



Ms Georgia Woodyard  
15 William Street  
REDFERN 2016  
[georgia.woodyard@hotmail.com](mailto:georgia.woodyard@hotmail.com)

12 July 2017

Dear Ms Woodyard

<b>Application No.</b>	1-5554506506
<b>Application for</b>	Small bar liquor licence
<b>Trading hours</b>	Monday to Sunday: 12:00 pm to 12:00 am
<b>Applicant</b>	Georgia Woodyard
<b>Licensed premises name</b>	Bart Jr
<b>Premises</b>	Tenancy 4, 92 Pitt Street REDFERN NSW 2016
<b>Issue</b>	Whether to grant or refuse an application for a small bar liquor licence
<b>Legislation</b>	Sections 3, 20A, 20B, 20C, 40, 45 and 48 <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority  
Application for a small bar liquor licence – Bart Jr**

The Independent Liquor and Gaming Authority (“the Authority”) has considered your application for a small bar liquor licence (“the Application”). Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to **approve** the Application subject to the following conditions:

1. 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.
2. Restricted trading and NYE (std)  
Consumption on premises  
Good Friday Not permitted  
Christmas Day Not permitted  
December 31<sup>st</sup> Normal trading

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.

3. 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 be reasonably

expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.

4. The following drinks must not be sold or supplied after 10:00 PM:
  - Any drink commonly referred to as a 'shot' that is designed to be rapidly consumed.
  - Any drink containing alcohol mixed with an energy drink.
  - Ready to drink (RTD) drinks with an alcohol volume greater than 5%.
5. The licence is authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by the consent authority from time to time.
6. The premises are to be operated at all times in accordance with the Plan of Management dated 3 May 2017 as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
7. A maximum number of sixty (60) patrons are permitted in the premises at any one time.
8. The licensee or its representative must join and be an active participant in the local liquor accord.
9. Crime scene preservation

The manager/licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to:

- (i) The manager/licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
  - (ii) The manager/licensee and/or staff make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident.
  - (iii) The manager/licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
10. The licensee is to maintain an approved incident register with incidents and details of action taken, to be recorded in the incident register at all times.
  11. The premises is to operate with its principal purpose being that of a small bar as defined by the Liquor Act. At all times when the bar is operating food must be made available to patrons.
  12. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
    - (1) principal entrances and exits
    - (2) all areas within the premises occupied by the public excluding toilets
    - (3) areas within 10m radius external to the public entrances to the premises.

Suitable and clearly visible signage shall be displayed at the principal entrances to the premise and in a prominent position on each floor in lettering not less than 50mm in height with the words 'closed circuit television in use on these premises'.

All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of council or police either immediately or within 24 hours of the request being made.

All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order, all reasonable steps must be taken to repair the system as soon as practicable. Where the system shall not be functioning in full operating order for a period of longer than 24 hours, the manager/licensee is to notify the relevant Local Area Commander or delegate.

The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises are operating there must be at least one staff member present at the premises who is authorised to assess the CCTV system and able to immediately review recording and produce copies.

If you have any questions, please contact the case manager via email to [kieran.mcsherry@justice.nsw.gov.au](mailto:kieran.mcsherry@justice.nsw.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is positioned above the printed name.

Philip Crawford  
Chairperson  
For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 9 February 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from the Applicant, through Liquor and Gaming NSW (“L&GNSW”), an application for a small bar liquor licence (“the Application”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to grant the licence.
3. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 20A, 20B, 20C, 40, 45 and 48 of the Act, and relevant provisions of the *Liquor Act Regulation 2008* (“the Regulation”).

### Material considered by the Authority

4. The Authority has considered the Application, the accompanying Community Impact Statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. As foreshadowed in the Authority’s *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

### Legislative framework

8. The Authority has considered the Application in accordance with the following legislative provisions.

### Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and to facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

### Minimum procedural requirements

11. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

### Fit and proper person, responsible service of alcohol, and development consent

12. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
  - the applicant is a fit and proper person to carry on the proposed business,
  - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and

- any applicable development consent (“DC”) required for use of the premises for the proposed business is in force.

### Community Impact Statement

13. Section 48 of the Act requires certain applications, including an application for a small bar liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
14. An application for a small bar liquor licence is exempt from the CIS requirement under sections 48(3A) and 48(3C) if:
  - a DC is required to use the proposed premises as a small bar or to sell liquor during the proposed hours, and the applicant notifies the local police and L&GNSW within two working days of applying for the DC, or
  - the proposed premises already has a general bar liquor licence and the relevant DC has been obtained.
15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter the Authority becomes aware of during the application process.

