



Mr Grant Cusack
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19 December 2016

Dear Mr Cusack,

APPLICATION NO: 1-4927838202

APPLICATION FOR: New Hotel Licence – General Bar
Subcategory (Application) with a Minors
Area Authorisation (MAA Application) and
Extended Trading Authorisation (ETA
Application)

PROPOSED TRADING HOURS: Monday to Saturday 10:00AM – 1:00AM,
Sunday 10:00AM – 10:00PM

APPLICANT: NOLA SYDNEY PTY LTD

**PROPOSED LICENSED PREMISES
NAME:** Nola Smokehouse and Bar

PREMISES LOCATION: Tenancy T1.13 “Tower T1”, Level 1, 100
Barangaroo Avenue, Barangaroo South
NSW 2000 (Premises)

ISSUE: Whether to grant an application for a new
hotel licence (general bar subcategory) with
a minors area authorisation and extended
trading authorisation

LEGISLATION Sections 3, 11A, 14, 16, 40, 45, 48, 49(2),
121 of the *Liquor Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION
FOR NEW HOTEL LICENCE (GENERAL BAR) WITH MINORS AREA
AUTHORISATION AND EXTENDED TRADING AUTHORISATION- NOLA
SMOKEHOUSE AND BAR**

The Independent Liquor and Gaming Authority considered the application for a new hotel (general bar) licence at its meeting on 16 November 2016 and pursuant to section 45 of the *Liquor Act 2007* (Act), has decided to **grant** the Application subject to the following conditions:

TRADING HOURS

1. Trading Hours:

Consumption on premises – extended trade authorisation

Monday to Saturday 10:00AM – 01:00AM*

Sunday 10:00AM – 10:00PM

*NOTE: 1:00 AM liquor trading hours are subject to trial period for one year from the date of issue of occupation certificate. DA approved hours are 11:00 PM

2. 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.
3. Consumption on premises
Good Friday 12:00 noon – 10:00PM
Christmas Day 12:00 noon – 10:00PM (liquor can only be served with or ancillary to a meal in 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.
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. 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 reasonably be expected from the information contained in the community impact statement, the application and other information submitted in the process of obtaining this licence.
6. Minors area authorisation: whole of premises.
7. The premises are only permitted to trade the hours approved by the local consent authority for the trial period whilst it remains in force.
8. The premises must at all times be operated in accordance with the Amended Plan of Management dated November 2016 and submitted to the Authority on 5 December 2016, as may be varied from time to time after consultation with the Local Area Commander of NSW Police.

CCTV footage on premises:

9. The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- (i) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
 - a. the person represents not less than 100% of the screen height, and
 - b. there is an unobstructed view of the person's face.
- (ii) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - a. all other public entrances and exits, whether or not in use at the time,
 - b. staircases,
 - c. all portions of the floor area accessible to the public where entertainment is provided,
 - d. toilet external entrances,
 - e. all public accessible areas within the premise excluding toilets and accommodation rooms,
 - f. the footpath area directly adjacent to the premises, and
 - g. courtyard and smoking areas.
- (iii) The CCTV recordings of the cameras referred to in the preceding sub condition must be sufficient to enable the recognition of a person: A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
 - a. the person represents not less than 50% of screen height, and
 - b. there is an unobstructed view of the person's face.
- (iv) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- (v) Camera recordings must meet the standards set in this Condition at all times, either by way of camera positioning, camera shades or other environmental factors.
- (vi) Recordings must:
 - a. be in digital format,
 - b. record at a minimum of ten (10) frames per second, and
 - c. commence one hour prior to opening, and operate continuously until at least one hour after closing.
- (vii) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (viii) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.

- (ix) When the venue is open and trading, at least one person shall be at the venue who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- (x) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, LGNSW Inspectors or other regulatory officers upon request.
- (xi) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, LGNSW Inspectors or other regulatory officers.
- (xii) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander of NSW Police or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

SIGNAGE

10. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principal entry to the premises in such a manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents.

The signage shall state:

“Please leave quickly and quietly and have regard to our neighbours”

NEIGHBOURHOOD AMENITY

11. The management of the premises:
- a. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such a manner that pedestrian movement is obstructed or hindered.
 - b. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
 - c. Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
 - d. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.
 - e. An adequate queuing system for patrons must be implemented at the main entrance of the licensed restaurant so as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.

