



Mr Brett Tobin

Hatzis Cusack Lawyers

By email to: [bt@hatziscusack.com.au](mailto:bt@hatziscusack.com.au)

2 May 2023

Dear Mr Tobin

<b>Application No.</b>	APP-0010881862
<b>Applicant</b>	Property 6 Pty Limited
<b>Application for</b>	New packaged liquor licence
<b>Application date</b>	19 December 2022
<b>Decision date</b>	15 March 2023
<b>Licence name</b>	Barrelhouse Cellars
<b>Trading hours</b>	<b>Retail</b> Monday to Saturday 10:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	73 George Street, The Rocks NSW 2000
<b>Legislation</b>	Sections 3, 11A, 12, 29, 40, 44, 45, 48 and 114 insert as relevant of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a new packaged liquor licence – Barrelhouse Cellars**

We approve the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

**Approved manager or individual licensee**

The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority or Liquor & Gaming NSW has been notified:

- of the appointment of an approved manager to the licence, or
- that the licence has been transferred to an individual licensee.

**Statement of reasons**

The reasons for our decision are attached at the end of this letter.

We only provide a detailed statement of reasons for applications that we refuse, partially approve or that are contested.

Otherwise, we provide a brief statement of reasons when section 36C of the *Gaming and Liquor Administration Act 2007* requires us to do so.

### **If you are not happy 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.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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, Max Costa, at [max.costa@liquorandgaming.nsw.gov.au](mailto:max.costa@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

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

## STATEMENT OF REASONS

### Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

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.

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

### Positive social impacts

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

The business will focus on Australian and premium products and providing wine and spirit tasting sessions and education programs to customers.

Barrelhouse Cellars will be operated by the operators of the Barber Shop, York Street and Hickson House Distilling Co. The Group was previously awarded Bar Operator of the year and its venues have received multiple awards and commendations.

### Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as violence, health problems or social and public amenity issues) because of the:

- high density hotspots in The Rocks and Sydney for all crime offence categories usually considered by the Authority;
- crime rates in Sydney are higher than the NSW average for all crime offence categories usually considered by the Authority;
- higher saturation of packaged liquor, hotel (full), and producer/wholesaler liquor licences in The Rocks and Sydney compared to the NSW average;
- high saturation rates of liquor licences in Sydney compared to the NSW average, and
- higher rate of alcohol-attributable hospitalisations in Sydney compared to the NSW average.

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

- the lack of objections received during the application process;
- the health data indicates that The Rocks and Sydney are amongst the most advantaged communities in NSW;
- The Rocks has a small population and large influxes of office workers and visitors; therefore, the crime data may not accurately reflect the actual levels of crime in the community and
- the 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, and
- 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 if we approved the application.

Yours sincerely



Caroline Lamb

**Chairperson**

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



**Schedule 1 – Licence conditions to be imposed  
Barrelhouse Cellars**

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	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 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.	<b>Restricted trading &amp; NYE</b>	Retail sales Good Friday Not permitted December 24 <sup>th</sup> Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 <sup>st</sup> Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
3.	<b>Social impact</b>	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.	<b>Liquor Plan of Management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>May 2022</b> , 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.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	<b>CCTV – standalone PLL</b>	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(a) the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>(c) any recorded image must specify the time and date of the recorded image,</li> <li>(d) the system’s cameras must cover the following areas: <ul style="list-style-type: none"> <li>(i) all entry and exit points on the premises, and</li> <li>(ii) all publicly accessible areas (other than toilets) within the premises.</li> </ul> </li> </ul> <p>2) The licensee must also:</p>

		<p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <p>(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</p> <p>(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.</p>
<b>7.</b>	<b>Crime scene preservation</b>	<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"> <li>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>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,</li> <li>3) make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> <li>5) 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.</li> </ol>
<b>8.</b>	<b>Requirement to maintain an Incident register</b>	<ol style="list-style-type: none"> <li>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"> <li>(a) any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>(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,</li> <li>(c) any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>(d) any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2) The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>(e) make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> </ol> </li> </ol>

		<p>(f) allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</p> <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>
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