



Mr Shane Workman  
ArtisanOz Holdings  
Capri 403/1 The Piazza  
WENTWORTH POINT NSW 2127

Dear Mr Workman

**Broken Hill Golf Club:      Application for Full Hotel Licence  
Application for Minors Area Authorisation**

I am writing to you regarding two applications you made on behalf of Broken Hill Golf Club Pty Limited, which were received by the Independent Liquor and Gaming Authority on 23 July 2014.

The Applications seek the grant of a full hotel licence within the meaning of section 14 of the *Liquor Act 2007* (Act), and authorisation for a minors area within the meaning of section 121 of the Act. Both Applications are in respect of premises located at 1 Racecourse Road, Broken Hill, 2880, to be known as "Broken Hill Golf Course".

The Authority considered the Applications on 24 June 2015 but decided to defer the decision until further information was provided at which time the decision would be finalised under delegation by the Chief Executive (Delegate). The Delegate approved these Applications on 6 August 2015 after reviewing the requested additional material.

As described in the Authority's Regulatory Delegations Manual, the Authority may delegate the power to grant certain liquor licence applications that fall within a designated risk threshold. These Applications falls within the relevant threshold enabling the matter to be determined under delegation.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to produce and publish statements of reasons with respect to those decisions prescribed by clause 6 of the *Gaming and Liquor Administration Regulation 2008*.

Attached is the Delegate's statement of reasons. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

If you have any questions, please contact the case manager, Ms Trudy Tafea via email at [trudy.tafea@ilga.nsw.gov.au](mailto:trudy.tafea@ilga.nsw.gov.au) .

Yours faithfully

Micheil Brodie  
Chief Executive

23 NOV 2015

## STATEMENT OF REASONS

### INTRODUCTION

1. On 23 July 2014 the Independent Liquor and Gaming Authority (Authority) received two applications (Applications) made on behalf of Broken Hill Golf Club Pty Limited and its directors Antonio Carrazza and Joseph Carrazza (Applicant). The Applications are made by an agent, Mr Shane Workman of Artisanoz Holdings Pty Limited (Agent).
2. The Applications seek the grant of a full hotel licence (Hotel Licence Application) within the meaning of section 14 of the *Liquor Act 2007* (Act), and authorisation for a minors area (Minors Area Application) within the meaning of section 121 of the Act. Both Applications are in respect of premises located at 1 Racecourse Road, Broken Hill, 2880, to be known as "Broken Hill Golf Club" (Premises).
3. The proposed on premises trading hours of the application will be:

Monday to Saturday	10:00am to 12:00am
Sunday	10:00am to 10:00pm.
4. The proposed take-away trading hours of the application will be 10:00am to 10:00pm every day.
5. The Application seeks that the 6-hour closure period required by section 11A of the Act be fixed from 4:00am to 10:00am Monday to Saturday and 8:00pm to 10:00am Sunday.
6. Presently, the Broken Hill Golf and Country Club Limited (BHGCC) trades on the Premises as tenants of the Applicant. BHGCC has a registered club licence within the meaning of section 18 of the Act and will surrender it if the Hotel Licence Application is approved.
7. This Application was postponed to allow the Applicant to provide further information relating to the sale of the Premises, the owners of the Premises, the Directors of BHGCC, and the Directors and Shareholders of Dialena Nominees Pty Limited (Dialena), as well as confirmation that the operations of the Premises are being transferred to a private company.

### MATERIAL BEFORE THE AUTHORITY

8. Application Form and Community Impact Statement (CIS) dated 17 June 2014. In the Application Form, the Applicant discloses that a development application has not yet been lodged as the Premises "current existing use is a Registered Club that will surrender its liquor licence once the Full Hotel Licence is approved". [The Delegate notes that the DA has been issued, as discussed below].
9. The Application notes that the proposed 6-hour closure period will be between 4:00am and 10:00am.
10. The contentions made by the Applicant in the CIS document as to the overall social impact of granting the Application are discussed in further detail below.
11. Plan of the Premises. A diagram showing the Premises and the boundaries of the proposed licensed area and the proposed minors area.

