

Our ref: DF24/004321

Ms Rebecca Pope  
Liquor and Gaming Solutions  
By email to: [bec@lgsgroup.com.au](mailto:bec@lgsgroup.com.au)

4 March 2024

Dear Ms Pope

<b>Application No.</b>	APP-0012254286
<b>Applicant</b>	4MBS TRADING PTY LTD
<b>Application for</b>	Small bar licence with minors' area authorisation
<b>Application date</b>	6 November 2023
<b>Decision date</b>	21 February 2024
<b>Licence name</b>	Roxanne Cocktail Bar
<b>Trading hours</b>	On-premises consumption Monday to Saturday 12:00 PM – 12:00 midnight Sunday 12:00 PM – 10:00 PM On-premises consumption: minors' area authorisation Monday to Sunday 12:00 PM – 10:00 PM
<b>Premises</b>	73 Hunter Street Newcastle NSW 2300
<b>Legislation</b>	Sections 3, 11A, 12, 20A-C, 40, 44, 45, 46, 48 and 122 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority**  
**Application for a Small bar licence with minors' area authorisation – Roxanne Cocktail Bar**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

**Statement of reasons**

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, while also promoting a balanced and responsible development of the industry.

**Our main findings**

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

**Positive social impacts**

The application requests approval to operate a small bar licence with associated minors' area authorisation located in one of the night-time economy precincts of the Newcastle LGA, with an associated application to surrender the current on-premises licence at the same location.

The proposed premises is located in crime hotspots for all offence categories considered, however approval of these applications would not increase the liquor outlet density and there would be no post-midnight trading at the venue.

Notwithstanding the history of alcohol related violence in Newcastle, socio-economic data indicates that both Newcastle and the Newcastle LGA may be considered relatively advantaged communities.

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

#### Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- proposed premises being located in high-density crime hotspots for non-domestic assault, malicious damage to property and alcohol-related assault; and in a medium-density crime hotspot for domestic assault
- higher crime rates in Newcastle compared to NSW for all offence categories we considered
- higher crime rates in the Newcastle LGA compared to NSW for alcohol-related non-domestic assault and malicious damage to property
- high saturation of small bar licences in both Newcastle and the Newcastle LGA compared to NSW due to its location within the Newcastle CBD.

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

- low crime rates in the Newcastle LGA compared to NSW for alcohol-related domestic assault
- crime rates in the Newcastle LGA for alcohol-related disorderly conduct are aligned to NSW rates
- proposed venue being in the Newcastle CBD, which attracts visitors both locally and internationally; crime statistics may therefore be skewed when considering the population size compared to the number of transient visitors
- data indicating that Newcastle and the Newcastle LGA communities may be considered advantaged compared to the rest of NSW
- liquor plan of management incorporating various measures to mitigate any potential noise disturbance to the local community
- 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 to them
- noise assessment prepared by RAPT Consulting – May 2023.

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

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

**If you have any questions**

Please contact the case manager, Max Costa, at [max.costa@liquorandgaming.nsw.gov.au](mailto:max.costa@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

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

**Schedule 1**  
**Licence conditions to be imposed**  
**Roxanne Cocktail Bar**

No.	Condition to be imposed	Description
1.	<b>6-hour closure</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 six (6) hours between <b>04:00 AM and 10:00 AM</b> 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.	<b>Restricted trading &amp; NYE</b>	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 31 <sup>st</sup> 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.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>January 2024</b> 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.
4.	<b>Social impact</b>	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.
5.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	<b>CCTV</b>	<ol style="list-style-type: none"> <li>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed 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> <li>(b) recordings must be in digital format and at a minimum of <b>ten (10)</b> 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: <ol 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> </ol> </li> </ol> </li> <li>2) The licensee must also: <ol style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>(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</p> <p>(c) 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>
7.	<b>Crime scene preservation</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> <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 and 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>
8.	<b>Incident register</b>	<ol style="list-style-type: none"> <li>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: <ol 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> </ol> </li> <li>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol 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> </ol> </li> <li>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.</li> </ol>
9.	<b>Minors' Area</b>	Minors Area Authorisation: whole of the licensed premises.