

Mr Michael McClusky  
Pigott Stinson Lawyers

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15 August 2023

Dear Mr McCluskey

<b>Application No.</b>	1- 8622654022
<b>Applicant</b>	Tristan Andrew Heels
<b>Application for</b>	Amendment – hotel (full) – change of conditions
<b>Application date</b>	22 February 2023
<b>Decision date</b>	13 June 2023
<b>Licence name</b>	Hamilton Station Hotel
<b>Licence number</b>	LIQH400117655
<b>Trading hours</b>	Consumption on premises Monday to Saturday 05:00 AM – 03:00 AM Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	2-6 Beaumont Street Islington NSW 2296
<b>Legislation</b>	Sections 3, 14, 15, 40, 44, 45, 48, 49, and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a change of conditions – Hamilton Station Hotel, Islington**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions to be imposed and revoked as set out in Schedule 1.

**Statement of reasons**

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) 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](mailto:Glenn.Barry@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



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

# STATEMENT OF REASONS

## Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act and impose and revoke conditions as listed in Schedule 1 under section 53 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

## Our main findings

The local community for the purposes of this decision is Islington. The broader community is the Local Government Area (LGA) of Newcastle.

### Positive social impacts

We are satisfied that the conditions as proposed are modernised and suitable. Revoked conditions have been replaced by updated conditions, or satisfactorily addressed through the updated plan of management.

### 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:

- long licensed trading hours
- venue's location in a high-density hotspot for alcohol-related assault, assault (non-domestic) and malicious damage to property, and in a low-density hotspot for assault (domestic-assault)
- crimes rates for all offence categories usually considered by the Authority are higher in Islington compared to NSW and higher in the Newcastle LGA for incidents of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property compared to NSW
- higher than average liquor licence density in Islington and the Newcastle LGA
- higher than average level of alcohol-attributable deaths in the Newcastle LGA.

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

- nil adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- possible skewing of crime statistics and licence densities due to Islington having a relatively low population with additional visitation from outside Islington associated with the venue's proximity adjacent to the train station
- SEIFA data indicating relative socio-economic advantage in the Newcastle LGA being above average
- the rate of alcohol-attributable hospitalisations in the LGA being lower than the NSW rate
- the addition of conditions that were not previously imposed on the licence (crime scene preservation and incident register)
- the inclusion of the LA10 noise level condition that specifies the levels at which noise is deemed excessive and action by staff is to occur
- the harm-minimisation measures outlined in the updated plan of management and licence conditions as set out in Schedule 1.

## 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
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a 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
- the Newcastle Stage 2 Evaluation Report.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Philip Crawford

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

## Schedule 1 – Licence conditions to be imposed Hamilton Station Hotel

No.	Condition to be imposed	Description
1.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>17 May 2023</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.
2.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
3.	<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 <i>Liquor Act 2007</i>,</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>
4.	<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 (eg. crowd controller or bouncer) on or about the premises.</p>
5.	<b>LA10 noise levels</b>	The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre

No.	Condition to be imposed	Description
		<p>Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.</p> <p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between 12:00 midnight and 7:00 am.</p> <p>For the purposes of this condition the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises (A-weighted).</p>
6.	<b>Complaints register</b>	<ol style="list-style-type: none"> <li>1) A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> <li>a. the name and number of the complainant</li> <li>b. the time and date on which the complaint was received</li> <li>c. the nature of the complaint, and</li> <li>d. the measures taken to resolve the complaint.</li> </ol> </li> <li>2) Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> <li>a. recorded in the complaints register, and</li> <li>b. reported to the duty manager.</li> </ol> </li> <li>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.</li> </ol>

### Conditions to be revoked – Hamilton Station Hotel

Condition to be revoked	Description
<b>2200</b> <b>Liquor accord</b> (replaced by imposition of condition 3)	The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the Liquor Act 2007.
<b>3310</b> <b>Dispersal of patrons</b>	<p>On Friday and Saturday evenings, security officers must make reasonable efforts after midnight to encourage patrons not to linger within the perimeter of the licensed premises as they depart and to ensure that all patrons have left the environs of the licensed premises 30 minutes after closure.</p> <p>This obligation does not apply with regard to any person who seeks the assistance of hotel staff or security contractors by reason that they fear harassment or violence and/or any person who is participating in the operation of a secured taxi rank.</p>
<b>3320</b> <b>Information to staff</b>	Within 14 days after the commencement of these conditions (or upon their engagement, whichever is the latter), the licensees must ensure that every member of staff and any security contractor is notified in writing of the conditions disclosed in this letter; the need to apply- responsible service of alcohol practices at the licensed premises; details of available transport; the location of the 50 metre vicinity that applies to any excluded persons; and the location of any Alcohol Free Zones in Hamilton.
<b>3330</b>	The premises is to be operated at all times in accordance with the Liquor Plan of Management dated <b>October 22</b> as may be varied from time to time