12. Australian Securities and Investment Commission (ASIC) database extract regarding Broken Hill Golf Club Pty Limited, dated 17 June 2014. This document gives details relating to Broken Hill Golf Club and identifies the directors as Mr Antonio Carrazza and Mr Joseph Domineco Carrazza.
13. ASIC database extract regarding Dialena Nominees Pty Limited, dated 2 July 2014. This document gives details relating to Dialena Nominees Pty Limited and identifies the director as Mr Antonio Carrazza.
14. ASIC database extract regarding Broken Hill Golf and Country Club, dated 29 July 2015. This document gives details relating to BHGCC. It identifies the directors as William McLeod, John Bennett, Gaynor Holliday, Michael Stoltenberg, James Matten, Glen Williams, Dean Clarke, Donald Crittenden, and Daniel O'Connor.
15. Ownership history of the Premises from 1999. In this document the Applicant states that Dialena is not the owner of BHGCC but the property owner of the Premises. It notes that the Premises was owned by MSB Pty Limited until 2008 when it was sold to Dialena as it appeared that the membership base of BHGCC was dwindling and it was "trading in a state of insolvency". The Applicant states that Dialena had a written agreement with BHGCC for the transfer of the licence to Dialena. However, BHGCC "refused to honour" the licence transfer. The Applicant contends that the Premises are "continuing to run at a loss" and "cannot survive in its own right". The Applicant states that for the past few years Dialena has been unable to invest and develop the complex.
16. Certificate of Title lot 1 in deposited plan 1089791. The first schedule of this certificate lists Dialena Nominees Pty Limited.
17. Certificate of Title lot 2 in deposited plan 1089791. The first schedule of this certificate lists Dialena Nominees Pty Limited.
18. Minutes of Broken Hill Golf Club Special General Meeting on 12 October 2014. This document records the motion carried at this meeting. The motion is recorded as, "that within seven days of receiving written notice from Dialena Nominees Pty Limited (Dialena) that Dialena has been granted a licence under the Liquor Act 2007 in relation to the Clubhouse (being situated on Lot 1 in Deposited Plan 1089791), the Club shall surrender its Licence LIQC 324014809 to the Independent Liquor and Gaming Authority".
19. 39 Pro Forma Liquor Licence Support Letters for the Hotel Licence Application. These letters are declarations by residents of Broken Hill which state, "I...do hereby fully support the proposed licensed premises in obtaining a liquor licence. I believe the proposed licensed premises will be a valuable asset and enhance the service to the local community and surrounding areas. The licenced premises will fill a void within the local and greater community". They are signed and dated between June and July 2014.
20. Letter from Broken Hill City Council (Council) addressed to the Applicant, dated 17 June 2014. This letter states that the Premises was located outside of the Council's Local Government Area (LGA) until 1998 and prior to this time the Premises was located within an "Unincorporated Area" which was administered by the (then) NSW Trade and Investment.
21. This letter notes that the Premises have existing use rights for the purpose of a licensed club, the premises have been granted approval by the Council for use as a "Place of Public Entertainment" (with a maximum capacity of 150 patrons) and that the Council gave written notification in 2007 that it did not object to an application for the installation of 10 poker machines on the Premises.

22. First submission from Barrier Liquor Accord (BLA), dated 10 August 2014. This is a letter from BLA (which incorporates Broken Hill and surrounding suburbs) addressing the Applicant's CIS statement. This letter contends that there are a number of inaccuracies in the CIS statement. BLA makes the following contentions:
  - a) In the Applicant's CIS statement, Memorial Oval is identified as an Alcohol Free Zone. BLA contends that Memorial Oval is not an Alcohol Free Zone
  - b) In the Applicant's CIS statement, Memorial Oval is identified as "a problem area in relation to public drinking". BLA contends that "in consultation with members of the local police" Memorial Oval "is not deemed to be a problem drinking area"
  - c) In the Applicant's CIS statement, the Applicant claims to have conducted a letter box drop to all residents and businesses within 100 meters of the Premises which were responded to with numerous letters of support for the Application. BLA contends that there are no residents or business surrounding the Premises as it is situated in bushland
  - d) In the Applicant's CIS the Applicant states that no issues were raised by the Council. BLA contends that the Council has not received a Development Application for the proposal and that a full hotel licence has been applied for. BLA also contends that Broken Hill Police and the Council were not aware of the change of maximum number of patrons from 150 to 450.
  
