



Mr Jon Martin
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10 December 2018

Dear Mr Martin

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| Application No. | 1-6786372402 |
| Applicant | Liquorland (Australia) Pty Ltd |
| Application for | New packaged liquor licence |
| Proposed licence name | Liquorland |
| Proposed trading hours | Monday to Wednesday 8:00 AM – 8:00 PM Thursday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 8:00 PM |
| Proposed premises | Ropes Crossing Central Village, T14, 8 Central Place Ropes Crossing NSW 2760 |
| Legislation | Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i> |

**Decision of the Independent Liquor and Gaming Authority
Application for a packaged liquor licence – Liquorland**

The Independent Liquor and Gaming Authority considered, at its meeting on 17 October 2018, the Application above and, pursuant to section 45 of the *Liquor Act 2007*, decided to **refuse** the Application.

A statement of reasons for this decision is attached at the end of this letter.

If you have any questions, please contact the case manager at
andrew.whitehead@liquorandgaming.nsw.gov.au.

Yours faithfully

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 18 May 2018, Liquorland (Australia) Pty Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence (“Licence”) for the premises at Ropes Crossing Central Village, T14, 8 Central Place ROPES CROSSING (“Proposed Premises”).
2. The Authority considered the Application at its meeting on 17 October 2018 and decided to refuse to grant the Licence under section 45 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2008.

Material considered by the Authority

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority notes by way of background that a previous application for a packaged liquor licence in respect of the Proposed Premises was filed by the Applicant on 14 June 2017 (“Previous Application”) and was refused, following a public meeting convened by the Authority, by letter dated 20 April 2018, by reason of non-compliance with the site notice requirements in clause 9 of the Regulation. The Authority has permitted the Applicant to file a fresh Application and rely upon the CIS submitted with the Previous Application, and has considered all submissions made in respect of the Previous Application when determining the Application, along with any further submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. In accordance with its Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
8. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

9. The Authority has considered the Application in the context of the following provisions of the Act:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6 hour period during which liquor cannot be sold.
 - c) Sections 29-31: Specific provisions in respect of a packaged liquor licence.
 - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - e) Section 45: Criteria for granting a liquor licence.
 - f) Section 48: Requirements in respect of a CIS.
10. An extract of these sections is set out in Schedule 2.

Key findings

11. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading hour requirements

12. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 40 of the Act,
- b) if the Licence were to be granted, liquor would be sold in accordance with the authorisation conferred by the Licence as required by section 29 of the Act, and
- c) sections 30 and 31 of the Act do not apply to the Application, as the Proposed Premises is not intended to operate as is contemplated by those sections.

Fit and proper person, responsible service of alcohol, and development consent

13. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- b) practices would be in place from the commencement of licensed trading at the Proposed Premises to facilitate the responsible serving of alcohol, having regard to the Coles Liquor NSW Management Strategies, House Policy for the Responsible Service of Alcohol and Licensing and Safe Trading Booklet, and the conditions that would be imposed on the Licence were it to be granted, and
- c) the requisite development consent is in force, based on Notice of Determination of a Development Application DA-16-04213 in respect of the Proposed Premises, issued by Blacktown City Council on 16 November 2016.

Community impact statement

14. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Proposed Premises on the local and broader communities.

15. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Ropes Crossing, and the relevant "broader community" comprises the Local Government Area ("LGA") of Blacktown.

Positive social impacts

16. The Authority accepts that there are currently no licensed premises in the suburb of Ropes Crossing, and notes that the density of packaged liquor licences in Blacktown LGA is lower than the NSW state average. On this basis, the Authority accepts that the granting of the Licence would provide convenient local access to packaged liquor for residents of Ropes Crossing.

17. The Authority is satisfied, on the basis of 2016 Census data, that the local community has grown in size considerably since the 2011 Census, which may indicate an increasing demand for local retail facilities, including the provision of facilities licensed to sell packaged liquor.

