


## LICENSE DETAILS

<b>Application No.</b>	APP-0010442401
<b>Application type</b>	On-premises (restaurant) liquor licence with primary service authorisation - catering service - extended trading authorisation
<b>Trading hours</b>	Monday to Sunday 10:00 AM to 03:00 AM
<b>Applicant</b>	JONES LANG LASALLE (NSW) PTY LIMITED
<b>Licence name</b>	Shops 10.41 & 11.05
<b>Premises address</b>	World Square Shopping Centre, Shops 10.41 & 11.05, 644 George Street, SYDNEY, NSW 2000
<b>Matter</b>	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for an On-premises (restaurant) liquor licence with primary service authorisation - catering service - extended trading authorisation
<b>Legislation</b>	Section 45(1) of the <i>Liquor Act 2007</i>
<b>Decision details</b>	Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the <i>Gaming and Liquor Administration Act 2007</i> , a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Enterprise Investment and Trade, has decided to grant the application for an on-premises liquor licence, subject to conditions set out at Schedule 1 imposed on the licence.
<b>Decision date</b>	9/12/2022
<b>Delegate details</b>	  Anthony Vescio, A/Manager-Licensing Liquor and Gaming NSW Delegate of the Independent Liquor & Gaming Authority

## **STATEMENT OF REASONS**

### **ANALYSIS OF SUBMISSIONS AND STATUTORY REQUIREMENTS**

1. Development consent is in place for the use of the premises as a licensed restaurant. Council advised that they have no objection to the liquor licence.
2. A Police submission received no objection and as outlined in schedule below.
3. No public submissions were received relating to any issues with the application.
4. I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions contained in the licence document.
5. I am satisfied that the statutory advertising requirements have been met.
6. Having reviewed all the material, I am satisfied that granting this application for a On Premises (Restaurant) liquor licence on-premises (restaurant) liquor licence with primary service authorisation - catering service - extended trading authorisation will not be detrimental to the local or broader community.
7. A Plan of Management provides guidance on how RSA practices will be in place whilst the liquor licence is being exercised.

### **MATERIALS CONSIDERED BY THE ILGA DELEGATE**

#### **Information considered**

1. Application form received: 21 October 2022
2. Plan of proposed licensed area: Compliant
3. Certification of Advertising: Compliant
4. Plan of management: Complaint
5. Documents
  - a) National Police Certificate: N/A
  - b) ID: N/A
  - c) RSA competency card: N/A
6. Approved Manager: N/A
7. Licensee training: N/A
8. Development consent: Compliant
9. Correspondence between Liquor & Gaming NSW and the applicant
10. Correspondence from Council
11. Applicant's consent to conditions
12. Police submission.
13. Aboriginal Affairs.

#### **Analysis of stakeholder submissions**

1. NSW Police:

No objection, with a number of conditions not imposed as the premises is not one to be operated as a Karaoke bar.
2. Local consent authority

No objection
3. Public

Not received

4. Aboriginal Affairs no objection

## **OVERALL SOCIAL IMPACT**

### **1. Positive benefits**

The licensee will operate a restaurant for 249 patrons within the World Square complex in Sydney CBD. A catering service and a primary service authorisation will enable the licensee to host functions and add additional flexibility to the licence as patrons will be able to order liquor without food. It is envisaged that the venue will operate to 3am, seven nights a week.

### **2. Mitigation of potential negative impacts**

I am satisfied that the business model, conditions imposed, and any other information contained in the application will provide that the lawful operation of the premises will not be detrimental to the local or broader community.

In particular, the Plan of Management and licence conditions will serve to mitigate any potential negative impacts

## **CONCLUSION**

1. I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to grant the application. All of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The decision was made by the delegate having reviewed the application statement, business model and risk analysis, stakeholder submissions and other relevant material.
2. Having considered the venue management plan /and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps will be taken to prevent intoxication on the premises, and that those practices will remain in place.
3. In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
4. Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
5. In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the liquor licence application with conditions.

## **RELEVANT EXTRACTS FROM THE *LIQUOR ACT 2007***

### **Legislative framework, statutory objects and considerations**

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

1. The objects of this Act are as follows:
  - a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,

- b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
  - c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
2. In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
- a) the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour),
  - b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
  - c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.
  - d) the need to support employment and other opportunities in the—
    - i. live music industry, and
    - ii. arts, tourism, community and cultural sectors.

### **Statutory tests**

1. In determining an application for a licence, under section 45(3) of the *Liquor Act 2007*, the delegate must also be satisfied that:
- a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
  - b) practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
  - c) if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 4 Division 4.1 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.
  - d) the proposed approved manager/licensee has completed the relevant tiered industry training as per legislative requirements.

### **Community impact test**

Under section 48(5) of the *Liquor Act 2007*, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.

The test applying under section 48(5) relates to delegated decisions in relation to:

- a) the grant or removal of a small bar licence (where required),
- b) a packaged liquor licence (limited to telephone/internet sales), k
- c) an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating to a restaurant that includes an application for a primary service authorisation, an on-premises licence relating to a karaoke bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.

The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.

