



Mr David Rippingill
Design Collaborative
By email to: david@designcollaborative.com.au

28 November 2023

Dear Mr Rippingill

Application No. APP-0008058020
Applicant The Trustee for GA Wentworth Ave Unit Trust
Application for Hotel licence
Extended trading authorisation
Minors area authorisation
Licence name Ace Hotel Sydney
Trading hours Consumption on premises:
Ground floor lobby bar and lounge
Monday to Sunday 10:00 am – 01:00 am
Ground floor restaurant and cafe
Monday to Sunday 10:00 am – 12:00 midnight
Rooftop bar
Monday to Sunday 10:00 am – 02:00 am
Takeaway sales:
Monday to Saturday 10:00 am – 12:00 midnight
Sunday 10:00 am – 11:00 pm
Accommodation:
Monday to Sunday 05:00 am – 05:00 am
Premises 47-53 Wentworth Avenue
Surry Hills NSW 2010
Legislation Sections 3, 11A, 12, 14, 15, 15A, 17, 40, 44, 45, 48, 49, 51 and 121 of the
Liquor Act 2007

Decision of the Independent Liquor & Gaming Authority
Application for a hotel licence with extended trading and minors area authorisations
- Ace Hotel Sydney

We first considered the application above on 11 August 2021 and, following the receipt and consideration of further information, decided on 13 October 2021 to **approve** the application under section 45 of the *Liquor Act 2007*.

Preliminary advice of this decision was provided on 20 August 2021.

Statement of reasons

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 and the proposed trading hours for the premises meet the requirements under sections 11A, 12 and 14 of the Act in respect of trading and 6-hour closure periods
- 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 to which the proposed licence relates, 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 Sydney Council approved the modification of development consent D/2018/600/G for the premises on 25 June 2021.

Community impact

Local and broader communities

The relevant 'local community' is the community is the suburb of Surry Hills, and the relevant 'broader community' comprises the Local Government Area of Sydney.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Surry Hills shows:

- there are 215 authorised liquor licenses, of which 36 are authorised to sell packaged liquor (including 8 packaged liquor licences, 1 registered club licence and 27 hotel licences)
- saturation and clustering of Hotel licences in Surry Hills is higher compared to the Sydney LGA and all of NSW
- saturation and clustering of late-trading outlets in Surry Hills is lower than Sydney LGA but higher compared to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to September 2020:

- the premises were located in hotspots for alcohol-related domestic and non-domestic assault, alcohol-related offensive conduct and malicious damage to property
- alcohol-related domestic assault offensive conduct in Surry Hills was lower compared to the Sydney LGA and higher compared to all of NSW
- alcohol-related non-domestic assault and malicious damage to property in Surry Hills was higher compared to both the Sydney LGA and all of NSW.

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

HealthStats NSW data show that:

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

ABS Socio-Economic Index for Areas (SEIFA)

SEIFA data shows that Surry Hills and the Sydney LGA were relatively advantaged in terms of household income and residents in skilled occupation compared to other suburbs and LGAs in NSW.

Business model

We note that the business model comprises a 19-storey mixed use building consisting of 264 hotel accommodation rooms (including room service and mini bars), with a ground floor lobby bar and lounge, ground floor restaurant and café, and a rooftop bar for use by hotel guests and the general public.

Benefits proposed by the applicant

The applicant proposes that there would be these benefits:

- the proposed licensed premises will act as a local facility for the community of Surry Hills and support Sydney CBD as a tourist destination
- the design of the hotel will facilitate a safe and high amenity urban environment that will deter anti-social and criminal behaviour
- approval of the licence will further the NSW Government's aim to revitalise Sydney's CBD and entertainment precinct.