18. The Authority accepts the Applicant's contention that the Proposed Premises would offer the convenience of a 'one-stop' shopping experience for members of the local community who would prefer to be able to purchase liquor items along with grocery and other items when attending the Proposed Premises and the Coles supermarket to which it is adjoined.

19. The Authority notes that the Applicant reduced the scope of the trading hours originally sought in response to feedback from the members of the local community and other stakeholders. The Applicant originally put the public on notice of hours extending from 8:00 AM to 11:00 PM Monday to Saturday (by way of the exemption in the Liquor Regulation 2008 that extends permission for takeaway trading from 10:00 PM to 11:00 PM), and 10:00 AM to 10:00 PM

Sunday, and revised these hours to Monday to Wednesday, 8:00 AM – 8:00 PM, Thursday to Saturday, 9:00 AM – 9:00 PM and Sunday 10:00 AM – 8:00 PM.

20. The Authority is satisfied that the Applicant is an experienced operator of multiple packaged liquor licences located across NSW.
21. The Authority accepts that there is some degree of local support for the Application, on the basis of the submissions received, both verbal and written, endorsing the proposal. These submissions offer support for the proposal on the basis of:
 - a) the convenience that the Proposed Premises would afford local residents who wish to be able to purchase liquor products within Ropes Crossing, in conjunction with grocery and other items, and who wish to be able to travel to a packaged liquor facility on foot; and
 - b) an increase in the availability of employment opportunities within Ropes Crossing.
22. The Authority notes, however, that the extent of the benefits outlined above is somewhat constrained in this instance by reason that, on the material before the Authority, the local and broader communities are primarily opposed to the introduction of the Licence to Ropes Crossing.

Negative social impact

23. The Authority notes that BOCSAR crime maps for the year ending June 2018 indicate that the Proposed Premises is located within a high density hotspot for domestic assault, and a medium density hotspot for malicious damage to property, and that there is a small low density hotspot for non-domestic assault adjacent to the Proposed Premises. There are no hotspots for alcohol-related assault in Ropes Crossing suburb.
24. The above should be considered in the context of comparatively low rates of alcohol-related crime in Ropes Crossing suburb for the two years to June 2018. Rates of alcohol-related domestic assault, alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct were all below, and in some cases well below, corresponding NSW rates.
25. The Authority notes, however, that rates of alcohol-related domestic assault and malicious damage to property in Blacktown LGA were higher than corresponding NSW rates during the same period, suggesting that residents of other suburbs within the LGA are more frequently being exposed to alcohol-related crime than those living in Ropes Crossing. The Authority also notes that there are very large high density hotspots for domestic assault and malicious damage to property which traverse a number of the suburbs neighbouring Ropes Crossing.
26. The Authority notes NSW HealthStats data, which indicates that residents of Blacktown LGA are being hospitalised or are dying from alcohol-related illness or injury at a rate that is on par with or below the NSW average.
27. The Authority notes 2016 Census Socio-economic Indexes for Areas data, which indicates that both Ropes Crossing suburb and Blacktown LGA are relatively advantaged areas when compared to other suburbs and LGAs in NSW.

Submissions objecting to the Application

28. The Authority is satisfied that, despite a small number of submissions received from local residents in favour of the proposal, both the local and broader communities, as represented by individuals and stakeholder bodies, are predominantly strongly opposed to the Application. The communities have clearly indicated an expectation that the status quo in Ropes Crossing be maintained, as a means of ensuring that the safe, family-oriented character of the suburb remains intact into the future. The Authority considers it reasonable for local submitters and stakeholder bodies to seek to adopt a preventative approach to the licensing of premises within their local community.

29. The Authority notes that residents and representatives of Ropes Crossing have sent a consistent message in response to various proposals to introduce licensed premises to the suburb over a number of years, notwithstanding the different characteristics of those proposals.
30. The Authority notes that some of the submissions objecting to the proposal raise concerns regarding the Applicant's non-compliance with consultation requirements in respect of the Previous Application. These concerns are not relevant to the Application, which was lodged further to the Previous Application having been refused due to this non-compliance. The Authority accepts that such issues have now been remedied.