23. Second submission from BLA, dated 2 May 2015. This submission states that BLA has "no further objections to this licence application". It states the following in relation to its previous objections:
  - a) Regarding the Memorial Oval, "explanation to BLA now clarified"
  - b) Regarding consultation of residents, "residents outside the 100 meters have now been consulted and there is no objection"
  - c) Regarding the Development Application, "Broken Hill Council has now confirmed that the Development Application has been received and the application has been approved".
  
24. Submission from Barrier Local Area Command (LAC) of NSW Police, dated 21 August 2014. This is a submission written by Constable Mitch McKenny (the Licensing Officer at Barrier LAC at the time of writing) objecting to the Applications. This submission is accompanied by a declaration from Sergeant Greg McMahon (Crime Co-ordinator at Barrier LAC) which approves of and reiterates the objections made in this submission. This submission makes the following contentions:
  - a) If approved the Applications would result in increased alcohol availability in an area "where long term residents have purchased homes for the quiet and conservative lifestyle"; the Applications may "attract alcohol related crime, street offences, anti-social behaviour and public drinking"
  - b) There are currently no Alcohol Free Zones surrounding the Premises which would "assist Police and security to manage drinking prior to and after leaving the boundary of the proposed hotel"
  - c) "There are sufficient existing liquor outlets to provide for the needs of the community"
  - d) The Licencing Support Letters provided by the Applicant are "all taken from persons across the other side of town, member of the golf club itself and other stake holders who are in one way or another connected to the golf club"
  - e) "A current development application does not exist for the site to become a hotel"
  - f) "There is not sufficient information in this application to make an accurate assessment on how the registered golf club intends to exist after their club licence expires"
  - g) "There is not sufficient evidence in this application which would satisfy the New South Wales Police Force requirements for crime prevention with respect to the surrounding open grass lands and insufficient lighting. As a matter of interest, I

- contend that the building itself is currently not able to accommodate for extra patrons within the licensed premises or with the current state of the car parking facilities"
- h) "The clear concerns regarding public transport are not mitigated in any way by the applicant"
  - i) The BLA has objected to the Application.
25. Submission from the Office of Liquor, Gaming and Racing (OLGR), dated 23 January 2015. This submission objects to the Application pending the satisfaction of the following requirements:
- a) Development consent is obtained for the proposed licensed business
  - b) The Applicant consults with Police, the Council and BLA to achieve agreeable resolutions to the concerns raised
  - c) The Applicant submits a Plan of Management
  - d) The Applicant explains, to the Authority's satisfaction, the anomalies in the CIS document.
26. OLGR objects to the Application on the following bases:
- a) NSW Police, The Council, and BLA have all objected to the Application
  - b) The Applicant has made several statements in the CIS that "appear to be false and/or misleading"
  - c) Broken Hill has very limited public transport options which risks patrons driving from the venue while under the influence of alcohol, particularly given that the Premises is located in an isolated area
  - d) The Applicant has not provided a Management Plan
  - e) "The radial density of licensed premises in the area is below the State average"
  - f) "Location risk is moderate"
  - g) Broken Hill has a "significant concentration of alcohol-related anti-social behaviour"
  - h) NSW Bureau of Crime Statistic and Research (BOCSAR) data from October 2013 to September 2014 indicates that the rate of *alcohol related assaults* (domestic and non-domestic) that occurred in Broken Hill was 841 (per 100,000 persons) compared to 321 (per 100,000 persons) for NSW as a whole. The rate of *alcohol related disorderly conduct* offences in Broken Hill was 284 (per 100,000 persons) compared to NSW as a whole which had 105 (per 100,000 persons)
  - i) OLGR Compliance Officers have conducted a compliance audit with regard to the proposed surrender of the Club licence should the hotel licence be issued. OLGR note that a development application had not been submitted but that otherwise OLGR did not identify any information that "may be considered detrimental to this application"
  - j) OLGR note that there have objections from BLA, NSW Police, the Council, and local residents.
27. Authority Liquor Licence Details for BHGCC as at 8 January 2015. This document records the details of the registered club licence presently held in relation to the Premises. The on-premises trading hours specified by that licence are recorded as unrestricted (being a licence issued prior to the commencement of the *Liquor Act 2007*). Take-away trading hours are recorded as Monday to Saturday 5:00am to 12:00 midnight and Sunday 10:00am to 10:00pm. [The Delegate notes that following legislative reforms implemented during February 2014 liquor may not be sold for take-away after 10.00 pm anywhere in New South Wales, including from registered clubs]. Gaming machine shutdown hours are recorded on the licence as from 1:00am to 7:00am
28. Petition in Support of the Liquor Licence Application for the Premises. This petition has 606 signatures from "supporters and residents of the Broken Hill area". The Petition also records the names, phone number and addresses of the signatories.

