

Mr Justin Sammut  
LAS Lawyers

By email to: j.sammut@laslawyers.com.au

15 August 2023

Dear Mr Sammut

<b>Application No.</b>	1-8573784582
<b>Applicant</b>	Sireli Christian Bainivalu
<b>Application for</b>	Amendment (hotel) – change of conditions
<b>Application date</b>	10 February 2023
<b>Decision date</b>	13 June 2023
<b>Licence name</b>	Sydney Junction Hotel
<b>Licence number</b>	LIQH400118139
<b>Proposed trading hours</b>	Consumption on premises – Area: Public Bar, Beer Garden, Saloon Bar, Function Room and Dining Room Monday to Saturday 07:00 AM – 03:00 AM Sunday 07:00 AM – 12:00 midnight Consumption on premises – Other areas within licensed premises Monday to Saturday 07:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Thursday 07:00 AM – 12:00 midnight Friday to Saturday 07:00 AM – 10:00 PM Sunday 10:00 AM – 12:00 midnight
<b>Current trading hours</b>	Consumption on premises – Area: Public Bar, Beer Garden, Saloon Bar, Function Room and Dining Room Monday to Saturday 05:00 AM – 03:00 AM Sunday 05:00 AM – 12:00 midnight Consumption on premises – Other areas within licensed premises Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Thursday 05:00 AM – 12:00 midnight Friday to Saturday 05:00 AM – 10:00 PM Sunday 10:00 AM – 12:00 midnight
<b>Premises</b>	8 Beaumont Street Hamilton NSW 2303
<b>Legislation</b>	Sections 3, 11A, 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 – Sydney Junction Hotel**

We **partially approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

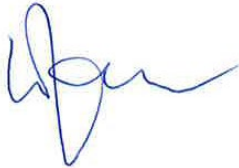
**Statement of reasons**

The statement of reasons 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, 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 'P. Crawford', with a stylized, flowing script.

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.

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 Hamilton. 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. The venue will no longer operate as a nightclub and the business model provides for a more family friendly environment.

### 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:

- objections raised by members of the public and police
- higher than average liquor licence density in Hamilton and the Newcastle LGA
- venue being located in a high density crime hotspot for non-domestic assault, alcohol-related assault, and malicious damage to property; and in a medium-density hotspot for domestic assault
- higher than average crime rates in Hamilton 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 the:

- absence of adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- crime comparison data indicating that offence rates are trending downward in the Newcastle LGA for alcohol-related assault (non-domestic), malicious damage to property and alcohol-related disorderly conduct (offensive conduct)
- crime comparison data indicating that crime rates in Hamilton have remained stable, with rates being lower for malicious damage to property and alcohol-related offensive assault than five years ago
- crime comparison data indicating that the rates for all four categories usually considered by the Authority are lower than those rates in 2013 for the Newcastle LGA
- SEIFA data indicating relative socio-economic advantage in Hamilton as average and in the Newcastle LGA as above average
- rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- harm-minimisation measures outlined in the updated plan of management and licence conditions as set out in Schedule 1.

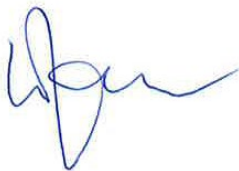
## The material we considered

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 Sydney Junction 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>January 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>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>

## Conditions to be revoked – Sydney Junction Hotel

Condition to be revoked	Description
<b>3250</b> <b>Restricted service of alcohol from 10:00 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> <ol style="list-style-type: none"> <li>(a) 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>(b) any drink containing more than 50% spirits or liqueur,</li> <li>(c) any ready to drink beverage with an alcohol by volume content of more than 5%,</li> <li>(d) any drink prepared on the premises that contains more than one 30ml nip of spirits or liqueur.</li> </ol> <p>During the restricted service period, no more than;</p> <ol style="list-style-type: none"> <li>(a) 4 alcoholic drinks (whether or not of the same kind), or</li> <li>(b) the contents of one bottle of wine, may be sold or supplied on the licensed premises to the same person at any time.</li> </ol> <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>

Condition to be revoked	Description
<b>3280</b> 01:00 am Lockout on Saturday and Sunday (condition eased during the trial with nil adverse findings for the period)	The licensee shall implement a lockout on Saturday and Sunday mornings as follows: <ul style="list-style-type: none"> <li>(a) The licensee must not permit patrons to enter the licensed premises after 1.00 am or before 5 am (the lockout period).</li> <li>(b) 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>i. leave the licensed premises at any time, or</li> <li>ii. 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>3340</b> <b>Plan of management</b> (replaced by imposition of condition 1)	The premises is to be operated at all times in accordance with the Plan of Management dated <b>18 June 2020</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.
<b>15800</b> (replaced by imposition of condition 2)	The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to: <ul style="list-style-type: none"> <li>(a) The licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;</li> <li>(b) The licensee and/or staff make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and</li> <li>(c) The licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.</li> </ul> <p>In this condition:</p> <p>"staff" , in relation to subject premises, means any person employed by or acting on behalf of the</p> <p>licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.</p> <p>"on the premises" includes incidents which occurred in the immediate vicinity of the premises (e.g footpath) where there is evidence of direct involvement with the venue.</p>

### Conditions not revoked – Sydney Junction Hotel

Condition not revoked	Description
<b>210</b>	On Friday and Saturday nights two (2) licensed uniformed security officers are to be engaged to patrol outside the hotel as far south as Donald Street from 11:00 pm to half an hour after closing.
<b>220</b>	On Wednesday and Thursday nights, if the hotel trades past 11:00 pm, one (1) licensed uniformed security officer is to be engaged to patrol outside the hotel as far south as Donald Street from 11:00 pm to half an hour after closing.
<b>3240</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

Condition not revoked	Description
	supervise and monitor responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the licensed premises.
<b>11020</b>	<ol style="list-style-type: none"> <li>1) On any night the licensed premises trades past midnight and the licensee is not present on the premises, the licensee must ensure that the licensed premises is under supervision of a person "Supervisor" from at least 9pm.</li> <li>2) The licensee must ensure that he/she has verified and maintains documentary evidence on the premises that the Supervisor has at least two (2) years of prior employment working as either a manager or supervisor of a bar in a hotel or registered club that trades beyond midnight.</li> <li>3) Documentary evidence of the above must be in the form of a written employment references setting out the length of employment and nature of managerial or supervisory duties or a statutory declaration of the employee setting out prior employment history and nature of managerial or supervisory duties.</li> </ol>