

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

DOC/16/001217

<b>APPLICATION NO:</b>	1-4209736406
<b>APPLICATION FOR:</b>	On-premises liquor licence with Primary Service Authorisation
<b>PROPOSED TRADING HOURS:</b>	10:00 AM to 12:00 AM Monday to Saturday 10:00 AM to 10:00 PM Sunday
<b>APPLICANT:</b>	Simon James Haggarty
<b>PROPOSED LICENSED PREMISES NAME:</b>	Goonoo Goonoo Station
<b>PREMISES ADDRESS:</b>	13304 New England Highway, Timbumburi NSW 2340
<b>ISSUE:</b>	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for Liquor - packaged liquor licence (on-line).
<b>LEGISLATION:</b>	Section 45(1) of the Liquor Act 2007

**ILGA DELEGATED DECISION – APPLICATION FOR LIQUOR – ON-PREMISES  
LIQUOR LICENCE WITH PRIMARY SERVICE AUTHORISATION –  
GOONOO GOONOO STATION**

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 following licence application number: 1-4209736406.

On 6 September 2016, and after careful consideration of the Application and other material, the delegate decided to approve the Application.

**Conditions imposed:**

- 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 2.30 AM and 8.30 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.

- Consumption on premises
  - 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 31<sup>st</sup> 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.

- The business authorised by this licence must not operate with a greater overall level of social impact on the well being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
- The premises are to be operated at all times in accordance with the Plan of Management dated August 2016 as may be varied from time to time in consultation with the Local Area Commander
- No drinks commonly referred to as shots, shooters, slammer, and/or bombs are to be sold or supplied.
- 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.
- The premise is to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a bar.
- The licence cannot be exercised unless and until the Independent Liquor and Gaming Authority has been provided with evidence that the premises is complete and ready to trade.

## STATEMENT OF REASONS

### 1. Material before the ILGA delegate

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

- 1.1 Application form – 22 March 2016
- 1.2 Category A Community Impact Statement – 29 February 2016
- 1.3 Development Application No. DA0167/2015 dated 18 December 2014 issued by Tamworth Regional Council, and Modification to DA0167/2015 dated 19 October 2015 issued by Tamworth Regional Council
- 1.4 Plan of Management for the Premises dated August 2016

- 1.5 EVAT report submitted by the Director of Compliance, Liquor & Gaming NSW dated 7 April 2016
- 1.6 Submission from the Secretary, Liquor & Gaming NSW dated 26 July 2016, indicating no concerns
- 1.7 Submission from Tamworth Regional Council dated 16 March 2016 which raised no objection to the application
- 1.8 Plan of proposed premises received 19 August 2016
- 1.9 Email correspondence from the Authority to the applicant including applicant's consent to the imposition of the licence conditions
- 1.10 Risk report for the venue

## **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
  - (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.

#### 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:
  - 4.2.1. the grant or removal of a small bar licence (where required),
  - 4.2.2. a packaged liquor licence (limited to telephone/internet sales),
  - 4.2.3. 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 Timbumburi and the "broader community" comprises the Tamworth LGA.

#### 5. Analysis of Submissions and other Materials

The application is for an on-premises licence with Primary Service Authorisation and accommodation premises, catering service and restaurant classes. The licence will be exercised in accordance with a Plan of Management that addresses the responsible service of alcohol, management measures and includes an incident register.

There were no submissions opposing the grant of this licence and I am satisfied that the statutory advertising standards have been met.

I am satisfied that the statutory advertising requirements have been met.

#### 6. Overall social impact

##### (1) Positive benefits

The site is an iconic historic property that is undergoing significant restoration to transform it into a high-end restaurant, function and accommodation facility. This will bring a number of benefits to the local community, including increased tourism and employment opportunities.

(2) **Negative impacts**

No identified negative impacts. There were no issues raised by key stakeholders during the consultation period.

**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) I am satisfied that the applicant has provided consent to imposing the conditions contained in the licence document.
- (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 the packaged liquor licence application with conditions.

Decision Date: 6 September 2016



Joanne Zammit, Coordinator, 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.justice.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.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>