### **Important Information**

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. In the case of the applicant, the fee payable is the fee applying to the original application. In all other cases, the fee is \$100.

Applications for review of ILGA delegated decisions, can be made via the [Liquor and Gaming Application Noticeboard](#). The Review Application form can be accessed online via the *make a submission* button.

Further information can be obtained from the [Reviews of liquor and gaming decisions](#) page on the Liquor & Gaming website.

## SCHEDULE 1

### Conditions considered by the ILGA delegate

All requests to impose conditions on the licence are reviewed on a case-by-case basis and a merit-based assessment is conducted.

In considering whether a proposed condition has merit, delegates consider:

- a) whether the need for the condition has been adequately established
- b) whether the benefits of imposing the condition are likely to outweigh the costs and
- c) whether the proposed condition is proportionate to the potential harm identified.

### Shops 10.41 & 11.05

Licence conditions to be imposed	Licence condition details						
<b>Retail closure period</b>	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 6 hours between 04:00 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.						
<b>Restricted trading &amp; NYE (except airport, catering, other public entertainment venue, vessel - std)</b>	<table><tr><td>Good Friday</td><td>12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)</td></tr><tr><td>Christmas Day</td><td>12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)</td></tr><tr><td>December 31<sup>st</sup></td><td>Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later</td></tr></table> <p>Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.</p>	Good Friday	12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)	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 <sup>st</sup>	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
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<b>Consumption on premise</b>	<p>Consumption on premises (catering service)</p> <table><tr><td>Good Friday</td><td>Normal trading</td></tr><tr><td>Christmas Day</td><td>Normal trading</td></tr><tr><td>December 31<sup>st</sup></td><td>Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later</td></tr></table>	Good Friday	Normal trading	Christmas Day	Normal trading	December 31 <sup>st</sup>	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
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Licence conditions to be imposed	Licence condition details
<b>CCTV Condition</b>	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(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),</li> <li>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>(c) any recorded image must specify the time and date of the recorded image,</li> <li>(d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> <li>(i) all entry and exit points on the premises</li> <li>(ii) all publicly accessible areas (other than toilets) within the premises.</li> </ul> </li> </ul> <p>2) The licensee must also:</p> <ul style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(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</li> </ul> <p style="padding-left: 40px;">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>
<b>Crime scene preservation condition</b>	<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"> <li>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>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 &amp; Gaming NSW website,</li> <li>3) make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ul> <p>5) 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>

Licence conditions to be imposed	Licence condition details
<b>Plan of management</b>	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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
<b>Requirement to maintain an incident register</b>	<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"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>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,</li> <li>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ul> <p>2)</p> <p>The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</p> <ul style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ul> <p>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>
<b>DA trial condition</b>	<p>If the local consent authority does not approve the continuation of the trial period in the development consent after 28 June 2023 (or as may be extended from time to time), the trading hours of the premises will revert to Monday-Sunday 10am to 2am.</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 &amp; Gaming inspector, or any other person authorised by the Independent Liquor &amp; Gaming Authority.</p>
<b>Approved manager</b>	The licence cannot be exercised unless an individual has been appointed by Liquor and Gaming NSW as approved manager to exercise the liquor licence or the licence is transferred to a suitably qualified individual
<b>Licensee training</b>	Licensee training must be completed by the approved manager prior to the liquor licence being exercised



Licence conditions to be imposed	Licence condition details
<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord

Proposed condition not imposed on the licence	Proposed by	Reason code (see 'List of reasons and codes for not imposing requested conditions' below this table)
Rooms to which liquor is being supplied are to be regularly supervised by the licensee and staff (over the age of eighteen (18) years) to ensure compliance with the provisions of the Liquor Act and in particular that liquor is not supplied to minors	Police	C
No liquor shall be sold, supplied or consumed in any Karaoke room in which a minor is present, unless the minor is accompanied by and in the presence of a responsible adult as defined under the Liquor Act 2007. For the purpose of implementing this condition, the licensee shall adopt reasonable processes to monitor the admission of minors into the licensed premises; and to ascertain whether they are accompanied by a responsible adult. Those processes should include, but not be limited to requiring production of evidence of age sufficient to comply with the Liquor Regulations, in appropriate circumstances	Police	C
All liquor shall be opened by staff and no liquor shall be sold or supplied under the licence in unopened cans or bottles	Police	C
The licensee shall ensure that a clear glass panel is provided and maintained in the door to each of the karaoke rooms, to permit supervision by the licensee and his/her staff	Police	C

#### List of reasons and codes for not imposing requested conditions

- A** Already covered by the *Liquor Act 2007*.
- B** Already a condition in the development consent.
- C** Not a relevant condition for this licence type. Condition sought is generally only imposed on high-risk licence type or in exceptional circumstances. Exceptional circumstances have not been proposed by the person putting forward the condition.
- D** Already covered in the plan of management. Plan of management condition has been imposed.
- E** Not aligned with the business type and would impose disproportionate unnecessary financial and operational burden.
- F** Being part of a liquor accord is on a voluntary basis only. Exceptional circumstances have not been proposed by the person putting forward the condition.
- G** ILGA/L&GNSW condition wording has been imposed.

