



**NSW Department of Industry
Liquor & Gaming NSW**

APPLICATION NO:	1-4971121542
APPLICATION FOR:	On-premises liquor licence for an event centre with Catering Service, Sale on Other Premises, and Extending Trading Authorisation (Sundays)
TRADING HOURS:	Monday-Sunday: 10:00 AM to 12:00 AM
APPLICANT:	Highline Event Centre Pty Ltd
LICENCE NAME:	The Highline Event Centre
PREMISES ADDRESS:	L3, 1 Little Saigon Shopping Centre 462 Chapel Road, Bankstown, NSW 2200
ISSUE:	Whether the delegate of the Independent Liquor & Gaming Authority (the Authority) should grant the liquor licence application relating to The Highline Event Centre.
LEGISLATION	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR A LIQUOR LICENCE
Highline Event Centre Pty Ltd**

The Independent Liquor & Gaming Authority (the Authority) may grant a liquor licence pursuant to section 45 of the *Liquor Act 2007* (the Act). This application seeks an on-premises liquor licence event centre with catering service, sale on other premises, and extended trading authorisation. The Authority has delegated this function to Director Licensing, Liquor & Gaming NSW (L&GNSW) pursuant to the *Gaming and Liquor Administration Act 2007*. The delegate has determined to grant the application relating to The Highline Event Centre (application number 1-4971121542). A list of the material that is before the delegate of the Authority is set out in Annexure A.

Legislative framework, statutory objects and considerations

1. The granting of a liquor licence must be consistent with the Objects of the Act, which are: 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; to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical

Liquor & Gaming

regulatory system with minimal formality and technicality; and to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

2. Therefore, in order to secure the Objects of the Act, each person who exercises functions under the Act, including a licensee, is required to have due regard to the following: the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour); the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor; and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Statutory Requirements

3. 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. Having reviewed all the material, I am satisfied that this application for an on-premises liquor licence for an event centre with catering class, sale on other premises, and extended trading hours has the appropriate Development Consent in place. The Canterbury-Bankstown Council has not raised any objections to the granting of the licence for the premises. The licence will be exercised in accordance with a Plan of Management which addresses the responsible service of alcohol measures in place at the venue. Furthermore, there is no information before me to suggest that the parties involved are not fit and proper persons. In addition, I am satisfied that the statutory advertising requirements have been met.

Community impact test

5. 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.
6. The test applying under section 48(5) relates to delegated decisions in relation to the granting or removal of: a) a small bar licence; b) packaged liquor licence (limited to telephone/internet sales); c) an on-premises licence relating to a restaurant that, in the case of a new licence,

Liquor & Gaming

includes an application for a primary service authorisation; d) an on-premises licence relating to a karaoke bar, a catering service or a vessel; e) an application for a producer/wholesaler licence that, in the case of a new licence, includes an application for a drink on-premises authorisation; and f) an application for ongoing extended trading hours to permit the sale of liquor after midnight in relation to any of the above licence types.

7. The Community Impact Statement (CIS) 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.
8. For the purposes of this decision, the delegate is satisfied that the relevant “local community” is the community within the suburb of Bankstown, and the “broader community” of the Canterbury-Bankstown Council. The CIS submitted by the applicant does reveal that there are two medical centres, one nursing home, two churches and three schools or university facilities located near the proposed licensed premises. Despite this, no objections or submissions from the public were received in relation to this application.
9. The proposed event centre, with a patron capacity of 1340 patrons, will operate as a traditional function/conference centre catering for a variety of different functions. This will include events such as corporate events, seminars, community events, weddings, engagements, and birthday parties. The DA limits the patron capacity to 646 people from 9:00AM to 5:30PM Monday to Thursday while permitting a capacity of 1340 from 9:00AM to 12:00AM Friday to Sunday.
10. The centre poses a medium risk to the local or broader community as it will function as an event centre providing hospitality and entertainment for private functions. Although it may host a large number of patrons (a maximum of 1340), it will not trade past 12:00am Friday to Sunday, and is located on the third floor – with the majority of patrons seated internally. This will assist in minimising the ambient noise externally, which will lessen the impact on the local community. Furthermore, the business will not function as a concert hall.
11. There have not been any objections to the granting of this licence from the public, Council, or Police. Patron numbers are reduced during the week prior to 6:00 PM so as not to unduly impact the surrounding neighbourhood. Both the Plan of Management provided by the applicant and conditions imposed on the licence provide a level of certainty that there is unlikely to be any major impacts on the local community.

Conclusion

12. I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision of 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.
13. 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.



Liquor & Gaming

14. 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.
15. 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.
16. In making this decision under delegation 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 licence application.

Decision Date: 31 May 2017

Dr Suzanne Craig
Director 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>

Material before the ILGA delegate

- (1) Application form lodged 29th of July, 2016 (DOC17/054479).
- (2) ASIC extracts for all organisations involved received (DOC17/054490 and DOC17/083908)
- (3) Certificate of Advertising declaration by applicant on 9th of August, 2016 (DOC17/054437)
- (4) Secretary Submission received 26th October, 2016 requesting conditions to be imposed on the licence (DOC17/054497).
- (5) Police Submission received 1st December, 2016, which also has requested conditions to be imposed on the licence (DOC16/164893).
- (6) Plan of Management (amended) dated April 2017 (DOC17/083907).
- (7) Development Application, DA-1011/2015 issued by Canterbury-Bankstown on the Council 26th of April, 2016 for fit out as a function centre (DOC17/054497).
- (8) Community Impact Statement (CIS) received 29th July, 2016 (DOC17/054545).
- (9) Extended Trading Authorisation Application received 3rd August, 2016 (DOC17/054524).
- (10) Sale on Other Premises Authorisation lodged 3rd August, 2016 (DOC17/054540)
- (11) Two (partial) copies of the lease received (DOC17/083910 and DOC17/098429). Use of external terrace (all level 3 outdoor areas) permitted (DOC17/098429 – p.4).
- (12) Record of Registration of Business Name (DOC17/054515).
- (13) Plan at Grant of proposed premises (DOC17/083909). The proposed licenced premises contains four outdoor areas on three sides of the venue, which is defined by a 1.6 metre concrete wall.
- (14) 'Additional Information' contains information on location, use, manner of operation, hours, RSA, benefits, process, and consent to conditions (DOC17/054532).
- (15) Email correspondence dated 6th December, 2016, (DOC16/167895), 9th January, 2017 (DOC17/005272), 21st March, 2017 (DOC17/059995), 4th April, 2017 (DOC17/072281), 20th April, 2017 (DOC17/086034), and 2nd May, 2017 (DOC17/095398) from the Authority to the applicant requesting additional information.
- (16) Email correspondence from the applicant dated 19 January, 2017 (DOC17/014405), 27 January, 2017 (DOC17/023004), 7 March, 2017 (DOC17/058469), 5 April, 2017 (DOC17/072567), 18 April, 2017 (DOC17/083903), 4 May, 2017 (DOC17/096921), and finally 5 May, 2017 (DOC17/098422) in response to the requests for additional information and supporting documentation.



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Liquor & Gaming