



Customer
Service

Liquor & Gaming NSW

APPLICATION NO: 1-7464602848

APPLICATION FOR: Extended Trading Authorisation
Consumption on premises

CURRENT TRADING HOURS: Monday to Saturday: 12:00 PM to 12:00 AM
Sunday: 12:00 PM to 10:00 AM

NEW TRADING HOURS: Consumption on premises
Monday to Saturday: 12:00 PM to 01:00 AM
Sunday: 12:00 PM to 12:00 AM

APPLICANT: Alberto's Lounge Pty Ltd

LICENCE NAME: Alberto's Lounge

LICENCE NUMBER: LIQO660010754

PREMISES ADDRESS: 17-19 Alberta Street SYDNEY NSW 2000

ISSUE: Whether a delegated Liquor & Gaming NSW employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should approve or refuse an application for an Extended Trading Authorisation for an on-premises liquor licence (restaurant)

LEGISLATION Sections 3, 48, 49 and 51 of the *Liquor Act 2007*

ILGA DELEGATED DECISION

Application for an extended trading authorisation Alberto's Lounge

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 Customer Service has decided to approve the application for an extended trading authorisation.

STATEMENT OF REASONS

1. Material considered by the ILGA delegate

The decision made by the delegate having considered the application, the accompanying community impact statements (Category B) and other relevant material:

- (1) Application form 1-7464602848 lodged 30 July 2019
- (2) Category B Community Impact Statement (CIS)
- (3) Floor plan for the premises setting out the licensed area and the proposed area to which the Authorisation is to apply.
- (4) Submission from City of Sydney Council dated 29 March 2019 in relation to the application.
- (5) Submission from NSW Police dated 4 September 2019 in relation to the application.

2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered the relevant provisions under the Act including:

- a) Section 3: Statutory objects of the Act and relevant considerations.
- b) Section 48: Requirements in respect of a CIS.
- c) Section 49: General provisions in respect of an Authorisation.
- d) Section 51: General provisions relating to licence-related Authorisations.

3. Development consent

- (1) The requisite development consent is in force to allow the premises to trade the proposed hours, based on advice from City of Sydney Council.

4. Community impact statement

- (1) Pursuant to section 48 of the Act, the delegate finds that the Category B CIS submitted with the Application was prepared in accordance with the relevant requirements. The delegate has taken into consideration the CIS and other available information in making the findings below about the social impact of the premises on the local and broader communities

Liquor & Gaming NSW

- (2) 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 Sydney, and the “broader community is Sydney LGA”

5. Analysis of Submissions and other Materials

- (1) Having reviewed all the material, I am satisfied that this application for an Extended Trading Authorisation is unlikely to result in any significant increase in alcohol-related harm in the local community.
- (2) There are no objections from Sydney City Council, NSW Police or L&GNSW Compliance Branch. Council approval is in force.
- (3) I am satisfied that the statutory advertising requirements have been met.

6. Overall social impact

(1) Positive benefits

The granting of the Authorisation will complement and enhance the services offered by the business.

(2) Negative impacts

The nature of the licence and the relatively small increase in the trading hours sought means that there are unlikely to be any amenity impacts on the local community. There have been no objections to the granting of this Authorisation.

7. Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to approve 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) Having considered the positive and negative impacts that are likely to flow from approving the Application, I am satisfied that the overall social impact of approving the Authorisation would not be detrimental to the well-being of the local and broader communities.
- (3) I am satisfied that the other legislative criteria for the granting of the Authorisation have been met.
- (4) In making this decision under delegation from the Authority, I have decided to approve the Authorisation under section 49 of the Act.



Customer
Service

Liquor & Gaming NSW

Decision Date: 30 October 2019

A handwritten signature in black ink that reads 'P Wicks'.

Peter Wicks

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.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>