



Mr George Smith
Design Collaborative Pty Limited
Level 3
225 Clarence Street
SYDNEY NSW 2000

Dear Mr Smith

**Application for Removal of Packaged Liquor Licence
HARRY'S LIQUOR – PLUMPTON**

I am writing to you about an application made by your client, Hassy Investments Pty Limited, to the Independent Liquor and Gaming Authority on 19 February 2015 in respect of a removal of a packaged liquor licence from Harry's Liquor, at 103 Railway Terrace, Schofields to premises at Corner of Bottles Road and Rooty Hill Road North, Plumpton.

As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Manager of Licensing the power to grant certain liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold, enabling the matter to be determined under delegation.

The Application was considered by the Delegate who decided on 19 June 2015 to *approve* the Application pursuant to section 59 of the Act. The decision was advised to you informally in an email from Authority staff dated 19 June 2015.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those types of decisions prescribed by clause 6 of the *Gaming and Liquor Administration Regulation 2008*. This letter attaches the statement of reasons for the Delegate's decision to grant the Application. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

The detailed conditions subject to which the licence is granted will be set out in the OneGov record of the liquor licence, to be provided separately by Authority staff.

If you have any enquiries about this decision, please contact the case manager, Ms Trudy Tafea via email at trudy.tafea@ilga.nsw.gov.au.

Yours faithfully

Micheil Brodie
Chief Executive

- 2 SEP 2015

STATEMENT OF REASONS

INTRODUCTION

1. On 19 February 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) made by Hassy Investments Pty Limited (Applicant).
2. The Application seeks to remove the licence from its present location at 103 Railway Terrace, Schofields (Current Premises) to the Corner of Bottles Road and Rooty Hill Road North, Plumpton (Proposed Premises). Once removed, the licenced business will continue to be known as "Harry's Liquor".
3. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Manager of Licensing (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold, enabling the matter to be determined under delegation.

The Application as amended has been granted with the following licensed trading hours:

Monday to Wednesday	9:00am to 8:00pm
Thursday	9:00am to 9:00pm
Friday and Saturday	9:00am to 8:00pm
Sunday	10:00am to 7:00pm.

4. The Application Form 6-hour daily closure period required by section 11A of the Act has been fixed at between 3:00 am and 9:00 am.

MATERIAL BEFORE THE DELEGATE

5. Application Form for Packaged Liquor Licence Removal and Community Impact Statement (CIS) filed with the Authority on 19 February 2015: In the Application form, the Applicant submits that development consent is not required by reason that the Proposed Premises "...have been operating as a liquor store since 1998". The Applicant submits that the Application is being made "...to allow the purpose built premises to continue to operate as a liquor store after Woolworths Limited has elected not to renew its lease" of the Proposed Premises. The Applicant intends to "...operate in the same manner as previously subject to a Plan of Management approved by the Mt Druitt LAC" (Local Area Command of NSW Police).
6. The Application proposes that the licensed trading hours of the Proposed Premises will be between 10:00am and 10:00pm Monday through Sunday with a 6-hour closure period fixed for the purposes of section 11A of the Act from 12:00 midnight to 6:00am.
7. The various contentions and submissions made by the Applicant in the CIS document regarding the overall social impact of granting the Application are discussed in further detail below.
8. Plan of the Premises: being a one page document showing the proposed licenced area and the layout of the shop front of the Proposed Premises.
9. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Council and the site notice placed on the Proposed Premises.

