

Liquor & Gaming NSW

Application No.	APP-0014443461
Applicant	Luke Richards
Application for	Small Bar Liquor Licence
Application date	27 February 2025
Licence name	Smokey's
Trading hours	Monday to Sunday 10:00 AM – 08:00 PM
Premises	UNIT 2 74 BALLINA ST LENNOX HEAD, NSW 2478
Legislation	Section 49A of the <i>Liquor Act 2007</i> Section 45(1) of the <i>Liquor Act 2007</i>

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the *Gaming and Liquor Administration Act 2007*, an **authorised person** of Liquor & Gaming NSW, has **considered** the application:  
**Small Bar Liquor Licence – Smokey's**

**I have determined to approve the application under the *Liquor Act 2007* (Act) — with the conditions set out in Schedule 1.**

## Statement of reasons

Having reviewed all the material, I am satisfied under section 48(3) of the Act that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

### Main findings

#### Impacted communities

For the purposes of this decision the local community is the suburb of Lennox Head.

The broader community is the Local Government Area (LGA) of Ballina.

#### Analysis of Submissions and statutory requirements

1. Appropriate consent is in place for the use of the premises for use as a small bar at the venue.
2. Council advised that they have no objection to the application.
3. A Police submission was received and considered as summarised: no objections as long as existing bottleshop and small bar have separate licensed areas. Conditions requested and detailed below.
4. Health NSW submission was received and considered as summarised as objections due to a possible increase in detrimental health and wellbeing. Possible ongoing impact on local neighbourhood.
5. 1 public submission was received relating to the application.
6. I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions contained in the licence document.
7. I am satisfied that all other statutory requirements have been met.

#### Positive social impacts

I am satisfied that the proposal would benefit the local and broader communities.

The granting of the licence will provide patrons with increased choice to socialise, including to enjoy a meal and/or a social drink consistent with the licence within Lennox Heads

#### Negative social impacts

I accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities.

I am satisfied that the business model, conditions imposed, and any other information contained in the application will ensure 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.

### **The material that was considered**

I considered the following material when making a decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a Statement of Risks and Potential Effects (SoRPE)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- stakeholder submissions and the applicant's response to them.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **Opportunity for review**

The applicant and anyone who was notified of the application and made a submission, may apply to [ILGA](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website ([ILGA](#)). There is a fee to lodge the application.

### **If you have any questions**

Please contact L&GNSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au)



Joanne Zammit

**Coordinator**

**Liquor & Gaming NSW**

**22 April 2025**

## Schedule 1: Licence conditions – Smokey’s

No.	Condition imposed
1.	<p><b>6-hour closure period</b></p> <p>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 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.</p>
2.	<p><b>Restricted trading &amp; NYE (std)</b></p> <p><b>Consumption on premises</b></p> <p>Good Friday 12:00 noon – 10:00 PM  Christmas Day 12:00 noon – 10:00 PM  December 31st Normal opening time until normal closing time or 2:00 AM on New Year’s Day, whichever is the later.</p> <p>Note:  Trading is 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</p>
3.	<p><b>Liquor plan of management</b></p> <p>The premises is to be operated at all times in accordance with the Plan of Management dated March 2025 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.</p>
4.	<p><b>Crime scene preservation conditions</b></p> <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"> <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> </ol> <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 (eg. crowd controller or bouncer) on or about the premises.</p>
5.	<p><b>Closed-circuit television system</b></p> <ol style="list-style-type: none"> <li>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol 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> </ol> </li> </ol>

No.	Condition imposed
	<ul style="list-style-type: none"> <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. the footpath immediately adjacent to the premises, and</li> <li>iii. 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> <li>(c) provide any recordings made by the system to a police officer or Liquor &amp; Gaming NSW inspector within 24 hours of any request by the police officer or Liquor &amp; Gaming NSW inspector to provide such recordings</li> </ul>

No.	Condition not imposed
1.	Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available during liquor trading hours.
2.	The licensee or its representative must join and be an active participant in the local liquor accord
3.	<p>Incident register</p> <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. 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>

No.	Condition not imposed
	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.