29. Submission from Mr Glenn Williams, President of BHGCC (President), emailed on 24 February 2015. This letter states that the President and Board of the BHGCC support the Hotel Licence Application and that it is "paramount in regards to the future existence of the Golf Course, and is of great importance to the Community of Broken Hill with regards to tourism, employment and obviously a recreational facility". Mr Williams states that the Club President and its Board have voted to relinquish their club licence to allow for the Applicant to obtain a hotel licence.
30. Submission on behalf of Broken Hill Mountain Bike Club, dated 26 February 2015. This letter is in support of the Application. It submits that the Premises is "vital for the local community (and tourism industry)" as in conjunction with the Broken Hill MTB Club the Premises provides a "sport and recreation hub".
31. Submission from Mr John Williams, MP, (then) NSW State Member for Murray-Darling, dated 19 February 2015. This letter lists the following in support of the Application:
  - a) The proposed development at the Broken Hill Golf Club represents "a life line to the sporting club"
  - b) The Club has held many events involving liquor and Police have "never" been called
  - c) The grant of this licence "would only enhance variety for visitors to Broken Hill"
  - d) The reference is written "as a person who has experienced the type of licenced premises the applicant operates in Victoria in the city of Mildura...They operate a highly successful and professional run business"
  - e) Broken Hill needs to "broaden the variety of dinning venues".
32. Broken Hill City Council Development Application (DA) Number 146/2014, dated 27 January 2015. The DA approves the use of the Premises as a hotel for liquor licence purposes. The DA also deals with, *inter alia*, the regulation of construction, fire safety, maintenance, and amenities.
33. Broken Hill Golf Course Management Plan (Management Plan), dated 31 March 2015. The Management Plan details the policies and procedures of the Premises to meet safety and responsible service of alcohol (RSA) obligations, divided across the following categories:
  - a) Surveillance. Including the use of CCTV systems, lighting, clear sight lines, risk assessment and security personnel in the Premises
  - b) Access control. Including the use of intruder alarm systems, high risk areas, and signage in the Premises
  - c) Space management. Including the proper management, maintenance and access of seating and toilets in the Premises
  - d) Liquor licence. Including RSA practices and training, participation with the BLA, limiting hours of operation, ejecting intoxicated or violent patrons
  - e) Safety and money handling. Including strategies for robberies and theft and money handling
  - f) Operational procedures. Including procedures for proper communication, keeping an Incident Report, registering complaints, loading and unloading service and delivery vehicles, cleaning of the Premises and surrounding area
  - g) Minimising drink driving. Including the provision of a courtesy bus, taxi company services and breath analysis machine
  - h) Minimising excessive consumption of alcohol. Including the prohibition of shots and premixed drinks with an alcohol content greater than 5 per cent after 10:00pm and the limitation of drinks after 10:00pm to four per person at any one time
  - i) Crime scene preservation. Including retention of all material and implements associated with a violent crime and communication with the LAC