10. Certification of Advertising signed and dated by the Applicant on 3 June 2015 and by the Applicant's consultant, Design Collaborative Pty Limited on 4 June 2015.
11. List of Stakeholders located near the Proposed Premises who were notified by the Applicant.
12. Geographical Maps: being a two page document. Page one shows where the Proposed Premises is located in regards to the State Suburb boundary. The Second Page shows the Proposed Premises location in regard to the 100m radius from the Proposed Premises, the notified properties and neighbouring Council Land.
13. Table of Data: containing "...pertinent characteristics of the populations of the State Suburbs of Plumpton, the City of Blacktown and NSW recorded at the 2011 Census". The Applicant has used this data to contend that the location of the Proposed Premises is within an area exhibiting "...the characteristics of an aspirational community: immigrants, working hard, buying their homes".
14. Submission from NSW Roads and Maritime Services (RMS) dated 28 November 2014: This letter, presents statistics contending that within the Blacktown Local Government Area (LGA) during 2012, there was 55 alcohol-related crashes, resulting in 37 casualties, including one fatality. The submission includes the recommendation that during the approval process, measures preventing the "...likelihood of alcohol involvement in road crashes in the Plumpton area should be discussed". RMS recommend that if the Application is approved that the Applicant maintain awareness of local alcohol-related issues; that the Applicant attend the LGA's Liquor accord and that public education material focusing on drink driving and pedestrian-alcohol issues be supported and displayed within the premises.
15. RMS recommends that when there are "...customers buying large quantities of alcohol for a party or social event", bottle shop staff could draw attention to the safe party kit available on the police website or suggest contacting the local police. Alternatively, RMS suggest that the Proposed Premises display a list of tips for people hosting social events containing suggestions that customers ensure that guests have a transport option to get home safely or access to details for taxi and public transport options; that non-drinking guests are encouraged to provide lifts for those who are, that low alcohol and soft drinks are available as an alternative; that food is offered; and that guests are prevented from being pressured into continuing to drink alcohol.
16. Submission from Blacktown City Council (Council) dated 18 February 2015: This letter states that Council raises no objections to the Application to remove the packaged liquor licence to the Proposed Premises.
17. Email submission from Senior Constable (Licensing) Bruce Havord of The Mt Druitt Local Area Command (LAC) of NSW Police to the Authority dated 4 February 2015: In this email, Police submit that there is "...little room to move in relation to any objection" as a result of a bottle shop already being at the Proposed Premises and that current statistics show minimal impact on the nearby community. Police request that a venue management plan indicating all the current safety requirements Woollies has maintained will continue and contend that they have no issue with the draft management plan.
18. Submission from Senior Constable (Licensing) Bruce Havord of The Mt Druitt Local Area Command (LAC) of NSW Police to the Authority dated 19 February 2015: In this letter, Police acknowledge that the Application involves the current BWS license getting re-defined to a small part of the current store, making it dormant until such time as a new

location is found, and the subsequent move of the above licence by Hassy Investments into the location.

19. Police contend minimal grounds for a full objection could be laid in relation to this matter. However, Police note that there were recent security concerns in respect of the Proposed Premises and the previous tenants, BWS, had installed various security measures including CCTV cameras and DNA Data Spray. The Police request these security measures be maintained by the Applicant and that such measures be tabled in a Security Management Plan and reviewed prior to any decision on this Application. Police state that they have reviewed the draft copy of the Security Management Plan for the Proposed Premises and acknowledge that it meets the current requirements that they seek.
20. In this letter, Police state that there are no objections to this Application provided that the "...same security provisions are maintained and confirmed in the relevant security management plan that is tabled with this application".
21. Report to Authority dated 10 March 2015 from a delegate of the (then) Secretary of NSW Trade and Investment (Secretary) via the Compliance and Enforcement Division of OLGR: This document notes that the Application was assessed using the Automated Liquor Application Risk Matrix (ALARM) and was categorised as lower risk. OLGR did not provide a specific comment and noted that it does not intend to carry out further assessment. Authority staff advised OLGR that this automatic report had been generated in relation to the Schofields (Current Premises) and not the Proposed Premises, but OLGR did not follow up with a further ALARM report for the Proposed Premises.
22. Email from Mr G Smith (Design Collaborative) on behalf of the Applicant dated 5 June 2015 at 10:31AM: This document responds to the Email from Authority staff dated 3 June 2015 and advises that the Applicant accepts the proposed conditions. Design Collaborative submit that the Applicant is simply "...re-opening the former BWS store, using the existing fittings and equipment" and could therefore commence trading "...very shortly after it receives the formal notice of the outcome of the Application". Design Collaborative advise that the commencement of trading will depend on the date on which the Application is approved.
23. Attached to this email are the Plan of Management for the Proposed Premises and a Certificate of Advertising signed by the Applicant and Design Collaborative. The email does not make comment on the feedback from Police or Council, however, contends that the Plan of Management was developed to ensure the requirements of Senior Constable Havord were met.
24. Plan of Management for Harry's Liquor-Plumpton dated June 2015: This six page document states that its purpose is to ensure compliance with the responsible service provisions of the *Liquor Act 2007* and to reduce the potential of criminal offences at the Proposed Premises.
25. The document outlines a plan for responsible service which outlines that liquor will not be sold to a minor; that all customers appearing to be under the age of 25 will be required to produce proof of age before being served; that liquor will not be sold to any person showing signs of intoxication; that liquor will not be sold to any person reasonably suspected to be purchasing liquor for the purpose of secondary supply to a minor or intoxicated person; that liquor shall not be consumed on the premises except for organised tastings or consumption by staff with authorization from a manager; and that a licensed security person will be on duty around the Proposed Premises for the last four hours of trading each evening.