Stakeholder submissions

We considered the submissions from:

- L&GNSW Compliance, dated 30 March 2021, who noted no adverse findings regarding the application
- a member of the public, dated 18 January 2021, who objected to the application due to the likelihood of noise pollution during sleeping hours and second hand tobacco smoke on the local resident's balcony
- NSW Police Force, dated 14 January 2021, which did not object to the application
- City of Sydney Council, dated 12 January 2021, which noted the application included restaurant/café hours outside those approved in the development consent
- Transport for NSW, dated 11 November 2020, which requested that the licensee maintain awareness of specific local alcohol-related issues by participating in the local liquor accord, and consider displaying information on local public transport and taxi services in the premises.

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

- there is a considerable distance between the local resident's balcony and the rooftop bar and therefore second-hand smoke will not have any direct impact.
- a detailed acoustic impact assessment report was prepared by Acoustic Logic and subsequently approved by City of Sydney Council
- the approved licensed trading hours reflect the hours approved by Council under development consent D/2018/600/E.
- all requests made by Transport for NSW have been addressed in the plan of management.

Findings of concern

The Sydney LGA has a higher license density than the state average and alcohol-related domestic assault is also relatively high in this area.

There are also some alcohol-related health issues in the broader community.

If the licence is granted, there is a risk that liquor sold at or from the premises would lead to an increase in alcohol-related crime, health, and other social and amenity issues, worsening these problems.

However we are satisfied that the risk is reduced by:

- no gaming facilities on the premises
- Surry Hills and the Sydney LGA being socio-economically advantaged areas

- noise mitigation strategies including closure of the outdoor areas by 10:00 PM
- the harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

The material we considered

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

Application Material

- completed certification of advertising dated 17 May 2021
- Plan of Management documents for the premises, titled Operational and Security Management Plan and dated 12 May 2021
- floor plan for the premises, dated 7 April 2021, indicating the proposed licensed area / liquor sales area / area to which the ETA will apply
- completed application dated 21 December 2020
- completed Category B Community Impact Statement (CIS) dated 21 December 2020
- ASIC business records for the Applicant and associated companies
- under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records, in assessing the likely social impact to the local and broader community if we approved the application.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 8 January 2021 and 27 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.

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.

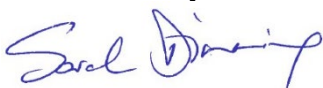
An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to lodge the application.

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 if you have any questions.

Yours sincerely



Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed Ace Hotel Sydney

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (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.
2.	Restricted trading & NYE	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.	Restricted trading & NYE	Take away sales Good Friday Not permitted Christmas Day Not permitted December 31 st Normal trading
4.	Social impact	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 this licence.
5.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 12 May 2021 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.
6.	Local liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	CCTV	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 ten (10) frames per second,

No.	Condition to be imposed	Description
		<p>(c) any recorded image must specify the time and date of the recorded image,</p> <p>(d) the system's cameras must cover the following areas:</p> <ul 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. <p>2) The licensee must also:</p> <ul 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 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.
8.	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> <ul 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 (eg. crowd controller or bouncer) on or about the premises.</p>
9.	No gambling activities	No gaming machine, TAB or Keno facilities may be operated on the licensed premises.
10.	Extended Trading Authorisation	Ground floor lobby bar and lounge, ground floor restaurant and café, and level 18 rooftop.
11.	Minors Area Authorisation	Ground floor lobby bar and lounge, and level 18 rooftop, excluding bar areas.
12.	Trial extended trading hours	If the local consent authority does not approve the continuation of the trial period in the development consent 12 months after the date of issue of the Occupation Certificate (or as may be extended from time to time), the trading hours of the level 18 rooftop area will revert to a 1:00 AM closing time Monday to Sunday.

No.	Condition to be imposed	Description
		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 & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
13.	Rooftop bar – external area	The operable external windows and shutters, and the retractable awning of the rooftop bar, must be closed between 10:00 PM and 2:00 AM daily whilst the bar is in operation. With these operable elements closed, this area of the rooftop bar is considered an internal area.
14.	New Applicants with no Licensee or Advanced Licensee Training	Licensee training must be completed no later than 6 months from the date of grant of the liquor licence, being 13 October 2021 .