

Our ref: DF23/024156

Mr John Van Der Veen
Liquor and Gaming Solutions Pty Ltd
My email to: john@lgsgroup.com.au

1 February 2024

Dear Mr Van Der Veen

Application No.	1-8843457563 1-8843457693 SR0001116652 SR0001116689
Applicant	Jonathan Phillip Bortoli
Application for	Variation to an existing extended trading authorisation Change of conditions Change of boundaries Variation to an existing minors' area authorisation
Application date	27 September 2023
Decision date	15 November 2023
Licence name	Toronto Hotel
Proposed trading hours	Consumption on premises (ground floor areas of the premises – excluding the bottle shop). Monday to Saturday 10:00 AM – 03:00 AM Sunday 10:00 AM – 12:00 midnight Consumption premises (first floor of the premises) Monday to Saturday 10:00 – 03:00 AM Sunday 10:00 AM – 12:00 midnight Take away sales (bottle shop) Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM Take away sales (bar areas) Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Current trading hours	Consumption on premises Monday to Saturday 05:00 AM – 05:00 AM Sunday 10:00 AM – 12:00 midnight Take away sales Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight
Premises	74 Victory Parade Toronto NSW 2283
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49, 51, 94 and 121 of the <i>Liquor Act 2007</i> (the Act)

**Decision of the Independent Liquor & Gaming Authority
Application for the Toronto Hotel, Toronto**

We **approve** the application above under sections 45, 49, 51 and 94 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application, with the proposed conditions, will not be harmful to the well-being of the local or broader community, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Toronto. The broader community is the Local Government Area (LGA) of Lake Macquarie.

Positive social impacts

We noted that hotel saturation rates in Toronto and the Lake Macquarie LGA are lower than the NSW average. We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the following factors:

- although crime rates in the Lake Macquarie LGA for all offences normally considered by the Authority are somewhat lower than the NSW average, crime rates in Toronto for alcohol-related domestic and non-domestic assault and malicious damage to property are higher than the NSW average
- indication that Toronto is among the most disadvantaged communities in NSW
- the premises being located in a medium-density hotspot for incidents of alcohol-related assault and non-domestic assault
- the rate of alcohol-attributable deaths in the Lake Macquarie LGA being higher than the NSW average, although the rate of alcohol-attributable hospitalisation in the Lake Macquarie LGA is lower than the NSW average.

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

- harm-minimisation measures outlined in the gaming plan of management and imposition of licence conditions, as set out in Schedule 1.
- reduction in trading at the venue by 42 hours per week Monday to Saturday.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- plans of management for both the supply of liquor or gaming on the the licensed premises
- the development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

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, Andy Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', with a stylized flourish at the end.

Caroline Lamb

Chairperson

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

Schedule 1
Licence conditions to be imposed
Toronto Hotel

No.	Condition to be imposed	Description
1.	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 varying this extended authorisation on 15 November 2023
2.	Restricted trading	Take away sales Good Friday: Not permitted. December 24th: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day: Not permitted. December 31st: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
3.	Liquor plan of management	The premises is to be operated at all times in accordance with the 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.
4.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises in accordance with the following requirements: <ol style="list-style-type: none"> 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), b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points on the premises, ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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 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.

No.	Condition to be imposed	Description
6.	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 activities (e.g., crowd controller or bouncer) on or about the premises.</p>
7.	Incident register	<ol style="list-style-type: none"> 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"> 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 Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 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.
8.	Extended trading	Extended Trading Authorisation: The interior areas of the licensed premises on the ground floor (excluding the bottle shop); as well as the ground floor outdoor dining/alfresco area and sports terrace, and the first floor of the licensed premises.
9.	Minors' area	Minors' area authorisation: The whole of the licensed premises except for the gaming area and the bottle shop
10.	Gaming Plan of Management	The premises is to be operated at all times in accordance with the gaming plan of management October 2023 as may be varied from time to time after consultation with the

