



Our ref: DF23/017914

Ms Kristina Simic
Design Collaborative
By email to: kristinas@designcollaborative.com.au

19 January 2024

Dear Ms Simic

Application No.	APP-0009517970
Applicant	AVC Operations Pty Limited
Application for	New hotel (general bar) licence with minors area authorisation (MAA)
Licence name	South Eveleigh Tavern
Proposed trading hours	Consumption on premises Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	Bays 1 and 2 2 Locomotive Workshops South Eveleigh NSW 2015
Legislation	Sections 3, 11A, 12, 14, 15, 16, 40, 44, 45, 48 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority –
Application for a new hotel (general bar) licence with MAA – South Eveleigh Tavern**

The Independent Liquor & Gaming Authority first considered the application above at its meeting on 13 October 2022 and, following the receipt and consideration of further requested information, and pursuant to section 45 of the *Liquor Act 2007*, decided on 10 November 2022 to **approve** the application – with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 21 November 2022.

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 Liquor Act's requirements for procedural fairness and trading period hours for the premises meeting the requirements under sections 11A, 12 and 14 of the Liquor 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.

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 development application Ref: D/2021/947 for the premises 2 February 2022. The consent permits the 'fit out and use of Bays 1 & 2 in the Locomotive Workshops as a pub with proposed hours 10:00 AM – 12:00 midnight (Monday to Sunday)'.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of South Eveleigh and the relevant 'broader community' comprises the Local Government Area (LGA) of the City of Sydney.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for South Eveleigh shows:

- there are 17 authorised liquor licenses, including 1 packaged liquor licence, 15 on-premises licences and 1 small bar licence
- saturation of on-premises licences is higher but saturation of club and hotel (full and general bar) licences is lower in South Eveleigh compared to both the City of Sydney LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that in the year to June 2022:

- the premises are located in a hotspot for malicious damage to property and in close proximity to hotspots for domestic and non-domestic assault as well as alcohol related assault
- incident rates for all crime categories usually considered by us were higher in the City of Sydney LGA compared to all of NSW.

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

HealthStats NSW data showed that:

- alcohol-related deaths were similar to rates for all of NSW
- alcohol-related hospitalisations were higher compared to the NSW average

ABS Socio-Economic Index for Areas (SEIFA) SEIFA

South Eveleigh was ranked as an average level and the City of Sydney LGA as a high level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves the operation of a new hotel licence endorsed as a general bar with minor's area authorisation (MAA). The primary purpose will be the retail sale of liquor on the licensed premises for consumption on the licensed premises. There will be no take-away sales and gaming machines in operation or kept on the premises.

Benefits proposed by the applicant

The applicant proposes that the licence would contribute to the local night-time economy in Sydney. In particular, the South Eveleigh Locomotive bays designated to become a precinct for the creative industries, hospitality and tourism.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force dated 28 June 2022, which notes no objection with the request to impose additional conditions on the licence.
- Local Council dated 22 June 2022, which notes no objection requesting a plan of management to be provided prior to issuing the Occupation Certificate.
- L&GNSW Compliance dated 11 August 2022, which notes no objection and that the patron capacity of 720 validates objections about noise and traffic. Concerns were raised due to the proposed premises being located near a residential apartment block with a potential negative impact on the amenity of the neighbourhood. Additional conditions were requested to be imposed on the licence.
- Eight members of the public objecting to the proposal, with the common concerns raised about the potential negative impact on the amenity of the local community (e.g. noise disturbances and level of security).
- Two members of the public in support of the proposal noting that the venue would bring community together with local options for entertainment and the suburb needing a night-time economy.

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

- the liquor plan of management (POM) includes appropriate measures to mitigate noise or alcohol-related issues in the area
- the applicant does not consent to the proposed CCTV and Security conditions as these requirements are covered in the venue's liquor POM
- the proposed hours are within standard trading for general bars and were approved by Council
- the South Eveleigh Locomotive bays have been designated as a precinct for the creative industries, hospitality and tourism. The introduction of other venues with similar trading hours is expected
- the venue will create an environment for harmful intoxication or anti-social behaviour with trading hours ceasing at 12:00 midnight and with the venue's focus on providing casual dining and drinking experiences with entertainment.

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.

However, we are satisfied that the risks are mitigated by:

- the fact that the premises will be the first hotel (general bar) to operate in the suburb
- gaming machines not being kept or operated on the premises and takeaway liquor won't be available
- the premises being located in an NSW Heritage site being developed as a future commercial and retail hub for the city of Sydney
- 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 application dated 7 June 2022
- Completed Category B Community Impact Statement (CIS) dated 24 May 2022
- Completed certification of advertising dated March 2022
- Plan of Management documents for the premises dated March 2022
- ASIC business records for the Applicant and associated companies.
- Floor plan for the premises, dated 1 March 2021, indicating the proposed licensed area / liquor sales area

Under [Guideline 6](#), we have 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.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant 22 June 2022 and 13 September 2022 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.

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

If you are 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, leonie.jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

South Eveleigh Tavern, South Eveleigh

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.	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 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.
3.	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.
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated November 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.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	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, (c) any recorded image must specify the time and date of the recorded image,

		<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 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	<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> <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. <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <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. <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>

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> <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>
9.	Minors Area Authorisation	Minors Area Authorisation: whole of the licensed premises.
10.	Trial extended trading hours	<p>If the local consent authority does not approve the continuation of the extended hours (10:00 AM – 12:00 AM (Monday to Saturday) by way of a trial period of one year from the date of the Occupation Certificate being issued as per development consent (or as may be extended from time to time), the trading hours of the premises will revert to:</p> <p>10:00 AM – 10:00 PM (Monday to Sunday)</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 & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.</p>
11.	Cessation	The premises must cease to sell or supply food or liquor 30 minutes prior to the required closing time.