CRIME SCENE PRESERVATION


12. Immediately after the person in charge of the premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
13. Take all practical steps to preserve and keep intact the area where the act of violence occurred
 - a. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
 - b. Make direct and personal contact with the Local Area Command of NSW Police or his/her delegate and advise the Commander or delegate of the incident, and
 - c. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
14. A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by council officers, police officers and/or LGNSW officers.

The Authority has also decided to grant, pursuant to section 49(2) of the Act, a related application for an extended trading authorisation and another application pursuant to section 121 of the Act for a minors area authorisation for the Premises.

Pursuant to section 47(2) of the Act, the licence is subject to a requirement that it cannot be exercised unless and until the Authority has been provided with evidence that the Premises are complete and ready to trade and that an approved manager has been appointed or the licence has been transferred to an individual licensee.

Enclosed is a statement of reasons for the grant of the licence and the extended trading authorisation. If you have any enquires about this letter, please contact the case manager via email to Santina.causa@justice.nsw.gov.au

Yours faithfully



Philip Crawford

Chairperson

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

STATEMENT OF REASONS

Material Before The Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high-volume jurisdiction.
2. In making this decision, the Authority has considered the application for a new hotel (general bar) licence (Hotel Application) and associated application for an extended trading authorisation (ETA Application) and application for a minors area authorisation (MAA Application) all of which were made on 12 September 2016. The Authority has considered the community impact statement (CIS) and all submissions received in relation to the Applications. As foreshadowed in Authority Guideline 6, the Authority has also had regard to relevant liquor licensing records and licence density data maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) socio-economic data pertaining to the local and broader communities sourced by licensing staff from publicly available sources. That material is listed and briefly summarised in the Schedule.

Summary of Further Submissions

3. Submission from Mr David Smith, City of Sydney (Council), dated 10 August 2016, advising that Council raises no concerns with the Hotel Application while noting that Notice of Determination D/2016/450 was approved on 26 July 2016 for use of the premises as a licensed restaurant and bar.
4. Submission from the Applicant's solicitor, Mr Grant Cusack of the law firm Hatzis Cusack Lawyers, dated 16 September 2016. This two-page submission requested Council to alter the wording in the condition submitted by Council regarding signage related to conduct of persons leaving the Premises.
5. Submission from Senior Constable David Marshall and Leading Senior Constable Juan Maruri, Sydney City Local Area Command (LAC) of NSW Police (Police), dated 30 September 2016. Police advise that they do not do not object to the Hotel Application, the MAA Application or the ETA Application. Police advise that their Computerised Operational Policing System (COPS) database discloses no serious adverse incidents in relation to the Applicant but the contact person, Mr Peter Crawford Fischer, has one adverse incident recorded against him during the previous fifteen months. That incident arose when Police conducted an inspection of another (unspecified) licensed premises and found no security guard on site as required by the DA, for which a verbal warning was issued. Police note that there is a high density of licensed premises in this area of the City in nearby locations such as the King Street Wharf and Cockle Bay Wharf. Police note that the Premises is

not located with the Sydney CBD Entertainment Precinct as defined by Schedule 1A of the *Liquor Regulation 2008* (Regulation) but in close proximity to that precinct. Police provide alcohol-related crime maps for the Sydney LGA for July 2015 to June 2016, noting a higher rate of assaults occurring in the nearby suburb of The Rocks. Police submit that over the past two years, the rate of alcohol related assault incidents recorded in the suburb of Sydney was 5545.9 incidents per 100,000 persons compared to 415.9 incidents per 100,000 persons for New South Wales as a whole. Police further submit that data from the Alcohol Related Crime Information Exchange (ARCIE) database for the Sydney Central Local Area Command (LAC) indicates that during the period from September 2015 to August 2016, 49% of all recorded assaults and 36% of all recorded domestic assaults in the LAC were recorded as alcohol related. Police also provide a summary of a 2011 BOCSAR study, *'The association between alcohol outlet density and assaults on and around licensed premises'*, which found that assaults in the Sydney LGA were more likely to occur around licensed premises than elsewhere in that local government area. Finally, Police submit a list of conditions proposed for the licence should the Hotel Application and ETA Application be granted.

