



Grant Cusack
Hatzis Cusack Lawyers
Level 9, 68 Pitt Street
Sydney NSW 2000
25 October 2016

Dear Mr Cusack,

APPLICATION NO: 1-4432977702

APPLICATION FOR: New Full Hotel Licence (Hotel Application) with a Minors Area Authorisation (MAA Application) and Extended Trading Authorisation (ETA Application)

PROPOSED TRADING HOURS: On Premises: Monday to Saturday 07:00AM – 11:00PM, Sunday 07:00AM – 10:00PM
Packaged Liquor: Monday to Sunday 10:00AM – 10:00PM

APPLICANT: IMPERO FOODS PTY LTD (ATF Impero Trust)

PROPOSED LICENSED PREMISES NAME: Bel and Brio

PREMISES LOCATION: Building T3, Corner of Exchange Place and Barangaroo Avenue, Barangaroo NSW 2000 (Premises)

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

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

INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR NEW FULL HOTEL LICENCE WITH MINORS AREA AUTHORISATION AND EXTENDED TRADING AUTHORISATION – BEL AND BRIO

The Independent Liquor and Gaming Authority considered the Application at its meeting on 17 August 2016 and pursuant to section 45, 49(2) and 121 of the *Liquor Act 2007* (Act), has decided to **grant** the Hotel Application, ETA Application, and MAA Application (the Application) subject to the following conditions:

TRADING HOURS

1. Trading Hours:
Consumption on premises
Monday to Saturday 7:00AM – 11:00PM
Sunday 7:00AM – 10:00PM
2. **Take away sales**
Monday to Saturday 10:00AM – 10:00PM
Sunday 10:00AM – 10:00PM
Good Friday Not permitted
Christmas Day Not permitted
December 31st Normal Trading
3. 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.
4. 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.
5. The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority has been provided with evidence that the premises at this location are complete and ready to trade.
6. The licence cannot be exercised unless and until an approved manager has been appointed or the licence has been transferred to an individual licensee.
7. The licensee or its representative must join and be an active participant in the local liquor accord.
8. 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.
9. No gaming (poker) machines are to be kept on the licensed premises or operated from the licensed premises.
10. No TAB facilities or KENO facilities are to be provided at the licensed premises.
11. 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.

12. The premises must at all times be operated in accordance with the Plan of Management dated June 2016 as may be varied from time to time after consultation with the Local Area Commander.
13. There is to be no sale or supply of liquor prior to 10.00 AM on any day.
14. The sale and supply of liquor to the outdoor area on Barangaroo Avenue is to be by way of waiter service to tables only.

CCTV

15. The Licensee shall maintain a CCTV system that meets the following minimum requirements:
 - a) 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:
 - i. the person represents not less than 100% of the screen height, and
 - ii. there is an unobstructed view of the person's face.
16. 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 courtyard and smoking areas.
17. 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.
18. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
19. Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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 or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

SIGNAGE

27. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected 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:

Upon leaving please respect local residents by minimising noise

NEIGHBOURHOOD AMENITY

28. The management of the premises:
 - a. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such 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.
29. The licensee must join and be an active participant in the local liquor accord.

CRIME SCENE PRESERVATION

30. Immediately after the person in charge of the Licensed Premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
- a. Take all practical steps to preserve and keep intact the area where the act of violence occurred
 - b. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
 - c. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident and
 - d. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
31. 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 Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or LGNSW authorised officers.

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 full hotel licence (Application) with a Minors Area Authorisation (MAA) and an Extended Trading Authorisation (ETA), the accompanying community impact statement (CIS) and all submissions received in relation to the Application. 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 Constable D. Marshall and Sergeant Paul Ryan, Sydney City Local Area Command (LAC) of NSW Police (Police), dated 15 June 2016. Police advise that they do not do not object to the Application and provide the following information:
 - a) Police evaluation of the Applicant, noting that Computerised Operational Policing System (COPS) records indicate that the contact person, Mr Robert Enzo Martin, has two adverse incidents recorded for failing to provide a Responsible Service of Alcohol (RSA) Register when required by Police and trading with a cancelled liquor licence.
 - b) Police evaluation of the density of licensed premises in the vicinity of the Premises, noting that there are a high number of licensed premises in the near vicinity of the Premises.
 - c) Police evaluation of the location of the Premises, submitting that it is located 'within proximity' of a number of Alcohol Free Zones (AFZ) and Alcohol Prohibited Zones (APZ).
 - d) BOCSAR crime map illustrating the number of incidents of alcohol related assault recorded within the City of Sydney Local Government Area (LGA) from April 2014 to March 2015. This map indicates a higher rate of alcohol related assaults in The Rocks, a neighbouring suburb of Barangaroo.
 - e) Maps depicting the location of licensed premises near the Barangaroo Precinct as well as the locations of AFZs and APZs.
 - f) Police submit that the rate of alcohol related assault incidents in the suburb of Sydney is 3110.4 incidents per 100,000 persons compared to 153.2 incidents per 100,000 persons for New South Wales as a whole.
 - g) Alcohol Related Crime Information Exchange (ARCIE) crime data for the Sydney City LAC from November 2014 until November 2015. This data indicates that

