



Ms Cath Antaw – Reidlaw  
Reidlaw Pty Limited

By email to: [cath.antaw@reidlaw.com.au](mailto:cath.antaw@reidlaw.com.au)

6 February 2024

Dear Ms Antaw-Reidlaw

<b>Application No.</b>	1-8312526109
<b>Applicant</b>	Mr Ryan Hawthorne
<b>Application for</b>	New Extended Trading Authorisation (ETA)
<b>Decision Date</b>	18 January 2023
<b>Licence name</b>	Coal & Cedar
<b>Licence No.</b>	LIQS220000017
<b>Proposed trading hours</b>	<b>Consumption on premises</b> Monday to Saturday 10:00 AM – 2:00 AM Sunday 10:00 AM – 10:00 PM
<b>Current trading hours</b>	<b>Consumption on premises</b> Monday to Saturday 12:00 PM – 12:00 midnight Sunday 12:00 PM – 10:00 PM
<b>Premises</b>	U2 380-382 Hunter Street Newcastle NSW 2300
<b>Legislation</b>	Sections 3, 11A, 12, 20A-C, 40, 44, 45, 48 and 49A of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority**  
**Application for an amendment for a small bar licence – new ETA – Coal & Cider**

We **approve** the application under section 49(A) of the *Liquor Act 2007* (the Act) - with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 15 February 2023.

**Statement of reasons**

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
- the proposed trading hours for the premises meet the requirements under section 20B 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

**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. Newcastle Council approved the development modification MA/2022/00003 for the premises on 4 February 2021.

## Community impact

### *Local and broader communities*

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

### *Diversity and density of licensed outlets*

L&GNSW Liquor & Gaming Live Data Report for the suburb of Newcastle shows:

- there are 104 authorised liquor licenses, of which 6 are small bars
- saturation of small bars is significantly higher compared to both the LGA and all of NSW

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

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

- the premises are located in hotspots for all crime categories usually considered by us
- the incident rate for all crime categories usually considered by us was higher in the suburb compared to both the Newcastle LGA and all of NSW.

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

HealthStats NSW data showed that:

- alcohol-related deaths were higher compared to all of NSW
- alcohol-related hospitalisations were lower compared to all of NSW

### *ABS Socio-Economic Index for Areas (SEIFA)*

Both the suburb and the LGA were ranked as having an above average level of socio-economic advantage in terms of household income and residents in skilled occupations compared with other suburbs and LGAs in NSW.

## Business model

We note that the primary purpose of the existing licence is the sale and consumption of liquor on the licensed premises. The small bar is seeking a new ETA.

## Benefits proposed by the applicant

The applicant claims that the approval of the application would have a positive effect on the diversity and vibrancy of the Newcastle nighttime economy (including the local visitor economy) and that it would create additional employment opportunities.

## Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 6 July 2022 and 2 November 2022, objecting to the proposal noting their concerns about the already high saturation of licensed premises in the area and the potential increase in serious assaults with a recommendation to impose additional conditions to the licence
- Local Council, dated 12 August 2022, no objection
- L&GNSW Compliance, dated 20 July 2022, which notes concerns that new ETA may increase the risk of violence and alcohol-related harm at the venue, no objection

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

- a plan of management has been provided
- the licence successfully participated in the Newcastle Trial – Stage One, where the venue traded until 2 AM without any incidents
- the licence is already existing, therefore no increase in licence densities
- no injury or alcohol-related violence incidents were reported either in or within the vicinity of the venue since its inception.

### **Findings of concern**

We note the high crime statistics in the suburb of Newcastle across all categories we usually consider compared to NSW figures. If the licence is granted, there is a risk that liquor sold at the premises would lead to an increase in alcohol-related crime, health, and other social and amenity issues, worsening these problems.

We are satisfied that the risks are mitigated by the:

- relatively small patron capacity of the venue (80 people)
- fact that the venue was a successful participant in the 'Newcastle Low Impact Venues Trial' without any incidents reported
- 5-year crime data indicating a downward trend for alcohol-related offensive conduct and malicious damage to property in the area
- 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 lodged 28 June 2022
- Completed Category B Community Impact Statement (CIS) dated 26 October 2022
- Completed certifications of advertising dated 21 November 2022
- Plan of Management documents for the premises dated August 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 18 January 2019, indicating the proposed area to which the ETA will apply.

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

#### **Other relevant material**

- submissions received
- correspondence between L&GNSW staff and the applicant between 16 June 2022 and 2 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'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, Glenn Barry, at [Glenn.Barry@liquorandgaming.nsw.gov.au](mailto:Glenn.Barry@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

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

**Schedule 1 – Licence conditions to be imposed  
Coal & Cedar**

No.	Condition to be imposed	Description
1.	<b>Social impact</b>	<p>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:</p> <ol style="list-style-type: none"> <li>1) obtaining the licence on 27 August 2014, and</li> <li>2) obtaining the extended trading authorisation on <b>18 January 2023</b>.</li> </ol>
2.	<b>Plan of management</b>	<p>The premises is to be operated at all times in accordance with the Plan of Management dated <b>August 2022</b> 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>
3.	<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> <ol style="list-style-type: none"> <li>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>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,</li> <li>3) make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <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 (e.g. crowd controller or bouncer) on or about the premises.</p>
4.	<b>CCTV</b>	<ol style="list-style-type: none"> <li>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements: <ol style="list-style-type: none"> <li>a) the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>b) recordings must be in digital format and at a minimum of <b>ten (10) frames per second</b>,</li> <li>c) any recorded image must specify the time and date of the recorded image,</li> <li>d) the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>(i) all entry and exit points on the premises, and</li> <li>(ii) all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>2) The licensee must also: <ol style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(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</li> <li>(c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24</li> </ol> </li> </ol>

		hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
5.	<b>Incident register</b>	<ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a) any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>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,</li> <li>c) any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d) any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>a) make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>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.</li> </ol> </li> <li>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.</li> </ol>
6.	<b>No stockpiling</b>	The licensee shall ensure, by adequate supervision methods throughout the premises, that no patron is stockpiling drinks.
7.	<b>Extended trading</b>	Extended Trading Authorisation: Whole of the licensed premises.
8.	<b>Restricted trading on public holidays</b>	The licensed premises must cease to trade by 10:00 PM, on public holidays.