

LICENCE DETAILS

Application No.	APP-0010651225
Application type	On-premises liquor licence for catering service and accommodation classes
Trading hours	Catering service/accommodation Monday to Saturday 10:00 AM to 12:00 AM Sunday 10:00 AM to 10:00 PM
Applicant	Michelle McEvoy
Licence name	The Lodge
Premises address	SIDING SPRINGS OBSERVTRY, 418 OBSERVATORY RD, COONABARABRAN, NSW 2357 AUSTRALIA
Matter	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 liquor licence for catering service with sale on other premises authorisation (SOOPA)
Legislation	Section 45(1) of the <i>Liquor Act 2007</i>
Decision details	Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the <i>Gaming and Liquor Administration Act 2007</i> , a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW, Department of Enterprise Investment and Trade, has decided to grant the application for an on-premises liquor licence, subject to conditions set out at Schedule 1 imposed on the licence.
Decision date	27/11/2022
Delegate details	



Kieran McSherry, Team Leader
Liquor and Gaming NSW
Delegate of the Independent Liquor & Gaming Authority

STATEMENT OF REASONS

ANALYSIS OF APPLICATION REQUIREMENTS

1. Council advised that they have no objection to the liquor licence.
The Siding Spring Observatory is a crown lease and governed under Commonwealth legislation.
2. No submissions were forwarded by police or the public.
3. I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions imposed in the licence document.
4. I am satisfied that the statutory advertising requirements have been met.

MATERIALS CONSIDERED BY THE ILGA DELEGATE

Information considered

1. Application form received: 14 October 2021
2. Plan of proposed licensed area: Compliant
3. Certificate of advertising: Compliant
4. Documents
 - a) National Police Certificate: Compliant
 - b) ID: Compliant
 - c) RSA competency card: Compliant
5. Approved Manager: N/A
6. Licensee training: Compliant
7. Development consent: Not required
8. Correspondence between Liquor & Gaming NSW and the applicant

Analysis of stakeholder submissions

1. NSW Police:
Not provided/Police submission was not received
2. Local consent authority:
Not provided/Council submission was not received
3. Public:
Not provided/Public submission were not received

OVERALL SOCIAL IMPACT

1. Positive benefits

The licensee will provide accommodation services to both academics visiting the renowned Sliding Springs Observatory in Coonabarabran, and third-party patrons. Functions and events may also be held on-site. The proposed capacity is 80 patrons.

2. Mitigation of potential negative impacts

I am satisfied that the granting of the liquor licence, will ensure that the lawful operation of the premises will not be detrimental to the local or broader community.

CONCLUSION

1. I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to grant the application. 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. The decision was made by the delegate having reviewed the application statement, business model and risk analysis, stakeholder submissions and other relevant material.
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. This determination may be informed by submissions from the NSWPF, submissions from L&GNSW Compliance about an applicant's compliance history, the results of National Criminal Record History Checks (as contained in National Police Certificates), and internet checks conducted by the assessor making the determination.
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 will be 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 the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered. Accordingly, I have determined to grant the liquor licence application with conditions as set out at Schedule 1.

RELEVANT EXTRACTS FROM THE LIQUOR ACT 2007

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:

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,
 - d) the need to support employment and other opportunities in the:
 - i. live music industry, and

- ii. arts, tourism, community and cultural sectors.

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
 - c) 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.
 - d) the proposed approved manager/licensee has completed the relevant tiered industry training as per legislative requirements.

Community impact test

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.

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.

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.

Important Information

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2016, 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. In the case of the applicant, the fee payable is the fee applying to the original application. In all other cases, the fee is \$100.

Applications for review of ILGA delegated decisions, can be made via the [Liquor and Gaming Application Noticeboard](#). The Review Application form can be accessed online via the *make a submission* button.

Further information can be obtained from the [Reviews of liquor and gaming decisions](#) page on the Liquor & Gaming website.

SCHEDULE 1

Conditions considered by the ILGA delegate

All requests to impose conditions on the licence are reviewed on a case-by-case basis and a merit-based assessment is conducted.

In considering whether a proposed condition has merit, delegates consider:

- a) whether the need for the condition has been adequately established,
- b) whether the benefits of imposing the condition are likely to outweigh the costs, and
- c) whether the proposed condition is proportionate to the potential harm identified.

(The Lodge)

Licence condition to be imposed	Licence condition details						
Retail closure period	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.						
Restricted trading & NYE (except airport, catering, other public entertainment venue, vessel - std)	Consumption on premises <ul style="list-style-type: none">- 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.						
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