



Ms Jade Hall
Liquor and Gaming Solutions

By email to: jade@lgsgroup.com.au

3 October 2023

Dear Ms Hall

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|-------------------------|--|
| Application No. | 1-8633109635 |
| Applicant | Stephen Smyth |
| Application for | Amendment – change of conditions – hotel (full) |
| Application date | 27 March 2023 |
| Decision date | 13 June 2023 |
| Licence name | Queens Wharf Brewery Hotel |
| Licence number | LIQH400118147 |
| Trading hours | Consumption on premises Monday to Saturday 05:00 AM – 03:30 AM Sunday 10:00 AM – 12:00 midnight Consumption on premises: Outdoor area Monday to Wednesday 10:00 AM – 10:00 PM Thursday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take away Monday to Saturday 05:00 AM – 11:00 PM Sunday 10:00 AM – 11:00 PM |
| Premises | 150 Wharf Road, Newcastle NSW 2300 |
| Legislation | Sections 3, 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 change of conditions – Queens Wharf Brewery Hotel**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions to be imposed and revoked as set out in Schedule 1.

Statement of reasons

The statement of reasons 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

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

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act and impose and revoke conditions as listed in Schedule 1 under section 53 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

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

Positive social impacts

We are satisfied that the conditions as proposed are modernised and suitable. Revoked conditions have been replaced by updated conditions, or satisfactorily addressed through the updated plan of management.

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:

- size of the premises (1,847 sqm), relatively large patron capacity and long trading hours
- hotel licence saturation rates in both the Newcastle suburb and LGA being higher than the NSW rate
- the venue being in a high-density hotspot for non-domestic assault, alcohol-related assault, and malicious damage to property
- higher crime rates in Newcastle compared to NSW for all offence categories usually considered by the Authority
- rate of alcohol-attributable deaths in the Newcastle LGA being higher than the NSW rate.

However, we are satisfied that these risks may be reduced by:

- nil adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- crime comparison data indicating that that offence rates are trending downward in the Newcastle LGA for alcohol-related assault (non-domestic), malicious damage to property and alcohol-related disorderly conduct (offensive conduct)
- the venue not being located in a crime-density hotspot for domestic assault
- SEIFA data indicating relative socio-economic advantage in both the suburb and the Newcastle LGA are above average
- the rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- the liquor plan of management which includes measures to mitigate alcohol-related harms and disturbance such as:
 - a 15 minute cessation period for sale and supply of alcohol prior to close
 - entertainment in the outdoor are to cease at 11:00 PM
 - a disturbance complaint procedure
 - only one entry used after 11:00 PM on Friday and Saturday
 - security and/or RSA marshals and use of ID scanners on Friday, Saturday and Sunday nights.

- licence conditions (including some that are not on the current licence) 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
- 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
- stakeholder submissions and the applicant's response them
- the Newcastle Stage 2 Evaluation Report.

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

Yours sincerely



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

**Schedule 1 – Licence conditions to be imposed
Queens Wharf Brewery Hotel**

| No. | Condition to be imposed | Description |
|-----|---|--|
| 1) | 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. |
| 2) | Liquor Accord | The licensee or its representative must join and be an active participant in the local liquor accord. |
| 3) | Requirement to maintain an 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. |
| 4) | CCTV | <ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol 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: <ol 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. 2) The licensee must also: <ol style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, |

| No. | Condition to be imposed | Description |
|-----|----------------------------|---|
| | | <p>(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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</p> <p>(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.</p> |
| 5) | Complaints register | <p>1) A complaints register is to be maintained at the premises at all times which records the following:</p> <p>(a) the name and number of the complainant</p> <p>(b) the time and date on which the complaint was received</p> <p>(c) the nature of the complaint, and</p> <p>(d) the measures taken to resolve the complaint.</p> <p>2) Details of complaints received, either in person or over the phone, must be:</p> <p>(a) recorded in the complaints register, and</p> <p>(b) reported to the duty manager.</p> <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> |

Conditions to be revoked - Queens Wharf Brewery Hotel

| Condition to be revoked | Description |
|---|---|
| 350 (covered by the plan of management) | The sale and supply of alcohol shall cease thirty (30) minutes prior to closing time. |
| 390 (no adverse findings at the venue in the Newcastle Trial – Stage 2) | No persons are to be admitted to the premises after 01:30 am. |
| 2200 (replaced by imposition of condition 2) | The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the <i>Liquor Act 2007</i> . |
| 3020 (replaced by imposition of condition 1) | <p>1) The licensee must file with the Independent Liquor and Gaming Authority ("the Authority"), by not later than two (2) months after 30 August 2018, a revised version of the Plan of Management for the premises that has been reviewed in consultation with NSW Police. This plan shall be marked on its front page as "Revised plan of 2018".</p> <p>2) The premises is to be operated at all times in accordance with the Plan of Management as revised pursuant to clause 1 above, and as may be varied from time to time after consultation with NSW Police.</p> <p>3) 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 & Gaming NSW Inspector, or any other person authorised by the Authority.</p> |

| Condition to be revoked | Description |
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| 3040 (no adverse findings at the venue in the Newcastle Trial – Stage 2) | The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm: (a) No drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly; (b) No mixed drinks with more than 30 mls of alcohol; (c) No RTD drinks with an alcohol by volume greater than 5%; (d) No more than four (4) drinks, or one bottle of wine, may be served to any patron at one time. |
| 3050 (covered by the plan of management) | Within 14 days of revising the Plan of Management the licensee shall cause every current member of staff (including employees and contractors) to be notified in writing of that Plan along with a current licence record maintained by Liquor and Gaming NSW. In the case of new staff, notification of the most recently updated version of the Revised Plan and the licence record shall be provided within 14 days of the commencement of employment or engagement, as the case may be. |

Conditions not to be revoked - Queens Wharf Brewery Hotel

| Condition <u>not</u> to be revoked | Description |
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| 360 (Retaining the condition ensures that adequate supervision remains a mitigating factor considering previous breaches of this condition) | The licensee shall ensure, by adequate supervision methods throughout the premises, that no patron is stockpiling drinks. For this purpose stockpiling shall mean that any one (1) patron has more than two (2) unconsumed drinks at any one (1) time (a patron may purchase up to four (4) drinks at the one (1) time). |
| 3030 (Retaining the condition ensures that the additional supervision remains a mitigating factor considering that the no lock-out and restricted drinks conditions are going to be revoked) | If the premises trades after 12:00 midnight, from 11:00 pm until closure the licensee will retain an employee whose sole function shall be that of a supervisor of responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the premises. |