



Mr Robert Geammal
robbiegeammal@gmail.com

19 December 2018

Dear Mr Geammal

Application No.	1-6668297243
Application for	Small bar licence
Applicant	Mr Robert Geammal
Proposed licence name	Roslyn's
Proposed premises	3-4/11 Ward Avenue POTTS POINT NSW 2011
Legislation	Section 45 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a small bar licence – Roslyn's**

The Independent Liquor and Gaming Authority considered the application above at its meeting on 12 December 2018 and, pursuant to section 45 of the *Liquor Act 2007*, decided to **refuse to grant** the licence.

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

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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford'.

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 23 February 2018, Mr Robert Geammal (“the Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (“Application”) for a small bar licence (“Licence”), for the premises at Shop 3, 11 Ward Avenue, Potts Point (“Proposed Premises”).
2. The Authority considered the Application at its board meeting on 12 December 2018, and decided to refuse to grant the Licence on the basis that the Application did not meet the requirement under paragraph 45(3)(c) of the *Liquor Act 2007* (“Act”).
3. Subsection 45(3) of the Act relevantly provides that:

The Authority must not grant a licence unless the Authority is satisfied that:

...

(c) if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

4. The Authority is satisfied that development consent is required to use the Proposed Premises as a small bar, and that development consent is not in force, having regard to:
 - a) a letter dated 26 April 2018 from City of Sydney Council (“Council”) advising that Council does not support the Application, as the development application for the change of use and fit out of a small bar at the Proposed Premises has been refused, and
 - b) the Applicant’s stated intention in his email of 7 September 2018 to appeal Council’s decision to the NSW Land and Environment Court.
5. The Authority does not have before it any further information about the Applicant’s planned proceedings at the NSW Land and Environment Court. However, any such proceedings would not change the fact that, at the time of the Authority’s decision, there was no development consent in force permitting the Proposed Premises to be used as a small bar.
6. As the requirement under subsection 45(3)(c) of the Act is not met, the Authority must refuse to grant the Licence.
7. For the purpose of this decision, it is not necessary to consider, and the Authority has not considered, whether the other criteria for granting the Licence have been met.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the Application and who made a submission to the Authority or the Secretary in respect of the Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/Ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.