

Our ref: DF23/024158

Ms Catherine Antaw
LWP Astley & Co
By email to: cath@lwpastley.com.au

15 February 2024

Dear Ms Antaw

Application No.	1-8745371862
Applicant	Mr Jackson Gregory Allan
Application for	Amendment - hotel (full) licence – new extended trading authorisation
Decision Date	15 November 2023
Licence name	Great Northern Hotel
Trading hours - approved	Consumption on premises: ground floor (indoor areas) Monday to Saturday 10:00 AM – 02:00 AM Sunday 10:00 AM – 12:00 midnight Consumption on premises: ground floor (outdoor area) & first floor (including outdoor veranda) Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take away Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 11:00 PM
Premises	2 Anzac Parade Teralba NSW 2284
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49 and 121 of the <i>Liquor Act 2007</i>

Decision of the Liquor & Gaming Authority
Application for an amendment to hotel licence - new extended trading authorisation –
Great Northern Hotel

We **partially approve** the application, under section 49 of the *Liquor Act 2007* — on the condition that the sale and supply of liquor on the ground floor (indoor areas) of the premises occurs during the shorter extended trading period:

Consumption on the licensed premises, ground floor (indoor areas)
10:00 AM – 02:00 AM on Monday to Saturday

All other proposed trading hours for the premises are approved as applied for.

Preliminary advice of this decision was provided on 10 January 2024.

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 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.

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. Lake Macquarie Council approved the development application DA/77/2023 for the premises on 15 June 2023.

Community impact

Local and broader communities

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

Diversity and density of licensed outlets

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

- there are 3 authorised liquor licenses, of which 3 are authorised to sell packaged liquor. This includes 1 packaged liquor licence, 1 registered club licence and 1 hotel (full) licence
- saturation of hotel (full) licences and registered club licences in Teralba is higher compared to the Lake Macquarie City LGA and all of NSW. Saturation of packaged liquor licences is higher in Teralba than the Lake Macquarie City LGA but lower than all of NSW. There are no hotel (general bar) licenced premises in Teralba or the Lake Macquarie City LGA.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to June 2023:

- the premises were not located in hotspots for three of the crime categories normally considered by the Authority and in a low hotspot for alcohol-related domestic assault.
- the incidents of alcohol-related assault in Teralba for three of the crime categories normally considered by the Authority were lower compared with the LGA. Alcohol-related domestic assault in Teralba was slightly higher than the Lake Macquarie LGA but lower compared to all of NSW

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

HealthStats NSW data showed that:

- alcohol-related deaths in the Lake Macquarie LGA were higher compared to the NSW average.
- alcohol-related hospitalisations in the Lake Macquarie LGA were lower compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Teralba and the Lake Macquarie LGA ranked as having an average level of relative socio-economic advantage compared to other suburbs and LGAs in NSW.

Business model

The proposed business model involves the venue operating under a new extended trading authorisation applying to the indoor areas of the ground floor. Development consent permits the extension of hours via a 12-month trial period (from the date of the hotel notifies council of the approval from L&GNSW).

Benefits proposed by applicant

The applicant proposes the application will have a positive effect on the vibrancy of the local community, will support the employment of additional staff and will provide the local community with a service that does not currently exist.

We believe these proposed benefits are limited by the lack of concrete evidence of community support for the application.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 2 August 2023 - raised no concerns
- Local Council dated 15 August 2023, which notes that the application is consistent with the development consent issued by council for the extension of trading hours. When considering the modification application, council received three submissions objecting to the submission of hours, raising concerns around noise, anti-social behaviour, crime, safety and impacts of gambling
- L&GNSW Compliance, dated 4 August 2023 – raised no concerns
- L&GNSW Gaming dated 24 October 2023, which raised no concerns
- general public, dated 25 July 2023 – one objection received from a neighbouring premises concerned that granting extended hours would disrupt the peace and tranquillity of life for neighbouring residents, there could be a lack of police resourcing, and security at the venue. The hotel's proximity to public parks (where patrons may congregate), the Teralba Public School (increase risk to children) and the Teralba Train Station (unmanned and no security presence) are also flagged as concerns.

