



Mr Brett Tobin

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28 November 2023

Dear Mr Tobin

<b>Application No.</b>	1-7861167521 1-7861167646 1-7861167634 1-8021009523
<b>Applicant</b>	Alan Fredrick Biggs
<b>Application for</b>	Removal of a full hotel licence Extended trading authorisation Minors area authorisation Gaming machine threshold increase Transfer of gaming machine entitlements
<b>Previous licence name</b>	Riverside Inn Hotel
<b>Previous premises</b>	48 Riverside Drive Airds NSW 2560
<b>Previous trading hours</b>	<u>Consumption on premises</u> Monday to Saturday 5 am – 12 midnight Sunday 10 am – 10 pm <u>Takeaway sales</u> Monday to Saturday 5 am – 12 midnight Sunday 10 am – 10 pm
<b>Approved licence name</b>	Willowdale Hotel
<b>Approved premises</b>	Lot 175 Barbula Road Denham Court NSW 2565
<b>Approved trading hours</b>	<u>Consumption on premises</u> Monday to Sunday 10 am – 12 midnight <u>Takeaway sales</u> Monday to Saturday 10 am – 12 midnight Sunday 10 am – 10 pm
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 44, 45, 48, 49, 51, 59 and 121 of the <i>Liquor Act 2007</i> (NSW) Sections 3, 11, 16, 19, 20, 20A, 21, 32, 33, 34, 35, 36, 36A, 36B, 36C and 37 of the <i>Gaming Machines Act 2001</i> (NSW)

**Decision of the Independent Liquor & Gaming Authority**  
**Application for a removal of a full hotel licence, extended trading authorisation, minors area authorisation, gaming machine threshold increase and transfer of gaming machine entitlements – Willowdale Hotel, Denham Court**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 11 August 2021 to **approve** the application under sections 49, 59 and 121 of the *Liquor Act 2007* and sections 19 and 34 of the *Gaming Machines Act 2001* with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 23 September 2021.

### **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**

- the application is valid and meets the *Liquor Act 2007* requirements for procedural fairness
- the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 14 of the *Liquor Act 2007* 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. Campbelltown City Council approved the development application 2306/2020/DA-C for the premises on 26 May 2021, with an amendment to the trading hours approved on 28 June 2021.

#### **Community impact**

##### ***Local and broader communities***

The relevant ‘local community’ is the suburb of Denham Court, and the relevant ‘broader community’ comprises the Local Government Area of Campbelltown.

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

L&GNSW Liquor & Gaming LiveData Report for Denham Court shows:

- there are two authorised liquor licenses, of which one is authorised to sell packaged liquor
- saturation of licenced premises in Denham Court is higher compared to the Campbelltown LGA and lower compared to all of NSW.

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

The rates of crime data for Denham Court were not calculated due to its small population, however, BOCSAR data shows that, in the year to December 2020:

- the proposed premises was not located in hotspots for alcohol-related assault, domestic and non-domestic assault, or malicious damage to property

- the rate of alcohol-related domestic assault and malicious damage in the Campbelltown LGA was higher compared to all of NSW
- the rate of alcohol-related non-domestic assault and alcohol-related offensive conduct in the Campbelltown LGA was lower compared to all of NSW.

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

HealthStats NSW data showed that alcohol-related deaths and hospitalisations in the Campbelltown LGA were lower compared to the NSW average.

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

Denham Court was ranked as relatively advantaged, while the Campbelltown LGA was ranked as relatively disadvantage 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 the sale of alcohol for consumption both on and off premises, with indoor and outdoor dining areas, lounge and sports bar areas in conjunction with gaming facilities that will be operated in a dedicated gaming room.

#### *Benefits proposed by applicant*

The applicant proposes that there would be these benefits:

- the removal of the Hotel to the Site will meet an expectation for hotel facilities as there is no hotel licence locations in Denham Court
- the proposed licensed premises will provide a high-class, modern hotel venue featuring family orientated dining, meeting and bar facilities; and include an ancillary gaming area for the residents of Denham Court and the surrounding local community
- the operation of the Hotel at the Site is expected to have little adverse impact on the local community, as it will be located within the business area of Denham Court.

