



Ms Kristy Mutch  
PDC Lawyers and Planners  
By email to: [kristy@pdc.solutions](mailto:kristy@pdc.solutions)

7 December 2023

Dear Ms Mutch

<b>Application No.</b>	1-8160050241
<b>Applicant</b>	Mark Andrew Kilfoyle
<b>Application for</b>	Vary extended trading authorisation for hotel
<b>Decision date</b>	19 April 2023
<b>Licence name</b>	Jerrabomberra Hotel
<b>Licence</b>	LIQH400116721
<b>Proposed trading hours</b>	<b>Bar, Gaming Room and TAB</b> Monday to Saturday 5:00 AM – 3:00 AM Sunday 09:00 AM – 12:00 AM <b>Licensed Premises excluding Bar, Gaming Room and TAB</b> Monday to Saturday 5:00 AM – 1:00 AM Sunday 9:00 AM – 12:00 AM
<b>Current trading hours</b>	<b>All of licenced premises</b> Monday to Saturday 5:00 AM – 1:00 AM Sunday 9:00 AM – 12:00 AM
<b>Premises</b>	Edwin Land Parkway & Limestone Drive, Jerrabomberra NSW 2619
<b>Legislation</b>	Sections 3, 14, 48 and 49 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority**  
**Application to vary extended trading authorisation for hotel – Jerrabomberra 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 may be detrimental to the well-being of the local or broader community (defined below).

**Our findings**

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Act's requirements for procedural fairness
- the proposed trading hours for the premises meet the requirements under section 14 of the Act in respect of trading periods.
- the Community Impact Statement (CIS) meets the relevant requirements set out in section 48(4) of the Act.

## Community impact

### *Local and broader communities*

The relevant 'local community' is the community in the suburb of Jerrabomberra, and the relevant 'broader community' comprises the Local Government Area of Queanbeyan Regional.

### *Diversity and density of licensed outlets*

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

- there are 4 authorised liquor licenses, of which 3 are authorised to sell packaged liquor. This includes 2 packaged liquor licence and 1 hotel licence
- Saturation of full hotel licences in Jerrabomberra is lower compared to the Queanbeyan Regional and lower compared to all of NSW

### *Crime data (annual rate per 100,000 residents)*

BOCSAR data shows that, in the year to December 2022:

- alcohol-related domestic assault in Jerrabomberra was lower compared to the LGA and lower compared to all of NSW
- alcohol-related non-domestic assault in Jerrabomberra was lower compared to the LGA and lower compared to all of NSW
- there was no alcohol-related offensive conduct in Jerrabomberra
- malicious damage to property in Jerrabomberra was lower compared to the LGA and lower compared to all of NSW

### *ABS Socio-Economic Index for Areas (SEIFA)*

Jerrabomberra and the Queanbeyan Regional LGA were ranked as advantaged 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 premises.

## Benefits proposed by applicant

The applicant proposes that the increased profitability of the hotel will lead to public benefit by way of expanded employment opportunities and improved facilities.

We believe that these proposed benefits are limited by the lack of evidence of community support for the application.

## Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 22 January 2021, which notes a good professional working relationship with the applicant and requests of imposing a number of conditions, however no objection
- L&GNSW Compliance, dated 22 December 2020, which notes concerns about the potential increase of alcohol related harms when trading hours extended, but no objection
- L&GNSW Gaming, objecting to the proposal, which notes concerns around inefficient harm minimisation measures in place

- NSW Health, objecting to the proposal, which notes concerns around the potential increase in alcohol-related harm to the local and broader community
- Transport for NSW –the applicant advised that a submission was received during the CIS process, which notes requests of imposing certain conditions. It was noted that no copy of that submission was provided.
- 6 submissions from members of the public, with the majority raising concerns about noise disturbances and the potential increase in local alcohol related harms.

We also considered the Applicant's submission in response, to these submissions, which notes:

- the applicants consent to most of the recommended conditions and revised their Plan of Management to address other issues identified
- the Hotel's good compliance history with no notices, strikes or penalties issued
- that appropriate mitigation strategies have been put in place to avoid noise disturbances.

### **Findings of concern**

There is a risk that if the licence was granted, liquor sold at or from 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 proposal is seeking to increase trading hours until 3:00AM Monday to Saturday with the additional hours limited to the hotel's gaming room and attached outdoor smoking area. This would result in an increase of 14 hours per week of post-midnight gaming at the premises. Late night gaming is a known risk factor for problem gambling, and we are concerned about the potential harm to the local and broader communities.

It is our view that the application does not provide for a balanced offering of business development and community benefit due to the potential increase in alcohol-related harm in the area. In addition, we are concerned that the existing Gaming Plan of Management fails to meet the Authority's standards for a venue of this size.

The risks may be mitigated by the:

- reduced scale – As the additional extended trading is intended to apply only to the gaming room and attached smoking area it may be unlikely that more than 40 patrons will take advantage of the facilities at any one time. However this also limits the extent of any community benefit from extended hours.
- Low crime rates in Jerrabomberra are significantly lower than NSW averages for all offences usually considered by us.

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 dated 5 November 2021
- completed Category B Community Impact Statement (CIS) dated 5 November 2021
- completed certification of advertising dated 29 March 2022
- plan of management documents for the premises, titled Plan of Management (Incorporating The House Policy) for Jerrabomberra Hotel and dated 23 March 2023
- ASIC business records for the Applicant and associated companies

- floor plan for the premises, dated March 2000, indicating the proposed licensed area and the area to which the proposed updated ETA will 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 25 April 2022 and 24 March 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](#).

### **If you have any questions**

Please contact the case manager, Charles Rivers, at [charles.rivers@liquorandgaming.nsw.gov.au](mailto:charles.rivers@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

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