### Provisions specific to small bar liquor licence

16. Further legislative provisions specific to small bar liquor licences are set out in sections 20A, 20B and 20C of the Act and in the Regulation.

### **Key findings**

17. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings in relation to the Application.
18. Pursuant to section 40 of the Act, the Authority is satisfied that the Application has been validly made and meets the minimum procedural requirements.
19. Pursuant to section 45 of the Act, the Authority is satisfied that:
  - the Applicant is a fit and proper person to carry on the proposed business, on the basis that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies,
  - practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication, having regard to the Applicant's Plan of Management dated 3 May 2017 (“POM”) and willingness to comply with the proposed conditions, and
  - the requisite DC for use of the Premises as a small bar is in force, as reflected by the notice of determination approving development application D/2016/1525, issued by City of Sydney Council on 10 January 2017.
20. Pursuant to section 48 of the Act, the Authority is satisfied that the Application is not exempt from being required to prepare a CIS, and that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into account the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
21. For the purpose of this decision and consistent with its position in *Guideline 6* and longstanding practice, the Authority is satisfied that the relevant “local community” is the

community within the suburb of Redfern, and the relevant “broader community” comprises Sydney Local Government Area (“the LGA”).

#### Positive social impacts

22. The Authority accepts, based on the information available, the Applicant’s contention that the primary focus of the Premises is to provide quality food and beverages to local customers and visitors. The Authority notes that the proposed venue has a maximum capacity of 60 patrons.
23. The Authority notes that the Applicant holds a valid responsible service of alcohol (RSA) competency card, is a resident of Redfern, and has operated two café businesses, one of which is also in Redfern. Accordingly, the Authority accepts that the Applicant is an experienced business manager and is familiar with the local community and the hospitality industry.
24. There was no opposition from NSW Police, City of Sydney Council, NSW Health, the Metropolitan Local Aboriginal Council or L&GNSW, after they were notified of the Application. The Applicant has consented to the conditions proposed by NSW Police and in the relevant DC.
25. On the basis of the above, the Authority is satisfied that the Premises will provide an additional choice of a small, dining focused bar in the local community, and contribute to the balanced development of the liquor industry and the related hospitality industry.

#### Negative social impacts

26. The BOCSAR data indicates that:
  - for the year ending in December 2016, the Premises was located within high density hotspots for incidents of domestic, non-domestic and alcohol-related assault and malicious damage to property,
  - the rate of alcohol-related assault per 100,000 persons of the population in Redfern was considerably higher than the corresponding NSW rate for the two years ending in December 2016, and
  - in 2016 there was a reduction of more than 10% in alcohol-related assault in Redfern, while the NSW rate remained stable.
27. The HealthStats NSW data indicates that for the period 2012-13, alcohol attributable deaths in the LGA were at the same level as the NSW state average, but alcohol attributable hospitalisations, reflected by a Smoothed Standardised Separation Ratio, were 30% higher than the NSW figure.
28. There was one submission received from a member of the public opposing the grant of the licence, on the basis of the potential for increased noise levels and negative impacts on the amenity of the neighbourhood.
29. Having regard to the above, the Authority acknowledges that over time there is a risk that liquor sold or supplied at the Premises will contribute to the prevailing levels of alcohol-related crime and health issues, and disturbance in the local and broader communities.
30. The Authority is nevertheless satisfied that the concerns arising from the statistical data and the risks identified are adequately mitigated by the following:
  - The Premises will close by midnight on all trading days, which is earlier than the standard 2:00 am closure authorised by section 20B of the Act for a small bar outside a freeze precinct.

- The Premises is relatively small in size and has a focus on providing ‘a sophisticated drinking and dining experience’ to patrons.
- A small bar liquor licence only permits the sale of liquor for consumption on the Premises and not, for example, for consumption away from the Premises.
- Apart from one public submission, no objection was received from any other relevant parties, such as NSW Police or NSW Health, in relation to the Application.
- The Applicant has approached and consulted with local residents, and appears to have been able to ameliorate their concerns about the potential impact of the Premises.
- The Applicant has set out in the POM detailed procedures and practices about the management of patron behaviour and noise levels to minimise negative impacts to the community. These measures are reiterated and complemented by the conditions to be imposed on the licence.

