



**NSW Department of Justice  
Liquor & Gaming NSW**

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**APPLICATION NO:** 1-4061182764  
**APPLICATION FOR:** On-premises liquor licence for catering service and sale on other premises authorisation  
**PROPOSED TRADING HOURS:** Monday to Saturday 10:00 AM - 11:00 PM  
Sunday no trading  
**APPLICANT:** Christina Belcev  
**PROPOSED LICENSED PREMISES NAME:** Synchrony Management Services Pty Ltd  
**PROPOSED PREMISES ADDRESS:** Levels 3&4 Riverside Corporate park 4 Julius Avenue North, RYDE, NSW 2113  
**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 with catering class licence and sale on other premises authorisation and impose conditions for that licence.  
1-4061182764  
**LEGISLATION:** Section 45(1) of the *Liquor Act 2007*

**ILGA DELEGATED DECISION - APPLICATION FOR AN ON-PREMISES LICENCE WITH CATERING AND SALE ON OTHER PREMISES AUTHORISATION**

**SYNCHRONY MANAGEMENT SERVICES PTY LTD**

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 Justice, has decided to grant with conditions the application for an on-premises liquor licence for a catering service and sale on other premises authorisation, application number 1-4061182764.

On 19 September 2016, 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 – Catering

Good Friday	Normal trading
Christmas Day	Normal trading
December 31 <sup>st</sup>	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

3. The licensee is to operate the premises at all times in accordance with the Plan of Management, PSYNCHR001\_150412\_001, lodged in February 2016 as may be varied from time to time in consultation with the Local Area Commander.
4. The licensee or its representative must be an active participant in the Local Liquor Accord.
5. No drinks commonly referred to as shots, shooters, slammer, and/or bombs are to be sold or supplied.
6. The business of providing the Catering Service must be for fee, gain or reward. Functions held pursuant to the Catering Service must be pre-booked. A Catering Service booking register must be maintained.
7. The sale on other premises authorisation can only be utilised for functions, occasions or events, which are by invitation only.
8. The licensee must not exercise the sale on other premises authorisation at locations/venues where there is already a current and valid liquor licence in force.
9. The Licensee must supply substantial food of a nature and quality consistent with the responsible sale, supply and service of alcohol whenever liquor is sold or supplied on any premises.
10. The licensee must employ a fully licensed security guard at the ration of 1:100 whenever the patron capacity of any given function/event exceeds 300.

11. Where the patron capacity of any given function/event exceeds 300 patrons, the licensee must give written notice to the relevant Local Area Command (Police) and Local Council of the event no later than 30 days prior to the event.

The written notice must include:

- (i) address of the premises where the function is to be held, and
- (ii) name of the occupier of those premises, and
- (iii) nature of the function, and
- (iv) number of persons for whom the catering services are to be provided at the function,
- (v) date on which and the hours during which the function is to be held, and
- (vi) a comprehensive Plan of Management and Security Management Plan.

## STATEMENT OF REASONS

### 1. Material before the ILGA delegate

The decision made by the delegate had the Application, the accompanying sale on other premises and other relevant material:

1. Application form, including the Sale on other premises authorisation form, lodged 8 February 2016
2. Certificate of Advertising Application, signed and dated 22 March 2016
3. Plan indicating boundary of proposed licensed area, levels 3 and 4, 4 Julius Ave, North Ryde, received 8 February 2016
4. Plan of Management for the premises, PSYNCHR001\_150412\_001, lodged in February 2016
5. ASIC Company Extract for Synchrony Management Services Pty Ltd, dated 16 June 2016
6. RSA Competency Card, expiry date 17 Nov 2020, and NSW National Police Certificate issued 4 April 2016 for the applicant, forwarded 8 February 2016.
7. Local Consent Authority Notice from the City of Ryde Council, stating that development consent is not required to permit the proposed activity, dated 10 February 2016
8. Confirmation from the City of Ryde Council confirming that the Council has no objection to the proposal, email dated 1 July 2016
9. Submission from Ryde Local Area Command requesting conditions to be imposed on the licence, dated 16 June 2016
10. Submission from the Director of Compliance limited to EVAT Assessment Report; with no further assessment considered necessary.
11. Risk rating report
12. Photographs of the proposed premises
13. Synchrony Australia Oracle Function Catering brochure
14. Emailed correspondence from the Authority to the applicant, applicant's response consenting to the imposition of conditions on the licence documents.

## **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.

## **2. 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 3A 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.

### 3. 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 State suburb of North Ryde and the “broader community” comprises the City of Ryde LGA.

### 4. Analysis of Submissions and other Materials

- (1) Having reviewed all the material, I am satisfied that this application for an on-premises licence for catering and sale on other premises authorisation.
- (2) The applicant proposes to operate the business as a function centre with catering services to corporate, business and private premises. Liquor will only be sold or supplied on other premises in connection with a catered function.
- (3) All catering functions will include the provision of quality food and beverage options.
- (4) The proposed licensed premises will be operated in compliance with a Plan of Management which details what measures are in place to ensure liquor is sold in a responsible manner.

## **5. Overall social impact**

### **(1) Positive benefits**

The applicant states that the licence will be utilised to provide catering services, primarily to the corporate and business sectors.

### **(2) Negative impacts**

There were no objections to the Application.

Police have requested conditions to be imposed on the licence which have been included on the licence document.

## **6. 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. The interested parties are NSW Police, the Licensee and (other parties who may be affected).
- (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 Plan of Management, and other 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) Having considered together the positive benefits and negative impacts that are likely to flow from granting the Application, I am satisfied that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
- (6) 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 with conditions the licence application.

Decision Date: 19 September 2016



Olga Lenger  
Manager, Licensing (Business Licensing)  
Liquor & Gaming NSW  
**Delegate of the Independent Liquor & Gaming Authority**