



NSW Department of Industry
Liquor & Gaming NSW

APPLICATION NO: APP-0004975317

APPLICATION FOR: Liquor – on premises licence for a sports facility with restaurant and catering service with Primary Service Authorisation (PSA) and Extended Trading Authorisation (ETA)
Sports Facility
Indoor Hours
Monday to Sunday: 10:00 AM to 12:00 midnight

TRADING HOURS: **Restaurant**
Indoor Hours
Monday to Sunday: 10:00 AM to 12:00 AM
Catering Service
Indoor Hours
Monday to Sunday: 10:00 AM to 12:00 AM

APPLICANT: Crosslab Pty Ltd

LICENCE NAME: **Master Game**

PREMISES ADDRESS: Lot 29 Level 3 Emerald Square
27-31 Belmore Street
BURWOOD NSW 2134

ISSUE: Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for an on-premises licence for sports facility with restaurant and catering service with Primary Service Authorisation (PSA) and Extended Trading Authorisation (ETA).

LEGISLATION: Section 45(1) of the *Liquor Act 2007*

ILGA DELEGATED DECISION – APPLICATION FOR A LIQUOR LICENCE

Master Game

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the *Gaming and Liquor Administration Act 2007*, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Industry, has decided to grant the application for an on premises licence for a sports facility with restaurant and catering service with Primary Service Authorisation (PSA) and Extended Trading Authorisation (ETA), application number APP-0004975317.

On 30 June 2019, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

Conditions imposed:

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. Consumption on premises – restaurant

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. Consumption on premises - catering

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 licensee must ensure that all liquor sold or supplied at the licensed premises is opened by staff at the point of sale.

5. 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.

6. The premises is to be operated at all times in accordance with the Plan of Management

dated February 2019 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.

7. A sign is to be erected in a prominent position, in each player seating area of the bowling lanes to the effect that "Liquor is not to be taken beyond this point."
8. The licensee or a nominated staff member who is over the age of eighteen (18) years, is to patrol the licensed area regularly at those times that liquor is being sold, supplied or consumed to ensure that liquor is not supplied to or consumed by minors.

STATEMENT OF REASONS

1. Material before the ILGA delegate (DF19/004670)

The decision made by the delegate had the application and other relevant material:

- (1) Application form lodged on 25 March 2019 (DOC19/055409)
- (2) Plan of proposed indoor licensed premises (DOC19/055413)
- (3) Certification of Advertising (DOC19/084092)
- (4) Category A Community Impact Statement (CIS) (DOC19/095207)
- (5) Additional Information Documentation (DOC19/055411)
- (6) ASIC Extract (DOC19/055420 and DOC19/055421)
- (7) Council Approval (DOC19/055410)
- (8) Community Impact Statement Category A (DOC19/055412)
- (9) Plan of Management dated February 2019 (DOC19/055418)
- (10) NSW Police Submission, dated 15 April 2019 with no objections to the application and proposed conditions (DOC19/070703)
- (11) Applicant's consent to conditions (DOC19/089295)
- (12) Notices (DOC19/055415, DOC19/055416 and DOC19/096356)

2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

3 Objects of Act

- (1) The objects of this Act are as follows:
 - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with

minimal formality and technicality,

- (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
- (a) the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour),
 - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

3. Statutory tests

- (1) In determining an application for a licence, under section 45(3) of the *Liquor Act 2007*, the delegate must also be satisfied that:
- a. the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
 - b. practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
 - d. if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 4 Division 4.1 or Part 5.1 of that Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

4. Community impact test

- (1) Under section 48(5) of the *Liquor Act 2007*, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
- (2) The test applying under section 48(5) relates to delegated decisions in relation to:
- a. the grant or removal of a small bar licence (where required),
 - b. a packaged liquor licence (limited to telephone/internet sales),
 - c. an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating

to a restaurant that includes an application for a primary service authorisation, an on premises licence relating to a karaoke bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.

- (3) The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.
- (4) Local and Broader Community - for the purposes of this decision, the delegate is satisfied that the relevant "local community" is the community within the suburb of Burwood, and the "broader community" of Burwood Council LGA.

5. Analysis of Submissions and other Materials

- (1) Having reviewed all of the material, I am satisfied that this application for an on-premises liquor licence for a sports facility with restaurant and catering service with Primary Service Authorisation (PSA) and Extended Trading Authorisation (ETA) is unlikely to result in any significant increase in alcohol-related harms in the local community.
- (2) I am satisfied that the applicant has provided consent to imposing the conditions contained in the licence document.
- (3) I am satisfied that the statutory advertising requirements have been met.

6. Overall social impact

(1) Positive benefits

The proposed licensed venue is for a sports facility with restaurant and catering service onsite. A Primary Service Authorisation (PSA) and Extended Trading Authorisation (ETA) have also been applied for. The granting of the licence will complement and enhance the services offered by the business.

(2) Negative impacts

There have been no objections to the granting of this licence.

7. Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether or not to grant the application, as all of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
- (2) In accordance with section 45(3) (a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
- (3) Having considered the venue management plan and related material, under section 45(3) (b) of the Act, I am satisfied that practices will be in place at the

premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.

- (4) Consistent with section 45(3) (c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the liquor licence application with conditions.

Decision Date: 06 June 2019



Wendy Yeung Wye Kong
A/Manager, Licensing (Business Licensing)
Liquor & Gaming NSW
Delegate of the Independent Liquor & Gaming Authority

Important Information:

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard at: <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed on line via the Application Number hyperlink.