6. Two-page email from licensing staff to the Applicant's solicitors, dated 13 October 2016, requesting comment on proposed licence conditions.
7. Submission from the Applicant's solicitor, Mr Grant Cusack of the law firm Hatzis Cusack Lawyers, dated 18 October 2016. This nineteen-page submission includes advice of the Applicant's consent to the condition listed in this submission; a summary of operational facilities and prevailing conditions at the location; the location of the Premises at Barangaroo; facilities and manner of operation of the new business, including a "New Orleans" themed bar and restaurant with a lounge area with piano and jazz bands. The Applicant contends that the licence will bring positive benefits to the communities, including the availability for residents, workers and visitors to Barangaroo of a stylish modern New Orleans style venue with a menu that is not currently provided at any other premises in the area. The Applicant deals with responses received from various stakeholders, noting that no objections were received and that Police do not object to the Applications. Also provided is a Certificate of Advertising.
8. Report to the Authority dated 25 October 2016 from the Compliance Branch of Liquor and Gaming NSW (LGNSW) advising that the Applications were assessed using the Environment and Venue Assessment Tool (EVAT). This means that LGNSW have not performed any specific assessment of the Application.
9. Submission from the Applicant's solicitor, Mr Grant Cusack of the law firm Hatzis Cusack Lawyers, dated 26 October 2016. This two-page submission notes that no objection was made by LGNSW to the Applications.

Legislative Framework

10. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and the *Liquor Regulation 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
11. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
 1. *The objects of this Act are as follows:*
 - a. *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - b. *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - c. *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
 2. *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
 - a. *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - b. *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - c. *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*
12. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
13. An application for a new hotel licence (general bar) is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
14. Section 48(5) of the Act requires that the Authority must not grant the Application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
15. In the absence of a statutory definition of “local community” and for the sake of regulatory certainty and consistency with the Authority’s long established practice, the Authority finds the relevant local community to comprise the State suburb in which the actual premises is situated.

Analysis of Relevant Facts

16. The Authority is satisfied, on the basis of the Application material and CIS before the Authority, that for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
17. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a hotel licence-general bar venue of the kind proposed in the Application material. Having considered the nature and outcome of the one adverse incident recorded against Mr Peter Fischer, the Authority is satisfied that he is a fit and proper person to carry on the business of a hotel licence-general bar venue of the kind proposed in the Application material. The Authority makes this finding having considered the nature of the non-compliance in question and the absence of any objection to the Application on the basis of probity from relevant agencies, including Police and LGNSW.
18. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the comprehensive *Plan of Management* dated July 2016 provided by the Applicant.
19. The Authority is further satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in force to permit the proposed use of the Premises as a hotel-general bar, on the basis of DA D/2016/450 issued by Council dated 26 July 2016.

Social Impact – Positive Benefits

20. The Authority is satisfied that the Applicant has demonstrated a substantial positive case for a new hotel licence-general bar premises within Barangaroo. This finding is made on the basis of the information provided about the proposal in the Application form, the CIS and additional submissions made by the Applicant.
21. The Authority is satisfied, on the basis of this material, that granting the Application will provide substantial benefits to the local and broader community who wish to participate in licensed entertainment and hospitality services at a new and modern venue. Given the local community is part of a new development area the Authority is satisfied that granting the Application will provide residents of this new community with a range of services that would otherwise not be available without leaving the suburb.
22. The Authority is satisfied, on the basis of the information provided in the CIS and further submissions by the Applicant, that the hotel general bar will provide some measure of convenience to residents of the suburb of Barangaroo along with visitors and city workers by providing an avenue for residents to purchase liquor and to utilise a dining facility.

