



Mr Grant Cusack
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12 July 2022

Dear Mr Cusack

Application No.	APP-0008972770
Applicant	Maniax Sydney Inner West Pty Ltd
Application for	On-premises licence for a sport facility, tourist facility with catering service
Licence name	Maniax
Premises	9-11 Jabez St Marrickville NSW 2204
Trading hours	Monday to Saturday 10:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm
Legislation	Sections 3, 11A, 12, 21 – 28, 40, 44 and 45 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for an on-premises licence for a sport facility, tourist facility with catering
service – Maniax**

The Independent Liquor & Gaming Authority first considered the application above on 16 February 2022 and, following the receipt and consideration of further requested information, and pursuant to section 45 of the *Liquor Act 2007*, decided on 13 April to **approve** the application subject to imposing conditions as set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager, Wendy Yeung, at wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au.

Yours faithfully



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

Concise statement of reasons

Key facts

Application No.	APP-0008972770
Applicant	Maniax Sydney Inner West Pty Ltd
Application for	On-premises licence for a sport facility, tourist facility with catering service
Licence name	Maniax
Premises	9-11 Jabez St Marrickville NSW 2204
Trading hours	Monday to Saturday 10:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm
Application date	26 July 2021
Decision	Approved under section 45 of the <i>Liquor Act 2007</i>
Decision date	13 April 2022

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application
- Premises plan setting out the proposed boundaries of the licensed premises
- Plan of management for the licensed business at the premises
- Liquor & Gaming LiveData report
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 21-28: Specific provisions in respect of an on-premises licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 44: Submissions to Authority in relation to licence applications.
- Section 45: Criteria for granting a liquor licence.

Key findings

Positive social impacts

The Authority notes that:

- the Maniax Group was established in 2014. The group presently operates venues throughout Australia including a venue in Sydney. The business model attracts a broad demographic of customers including corporate functions and sports clubs
- the proposed licensed premises will provide an alternative form of indoor recreational and entertainment facility.

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of liquor at the venue for spectators and participants following participation in axe throwing activities .

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the following:

- the application is for a novel sporting activity which could be present a risk of injury with such risk possibly increased when undertaken in conjunction with alcohol consumption;
- the presence of crime hotspots in the local community; and
- higher than average alcohol attributable hospitalisations in the broader community.

On balance, the Authority is satisfied that these risk factors are sufficiently mitigated by the following:

- liquor must not be sold, supplied, or consumed in parts of the premises which comprise the axe throwing area and the axe thrower approach
- the experience of the applicant as an operator of an existing licence at a similar venue with sound compliance records
- lower than average level of alcohol-attributable deaths in the broader community
- lower than average saturation and clustering of licensed premises in the local and broader community
- lower than average crime rates in the local and broader community for the types of offences usually considered by the Authority
- absence of any objections from agency stakeholders or members of the community
- there is to be a trial period until April 2023
- harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1
- all participants and spectators must sign a waiver to confirm that they have not consumed any alcoholic beverages before attending the venue and are not under the influence of drugs or alcohol
- the sale of liquor to patrons within the venue can only take place following a patron completing axe throwing activities and to spectators.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the Act.



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

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the Liquor & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1 – Licence conditions to be imposed Maniax

1. 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 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 and NYE
Consumption on premises
Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
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 at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.
3. Restricted trading & NYE (catering)
Consumption on premises
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.
4. The premises is to be operated at all times in accordance with the Operations Plan of Management dated September 2021 and Liquor Plan of Management dated September 2021 as may be varied from time to time after consultation with NSW Police. A copy of the Plans 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. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:
 - (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:
 - (i) all entry and exit points to 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:
 - (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.

7. Incident register

- 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:
 - (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 Act,
 - (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:
 - (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.
8. No sale of alcohol to anyone other than a participant or spectator may take place.
9. The licensee must ensure that liquor is not sold, supplied or consumed in those parts of the premises which comprise the axe throwing area and the axe thrower's approach.
10. The licensee must erect a sign at the axe throwing area stating, "Liquor must not be taken beyond this point". This sign is to be clearly visible and unobstructed to anyone entering this area.
11. The licensee must ensure that all liquor sold or supplied at the licensed premises is opened by staff at the point of sale.
12. The licensee must ensure that drinking vessels, including cans and bottles, in which liquor has been served, is cleared from tables, seats and floors within a reasonable time, after patrons vacate these areas.
13. The following drinks must not be sold or supplied on the Licensed Premises:
Any drink (commonly referred to as a "shot" or a "shooter", (with the exception of cocktails) that contains more than 30 ml of spirits or liqueur and that is designed to be consumed rapidly.
14. Participants whilst in the axe throwing area and axe thrower's approach are to be under the supervision of a staff member.
15. Licensee training must be completed no later than six months from the date of grant of this liquor licence.
16. 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 7 April 2023 (or as may be extended from time to time).
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.
17. All participants and spectators sign a waiver with a statement confirming that they have not consumed any alcoholic beverages before attending the venue and are not under the influence of alcohol or drugs.
18. The sale of alcohol to patrons within the venue may only take place after any patron has ceased participating in axe throwing activities.