

**NSW Department of Industry
Liquor & Gaming NSW**

APPLICATION NO:	APP-0003405516
APPLICATION FOR:	On-premises liquor licence with health and beauty services and catering classes, and primary service authorisation
TRADING HOURS:	Monday to Sunday: 10:00 AM to 10:00 PM
APPLICANT:	Skin Boost Pty Ltd
APPROVED MANAGER:	Wissam Badawi
LICENCE NAME:	Christopher Hanna
PREMISES ADDRESS:	13-15a Bridge Street SYDNEY NSW 2000
ISSUE:	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse the liquor licence application
LEGISLATION:	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR A LIQUOR LICENCE
CHRISTOPHER HANNA**

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the *Gaming and Liquor Administration Act 2007*, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Industry, has decided to grant the application for an on-premises liquor licence with primary service authorisation, application number APP-0003405516.

On 17 November 2017, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

Conditions imposed:

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. Consumption on premises: health and beauty services
Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

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- Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
- December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. Consumption on premises: **catering service**
- Good Friday Normal trading
- Christmas Day Normal trading
- December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
4. The business of providing the catering service must be for fee, gain, or reward. Functions held pursuant to the catering service must be pre-booked. The catering service is to be exercised at no more than 12 functions in any calendar year. A catering service booking register must be maintained at the premises.

STATEMENT OF REASONS

1. Material before the ILGA delegate

CM9 Ref: DF17/016618

- (1) Application for on-premises liquor licence with primary service authorisation, dated 20 September 2017
- (2) Category A Community Impact Statement, and accompanying annexures, dated 19 September 2017
- (3) Appointment of Manager Notice, appointing Wissam Badawi to manage the licence, dated 9 November 2017
- (4) Application Notices
- (5) Plan of the proposed licensed premises
- (6) Certification of Advertising Application, dated 13 October 2017
- (7) ASIC Current Company Extract for SKIN BOOST PTY LTD, MIRRAMBA PTY LTD, and SGB FACILITY SERVICES PTY LTD
- (8) Plan of Management for the venue, dated September 2017
- (9) Copy of the food and drink menu for the venue
- (10) Submission from NSW Police Force, dated 15 November 2017, raising no objection to the application and proposing 11 licence conditions, which were duly considered by the applicant and Authority delegate

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- (11) Submission from the City of Sydney Council, dated 10 October 2017, advising that the City considers the application to be premature as the development consent was still under assessment
- (12) Further submission from the City of Sydney Council, dated 13 October 2017, advising that development consent has been granted and the City has no matters of concern with the application
- (13) Development Application No. D/2017/817 granted by City of Sydney Council on 6 October 2017 for use of the premises as a licensed beauty salon, hairdresser and bar with ancillary functions, with approved hours that are in conformity with the applicant's proposed liquor trading hours
- (14) Email correspondence from Liquor & Gaming NSW to the applicant requesting additional information in support of the application, dated 4 October 2017, and 16 November 2017
- (15) Email correspondence from the applicant to Liquor & Gaming NSW in response to the request for further information, dated 23 October 2017, 14 November 2017, and 16 November 2017

2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

3 Objects of Act

- (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 the 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.

3. Statutory tests

- (1) In determining an application for a licence, under section 45(3) of the *Liquor Act 2007*, the delegate must also be satisfied that:
 - a. the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
 - b. practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
 - c. if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under part 3A or part 5.1 of that Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

4. Community impact test

- (1) Under section 48(5) of the *Liquor Act 2007*, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the application process, that the overall impact of the licence, authorisation or approval in question being granted, will not be detrimental to the local or broader community.
- (2) The test applying under section 48(5) relates to delegated decisions in relation to the granting or removal of:
 - a. a small bar licence,
 - b. a packaged liquor licence (limited to telephone/internet sales),
 - c. an on-premises licence relating to a restaurant that, in the case of a new licence, includes an application for a primary service authorisation,
 - d. an on-premises licence relating to a karaoke bar, a catering service or a vessel,
 - e. an application for a producer/wholesaler licence that, in the case of a new licence, includes an application for a drink on-premises authorisation
 - f. an application for ongoing extended trading hours to permit the sale of liquor after midnight in relation to any of the above licence types.
- (3) The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.

- (4) Local and Broader Community - for the purposes of this decision, the delegate is satisfied that the relevant “local community” is the community within the suburb of Sydney, and the “broader community” of the City of Sydney Local Government Area.

5. Analysis of Submissions and other Materials

- (1) This application is for an on-premises liquor licence with primary service authorisation for a new Christopher Hanna hair and beauty salon opening on Bridge Street, Sydney, in the Sydney CBD Entertainment Precinct. The venue will also feature a small bar as part of the salon design.
- (2) The applicant has also applied for catering class and proposes to hold no more than 12 functions/events a year. The types of functions proposed to be held include corporate events, product launches, and private events.
- (3) The venue will cater for 50 patrons, with an additional 50 patrons permitted at functions (a maximum patron capacity of 100 people).
- (4) A primary service authorisation has been sought so that liquor can be sold or supplied to persons not attending the venue to undertake the hair, beauty or function services.
- (5) I am satisfied that appropriate development consent is in place for the proposed use.
- (6) Police made a submission noting that there is a high rate of alcohol related violence associated with licensed premises in the Sydney CBD, however did not object to the application. Police proposed 11 licence conditions, which were duly considered by the Authority delegate.
- (7) No objections have been received in respect of this application.
- (8) I am satisfied that the statutory advertising requirements have been met.

6. Overall social impact

(1) Positive benefits

Christopher Hanna is an established upmarket hair and beauty salon that is now opening a new salon in the Sydney CBD, which will incorporate a small bar in the salon design. The granting of the licence will complement and enhance the services offered by the business, and will provide the community with a unique venue at which to enjoy hair and beauty services and events.

(2) Negative impacts

There have been no objections to the granting of this licence. The applicant has implemented a comprehensive Plan of Management designed to minimise any potential negative impacts on the local community.

7. Conclusion

- (1) I am 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

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required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.

- (2) In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
- (3) Having considered the venue management plan and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.
- (4) Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) In making this decision under delegation of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant with conditions the licence application.

Decision Date: 17 November 2017



Matt Weber
Manager Licensing
Liquor & Gaming NSW
Delegate of the Independent Liquor & Gaming Authority

Important Information:

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard

at: <https://www.liquorandgaming.justice.nsw.gov.au/pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed on line via the Application Number hyperlink.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>