

Ms Jade Hall  
Liquor and Gaming Solutions

By email to: [info@liquorandgamingsolutions.com.au](mailto:info@liquorandgamingsolutions.com.au)

24 August 2023

Dear Ms Hall

**Application No.** APP-0008474126  
**Applicant** The Young Street Hotel Pty Ltd  
**Application for** Hotel (general bar) licence with minors area authorisation  
**Licence name** The Young Street Hotel  
**Trading hours** Indoor areas  
Monday to Saturday 10:00 AM – 12 midnight  
Sunday 10:00 AM – 10:00 PM  
Footpath dining  
Monday to Sunday 11:00 AM – 10:00 PM  
**Premises** 132 Young Street  
Carrington NSW 2294  
**Legislation** Sections 3, 11A, 12, 14 - 17, 40, 44, 45, 48 and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority**  
**Application for a hotel (general bar) licence with minors area authorisation**  
**The Young Street Hotel, Carrington**

On 14 July 2021 the Independent Liquor & Gaming Authority (Authority) **approved** this application under section 45 of the *Liquor Act 2007*, subject to the surrender of on-premises licence number LIQO660010206.

We provided you with preliminary advice of this decision on 5 August 2021.

**Statement of reasons**

The statement of reasons will be published on the [Liquor & Gaming NSW website](#) under section 36C of the *Gaming and Liquor Administration Act 2007*.

**If you're not happy with this decision**

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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 the case manager, Leonie Jennings, at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Dinning'.

Sarah Dinning

**Deputy Chairperson**

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

# STATEMENT OF REASONS

## Our decision

We approve the application under section 45 of the *Liquor Act 2007* (NSW) (the Act), subject to the surrender of on-premises licence number LIQO660010206.

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

## Our findings

### Procedural and trading hour requirements

We are satisfied that the application is valid and meets the Act's requirements for procedural fairness.

The proposed trading hours and 6-hour closure periods for the premises meet the requirements under sections 11A, 12 and 14 of the Act.

The Community Impact Statement (CIS) meets the relevant requirements.

### 'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business as law enforcement agencies raised no concerns about their integrity.

### Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

### Development consent requirements

The necessary development consent is in force. City of Newcastle Council approved the development application consent DA 05/0844 and OD2020/1751 for the premises on 10 May 2006 and 29 June 2021.

### Community impact

#### *Local and broader communities*

The relevant 'local community' is the community in the suburb of Carrington, and the relevant 'broader community' comprises the Local Government Area of Newcastle.

#### *Diversity and density of licensed outlets*

L&GNSW Liquor & Gaming LiveData Report for Carrington shows:

- there are 7 authorised liquor licenses, of which 4 are authorised to sell packaged liquor. This includes 1 packaged liquor store, 1 registered club licence and 2 hotel licences.
- saturation of Hotel (General Bar) licences in Carrington (0) is lower compared to the Newcastle LGA (2.6), and lower compared to all of NSW (1.4)
- saturation of late-trading outlets in Carrington (51.8) is higher compared to the Newcastle LGA (48.3), and higher compared to all of NSW (34.7)
- clustering of Hotel (General Bar) licences in Carrington (0) is lower compared to the Newcastle LGA (15), and lower compared to all of NSW (39.8)
- clustering of late-trading outlets in Carrington (2) is lower compared to the Newcastle LGA (19.7), and lower compared to all of NSW (73.1).

#### *Crime data (annual rate per 100,000 residents)*

BOCSAR data shows that, in the year to March 2021:

- the premises was located close to hotspots for incidents of alcohol-related domestic assault and malicious damage to property in areas that are likely to be serviced by the licence.
- alcohol-related domestic assault in the Newcastle LGA was lower compared to all of NSW
- alcohol-related non-domestic assault in the Newcastle LGA was higher compared to all of NSW
- late-night alcohol-related non-domestic assault in the Newcastle LGA was higher compared to all of NSW
- alcohol-related non-domestic serious assault in the Newcastle LGA was higher compared to all of NSW
- alcohol-related offensive conduct in the Newcastle LGA was higher compared to all of NSW
- malicious damage to property in the Newcastle LGA was higher compared to all of NSW.

#### *Alcohol-related health data (per 100,000 residents)*

The most recent HealthStats NSW data available show that:

- between 2017/2018 alcohol-related deaths in the Newcastle LGA were higher compared to the NSW average
- between 2017/2018 -2018/2019 alcohol-related hospitalisations in the Newcastle LGA were lower compared to the NSW average.

#### *ABS Socio-Economic Index for Areas (SEIFA)*

SEIFA data as at 2016 indicates that Carrington was relatively disadvantaged and the Newcastle LGA advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

#### *Business model*

We note that The Young Street Hotel is currently operating as an on-premises restaurant with primary service of alcohol under licence no LIQO660010206 known as 'Carrington Place Restaurant'.

The applicant seeks to change the licence to a Hotel (General Bar) licence to align with the current business model of the premises.

The premises will continue to sell food and operate a full kitchen on the ground floor. However, the applicant considers the business model is better suited to as Hotel (General Bar) licence.

It is noted that the on-premises licence will be surrendered if the application is approved.

#### *Benefits proposed by the applicant*

The applicant proposes that the change of licence follows the natural growth of the business and will allow the premises to market itself as a hotel which includes accommodation and a bar.

#### *Stakeholder submissions*

We considered the submissions from:

- NSW Police Force, dated 29 March 2021, which objects to the application being granted due to the high concentration of licensed restaurants, cafes, hotels and bars in the near vicinity of the premises; and high crime statistics for the Newcastle LGA. Police have requested that the Hotel (General Bar) licence only be issued for the ground floor and that the conditions attached to the on-premises licence are imposed on the new licence, along with the conditions put to the applicant by L&GNSW.
- City of Newcastle Council, dated 17 March 2021, which notes no adverse findings regarding the application.

