



Mr Ray Travers
Managing Partner
Piggott Stinson Lawyers
r.travers@pigott.com.au

16 December 2019

Dear Mr Travers

Application No.	1-7510820719
Applicant	New South Wales Harness Racing Club
Application for	Club licence with club functions and non restricted area authorisations
Licence name	Menangle Country Club
Premises	170 Menangle Road Menangle Park NSW 2563
Trading hours	<u>Consumption on premises</u> Monday to Thursday 10:00 am – 10:00 pm Friday and Saturday 10:00 am – 12 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Saturday 10:00 am – 9:59 pm Sunday 10:00 am – 10:00 pm
Legislation	Sections 3, 11A, 12, 18, 19, 20, 40, 45 and 48 of the <i>Liquor Act 2007</i> Sections 10, 22, 23 and 23A of the <i>Registered Clubs Act 1976</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a club licence with club functions and non restricted area authorisations
Menangle Country Club**

The Independent Liquor & Gaming Authority considered the applications above, and decided on 11 December 2019 to **approve** the application under section 45 of the *Liquor Act 2007* and sections 22 and 23 of the *Registered Clubs Act 1976*, subject to imposing conditions as set out in Schedule 1.

Concise statement of reasons

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

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

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

Yours faithfully



Murray Smith
Deputy Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

Concise statement of reasons

Key facts

Application No.	1-7510820719
Applicant	New South Wales Harness Racing Club
Application for	Club licence with club functions and non restricted area authorisations
Licence name	Menangle Country Club
Premises	170 Menangle Road Menangle Park NSW 2563
Trading hours	<u>Consumption on premises</u> Monday to Thursday 10:00 am – 10:00 pm Friday and Saturday 10:00 am – 12 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Saturday 10:00 am – 9:59 pm Sunday 10:00 am – 10:00 pm
Application date	23 September 2019
Decision	Approved under section 45 of the <i>Liquor Act 2007</i> and sections 22 and 23 of the <i>Registered Clubs Act 1976</i>
Decision date	11 December 2019

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category B community impact statement;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007* and the *Registered Clubs Act 1976* and the associated clauses of the Liquor Regulation 2018 and the Registered Clubs Regulation 2015:

Liquor Act 2007

- Section 3: Statutory objects of the Act and relevant considerations.
- Section 11A: The mandatory 6 hour period during which liquor cannot be sold.
- Section 12: The standard trading period for licensed premises, including clubs.
- Sections 18-20: Provisions specific to a club licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.

- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Registered Clubs Act 1976

- Section 10: Requirements to be met by clubs.
- Section 22: Provisions applying to non-restricted areas authorisations.
- Section 23: Provisions applying to functions on club premises authorisations.
- Section 23A: General provisions applying to authorisations.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Menangle Park, and the broader community is the Local Government Area of Campbelltown.

Positive social impacts

The Authority notes that the local community is undergoing substantial development, and that the anticipated population growth would likely create more demand for liquor.

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of quality food, entertainment and hospitality services, and increased liquor access, choice and convenience.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- large scale of the premises
- higher than state average density of club licences in the local community, although the Authority considers that this high density figure is attributable to the small population recorded for the suburb
- moderately higher than state average crime rates for alcohol related domestic-assault, and malicious damage to property in the broader community
- higher than state average level of alcohol-attributable deaths in the broader community
- relative socio-economic disadvantage in the local community.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- relatively moderate licensed trading hours
- lower than state average density of liquor licences in the broader community
- lower than state average level of alcohol-attributable hospitalisations in the broader community
- absence of any objections from agency stakeholders or members of the community
- experience of the applicant as an operator of licensed premises
- harm minimisation measures set out in the plan of management and licence conditions.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the *Liquor Act 2007* and sections 22 and 23 of the *Registered Clubs Act 1976*.



Murray Smith
Deputy Chairperson

Schedule 1 – Licence conditions to be imposed Menangle Country Club

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 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. Restricted trading & NYE
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 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. Restricted trading & NYE
Take away sales

Good Friday	Not permitted
Christmas Day	Not permitted
December 31 st	Normal trading
4. 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. The premises is to be operated at all times in accordance with the Plan of Management dated 20 November 2019 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 and Gaming Authority.
6. The licensee or its representative must join and be an active participant in the local liquor accord.
7. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on 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 (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 six (6) 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:
 - (i) all entry and exit points to the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (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, and
 - (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.

8. Incident register

- 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
 - a) any incident involving violence or anti-social behaviour occurring on the premises,
 - b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
 - c) any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,
 - d) any incident that results in a patron of the premises requiring medical assistance.
- 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:
 - a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and
 - b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.
- 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

9. 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:

- 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.

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 (e.g. crowd controller or bouncer) on or about the premises.

10. Non-Restricted Area Authorisation: whole of the licensed premises excluding bar area and gaming machines area.
11. Club Functions Authorisation: Function area.