

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/030567

Ms Fiona Myatt

AMW Lawyers

15 May 2025

Dear Ms Myatt

Application No.	SR0001151911, 1-9293134731, 1-9320384790, SR0001151912 and 1-9302806062
Applicant	MALACHITE HOLDINGS PTY LTD
Application for	Change of boundaries, change of conditions, variation to extended trading authorisation, variation to minors' area authorisation and gaming machine threshold increase with Class 1 Local Impact Assessment
Application date	9 November 2024
Decision date	16 April 2025
Licence name	Central Coast Hotel
Licence number	LIQH400110022
Current trading hours	<u>Consumption on premises</u> Monday to Wednesday 08:00 AM to 12:00 AM Thursday to Saturday 08:00 AM to 06:00 AM Sunday 10:00 AM to 12:00 AM <u>Take away sales</u> Monday to Saturday 08:00 AM to 10:00 PM Sunday 10:00 AM to 10:00 PM
Proposed trading hours	<u>Consumption on premises – Ground floor Lobby Café/Bar</u> Monday to Saturday 05:00 AM to 02:00 AM Sunday 05:00 AM to 12:00 AM <u>Consumption on premises – Ground floor Pub/Bistro, Gaming room, and the Pizza restaurant area</u> Monday to Wednesday 08:00 AM to 12:00 AM Thursday to Saturday 08:00 AM to 03:00 AM Sunday 10:00 AM to 12:00 AM <u>Consumption on premises – Level 5 Pool area</u>

McKell Building, 2-24 Rawson Place Haymarket NSW 2000 | GPO Box 4012 Sydney NSW 2001  
office@ilga.nsw.gov.au | ilga.nsw.gov.au | ABN 42 496 653 361

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	<p>Monday to Sunday 06:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Level 5 Restaurant</u></p> <p>Monday to Saturday 05:00 AM to 02:00 AM</p> <p>Sunday 08:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Conference rooms on levels 6 and 28</u></p> <p>Monday to Saturday 05:00 AM to 02:00 AM</p> <p>Sunday 05:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Level 28 Sky Bar and Restaurant area</u></p> <p>Monday to Sunday 05:00 AM to 2:00 AM</p> <p>Sunday 05:00 AM to 12:00 AM</p> <p><u>Take away sales</u></p> <p>Monday to Saturday 08:00 AM to 10:00 PM</p> <p>Sunday 10:00 AM to 10:00 PM</p>
Approved trading hours	<p><u>Consumption on premises – Ground floor Lobby Café/Bar</u></p> <p>Monday to Saturday 08:00 AM to 02:00 AM</p> <p>Sunday 08:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Ground floor Pub/Bistro, Gaming room, and the Pizza restaurant area</u></p> <p>Monday to Wednesday 08:00 AM to 12:00 AM</p> <p>Thursday to Saturday 08:00 AM to 02:00 AM</p> <p>Sunday 10:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Level 5 Pool area</u></p> <p>Monday to Sunday 08:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Level 5 Restaurant</u></p> <p>Monday to Saturday 08:00 AM to 02:00 AM</p> <p>Sunday 08:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Conference rooms on levels 6 and 28</u></p> <p>Monday to Saturday 08:00 AM to 02:00 AM</p> <p>Sunday 08:00 AM to 12:00 AM</p> <p><u>Consumption on premises – Level 28 Sky Bar and Restaurant area</u></p> <p>Monday to Wednesday 08:00 AM to 12:00 AM</p> <p>Thursday to Saturday 08:00 AM to 02:00 AM</p> <p>Sunday 08:00 AM to 12:00 AM</p> <p><u>Take away sales</u></p> <p>Monday to Saturday 08:00 AM to 10:00 PM</p> <p>Sunday 10:00 AM to 10:00 PM</p>
Premises	<p>108 Mann Street</p> <p>Gosford NSW 2250</p>

Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49, 53, 94 and 121 of the <i>Liquor Act 2007</i> Clauses 21, 22, 23, 28 and 66 of the <i>Liquor Regulation 2018</i> Sections 3, 34, 35 and 36 of the <i>Gaming Machines Act 2001</i> Clauses 31, 32, 33, 37 and 40 of the <i>Gaming Machines Regulation 2019</i>
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## Decision of the Independent Liquor & Gaming Authority Application for a change of boundaries, change of conditions, variation to extended trading authorisation, variation to minors' area authorisation and gaming machine threshold increase with Class 1 Local Impact Assessment– Central Coast Hotel

We **approve** the applications for

- a change of boundaries under section 94 of the *Liquor Act 2007* (**Liquor Act**), and
- the variation to the minors area authorisation (**MAA**) under section 121 of the *Liquor Act*.