NSW Police

31. The Authority has considered the extensive submission provided by NSW Police, which is informed by not only the experience of local licensing police in the Mount Druitt Local Area Command ("LAC"), but also the concerns of local residents.
32. The Authority notes the NSW Police position that there are sufficient packaged liquor facilities located in close proximity to Ropes Crossing, whilst noting also that there are no licensed premises in Ropes Crossing, and that there is a lower than average density of packaged liquor facilities in Blacktown LGA.
33. The Authority accepts the concerns that the Police have in respect of the suburbs directly adjoining Ropes Crossing, notably Tregear and Willmot, which are significantly socio-economically disadvantaged, as well as in respect of the socio-economic disadvantage of the Mount Druitt LAC generally, although notes that Ropes Crossing can be differentiated from surrounding suburbs and Mount Druitt by way of its very different demographic composition.
34. The Authority notes the suggestion by NSW Police that the evidence of long term strident local opposition to the introduction of a packaged liquor licence into Ropes Crossing complicates the question of whether or not the approval of the Application would be "detrimental to the well-being of the local or broader community" as prescribed by section 48(5) of the Act.

Blacktown City Council

35. The Authority notes the demographic characteristics referred to by Council, along with the fact that fresh Census data has been released since this submission was prepared. The Authority does not accept that the characteristics of the local community are such that they raise serious concerns regarding the particular vulnerability of residents to alcohol-related harm.
36. The Authority accepts Council's contention that support services relating to reducing, managing and treating a range of alcohol-related harms are already very stretched across the Blacktown LGA, and that the introduction of a further packaged liquor licence may increase the demands on these services.

Western Sydney Local Health District

37. The Authority notes that Western Sydney Local Health District opposes the Application on the basis of what it describes as "a recent increase in alcohol-related hospitalisations in Blacktown [LGA]". The Authority further notes that NSW HealthStats data is relatively out of date and may not reflect current circumstances.
38. The Authority notes the claim that evidence of low liquor licence density and low rates of alcohol-related crime "does not address resident's [sic] concerns about future harms which may be linked to this proposal", and acknowledges the legitimacy of this concern in the context of a relatively new, master planned estate that was marketed to prospective residents as a safe haven amidst more problematic surrounding suburbs.

Ropes Crossing Church

39. The Authority notes the concerns raised in respect of the prevalence of domestic violence in the greater Mount Druitt area, and accepts that this concern is supported by objective BOCSAR data indicates that the rate of alcohol-related domestic assault is higher in Blacktown LGA when compared to the corresponding NSW rate.
40. The Authority notes concerns regarding the detrimental impact the Licence may have on the safety of children and the character of Ropes Crossing Village, however does not accept that the introduction of a packaged liquor licence into a neighbourhood shopping centre is necessarily likely to jeopardise the safety of the immediate area. Packaged liquor licences licence permit an outlet to sell liquor for consumption away from the premises, generally in private residences or in restaurants, and are not likely to operate in such a way that would result in intoxicated persons loitering at and around the outlet.
41. The Authority accepts the Church's concerns, however, that the granting of the Licence may result in persons consuming packaged liquor at the Village Green, which is located directly across the road from the Proposed Premises, and understands that other public parks in neighbouring suburbs have been used in this way, to the detriment of the broader community. The Authority accepts that consumption of liquor in public parks has the potential to undermine the character of the area by way of antisocial behaviour, littering and vandalism.

Chair of Outer West Domestic Violence Network

42. The Authority notes the concerns raised by Ms Lamb in respect of the relationship between alcohol, outlet density and domestic assault in the context of Blacktown LGA, and accepts the objective data provided by BOCSAR in respect of this issue.