26. The Plan of Management also outlines an extensive CCTV system which includes twelve cameras maintained in working order at all times the Proposed Premises are open for trade and for, at least, 30 minutes before opening and after closing. Four cameras will be mounted outside covering the Proposed Premises including the car park. The CCTV system will be comprised of equipment that is of high grade quality and capable of identifying customers and number plates of vehicles. The Plan Of Management outlines *inter alia* that all reasonable measures will be taken to rectify malfunctions; that images captured will not be destroyed for, at least 30 days; that upon request Police will have access to the images captured; that staff at the serving counter will be able to see a screen showing real time images from all CCTV cameras; and that signs will be displayed indicating CCTV surveillance is installed and operating.
27. The Plan of Management states that the existing "DNA spray system", *Intellisafe* and steel picket fencing shall be maintained. The document notes that the gate to the car park will be locked when the Proposed Premises are unattended and the perimeter shrubbery shall be kept trimmed to avoid obscuring CCTV camera coverage.
28. Plan of CCTV Cameras: This document outlines the location of the CCTV Cameras surrounding the Proposed Premises.
29. Google Maps image and data showing that driving distance between the Current Premises and Proposed Premises is 9.6km or 13 minutes.
30. BOCSAR Crime Maps based upon data from January 2014 to December 2014 detailing hotspots of offences for the location of the Proposed Premises: This data obtained from published BOCSAR sources shows the immediate location surrounding the Proposed Premises at Corner of Bottles Road and Rooty Hill Road North, Plumpton, has had no incidents of *non-domestic assault*. The data indicates that the Proposed Premises is located on the outskirts of a low density area for incidents of *malicious damage to property*, however, it is located in the centre of a high density area for incidents of *domestic assault*.
31. Authority licensing records indicating the addresses of other liquor licenced premises in the suburbs of Plumpton, Rooty Hill, Glendenning, Doonside and Hebersham.
32. Authority Key Liquor licence details recorded indicating the licence held by Harry's Liquor for the *Current Premises* as of 2 June 2015.
33. Authority liquor licensing data: This data records that the Blacktown Local Government Area (LGA) had a rate of 4.32 *packaged liquor licences* per 100,000 persons, while the postcode 2761 (Plumpton, Colebee, Dean Park, Glendenning, Hassall Grove, Oakhurst) had a rate of 14.43. The postcode 2762 for Schofields had a rate of 104.82 per 100,000 persons. (The Delegate notes that Schofields has a low population that may tend to skew the licence density figures in this respect).
34. The statistics for packaged liquor licences in Plumpton and Blacktown LGA are significantly lower than the NSW state average of 32.85. The rate for packaged liquor licences in Schofields by comparison is remarkably higher than the rate for the postcode of Plumpton, Blacktown LGA and the NSW State average.
35. The licensing data indicate that postcode 2761 (Plumpton) and the Blacktown LGA have lower rates of *club licences, full hotel licences, on premises licences and wholesaler licences* per 100,000 persons when compared to the NSW state average. Postcode 2761 (which incorporates Plumpton, Colebee, Dean Park, Glendenning, Hassall Grove and Oakhurst) has a total of two *packaged liquor licences*.

