

NSW Independent Liquor & Gaming Authority

Our ref: DF24/010215

Mr Bryant Dinglasan
Design Collaborative

7 June 2024

Dear Mr Dinglasan

Application No.	1-8766738090
Applicant	Alexander David Lowe
Application for	Extended trading authorisation
Application date	21 July 2023
Decision date	15 May 2024
Licence name	The Belvedere Hotel
Current trading hours	Monday to Saturday 05:00 AM – 12:00 PM Sunday 10:00 AM – 10:00 PM
Proposed trading hours	<i>Consumption on premises - whole of premises (indoor areas) except the lower ground floor and the outdoor courtyard area at level 2</i> Monday to Saturday 10:00 AM – 04:00 AM Sunday 11:00 AM – 12:00 midnight <i>Consumption on premises – lower ground floor</i> Monday to Saturday 10:00 AM – 12:00 midnight Sunday 11:00 AM – 10:00 PM <i>Consumption on premises – outdoor courtyard area at level 2</i> Monday to Saturday 10:00 AM – 11:00 PM Sunday 11:00 AM – 10:00 PM <i>Take-away sales (no change)</i> Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	482 Kent Street Sydney NSW 2000
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, 49, 121, and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for an extended trading authorisation – The Belvedere Hotel

We **approve** the application above under section 49 of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Statement of reasons

Overall, we are satisfied that the potential risk of harm to the well-being of the local or broader community from approving the application can be mitigated, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Sydney. The broader community is the Local Government Area (LGA) of Sydney.

Positive social impacts

The applicant seeks a new extended trading authorisation. Whilst acknowledging government policy to revitalise the nighttime economy, we considered the risk factors, including the proposal to increase post-midnight gaming by 24 hours (including 12 hours post 2am), objections from Wesley Mission in relation to gambling harm, and 3 public objections.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice, however a restriction on post-midnight gaming has been imposed on harm minimisation grounds.

Negative 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:

- premises' location in a high-density crime hotspot for all categories we considered
- high crime rate in the suburb and LGA across all categories we considered
- premises' location in a cumulative impact area
- high saturation of liquor licences, including hotels, in the suburb
- higher risk of problem gambling associated with late night trading past 12:00AM.

However, we are satisfied that these risks are reduced by the:

- high crime rate in the suburb being attributed to its location within the Sydney CBD with a higher number of transient visitors to the area for work and tourism
- gaming plan of management that exceeds the Authority's standards for a venue of this risk profile
- current gaming intensity being lower than average for comparable venues
- imposition of a licence condition to restrict gaming to midnight

- 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
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- gaming plan of management
- 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
- gaming revenue reports
- stakeholder submissions and the applicant's response to them.


We also considered Guideline 6 to assess the likely social impact to the local and broader community.

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

If you have any questions

Please contact the case manager, Wendy Yeung at Liquor & Gaming NSW, if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1: Licence conditions to be imposed - The Belvedere Hotel

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.	6-hour closure	<p>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 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</p>
3.	Trial period for full set of hours	<p>The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on 27 September 2025 (or as may be extended from time to time).</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>
4.	No liquor sale prior to 10:00 AM	There is to be no sale or supply of liquor prior to 10:00 AM on any day
5.	Extended Trading Authorisation	Whole of the licensed premises excluding the Lower ground floor and Second floor outdoor terrace as marked on the premises plan dated 15 May 2024.
6.	Social impact	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, application and other information submitted in the process of obtaining the extended trading authorisation on 15 May 2024.
7.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated August 2023 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.

No.	Condition to be imposed	Description
8.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
9.	LA10 Noise Levels	<p>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 7:00 am and 12:00 midnight at the boundary of any affected residence.</p> <p>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 7:00 am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between 12:00 midnight and 7:00 am.</p>
10.	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.
11.	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, ii. the footpath immediately adjacent to the premises, and

No.	Condition to be imposed	Description
		<p>iii. all publicly accessible areas (other than toilets) within the premises.</p> <p>2. The licensee must also:</p> <ol 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 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.
12.	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> <ol 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 (eg. crowd controller or bouncer) on or about the premises.</p>
13.	Incident Register	<ol style="list-style-type: none"> 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"> 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,

No.	Condition to be imposed	Description
		<p>d. any incident that results in a patron of the premises requiring medical assistance.</p> <p>2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <p>a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and</p> <p>b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.</p> <p>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.</p>
14.	Gaming Plan of Management	The premises is to be operated at all times in accordance with the gaming plan of management August 2023 as may be varied from time to time after consultation with the Independent Liquor & Gaming Authority. A copy of the gaming 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
15.	Late night gaming	No gaming machines will be operated after 12:00 AM