

NSW Independent Liquor & Gaming Authority

Our ref: DF25/047128

Mr Tony Schwartz

25 August 2025

Dear Mr Schwartz

Application No.	1-9405127140 (hotel (full) removal) SR0001381174 (minors' area authorisation) 1-9492586322 (gaming machine threshold increase and gaming machine entitlement transfer)
Applicant	The Seahorse Inn Hotel Pty Ltd
Application for	Hotel licence removal, minors' area authorisation, gaming machine threshold (GMT) increase and gaming machine entitlement (GME) transfer
Application date	14 March 2025
Decision date	16 July 2025
Current licence name	Seahorse Inn Hotel
Proposed licence name	Hotel Australasia
Licence number	LIQH400106807
Current trading hours	<u>Consumption on premises and take away sales</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Proposed trading hours	<u>Consumption on premises</u> Monday to Sunday 10:00 AM – 12:00 AM <u>Take away sales</u> Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Current premises	87 Boydtown Park Road Boydtown NSW 2551
Proposed premises	142-144 Imlay Street Eden NSW 2551
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 53, 59, 121 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a hotel licence removal, minors' area authorisation, GMT increase and GME transfer – Seahorse Inn Hotel

We **approve** the applications above under section 59 of the *Liquor Act 2007* and sections 19 and 34 of the *Gaming Machines Act 2001* – with the conditions set out in Schedule 1. A revoked condition is set out in Schedule 2. The 6-hour closure period overrides any condition of the licence.

Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the *Liquor Act 2007* and will contribute to, not detract from, the amenity of community life.

Our main findings

The local community for the purposes of this decision is the suburb and the Statistical Area 2 (SA2) of Eden. The broader community is the Local Government Area (LGA) of Bega Valley.

The applications were to remove a full hotel licence from Boydtown to Eden (within the same SA2 and LGA).

The removal to Eden includes a proposed GME transfer of 15 gaming machines from Boydtown, which is within the same SA2. The destination venue does not trade after midnight.

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:

- crime hotspots – the proposed premises is located in a crime hotspot for malicious damage to property, however it is not located in crime hotspots for alcohol-related assault (domestic and non-domestic), or alcohol-related disorderly conduct
- crime rates – the incident rate of all crime categories we considered is higher in the suburb than in NSW
- demographic information:
 - Socio-Economic Index for Areas (SEIFA) data indicates a below average level of socio-economic advantage and disadvantage in the suburb compared to other communities in NSW

- the percentage of Aboriginal and Torres Strait Islanders (ATSI) population in the suburb is higher than in NSW¹
- health statistics – the rate of alcohol-attributed deaths in the LGA is higher than in NSW, while the rate of alcohol-related hospitalisations is lower in the LGA than in NSW
- increase in gaming availability - 2 hours per week, 10:00 pm-12:00 am on Sundays
- location factors – the SA2 has location factors including higher rates of single people, people with lower levels of education, ATSI population and local levels of disadvantage.

The following objections were considered from:

- the Local Council which raised concerns that the plan provided is not consistent with the approved plans for this development. The Local Council stated that the hotel does not have approval to operate a gaming room. Further, the plan should be amended to reflect the approved plan for this development consent or a modification of the development approval applied for and approved prior to the issuing of any licence.

In response, the applicant stated the *Gaming Machines Act 2001* prevents council from placing any restrictions on the keeping or operation of approved gaming machines. We are satisfied that this is correct.

- NSW Health which raised concerns about the increased risk of gambling-related harm and impact on vulnerable populations.

In response, the applicant noted that this proposal is not about increasing availability of gambling in the LGA. Rather, it is the relocation of 15 existing GMEs from one premises to another in the LGA. The only notable change will be the cessation of all gaming activities at Boydtown. Both hotels being in a Band 3 SA2, the risks will remain largely unchanged.

We also note that the below factors weigh in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- the proposed premises has no post-midnight gaming
- approval will result in no increase in the number of available gaming machines within the SA2 and LGA
- approval will result in an overall reduction in licenced hours (opening at 10am rather than 5am)
- appropriate harm-minimisation measures are contained in the plan of management and licence conditions, as set out in Schedule 1.

On balance, the Authority are satisfied that the proposal would benefit the local and broader communities and not increase the risk of liquor or gambling related harm.

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 legislation
- a Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations

¹ Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024))

- 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
- data provided by L&GNSW pertaining to location factors for the LGA and SA2 where the destination venue is located, gaming profits at the destination venue and gaming participation and prevalence in the LHD
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the overall 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



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Seahorse Inn Hotel

No.	Condition to be imposed	Description
1.	Minors' Area	Minors' Area Authorisation: whole of the licensed premises excluding the gaming room and first floor (including accommodation rooms)
2.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 20 March 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.
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 removing this licence to the premises at 142-144 IMLAY ST, EDEN NSW 2551 .
4.	6-hour closure period	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
5.	Consumption on premises	Good Friday: 12:00 noon -10:00 PM Christmas Day: 12:00 noon -10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 st : Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
6.	Take away sales	Good Friday: Not permitted December 24 th : Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day: Not permitted December 31 st : Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
7.	Complaints register	1. A complaints register is to be maintained at the premises at all times which records the following: 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. 2. Details of complaints received, either in person or over

No.	Condition to be imposed	Description
		the phone, must be: - recorded in the complaints register, and - reported to the duty manager. 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.
8.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
9.	CCTV	1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: 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), recordings must be in digital format and at a minimum of ten (10) frames per second, any recorded image must specify the time and date of the recorded image, the system's cameras must cover the following areas: - all entry and exit points on the premises, - the footpath immediately adjacent to the premises, and - all publicly accessible areas (other than toilets) within the premises. The licensee must also: keep all recordings made by the CCTV system for at least 30 days, ensure that the CCTV system is accessible at all times <u>the system is required to operate pursuant to clause 1(a)</u>, by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and 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.
10.	Crime scene preservation	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: take all practical steps to preserve and keep intact the area where the act of violence occurred, 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,

No.	Condition to be imposed	Description
		make direct and personal contact with NSW Police to advise it of the incident, and comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. 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.
11.	Incident register	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: 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: 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.
12.	Responsible Gambling Officer	1. The Licensee shall ensure that one Responsible Gambling Officer (Gambling Contact Officer), being a staff member who holds a current advanced RCG certificate, is on duty whenever gaming machines are operating. 2. The Officer's duties are to: a. maintain the gambling incident register b. make reasonable efforts to identify gaming machine players who or at risk of, or displaying behaviour related to gambling harm. c. make inquiries with a patron if the officer suspects the patron is, or is at risk of, experiencing gambling harm d. notify senior management of serious instances of patrons who are experiencing gambling harm

No.	Condition to be imposed	Description
		e. facilitate requests by patron for information about, or to participate in the venues self-exclusion scheme f. assist staff and management in ensuring the venue meets its harm minimisation obligations under the Act g. promote harm minimisation measures within the venue. 3. The Officer may perform other duties: a. that do not prevent them from carrying out the duties above; or b. in an emergency situation.

Schedule 2: Licence conditions to be revoked - Seahorse Inn Hotel

Condition to be revoked	Reason
Condition 310 Minors' area authorisation Bistro, Beer Garden, Stairway, Lounge and Functions, Restaurant, Seminar & Conferences, Amenities, Courtyard, Terrace and Grassed Area.	Replaced with condition #1 imposed above.