- Transport for NSW, dated 15 February 2021, which requests the applicant consider a number of initiatives to assist with responsible service of alcohol to customers, especially young drivers who have a zero alcohol limit; and to help reduce road crashes involving drivers and riders impaired by alcohol.
- Twelve members of the public, between 11 March 2021 and 9 April 2021, which object to the application on the following basis:
  - the licence will likely have detrimental effects on the local community as there is already a high saturation of licensed venues in the suburb.
  - granting the licence may exacerbate antisocial and criminal behaviour.
  - local residents have ongoing issues with delivery trucks, lack of parking and noise disturbance.
  - the premises is also located within close proximity to an early education centre.

We also considered the Applicant's submission in response, to these submissions, which notes that:

- Police have relied upon statistics for the Newcastle LGA and suburb of Newcastle
- the trading hours reflect the hours approved under the current liquor licence
- the application does not seek to authorise the use of gaming machines
- changing the existing liquor licence at the venue will not change the current demographic as it will replace the existing on-premises licence
- while a number of conditions are consented to, the applicant would like the heritage listed former pub to operate as a general bar free from the restrictions of the previous restaurant licence
- the premises has its own car park and off-street delivery access; with deliveries made between 8AM to 4PM and no more than 3 deliveries in a 24-hour period.

## Findings of concern

There is a risk that if the licence was granted, liquor sold at the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

### *Factors that may reduce this risk*

However we are satisfied that the risk is reduced by:

- the premises not being located in a crime-density hotspot across any category the Authority normally considers
- no gaming facilities on the premises
- no increase in liquor density as the licence will replace the existing on-premises licence already in operation
- the above average socio-economic advantage in the Newcastle LGA
- the harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1

## The material we considered

We considered all the material we received about the application, including:

- Plan of Management documents for the premises, titled Alcohol Management Plan and dated May 2021
- completed certification of advertising dated 6 April 2021
- completed application dated 10 March 2021
- completed Category B Community Impact Statement dated 9 March 2021

- ASIC business records in relation to the applicant
- floor plan for the premises indicating the proposed licensed area will apply
- notice of determination issued by City of Newcastle Council on 6 May 2006 and 29 June 2021, approving the development application and usage of the footway for outdoor trading purposes for the premises
- data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS)
- relevant L&GNSW liquor licensing records
- submission from L&GNSW Compliance, dated 7 April 2021
- submission from a member of the public, dated 9 April 2021
- submission from a member of the public, dated 9 April 2021
- submission from a member of the public, dated 9 April 2021
- submission from a member of the public, dated 8 April 2021
- submission from a member of the public, dated 7 April 2021
- submission from a member of the public, dated 7 April 2021
- submission from a member of the public, dated 7 April 2021
- submission from a member of the public, dated 7 April 2021
- submission from a member of the public, dated 6 April 2021
- submission from a member of the public, dated 1 April 2021
- submission from a member of the public, dated 31 March 2021
- submission from a member of the public, dated 31 March 2021
- submission from NSW Police, dated 29 March 2021
- submission from City of Newcastle Council, dated 17 March 2021
- submission from a member of the public, dated 11 March 2021
- submission from Transport for NSW, dated 15 February 2021
- correspondence between L&GNSW staff and the Applicant between 2 April 2021 and 1 July 2021 in relation to the assessment of the Application
- Google map images extracted from the Google website showing the location and photos of the premises in map view
- licence for Carrington Place Restaurant (LIQO660010206) as at 24 June 2021
- background information for Newcastle venues.

## **The law that applies**

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold
- Sections 14, 15, 15A and 17: Specific provisions about a hotel licence
- Section 40: Minimum requirements to apply for a liquor licence
- Section 44: Submissions about licence applications
- Section 45: Criteria for granting a liquor licence
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being
- Section 121: Minors on licensed premises.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Dinning'.

Sarah Dinning

**Deputy Chairperson**

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

**Schedule 1 – Licence conditions to be imposed  
The Young Street Hotel, Carrington**

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	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 <b>4:00 AM and 10:00 AM</b> 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.
2.	<b>Restricted trading &amp; NYE (std)</b>	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 <sup>st</sup> 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.
3.	<b>Social impact</b>	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.
4.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>May 2021</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.
5.	<b>Local liquor accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	<b>CCTV</b>	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: (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 <b>ten (10)</b> 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: (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:

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to 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>(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.</li> </ul>
7.	<b>Incident Register</b>	<ul 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: <ul 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> </ul> </li> <li>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ul 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> </ul> </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> </ul>
8.	<b>Minors Area</b>	Minors Area Authorisation: whole of the licensed premises excluding the smoking area.
9.	<b>No gaming</b>	No gaming machine, TAB or Keno facilities may be operated on the licensed premises.
10.	<b>Crime scene preservation</b>	<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> <ul style="list-style-type: none"> <li>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <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> </ul>

No.	Condition to be imposed	Description
		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.
11.	<b>Entertainment in Outdoor and/or Children's Area</b>	All entertainment in the outdoor area and/or children's area as outlined on the map supplied with the application must cease at 10pm.
12.	<b>Trial trading hours (full trading hours) – Footway Dining</b>	<p>The licensee must provide satisfactory evidence to Liquor &amp; Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on 30 June 2022 (or as may be extended from time to time).</p> <p>A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor &amp; Gaming inspector, or any other person authorised by the Independent Liquor &amp; Gaming Authority.</p>