23. The Authority is satisfied, noting the absence of any objection from local residents or other agencies, that new enterprise is consistent with the “expectations, needs and aspirations” of the communities, which is a statutory object of section 3(1)(a) of the Act.
24. The Applicant has specified in the Application and CIS, and the Authority accepts that part of the attraction of the Premises will be that the Premises will comprise “a New Orleans themed bar and restaurant with classic New Orleans cuisine and including facilities such as a dry-aging meat room, 2 large food smokers, and an open fire pit barbeque”. A variety of entertainment will be provided including New Orleans Jazz bands. The Authority accepts, on the information provided in the Application and CIS, that granting the Application will provide new product lines, food and entertainment not presently available in the local community.
25. The location of the venue in a high profile harbour side development satisfies the Authority that this new general bar will likely service many visitors to the Sydney CBD in addition to city workers and residents in this new harbour side commercial and residential precinct.
26. On this basis, the Authority is satisfied that granting the Application will reasonably develop, in the public interest, the liquor industry in respect of the local community in furtherance of the statutory object in section 3(1)(b) of the Act. It will also advance the responsible development of related industries of tourism and hospitality in the local and broader community for the purposes of section 3(1)(c) of the Act.

Social Impact – Negative Impacts

27. The Application proposes a new hotel general bar licensed venue with a maximum capacity of 250 patrons. In relative terms, it is a medium scale licensed premises. While its primary purpose as a hotel is the sale or supply of liquor by retail, making it a relatively higher impact licence type, the venue will also provide meals and entertainment.
28. With consumption of liquor at the Premises authorised until 1:00am at the latest, this new general bar may be expected to have an evening impact not unlike most late trading hotels and other licensed premises in the Sydney CBD or the City of Sydney. The Authority has regard to the fact that any such impact will be mitigated by the presence of CCTV cameras and of roving security officers within the Barangaroo precinct and, in accord with the Plan of Management, the provision of security personnel at the premises in accordance with the DA consent.
29. Barangaroo is a newly developed area within the Sydney LGA. On the basis of available licence records, there are few liquor licences at the local community level. While there are many licensed premises in the Sydney LGA, that broader community has lower licence density rates (per 100,000 persons of population)

than New South Wales as a whole for *full hotel licences, packaged liquor licences and registered club licences*.

30. LGNSW licensing records indicate that liquor licence density *per se* is not a particular concern for the local and broader community. The low but increasing number of licensed premises in the local community, combined with the approved trading hours, reduces the scope that may otherwise exist for this new licence to encourage patron migration among venues.
31. There is some cause for concern with respect to the broader community arising from the BOCSAR crime data for 2014-2015 which indicates that the Sydney LGA has significantly higher rates per 100,000 persons than NSW as a whole for incidents of *domestic violence related assault, non-domestic violence related assault, offensive behaviour and assault police*. This is a function of the great many licensed premises servicing many residents, visitors and City workers alike.
32. Nevertheless, the contribution made by this new business to the *broader community* will become more diffuse by reason of the high density and variety of licensed venues across the Sydney LGA. The venue is likely to more directly impact the local community of Barangaroo, for which limited data is available given the recent development of this precinct. The crime data for the Sydney LGA has not translated into such concern from the local authorities as to warrant refusal of the licence. Notably, Police have sought extensive licence conditions to manage the risks of another general bar in this part of the City and numerous enforceable licence conditions have been accepted by the Applicant which go above and beyond the minimum requirements of the legislation.
33. On the basis of the ABS Socio-Economic Indexes For Areas (SEIFA) data, the broader community in the Sydney LGA ranked in the 9th decile on the Index of Relative Socio-Economic Advantage and Disadvantage (IRSAD), compared with other local government areas in the State (with a decile ranking of 10 being the most advantaged). The local community in Barangaroo is at present assessed as very disadvantaged, ranking in the 1st decile on the IRSAD compared to other State suburbs in NSW (with a decile ranking of 10 being the most advantaged). The Authority notes that the population count for Barangaroo at the time of the 2011 Census is recorded as 109, a very low figure. This is likely due to the redevelopment of Barangaroo, which is at present still under construction. This data is unlikely to reflect the post-development local community and has been given little weight.
34. The Authority has also had regard to the various operational measures detailed in the *Plan of Management* dated July 2016, which form part of the Application. The Authority is satisfied, on the basis of this document, that the Applicant has implemented comprehensive and well-developed harm minimisation measures to ensure that alcohol will be served responsibly at the Premises. In this case, the

Plan of Management will not only serve as a business planning resource, but will be enforceable as a condition on the liquor licence.

