



Mr Nicholas Tinning
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Dear Mr Tinning

**Application for Packaged Liquor Licence
The Big O Drive Thru Bottle Shop, Cootamundra**

I am writing to you about the application made by Mrs Lola Daley on 12 November 2014 to the Independent Liquor and Gaming Authority regarding premises located at Shop B 193-203 Parker Street, Cootamundra that are proposed to trade as "The Big O Drive True Bottle Shop".

The Application was considered by the Acting Manager of Licensing on 18 August 2015 who, as a delegate of the Authority, determined to grant the Application pursuant to section 45(1) of the *Liquor Act 2007*.

Authority staff informally notified the Delegate's decision by email dated 19 August 2015. This letter serves to provide a formal record of the decision.

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*.

The enclosed statement provides the Delegate's reasons for the 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 actual conditions to which the licence is granted are set out in the OneGov record of the liquor licence, which was provided to the Applicant on 19 August 2015.

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

Yours faithfully

Micheil Brodie
Chief Executive 19 FEB 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 12 November 2014, the Independent Liquor and Gaming Authority (Authority) received an application (Application) regarding premises located at Shop B 193-203 Parker St, Cootamundra that are proposed to trade as "The Big O Drive Tru Bottle Shop" (Premises).
2. The Application is made by Mr Nicholas Tinning on behalf of Mrs Lola Daley (the Applicant) and seeks the grant of a packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007* (Act) for the Premises.
3. Should the Application be granted, the Applicant will be the licensee, premises owner and business owner in respect of the proposed new licensed business to operate on the Premises.
4. The Application seeks to split an existing hotel licence that was issued in respect of the Olympic Hotel in 1958 (LIQH400111401) into areas governed by two licences with the new packaged liquor licenced business to operate within what is the existing bottle shop area of the Hotel.
5. The owners of the Olympic Hotel seek to establish a boutique bar, continuing to utilising the existing hotel licence. They propose to lease the drive through bottle shop and for that business to operate pursuant to a separate packaged liquor licence that is the subject of this Application.
6. By way of background, the Olympic Hotel has also lodged a related application under section 94 of the Act (1-2700436216) to redefine the licensed area in respect of the hotel licence in a manner that will reduce the licensed area of the hotel to exclude that part of the hotel that was formerly occupied by the bottle shop.
7. The Application form initially proposed licensed trading hours in respect of the proposed new packaged liquor business on the Premises from 5:00am to 11:00pm on Monday to Saturday and 10:00am to 10:00pm on Sundays.
8. However, following submissions from NSW Police identifying that the licensed trading hours sought in the Application as initially framed exceed the permissible licensed trading hours available for any packaged liquor licence under the Act, the Application was amended and the proposed licensed trading hours are from 9:00am to 10:00pm on Monday to Saturday and 10:00am to 10:00pm on Sunday.

DELEGATION

9. Under section 13 of the *Gaming and Liquor Administration Act 2007*, the Authority delegates the specific functions to each position holder specified against that function, subject to two general conditions and to such additional conditions specified in respect of a particular function as is contained in the Regulatory Delegations Manual.
10. The Application was considered by the Acting Manager of Liquor Licensing (Delegate) on 18 August 2015. The Delegate decided, pursuant to section 45(1) of the Act, to grant the Application.

11. Authority staff informally notified the Delegate's decision by email dated 19 August 2015. This letter serves to provide a formal record of the decision.
12. 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*.

