

NSW Independent Liquor & Gaming Authority

Our ref: DF24/021592

Mr Anto Kalfic

Bevanda Bar

10 October 2024

Dear Mr Kalfic

Application No.	APP-0013259317
Applicant	AMS ENTERPRISES GROUP PTY LTD
Application for	New hotel (general bar) with extended trading authorisation
Application date	20 May 2024
Decision date	18 September 2024
Licence name	Bevanda Bar
Proposed Trading hours	Monday to Wednesday 02:00 PM – 12:00 AM Thursday to Saturday 02:00 PM – 02:00 AM Sunday 02:00 PM – 12:00 AM
Proposed premises	7 Globe Lane Wollongong NSW 2500
Legislation	Sections 3, 11A, 12, 14, 15, 16, 40, 44, 45, 48, 49, and 53 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new hotel (general bar) with extended trading authorisation – Bevanda 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

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 Wollongong. The broader community is the Local Government Area (LGA) of Wollongong.

Positive social impacts

This application is for a new hotel (general bar) licence with extended trading authorisation to 02:00 AM on Thursday, Friday and Saturday, replacing an existing small bar licence that operates within the premises. The proposed premises will comprise the existing boundaries of the small bar, along with an adjacent tenancy at 7 Globe Lane and operate as a single venue.

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

Negative social impacts

We have noted the objection from NSW Police and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- proposed premises being located near high density hotspots for domestic and non-domestic violence, and malicious damage to property
- increase in licensed area and patron capacity which may potentially lead to an increase in alcohol consumption and alcohol-related crimes in the area
- higher than average crime rates in the suburb
- higher than average level of alcohol-attributable deaths and hospitalisations in the LGA than in NSW generally.

However, we noted there were no objections from the public or Council and we are satisfied that these risk factors are reduced due to:

- the venue having operated for the last 3 years as a small bar with no compliance issues
- there being no overall increase in licences within the local community
- as a general bar, the premises will not be permitted to offer take-away liquor
- 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:

- application material — including evidence that stakeholders and the community were notified about the application
- 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, particularly the Police submission, 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*.

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 the case manager, Wendy Yeung, 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 - Bevanda 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 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
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 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.	Extended Trading	Extended Trading Authorisation: whole of the licensed premises as marked on the premises plan dated 18 September 2024 .
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 17 May 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.	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.
6.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	Complaints register	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.

No.	Condition to be imposed	Description
		<p>2. Details of complaints received, either in person or over the phone, must be:</p> <ol style="list-style-type: none"> a. recorded in the complaints register, and b. reported to the duty manager. <p>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.</p>
8.	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 or Liquor and Gaming NSW inspector to provide such recordings.
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

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		<p>published from time to time on the Liquor and Gaming NSW website,</p> <ol style="list-style-type: none"> 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>
10.	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.
11.	Drinks restriction after 01:00 AM	<p>The following drinks must not be sold or supplied on or after 1:00am:</p> <ol style="list-style-type: none"> (a) any drink (commonly referred to as a "shot) that contains no more than 30ml of spirits of liqueur and that is designed to be consumed rapidly. (b) any drink containing more than 50% spirits or liqueur. (c) any ready to drink beverage with an alcohol by volume content of more than 5%; (d) any drink prepared on the premises that contains more than 30ml nip of spirits of liqueur. <p>After 1:00am, no more than: (a) 4 alcoholic drinks (whether or not of the same kind), or (b) the contents of one bottle of wine, may be sold or supplied to the same person at any one time. (3) In this condition: "ready to drink beverage"</p>

No.	Condition to be imposed	Description
		means an alcoholic mixed beverage that is prepared by the manufacturer.
12.	No glass or breakable plastic container after 12:00 AM	From midnight until the close of business, any drink (whether or not it contains liquor) sold or supplied on the premises must not be served in a glass or breakable plastic container
13.	Removal of glass containers by 12:30 AM	From midnight the licensee or person in charge of the premises shall commence removing glass drink containers from patrons and the public areas as soon as they are emptied and shall ensure that by 12:30am all glass is removed from public areas of the premises.
14.	Security	Security: From 8pm until close on any day the premises trades past 12:00 midnight, at least (3) three uniformed licensed security guards must be employed at the premises. Security are to continually patrol the premises and the area in the vicinity of the premises to ensure the good order of the neighbourhood.
15.	Licensed security staff identification	All licensed security staff must wear identifying numbers that are at least 10cm square. The allocated number and the name of the security personal must be entered into a register that is held by the licensee or manager. The security staff must accurately record their start and finish time in a register at the commencement and completion of their duties. The register must be readily available to police for inspection upon reasonable request.
16.	LA10	<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>