



Our ref: DF23/002893

Mr James Lidis
Design Collaborative
By email to: jameslidis@designcollaborative.com.au

15 January 2024

Dear Mr Lidis

Application No.	APP-0010391104
Applicant	Fortress Sydney Pty Ltd
Application for	Hotel Licence (general bar) with extended trading (ETA) and minor's area authorisation (MAA)
Application date	13 September 2022
Decision date	15 February 2023
Licence name	Fortress Sydney
Approved trading hours	Sunday to Thursday 10:00 AM – 12:00 midnight Friday to Saturday, public holidays and the day before a public holiday 10:00 AM – 02:00 AM, Trading of 10:00 AM – 04:00 AM for 12 function days per year
Premises	Level 2 & 3 Central Park Mall 28 Broadway Chippendale NSW 2008
Legislation	Sections 3, 11A, 12, 14, 15, 16, 40, 44, 45, 48, 49, 53 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a Hotel licence (general bar) with ETA and MAA – Fortress Sydney**

We considered the application for an extended trading authorisation (ETA) for the new hotel licence (general bar) operating as Fortress Sydney.

The application was to extend the trading hours of the licensed area:

- from 10:00 AM to 04:00 AM, Monday to Saturday
- from 10:00 AM to 04:00 AM, Sunday

We **approve** the application **in part** – on the condition that the licence has restricted trading hours as follows:

- from 10:00 AM to 12:00 midnight, Sunday to Thursday
- from 10:00 AM to 02:00 AM, Friday to Saturday, public holidays and the day before public holidays, with the trading hours of 10:00 AM to 04:00 AM for 12 function days per calendar year. A written register of the 12 function days held each calendar year is to be maintained
- trading beyond 11:00 PM is subject to a trial period of one year under development consent D/2022/101

Preliminary advice of this decision was provided on 27 March 2023.

Statement of reasons

Overall, we are satisfied the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

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

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice. We note that the proposed business model involves a new hotel (general bar) licence providing bar and lounge areas on two levels with a range of entertainment including computer and console games, board games and arcade machines. If the application is granted, the venue will be the first video game themed pub in Sydney.

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:

- large size of the premises (2,545 sqm) and high patron capacity of 1,054
- venue being located in a high-density hotspot for crimes of all categories usually considered by us
- higher outlet density for packaged liquor, hotel (full as well as general bar) in both the suburb and LGA than NSW

However, we are satisfied that the risks are mitigated by the:

- data indicating that the suburb and LGA show high levels of socio-economic advantage
- unique business model with a range of non-gaming entertainment, including computer and console games, board games and arcade machines
- harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

Material 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 them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, andrew.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson

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

Schedule 1 – Licence conditions to be imposed

Fortress Sydney

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> 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.	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.	Trading on function days	Trading until 4:00 AM is permitted up to 12 days per year, otherwise the trading hours are (subject to local consent authority's approval): Sunday – Thursday 10:00 AM – 12:00 midnight Friday – Saturday 10:00 AM – 2:00 AM
4.	Public Holiday trading hours – excluding restricted trading days	Trading until 2:00 AM is permitted on the eve of a public holiday and until 2:00 AM on the morning following the public holiday 'Public holiday' to mean any day that is designated to be a public holiday under the <i>NSW Public Holidays Act 2010</i>
5.	Trail period for extended hours (default trial period condition)	If the local consent authority does not approve the continuation of the trial period in the development consent after 12 months from the issuance of the occupation certificate (or as may be extended from time to time), the trading hours of the premises will revert to 7:00 AM – 11:00 PM Monday to Sunday. 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.
6.	Minors Area	Minors Area Authorisation: Whole of the licensed premises.
7.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 18 May 2022 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of

No.	Condition to be imposed	Description
		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.
8.	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.
9.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
10.	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 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.
11.	Crime 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,

No.	Condition to be imposed	Description
		<p>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,</p> <p>3. make direct and personal contact with NSW Police to advise it of the incident, and</p> <p>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</p> <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>
12.	Incident register	<p>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:</p> <ul 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. <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>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>
13.	No Gaming	No gaming or betting of any kind is permitted on the premises.