MATERIAL BEFORE THE DELEGATE

13. Licence Application Form dated 12 November 2014 and received by the Authority on 18 November 2014.
14. Category B CIS document and supporting material accompanying the Application.
15. Plan of the Premises showing the proposed licensed area including the driveway awning, bottle shop, cool room and office and staff rooms.
16. Submission from NSW Police, Cootamundra Local Area Command (LAC) (Police) dated 4 December 2014. In this short submission, Police note that the Application proposes licensed trading hours until 11:00pm (on Monday through Saturday) and because this is contrary to the Act the hours should be amended.
17. Email from staff assisting the Authority to the Applicant's representative, Mr Nicholas Tinning, dated 14 January 2015. The Applicant was informed that the Application is incomplete and the Applicant was requested to provide a certificate of advertising, development consent, NSW National Police Certificate and identification documents for the Applicant.
18. Email from Mr Tinning to staff assisting the Authority dated 12 February 2015. Mr Tinning provided a certificate of advertising signed by the Applicant and scanned copies of the Applicant's identification documents including HCF private health insurance card, Medicare card, MasterCard and Driver Licence. In addition, Mr Tinning provided a copy of the notice of the Application issued to the local consent authority endorsed as received by the Manager Development Services of Cootamundra Council which certifies that development consent is required and in place (DA 80/1984).
19. Email from Mr Tinning to staff assisting the Authority dated 18 February 2015. Mr Tinning provided a NSW National Police Check for the Applicant dated 10 February 2015.
20. Submission from a delegate of the Secretary of the (then) NSW Trade and Investment, now the Department of Justice, by an officer within the Compliance and Enforcement Division of the Office of Liquor Gaming and Racing (OLGR Report) dated 17 March 2015.
21. OLGR note that the Applicant is seeking to split an existing hotel licence with the new packaged liquor licence incorporating an existing bottle shop. OLGR further note that the Olympic Hotel (whose licence was issued in 1958 (LIQH400111401)) closed in 2012 and recommenced trade in September 2014 under new owners who are now seeking to establish a "boutique bar" utilising the existing hotel licence while leasing the drive through bottle shop area of the hotel to operate under a separate packaged liquor licence.
22. OLGR submit that "the granting of the Application is unlikely to increase any alcohol related issues in the area" and that there is no objection to the granting of the Application

"provided a change of boundary application (Application # 1-2700436216) for the hotel is approved and the proposed venue's closing time is amended to 10:00pm".

23. OLGR note that the primary purpose of the licensed business to operate on the Premises is the sale of packaged liquor. In the context of this proposed business model, OLGR assess the venue to be "of low risk".
24. OLGR further note that the radial density of liquor licensed premises within the town of Cootamundra is slightly above the State average.
25. OLGR submit that NSW Bureau of Crime Statistics and Research (BOCSAR) data indicates that from October 2013 to September 2014, the rate of *alcohol related assaults* (domestic and non-domestic) that occurred within the State suburb of Cootamundra was 560 (per 100,000 population) compared to the rate of 321 (per 100,000 population) for NSW as a whole.
26. OLGR submit that the rate of *alcohol related disorderly offences* that occurred in the suburb of Cootamundra was 230 (per 100,000 population) compared to 105 (per 100,000 population) for NSW as a whole.
27. OLGR submit that these figures indicate that Cootamundra "has issues with alcohol related crime and anti-social behaviour however with the established licence granted in 1958 it is unlikely that the application, if granted, would contribute to additional alcohol related crime issues". OLGR note however that the Olympic Hotel operates pursuant to a hotel licence with no restrictions on ability of the Hotel licensed premises to continue selling takeaway liquor (that is, the hotel could still sell takeaway liquor under the proposed new reduced configuration of the hotel).
28. Lastly, OLGR note that a review of Compliance and Enforcement Division records did not disclose any adverse information in respect of the Applicant.
29. Email from staff assisting the Authority to Mr Tinning dated 17 June 2015. Mr Tinning was requested to provide a Plan of Management with a House Policy for the proposed licensed business to be conducted on the Premises, a full copy of development consent and an amended plan of the Premises outlining in red colour the boundary of the proposed licensed area and showing internal fitout. In addition, Mr Tinning was provided with the submissions received from Police and OLGR and invited to provide comment.
30. Further, Mr Tinning was also informed that should the Authority be minded to grant the Application, certain standard conditions imposed in relation to packaged liquor licences may be imposed upon the licence, including a requirement fixing the 6-hour closure period for the purposes of section 11A of the Act as between 4:00am and 10:00am, a requirement that the licence not operate with a greater overall social impact on the wellbeing of the community, compliance with Plan of Management, active local liquor accord participation and the provision of evidence that the Premises are complete and ready to trade.
31. Lastly, Mr Tinning was requested to confirm the proposed trading hours for the Premises in that the Application form states the hours are from 5:00am to 12:00 midnight Monday to Saturday and 10:00am to 10:00pm on Sunday, while the notice of intention to make the Application indicates that the hours proposed are from 9:00am to 10:00pm Monday to Saturday and from 10:00am to 10:00pm on Sunday.
32. Submission from Mr Tinning to staff assisting the Authority on 9 July 2015. Mr Tinning provided a number of submissions in response to the submissions received from Police

and OLGR and in response to the conditions proposed by staff assisting the Authority in their email dated 17 June 2015.

