

NSW Independent Liquor & Gaming Authority

Our ref: DF25/046877

Mr Josh Ungaro

HTA Legal

25 August 2025

Dear Mr Ungaro

| | |
|------------------------|--|
| Application numbers | 1-9419848823 (change of conditions) SR0001381314 (change of boundaries) SR0001392012 (minors' area authorisation variation) |
| Applicant | Ms Amelia Anne Birch |
| Application for | Change of conditions, change of boundaries and minors' area authorisation variation |
| Application dates | 26 March 2025 (change of conditions) 14 March 2025 (change of boundaries) 4 April 2024 (minors' area authorisation variation) |
| Decision date | 18 June 2025 |
| Licence name | Famelia |
| Licence number | LIQH440018943 |
| Current trading hours | <u>Consumption on premises</u> Monday to Sunday 10:00 AM – 10:00 PM <u>Take-away sales</u> Monday to Sunday 10:00 AM – 10:00 PM |
| Proposed trading hours | <u>Consumption on premises</u> Monday to Sunday 10:00 AM – 12:00 AM <u>Take-away sales</u> Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM |
| Proposed premises | Ground Floor 55 Enmore Road Newtown NSW 2042 |
| Legislation | Sections 3, 11A, 12, 14, 40, 44, 45, 48, 53, 94 and 121 of the <i>Liquor Act 2007</i> |

Decision of the Independent Liquor & Gaming Authority

Application for a change of conditions, change of boundaries and minors' area authorisation variation – Famelia

We **approve** the application above under sections 53, 94 and 121 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1.

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Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will contribute to, not detract from, the amenity of community life.

Our main findings

The local community for the purposes of this decision is the suburb of Newtown. The broader community is the Local Government Area (LGA) of Inner West.

The applicant is seeking to increase the boundaries by more than 50% to incorporate an additional outdoor area to the rear of the premises due to recent renovations, a variation to the existing minors' area authorisation to encompass the whole of the premises and a change of conditions to increase trading hours within standard trading for hotel licences.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- increase in licenced boundaries – the proposed premises will increase by 49.5 m2, incorporating the whole of the licensed premises
- crime hotspots – the proposed premises is located in high-density crime hotspots for all categories we considered
- crime rates – the incident rates for all crime categories we considered are higher in the suburb than in NSW, and lower in the LGA than in NSW
- health statistics – the rate of alcohol-attributed hospitalisations is higher in the LGA than in NSW, while the rate of alcohol-attributed deaths is lower in the LGA than in NSW
- patron capacity – the patronage of the proposed premises will increase from 30 to 50.

However, we note that the below factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- there were no government agency or community objections to the application
- licence saturation – the saturation rate of hotels in the suburb or LGA will not increase
- Socio-Economic Index for Areas (SEIFA) data indicates an above average of socio-economic advantage and disadvantage in the suburb and LGA compared to NSW¹
- the proposed premises is located on Enmore Road in Newtown which falls within the Enmore Road Special Entertainment Precinct (ERSEP) to encourage more vibrancy and culture to the area during later hours
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

¹ Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024))

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- the legislation
- a Statement of Risks and Potential Effects
- certificates of advertising
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- liquor licence document LIQH440018943
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely overall impact to the local and broader community and [Guideline 14](#) to ensure the required public consultation was undertaken.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact Liquor & Gaming NSW at: new.applications@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Famelia

| No. | Condition to be imposed | Description |
|-----|---------------------------------|---|
| 1. | Take away sales | <p>Good Friday: Not permitted</p> <p>December 24th: Normal trading Monday to Saturday 10:00 AM to 12:00 midnight on Sunday</p> <p>Christmas Day: Not permitted</p> <p>December 31st: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday</p> |
| 2. | Overall impact | <p>The business authorised by this licence must not operate with a greater overall level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of changing the licence boundaries (SR0001381314) on 18 June 2025.</p> |
| 3. | Plan of management | <p>The premises is to be operated at all times in accordance with the Plan of Management dated May 2025 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p> |
| 4. | Trial period for extended hours | <p>If the local consent authority does not approve the continuation of the trial period after 24 February 2026 (or as may be extended from time to time), the trading hours of the premises will revert to those hours specified on this licence prior to the introduction of the trial period (10:00 AM to 10:00 PM Monday to Sunday for consumption on premises and 10:00 AM to 10:00 PM Monday to Sunday for take-away sales).</p> <p>A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.</p> |
| 5. | CCTV | <ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points on the premises, |

| No. | Condition to be imposed | Description |
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| | | <ul style="list-style-type: none"> ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. <p>2. The licensee must also:</p> <ul style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings. |
| 6. | Crime scene preservation | <p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ul style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.</p> |
| 7. | Incident register | <p>1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:</p> <ul style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. |

| No. | Condition to be imposed | Description |
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| | | <ol style="list-style-type: none"> 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made. |
| 8. | Complaints register | <ol style="list-style-type: none"> 1. A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> a. the name and number of the complainant b. the time and date on which the complaint was received c. the nature of the complaint, and d. the measures taken to resolve the complaint. 2. Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> a. recorded in the complaints register, and b. reported to the duty manager. 3. A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended. |
| 9. | Restricted trading on public holidays | The licensed premises must cease to trade by 12:00 AM, on public holidays. |

Licence conditions to be revoked – Famelia

| Condition to be revoked | Reason |
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| Condition 2010 The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence. | To be replaced by condition #2 imposed above. |
| Condition 3060 A maximum number of thirty (30) patrons are permitted in the premises at any one time. | The condition is outdated and is no longer relevant to the business. An updated patron capacity has been included in the Plan of Management. |