We **partially approve** the applications for

- a spatial variation to an extended trading authorisation under section 94 of the *Liquor Act*, and
- for a change of conditions under section 53 of the *Liquor Act*.

We **refuse** the

- Class 1 Local Impact Assessment (**LIA**) under section 36 of the *Gaming Machines Act 2001* (**Gaming Machines Act**), and
- application for a gaming machine threshold (**GMT**) increase under section 34 of the *Gaming Machines Act*.

Conditions imposed and revoked are set out in Schedule 1 and 2.

## Statement of reasons – liquor component of application

We are satisfied that the overall impact of approving the applications 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 Gosford. The broader community is the Local Government Area (**LGA**) of Central Coast.

### Positive social impacts

The applications are related to a \$375 million mixed use international-style resort redevelopment.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice and by providing additional employment opportunities in the hospitality industry.

### *Negative social impacts*

We note the objection from NSW Health and a member of the public and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- venue being located within high-density hotspots for all offences we usually consider
- crime rates being higher in the suburb than in NSW for all offences we usually consider
- alcohol-related domestic assault and malicious damage to property offences being higher in the LGA than NSW average
- saturation of hotel licences being higher in the suburb than in NSW
- alcohol-attributable deaths and hospitalisations being higher in the LGA than in NSW
- ATSI population in the LGA being higher than the NSW average
- proposed substantial increase in size of the premises.

However, we are satisfied that these risk factors may be somewhat reduced by the:

- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1 and 2.
- crime rates in the LGA being lower than or on par with NSW average for alcohol-related non-domestic assaults and alcohol-related offensive conduct
- fact that there is no actual increase in licence saturation in the area
- an overall reduction of post-midnight licensed trading hours by nine hours in the sports bar, gaming room and pub area (Thursday to Saturday)

### **Statement of reasons – gaming component of application**

We note that the applicant seeks a GMT increase for a Hotel in a Band 2 statistical area 2 (SA2). Overall, we are concerned that approving the GMT increase with the LIA is likely to increase the harm associated with the misuse and abuse of gambling activities and approval is therefore not consistent with the objects of the Gaming Machines Act.

We are not satisfied that:

- the proposed increase in the GMT for the venue will provide a positive contribution towards the local community of Gosford
- the LIA has adequately addressed community concerns arising out of the legislated consultation process.

We are satisfied that:

- both the threshold increase application and the LIA comply with the requirements of Part 4 Division 1 of the Act and its associated Regulation
- the LIA has demonstrated that gambling activities in the relevant venue are likely to be conducted in a responsible manner.

### **Our main findings**

We are concerned that if the application were granted, with the result that the venue's gaming machine threshold is increased from 20 to 30, it is likely to increase the harm associated with the misuse and abuse of gambling activities due to the:

- proposed increase of gaming machines will increase the venue's threshold by 50%
- current availability of 16 hours post-midnight gaming at the venue, 10 of these during the highest risk post-2:00AM period

- venue being located in a Band 2 SA2 area, characterised by significant levels of sociodemographic disadvantage
- location factors indicating higher than average levels of young people, ATSI community, single people and people with lower rates of education living in the SA2 area, which have been identified in research as groups with increased vulnerability to gaming related harm
- gambling participation rate for pokies/gaming machines being higher in the Local Health District (**LHD**) than the state average.

We further note that Central Coast LHD, Wesley Mission and five members of the public objected to the application raising concerns about the existing gambling related harm in the community, domestic violence and deterioration of community health and wellbeing, and negative impacts on the social amenity for the community if the application were to be approved.