- j) Noise management. Including compliance with acoustic requirements for noise emanating from the premises.
34. Email from Superintendent Murray Reynolds of Barrier LAC (Superintendent), sent 5 April 2015. This email states that the Superintendent has read the Management Plan and that in his opinion this document "addresses any concerns" that Police may have with regard to the Application.
  35. Authority licensing records. These records, which are updated regularly and available for purchase from the Office of Liquor Gaming and Racing indicate that as of June 2015 there were nine full hotel licences, three club licences and two packaged liquor licences in the suburb of Broken Hill.
  36. Authority licenced density data, recording the liquor licence density for the population within the Postcode 2880, the Broken Hill LGA and the state of NSW.
  37. This data indicates that the density of full hotel licences in the post code 2880 (41.62 per 100,000 persons) and Broken Hill LGA (53.99 per 100,000 persons) is higher than NSW as a whole (30.36 per 100,000 persons). The density of club licences in the post code 2880 (15.61 per 100,000 persons) is lower than NSW as a whole while the Broken Hill LGA was higher (27 per 100,000 persons). The density of packaged liquor licences in the postcode 2880 (20.81 per 100,000 persons) is lower than NSW as a whole (32.85 per 100,000 persons) while the Broken Hill LGA is higher (70.19 per 100,000 persons).
  38. Publically available BOCSAR crime mapping data before the Authority for January 2014 to December 2014. These maps indicate that the Premises are not located near any hotspots for the concentration of crime.
  39. Crime data sourced from BOCSAR or calendar year 2013 detailing rates of offences for the Broken Hill LGA compared to NSW as a whole. This data details rates of both *alcohol-related incidents* and *non-alcohol related incidents*. It indicates that for calendar year 2013, the rate of *domestic-violence assault* incidents occurring across the Broken Hill LGA was 923 per 100,000 persons, above the rate for New South Wales as a whole at 410 per 100,000 persons. The rate of *non-domestic assault* incidents in this LGA was 902 per 100,000 persons, above the rate of 489 for the State as a whole. The rate of *assault police* incidents in this LGA was 86 per 100,000 persons, above the rate for NSW as a whole of 38 per 100,000 persons. The rate of *malicious damage to property* incidents across this LGA was 1923 per 100,000 persons, which is above the NSW rate of 1102 per 100,000 persons.
  40. With regard to alcohol related offences, the rate of *alcohol-related domestic assault* incidents across the Broken Hill LGA as a whole was 394 per 100,000 persons, above the rate for NSW as a whole which was 145 per 100,000 persons. The rate of *alcohol-related non-domestic assault* incidents in this LGA was 394 per 100,000 persons, above the rate of 191 for the State as a whole. The rate of *alcohol-related assault police* incidents in this LGA was 43 per 100,000 persons, above the rate for NSW as a whole of 24 per 100,000 persons. The rate of *alcohol-related malicious damage to property* incidents across this LGA was 400 per 100,000 persons, which is above the NSW rate of 122 per 100,000 persons.
  41. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) in 2011, indicating that the suburb of Broken Hill is ranked in the Second decile on the Index of Relative Socio-economic Advantage and Disadvantage (IRSAD) for all suburbs in NSW. The Postcode 2880 is ranked in the First decile on the IRSAD for

all postcodes in NSW, and the Broken Hill LGA is also ranked in the First decile on the IRSAD for all LGAs in NSW (with a ranking of 10 being the most advantaged).

## LEGISLATION

42. The power to grant an hotel licence is provided by section 45 of the Act, which states:

45 *Decision of Authority in relation to licence applications*

- (1) *The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.*
- (2) *...*
- (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
  - (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
  - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
  - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*

43. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted *will not be detrimental* to the local or broader community.

44. Section 48(5) of the Act states:

48 *Community impact*

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
  - (a) *the community impact statement provided with the application, and*
  - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions), that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.*

45. An application for a packaged liquor licence is a type of licence prescribed by section 48(2) requiring a CIS and satisfaction of the overall social impact test.