36. BOCSAR Report on *Crime by LGA and Alcohol Related Status* for calendar year 2013. According to data sourced from BOCSAR before the Delegate, the rate of recorded *domestic violence related assault* incidents in which alcohol was flagged by reporting Police as a contributing factor across the Blacktown LGA was 163 per 100,000 persons, which is higher than the NSW state average of 145 per 100,000 persons. The rate of *non-domestic violence related assault* incidents flagged by reporting Police as alcohol related in the Blacktown LGA for 2013 was 139, lower than the rate for NSW of 191. The rate of *offensive conduct* offences flagged by reporting Police as alcohol related in this LGA was 14 per 100,000 persons, which is significantly lower than the NSW rate of 83. The rate of *assault police* incidents flagged by reporting Police as alcohol related in this LGA was 19, which is below the NSW rate of 24. The data before the Delegate sourced from BOCSAR indicates that rate of alcohol related *malicious damage to property* in the Blacktown LGA is 115, which is lower than the NSW rate of 122.
37. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS): ABS data indicates that the state suburb of Plumpton ranked in the sixth decile by comparison to other suburbs in NSW, while the Blacktown LGA as a whole ranked in the seventh decile by comparison to other local government areas within the State on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

LEGISLATION

38. An application for the removal of an existing packaged liquor licence from its current location to another location is made under section 59 of the Act. Pursuant to section 59(3) of the Act, an application for approval to remove a licence to another premises, is to be dealt with and determined by the Authority as if it were an application for the granting of a licence in respect of those other premises. Accordingly, the provisions of Division 1 of the Act, in particular, extend to an application for the removal of a licence to other premises as if it were an application for a licence.
39. Section 59 of the Act states:
- 59 *Removal of licence to other premises*
- (1) *A licensee may apply to the Authority for approval to remove the licence to premises other than those specified in the licence.*
 - (2) *An application for approval to remove a licence to other premises 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.*
 - (3) *An application for approval to remove a licence to other premises is to be dealt with and determined by the Authority as if it were an application for the granting of a licence in respect of those other premises. Accordingly, the provisions of Division 1, in particular, extend to an application for the removal of a licence to other premises as if it were an application for a licence.*
 - (4) *The Authority may refuse an application for approval to remove a hotel licence if the Authority is satisfied that the removal of the licence would adversely affect the interest of the owner or a lessee or mortgagee of the premises from which it is proposed to remove the hotel licence, or a sublessee from a lessee or sublessee of those premises.*
 - (5) *The Authority must refuse an application for approval to remove a licence unless the Authority is satisfied that:*
 - (a) *practices will, as soon as the removal of the licence takes effect, be in place at the premises to which the licence is proposed to be removed that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on those premises and that all reasonable steps are taken to prevent intoxication on those premises, and*

- (b) *those practices will remain in place.*
- (6) *The regulations may provide additional mandatory or discretionary grounds for refusing to approve the removal of a licence.*
- (7) *The approval to remove a licence to other premises takes effect:*
 - (a) *on payment to the Authority of the fee prescribed by the regulations, and*
 - (b) *when the Authority endorses the licence to the effect that those other premises are the premises to which the licence relates.*

40. Division 5 of the Act concerns packaged liquor licences and includes the following provisions:

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).*

41. Pursuant to section 59(3) of the Act, removal of packaged liquor licences are treated similar to granting a new packaged liquor licence. The power to grant a new liquor licence is provided by section 45 of the Act, which states, relevantly:

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) *...*
- (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.*
- (4) *...*
- (5) *...*
- (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.*

42. Under section 48(5) of the Act, the Authority *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 regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted *will not be detrimental* to the local or broader community.

