

Mr Brett Tobin
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By email to: bt@hatziscusack.com.au

6 June 2023

Dear Mr Tobin

Application No.	1-8381681219 and 1-8381681321
Applicant	Steven Christopher Kospetas
Application for	Removal – hotel liquor licence with new extended trading authorisation
Application date	22 August 2022
Decision date	15 March 2023
Licence name	Tower Tea Room
Trading hours	Consumption on premises – Indoor areas Monday to Sunday 09:00 AM – 03:00 AM Consumption on premises – Outdoor areas Monday to Sunday 09:00 AM – 01:00 AM Takeaway Monday to Saturday 09:00 AM – 12:00 AM Sunday 09:00 AM – 11:00 PM
Current trading hours	Consumption on premises and Take-Away Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	Shops T24-T27, Commonwealth Bank Place 11 Harbour Street, Sydney NSW 2000
Current premises (removal)	Centrepont, Sydney Tower Level 3 Pitt Street Sydney NSW 2000
Legislation	Sections 3, 11, 12, 14, 15, 40, 44, 45, 48, 49 and 121 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for the removal – hotel liquor licence with new extended trading authorisation – Tower Tea Room

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

We note that a number of proposed conditions relating to gaming on the premises were not consented to. As the venue currently has no gaming entitlements the proposed gaming conditions are not imposed but will be further considered if a gaming application is lodged in light of contemporaneous circumstances and evidence.

Statement of reasons

The statement of reasons 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, Wendy Yeung, at wendy.yeung@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

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

Positive social impacts

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

The current licence LIQH400101589 has ceased to trade and is currently held in a dormant capacity. The new venue will be located within Darling Quarter, a popular entertainment and dining precinct catering to local residents and visitors to Sydney. It will consist of a single level, ground floor venue that will provide both indoor and outdoor dining areas, bars and gaming room.

The hotel will be fitted out as an upmarket venue with a focus on food and dining offerings. The dining component will include both indoor and outdoor areas in excess of 50% of the hotel's total floor space.

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:

- premises being located in high density hotspots for domestic and non-domestic assault, alcohol related assault and malicious damage to property
- higher rates of alcohol related crimes across all offence categories the Authority usually considers in the Sydney suburb and LGA compared to the NSW average
- late night trading with future availability of gaming potentially causing an increase in liquor consumption and gambling issues.

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

- absence of objections from government agencies or members of the public during the application process
- removal to a new premises within the same suburb will not increase liquor outlet density in the area
- new premises contributing to the local entertainment scene and nightlife
- 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, and
- 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 if we approved the application.

Yours faithfully



Caroline Lamb

Chairperson

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



**Schedule 1 – Licence conditions to be imposed
Tower Tea Room**

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 03:00 AM and 09:00 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.	Takeaway sales	Monday to Saturday 05:00 AM - 12:00 midnight Sunday 10:00 AM - 10:00 PM Good Friday Not permitted December 24th Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on a Sunday Christmas Day Not permitted December 31st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on a Sunday
4.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of: 1. removing this licence to the premises at Commonwealth Bank Place Shops T24-T27 11 Harbour St, SYDNEY NSW 2000. 2. obtaining the extended trading authorisation on 15 March 2023.
5.	Trial period for full set of hours	The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on 1 year from the date of issue of the Occupation Certificate. (or as may be extended from time to time).

No.	Condition to be imposed	Description
		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.
6.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated March 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.
7.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
8.	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 Act, (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 inspector:</p> <ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or inspector, and b. allow a police officer or inspector to take copies of the register or to remove the register from the premises. <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>
9.	CCTV	<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"> (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),

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> (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, (d) the system's cameras must cover the following areas: <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 (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.
10.	Extended Trading	Extended Trading Authorisation: whole of the licensed premises
11.	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> <ul 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.

No.	Condition to be imposed	Description
		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.