51% of all assaults and 36% of all domestic violence incidents in the Sydney LAC were recorded by Police as alcohol related.

- h) A summary of a 2011 BOCSAR study, 'The association between alcohol outlet density and assaults on and around licensed premises', which examines the relationship between licensed premises density and assaults concluding that in Sydney LGA assaults are more likely to occur around licensed premises than elsewhere.
 - i) A list of conditions requested by Police to be imposed upon the licence.
4. Submission from City of Sydney Council (Council) Compliance Officer Mr Christopher Carpenter dated 11 May 2016. The submission advises that Council makes a partial objection to the ETA Application in that the approval on the development application (DA) D/2016/173 in force for the Premises provides that "There will be no sale or supply of liquor prior to 10.00am on any premises on any day".
5. Submission from the Applicant's solicitor Mr Grant Cusack of Hatzis Cusack Lawyers dated 3 July 2016, providing a list of conditions consented to by the Applicant and additional information relating to the Application, Premises, and proposed new licensed business. The submission includes the following contentions made by the Applicant:
- a) The proposed business will provide the following benefits:
 - i. Encourage the development of Barangaroo;
 - ii. The local community will be provided a stylish licensed facility providing a range of services;
 - iii. The public will be able to purchase liquor while purchasing groceries.
 - iv. Residents of Barangaroo will not have to leave the Barangaroo Precinct to purchase packaged liquor or attend a similar facility.
 - v. New product lines will be available (the Authority notes that the Applicant has not specified which new lines will be available).
 - b) The objection from Council arises from a misunderstanding that the Applicant seeks to sell liquor prior to 10am, which is not the case.
 - c) The Applicant will comply with the recommendations made by Roads and Maritime Services (RMS).
 - d) The Police submission records matters relating to Mr Robert Martin, the contact person for the Applicant. Mr Martin is no longer the proposed approved manager for new business and that Nenad Rogulj will be the contact person for the Applicant.
 - e) In relation to the conditions requested by Police, some of these conditions appear to have been copied over from another application which concern conditions pertaining to a restaurant which are not relevant to this hotel Application. A list of conditions consented to and not consented to by the Applicant is provided.

Legislative Framework

6. 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 Regulations 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
7. 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.*
8. 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.
9. An application for a new hotel licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
10. 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”.
11. 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. This approach is preferable to a purported local community that incorporates a number of suburbs which would, in the Authority’s view, tend to lose any genuinely “local” focus when assessing overall social impact.
12. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is

the community within the State suburb of Barangaroo while the “broader community” comprises the responsible local government area, the City of Sydney.

Analysis of Relevant Facts

13. 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.
14. 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 full hotel licensed venue of the kind proposed in the Application material. The Authority makes this finding on the basis that no issues of concern were raised regarding the probity of the Application following consultation with relevant enforcement agencies, including Police and LGNSW.
15. 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 June 2016 provided by the Applicant.
16. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in force to permit use of the Premises as a hotel, on the basis of DA D/2016/173 issued by Council dated 26 April 2016.

Social Impact – Positive Benefits

17. The Authority is satisfied that the Applicant has demonstrated a substantial positive case for a new full hotel licensed 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.
18. 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.
19. The Authority is satisfied, on the basis of the information provided in the CIS and further submissions by the Applicant, that the hotel will provide some measure of convenience to residents of the suburb of Barangaroo by providing a one-stop-shop facility for residents to purchase liquor while they are shopping for groceries.
20. On balance, given the above, the new enterprise may be said to serve the “expectations, needs and aspirations” of the communities, which is a statutory object of section 3(1)(a) of the Act.
21. Notwithstanding that the Applicant has not specified the product lines that it will sell (which would have assisted the Applicant’s case) given that Barangaroo is a newly developed suburb and that the Premises will be the only facility selling packaged liquor

within Barangaroo, the Authority accepts as generally plausible that granting the Application will provide new product lines not presently available in the local community.

