

Our ref: DF23/002888

Ms Anthea Patricia Hammon
Hammons Holdings Pty Ltd
By email to: anthea.hammon@scenicworld.com.au

14 July 2023

Dear Ms Hammon

Application No.	SR0000941629 1-8432259527
Applicant	Skyway Restaurant Pty Ltd
Application for	On-premises restaurant and tourist facility with primary service authorisation – change of boundary
Application date	4 October and 11 October 2022
Decision date	15 February 2023
Licence name	Skyway Revolving Restaurant
Trading hours	Consumption on premises – Restaurant and Tourist facility Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	1 Violet St, Katoomba NSW 2780
Legislation	Sections 3, 11, 12, 25, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for the On-premises restaurant – change of licensed boundary – Skyway
Revolving Restaurant**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

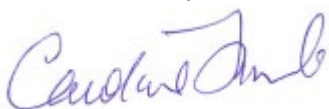
Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Wendy Yeung, at wendy.yeung@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Katoomba. The broader community is the Local Government Area (LGA) of Blue Mountains.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

It is proposed that the additional licensed area would only be used 2-3 times a year for specific local events and functions. Additional security and RSA personnel will be employed during these events to manage the increase in patron capacity. The proposed events will be operating under the 'tourist class' which allows service of liquor while providing services to support tourists frequenting the local area.

The changes in the plan of management have been developed in consultation with local licensing police. The applicant has consented to conditions proposed to minimise any risk associated with the additional area being used for events outside of normal business operations. There are no proposed changes to the current trading hours.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as violence, health problems or social and public amenity issues) because of the:

- rates of alcohol related domestic and non-domestic assault being higher in Katoomba compared to the Blue Mountains LGA and NSW

However, we are satisfied that these risks are reduced by the:

- venue not being located near any crime hotspots
- proposed additional licensed area only being used on a few occasions throughout the year for community functions and events
- venue having no history of alcohol-related incidents, and
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed

Skyway Revolving Restaurant

No.	Condition to be imposed	Description
1.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 28 October 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.
2.	Police notification of events	Police is required to be notified prior to any event being held outside of the normal business operations of the tourist facility.
3.	Licensed Boundary	The additional outdoor area marked in green on the premises plan can only be used for events outside of the normal business operations of the tourist facility.

Licence conditions to be revoked

No.	Condition to be revoked	Description
1.	Condition 3000 – Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 06 November 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 and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.