#### *Stakeholder submissions*

We considered the submissions from:

- Transport for NSW, dated 10 August 2020, which notes no objections to the applications.
- NSW Police Force, dated 4 January 2021, which notes no objection to the applications, however it was noted that the current licensee had received infringement notices in 2017.
- L&GNSW Compliance, dated 28 January 2021, which notes there was no adverse history in regard to the applicant.
- NSW Health, dated 28 May 2021, which notes an objection to the applications due to concerns regarding alcohol consumption in the area, alcohol-related social harms, outlet density and alcohol availability and rates of crime.
- Campbelltown City Council, dated 28 June 2021, which notes no objection to the applications.

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

- alcohol-attributable hospitalisations remain lower than NSW
- alcohol-attributable deaths remain aligned to NSW
- alcohol consumption rates are low in the Campbelltown LGA
- alcohol consumption causing long term risk is low within the health district

- licence densities are not high
- crime rates in Denham Court are lower than the state average.

### **Findings of concern**

We note the objection from NSW Health but considered that the applicant's submission in response adequately covered the matters raised.

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.

The risks may be mitigated by the:

- lower than average liquor licence density, with no licenced hotels, in Denham Court
- licence being removed from a Band 2 to a Band 1 statistical local area (lowest risk band)
- significantly reduced trading hours
- low number of crime incidents in Denham Court
- crime rates in the Campbelltown LGA being low for alcohol-related non-domestic assault and alcohol-related offensive conduct compared to NSW
- proposed premises not being located in any crime density hotspots, while the current premises is in a medium density hotspot for malicious damage
- low number of alcohol-attributable hospitalisations in the Campbelltown LGA
- indicational of an above-average level of socio-economic advantage in Denham Court.

### **The material we considered**

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

#### **Application Material**

- completed application dated 30 September 2020
- completed Category B Community Impact Statement (CIS) dated 30 September 2020
- completed certifications of advertising dated 7 December 2020 and 17 May 2021
- plan of management documents for the premises, titled Plan of Management Willowdale Hotel and dated June 2021
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated May 2020, indicating the proposed licensed area and the proposed area to which the ETA and MAA will apply.

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 to assess the likely social impact to the local and broader community.

#### **Other relevant material:**

- submissions received
- applicable liquor and gaming legalisation
- correspondence between L&GNSW staff and the applicant between 3 December 2020 and 28 June 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.

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.

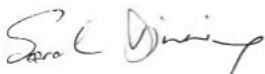
An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to lodge the application.

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 dark ink, appearing to read 'Sarah Dinning', written in a cursive style.

Sarah Dinning

**Deputy Chairperson**

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

**Schedule 1 – Licence conditions to be imposed**  
**Willowdale Hotel**

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 <b>04:00 AM and 10:00 AM</b> 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>	<p><b>Consumption on premises</b></p> <p>Good Friday 12:00 noon – 10:00 PM</p> <p>Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)</p> <p>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</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> <p><b>Take away sales</b></p> <p>Good Friday Not permitted</p> <p>Christmas Day Not permitted</p> <p>December 31<sup>st</sup> Normal trading</p>
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 removing this licence to the premises at Lot 175 Barbula Road, Denham Court NSW 2565 and in the process of obtaining the extended authorisation on 11 August 2021.
4.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated June 2023 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>	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <p>(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),</p>

		<p>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</p> <p>(c) any recorded image must specify the time and date of the recorded image,</p> <p>(d) the system's cameras must cover the following areas:</p> <ul style="list-style-type: none"> <li>(i) all entry and exit points on the premises,</li> <li>(ii) the footpath immediately adjacent to the premises, and</li> <li>(iii) all publicly accessible areas (other than toilets) within the premises.</li> </ul> <p>2) The licensee must also:</p> <ul 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 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</li> </ul>
7.	<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> <ul 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> </ul> <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>
8.	<b>Minors Area</b>	Minors Area Authorisation: whole of the licensed premises excluding the gaming room.
9.	<b>Extended Trading</b>	Extended Trading Authorisation: whole of the licensed premises.
10.	<b>Incident register</b>	<ul 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: <ul style="list-style-type: none"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <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> </ul> <p>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</p> <ul 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> </ul> <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>
11.	<b>Gaming Plan of Management</b>	<p>The premises is to be operated at all times in accordance with the Gaming Plan of Management dated <b>July 2021</b> as may be varied from time to time after consultation with the Independent Liquor &amp; Gaming Authority. 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 &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor &amp; Gaming Authority.</p>