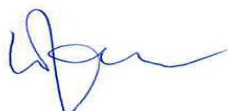
35. In assessing the scope for negative social impact, the Authority has given weight to the numerous enforceable conditions to which this licence will be subject, including substantial harm reduction measures regarding liquor service, security, residential amenity and the mode of business that go well beyond the minimum requirements of the legislation. These conditions are likely to reduce the impact that a business of this licence type may otherwise have upon the local and broader community.
36. In the course of determining appropriate licence conditions, the Authority sought and obtained amendments to the Plan of Management with regard to the provision of live entertainment. Police were mindful to ensure that the hotel does not operate in the mode of nightclub, while the Applicant had sought some flexibility with regard to live entertainment consistent with the proposed theme of the venue and with some capacity to host "occasional" functions involving live entertainment.
37. The Authority has obtained amendments to the Plan of Management to ensure that functions only occur on an "infrequent or irregular basis" and do not become a loophole by which live entertainment, other than the proposed New Orleans style jazz music, is regularly provided on the Premises.

Conclusion

38. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application and the associated applications for the MAA and ETA were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include NSW Police, the Licensee, Council, RMS, neighbouring occupiers, NSW Health and Family and Community Services and all other parties required to be consulted under the legislation.
39. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Hotel Application and the associated ETA Application, the Authority is satisfied that the overall social impact of granting those Applications would not be detrimental to the well-being of these local and broader communities.
40. The Authority is also satisfied, on the basis of the rationale for the MAA provided in the Application and CIS (and noting that no gambling services will be provided by the new hotel-general bar licensed business) that granting the MAA with respect to the entire Premises is in the public interest.
41. The Application is granted pursuant to section 45 of the Act. The ETA is granted pursuant to section 49(2) of the Act and the MAA is granted pursuant to section 121 of the Act.

42. In making these decisions decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Decision Date: 16 November 2016



Philip Crawford

Chairperson

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

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 in 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. Submission from Aboriginal Affairs NSW (AANSW) dated 24 June 2016 advising that AANSW raises no objection to the Application.
2. Submission from Roads and Maritime Services (RMS) dated 27 June 2016 advising that during 2014 there were 24 alcohol-related crashes resulting in 13 casualties within the City of Sydney LGA. RMS do not object to the Application but recommend that the licensee maintain awareness of alcohol-related issues by attending the liquor accord and that public education material be supported.
3. Submission from the Department of Community Services dated 28 June 2016 advising the Department would not be providing input on the Application.
4. Development application D/2016/450, approved by the City of Sydney (Council) on 26 July 2016 permitting the fit out and use of the Premises to operate as a licensed restaurant and bar. The hours of operation are restricted, for planning purposes, to between 10.00am and 11.00pm from Monday to Saturday and between 10.00am and 10.00 pm on Sunday. However, the Premises may operate between 11:00pm and 1:00am from Monday to Saturday for a trial period of one year.
5. Hotel Application Form dated 29 July 2016, lodged on 12 September 2016, together with a MAA Application dated 29 July 2016 and an ETA Application dated 29 July 2016. The Application is accompanied by the following submissions and material:
 - (a) *Additional Information – Application and Community Impact Statement.*
 - (b) Plans relevant to the layout the Premises.
 - (c) Australian Securities and Investments Commission (ASIC) Current Organisation Extract for Nola Sydney Pty Ltd as at 7 July 2016.
6. CIS dated 29 July 2016 with supporting material. Briefly, the Applicant makes the following contentions on the overall social impact of granting the Application:
 - (a) The general bar will have a capacity for 250 patrons.
 - (b) The bar will comprise a New Orleans themed bar and dining facility. This is a unique concept within the proposed licenced area.
 - (c) The Premises will provide live entertainment, with a New Orleans style jazz band and a piano.
 - (d) Granting the Application will provide the following public interest benefits:
 - i) The Premises will be the only one within Barangaroo to provide the convenience of being able to New Orleans style bar and dining facilities.
 - ii) The proposed facility will meet the needs, demands and expectations of employees and visitors of Barangaroo.