Condition to be revoked	Description
(replaced by imposition of condition 1)	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.
<b>3240</b> <b>RSA Monitor</b>	On Friday and Saturday evenings from 11.00 pm until closure the licensee will retain an employee or contractor whose sole function shall be to supervise and monitor responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the licensed premises.
<b>3250</b> <b>Restricted service of alcohol from 10 PM</b>  (condition eased during the trial with nil adverse findings for the period)	<p>On Friday and Saturday evenings the following drinks must not be sold or supplied on the licensed premises during the restricted service period:</p> <ul style="list-style-type: none"> <li>i) any drink (commonly referred to as a 'shot') that contains no more than 30ml of spirits or liqueur and that is designed to be consumed rapidly</li> <li>ii) any drink containing more than 50% spirits or liqueur,</li> <li>iii) any ready to drink beverage with an alcohol by volume content of more than 5%,</li> <li>iv) any drink prepared on the premises that contains more than one 30ml nip of spirits or liqueur.</li> </ul> <p>During the restricted service period, no more than;</p> <ul style="list-style-type: none"> <li>i) 4 alcoholic drinks (whether or not of the same kind), or</li> <li>ii) the contents of one bottle of wine, may be sold or supplied on the licensed premises to the same person at any time. <p>In this clause:</p> <ul style="list-style-type: none"> <li>• ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer;</li> <li>• restricted service period in relation to the licensed premises, means the period between 10.00 pm and such later time (if any) at which the licensed premises are required to cease trading.</li> </ul> </li></ul>
<b>3260</b> <b>Orderly precinct strategy requirements</b>	<p>The licensee is to implement the following "Orderly Precinct Strategy" requirements:</p> <ul style="list-style-type: none"> <li>i) A person shall not be permitted entry to the licensed premises if it is known or should be reasonably apparent to staff or security contractors who are tasked with supervising entry to the premises that the person: <ul style="list-style-type: none"> <li>(a) has at any time during the previous 6 hours unlawfully consumed alcohol in a public place</li> <li>(b) has at any time during the previous 6 hours exhibited anti-social or aggressive behaviour in the vicinity of that premises, at any of the Affected Hotels, or any other place within the Hamilton central business district</li> <li>(c) has at any time during the previous 6 hours been argumentative, disorderly or abusive to the staff or patrons of that premises.</li> </ul> </li> <li>ii) If it becomes known or should be reasonably apparent to any of the licensee's staff or security contractors that any such person described in sub condition (i) above has otherwise gained entry to the premises, the licensee's staff or security contractors shall take prompt and reasonable steps to remove that person from the premises.</li> <li>iii) The licensee shall display a sign on the exterior of the premises advising patrons of the circumstances in which they will be refused entry and the times when a lockout is in effect.</li> <li>iv) Free water stations shall be placed on every bar within the licensed premises.</li> <li>v) On Friday and Saturday evenings no liquor is to be taken off or carried away from the licensed premises after 10 pm.</li> <li>vi) Signs must be prominently displayed in every bar area of the licensed premises, in lettering not less than 50 mm in height,</li> </ul>

Condition to be revoked	Description
	advising patrons of the need to reduce noise and impact upon the local neighbourhood.
<b>3270</b> <b>No stockpiling of drinks</b>	The licensee shall ensure, by adequate supervision methods throughout the licensed premises, that no patron is stockpiling drinks. 'Stockpiling' means that any one person has more than 2 unconsumed drinks at any one time (a patron may purchase up to 4 drinks at one time).
<b>3280</b> <b>1:00 AM lockout on Saturday and Sunday</b>	The licensee shall implement a lockout on Saturday and Sunday mornings as follows: <ul style="list-style-type: none"> <li>i) The licensee must not permit patrons to enter the licensed premises after 1.00 am or before 5 am (the lockout period).</li> <li>ii) For the avoidance of doubt, patrons already present in the licensed premises before the start of the lockout period may; <ul style="list-style-type: none"> <li>(a) leave the licensed premises at any time, or</li> <li>(b) remain on the licensed premises while the licensed premises are authorised to trade, but are not permitted to re-enter the licensed premises during the lockout period.</li> </ul> </li> </ul>
<b>3290</b> <b>Pre-closure procedures</b>	On Friday and Saturday evenings the Licensee must conduct the following pre-closure procedures 30 minutes prior to closure: <ul style="list-style-type: none"> <li>i) Sale and supply of alcohol must cease, and water and food continue to be served or made available.</li> <li>ii) Live entertainment must cease, and music, if any, must be limited to background levels and must not be audible outside the venue.</li> <li>iii) Lighting must be set at levels to indicate that the venue is in a staged close down procedure.</li> <li>iv) Announcements must be made within the licensed premises to advise patrons of: the need to respect neighbours by departing the area quickly and quietly, the availability of free water, transportation options, the presence of CCTV monitoring and that any anti social behaviour will be reported to police. These announcements must be made at 15 minute intervals until the last person has left the licensed premises.</li> </ul>
<b>3300</b> <b>Rubbish collection</b>	During the period between one hour after closure and 7 am, the licensee shall arrange for one (1) rubbish collection to take place with a view to ensuring that all bottles and other drink containers are collected from the immediate environs of the licensed premises, including the adjoining footpath, gutters and roads up to a distance of 10 metres in every direction from the perimeter of the licensed premises.