissions received
- Liquor licence details recorded as at 23 January 2023
- correspondence between L&GNSW staff and the applicant between 21 October 2022 and 3 February 2023 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**