46. In determining the Application, the Delegate also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

3 *Objects of Act*

- (1) *The objects of this Act are as follows:*
  - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
  - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
  - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*



- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
  - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
  - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

## **APPLICANT CASE ON OVERALL SOCIAL IMPACT**

47. In the CIS statement dated 17 June 2014, the Applicant addresses issues relevant to the assessment of the social impact of granting this Application. In the CIS statement the Applicant contends that the "residents of the Broken Hill area are in support of the proposed Full Hotel Licence" on the basis that the impact of this licence would be "quite beneficial" as the Hotel will provide a service that the community of Broken Hill "desperately want and need".
48. The Applicant contends that by reason that the grant of the Application would involve the surrender of the existing club licence there would be little negative impact on the community.
49. The Applicant contends that "after consultation with residents, businesses, community and sporting groups, all parties involved have been wishing for a licenced premises at this location".
50. In an email from the Agent to the Authority dated 24 May 2015, the Agent lists the evidence that the Applicant has gathered in support of the Application.
51. This email contends that those parties who previously objected to the Hotel Licence Application are now in favour of the Hotel Licence Application. They include the BLA, Broken Hill Council, and Superintendent Murray Reynolds of the Barrier LAC.
52. The Agent notes that the Applicant has provided a petition in support of the Hotel Licence Application with 606 signatures as well as 39 letters in support of the Hotel Licence Application. The Applicant submits that this evidence supports their contention that the local community is in favour of the Hotel Licence Application. The Agent notes that letters of support have also been provided by the Broken Hill Mountain Bike Club and John Williams State MP for Broken Hill.
53. The Applicant contends that if the Full Hotel Licence is not approved, the Registered Club will close as it cannot afford to continue to operate. Secondly, the upkeep of the golf course will cease. Thirdly and most importantly, the Broken Hill community will lose a "tourist attraction" and an "icon within the town".

## **REASONS**

54. The Delegate is satisfied, for the purposes of section 40 of the Act, that the Application and CIS material establishes that the Application has been validly made and relevant consultation and advertising requirements of the legislation were observed.
55. The Delegate is satisfied, for the purposes of section 45(3)(a), that the Applicant company has previously established that it is a fit and proper corporate person from a probity perspective and that no probity concerns have been raised in submissions from the other stakeholders, particularly from NSW Police or OLGR in this regard.

56. The Delegate is satisfied the Applicant's *House Policy* discloses that a risk mitigation regime has been devised by the Applicant and will be in place at the Premises. There is no adverse information before the Delegate as to the Applicant Company's fitness in response to consultation on this Application with relevant law enforcement agencies including Police and OLGR.
57. The Delegate is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in place for conduct of a full hotel licence on the Premises, on the basis of the Broken Hill City Council Development Application (No. 146/2014) issued 27 January 2015 and in the absence of any adverse submission from the Council on the matter.

### **Overall Social Impact**

58. With regard to the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the suburb of Broken Hill and the broader community comprises the Broken Hill LGA.
59. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.

### **Positive Benefits**

60. The Delegate accepts the Applicant's contention that granting the Application will assist in the continued operation of the Premises as a golf club and provide the broader and local community with substantial recreational facilities and amenity in terms of aesthetic quality, a source of entertainment and exercise.
61. The Delegate accepts the Applicant's submission that the golf course provides substantial benefits by way of tourism and hospitality. The Delegate makes this finding on the basis of the material provided by the Applicant, the submission provided by the Broken Hill Mountain Bike Club (which identifies the synergistic benefit of having both of these recreational facilities operating in close proximity) and the submission from the Hon John Williams, MP, who has identified the necessity of additional dining facilities in the local community. In this sense granting the Full Hotel Application may be said to further the object of section 3(1)(c) of the Act – being the responsible development of related industries, being the local tourism and hospitality industries.
62. The Delegate is satisfied on the basis of the petition and 39 letters in support that there is a measure of local support for the Hotel Application as demonstrated by those local residents (many of whom are club members) and a State representative of the community who have written in support of the application. This demonstrates some measure of local support for the Application and the lack of any substantial local opposition demonstrates that granting the Full Hotel Application would also be consistent with the expectations, needs and aspirations of the local community which is an object of section 3(1)(a).

