



Our ref: DF24/001915

Mr Brett Tobin
Hatzis Cusack Lawyers
By email to: bt@hatziscusack.com.au

14 February 2024

Dear Mr Tobin

Application No.	APP-0011165575
Applicant	AUSTRAL HOTELS NSW PTY LTD
Application for	New full hotel licence with an extended trading authorisation and minors area authorisation
Application date	2 March 2023
Decision date	24 January 2024
Licence name	Austral Hotel
Trading hours	On-premises consumption Monday to Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	352 Bringelly Road Austral NSW 2179
Legislation	Sections 3, 11A, 12, 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 new full hotel licence with extended trading authorisation and minors area
authorisation – Austral Hotel**

We **partially approve** the application, under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. The application for an extended trading authorisation for consumption on premises to 01:00 AM (Monday to Saturday) was refused. The application for an extended trading authorisation for takeaway to 11.00 PM (Sunday) was refused.

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 social impact of approving the new full hotel licence and minors area authorisation 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.

We are concerned that the social impact of approving the extended trading authorisation may be detrimental to the well-being of the local or broader community, and therefore it is refused.

Our main findings

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

Positive social impacts

The applicant seeks to operate a new full hotel licence with a minors area authorisation.

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:

- crime rate for malicious damage to property in Austral is higher than NSW.

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

- proposed premises not being located in any crime hotspots we considered
- low crime statistics in Austral for alcohol-related domestic assault, alcohol-related non-domestic assault and alcohol-related disorderly conduct compared to NSW
- low crime statistics for all categories we considered in the Liverpool LGA compared to NSW
- proposed premises being the only hotel licences in Austral; and saturation of all other licence types in Austral and the Liverpool LGA are lower than NSW
- indication of an average level of socio-economic advantage and disadvantage in both Austral and the Liverpool LGA
- plan of management including measures to mitigate alcohol-related harm and minimise noise disturbance, such as a 15-minute cessation period, signage, courtesy bus service and drink restrictions
- 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
- Noise impact assessment
- 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, Glenn Barry, at glenn.barry@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
Austral Hotel

No.	Condition to be imposed	Description
1.	6-hour closure	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 04:00 AM and 10:00 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.	Consumption on premises	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.	Take away sales	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.	Trial period for extended hours	If the local consent authority does not approve the continuation of the trial period in the development consent after 12 months from the date of commencement of operation for extended trading hours (or as may be extended from time to time), the trading hours of the premises will revert to: 10:00 AM – 12:00 midnight Monday to Saturday 10:00 AM – 11:00 PM Sunday and public holidays. Written notice to L&GNSW should be made when operation of the extended trading hours commences. A copy of the relevant development consent is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
5.	Minors Area	Minors Area Authorisation: Whole of the licensed premises excluding the gaming area.
6.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated June 2023 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.
7.	Social impact	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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.
8.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.

No.	Condition to be imposed	Description
9.	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.
10.	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. <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>
11.	Incident register	<p>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:</p> <ul style="list-style-type: none"> (a) any incident involving violence or anti-social behaviour occurring on the premises,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> (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. <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul 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. <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>
12.	Complaints register	<p>1) A complaints register is to be maintained at the premises at all times which records the following:</p> <ul style="list-style-type: none"> a. the name and number of the complainant b. the time and date on which the complaint was received 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>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>