

NSW Independent Liquor & Gaming Authority

Our ref: DF25/068860

Mr Daniel McGirr
McGirr Lawyers

12 November 2025

Dear Mr McGirr

Application No.	1-9501870581 (hotel removal) SR00001421770 (minors' area authorisation) 1-9580080172 (gaming machine threshold increase and gaming machine entitlement transfer)
Applicant	Hinzack Hotels Pty Ltd
Application for	Hotel (full) removal, minors' area authorisation, gaming machine threshold increase and gaming machine entitlement transfer
Application date	16 June 2025
Decision date	15 October 2025
Licence name	Sawdust Hotel
Licence number	LIQH440018919
Current trading hours	<u>Consumption on premises</u> Monday to Thursday 10:00 AM – 12:00 AM Friday to Saturday 10:00 AM – 02:00 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
Current premises	386 Victoria Road Gladesville NSW 2111
Proposed premises	167-171 Rowe Street Eastwood NSW 2122
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 53 and 121 of the <i>Liquor Act 2007</i> Sections 19, 34 and 37B of the <i>Gaming Machines Act 2001</i>

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Decision of the Independent Liquor & Gaming Authority

Application for a hotel (full) removal, minors' area authorisation, gaming machine threshold increase and gaming machine entitlement transfer – Sawdust Hotel

We **approve** the applications above under sections 48, 59 and 121 of the *Liquor Act 2007* (**the Act**) and sections 19 and 34 of the *Gaming Machines Act 2001* (**GM Act**) – with the conditions set out in Schedule 1, and conditions to be revoked as set out in Schedule 2. The 6-hour closure period overrides any condition of the licence.

Impact of *ILGA v Whitebull & Ors [2023] NSWCA 224*

The court in *ILGA v Whitebull & Ors [2023] NSWCA 224* (the **Whitebull decision**) confirmed that the NSW Independent Liquor & Gaming Authority (the **Authority**) may take into account harm minimisation considerations when making a decision under section 19 of the Act.

The principles in the *Whitebull* decision underpin the Authority's decision-making under section 19 of the Act.

Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will not be detrimental to the wellbeing of the local or broader community.

Our main findings

The local community for the purposes of this decision is the suburb and Statistical Area 2 (**SA2**) of Eastwood. The broader community is the Local Government Area (**LGA**) of Ryde.

The applicant proposes to remove a full hotel licence with its associated minors' area authorisation and 30 gaming machine entitlements (including poker machine permits) from its current site to a new premises at Eastwood, noting no significant increase in premises size.

The existing premises have been scheduled for redevelopment, with the lease due to expire. The proximity of the Eastwood Public School was noted and the Authority determined that the proposed premises are not in the immediate vicinity of the school.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Social impacts

We accept that the proposal could contribute to an increase in alcohol and gaming related harm in the local and broader communities because of the:

- crime hotspots – the proposed premises is in a high-density crime hotspot for non-domestic assault and a medium-density crime hotspot for malicious damage to property

- health statistics – the rate of alcohol-attributed hospitalisations is higher in the LGA than in NSW
- gaming intensity – the gaming machine entitlements are moving to an area of increased gaming intensity
- location factors – the SA2 has some location factors including high levels of young people and people from culturally and linguistically diverse backgrounds. Both demographics are associated with elevated risks of gaming related harm.

We considered the following objection:

- NSW Health objected to the application stating that the overall social impact of the licence is likely to be detrimental to the well-being of the local and broader Eastwood community by highlighting the following concerns:
 - oversaturation of hotels and other licences in the area
 - Eastwood is ranked in the highest risk level for both the number of alcohol outlets (40 or more outlets) and access to alcohol outlets (highest 20% of areas) in a small geographical area (Australian Institute of Health and Welfare Report)
 - high alcohol attributed hospitalisations
 - Eastwood is more disadvantaged than Gladesville
 - economic costs relating to alcohol-related harm
 - crime hotspots are in the suburb
 - Eastwood public school is within 100 metres of the proposed venue
 - a gaming machine threshold of 30 is excessive, with the suburb having a large population born overseas. 48% speak a language other than English at home and 57% of the population is of Asian background. All demographic traits are linked to higher vulnerability to gaming harms.