Members of the public

43. As noted above, the Authority accepts that there is a substantial cohort of local residents who have expressed their opposition to the Application. Their opposition is based on the following issues and concerns, many of which were also flagged by the submitters listed above:
 - a) the existing availability of packaged liquor in close proximity to the Proposed Premises and Ropes Crossing suburb, notwithstanding the fact that there are no licensed premises within the suburb;
 - b) the potential threat to the safe, quiet and family-friendly character of Ropes Crossing that the introduction of a packaged liquor licence may pose, and the likelihood that the Proposed Premises would detract from the "intended" character of the local community;
 - c) the proximity of the Proposed Premises to a school and childcare centre, and the impact this may have on students and families in terms of exposure to liquor and intoxicated persons and/or loiterers;
 - d) the location of the Proposed Premises directly opposite a public park;
 - e) the existing problems in respect of antisocial behaviour, alcohol-related crime and alcoholism present in the suburbs that immediately adjoin Ropes Crossing, along with the socio-economic disadvantage that is characteristic of those suburbs, and concerns that these problems may be introduced into Ropes Crossing should the Proposed Premises be licensed;
 - f) the potential for any changes to the character of the local community to lower house prices in the area;
 - g) previous, successful local opposition to the introduction of licensed premises into the suburb; and
 - h) recent experiences with crime and antisocial behaviour at the Coles supermarket and in the Ropes Crossing Village carpark, which has led to residents establishing a community safety committee.

Applicant response to submissions

44. The Authority has considered all of the material provided by the Applicant in response to the submissions received. The Authority accepts the Applicant's contention that it is unusual for a suburb with a population of more than 6000 persons, which has grown significantly in recent years, not to feature a packaged liquor licence. However, the Authority considers that this fact alone does not justify the approval of the Application in circumstances wherein the local community is so robustly opposed to the proposal, that it may reasonably be seen as counter to the "expectations [...] and aspirations of the community" within the meaning of the legislative object in section 3(1)(a) of the Act.
45. The Authority accepts that there is no packaged liquor facility located within one kilometre of the Proposed Premises, and that residents of Ropes Crossing are not currently able to conveniently access packaged liquor on foot, however notes that there are other means of acquiring packaged liquor such as by car, public transport or home delivery, and that the majority of local respondents to the Application did not raise any concerns about this.
46. The Authority accepts the Applicant's claim that Ropes Crossing has a "distinctly advantaged socio-demographic profile" in comparison to the suburbs that immediately surround it, which goes to the very point being made by members of the local community – that they are fearful of the character and amenity of their suburb being reduced as a result of the introduction of the proposed bottle shop, having witnessed the alcohol-related amenity problems and harm being experienced in those neighbouring areas.
47. The Authority notes the Applicant's reliance on various pieces of academic research listed in the Authority's Guideline 6 in respect of the relationship of alcohol-related harm and liquor licence density, however finds these articles to be of limited relevance in the circumstances of the Application, given that the proposition involves introducing a single packaged liquor licence into a suburb that currently features no licensed premises. The Authority accepts the Applicant's contention that density in Ropes Crossing is not currently problematic and may not be problematic were the Licence to be granted. The Authority notes, however, that the shift from zero licences to one packaged liquor licence, situated in close proximity to a public park, has the potential to create a significant impact on amenity in the immediate vicinity of the Proposed Premises.
48. The Authority accepts the evidence provided by the Applicant, in the form of summaries of and extracts from various planning instruments, that the growth and revitalisation of neighbourhood shopping centres is a local government objective in respect of Blacktown LGA and the West Central District. The Authority notes, however, that none of these call specifically for an increase in the availability of packaged liquor, along with the fact that Blacktown City Council has objected to the Application.
49. Noting the outcomes of previous applications or proposals for liquor licences for premises in Ropes Crossing (each of which was refused by the Authority or withdrawn on the basis of the outcome of community consultation), the Authority accepts the Applicant's suggestion that the circumstances pertaining to the Application are different to those of the previous applications and proposals. These differences include factors such as the type of licence sought, the size of the proposed licensed area, and the hours sought, as well as changes within Ropes Crossing, in that its population has grown significantly, and it has matured into a cohesive community. The Authority is satisfied, however, that local opposition to the introduction of a licensed premises into Ropes Crossing has been consistent in response to the various proposals in recent years.

