

Mr Justin Sammut
LAS Lawyers
By email: j.sammut@laslawyers.com.au

8 February 2024

Dear Mr Sammut

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|-------------------------------|---|
| Application No. | 1-8569497052 |
| Applicant | Mr Nathan James Salmon |
| Application for | Amendment - hotel (full) licence - extended trading authorisation (ETA) variation |
| Decision Date | 21 June 2023 |
| Licence name | Chelsea Hotel |
| Licence No. | LIQH400102747 |
| Proposed trading hours | Consumption on premises Monday to Saturday 10:00 AM – 4:00 AM Sunday 10:00 AM – 12:00 midnight Take away sales Monday to Sunday 10:00 AM – 12:00 midnight |
| Current trading hours | Consumption on premises Monday to Saturday 10:00 AM – 1:00 AM Sunday 12:00 noon – 12:00 midnight Take away sales Monday to Saturday 10:00 AM – 12:00 midnight Sunday 12:00 noon – 12:00 midnight |
| Premises | 10-14 Railway Street Chatswood NSW 2067 |
| Legislation | Sections 3, 14, 48 and 49 of the <i>Liquor Act 2007</i> |

**Decision of the Independent Liquor & Gaming Authority
Application for an amendment of a hotel (full) licence to vary ETA – Chelsea Hotel**

We **refuse** the application under section 49(8) of the *Liquor Act 2007* (the Act).

Statement of reasons

Overall, we are concerned that the social impact of approving the application is likely to be detrimental to the well-being of the local or broader community.

Our findings

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Chatswood, and the relevant 'broader community' comprises the Local Government Area (LGA) of Willoughby.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Chatswood shows:

- there are 122 authorised liquor licenses, of which 31 are authorised to sell packaged liquor. This includes 21 packaged liquor licences, 4 registered club licences, 4 hotel (full) licences and 2 Producer/Wholesalers.
- saturation of hotel (full) licences is higher in the suburb of Chatswood than in the Willoughby LGA and lower compared to all of NSW

Crime data (annual rate per 100,000 residents)

Bureau of Crime Statistics and Research (BOCSAR) data in the year to December 2022 shows that:

- the premises were located in hotspots for all crime categories usually considered by us
- alcohol-related domestic assault was lower in Chatswood compared to both the Willoughby LGA and all of NSW
- alcohol-related non-domestic assault, malicious damage to property and alcohol-related offensive conduct was higher in Chatswood compared to the Willoughby LGA and lower compared to all of NSW

Alcohol-related health data (per 100,000 residents)

HealthStats NSW data showed that:

- alcohol-related deaths in Willoughby were lower compared to the NSW average
- alcohol-related hospitalisations in Willoughby were higher compared to the NSW average

Australian Bureau of Statistics (ABS) Socio-Economic Index for Areas (SEIFA)

Chatswood and the Willoughby LGA were ranked as having a high level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the current business model is a full hotel offering patrons various gaming options, food offerings and the sale of alcohol for consumption on and away from the licensed premises.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- increased choice and convenience
- increased employment opportunities
- the applicant also contends, that offering meals is a significant part of the attraction of the hotel with an emphasis on 'good food at affordable prices'.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 7 March 2023, raising concerns about the increased risk to the community for alcohol-related crime and social impact around gaming with a recommendation to impose additional conditions to the licence, no objection
- Local Council, dated 23 May 2023, which notes no complaints against the hotel and no objection

- L&GNSW Compliance, dated 3 April 2023, which notes concerns about the proposed increase of gaming availability at the venue with the recommendation of imposing additional conditions to the licence, no objection
- L&GNSW Gaming, dated 16 March 2023 and 9 May 2023, which notes that the Gaming Plan of Management (GPOM) was assessed as being satisfactory with a recommendation to impose additional conditions, no objections
- 121 members of the public signed a petition in support of the proposal, no objections were received

We also considered the Applicant's submission in response, to these submissions, which notes their consent to the majority of proposed conditions and that the GPOM has been updated accordingly.

Findings of concern

There is a risk that if the licence was granted, liquor sold at the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

We note that the venue is located in a high-density crime hotspot for all categories usually considered by us. We further note that the suburb of Chatswood is already reasonably serviced by other hotels and clubs that trade past 12:00 midnight and that there are limited options for recreational and entertainment opportunities in the area.

The proposal seeks to increase trading hours by a total of 20 hours per week. We are particularly concerned about the additional 18 hours of post-midnight gaming of which 12 hours are post 2:00 AM which is a known risk factor for problem gambling. We believe it would be difficult to mitigate risks of potential harm in the community even if conditions were imposed.

The risks may be mitigated by the:

- venue being located in a Band 1 SA2 low risk area with below average gaming intensity at the venue compared to other comparable venues
- patron capacity at the hotel being limited to 60 patrons between 1:00 - 4:00 AM (Sunday to Wednesday) and between 2:00 AM - 4:00 AM (Thursday to Saturday)
- indication of an above average level of relative socio-economic advantage in both the suburb and LGA.

However, on balance, we are concerned that the likelihood of adverse social impact from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

We considered all the material we received about the application, including:

Application Material

- completed application lodged 7 February 2023
- completed Category B Community Impact Statement (CIS) dated 19 January 2023
- completed certifications of advertising dated 9 March 2023
- plan of management documents for the premises, titled Liquor Plan of Management (September 2023) and Gaming Plan of Management (April 2023)
- liquor licence details recorded as at 20 May 2021
- ASIC business records for the Applicant and associated companies

- floor plan for the premises, dated 25 November 2011, indicating the area to which the ETA would apply.

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 7 February 2023 and 24 May 2023 in relation to the assessment of the application
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

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 if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**