

Ms Jade Hall
Liquor and Gaming Solutions

By email to: Jade@lgsigroup.com.au

18 August 2023

Dear Ms Hall

| | |
|-------------------------|---|
| Application No. | 1-8632604589 |
| Applicant | Russell Trent Richardson |
| Application for | Amendment – hotel (full) – change of conditions |
| Application date | 30 March 2023 |
| Decision date | 27 June 2023 |
| Licence name | King Street Newcastle |
| Licence number | LIQH400117434 |
| Trading hours | Consumption on premises Monday to Saturday 10:00 AM – 03:30 AM Sunday 10:00 AM – 12:00 midnight Takeaway Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM |
| Premises | 13-15 Steel Street Newcastle West NSW 2302 |
| 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 – King Street Newcastle**

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](https://www.liquorandgaming.nsw.gov.au) 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 West. The broader community is the Local Government Area (LGA) of Newcastle.

We note that there were no adverse findings relating to the easing of conditions at the venue during the Stage 2 Newcastle Trial

Positive social impacts

We are satisfied that the conditions as proposed are modernised and suitable. The updated plan of management imposed on the venue and not revoking certain conditions strengthen the venue's harm-minimisation measures. A courtesy bus trial has been included in the plan of management, providing an additional noise/dispersal mechanism.

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 venue and patron capacity
- long licensed trading hours
- venue being located in a high-density hotspot for all categories usually considered by the Authority
- higher than average crime rates in the Newcastle LGA for alcohol-related domestic and non-domestic assault and malicious damage compared to NSW rates
- higher than average liquor licence density in Newcastle West and the Newcastle LGA
- higher than average level of alcohol-attributable deaths in the Newcastle LGA.

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

- SEIFA data indicating relative socio-economic advantage for both Newcastle West and the Newcastle LGA as above average
- the rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- the licence currently holding no electronic gaming machines and the requirement to provide notification and seek approval if wanting to seek gaming machine entitlements, or wishing to use TAB or Keno facilities in the future
- not revoking the RSA supervisor condition which ensures a dedicated supervisor of responsible service of alcohol practices will always be on duty. This mitigates the risk posed by the size of the premises, relatively large patron capacity and permitted late trading hours
- not revoking the 'no stockpiling' condition which assists in limiting the impact of relaxing other drink-related conditions

- the harm-minimisation measures outlined in the updated 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
- 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

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Philip Crawford

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

Schedule 1 – Licence conditions to be imposed King Street Newcastle

| 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 May 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. |

Conditions to be revoked – King Street Newcastle

| Condition to be revoked | Description |
|---|---|
| 220 Plan of management (replaced by imposition of condition 1) | <p>CONDITIONS IMPOSED ON 19 DEC 2005 PURSUANT TO POLICE IMPOSITION OF CONDITIONS APPLICATION 250091.00:</p> <p>The licensee shall, within two (2) months of the imposition of these Conditions, file with the Court and serve on the Police a Plan of Management designed to prevent the possession, use and supply of prohibited drugs on the Premises (the Plan). The licensee shall consult with the Police in the preparation of the Plan, in particular as to the Cameras and security at the Premises.</p> <p>The Licensee is to ensure compliance with the Plan. A copy of the Plan will be kept on the premises and upon reasonable request shall be made available to members of the New South Wales Police and duly appointed Licensing Inspectors of the Department of Gaming and Racing. Any amendment to the Plan shall be notified to the Police within seven (7) days of such amendment.</p> |
| 500 (condition eased during the trial with nil adverse findings for the period) | No persons are to be admitted to the premises after 01:30 am. |
| 3040 Drink restrictions (condition eased during the trial with nil adverse findings for the period) | <p>The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm:</p> <ul style="list-style-type: none"> (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 (mitigated through plan of management and other conditions) | That the sale and supply of alcohol shall cease thirty (30) minutes prior to closing time. |
| 3070 Staff training (addressed in 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. |

| Condition to be revoked | Description |
|--|---|
| 3100 (replaced by imposition of condition 1) | The premises is to be operated at all times in accordance with the Plan of Management dated November 2021 as may be varied from time to time after consultation with NSW Police. Any proposed variations relating to service of drink and/or lock-out restrictions must be submitted to Liquor and Gaming NSW for endorsement. 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, or Liquor & Gaming NSW inspector. |
| 3150 (no longer relevant) | The Hotel will cease to operate Gaming Machines from 11/02/2022. |
| 3160 (no longer relevant) | No TAB or Keno facilities may be operated on the licensed premises. |
| 3180 (condition eased during the trial with nil adverse findings for the period) | Notwithstanding any other condition, the sale of cocktails is permitted until 12:00am. For the purposes of this condition: 1) Cocktails are defined as any alcoholic drink that contains spirits or liqueur (or both) mixed with other ingredients, is not designed to be consumed rapidly, and is commonly known as a 'cocktail', but only if: (a) the cocktail is listed on a document prepared by the licensee that is included in their Plan of Management and is displayed on the subject premises and itemises the cocktails that may be sold or supplied on the premises during trading hours and the amount payable for each cocktail (the cocktail list), and (b) no cocktail listed on the cocktail list is sold or supplied on the subject premises at any time at less than the amount specified on the cocktail list 2) All cocktails to be served in single serve vessels only (no jugs etc). |

Conditions not revoked – King Street Newcastle

| Condition not revoked | Description |
|---|---|
| 3030 RSA Supervisor | 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. |
| 3060 Drink restriction | 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). |