

NSW Independent Liquor & Gaming Authority

Our ref: DF24/014021

Mr Andrew Wennerbom

AMW Lawyers

7 July 2024

Dear Mr Wennerbom

Application No.	1-9019580740
Applicant	Samotel Properties
Application for	Hotel licence removal
Application date	7 March 2024
Decision date	19 June 2024
Licence name	St James Hotel
Licence No.	LIQH400101120
Current trading hours	Consumption on premises – Ground floor - Lounge Areas, Level 1 - Lounge Area and Function Room, Level 2 - Lounge Areas, Level 3 - Lounge Areas, Basement - Bar/Dining Area Monday to Sunday 08:00 AM – 05:00 AM Consumption on premises – Other areas within licensed premises Monday to Sunday 05:00 AM – 05:00 AM Take away sales Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Proposed trading hours	Consumption on-premises Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take away sales Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Current premises	B 114 Castlereagh Street Sydney NSW 2000
Proposed premises	2 Bourke Street Woolloomooloo NSW 2011
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

NSW Independent Liquor & Gaming Authority

Decision of the Independent Liquor & Gaming Authority Application for a hotel licence removal – St James Hotel

We **approve** the application above under section 59 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 social impact of approving the application will not be harmful to the well-being of the local or broader community.

Our main findings

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

Social impacts

The application is for the removal of the licence to a storeroom in the unlicensed basement of the Woolloomooloo Bay Hotel to be held in a dormant capacity. The licence may not be exercised at the proposed address. Accordingly, no negative social impacts are associated with the removal. The licence remains subject to the conditions 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
- 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 social 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*.

If you disagree with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

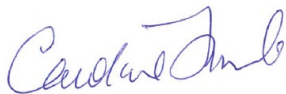
An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', written in a cursive style.

Caroline Lamb

Chairperson

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

Schedule 1: Licence conditions to be imposed – St James Hotel

No.	Condition to be imposed	Description
1.	Licence must not be exercised	The licence must not be exercised at Part of Woolloomooloo Bay Hotel at 2 Bourke St, Woolloomooloo NSW 2011 as shown on the premises plan approved on 19 June 2024 .
2.	No gambling activities	No gaming machines may be operated on the licensed premises at Part of Woolloomooloo Bay Hotel at 2 Bourke St, Woolloomooloo NSW 2011 as shown on the premises plan approved on 19 June 2024 .

Licence conditions to be revoked – St James Hotel

Condition to be revoked	Description
Condition 85 (no longer relevant as licence will be held in a dormant capacity)	Liquor must not be sold or supplied after midnight in accordance with an extended trading authorisation on more than twelve occasions within any 12 month period. At least 14 days before each occasion the following persons or bodies must be notified: (a) the local police, (b) the local consent authority, (c) the Secretary. Note: This condition does not limit or prevent extended trading during the following periods: 1. Between midnight and 2:00AM on 1 January each year, and 2. During any period when the hotel or club would otherwise
Condition 210 (no longer relevant as licence will be held in a dormant capacity)	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
Condition 3010 (replaced by condition 1 imposed above)	The licence is to be held in a dormant capacity and cannot be exercised until an application for a removal from 114 Castlereagh St, Sydney has been granted by the Independent Liquor and Gaming Authority.