Overall social impact

50. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is not satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities. This position

is also informed by the objects of the Act, which the Authority is required to be guided by in its decision making, and in particular the section 3(1)(a) directive to “regulate and control the sale and supply” of liquor “in a way that is consistent with the expectations, needs and aspirations of the community”.

51. Accordingly, the Authority has decided to refuse to grant the Licence under section 45 of the Act.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1

Material considered by the Authority

1. Extract from minutes of meeting of the Casino Liquor & Gaming Control Authority held 30 November 2010, relating to the decision to refuse an application for a hotel licence to be known as Ropes Crossing Hotel.
2. HealthStats NSW data showing that the Blacktown LGA recorded, compared to a state benchmark of 100:
 - a. a smoothed standardised mortality ration of 91.6 for the period 2012-13, and
 - b. a smoothed standardised separation ratio of 100.1 for the period 2013-15.
3. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-economic Advantage and Disadvantage for NSW on a scale of 1 to 10, with the 10th decile being the most advantaged and 1st decile the most disadvantaged, Ropes Crossing ranked in the 8th decile when compared to other suburbs, and Blacktown LGA ranked in the 8th decile when compared to other LGAs.
4. Notice of determination issued by Blacktown City Council on 16 November 2016, approving development application DA-16-04213 for the Proposed Premises.
5. NSW Recorded Crime Statistics 2017 outlining offences by day of week and time of day in Blacktown LGA compared to NSW.
6. Notice of intention to apply for a liquor licence dated 2 March 2017.
7. Submissions from five members of the public in support of the Application, dated between 3 and 5 March 2017, in response to the Notice of intention to apply for a liquor licence.
8. Submissions from 13 members of the public objecting to the Application, dated between 3 and 29 March 2017, in response to the Notice of intention to apply for a liquor licence.
9. An email from a member of the public to the Applicant indicating interest in obtaining employment at the Proposed Premises, dated 5 March 2017.
10. Submission from NSW Roads & Maritime Services dated 9 March 2017 in response to the Notice of intention to apply for a liquor licence.
11. *Ropes Crossing Liquorland – Review of Social Impact Issues Regarding a Proposed Liquorland*, prepared by Urbis, dated 19 May 2017.
12. ASIC business records in relation to the Applicant and the owner of the Proposed Premises, Ropes Crossing Village Pty Ltd, dated 17 April 2018 and 31 May 2017, respectively.
13. Completed Category B Community Impact Statement dated 14 June 2017.
14. Correspondence between L&GNSW staff and the Applicant between 14 and 25 June 2017 in relation to the assessment of the Previous Application, including response to submissions received.
15. Submissions from 11 members of the public objecting to the Application, dated between 26 June and 2 August 2017, in response to the Previous Application.
16. Submission from Blacktown City Council objecting to the Previous Application, dated 30 June 2017.
17. Submission from one member of the public in support of the Application, dated 16 July 2017, in response to the Previous Application.
18. Submission from Western Sydney Local Health District dated 17 July 2017 in response to the Previous Application.
19. Submission from Ropes Crossing Church objecting to the Previous Application, dated 24 July 2017.
20. Submission from NSW Police objecting to the Application, dated 26 July 2017.
21. *Ropes Crossing Liquorland – Supplementary Report*, prepared by Urbis, dated 28 September 2017.