No.	Condition to be imposed	Description
		Independent Liquor & Gaming Authority. A copy of the gaming 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
11.	Gaming incident register	<ol style="list-style-type: none"> 1. The licensee must keep and maintain a gambling incident register. 2. The gambling incident register must record: <ol style="list-style-type: none"> a. any incident in which a patron of the venue displays or engages in problematic gambling behaviour of the kind specified in the 'Signs of risky and problem gambling behaviour: Know the signs and how to act' factsheet published on the L&GNSW website as amended from time to time. b. the time, location and machine number(s) and brief description (or identity, if known) of any gaming machine player identified displaying or engaging in that behaviour c. any proposed or implemented self or third-party exclusions of gaming machine players (specifying the player's name (where provided or known), membership number (if applicable) and duration of any exclusion) and the patron's response to the same. d. Any breach or attempted breach of a self or third-party exclusion 3. The gambling incident register must also record details of the action taken in response to the incidents, applications and other matters recorded in the register. 4. The licensee must review the gambling incident register at least on a monthly basis and must consider whether an exclusion order is appropriate for any person who has been asked to self-exclude but has declined to do so. 5. The information recorded in a gambling incident register must be retained for at least 3 years from when the record was made. 6. The licensee must, at the request of a police officer or L&GNSW inspector, make any gambling incident register available for inspection.
12.	Responsible Gambling Officer (Gambling Contact Officer)	<ol style="list-style-type: none"> 1. The Licensee shall ensure that one Responsible Gambling Officer (Gambling Contact Officer), being a dedicated staff member who holds a current RCG certificate, is on duty and monitoring the gaming machines of the venue whenever gaming machines are operating. 2. The Responsible Gambling Officer (Gambling Contact Officer)'s primary duties are to: <ol style="list-style-type: none"> (a) maintain the gambling incident register. (b) make reasonable efforts to identify gaming machine players who display or engage in problematic gambling behaviour. (c) if any gaming machine player displays or engages in multiple problematic gambling behaviour as outlined in the Authority's Guideline, during a single trading day, then the Responsible Gambling Officer/Gambling Contact Officer must (at least once during that trading day): <ol style="list-style-type: none"> i. request that the player take a break from gaming machine play until the close of trade on that day

No.	Condition to be imposed	Description
		<p>or night (noting that a player who complies with a request to take a break may remain on the premises and consume other goods and services).</p> <p>ii. provide information about the self-exclusion scheme offered at the premises (being the scheme available pursuant to s. 49 of the <i>Gaming Machines Act 2001</i>) and ask whether the player wishes to participate in that scheme.</p> <p>iii. provide information about and access to problem gambling counselling.</p> <p>3. This condition is not breached by:</p> <p>(a) a Responsible Gambling Officer (Gambling Contact Officer) undertaking minor additional gaming duties, so long as such duties do not detract from the Responsible Gambling Officer (Gambling Contact Officer)'s primary duties; or</p> <p>(b) the temporary absence of a Responsible Gambling Officer (Gambling Contact Officer) from the gaming machine areas, where such absence occurs in the ordinary course of their primary duties (for example, to engage with a gaming machine player in a private space) or is by way of a routine break from work (such as a meal break or a bathroom break).</p> <p>4. At all times, the Duty Manager or other senior manager responsible for gaming machine operations will assist the Responsible Gambling Officer (Gambling Contact Officer) in carrying out the duties described in this condition.</p>
13.	Late night gaming	No gaming machines will be operated after 2:00 AM.

Licence conditions to be revoked Toronto Hotel

Condition to be revoked	Description
120 (Replaced by condition #2)	<p>Take away sales.</p> <p>Good Friday Not permitted.</p> <p>Christmas Day Not permitted.</p> <p>December 31st Normal trading</p>
3020	The licensee must provide two security officers on any night that live entertainment is provided at the licensed premises. The security officers are to supervise the conduct of patrons on the licensed premises and ensure that patrons depart from the premises in a quiet and orderly manner. One security officer is to be on duty until a minimum of 30 minutes after the hotel has ceased trading and is to patrol a distance of 50 metres from the boundaries of the licensed premises for the purpose of ensuring that hotel patrons do not cause disturbance to the quiet and good order of the neighbourhood.
3000 (Replaced by condition #9)	<p>Minors' area authorisation</p> <p>Area: Whole licensed area except for Gaming Room.</p>