We considered the applicant's response to these submissions which notes that the submissions from the general public lack substance and do not present specific details directly attributable to the hotel. Further, there is no evidence to support the increasing hours at the hotel would increase noise or negatively impact the life of residents. The applicant notes that it is unlikely there will be any overflow of patrons from Newcastle City venues as the hotel is not located in an entertainment precinct. The applicant notes they have a robust liquor plan of management and other mitigation measures and the venue's proximity to Teralba Train Station is positive as it enables the uptake of the use in public transport.

Findings of concern

There is a risk that in granting the licence liquor sold at the premises may contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities due to:

- the increase in post 12:00 midnight trade by a total of 12 hours per week

- the venue being located in a Band 2 SA2 (medium risk).

However, we are satisfied that these risks are reduced by the:

- overall trade at the venue will decrease due to the decrease in morning trade
- any further extension of extended hours trial period are required to be approved by council
- venue is not located in a crime hotspot for non-domestic assault, malicious damage to property or alcohol-related assault
- lower crime rates in both Teralba and the Lake Macquarie LGA across all incident categories compared to NSW rates
- lower rate of alcohol-attributable hospitalisations in the Lake Macquarie LGA compared to NSW
- hotel saturation rates in Teralba and the Lake Macquarie LGA remaining unchanged
- indication of an average level of relative socio-economic advantage in both Teralba and the Lake Macquarie LGA
- below average gaming intensity at the venue compared to other venues in the Lake Macquarie LGA
- 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 27 June 2023
- completed Category B Community Impact Statement (CIS) dated 27 June 2023
- completed certifications of advertising dated 1 August 2023
- plan of management documents for the premises, titled Liquor Plan of Management and Gaming Plan of Management dated August 2023 and October 2023 respectively
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 22 June 2023, indicating the area to which the ETA would 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.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 1 August 2023 and 24 October 202 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, 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'.

Caroline Lamb

Chairperson

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

Schedule 1
Licence conditions to be imposed - Great Northern Hotel

No.	Condition to be imposed	Description
1.	6-hour closure	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 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.
2.	Social impact	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 obtaining the extended trading authorisation on 15 November 2023 .
3.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated August 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.
4.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Extended trading area	Extended trading authorisation: internal areas of the ground floor only.
6.	Minors area	Minors area authorisation: the entire licensed premises excluding the ground floor gaming rooms.
7.	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> <ol 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</p>

No.	Condition to be imposed	Description
		activities (e.g. crowd controller or bouncer) on or about the premises.
8.	Incident Register	<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 Act, 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 inspector:</p> <ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or inspector, and b. allow a police officer or 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>
9.	Trial period for extended hours	<p>If the local consent authority does not approve the continuation of the trial period in the development consent after 12-months from 15 November 2023 (or as may be extended from time to time), the trading hours of the premises will revert to 10:00 AM – 12:00 midnight (Monday to Saturday) and 10:00 AM – 10:00 PM (Sundays and public holidays).</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.	Restricted trading	The licensed premises must cease to trade by 12:00 midnight on public holidays.
11.	Complaints register	<p>1. A complaints register is to be maintained at the premises at all times which records the following:</p> <ul style="list-style-type: none"> a. the name and number of the complainant b. the time and date on which the complaint was received c. the nature of the complaint, and

No.	Condition to be imposed	Description
		<p>d. the measures taken to resolve the complaint.</p> <p>2. Details of complaints received, either in person or over the phone, must be:</p> <p>a. recorded in the complaints register, and</p> <p>b. reported to the duty manager.</p> <p>3. A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.</p>
12.	Gaming plan of management	The premises is to be operated at all times in accordance with the Gaming Plan of Management dated October 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.

Licence conditions to be revoked - Great Northern Hotel

3020 (replaced by condition #6)	Whole of the licensed premises excluding the gaming areas.
6020 (replaced by condition #2)	The premises is to be operated at all times in accordance with the Gaming Plan of Management dated 31 August 2022 as may be varied from time to time after consultation with the 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 and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.