33. Mr Tinning notes that the current licensed trading hours of the bottle shop exercised under the current hotelier's licence with respect to the Premises are from 9:00am to 8:00pm Monday to Thursday, 9:00am to 10:00pm Friday to Saturday and 10:00am to 6:00pm on Sunday.
34. Mr Tinning confirms that the proposed licensed trading hours for the new packaged liquor business will be from 9:00am to 10:00pm Monday to Saturday and 10:00am to 10:00pm on Sunday.
35. First, in response to the submission from Police, Mr Tinning submitted that the Applicant has had discussions with Police who (in his words) "advised that the application included trading hours of 5:00am to 10:00pm Monday to Saturday and 10:00am to 10:00pm Sunday".
36. Mr Tinning submits that Police were "satisfied that this was in fact inside the permitted trading hours for retail liquor sales" and "satisfied with the current operation of the bottle shop under the hotelier's licence".
37. Second, in response to the submission from OLGR, Mr Tinning notes the above mentioned proposed trading hours and submits that the "bottle shop has been trading during these hours under the current Olympic Hotel Cootamundra Hoteliers license [sic] since it recommenced operation in 15 September 2014".
38. Mr Tinning submits that "customers between 9:00am and 10:00am are predominately elderly with the emphasis on full drive way service" and that this type of customer "knows that staff have the time to provide this full service".
39. Third, in response to the conditions proposed by the Authority, Mr Tinning submits that the Applicant would like the 6-hour closure period for the purposes of Section 11A of the *Liquor Act 2007* to be fixed at between 11:00pm (recognising that retail liquor cannot be sold from 10:00pm) and 5:00am".
40. [The Delegate notes that the 6-hour closure period for this licence, being a stand-alone packaged liquor premises not part of a supermarket, has been fixed between 3:00am and 9:00am – consistent with Authority practice).]
41. Mr Tinning contends that the "business has been operating for some 10 months in which time there have been no complaints, warnings or action by enforcement agencies or community complaint" and that the public "indicate that the business has had a positive effect on the local economy and community".
42. Mr Tinning notes that the Olympic Hotel is currently an active member of the Cootamundra liquor accord and that the proposed licence is "agreeable" to the Premises also becoming a member upon the grant of the Application. In addition, Mr Tinning provided an amended plan for the Premises outlining the proposed licensed area of the Premises in red colour, an Alcohol Plan of Management and House Policy for the Premises and a copy of the DA issued by Cootamundra Shire Council on 24 September 1984 which permits the use of the Premises for planning purposes. The Delegate notes that the Alcohol Plan of Management and House Policy addresses, inter alia responsible service of alcohol, underage purchases, drink driving and proper OLGR signage.

43. Email from staff assisting the Authority to Mr Tinning dated 9 July 2015. Mr Tinning was requested to provide a more detailed Plan of Management that addresses: trading hours, signage, amenity of neighbourhood, noise control, lighting, behaviour of patrons, video surveillance, safety of staff and patrons, security, deliveries and waste removal and maintenance etc.
44. Submission from Mr Tinning to staff assisting the Authority dated 15 July 2015. Mr Tinning provided an amended Plan of Management for the Premises. The Plan addresses, inter alia, purpose, trading hours, compliance, signage, responsible service, responsible practice, CCTV, premises alarm, cash handling procedures, neighbourhood amenity, deliveries and waste and maintenance.
45. Liquor licensing data sourced from Authority licensing records noting the licence type and address for all registered club, hotel and packaged liquor licenced premises for the suburb of Cootamundra.
46. BOCSAR data for the Cootamundra LGA regarding incidents of liquor offences, malicious damage to property, assault (domestic assault) and assault (non-domestic assault) offences for the calendar year 2013.
47. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) for the Cootamundra LGA, the Cootamundra suburb and postcode 2590.

LEGISLATION

48. In determining the Application, the Delegate has considered the relevant provisions of the Act, including the statutory 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.*

49. Section 45 of the Act provides the power pursuant to which the Authority may grant or refuse to grant, an application for a new liquor licence. Relevantly this section states:

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) *The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.*
- (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.*

Note : Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

50. Division 5 of the Act makes provision for packaged liquor licences. Sections 29 to 31 state:

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).

