

Mr Brett Tobin  
Hatzis Cusack Lawyers

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23 February 2024

Dear Mr Tobin

<b>Application No.</b>	APP-0011433543
<b>Applicant</b>	IRIS WISEMAN BUSINESS PTY LTD
<b>Application for</b>	New full hotel licence with minors area authorisation
<b>Application date</b>	26 June 2023
<b>Decision date</b>	24 January 2024 and 21 February 2024
<b>Licence name</b>	Wisemans Inn Hotel
<b>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>Premises</b>	Old Northern and River Roads Wisemans Ferry NSW 2775
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority**  
**Application for a new full hotel licence with minors area authorisation – Wisemans Inn Hotel**

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

**Approved manager or individual licensee**

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

**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 Wisemans Ferry. The broader community is the Local Government Area (LGA) of Hornsby.

### Positive social impacts

The applicant seeks to operate a new hotel (full) licence with associated minors' area authorisation. The existing hotel at the premises will be removed to another suburb and therefore hotel saturation rates in Wisemans Ferry will remain unchanged.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

### Negative social impacts

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.

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

- proposed hotel not being located in any crime-density hotspots
- lower crime rates across all incident categories in the Hornsby LGA compared to NSW rates
- statistics showing that there were no incidents of alcohol-related non-domestic assault or alcohol-related disorderly conduct recorded for Wisemans Ferry between June 2022 and June 2023; and within the same time frame there has only been two incidents of alcohol-related domestic assault and three incidents of malicious damage to property
- data indicating an average level of relative socio-economic advantage and disadvantage in Wisemans Ferry
- data indicating the Hornsby LGA community may be considered advantaged compared to the rest of NSW
- proposed hotel being the only hotel in Wisemans Ferry, with hotel saturation rates in Wisemans Ferry remaining unchanged due to the existing hotel at the location being removed to another suburb
- saturation rates in the Hornsby LGA being lower than the NSW rate
- reduced trading hours
- 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**  
**Wisemans Inn 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 31st 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 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 this licence.
5.	<b>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>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:</li> </ol>

No.	Condition to be imposed	Description
		<ul 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> <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> </ul>
8.	<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>
9.	<b>CCTV</b>	<ul style="list-style-type: none"> <li>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>ten (10)</b> frames 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> <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> </li> </ul> </li> <li>2) The licensee must also: <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 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> </ul> </li> </ul>

No.	Condition to be imposed	Description
		(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.
10.	<b>Minors Area</b>	Minors Area Authorisation: whole of the hotel building and outdoor verandah.
11.	<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>
12.	<b>Staff to patrol all external areas</b>	Staff will regularly patrol all areas of the external areas of the licensed premises when liquor is being supplied or consumed to ensure that no minors are permitted access to liquor.
13.	<b>LA10</b>	<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) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. 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 07:00 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 the hours of 12:00 midnight and 07:00 am. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Authority. This is a minimum standard. In some instances, the Authority may specify a time earlier than 12:00 midnight in respect of the above condition. For the purposes of this condition the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.</p>
14.	<b>Signage for functions</b>	When a function, occasion or event is held in the external areas of the licensed premises, signs must be displayed at all entrances/exits to those areas to the effect that patrons are to leave the premises quietly and have consideration for the quiet and good order of the neighbourhood.
15.	<b>Licence not to be exercised</b>	This new hotel licence is not to apply and be exercised until the removal of hotel licence (LIQH400122004), has been finalised and no longer applies to the Wisemans Ferry premises.