

NSW Independent Liquor & Gaming Authority

Our ref: DF24/014020

Mr Grant Cusack
Hatzis Cusack Lawyers

7 July 2024

Dear Mr Cusack

Application No.	APP-0012840557
Applicant	Library Council of NSW
Application for	New hotel (general bar) licence with minors' area authorisation
Application date	19 March 2024
Decision date	19 June 2024
Licence name	The Library Bar
Trading hours	Monday to Sunday 12:00 noon – 12:00 midnight
Premises	State Library of NSW 1 Shakespeare Place Sydney NSW 2000
Legislation	Sections 3, 11A, 12, 14, 16, 40, 44, 45, 48 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 – The Library Bar

We **approve** the application above under section 45 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, 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 application is for a new hotel (general bar) licence with associated minors' area authorisation at the State Library of NSW, where an existing small bar licence currently operates (to be surrendered), with the same name and by the same business owner.

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

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 being located in a high-density crime hotspot across all crime categories we considered
- higher crime rates in both the suburb and LGA than NSW rates across all categories we considered
- higher saturation rates of general bar licences in both the suburb and LGA compared to NSW
- alcohol-related hospitalisations in the LGA being higher than the NSW average.

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

- premises being located within the Sydney CBD which attracts visitors both locally and internationally; crime statistics may therefore be skewed when considering the population size compared to the number of transient visitors
- indication of an above average level of relative socio-economic advantage and disadvantage in both the suburb and LGA compared to other communities in NSW
- alcohol-related deaths in the LGA being lower than the NSW average
- 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
- 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 than 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, Leonie Jennings, at Liquor & Gaming NSW if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

Schedule 1: Licence conditions to be imposed – The Library Bar

No.	Condition to be imposed	Description
1.	6-hour closure	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 04:00 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.	Restricted trading & NYE	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 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later <i>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 05:00 AM.</i>
3.	Social impact	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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 31 January 2024 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.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	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,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> 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. <p>2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul 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. <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>
7.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul 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: <ul style="list-style-type: none"> i. all entry and exit points on the premises, 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 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.
8.	Minors Area	Minors Area Authorisation: whole of the licensed premises.

No.	Condition to be imposed	Description
9.	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>
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.	Trial extended trading hours	<p>If the local consent authority does not approve the continuation of the trial period for the external areas of the premises within the development consent, 1 year from the issuing of the licence (or as may be extended from time to time), the external trading hours of the premises will revert to 12:00 noon – 10:00 PM (Monday – Sunday).</p>

No.	Condition to be imposed	Description
		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.
12.	Lift and surrender of small bar licence	<p>The licence is not to be exercised unless and until:</p> <ul style="list-style-type: none"> <li data-bbox="662 510 1398 667">i) The lift referred to in condition 2 of Development Consent D/2023/995 issued by City of Sydney Council has been installed and evidence of the same provided to the Independent Liquor and Gaming Authority; and <li data-bbox="662 678 1398 757">ii) Small bar licence LIQS220000200 has been surrendered.