

LICENCE DETAILS

Application No.	APP-0010755836
Application type	On-premises liquor licence for catering service with Club activity and support
Trading hours	Monday 10:00 AM to 12:00 AM Sunday 10:00 AM to 10:00 PM
Applicant	LONG REEF SURF LIFE SAVING CLUB INC
Licence name	LONG REEF SURF LIFE SAVING CLUB
Premises address	LONG REEF SURF LIFE SAVING CLUB, PITTWATER RD, COLLARROY, NSW 2097 AUSTRALIA
Matter	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for an on-premises liquor licence for catering service with Club activity and support.
Legislation	Section 45(1) of the <i>Liquor Act 2007</i>
Decision details	Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the <i>Gaming and Liquor Administration Act 2007</i> , a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW, Department of Enterprise Investment and Trade, has decided to grant the application for an on-premises liquor licence, subject to conditions set out at Schedule 1 imposed on the licence.
Decision date	6/07/2023
Delegate details	

Zof El Hussein, A/ Team Leader
Liquor and Gaming NSW
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 on-premises licence – catering service. Council advised that they have no objection to the liquor licence.
2. A Police submission was received and considered as summarised at submission analysis below.
3. No public submissions were received relating to any issues with the application
4. I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions imposed in the licence document.
5. I am satisfied that the statutory advertising requirements have been met.

MATERIALS CONSIDERED BY THE ILGA DELEGATE

Information considered

1. Application form received: 01 December 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: Not required
 - c) RSA competency card: Compliant
6. Approved Manager: Condition added
7. Licensee training: Condition added
8. Development consent: Compliant – Compliant
9. Correspondence between Liquor & Gaming NSW and the applicant
10. Correspondence from Police- Received
11. Correspondence from Council- Received
12. Applicant's response to submissions - Received
13. Applicant's consent to conditions - Received

Analysis of stakeholder submissions

1. NSW Police:
2. Police had no objections to the application, and they recommended conditions are considered in Schedule 1.
3. Local consent authority:
Council support liquor licence over the existing lease area
4. Public:
Not provided

OVERALL SOCIAL IMPACT

1. Positive benefits

The licensee may host a variety of events which may on occasion be organised in tandem with local community groups. The majority of instances where the licence will relate to functions and events associated with the club and its members.

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 and 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 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. This determination may be informed by submissions from the NSWPF, submissions from L&GNSW Compliance about an applicant's compliance history, the results of National Criminal Record History Checks (as contained in National Police Certificates), and internet checks conducted by the assessor making the determination.
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 will be 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 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.

Applications for review of ILGA delegated decisions, can be made 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.

(LONG REEF SURF LIFE SAVING CLUB INC)

Licence condition to be imposed	Licence condition details
Restricted trading & NYE (airport, catering - std)	Consumption on premises Good Friday Normal trading Christmas Day Normal trading December 31 st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later.
6-hour closure period	Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours (known as the 6-hour closure period). The 6-hour closure period is 04:00 AM to 10:00 AM each day, or as determined by the Independent Liquor & Gaming Authority (ILGA). During the 6-hour closure period, the licensed premises are not authorised to stay open for the retail sale of liquor on the premises. This condition only applies to: <ul style="list-style-type: none"> - an on-premises licence granted on or after 30 October 2008 - an on-premises licence in force before 30 October 2008, but only where an extended trading authorisation was granted for the licence on or after 30 October 2008 and is in force
Restricted trading & NYE (except airport, catering, other public entertainment venue, vessel - std)	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 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 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.
Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated January 2023 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor & Gaming Authority.

Licence condition to be imposed	Licence condition details
The licensee	The licensee/approved manager or a delegate of the licensee/approved manager must be present when the venue is being hired for any function/event not connected to the club's activities at which the licence is being exercised.
Approved manger	The licence cannot be exercised unless an individual has been appointed by Liquor and Gaming NSW as approved manager to exercise the liquor licence or the licence is transferred to a suitably qualified individual.
Licensee condition	Licensee training must be completed by the approved manager (or individual licensee, if applicable) prior to the liquor licence being exercised.
Crime scene preservation condition	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>

Proposed condition not imposed on the licence	Proposed by	Reason code (see 'List of reasons and codes for not imposing requested conditions' below this table)
No rapid consumption drinks The following drinks must not be sold or supplied on the licensed premises: Any drink (commonly referred to as a "shot" or a "shooter", (with the exception of cocktails) that contains more than 30 ml of spirits or liqueur and that is designed to be consumed rapidly	Police	C
The Boundary of the licensed premise be clearly delineated by way of a fence to ensure patrons and the public are aware of the boundary and remain in that area.	Police	C
No alcohol is to be taken off the licensed boundary	Police	D

<p>CCTV footage on premises: The Licensee shall maintain a CCTV system that meets the following minimum requirements:</p> <ol style="list-style-type: none"> 1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when: <ol style="list-style-type: none"> a. the person represents not less than 100% of the screen height, and b. there is an unobstructed view of the person's face. 2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas: <ol style="list-style-type: none"> a. all other public entrances and exits, whether or not in use at the time, b. staircases, c. all portions of the floor area accessible to the public where entertainment is provided, d. toilet external entrances, e. all public accessible areas within the premise excluding toilets and accommodation rooms, f. the footpath area directly adjacent to the premises, and g. courtyard and smoking areas. 3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when: <ol style="list-style-type: none"> a. the person represents not less than 50% of screen height, and b. there is an unobstructed view of the person's face. 4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments. 5) Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors. 6) Recordings must: <ol style="list-style-type: none"> a. be in digital format, b. record at a minimum of ten (10) frames per second, and c. commence one hour prior to opening and operate continuously until at least one hour after closing. 7) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area. 8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period. 9) When the venue is open and trading, at least one person shall be at the venue that is capable of 		E
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Proposed condition not imposed on the licence	Proposed by	Reason code (see 'List of reasons and codes for not imposing requested conditions' below this table)
<p>accessing the CCTV system and is able to immediately review recordings and produce copies.</p> <p>10) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, Liquor and Gaming NSW Inspectors or other regulatory officers upon request.</p> <p>11) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, OLGR Inspectors or other regulatory officers.</p> <p>12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Police Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.</p>		
The licensee must join and be an active participant in the local liquor accord.	Police	C
<p>Smoke-Free Environment Legislation</p> <p>The use and operation of the premises is to comply with the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2000. Guidance may also be obtained from the NSW Health Department (to ensure that smoking is not permitted on premise).</p>	Police	C
The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor seating areas.	Police	C
The licensee must ensure that an incident register is kept on the premises and; - any incident involving any staff member and/or security personnel; - the physical contact and/or physical restraint; - the ejection of a member of the public from the premises; - or when a patron, staff member or security personnel is injured as a result of an assault; is recorded in this register. - The licensee must ensure the incident register recorded the full names of the staff involved in the incident and produce the register immediately upon request by members of the NSW Police Force, or authorised officers of Liquor and Gaming NSW.	Police	C

List of reasons and codes for not imposing requested conditions

- A** Already covered by the *Liquor Act 2007*.
- B** Already a condition in the development consent.
- C** Not a relevant condition for this licence type. Condition sought is generally only imposed on high-risk licence type or in exceptional circumstances. Exceptional circumstances have not been proposed by the person putting forward the condition.

- D** Already covered in the plan of management. Plan of management condition has been imposed.
- E** Not aligned with the business type and would impose disproportionate unnecessary financial and operational burden.
- F** Being part of a liquor accord is on a voluntary basis only. Exceptional circumstances have not been proposed by the person putting forward the condition.
- G** ILGA/L&GNSW condition wording has been imposed.