22. Transcript of public meeting convened by the Authority at Lethbridge Park Community Centre on 7 February 2018.
23. BOCSAR crime hotspot maps for the year to March 2018, indicating the location of the Proposed Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
24. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to March 2017, the rates of:
 - i. alcohol-related domestic assault in Blacktown LGA and Ropes Crossing were 123.7 and 62.9 per 100,000 of population respectively, compared to the NSW average of 113.2,
 - ii. alcohol-related non-domestic assault in Blacktown LGA and Ropes Crossing were 94.4 and 15.7 respectively, compared to the NSW average of 132.8,
 - iii. malicious damage to property in Blacktown LGA and Ropes Crossing were 992.0 and 534.4 respectively, compared to the NSW average of 805.1,
 - iv. alcohol-related offensive conduct in Blacktown LGA and Ropes Crossing were 13.2 and 0 respectively, compared to the NSW average of 46.3,
 - b. for the year to March 2018, the rates of:
 - i. alcohol-related domestic assault in Blacktown LGA and Ropes Crossing were 132.9 and 125.7 per 100,000 of population respectively, compared to the NSW average of 114.4,
 - ii. alcohol-related non-domestic assault in Blacktown LGA and Ropes Crossing were 106.4 and 31.4 respectively, compared to the NSW average of 130.4,
 - iii. malicious damage to property in Blacktown LGA and Ropes Crossing were 937.0 and 628.7 respectively, compared to the NSW average of 779.5, and
 - iv. alcohol-related offensive conduct in Blacktown LGA and Ropes Crossing were 12.1 and 0 respectively, compared to the NSW average of 41.2.
25. Statement of reasons for the Authority's decision to refuse an application for a packaged liquor licence, to be known as Liquorland Ropes Crossing, dated 20 April 2018.
26. Completed application dated 11 May 2018, along with additional information submitted as part of the Application.
27. Copy of the public consultation site notice, police notice and local consent authority notice dated 11 May 2018.
28. BOCSAR crime hotspot maps for the year to June 2018, indicating the location of the Proposed Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
29. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to June 2017, the rates of:
 - i. alcohol-related domestic assault in Blacktown LGA and Ropes Crossing were 128.3 and 62.9 per 100,000 of population respectively, compared to the NSW average of 114.7,
 - ii. alcohol-related non-domestic assault in Blacktown LGA and Ropes Crossing were 94.7 and 15.7 respectively, compared to the NSW average of 133.0,
 - iii. malicious damage to property in Blacktown LGA and Ropes Crossing were 994.3 and 550.1 respectively, compared to the NSW average of 806.0,
 - iv. alcohol-related offensive conduct in Blacktown LGA and Ropes Crossing were 13.2 and 0 respectively, compared to the NSW average of 45.3,
 - b. for the year to June 2018, the rates of:
 - i. alcohol-related domestic assault in Blacktown LGA and Ropes Crossing were 130.3 and 110.0 per 100,000 of population respectively, compared to the NSW average of 114.0,