### Overall social impact

31. The Authority has also had regard to the ABS Socio-Economic Indexes For Areas (“SEIFA”) data indicating that the suburb of Redfern is relatively advantaged in comparison with other suburbs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
32. Having considered the positive and negative impacts that are likely to flow from granting the licence, the Authority is satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.
33. The Authority is also satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.
34. Accordingly, the Authority has decided to grant the small bar liquor licence.



Philip Crawford  
Chairperson

#### **Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

## Schedule

### Material before the Authority

1. ABS SEIFA data based on the 2011 Census indicating that the suburb of Redfern ranked in the 6<sup>th</sup> decile within NSW on the Index of Relative Socio-Economic Advantage and Disadvantage, with a decile ranking of 10 being the most advantaged.
2. HealthStats NSW data showing alcohol-related deaths and hospitalisations in the LGA for the period 2012-13, reflecting a Smoothed Estimate of Standardised Mortality Ratio of 101.8, and a Smoothed Estimate of Standardised Separation Ratio of 130.1.
3. BOCSAR crime maps for the year ending December 2016, indicating that the Premises is located within high density hotspots for alcohol-related assault, domestic assault, non-domestic assault, and malicious damage to property.
4. NSW crime statistics for the year ending December 2016, published by BOCSAR, indicating the following:
  - a. The rate of alcohol-related domestic assault incidents was:
    - i. 285.8 per 100,000 persons for the suburb of Redfern
    - ii. 201.7 per 100,000 persons for the LGA
    - iii. 116.9 per 100,000 persons for NSW.
  - b. The rate of alcohol-related non-domestic assault incidents was:
    - i. 467.1 per 100,000 persons for the suburb of Redfern
    - ii. 789.1 per 100,000 persons for the LGA
    - iii. 136.5 per 100,000 persons for NSW.
  - c. The rate of malicious damage to property incidents was:
    - i. 1931.1 per 100,000 persons for the suburb of Redfern
    - ii. 1378.5 per 100,000 persons for the LGA
    - iii. 834 per 100,000 persons for NSW.
5. Letter from City of Sydney Council on 6 January 2017, advising that Council could not support the Application as the Applicant's development application D/2016/1525 was still under consideration at the time.
6. A Notice of Determination – Approval, issued by City of Sydney Council on 10 January 2017, for the Applicant's application D/2016/1525. The notice approves the use of the Premises as a small bar, and sets out a number of conditions in relation to the hours and other aspects of operation.
7. A completed Category B CIS form, signed by the Applicant and dated 20 January 2017. In the form the Applicant provided details of the parties consulted and outcome of the consultation.
8. A completed application form for the Application, signed by the Applicant and dated 25 January 2017.
9. Submission from a member of the public, dated 12 February 2017, opposing the grant of the licence. The submission stated that the increase in the number of alcohol outlets in the area had caused 'noticeable increase' in noise levels and 'young people badly



affected by alcohol', and contended that no more liquor licences should be granted 'until the review of the lockout laws is concluded'.

10. Letter from City of Sydney Council, dated 21 February 2017, advising that Council had no matters of concern in relation to the Application.
11. Submission from NSW Police, dated 22 February 2017, proposing to impose a number of conditions on the licence, should it be granted.
12. Copy of the proposed food and drinks menu for the Premises, dated 14 April 2017.
13. A Certificate of Advertising Application signed by the Applicant and dated 19 April 2017.
14. Email from the Compliance Unit of L&GNSW, dated 20 April 2017, advising that L&GNSW does not intend to carry out any further assessment of the Application, and supports the conditions proposed by NSW Police and in the relevant DA.
15. Liquor licensing records from L&GNSW as at 2 May 2017, indicating that the suburb of Redfern had two small bar liquor licences and the LGA had 35 small bar liquor licences.
16. A POM for the Premises dated 3 May 2017.
17. Emails between the L&GNSW case officer processing the Application and the Applicant between 19 April and 15 May 2017, in relation to the additional information required and the Applicant's response to the submissions received.
18. Photos of the Premises attached to an email from the Applicant, dated 15 May 2017.
19. City of Sydney Alcohol Free Zones, extracted from the City of Sydney Council website on 22 May 2017.
20. Google maps showing the location of the Premises, extracted from the Google website on 22 May 2017.
21. Floor plan indicating the Premises' proposed licensed area.