The applicant responded to the submissions from NSW Health stating:

- there is no opposition from other stakeholders
- consultation included two town meetings, including one translated and meetings with police and council
- the submission from NSW Health is incorrect, as the saturation of hotel and club licences in the suburb and LGA are lower than in NSW
- NSW Health have not considered that the licence will not sell take away liquor
- alcohol-attributed hospitalisations are not a reliable indicator of alcohol-related harm and NSW Health have selected statistics to suit its submission
- both the suburb and LGA are socio-economically advantaged
- alcohol-attributed costs in the LGA are lower than in NSW
- the positive effects of removal of gaming machine entitlements from disadvantaged communities

The applicant further relied on Dr Stubbs & Associates submissions in response to NSW Health's objection which noted there is unlikely to be an overall detriment to the local community from the removal of the licence to Eastwood, and highlighted some benefit in terms of gaming related harm associated with the transfer of the gaming machine entitlements from Gladesville to Eastwood including:

- at the scale of the LGA (the broader community), the social impacts are likely to be neutral, although there is likely to be a net benefit at the LGA scale from increased social equity because of the reduction of EGMs in the high-density environment of Gladesville
- the wider benefits for NSW from the permanent removal of EGMS from the highly disadvantaged local communities of Brewarrina, Coonamble, Nyngan and Muswellbrook,

which are Band 3 areas; and Oberon and Scone as Band 2 areas, and their location in the Band 1 area of Eastwood SA2.

The factors below weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- the strong support for the removal, including Brewarrina residents, Brewarrina Council and the Western NSW Local Health District who were all opposed to the return of gaming machine entitlements to the area
- the licence will restrict trading to midnight at the new premises
- there were no objections from NSW Police, local council or the community
- a 184-signature petition of support from members of the public
- the proposed premises is not located in a high-density crime hotspot for domestic assault or alcohol-related assault
- the incident rates for all crime categories we considered are lower in Eastwood and Ryde than in NSW
- the rate of hotel (full) licences is lower in Eastwood and Ryde than in NSW
- the rate of alcohol-attributed deaths is lower in Ryde than in NSW
- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in Eastwood and Ryde compared to other communities in NSW¹
- the licence will not offer takeaway liquor sales
- the noise mitigation measures in the plan of management requires all windows and doors on the ground floor terraces and rooftop to be closed after 10:00pm
- the patron capacity is limited in the alfresco gaming area and ground floor outdoor beer garden
- the proposed premises is in a Band 1 SA2
- the gaming machine entitlements to be moved to the site are primarily sourced from disadvantaged rural areas
- the 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
- the legislation
- certificate of advertising
- 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

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))

density, alcohol-related crimes rates and health issues in the local and broader communities

- L&GNSW compliance materials
- response to submission by Northern Sydney LHD by Dr Stubbs & Associates
- Hotel Development DA Acoustic Assessment by Pulse White Noise Acoustics
- venue maps and images
- location factors
- stakeholder submissions and the applicant's response to them.

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

NSW Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Sawdust Hotel

No.	Condition to be imposed	Description
1.	6-hour closure	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 04:00AM 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.
2.	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.
3.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
4.	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: <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>
5.	Minors' Area	Minors' Area Authorisation: Whole of the licensed premises other than Wine Bar, Beer Garden and Gaming Room.
6.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated January 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

No.	Condition to be imposed	Description
		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.
7.	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 167-171 Rowe Street Eastwood NSW 2122.
8.	Complaints register	<ol style="list-style-type: none"> 1. A complaints register is to be maintained at the premises at all times which records the following: <ol 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. 2. Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> a. recorded in the complaints register, and b. 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.
9.	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,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> 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 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.
10.	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: <ul 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: <ul 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 retained for at least 3 years from when the record was made.
11.	No takeaway sales	No takeaway sales of liquor are to occur from the licensed premises.

Schedule 2: Licence conditions to be revoked - Sawdust Hotel

No.	Condition to be revoked	Reason
	<p>Condition 50 <u>6-hour closure period</u> 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 04:00 AM and 10:00 AM during each</p>	The condition will be carried over to the proposed premises by the imposition of condition #1 above.

No.	Condition to be revoked	Reason
	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.	
	<p>Condition 101 <u>Consumption on premises</u> 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 31st 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.</p>	The condition will be carried over to the proposed premises by the imposition of condition #2 above.
	<p>Condition 125 <u>Takeaway sales</u> Good Friday: Not permitted Christmas Day: Not permitted December 31st: Normal trading</p>	No takeaway sales will occur from the premises.
	<p>Condition 2010 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.</p>	The condition will be replaced by condition #7 above.
	<p>Condition 3010 <u>Liquor Accord</u> The licensee or its representative must join and be an active participant in the local liquor accord.</p>	The condition will be carried over to the proposed premises by the imposition of condition #3 above.
	<p>Condition 3060 Whenever the extended trading authorisation is exercised at the Hotel and where the patron capacity exceeds 100 persons, 1 RSA Marshal is to be deployed within the Hotel to monitor patron behaviour.</p>	Condition relevant to the previous address.
	<p>Condition 3070 A Plan of Management is to be prepared and shall deal with the operation of the hotel, but not limited to, its amenity within the neighbourhood of the premises, compliance with noise conditions, the behaviour of patrons, a suitable and appropriate dress code, security, responsible gambling and liquor practices, primary purpose of the licence, management of patrons queuing into the premises, management of</p>	Condition relevant to the previous address.