- ii. alcohol-related non-domestic assault in Blacktown LGA and Ropes Crossing were 103.9 and 31.4 respectively, compared to the NSW average of 127.3,
 - iii. malicious damage to property in Blacktown LGA and Ropes Crossing were 946.5 and 550.1 respectively, compared to the NSW average of 768.4, and
 - iv. alcohol-related offensive conduct in Blacktown LGA and Ropes Crossing were 12.4 and 0 respectively, compared to the NSW average of 40.3.
30. Submissions from six members of the public objecting to the Application, dated between 30 May and 15 June 2018.
 31. Submission from NSW Police objecting to the Application, dated 4 June 2018.
 32. Submission from Ropes Crossing Church objecting to the Application, dated 12 June 2018.
 33. Submission from Blacktown City Council objecting to the Application, dated 14 June 2018.
 34. Completed certification of Advertising dated 15 June 2018.
 35. Correspondence between L&GNSW staff and the Applicant between 18 June and 14 October 2018 in relation to the assessment of the Application, including response to submissions received.
 36. L&GNSW liquor licensing records as at 1 July 2018 setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in Ropes Crossing suburb, Blacktown LGA and NSW. The density of packaged liquor licences is 34.46 in NSW, 18.40 in Blacktown LGA, and 0 in Ropes Crossing.
 37. L&GNSW liquor licensing records as at 1 July 2018 listing all packaged liquor licences, club licences and full hotel licences in Blacktown LGA, and advice that there are no licensed premises in Ropes Crossing suburb.
 38. Google map images extracted from the Google website on 5 July 2018, showing the location and photos of the Proposed Premises in map view, earth view and street view.
 39. L&GNSW liquor licensing records as at 25 September 2018 setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in Ropes Crossing suburb, Blacktown LGA and NSW. The density of packaged liquor licences is 34.20 in NSW, 18.99 in Blacktown LGA, and 0 in Ropes Crossing.
 40. Submission from NSW Police objecting to the Application, received 26 September 2018.
 41. Submission from Western Sydney Local Health District objecting to the Application, dated 3 October 2018.
 42. *Liquorland Ropes Crossing – Response to Public Hearing and Additional Data*, prepared by Urbis, dated 4 October 2018.
 43. Proposed Premises floorplan indicating the proposed licensed area.
 44. Plan of Management documents for the Proposed Premises, titled Coles Liquor NSW Management Strategies, House Policy for the Responsible Service of Alcohol and Licensing and Safe Trading Booklet.

Schedule 2 – Relevant extracts from the *Liquor Act 2007*

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 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.

11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
 - (a) any licence granted on or after 30 October 2008, and
 - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (the 6-hour closure period).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
 - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the Liquor Legislation Amendment Act 2008) commenced, or
 - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
 - (a) the period as last approved by the Authority, or
 - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
 - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
 - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).
- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the standard trading period means:
 - (a) for any day of the week other than a Sunday:
 - (i) the period from 5 am to midnight, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
 - (b) for a Sunday:
 - (i) the period from 10 am to 10 pm, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the standard trading period for a small bar is the period from noon to midnight on any day of the week.

Note. Small bars are subject to the 6-hour closure period under section 11A.

- (1B) Despite subsection (1) (a), the standard trading period for premises to which this subsection applies ends at 10 pm.
- (1C) Subsection (1B) applies to the following premises or part of premises:
- (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
 - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
 - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
- (a) apply to a specified class of licensed premises, and
 - (b) apply in relation to a specified day or days, and
 - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

29 Authorisation conferred by packaged liquor licence

(1) Retail sales

A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:

- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
- (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.

(2) No retail trading on restricted trading days

Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.

(3) Selling liquor by wholesale or to employees

A packaged liquor licence also authorises the licensee:

- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
- (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.

(3A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.

(4) Tastings

A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:
 - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
 - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section:

general store means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

service station means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

take-away food shop means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
 - (a) an individual, or
 - (b) a corporation, or
 - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the Registered Clubs Act 1976.
- (3) An application for a licence may not be made by:
 - (a) an individual who is under the age of 18 years, or
 - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
 - (c) an individual who is a controlled member of a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012.

Note. Controlled members are prohibited from applying for licences—see section 27 of the Crimes (Criminal Organisations Control) Act 2012.

- (4) An application for a licence must:
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
 - (c) be advertised in accordance with the regulations, and
 - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note. See also section 48 which requires a community impact statement to be provided with certain licence applications.

- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
 - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises 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.

Note. Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
 - (a) that the person:
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of,a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012, and

- (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:
 - (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
 - (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:

relevant application means any of the following:

 - (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
 - (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
 - (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
 - (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
 - (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).
- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
 - (a) development consent is required under the Environmental Planning and Assessment Act 1979 to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
 - (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:
 - (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the Environmental Planning and Assessment Act 1979 to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
 - (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the Registered Clubs Act 1976.
- (4) The community impact statement must:
 - (a) be prepared in accordance with the regulations and any requirements of the Authority, and

- (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.