



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

APPLICATION NO:	APP-0002240533
APPLICATION FOR:	Liquor – On-premises, accommodation and restaurant classes with PSA
TRADING HOURS:	Restaurant liquor trading hours: Monday to Saturday: 08:00 AM to 12:00 AM Sunday: 10:00 AM to 10:00 PM PSA liquor trading hours: Monday-Saturday: 10:00 AM to 12:00 AM Sunday: 10:00 AM to 10:00 PM
APPLICANT:	MEDINA PROPERTY SERVICES PTY LIMITED
APPROVED MANAGER	Andrew Reynolds (LIQXA911019292)
LICENCE NAME:	Travelodge Hotel Sydney Airport
PREMISES ADDRESS:	289-293 King St, MASCOT, NSW 2020 AUSTRALIA
ISSUE:	Whether the delegate of the Independent Liquor & Gaming Authority (the Authority) should grant the liquor licence application relating to Travelodge Hotel Sydney Airport
LEGISLATION	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR
ON-PREMISES LICENCE RESTAURANT/ACCOMMODATION WITH PRIMARY
SERVICE AUTHORISATION**

Travelodge Hotel Sydney Airport

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 licence, restaurant with accommodation with a Primary Service Authorisation, application number APP-0002240533. The Authority has delegated this function to Coordinator 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 Travelodge Hotel Sydney Airport and impose 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 02:00 am and 08:00 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

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.
3. This licence authorises the sale of liquor for consumption on the licensed premises only – at any time on any day to a resident (or a guest of a resident while in the resident's company) or to an employee of the licensee. Liquor must not be sold to a guest of a resident or to an employee of the licensee for consumption on the licensed premises, or to a resident for takeaway from the premises, between the hours of 4:00AM and 10:00AM. Liquor sold to a resident between the hours of 4.00AM and 10.00AM must only be sold or supplied for consumption in the room in which the resident is residing or staying.

STATEMENT OF REASONS

1. Material before the ILGA delegate

The decision made by the delegate had the application, the accompanying community impact statement (CIS-Category A) and other relevant material:

- (1) Application form lodged 26 April 2017 (DOC17/092339)
- (2) Category A Community Impact Statement (CIS) document lodged with the application (DOC17/092340)
- (3) ASIC Company Extract for the applicant (DOC17/092347)
- (4) Certificate of Advertising dated 2 August 2017 (DOC17/174290)

- (5) Plan of Management for the premises dated April 2017 (DOC17/092350)
- (6) Plan of the proposed licensed area (including the PSA area) (DOC17/174291)
- (7) Development Consent issued, 14 June 2013 by the Land and Environmental Court of NSW document (DOC17/168644)
- (8) Section 96 modification to the Development Consent issued by the City of Botany Bay Council 20 December 2013 (DOC17/092341)
- (9) A submission from Bayside City Council, received 9 August which confirms that approval for the venue is in place. (DOC17/174580).
- (10) A submission from Botany Bay LAC, received 1 May 2017, with no concerns raised (DOC17/093468).
- (11) An appointed of manager notice forwarded 11 August 2017 (DOC17/174578).
- (12) Email correspondence between the applicant and L&GNSW requesting and providing additional information and consenting to the imposition of the proposed conditions, dated 21 July 2017 (DOC17/158805), 3 August 2017 (DOC17/1686517), 9 August (DOC17/174286), 11 August (DOC17/174738/ DOC17/174771/ DOC17/174946)

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 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.

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:
 - 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 suburb of Mascot and the "Broader Community" is the Bayside City Council.

5. Analysis of Submissions and other Materials

- (1) Having reviewed all of the material, I am satisfied that this application for an on-premises liquor licence restaurant and accommodation class with a PSA is unlikely to result in any significant increase in alcohol-related harm in the local community.
- (2) Police made a submission raising no objections to the on-premises liquor licence and Primary Service Authorisation.
- (3) I am satisfied that appropriate development consent which permits the proposed activity is in place.
- (4) I am satisfied that the statutory advertising requirements have been met.

6. Overall social impact

(1) Positive benefits

This venue is primarily accommodation, with 209 rooms, over several levels. A restaurant and primary service authorisation is located on the ground floor. The venue is located close to Sydney airport and it is envisaged that the majority of revenue will be from travellers from the nearby airport.

(2) Negative impacts

The conditions imposed on the licence address and will mitigate the risk of alcohol related harm to the local and broader community.

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) 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 liquor licence application with conditions.

Decision Date: 15.8.17



Joanne Zammit
Coordinator, Licensing (Business 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>