43. Section 48(5) of the Act states:

48 *Community impact*

- (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.*

44. An application for the removal of a packaged liquor licence is a type of licence prescribed by section 48(2)(b).

45. In determining the Application, the Delegate has also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

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.*

APPLICANT CASE ON SOCIAL IMPACT

46. The Applicant outlines that the Proposed Premises was built in 1997-98 for a bottle shop and contends that the purpose for the Application is to ensure that the Proposed Premises remain in use for that purpose for the benefit of the local community and the owner of the Proposed Premises.
47. The Applicant states that it currently holds a dormant licence in respect of the Current Premises. It seeks to relocate this dormant licence to the Proposed Premises as a result of Woolworths agreeing to apply to confine the current licence for the Proposed Premises to the *toilet* where it will be held in a dormant capacity until it can be removed to other premises.
48. The Applicant submits that the Proposed Premises is located within the same LGA as the Current Premises and that granting the removal "...would not alter the number of licences" in Blacktown City LGA.
49. The Applicant contends that the impacts of granting the Application "...will be the same as those of the BWS" [this being a reference to the BWS liquor store that previously operated on the Proposed Premises until their lease expired in 31 January 2015] as the new licensed business that will operate on the Proposed Premises will be operated in the same way as the BWS business. The Applicant contends that there is no record of that previous BWS business having been the source of adverse impacts on the local community.
50. The Applicant submits that the Proposed Premises have operated for 16 years as a retail liquor store and contends that there is no evidence that its existence has had adverse social impacts on the local community.
51. The Applicant contends that granting this Application will simply maintain the status quo and will not have any discernibly different social impacts on either the local or broader community.
52. The Applicant contends that properties within a 100m radius of the Proposed Premises were notified of the Application. The Notice of Intention to make the Application was delivered to Plumpton Public School, Plumpton High School and personally to the headmaster of Plumpton House School. The Applicant notes neither of these schools have provided any feedback.
53. The Applicant has taken into consideration the characteristics of Blacktown LGA, notes the liquor licences in surrounding suburbs and submits that there is currently only one other packaged liquor licence exercised in Plumpton.

54. The Applicant acknowledges the BOCSAR data and submits that the Proposed Premises is not located in a hotspot for non-domestic assaults and is only located in a low density hotspot for malicious damage to property.
55. The Applicant submits that in order to reduce any negative social impact of granting the Application the Applicant has satisfied the concerns raised by the Police, agreed to become a member of the local liquor accord and agreed to display the material suggested by RMS.
56. The Applicant submits that it has agreed to proposed licence conditions to combat any negative social impacts. The Applicant has consented to a licence condition that the Proposed Premises be conducted in accordance with its Plan of Management and a requirement that an adequate CCTV systems and DNA Spray System be in place.

REASONS

57. The Delegate is satisfied, on the basis of the Application material before the Authority and the absence of any submissions to the contrary that, for the purposes of Section 59 of the Act, the Application has been validly made for the purposes of section 40 of the Act and that minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
58. The Delegate is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. This finding has been made on the basis that the Applicant is the current holder of a (dormant) packaged liquor licence and by reason of the fact that no issues of concern were raised by NSW Police with regard to the Applicant's probity.
59. The Delegate is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service practices will be in place with the commencement of licensed trading. This finding is made on the basis of the *Plan of Management* which contains an adequate outline of the Applicants Responsible Service Practices that will be in place at the Proposed Premises.
60. The Delegate notes that the Plan of Management is not, in this case, merely an internal business policy but the Applicant has agreed to the requirements of the Plan being enforceable as a condition of the licence.
61. The Delegate is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in place for use of a packaged liquor licence at the Proposed Premises, on the basis of the information provided by the Applicant and noting that the Proposed Premises has been used as a licenced retail liquor store for many years.

Overall Social Impact Test

62. The Delegate is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application will *not* be detrimental to the wellbeing of the local or broader community.
63. Applying the social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local or broader community.

64. For the purposes of the overall social impact test prescribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the state suburb of Plumpton while the relevant broader community comprises the Blacktown LGA.

Positive benefits

65. The Delegate is satisfied the Applicant has demonstrated that granting the licence will provide some benefit of convenience to members of the local and broader community who wish to continue purchasing liquor from a premises that has previously been licenced.
66. The Delegate accepts that granting the Application will be consistent with the expectations, needs and aspirations of the community in this respect, which is a statutory object of 3(1)(a).
67. The Delegate is satisfied that the Applicant notified the community within a 100m radius including three local schools without receiving any adverse comments or complaints and the lack of objection from OLGR and the Police.
68. The Delegate is satisfied that granting removal of the packaged liquor licence from its present location within the Blacktown LGA to the Proposed Premises will also facilitate the balanced development, in the public interest, of the liquor industry.
69. The Delegate notes that within the Blacktown LGA the licence will be removed from its current location within an area of relatively higher packaged liquor licence density (the suburb of Schofields) to an area of relatively lower licence density (the suburb of Plumpton). In this sense the Authority is satisfied that the proposed new business may be said to facilitate the balanced development, in the public interest, of the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act – providing a better distribution of liquor licences without increasing overall licence numbers within the broader community.
70. The Authority is satisfied that the proposal will also contribute in a positive manner (albeit to a modest extent) to the responsible development of related industries, within the meaning of section 3(1)(c) of the Act. The Authority is satisfied on the basis that granting the Application will be beneficial to the two neighbouring shops. As the Proposed Premises forms one of the three shops in the same building, it will be beneficial to the surrounding shops by increasing the number of customers entering the building and increasing trade within the small local community of Plumpton.