### **Negative Impacts**

63. The Delegate accepts that over time there will likely be some contribution from the liquor sold at the Premises to the abuse of liquor in the local and broader community to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse liquor purchase at the Premises.

64. However, as the Application now before the Delegate will replace a liquor licence that is already in effect in at the Premises and that is unrestricted as to licensed trading hours. In this respect granting the Full Hotel Application will bring with it a reduction in licensed trading hours permitted on the Premises – including a reduction in adverse impacts that may otherwise arise from extended trading and the prolonged supply of liquor and gaming services.
65. The trading hours sought by the Applicant are extensive but within standard hours. The Application seeks to sell or supply liquor on the Premises from 10:00am to 12:00 midnight Monday to Saturday and 10:00am to 10:00pm Sunday as well as sell or supply packaged liquor from 10:00am to 10:00pm every day, noting that licensed businesses may only sell take-away liquor until 10:00pm at the latest across New South Wales. This is nevertheless a substantial reduction in the licensed trading hours compared to the status quo and this will serve to reduce the scope for this premises to give rise to negative social impacts as the Premises will not be trading during higher risk late trading hours. This is an important factor that has underpinned the Authority's decision to grant the Full Hotel Application.
66. The Delegate notes that there is significant socio-economic disadvantage in the local and broader community with the suburb of Broken Hill falling in the Second decile on IRSAD, while the Broken Hill LGA falls within the First decile. Additionally, there are significant issues arising from alcohol-related violence in the broader community as is indicated by the BOCSAR crime data.
67. However, once again these Applications seek to replace an existing liquor licence and as such will not likely add to the existing disadvantage and crime.
68. While the broader community of the Broken Hill LGA are exposed to relatively high crime and alcohol related crime rates, the Premises is not located near any hotspots for the concentration for crime, indicating that the area in which the Premises is located has not been a source of the high crime rates occurring across the local and broader community.
69. Furthermore, denying this licence may exacerbate disadvantage in the area by reducing employment and tourism trade.
70. The Delegate notes that a number of objections have been raised regarding the Applications, including from Barrier LAC, BLA, and OLGR. However, it appears that these concerns have been addressed and the objections revoked.
71. In conclusion, the Delegate is satisfied that there is real cause for concern arising from the rates of crime within the Broken Hill LGA when compared with the NSW state averages. However, the Delegate is satisfied that the extent to which granting this Application will contribute to alcohol related adverse impacts in the local and broader community are reduced given that the bar is connected with a golf course and will primarily service persons utilising those facilities. Furthermore, the Premises is not located near any prevailing hotspots for the concentration of crime.
72. Furthermore, the comprehensive harm minimisation measures outlined in the Management Plan provided by the Applicant appear to have addressed the concerns of the Barrier LAC and OLGR and satisfy the Delegate that steps will be taken by the Applicant and staff from the Premise to constrain the abuse of alcohol and mitigate the potentially adverse impacts of granting the Applications.

## CONCLUSION

73. Considering together the substantial positive benefits found in this case and the factors which objectively constrain or reduce the extent of likely negative impacts that may otherwise arise from the sale of liquor at the Premises and noting in particular that the grant of the Full Hotel Application will give rise to the surrender of an unrestricted club licence, the Delegate is satisfied that the overall social impact of granting these Applications for a full hotel licence and minors area authorisation will not be detrimental to the well-being of the local or broader community.
74. Although the proposed grant of the Minors Area Application was not subject to the overall social impact test, the Delegate is satisfied that the grant of this Authorisation will serve the public interest in respect of the Act, in that it will facilitate the diversification of the business provided on the hotel premises and enable appropriate areas of the Premises to be family friendly. The Minors Area Application is granted under section 121 of the Act.
75. In making these decisions the Delegate has had regard to all of the statutory objects of section 3(1) and has taken into account all of the considerations prescribed by section 3(2).



Micheil Brodie  
Chief Executive

DATED: 23/11/2015