

NSW Independent Liquor & Gaming Authority

Our ref: DF24/017223

Mr John Van Der Veen
LIQUOR AND GAMING SOLUTIONS PTY LTD

12 August 2024

Dear Mr Van Der Veen

| | |
|------------------------|---|
| Application No. | 1-9045123303 (extended trading authorisation) 1-9045204339 (primary service authorisation) |
| Applicant | Mr Luciano Gomes Da Cruz |
| Application for | New extended trading authorisation and variation to the primary service authorisation |
| Application date | 2 April 2024 |
| Decision date | 17 July 2024 |
| Licence name | MEET Restaurant |
| Licence number | LIQ0660034870 |
| Current trading hours | Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM |
| Proposed trading hours | ETA area: The tiled area with frontage to Darby Street Monday to Thursday 10:00 AM – 12:00 midnight Friday and Saturday 10:00 AM – 02:00 AM Sunday 10:00 AM – 12:00 midnight All other areas of the licensed premises Monday to Sunday 10:00 AM – 12:00 midnight |
| Premises | 2, 9 Darby Street Newcastle NSW 2300 |
| Legislation | Sections 3, 11A, 12, 24, 25, 40, 44, 45, 48, and 49 of the <i>Liquor Act 2007</i> |

Decision of the Independent Liquor & Gaming Authority Application for a new extended trading authorisation and variation to the primary service authorisation – MEET Restaurant

We **approve** the application for a new extended trading authorisation (ETA) 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.

We **partially approve** the application for a variation to a primary service authorisation (PSA) **until midnight** Monday to Sunday, under section 49 of the *Liquor Act 2007*. Any

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drinks sold after midnight must be provided ancillary to a meal to mitigate the risks detailed below.

Statement of reasons

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

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

Positive social impacts

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 within high-density crime hotspots for all offence categories we considered
- crime rates in the suburb being higher than the NSW average for all offence categories we considered
- crime rates in the LGA being higher than the NSW average for alcohol-related non-domestic assault and malicious damage to property offences
- saturation of on-premises licences (and of licensed premises generally) in the suburb and the LGA being higher than the NSW average
- rates of alcohol attributed deaths and hospitalisations in the LGA being higher than the NSW average.

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

- five-year crime trend data indicating that crime rates in the suburb for the offences of malicious damage to property and alcohol-related non-domestic assault have stabilised
- five-year crime trend data indicating that crime rates are trending downward in the LGA for the offences of malicious damage to property and alcohol-related disorderly conduct (offensive conduct), while the rates of alcohol-related assaults (both domestic and non-domestic) have remained stable
- licensee operating a lower-risk business under an on-premises licence and any drinks sold after midnight must be provided ancillary to a meal
- approval of the applications, while adding another late trading venue to the area on weekends, do not result in an increase in overall licence saturation
- premises being located within the Newcastle CBD which is also a major late-night entertainment precinct. The area attracts a large population of workers and visitors relative to the local residential population. This has the effect of distorting crime rate and licence saturation figures, which are calculated based on residential figures alone
- SEIFA data indicating that the communities in the suburb and LGA may be considered advantaged compared to the rest of NSW

- 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
- Newcastle After Dark Strategy.

We also considered Guideline 6 to assess the likely social impact on 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, Andrew Whitehead, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed – MEET Restaurant

| No. | Condition to be imposed | Description |
|-----|-------------------------|--|
| 1. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated June 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. |
| 2. | 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 extended trading authorisation on 17 July 2024 . |
| 3. | Extended trading area | Extended trading authorisation: The tiled bar area with frontage to Darby Street. |
| 4. | 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 iii. all publicly accessible areas (other than toilets) within the premises. 2. The licensee must also: <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 |

| No. | Condition to be imposed | Description |
|-----|--------------------------|--|
| | | or Liquor and Gaming NSW inspector to provide such recordings. |
| 5. | 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 (e.g. crowd controller or bouncer) on or about the premises.</p> |
| 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, 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. 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. |

Licence conditions to be revoked – MEET Restaurant

| Condition to be revoked | Description | | | | | | |
|---|--|-------------|----------------|---------------|----------------|---------------|---|
| Condition 3090 (replaced by condition 1 above) | The premises is to be operated at all times in accordance with the Liquor Plan of Management dated July 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. | | | | | | |
| Condition 3070 (replaced by condition 4 above) | <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 six (6) 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 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. | | | | | | |
| Condition 110 (superseded by legislative change and contradicts condition 101 on the licence) | <p>Consumption on premises</p> <table border="0"> <tr> <td>Good Friday</td> <td>Normal trading</td> </tr> <tr> <td>Christmas Day</td> <td>Normal trading</td> </tr> <tr> <td>December 31st</td> <td>Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later.</td> </tr> </table> | Good Friday | Normal trading | Christmas Day | Normal trading | December 31st | Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later. |
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