



Liquor & Gaming NSW

NSW Department of Enterprise Investment and Trade
Liquor & Gaming NSW

Application No.	1-8277156131
Application for	Removal packaged liquor licence
Trading hours	Retail Monday to Thursday 09:00 AM - 09:00 PM Friday to Saturday 09:00 AM - 10:00 PM Sunday: 10:00 AM - 08:00 PM
Applicant	Shahin Sarir
Licence name	Porter's Liquor Beecroft
Premises address	Shop 27, Beecroft Village Arcade, 8 Hannah Street, Beecroft NSW 2119
Issue	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for a Removal packaged liquor licence
Legislation	Section 45(1) of the <i>Liquor Act 2007</i>

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 Enterprise Investment and Trade, has decided to grant the application for a Removal packaged liquor licence, subject to conditions set out at Schedule 1 imposed on the licence.

Decision Date: 28 July 2022

Gabrielle Gallagher
Director, Licensing
Liquor & Gaming NSW
Hospitality and Racing
Delegate of the Independent Liquor & Gaming Authority

STATEMENT OF REASONS

Analysis of application requirements

1. Appropriate consent is in place for the use of the premises as a bottle shop – packaged licence. Council confirms they have no objection to the liquor licence being removed from its current location at shop2, 19 Wongala Crescent, Beecroft, to premises located at shop 27, Beecroft Village Arcade, 8 Hannah Street, Beecroft 2119.
2. Police raise no issues in relation to this application and recommends the imposition of a plan of management condition upon the liquor licence.
3. Compliance has reviewed the application and will not be providing a formal submission.
4. Transport for NSW encourages the licensee to participate in the local liquor accord.
5. No public submissions were received relating to any concerns with the application.
6. I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions contained in the licence document.
7. I am satisfied that the statutory advertising requirements have been met.

Materials considered by the ILGA delegate

Information considered

1. Application form received: 12 May 2022
2. Plan of proposed licensed area: Compliant
3. Certificate of advertising: Compliant
4. Plan of management: Compliant
5. Documents
 - a. National Police Certificate: Not required
 - b. ID: Compliant
 - c. RSA competency card: Compliant
6. Approved Manager: N/A
7. Licensee training: Compliant
8. Development consent: Compliant
9. Correspondence between Liquor & Gaming NSW and the applicant
10. Correspondence from police
11. Correspondence from council
12. Applicant's response to submissions received
13. Applicant's consent to conditions
14. Harm minimisation and community impact data

Analysis of stakeholder submissions

1. NSW Police:
Police had no objections to the application but recommends licence conditions
2. Local consent authority:
Council raises no issues to the removal of the liquor licence
3. Public:
None provided

Overall social impact

1. Positive benefits

The granting of the licence will provide patrons with the convenience of one-stop shopping and will result in continued choice for the residents of Beecroft, and visitors to the area.

2. Mitigation of potential negative impacts

I am satisfied that the granting of the liquor licence, with the conditions imposed, will ensure that the lawful operation of the premises will not be detrimental to the local or broader community.

Conclusion

1. I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to grant the application. All of those required to be notified of the application were provided with the opportunity to make written submissions in line with sections 44 and 48(4) of the *Liquor Act 2007* and clause 30 of the Liquor Regulation 2018. All submissions received were considered and helped inform this decision. The decision was made by the delegate having reviewed the application statement, business model and risk analysis, stakeholder submissions and other relevant material.
2. In accordance with section 45(3)(a) of the Liquor Act 2007 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 Liquor Act 2007, I am satisfied of the following. 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 Liquor Act 2007 in regard to 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. Accordingly, I have determined to grant the liquor licence application with conditions as set out at Schedule 1.

Relevant extracts from the Liquor Act 2007

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:

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,
 - d. the need to support employment and other opportunities in the—
 - i. live music industry, and
 - ii. arts, tourism, community and cultural sectors.

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.
 - d. the proposed approved manager/licensee has completed the relevant tiered industry training as per legislative requirements.

Community impact test

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.

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.

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.

Important Information

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2016, 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. In the case of the applicant, the fee payable is the fee applying to the original application. In all other cases, the fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the [Liquor and Gaming Application Noticeboard](#). The Review Application form can be accessed online via the make a submission button.

Further information can be obtained from the [Reviews of liquor and gaming decisions](#) page on the Liquor & Gaming website.

Schedule 1

Conditions considered by the ILGA delegate

All requests to impose conditions on the licence are reviewed on a case by case basis and a merit-based assessment is conducted.

In considering whether a proposed condition has merit, delegates consider:

- whether the need for the condition has been adequately established
- whether the benefits of imposing the condition are likely to outweigh the costs and
- whether the proposed condition is proportionate to the potential harm identified.

Porter's Liquor Beecroft

Licence conditions to be imposed	Details
Retail closure period	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 03:00 AM and 9:00 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.
Retail sales	Good Friday: Not permitted December 24th: Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight on a Sunday Christmas Day: Not permitted December 31st: Normal trading
Social impact (removal)	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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at Shop 27, Beecroft Village Arcade, 8 Hannah Street, Beecroft NSW 2119.
Participation in the local liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated April 2022, as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
CCTV	1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements: a. the system must record continuously from opening time until one hour after the premises is required to close, b. recordings must be in digital format and at a minimum of ten (10) frames per second,

	<p>c. any recorded image must specify the time and date of the recorded image,</p> <p>d. the system's cameras must cover the following areas:</p> <ul style="list-style-type: none"> i all entry and exit points on the premises, and ii all publicly accessible areas (other than toilets) within the premises. <p>2. The licensee must also:</p> <p>a. keep all recordings made by the CCTV system for at least 30 days,</p> <p>b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</p>
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Proposed conditions not imposed on the licence	Proposed by	Reason
<p>Restricted trading on public holidays</p> <p>The sale and supply of liquor at the licensed premises must cease by 8:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.</p>	Case manager	The hours permitted under the relevant development consent aligns with those sought to be endorsed on the licence.