No.	Condition to be revoked	Reason
	patrons within the premises and their exit and dispersal from the area, removal of glass from patrons, use of the incident register, role of security staff, crime scene management procedures and subject to Part 4 of the NSW Independent Liquor and Gaming Authority Act, it shall provide for CCTV surveillance footage to be made available for viewing by the Police whenever the premises is trading and allow for copies to be supplied to Police upon request within a reasonable time. The Plan of Management shall also include provision for staff training in the above matters, to ensure compliance with the above mentioned conditions and the laws applying to the operation of the premises generally.	
	<p>Condition 4010</p> <p>The licensee or approved manager shall respond to any complaints made to him or his employees by residents, in a sympathetic and effective manner. Residents will be asked to notify the licensee or his employees directly of any further complaints.</p>	Condition relevant to the previous address.
	<p>Condition 4020</p> <p>Signs to be displayed at the rear exit/car park requesting patrons to leave the area quickly and quietly to avoid disturbance to the neighbourhood.</p>	Condition relevant to the previous address.
	<p>Condition 4040</p> <p>The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8Khz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.</p> <p>* For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.</p>	Condition relevant to the previous address.
	<p>Condition 4050</p> <p>The licensee will ensure that the car park and the surrounding area including Farm Street is clear of bottles, glass etc. every morning before 10:00 am.</p>	Condition relevant to the previous address.
	<p>Condition 4070</p> <p>No glasses or opened containers of liquor to be allowed to be taken from the premises at any time. No packaged liquor to be allowed to leave the premises after 12:00 midnight.</p>	Condition relevant to the previous address.

No.	Condition to be revoked	Reason
	<p>Condition 4080</p> <p>Whenever the extended trading authorisation is exercised at the Hotel all drink service must cease thirty (30) minutes before closing time.</p>	<p>Condition relevant to the previous address.</p>
	<p>Condition 4090</p> <p>Minors' area authorisation: Whole of the licensed premises excluding the gaming area.</p>	<p>The condition will be replaced by condition #5 above.</p>
	<p>Condition 4100</p> <p>From 7:00 PM until thirty minutes after the premises has ceased to trade (or the last person has left the vicinity of the premises) on Friday and Saturday the licensee shall engage one licensed uniformed security guard, who will conduct regular patrols within the licensed premises, along with patrols of Victoria Road, the rear car park of the Hotel and patrols of Farm Street Gladesville to ensure the quiet and good order of the neighbourhood is not disturbed.</p> <p>From 10:30 PM whenever patronage exceeds 150 people, an additional uniformed licensed security guard is to be engaged.</p>	<p>Condition relevant to the previous address.</p>
	<p>Condition 4110</p> <p><u>Plan of management</u></p> <p>The premises is to be operated at all times in accordance with the Plan of Management dated March 2022 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.</p>	<p>The condition will be replaced by condition #6 above.</p>
	<p>Condition 4120</p> <p><u>Incident Register</u></p> <p>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:</p> <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 Act, d. any incident that results in a patron of the premises requiring medical assistance. 	<p>The condition will be carried over to the proposed premises by the imposition of condition #10 above.</p>

No.	Condition to be revoked	Reason
	<p>2. The licensee must, if requested to do so by a police officer or inspector:</p> <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or inspector, and b. allow a police officer or inspector to take copies of the register or to remove the register from the premises. <p>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.</p>	
	<p>Condition 4130 <u>CCTV</u></p> <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 c. 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. 	<p>The condition will be carried over to the proposed premises by the imposition of condition #9 above.</p>
	<p>Condition 4140 <u>Crime Scene Preservation</u> Immediately after the person in charge of the licensed premises or a staff member becomes aware of any</p>	<p>The condition will be carried over to the proposed premises by the imposition of condition #4 above.</p>

No.	Condition to be revoked	Reason
	<p>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>	
	<p>Condition 4150 No amplified music or entertainment will be provided on the outdoor terrace after 12:00 midnight Friday and Saturday.</p>	<p>Condition relevant to the previous address.</p>
	<p>Condition 4160 The outdoor terrace is not to be utilised by patrons after 12:00 midnight Friday and Saturday evenings to ensure the quiet and good order of the neighbourhood.</p>	<p>Condition relevant to the previous address.</p>