



Mr Sherif Amir Mouakkassa
Thomson Greer Lawyers

By email to: smouakkassa@tglaw.com.au

22 November 2023

Dear Mr Mouakkassa

Application No.	APP-0009808969
Applicant	The Croatian Club Limited
Application for	New club licence with non-restricted area authorisation and club functions authorisation
Licence name	The Concord Community Club
Trading hours	Consumption on premises: Monday 11:00 AM – 10:00 PM Tuesday to Thursday 11:00 AM – 11:00 PM Friday to Saturday 11:00 AM – 12:00 midnight Sunday 11:00 AM – 10:00 PM Take away: Monday 11:00 AM – 10:00 PM Tuesday to Thursday 11:00 AM – 11:00 PM Friday to Saturday 11:00 AM – 12:00 midnight Sunday 11:00 AM – 10:00 PM
Premises	1 Nullawarra Avenue Concord NSW 2137
Legislation	Sections 3, 11A, 12, 18, 19, 20, 40, 44, 45, 48 and 66 of the <i>Liquor Act 2007</i> (Liquor Act) Sections 10, 22 and 23 of the <i>Registered Clubs Act 1976</i> (Registered Clubs Act)

**Decision of the Independent Liquor & Gaming Authority
Application for a new club licence with non-restricted area authorisation and club functions
authorisation – The Concord Community Club**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 15 March 2023 to **approve** the application under section 45 of the *Liquor Act 2007* with the conditions set out in Schedule 1.

Preliminary advice of this decision was provided on 22 May 2023.

Statement of reasons

Overall, we are satisfied the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Liquor Act's requirements for procedural fairness and the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 18 of the Liquor Act in respect of trading and 6-hour closure periods.
- the Community Impact Statement (CIS) meets the relevant requirements.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates. Law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Canada Bay LGA approved the development application Ref: DA2022/0223 on 6 December 2022.

Community impact

Local and broader communities

The relevant local community is the suburb of Concord, and the relevant broader community comprises the Local Government Area of Canada Bay.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Concord shows:

- there are 25 authorised liquor licenses, of which 8 are authorised to sell packaged liquor (comprised of: 3 packaged liquor licences, 4 registered club licences and 1 hotel licence)
- saturation of club licences in Concord is higher compared to both the Canada Bay LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data available shows:

- the premises are not located in a hotspot for all crime categories usually considered by the Authority
- the incident rate for Concord and the Canada Bay LGA for all crime categories considered by the Authority was low compared with all of NSW.

Alcohol-related health data (per 100,000 residents)

Health Stats NSW data available for Canada Bay LGA (2019/20 – 2020/21) shows:

- alcohol-related deaths were lower compared to all of NSW
- alcohol-related hospitalisations were higher compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

Concord and the Canada Bay LGA were ranked as relatively advantaged in terms of household income and residents in skilled occupations compared with other suburbs and LGAs (Local Government Area) in NSW.

Business model

The proposed business model involves a new club licence with an associated club functions authorisation (CFA) and a non-restricted area authorisation (NRAA) for members of the Croatian Club Limited. The venue is family-oriented with dedicated play areas.

Benefits proposed by the applicant

The applicant proposed that the trading hours for the new club licence would be fewer than the standard hours permitted for a club licence. The club previously operating at the premises traded longer hours.

Stakeholder submissions

We considered the following submissions:

NSW Police – did not object but recommended conditions be imposed on the licence to mitigate noise disturbance.

City of Canada Bay Council - raised no concerns.

L&GNSW Compliance – recommended staff training and specific measures be introduced into the plan of management to mitigate intoxication and alcohol related harm and conditions be imposed on the licence.

Transport for NSW – requested the applicant remain aware of local alcohol-related issues affecting the community; participate in the local liquor accord and have educational material available at the premises about drink-driving prevention, pedestrian safety and transport options.

General public – one objection was received, noting that the premises was in a dense residential area and the operating hours should be reduced to 08:00 PM to mitigate noise or disturbance from intoxicated patrons. The public objector also suggested that the patron capacity be reduced to 200 because the carpark could not accommodate the larger number of patrons. Five submissions were received in support of the application.

Applicant's submissions in response

We considered the applicant's response in reply:

The applicant contended they had made the requested amendments to the liquor plan of management; consented to the recommended conditions; agreed to become a member of the liquor accord and to establish a complaints process for residents.

Findings of concern and mitigation

There is a slightly higher saturation of club licences in Concord compared to all of NSW and a higher rate of alcohol-attributable hospitalisations in the Canada Bay LGA compared to all of NSW.

We are satisfied the risks are adequately mitigated by the following factors:

- whilst there were no agency objections, the applicant agreed to all the changes suggested by agency stakeholders
- the venue is not located in any crime density hotspots and the crime rates across all categories are lower in both Concord and the Canada Bay LGA compared to all of NSW
- there is a lower rate of alcohol-attributable deaths in the Canada Bay LGA compared to all of NSW.

Material considered

We considered all the material we received about the application, including:

Application material

- completed application dated 2 March 2022
- completed Category B Community Impact Statement (CIS) dated 31 January 2022
- completed certifications of advertising dated 02 March 2022
- plan of management documents for the premises dated 23 December 2022
- ASIC business records for the applicant and associated companies
- floor plan for the premises, dated July 2022, indicating the proposed licensed area / liquor sales area / area to which the ETA will apply
- data published by the Bureau of Crime Statistics and Research (BOCSAR), the NSW Department of Health, the Australian Bureau of Statistics (ABS) and relevant L&GNSW liquor licensing records.

Submissions

- NSW Police – 15 December 2022
- Canada Bay LGA – 6 December 2022
- L&GNSW Compliance – 19 July 2022
- Transport for NSW – 22 December 2021
- general public – undated.

Other relevant material

- Google map images extracted from the Google website showing the location and photos of the premises in map view
- correspondence between L&GNSW staff and the applicant between 11 March 2022 and 22 February 2023 in relation to the assessment of the application.

The law that applies

These sections of the *Liquor Act 2007* apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations
- Sections 11A: Special licence condition – 6-hour closure period for licensed premises
- Section 12: Standard trading period for certain licenced premises; Section 18: Licence authorisation and business model
- Section 19: Club licence – general provisions
- Section 20: Club licence – miscellaneous condition
- Section 40: Minimum requirements to apply for a liquor licence
- Section 44: Submissions to Authority in relation to licence applications
- Section 45: Criteria for granting a liquor licence
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including

- making sure that it will not harm the local or wider community's well-being
- Section 66: Appointment of managers.

These sections of the *Registered Clubs Act 1976* apply to this application:

- Section 10: Requirements to be met by clubs
- Section 22: Non-restricted areas
- Section 23: Functions on club premises.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you are not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to apply.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the [NCAT website](#).

If you have any questions

Please contact the case manager, leonie.jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed

The Concord Community Club

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 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 Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 st 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 after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3.	Take away sales	Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday.
4.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing 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 obtaining this licence.
5.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 23 December 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.
6.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	CCTV	<ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times) (b) recordings must be in digital format and at a minimum of ten (10) frames per second (c) any recorded image must specify the time and date of the recorded image (d) the system's cameras must cover the following areas: <ol style="list-style-type: none"> (i) all entry and exit points on the premises (ii) the footpath immediately adjacent to the premises

		<p>(iii) all publicly accessible areas (other than toilets) within the premises.</p> <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 clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage.</p> <p>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>
8.	Club Functions	Club Functions Authorisation: whole of the licensed premises excluding gaming room.
9.	Non-Restricted Area	Non-Restricted Area Authorisation: whole of the licensed premises excluding gaming room.