

NSW Independent Liquor & Gaming Authority

Our ref: DF25/043964

Mr Josh Ungaro

HTA Legal

11 July 2025

Dear Mr Ungaro

Application No.	SR0001316685 (change of boundaries) SR0001316714 (minors' area authorisation variation) 1-9367634389 (change of conditions)
Applicant	Mr Heath Samuel Smith
Application for	Change of boundaries (CoB), change of conditions (CoC) and minors' area authorisation (MAA) variation
Application date	20 December 2024 (CoB and MAA) and 5 February 2025 (CoC)
Decision date	21 May 2025
Licence name	Victoria Hotel
Licence number	LIQH400108990
Trading hours	<u>Entire indoor ground floor area excluding the manager's residence</u> Monday to Saturday 05:00 AM – 01:30 AM Sunday 10:00 AM – 10:00 PM <u>Ground floor manager's residence, Ground floor outdoor areas, first floor and cellar floor</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM <u>Take away sales</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	3-5 Keppel Street Bathurst NSW 2795
Legislation	Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, 53, 94, 104 and 121 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a CoB, CoC and MAA variation – Victoria Hotel

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We **approve** the applications above under sections 53, 94 and 121 of the *Liquor Act 2007*. Conditions imposed and revoked are set out in Schedules 1 and 2.

Statement of reasons

We are satisfied that the overall impact of approving the application 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 Bathurst. The broader community is the Local Government Area (**LGA**) of Bathurst.

The venue is a 'live music venue' which allows¹ trading until 3:30am in the 'entertainment area' and until 2am in all other licensed areas on any day except Sunday when live music is provided for at least 45 minutes after 8pm.

The 'entertainment area' is defined as the entire ground floor excluding the Manager's residence.

The applicant seeks to:

- change the boundaries of the licensed area to accommodate development as a live music venue and to incorporate the Manager's residence, carpark and Level 1 accommodation in the licensed area,
- vary the existing Minor's Area Authorisation to encompass the whole of the premises except the cellar, dining rooms, cool rooms, storage, office, lounge, bathroom and kitchen facilities and accommodation and
- revoke several redundant conditions

The venue does not operate gaming machines.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by promoting the live music industry and 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:

- increased size of the licensed area by 1000 m² to incorporate first-floor accommodation, managers residence, carpark and beer garden
- Location of the premises in a low-density crime hotspot for non-domestic assault and malicious damage to property although not for a crime-density hotspot for domestic assault or alcohol related assault
- crime rates for all categories ILGA considers being higher in Bathurst than the state average for NSW
- alcohol-attributed deaths being higher in the LGA of Bathurst than the state average for NSW although alcohol-attributed hospitalisations are lower in the LGA than across NSW
- the high representation of Aboriginal and Torres Strait Islander peoples as a percentage of total population in the suburb and LGA being higher than the NSW

¹ s.12(2)A *Liquor Act 2007*

average, which has been identified in research as a probable risk factor for alcohol related harm

- Socio-Economic Indexes for Areas (**SEIFA**) data indicating a below average level of socio-economic advantage and disadvantage in the suburb compared to other communities in NSW.

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

- SEIFA data indicating an average level of socio-economic advantage and disadvantage in the Bathurst LGA compared to other communities in NSW
- no increase in the saturation rate of hotels in either Bathurst or the Bathurst LGA as a result of this approval
- trading hours remaining the same
- 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 Statement of Risks and Potential Effects
- 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 to them
- L&GNSW compliance materials.

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

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 if you have any questions.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Caroline Lamb".

Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed – Victoria Hotel

No.	Condition to be imposed	Description
1.	Minors Area Authorisation	Minors Area Authorisation: Whole of the licensed premises excluding the cellar, dining rooms, cool rooms, storage, office, lounge, accommodation, bathroom and kitchen facilities.
2.	Extended Trading Authorisation	Extended Trading Authorisation: Bar, Bistro, Function Room, Beer Garden (part), Office and Kitchen.
3.	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 changing the licence boundaries.
4.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 15 April 2025 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.
5.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	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

No.	Condition to be imposed	Description
		retained for at least 3 years from when the record was made.
7.	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"> 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 (e.g. Crowd controller or bouncer) on or about the premises</p>
8.	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, 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

No.	Condition to be imposed	Description
		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
9.	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>

Schedule 2: Licence conditions to be revoked – Victoria Hotel

Condition to be revoked	Reason
Condition 3010 Minors Area Authorisation: whole of licensed premises excluding any gaming machine area.	To be replaced by condition #1 above
Condition 200 The licensee is to take whatever steps are necessary to ensure that noise from the hotel on any day when trade continues after 12:00 midnight shall not exceed the ambient background level at the boundary of the nearest affected residence.	The hotel has been operating without incident or adverse findings. The venue is also not located within a residential area.
Condition 210 The licensee shall affix clearly visible signs at the exits of the hotel warning patrons of the need to leave the hotel and the vicinity of the hotel quietly and quickly.	The hotel has operated without incident and neither police nor L&GNSW compliance have identified any adverse findings or noise complaints against the venue while it has been licensed. The revocation of the condition is also supported by police. The venue is also not located within a residential area.
Condition 220 The licensee or a specified employee is to strictly supervise patrons departing the premises to ensure	The hotel has operated without incident and neither police nor L&GNSW compliance have identified any adverse

Condition to be revoked	Reason
that they leave the hotel and the vicinity of the hotel quickly and quietly.	findings or noise complaints against the venue while it has been licensed. The revocation of the condition is also supported by police. The venue is also not located within a residential area.
Condition 230 Any resident having a complaint about the operation of the hotel is to advise the licensee immediately and the licensee is to respond sympathetically and quickly to such complaints. If any such complaints are not resolved, then the local licensing police and the local council should be informed immediately.	The hotel has operated without incident and neither police nor L&GNSW compliance have identified any adverse findings or noise complaints against the venue while it has been licensed. The revocation of the condition is also supported by police.
Condition 240 No patron of the hotel is to be advised of the names and addresses of the objectors.	The hotel has operated without incident and neither police nor L&GNSW compliance have identified any adverse findings or noise complaints against the venue while it has been licensed. The revocation of the condition is also supported by police.
Condition 250 No patron is to be admitted to the hotel after 12:00 midnight unless prior arrangements have been made by such patron with the licensee.	The hotel has been operating without incident or adverse findings. The revocation of the condition is also supported by police.