

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/047137

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

25 August 2025

Dear Mr Schwartz

Application No.	APP-0014080362
Applicant	Anna-Marie Griffith
Application for	New hotel (general bar) licence with minors' area authorisation
Application date	28 January 2025
Decision date	29 July 2025
Proposed licence name	Untied
Proposed trading hours	Monday to Sunday 10:00 AM – 12:00 AM
Approved trading hours	<u>Consumption on premises (indoor areas)</u> Monday to Sunday 10:00 AM – 12:00 AM <u>Consumption on premises (outdoor areas)</u> Monday to Sunday 10:00 AM – 10:00 PM
Proposed premises	Tenancy R7.07 Bldg. R7 level 4 300 Barangaroo Avenue Barangaroo South NSW 2000
Legislation	Sections 3, 11A, 12, 14, 15, 16, 40, 44, 45, 48, 53 and 121 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a new hotel (general bar) licence with minors' area authorisation – Untied

We **partially approve** the application above under section 45 and 121 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

The partial approval relates to the trading hours. The applicant requested trading until 12am for the indoor and outdoor areas, however we have approved the outdoor area to trade until 10pm only, due to strong objections from local residents regarding noise concerns. Police

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also raised concern about the compliance history of the business owner, Australian Venue Co Pty Ltd.

## Statement of reasons

We are satisfied that, subject to the conditions imposed, 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 Barangaroo. The broader community is the Local Government Area (LGA) of Sydney.

This applicant is seeking a new hotel licence (general bar) with minors' area authorisation to replace an on-premises (restaurant) licence.

The applicant has agreed to a list of proposed conditions appropriate for a hotel licence, along with the additional harm minimisation and noise condition measures in their liquor plan of management, which may mitigate the risks associated with operating the venue as a general bar.

Subject to the conditions, 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:

- crime hotspots – the proposed premises is located in high-density hotspots for all categories we considered, although this is due to the proposed premises being located within the Sydney CBD
- health statistics – the rate of alcohol-attributed hospitalisation in the LGA is higher than in NSW, while the rate of alcohol-attributed deaths in the LGA is lower than in NSW
- Objections to the application from
  - NSW Police – raised concerns about the location of the premises and its noise impact, the venue's operator and potential non-compliance with the current licence type and DA conditions and also noted that granting a hotel licence without strict conditions could increase risks to public safety.
  - 15 public submissions from local residents concerning noise and pollution especially during peak seasons and increased traffic impacting local residents in surrounding apartments.

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:

- the hotel licence will have appropriate conditions imposed for the venue's business model, which will help mitigate noise concerns raised by the local community
- the premises will operate under reduced trading hours, with the outdoor area trading until 10pm only
- there was no objection from the local council
- the incident rate for all crime categories we considered is lower in the suburb than in NSW

- the premises has no gaming or take-away sales
- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the suburb and LGA, compared to other communities in NSW<sup>1</sup>
- there is no documented history of non-compliance at the current venue
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

### **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
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- 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.

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

### **Opportunity for review**

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

### **If you have any questions**

Please contact Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any **questions**.

Yours sincerely

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<sup>1</sup> 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))



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Untied

No.	Condition to be imposed	Description
1.	6-hour closure period	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 six (6) hours between <b>4:00 AM</b> and <b>10:00 AM</b> 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: 12:00 noon - 10:00 PM Christmas Day: 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 <sup>st</sup> : 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.
3.	Trial period – Outdoor	If the local consent authority does not approve the continuation of the trial period in the development consent after <b>18 December 2026</b> (or as may be extended from time to time), the trading hours of the premises will revert to <b>10:00 AM to 08:00 PM Monday to Sunday</b> 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.
4.	Minors' Area	Minors' Area Authorisation: whole of the licensed premises
5.	Liquor Accord	The licensee or representative must join and be an active participant in the local liquor accord.
6.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>8 May 2025</b> 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.
7.	Overall impact	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 obtaining the licence.
8.	Complaints register	1. A complaints register is to be maintained at the premises at all times which records the following: a. the name and number of the complainant b. the time and date on which the complaint was

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		<p>received</p> <p>c. the nature of the complaint, and</p> <p>d. the measures taken to resolve the complaint.</p> <p>2. Details of complaints received, either in person or over the phone, must be:</p> <p>a. recorded in the complaints register, and</p> <p>b. reported to the duty manager.</p> <p>3. A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, <b>and on a sign to be posted at the premises entrance</b>. 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.</p>
9.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <p>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),</p> <p>b. recordings must be in digital format and at a minimum of <i>ten (10)</i> frames per second,</p> <p>c. any recorded image must specify the time and date of the recorded image,</p> <p>d. the system's cameras must cover the following areas:</p> <p>(i) all entry and exit points on the premises,</p> <p>(ii) the footpath immediately adjacent to the premises, and</p> <p>(iii) all publicly accessible areas (other than toilets) within the premises.</p> <p>2. The licensee must also:</p> <p>a. keep all recordings made by the CCTV system for at least 30 days,</p> <p>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</p> <p>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.</p>
10.	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> <p>1. take all practical steps to preserve and keep intact the area where the act of violence occurred,</p> <p>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</p>

No.	Condition to be imposed	Description
		<p>NSW website,</p> <ol style="list-style-type: none"> <li>3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <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>
11.	Requirement to maintain an incident register	<ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>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,</li> <li>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ol> </li> <li>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.</li> </ol>
12.	Patrons entering and leaving the premises	<p>The licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.</p>
13.	Condition 13 of the venue's Development Application D/2024/847	<p>(13) NOISE – ENTERTAINMENT</p> <p>The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15minute) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.</p> <p>The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15 minute) in any</p>

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		<p>octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.</p> <p>Notwithstanding (a) above, the LAeq, 15 minute noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:</p> <p>The existing internal LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,</p> <p>If the LZ90, 15 minute background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZeq 15 minute noise criteria level.</p> <p>Notwithstanding (b) above, the LA1 15 minute noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:</p> <p>The existing internal LA90, 15 minute (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,</p> <p>If the LZ90, 15 minute minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.</p> <p>Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal LA90 level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External LA90 levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.</p>