



Grant Cusack
Hatzis Cusack Lawyers
gc@hatziscusack.com.au

5 June 2020

Dear Grant

Application No.	APP-0006752008
Applicant	Regent Street Hospitality Pty Ltd
Application for	Packaged liquor licence
Licence name	The Atomic Beer Project Redfern
Premises	158 Regent Street Redfern NSW 2016
Trading hours	Monday to Saturday: 10:00 am – 10:00 pm Sunday: 10:00 am – 9:59 pm
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – The Atomic Beer Project Redfern**

The Independent Liquor & Gaming Authority considered the application above, and decided on 13 May 2019 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Trading on a Sunday that falls on 24 December

Please note that in the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 AM. In accordance with the 6-hour closure period for the current licence, the premises must not trade earlier than 10:00 AM.

Take away liquor sales

Pursuant to section 12 of the *Liquor Act 2007*, the latest time to which the Authority can authorise takeaway liquor sales is 10:00 pm on all trading days.

By the operation of an exemption under clause 117 of the Liquor Regulation 2018, premises authorised to sell liquor for takeaway to 10:00 pm may continue to do so until:

- 12 midnight on any day (other than a Sunday that does not fall on 24 December or 31 December or a restricted trading day), and
- 11:00 pm on Sundays (other than a Sunday that falls on 24 or 31 December or a restricted trading day).

In the circumstances of this application, the Authority considers it appropriate to limit the operation of the clause 117 exemption, by authorising takeaway liquor sales to 9:59 pm on Sundays, and imposing a condition requiring takeaway liquor sales to cease by 11:00 pm, Monday to Saturday.

Approved manager or individual licensee

Please note that the licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager at glenn.barry@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', enclosed in a thin black rectangular border.

Philip Crawford

Chairperson

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

Concise statement of reasons

Key facts

Application No.	APP-0006752008
Applicant	Regent Street Hospitality Pty Ltd
Application for	Packaged liquor licence
Licence name	The Atomic Beer Project Redfern
Premises	158 Regent Street Redfern NSW 2016
Trading hours	Monday to Saturday: 10:00 am – 10:00 pm Sunday: 10:00 am – 9:59 pm
Application date	24 February 2020
Decision	Approved under section 45 of the <i>Liquor Act 2007</i>
Decision date	13 May 2020

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application
- Category B community impact statement
- Premises plan setting out the proposed boundaries of the licensed
- Plan of management for the licensed business at the premises
- Development consent for the premises
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and 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 29-31: Specific provisions in respect of a packaged liquor licence
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made
- Section 45: Criteria for granting a liquor licence
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Redfern, and the broader community is the Local Government Area of Sydney.

Positive social impacts

The Authority notes that a subsidiary of Gage Roads Brewing Co, an award winning Western Australian brewing company, proposes to establish a craft brewery with ancillary bar, restaurant, and a small 4m² packaged liquor facility at the premises; and that the purpose of the packaged liquor licence is to enable the sale of craft liquor products produced by Gage Roads Brewing Co which have not been produced on-site.

The Authority notes that the brewery/restaurant/bar and packaged liquor facility will be the subject of separate liquor licences and licence boundaries.

The Authority notes that the proposed business model will be the first of its kind in Redfern, and that two members of the public welcomed the diversification and revival of the local night-time economy.

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of increased liquor access, choice and convenience.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- higher than average liquor licence density in the local and broader communities
- presence of crime hotspots in the local community
- higher than average crime rates in the local and broader communities
- higher than average level of alcohol-attributable deaths and hospitalisations in the broader community
- concerns raised from a member of the public in relation to potential noise disturbances (the Authority notes, however, that noise disturbances are unlikely to arise directly from the operation of the small packaged liquor facility)

The Authority also notes that Sydney LGA is a popular tourist destination with a large influx of visitors, which may skew density and crime figures.

Further, the Authority considers that these risk factors are sufficiently mitigated by the following:

- the very small size of the packaged liquor facility
- absence of any objections from agency stakeholders or members of the community
- relative socio-economic advantage in the local and broader communities
- the trading hours until 11:00 pm Monday to Saturday are subject to a trial period, which may not be extended by Sydney City Council if the operation of the premises results in adverse amenity impacts
- numerous noise conditions imposed by Sydney City Council in the Development Application
- harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the Act.

A handwritten signature in blue ink, appearing to read 'Philip Crawford', enclosed in a thin black rectangular border.

Philip Crawford
Chairperson

Schedule 1 – Licence conditions to be imposed The Atomic Beer Project Redfern

1. 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 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 (std)
Retail sales

Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday 8:00 AM to 10:00 PM Sunday
Christmas Day	Not permitted
December 31 st	Normal trading
3. 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.
4. The premises is to be operated at all times in accordance with the Plan of Management dated April 2020 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“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,
 - (b) recordings must be in digital format and at a minimum of six (6) 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 to the premises, and
 - (ii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (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.
7. 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.
8. Liquor sold pursuant to the licence is limited to only liquor produced by Gage Roads Brewing Co Limited or any of its subsidiary companies, including liquor produced at the premises at 158 Regent Street, Redfern NSW 2016.
9. Trial extended trading hours

If the local consent authority does not approve the continuation of the trial period in the development consent of 12 months from the date of issue of the Occupation Certificate (or as may be extended from time to time), the trading hours of the premises will revert to 10:00 AM – 9:59 PM Monday to Sunday

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.
10. The licensed premises must cease to trade by 11:00 PM Monday to Saturday.