

NSW Independent Liquor & Gaming Authority

Our ref: DF24/019578

Ms Nicole Beath

JDK Legal

11 September 2024

Dear Ms Beath

Application No.	APP-0012884937
Applicant	Feros Hotel Group Pty Limited
Application for	New hotel licence with minors' area authorisation, extended trading authorisation, and gaming machine threshold increase
Application date	8 March 2024
Decision date	21 August 2024
Licence name	Bingara Gorge Country Club Hotel
Trading hours	<u>Consumption on premises – all areas</u> Monday to Sunday 08:00 AM – 12:00 midnight <u>Consumption on premises – Function areas and Sports Bar for a booked event or function only</u> Monday to Thursday 08:00 AM – 12:00 midnight Friday and Saturday 08:00 AM – 01:00 AM Sunday 08:00 AM – 12:00 midnight <u>Take away sales</u> Monday to Sunday 10:00 AM – 10:00 PM
Premises	Bingara Gorge Country Club Hotel Ground Floor, 50 The Irons Drive Wilton NSW 2571
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49, 53, 121 and 123 of the <i>Liquor Act 2007</i> Sections 3, 34 and 37 of the <i>Gaming Machines Act 2001</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new hotel licence with minors' area authorisation, extended trading authorisation, and gaming machine threshold increase – Bingara Gorge Country Club Hotel

We **approve** the application above under section 45 of the *Liquor Act 2007* and section 34 of the *Gaming Machines Act 2001* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

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

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

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

Positive social impacts

The application seeks to operate a new hotel licence with minors' area and extended trading authorisations.

We have considered the concerns raised by residential community in which the venue is to be located and note with approval the response of the applicant to those concerns. Following community meetings the applicant addressed the residents' concerns by modifying the original proposal for an extended trading authorisation (ETA) from 2am to 1am. The ETA would be further restricted to the function room and sports bar, on days that there is a booked function. The applicant has further agreed to restrict gaming to midnight.

With these modifications to the original proposal we are satisfied that it 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 and gambling related harm in the local and broader communities because of the:

- higher reported incidence of alcohol-related domestic assault in the suburb than in the LGA and NSW. However, the low population currently resident in the suburb may skew the statistics so as to make this datapoint unreliable
- incidence of alcohol-related deaths is slightly higher in the LGA compared to NSW.

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

- lower incident rate of alcohol-related non-domestic assault, malicious damage to

property and alcohol related disorderly conduct in the suburb compared to the LGA and NSW

- hotel not being located near any crime hotspots
- hotel being in a Band 1 SA2 area for gaming
- reduced trading hours with no gaming during the higher risk post-midnight period
- SEIFA data indicating that the community in the suburb may be considered advantaged compared to the rest of NSW
- 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 liquor plan of management for the licensed business
- a gaming 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 to them.

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

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact the case manager, Wendy Yeung, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Bingara Gorge Country Club Hotel

No.	Condition	Description
1.	6-hour closure	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 02:00 AM and 08:00 AM 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.	Restricted trading & NY	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 st 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.	Take away sales	Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
4.	No liquor sale prior to 10:00 AM	There is to be no sale or supply of liquor prior to 10:00 AM on any day.
5.	Extended Trading	Extended Trading Authorisation to 1am in Sports Bar, and Functions Room as marked on the approved premises plan dated 21 August 2024 on days when a function is booked.
6.	Minors Area	Minors Area Authorisation: Whole of the licensed premises excluding the Gaming Room as marked on the approved premises plan dated 21 August 2024 .
7.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated June 2024 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.
8.	Social impact	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.
9.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
10.	Complaints register	1. A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> a. the name and number of the complainant b. the time and date on which the complaint was received

No.	Condition	Description
		<ul style="list-style-type: none"> c. the nature of the complaint, and d. the measures taken to resolve the complaint. <p>2. Details of complaints received, either in person or over the phone, must be:</p> <ul style="list-style-type: none"> a. recorded in the complaints register, and b. reported to the duty manager. <p>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>
11.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> 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), b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ul style="list-style-type: none"> i. all entry and exit points on the premises, ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. <p>2. The licensee must also:</p> <ul style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, 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 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.
12.	Crime scene preservation	<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"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

No.	Condition	Description
		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.
13.	Incident Register	<ol style="list-style-type: none"> 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"> a. any incident involving violence or anti-social behaviour occurring on the premises, 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, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 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.