22. The Authority is satisfied on the Application and CIS material that the ETA has been sought to facilitate an early morning breakfast service on Sundays only. It has not been sought to extend licensed trading into the evening. This, in the Authority's view, further establishes a positive benefit for the local and broader community rather than simply proposing an extension of night time licensed hours among the many licensed venues operating in the evening in the Sydney CBD.
23. 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 and broader community in furtherance of the statutory object in section 3(1)(b) of the Act.
24. The location of the venue by Darling Harbour also satisfies the Authority that this new hotel will likely service visitors to the Sydney CBD, in addition to city workers and residents, and in this sense is likely to contribute to the responsible development of related industries of tourism and hospitality for the purposes of section 3(1)(c) of the Act.

Social Impact – Negative Impacts

25. The Application proposes a full hotel licensed venue with a maximum patron capacity of 200 persons. In relative terms, it is a medium scale licensed business and its primary purpose is the sale or supply of liquor by retail, making it a relatively higher impact licence type.
26. Granting the hotel licence subject to the proposed trading hours between 7:00am and 11:00pm Saturday and between 07:00am and 10:00pm on Sunday would mean that the Premises will be operating beyond the standard trading hours available under section 12 of the Act, but only in the mornings. Any alcohol related impact from the extension of morning trading is mitigated by the Applicant's acceptance of a condition restricting the sale of alcohol to after 10am daily. With licensed trading ceasing at 11 pm at the latest, this hotel will have a more limited evening impact than most hotels and other licensed premises in the Sydney CBD or the City of Sydney.
27. 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*.
28. On the basis of this data, licence density *per se* is not a particular concern for the local and broader community. The low prevailing number of licensed premises, combined with the standard trading hours, reduces the scope that may otherwise exist for this new licence to encourage patron migration among venues.
29. There is some cause for concern with respect to the broader community arising from the BOCSAR crime data for 2013 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 conduct, assault police and malicious damage to property*.

30. However, this has not translated into concern from the local authorities including NSW Police and LGNSW, neither of which objected to the Application. The Authority is further satisfied that incidents of antisocial behaviour will be discouraged by the presence of CCTV cameras and roving security patrols provided by Lend Lease within the Barangaroo commercial precinct.
31. 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 likely not reflective of the post-development community and has been given little weight.
32. The Authority accepts the Applicant's contention that the suburb of Barangaroo will likely become home to a very advantaged community once the development of the suburb is complete given the relative advantage of the surrounding suburbs and the prime position of the Barangaroo development on the Sydney foreshore.
33. The Authority has also had regard to the Applicant's contention that there will be no gaming machine or TAB facilities provided by the hotel operating on the Premises. Hotel licensed premises ordinarily have the capacity to provide wagering and other gambling services such as TAB, Keno and gaming machines. This commitment by the Applicant is an important factor that has been taken into account as both establishing the bona fides of the new business as a more "family friendly" and dining focussed enterprise, while also reducing the potential negative social impacts that may otherwise flow the exercise of a "full" hotel licence.
34. The Authority has also had regard to the various operational measures detailed in the *Plan of Management* dated June 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.

Conclusion

35. 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 ETA, and MAA 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.

36. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application and associated ETA, the Authority is satisfied that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
37. The Authority is 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 licensed business) that granting the MAA is in the public interest.
38. 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.
39. 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: 17 August 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. Hotel Application Form identifying that an ETA and MAA are also sought by the Applicant – lodged on 13 May 2016
2. CIS and supporting material dated 3 May 2016. Briefly, the Applicant makes the following contentions on the overall social impact of granting the Application:
 - (a) The hotel will have a capacity for 200 patrons and will include both indoor and outdoor areas. Liquor service to the outdoor area will be by way of wait staff only.
 - (b) Bel & Brio will comprise a new grocery store, bar, café and packaged liquor facility. The grocery store will not be included within the proposed licenced area.
 - (c) It is not proposed that TAB, Keno, or gaming machine facilities will be provided.
 - (d) There will be an emphasis on the provision of quality food, which will be available for breakfast, lunch and dinner.
 - (e) It is not proposed that the Premises will operate with any emphasis on live entertainment. Any music provided will generally comprise background music.
 - (f) The 6-hour closure period sought is the standard period between 4:00am and 10:00am each day. The Hotel will be open for trade from 7:00am each day of the week but it is not proposed that there be any sale of alcohol prior to 10:00am.
 - (g) Granting the Application will provide the following public interest benefits:
 - i) The needs, expectations and aspirations of the local community will be accommodated by a variety of licensed premises within Barangaroo including the Premises;
 - ii) The Premises will be the only one within Barangaroo to provide a packaged liquor facility and will provide the convenience of being able to purchase packaged liquor when shopping at the adjoining grocery store;
 - iii) The local community will have available to them a stylish licensed facility providing a range of services including a bar, dining facilities and liquor store;
 - iv) The proposed facility will meet the needs, demands and expectations of employees and visitors of Barangaroo.
 - v) The granting of the Application will result in the introduction of product lines that are not presently available in the suburb.
 - (h) The Applicant makes the following submissions on the negative community impacts from the proposal:
 - i) RSA practices, including adherence to a *House Policy and 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) ABS SEIFA data indicates that Sydney LGA falls within the 9th decile on the IRSAD, while the local community of Barangaroo is 'envisaged' to be "extremely advantaged";
 - iii) In relation to security and prevention of disturbance, the Premises will include CCTV cameras. Lend Lease has installed CCTV throughout the Barangaroo Precinct and will provide roving security guards;
 - iv) No objection to the Application was received from any of the Aboriginal and Torres Strait Islander organisations that were notified;
 - v) 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 drawing attention to the safe party strategies available on the Police website for customers who are purchasing large amounts of alcohol.
3. The following material was provided with the CIS:
 - (a) A list of stakeholders and special interest groups consulted;
 - (b) Map of the Barangaroo Precinct;
 4. DA number D/2016/173 issued by Council on 26 April 2016, recording development consent with respect to the proposed use of the Premises as 'multi-faceted food and beverage (licensed) tenancies including a supermarket, wine bar and café, bottle shop and associated outdoor seating'.
 5. *Plan of Management* dated June 2016.
 6. Plans relevant to the layout the Premises.
 7. Bel and Brio Bar Menu.
 8. List of conditions to be imposed upon the licence.
 9. List of trading hours for consumption on premises for external and internal areas, as well as takeaway trading hours.
 10. Australian Securities and Investments Commission (ASIC) Current Organisation Extracts for Bel & Brio as at 7 January 2016 and Lend Lease IMT (OITST ST) Pty Ltd as at 19 July 2016.
 11. Copies of stakeholder notices notifying the Application to various stakeholders as required by the liquor legislation – including Police, Council and the site notice placed on the Premises.
 12. Email from licensing staff to LGNSW staff identifying that the Applicant seeks extended trading authorisation from 7am in order to provide breakfast but proposes a condition for the license to not allow trading until 10am.
 13. Email from licensing staff to the Applicant's solicitors, dated 23 June 2016, requesting additional information.

14. BOCSAR Crime Maps based upon data from April 2015 to March 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*.
15. Liquor licensing records for the Sydney LGA. No data is presently available for the suburb of Barangaroo.
16. 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**.
17. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. This data indicates that:
 - (a) the rate of *domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Sydney LGA was **261** per 100,000 persons, well above the New South Wales rate of **145** per 100,000 persons;
 - (b) the rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Sydney LGA for 2013 was **1,129** per 100,000 persons, substantially above the State wide rate of **191** per 100,000 persons;
 - (c) the rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across the Sydney LGA was **815** per 100,000 persons, well above the State wide rate of **83** per 100,000 persons;
 - (d) the rate of *assault police* incidents flagged by reporting Police as *alcohol related* across the Sydney LGA was **124** per 100,000 persons, well above the State wide rate of **24** per 100,000 persons; and
 - (e) the rate of *malicious damage to property* offences flagged by reporting Police as *alcohol related* across the Sydney LGA was **311** per 100,000 persons, well above the State wide rate of **122** per 100,00 persons.
18. ABS SEIFA data prepared on the basis of 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).
19. Submission from Constable D. Marshall and Sergeant Paul Ryan, Sydney City LAC of NSW Police, dated 15 June 2016. This submission records that Police do not object to the application and includes a list of conditions that Police request be imposed upon the license.
 20. Submission from City of Sydney Compliance Officer Mr Christopher Carpenter, dated 11 May 2016.
 21. Submission from the Applicant's solicitor, Mr Cusack, dated 1 August 2016 including amended plans for the Premises.
 22. Submission from Mr Cusack, dated 19 July 2016, correcting the details of an interested party in relation to the business.
 23. Submission from Mr Cusack, dated 3 July 2016, containing additional information relating to the Application.
 24. Submission from Mr Cusack, dated 3 July 2016, including a list of conditions consented to by the Applicant and additional information relating to the Application, Premises, and proposed business.