Negative impacts

71. The Delegate accepts that over time there will likely be some contribution from the liquor sold at the Proposed Premises to alcohol related crime, disturbances or impact on amenity from a minority of customers who abuse packaged liquor that is purchased from the Proposed Premises.
72. The Delegate notes that the BWS licence that previously operated at the Corner of Bottles Road and Rooty Hill Road North is now held in a dormant capacity and has been shrunk to a nominal area within the building of the Proposed Premises but not in the same proposed licensed area in which the Applicant will operate.
73. The Application will slightly increase the density of liquor licences in the local community of Plumpton as a result of there being two packaged liquor licences at the address – although one of those licence is dormant and not currently in a position to enable its

operation and thus cannot impact local amenity or contribute to alcohol related adverse social impacts at this time.

74. The Delegate notes that there is some cause for concern arising from the BOCSAR crime data which shows the Proposed Premises as located in a hotspot for *domestic violence assault*.
75. The Delegate acknowledges that the alcohol related domestic violence data is of particular interest when assessing the social impact of a new packaged liquor business given that packaged liquor tends to be consumed in the home, where most domestic violence also occurs.
76. However, the Delegate is satisfied that the following aspects of the proposal will objectively operate to constrain the extent of adverse social impact arising from the abuse of packaged liquor in the circumstances of the Application.
77. Granting the Application, being a removal application, will not increase the total of packaged liquor licences in the broader community. The Delegate is satisfied that the reduced density rate of packaged liquor licences in Plumpton (compared to Schofields where the licence is currently located), is a mitigating factor when considering the scope for alcohol related harm in the broader community.
78. The Delegate is satisfied that Plumpton is not a particularly vulnerable community either at the postcode or LGA level and alcohol related offences are decreasing for Plumpton suburb and the postcode that incorporates Plumpton.
79. An important mitigating factor associated with this removal application is that another packaged liquor licence has been actually operating at this site for some time and under the new licensed business the trading hours will be reduced.
80. The trading hours of the packaged liquor licence held by Harry's Liquor for the Current Premises was 10:00am to 10:00pm Monday through Sunday.
81. Upon grant of this Application the trading hours of the new licensed business to operate on the Proposed Premises will be from 9:00am to 8:00pm Monday through Wednesday, Friday and Saturday, from 9:00am to 9:00pm on Thursday and 10:00am to 7:00pm Sundays. The Delegate notes the moderate 8:00am closing time on Friday and Saturday which provides some relative reduction in the scope of sales from this business to contribute to liquor related issues on weekend evenings.
82. The Delegate also acknowledges that the trading hours of the Proposed Premises previously enjoyed by the BWS when located at this site had been 5:00am to 10:00pm Monday through Sunday. This is equivalent to 114 trading hours compared to Application which seeks to trade for 78 hours a week. The Delegate is satisfied the reduced hours of the Application will decrease the negative impacts of the Application.
83. The Delegate notes the absence of any adverse submissions from members of the local or broader community, Police or OLGR. That is, no submissions have been made identifying localised concerns with the abuse of packaged liquor in the particular location of the Proposed Premises.
84. The Delegate is satisfied that the Applicant has implemented comprehensive harm minimisation measures through its Plan of Management. The steps outlined in this document satisfy the Delegate that the Applicant and all staff members will be

adequately trained and will engage in steps that ensure the extent of adverse impact arising from the abuse of liquor sold at the Proposed Premises is constrained.

85. The Delegate is satisfied there is no evidence on the file to show that the licence will be detrimental to the wellbeing of the local or broader community or will be contrary to the public interest.

CONCLUSION

86. Considering together the found positive benefits and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in this community, the Delegate is satisfied that the overall social impact of granting this Application for a packaged liquor licence will not be detrimental to the well-being of the local or broader community.



Micheil Brodie
Chief Executive
for and on behalf of the **Independent Liquor and Gaming Authority**

DATED 2 / 7 / 2015