- iii) The granting of the Application will result in the provision of a variety of beverages including classic New Orleans drinks and New Orleans style entertainment to the suburb.
 - (e) The Applicant makes the following submissions on the negative community impacts from the proposal:
 - i) RSA practices, including adherence to the *Plan of Management*, RSA training and certification for staff, and identification requirements will be implemented to prevent supply, or secondary supply, to persons under the age of 18;
 - ii) In relation to security and prevention of disturbance, the Premises will include CCTV cameras and security guards will be on duty in accordance with DA requirements.
 - iii) The Applicant will comply with the requests made by Transport RMS in their submission. These include that the Applicant attend the local Liquor Accord, support and display public education material focused on drink drive and pedestrian alcohol issues, and installation of an approved breath testing device.
7. Accompanying the CIS was a list of stakeholder and special interest groups consulted by the Applicant, a map of the Barangaroo Precinct and copies of stakeholder notices sent to Police, Council and the site notice posted on the Premises. The Authority notes the Applicant's advice in the CIS that only four responses were received, from police, Council, AANSW and RMS.
 8. Submission from Mr David Smith, City of Sydney (Council), dated 10 August 2016.
 9. Submission from the Applicant solicitor, Mr Cusack, dated 16 September 2016.
 10. Submission from Senior Constable David Marshall and Leading Senior Constable Juan Maruri, Sydney City Local Area Command (LAC) of NSW Police (Police), dated 30 September 2016.
 11. Email from licensing staff to the Applicant's solicitors, dated 13 October 2016.
 12. Submission from the Applicants solicitor, Mr Cusack, dated 18 October 2016.
 13. Report to the Authority dated 25 October 2016 from the Compliance Branch of Liquor and Gaming NSW (LGNSW).
 14. Submission from the Applicants solicitor, Mr Cusack, dated 26 October 2016.
 15. Amended Plan of Management dated November 2016 and submitted on 5 December 2016.
 16. BOCSAR Crime Maps based upon data from July 2015 to June 2016 detailing hotspots for the concentration of offences near the location of the Premises which is publically available on the BOCSAR website. These maps identify the

boundaries of the Barangaroo Precinct. This data indicates that the Barangaroo Precinct contains:

- (a) *Low and medium density hotspots* for incidents of *domestic assault*
 - (b) *Low, medium and high density hotspots* for incidents of *non-domestic assault*
 - (c) *Low, medium and high density hotspots* for incidents of *malicious damage to property*.
17. Liquor licensing records for the Sydney LGA. No data is presently available for the suburb of Barangaroo.
18. Liquor licence density data derived from licensing records that are publicly available from LGNSW indicating that the Sydney LGA as a whole recorded:
- (a) a rate of **5.90** *full hotel licences* per 100,000 persons, which is well below the NSW state wide rate of **30.36**.
 - (b) a rate of **7.67** *packaged liquor licences* per 100,000 persons, which is well below the NSW state wide rate of **32.85**.
 - (c) a rate of **2.95** *registered club licences* per 100,000 persons, significantly lower than the NSW state wide rate of **20.48**.
 - (d) a rate of **6.49** *on-premises licences* per 100,000 persons, significantly below the NSW state wide rate of **121.31**.
19. Report on *NSW Recorded Crime Statistics July 2010 – June 2015* obtained from published BOCSAR sources, for July 2014 – June 2015. This data indicates that:
- (a) the rate of *domestic violence related assault* incidents recorded by NSW Police as *alcohol related* across the Sydney LGA was **213.3** per 100,000 persons, well above the New South Wales rate of **122.6** per 100,000 persons;
 - (b) the rate of *non-domestic violence related assault* incidents recorded by NSW Police as *alcohol related* across the Sydney LGA was **796.6** per 100,000 persons, significantly above the State-wide rate of **144** per 100,000 persons;
 - (c) the rate of *offensive behaviour* offences recorded by NSW Police as *alcohol related* across the Sydney LGA was **525.4** per 100,000 persons, substantially below the State-wide rate of **88.2** per 100,000 persons;
 - (d) the rate of *assault Police* incidents recorded by NSW Police as *alcohol related* across the Sydney LGA was **85.2** per 100,000 persons, well above the State-wide rate of **18.2** per 100,000 persons.
20. ABS SEIFA data sourced from the 2011 Census which indicates that:
- (a) The Sydney LGA ranked in the 9th decile compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

- (b) The state suburb of Barangaroo ranked in the 1st decile compared to other state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).