

Mr Brett Tobin  
Hatzis Cusack Lawyers

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23 February 2024

Dear Mr Tobin

<b>Application No.</b>	1-8717696315 (Removal & MAA) 1-8941282012 (GMT increase) 1-8941282135 (GME transfer)
<b>Applicant</b>	MR ANTHONY DEAN TAYLOR
<b>Application for</b>	Removal of a full hotel licence with minors area authorisation (with gaming machine threshold increase and gaming machine entitlement transfer)
<b>Application date</b>	8 June 2023
<b>Decision date</b>	24 January 2024 and 21 February 2024
<b>Current licence name</b>	Wisemans Inn Hotel
<b>Proposed licence name</b>	Thornleigh Hotel
<b>Current trading hours</b>	On-premises consumption and takeaway Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
<b>Proposed trading hours</b>	On-premises consumption and takeaway Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
<b>Current premises</b>	Old Northern & River Roads Wisemans Ferry NSW 2775
<b>Proposed premises</b>	206-212 Pennant Hills Road Thornleigh NSW 2120
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48 and 121 of the <i>Liquor Act 2007</i> Sections 3, 19, 34 and 37 of the <i>Gaming Machines Act 2001</i>

### **Decision of the Independent Liquor & Gaming Authority**

**Application for a removal of a full hotel licence with minors area authorisation (with gaming machine threshold increase and gaming machine entitlement transfer) – Wisemans Inn Hotel (proposed to be Thornleigh Hotel)**

We **approve** the application above under section 59 of the *Liquor Act 2007*, and **approve** the application for a gaming machine threshold increase and gaming machine entitlement transfer under sections 19 and 34 of the *Gaming Machines Act 2001* — with the conditions set out in Schedule 1.

### **Statement of reasons**

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, while also promoting a balanced and responsible development of the industry.

## Our main findings

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

### Positive social impacts

The applicant seeks to remove a hotel (full) licence with an associated minors' area authorisation within the same LGA.

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:

- proposed premises being located in a high-density crime hotspot for malicious damage to property and in a medium-density crime hotspot for incidents of domestic assault
- proposed premises being located in a local health district with higher-than-average rates of problem gambling.

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

- proposed premises being located where there are no crime hotspot for incidents of non-domestic assault or alcohol-related assault
- lower crime rates in both Thornleigh and the Hornsby LGA compared to NSW across all categories we considered
- data indicating that Thornleigh and the Hornsby LGA communities may be considered advantaged communities compared to the rest of NSW
- proposed premises being located in the same LGA as the current premises; the saturation of hotel (full) licences in Thornleigh will remain lower than the NSW rate if the licence is granted
- proposed premises being the only hotel (full) licence operating in Thornleigh
- to be run by an experienced operator
- proposes premises will not operate gaming machines post 12:00 midnight
- proposed premises will be in a Band 1 (low risk) SA2 area
- harm-minimisation measures outlined in the 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
- a community impact statement (CIS)
- 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.

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, Leonie Jennings, at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in cursive script, 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**  
**Thornleigh 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 – consumption on premises</b>	Good Friday 12:00 noon – 10:00 PM Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) 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 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.
3.	<b>Restricted trading &amp; NYE – take away sales</b>	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
4.	<b>Social impact</b>	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably 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 <b>206-212 Pennant Hills Road, THORNLEIGH NSW 2120</b> .
5.	<b>Liquor plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>November 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.
6.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	<b>CCTV</b>	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ul style="list-style-type: none"> <li>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),</li> <li>b. recordings must be in digital format and at a minimum of <b>fifteen (15) frames</b> per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas: <ul style="list-style-type: none"> <li>i. all entry and exit points on the premises,</li> </ul> </li> </ul>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <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 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</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>
8.	<b>Minors area</b>	Minors area authorisation: the entire licensed premises excluding the gaming room and accommodation.
9.	<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>
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> <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> </li> <li>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</li> </ul>

No.	Condition to be imposed	Description
		<p>(a) make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</p> <p>(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.</p> <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>	The premises is to be operated at all times in accordance with the Gaming Plan of Management dated <b>October 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.
12.	<b>Lighting</b>	Adequate lighting must cover the entire external areas of the licensed premises with all areas in the carpark and footpath being well lit.
13.	<b>Security</b>	The licensee must employ one security guard from an independent security firm at the premises from 08:00 PM until 30 minutes after closing. The licensee must ensure that the security guard patrols the carpark and surrounds of the licensed premises and the Ibis Hotel.
14.	<b>Surrender of LIQO624009923</b>	This hotel licence is not to be exercised at 206-212 Pennant Hills Road, THORNLEIGH NSW 2120 until a surrender application for licence number LIQO624009923 has been approved by L&GNSW Licensing.
15.	<b>Complaints register</b>	<p>1) A complaints register is to be maintained at the premises at all times which records the following:</p> <ol style="list-style-type: none"> <li>the name and number of the complainant</li> <li>the time and date on which the complaint was received</li> <li>the nature of the complaint, and</li> <li>the measures taken to resolve the complaint.</li> </ol> <p>2) Details of complaints received, either in person or over the phone, must be:</p> <ol style="list-style-type: none"> <li>recorded in the complaints register, and</li> <li>reported to the duty manager.</li> </ol> <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>
16.	<b>Removal</b>	The removal of the licence to 206-212 Pennant Hills Road, THORNLEIGH NSW 2120 (application number 1-8717696315) is granted but does not take effect until evidence has been provided to Liquor & Gaming NSW (with 7 days written notice) that the construction and fit out of the premises has been complete.