

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

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<b>APPLICATION NO:</b>	1-5713080177
<b>APPLICATION FOR:</b>	Small bar liquor licence
<b>TRADING HOURS:</b>	Monday to Sunday: 12:00 PM to 12:00 AM
<b>APPLICANT:</b>	Work Club Sydney Services Pty Ltd
<b>APPROVED MANAGER:</b>	Soren Trampedach
<b>LICENCE NAME:</b>	Work Club Global
<b>PREMISES ADDRESS:</b>	Level 8, 87-105 Elizabeth Street SYDNEY NSW 2000
<b>ISSUE:</b>	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse the liquor licence application
<b>LEGISLATION:</b>	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR A LIQUOR LICENCE  
WORK CLUB GLOBAL**

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 a small bar liquor licence, application number 1-5713080177.

On 27 July 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

Good Friday	Not permitted
Christmas Day	Not permitted
December 31st	Normal trading

Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.

3. A maximum number of sixty (60) patrons are permitted in the premises at any one time.

**4. Crime Scene Preservation**

- a. 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:
- i. Take all practical steps to preserve and keep intact the area where the act of violence occurred
  - ii. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
  - iii. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident and
  - iv. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

**5. CCTV System**

- i. CCTV surveillance cameras (with video recording facilities) shall be installed and maintained in the premises with coverage of the foyer, entrances/exits and any area where liquor is served
- ii. All video equipment and cameras are to be of a high quality so as to facilitate identification and adjudication of patrons and incidents occurring within the premises.
- iii. CCTV recording discs or hard drive recording shall be retained for 30 days before being reused, destroyed or deleted. The time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD copy, or other electronic copy of recorded footage. Copies of discs or footage, must be handed to Police Officers or Special Inspectors on request or within a reasonable time.
- iv. There shall be adequate monitoring of the system by the licensee and his/,her staff when the premises are trading to ensure as far as practicable that patrons do not a) move the cameras so as not to give adequate coverage of the room or b) cover or obstruct the cameras so as to prevent surveillance of the room.

6. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.

## STATEMENT OF REASONS

### 1. Material before the ILGA delegate

RM8 Ref: DF17/009394

- (1) Small Bar application form and covering email, lodged 5 May 2017, and accompanying cover letter
- (2) Signed Application Notices
- (3) Signed Certification of Advertising Application
- (4) Appointment of Manager Notice appointing Mr Soren Trampedach to manage the licence
- (5) Interim RSA Certificate and Approved Manager Approval for Mr Soren Trampedach
- (6) Plan of the proposed licensed premises
- (7) ASIC Current Company Extract for Work Club Sydney Services Pty Ltd
- (8) ASIC Certificate of Registration of a Company for Work Club Sydney Services Pty Ltd
- (9) Liquor Plan of Management for the venue
- (10) Copy of the food and drinks menu for the venue
- (11) Development Application D/2017/413 granted by the City of Sydney Council on 25 May 2017 for use of the premises as a licensed small bar for 60 patrons
- (12) Email correspondence from Liquor & Gaming NSW to the applicant, requesting further information in support of the application, dated 17 July 2017
- (13) Email correspondence from the applicant to Liquor & Gaming NSW in response to the request for further information, dated 21 July 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 LGA.

## 5. Analysis of Submissions and other Materials

- (1) This application is for a new small bar with 60 patron capacity which is part of a coworking and shared office space located on the eighth floor of a commercial building in the Sydney CBD Entertainment Precinct. The applicant proposes to primarily service the occupants of the building.
- (2) I am satisfied that appropriate development consent permitting the proposed use is in place.
- (3) No submissions or objections have been received in respect of this application.
- (4) I am satisfied that the statutory advertising requirements have been met.
- (5) Having reviewed all the material, I am satisfied that this application for a small bar liquor licence is unlikely to result in any significant increase in alcohol-related harm or detract from the amenity of the local community.

## 6. Overall social impact

### (1) Positive benefits

The granting of the licence will provide occupiers of the shared office space with an intimate and low key venue at which to socialise and relax, as well as contribute to the diversity of small low risk venues in the Sydney CBD.

### (2) Negative impacts

There have been no objections to the granting of this licence. The Plan of Management provided by the applicant and conditions imposed on the licence provide a level of certainty that there are unlikely to be any major 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 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: 27 July 2017



Matt Weber  
A/Manager Licensing (Business Licensing)

**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>