We acknowledge the applicant's submission in response to the objections, which notes that:

- the Plans of Management would ensure responsible gambling practices and harm minimisation in compliance with industry standards and legislative requirements
- the venue implemented harm minimisation strategies to address social and economic concerns
- the venue focusses on community development, providing local employment and training opportunities, and supporting disadvantaged groups through employment programs and skills development.

We also acknowledge that the following may help to mitigate some of the risks to the community:

- the applicant would be required to contribute over \$1 million to the Responsible Gambling Fund to assist with mitigating local risks of gaming related harms
- partial approval of the ETA variation that reduces availability of post-midnight gaming to 6 hours per week and no post 2AM gaming
- the venue being required to employ a Responsible Gambling Officer when gaming machines are operated if the proposed increase of gaming machines to a total of 30 were approved.

However, on balance, we are not satisfied that the proposed increase will provide a positive contribution towards the local community or that the LIA has adequately addressed concerns raised by the community.

### **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 Statement of Risks and Potential Effects
- 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 as well as [Guideline 11](#) regarding Class 1 Local Impact Assessment process guidelines.

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 Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed – Central Coast Hotel

No.	Condition to be imposed	Description
1.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>10 February 2025</b> 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.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining varying the extended trading authorisation on <b>16 April 2025</b> .
3.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
4.	CCTV	<ol style="list-style-type: none"> <li>The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises in accordance with the following requirements: <ol style="list-style-type: none"> <li>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),</li> <li>recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</li> <li>any recorded image must specify the time and date of the recorded image,</li> <li>the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>all entry and exit points on the premises,</li> <li>the footpath immediately adjacent to the premises, and</li> <li>all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>The licensee must also: <ol style="list-style-type: none"> <li>keep all recordings made by the CCTV system for at least 30 days,</li> <li>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</li> <li>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.</li> </ol> </li> </ol>
5.	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> <ol style="list-style-type: none"> <li>take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> </ol>

No.	Condition to be imposed	Description
		<ol style="list-style-type: none"> <li>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,</li> <li>3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <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>
6.	Incident register	<ol style="list-style-type: none"> <li>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"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>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,</li> <li>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ol> </li> <li>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.</li> </ol>
7.	Complaints register	<ol style="list-style-type: none"> <li>1. A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> <li>a. the name and number of the complainant</li> <li>b. the time and date on which the complaint was received</li> <li>c. the nature of the complaint, and</li> <li>d. the measures taken to resolve the complaint.</li> </ol> </li> <li>2. Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> <li>a. recorded in the complaints register, and</li> <li>b. reported to the duty manager.</li> </ol> </li> <li>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.</li> </ol>



No.	Condition to be imposed	Description
8.	Extended trading authorisation area	Extended trading authorisation: The whole of the licensed premises excluding the pool area on level 5.
9.	Minors area	Minors Area Authorisation: The whole of the licensed premises excluding the gaming room and the hotel accommodation areas.
10.	Security	On Thursday, Friday and Saturday nights, or any other night that the premises trades past midnight, a minimum of two [2] licensed security officers are to be engaged to patrol the premises and the immediate vicinity of the premises from 09:00 PM until thirty [30] minutes after the premises ceases to trade or until the last patron has left the vicinity of the premises.

## Schedule 2: Licence conditions to be revoked – Central Coast Hotel

No.	Condition to be revoked	Description
1.	Condition 3010	Minors area authorisation: Whole of the ground floor excluding the gaming room.
2.	Condition 3020	<p>Licensed security personnel are to be engaged</p> <ol style="list-style-type: none"> <li>on any Thursday when entertainment in the form of a DJ or band is conducted or when the Hotel trades past 2:00am, or when any type of entertainment or function where patrons numbers exceed 100: and</li> <li>on each Friday and Saturday from 09:00 pm until 06:30 am, or until the last patron has left the vicinity of the premises, as follows: <ul style="list-style-type: none"> <li>between 09:00 pm and 12:00 midnight - one (1) guard;</li> <li>between 12:00 midnight and 03:00 am - two (2) guards; and</li> <li>between 03:00 am and 06:30 am - three (3) guards.</li> </ul> </li> </ol>