SOCIAL IMPACT TEST

51. Pursuant to 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.

52. Section 48(5) states:

48 *Community impact*

- (5) *The Authority must not grant a licence, authorization 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, authorization or approval being granted will not be detrimental to the well-being of the local or broader community.*

53. An application for a packaged liquor licence is a type of "relevant application" that is prescribed by section 48(2).

54. The Community Impact Statement (CIS) usually 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 sensitive facilities such as hospitals or health facilities, nursing homes, schools and churches.

LOCAL AND BROADER COMMUNITIES

55. As noted in Authority *Guideline 6: Consideration of Social Impact*, the Authority will identify the relevant "local" community by reference to the locality in which the licensed premises is situated, while the "broader" community will usually be the local government area in which the licensed premises is situated.

56. For the purposes of this Application, the Delegate is satisfied that the relevant "local community" comprises the community located within the town or State suburb of Cootamundra while the "broader community" comprises the Cootamundra LGA.

Applicant Submissions on Social Impact

57. In the CIS, the Applicant made the following submissions and contentions as to the overall social impact of granting the Application upon the local community:

The property is the only Drive-Thru style bookshop in Cootamundra. The property has traded this way for the last 30+ years. The premises were closed for 2+ years. The applicant is primarily an investor in the industry having had involvement in Hotels and Motels over the last 50 years.

The application will allow the hotel in the front half of the building to be leased to an operator. The Drive Thru Bottleshop will need a new license [sic] in order to allow the leasing of this section of this business to a separate operator from the front.

There are few people with the skills or desire to operate a boutique and drive thru bottle shop. The logical answer is to create two operators with specialty skills for each section. The community see the bottleshop as pre-existing and so support the application.

REASONS FOR GRANT

58. The Delegate has critically examined the Application and all the material before it pertaining to that Application. The Delegate has decided to grant the Application pursuant to section 45(1) of the Act.
59. The Delegate is satisfied, on the basis of the Application and CIS material and in the absence of any information to the contrary, that the Application has been validly made for the purposes of section 40 of the Act and that the minimum procedural requirements including advertising, CIS and consultation requirements have been satisfied.
60. While Authority staff had identified a potential discrepancy between the licensed trading hours sought in the Application and the licensed hours that were notified in the notice of intention to make the Application, that discrepancy has been rectified in the Application as amended.
61. The Delegate is satisfied, on the basis of the NSW National Police Check and the absence of information to the contrary from OLGR or Police that, for the purposes of section 45(3)(a) of the Act, the Applicant is a fit and proper person.
62. The Delegate is satisfied, for the purposes of section 45(3)(b), that responsible service practices will be in place with the commencement of licensed trading, on the basis of the Plan of Management and submissions provided by the Applicant and noting an absence of adverse submission from OLGR or from Police with regard to the Applicant in this regard.
63. The Delegate is satisfied, for the purposes of section 45(3)(c) of the Act that the required development consent is in place for proposed use of the Premises (for planning purposes) as a packaged liquor licenced business. This finding is made on the basis of the DA and the notice provided by the local consent authority by the Applicant.

Overall Social Impact

64. 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.
65. Determining the overall social impact of granting the Application requires a degree of speculation about what is likely to occur in the event that the Application is granted – albeit speculation that is informed by the prevailing circumstances in the relevant local and broader communities.
66. As noted above, with regard to the overall social impact test prescribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the suburb of Cootamundra and the broader community comprises the Cootamundra LGA.

Positive Benefits

67. The Delegate notes the Applicant's submission that the "community see the bottle-shop as pre-existing and so support the application". The Delegate further notes the

Applicant's submission that the "property is the only drive-thru style bottle-shop in Cootamundra" and that it has been in existence for over 30 years.

68. The Delegate accepts those contentions and is satisfied that by granting the Application, the continuing operation of a drive-through bottle-shop in the local community will be consistent with the expectations, needs and aspirations of the community within the meaning of section 3(1)(a) of the Act.
69. The Delegate notes that Police have not objected to the Application and that Council, a representative body for the broader community, has not provided a submission.
70. The Delegate further notes that there have been no community objections at all to the Application. This provides further evidence that granting the Application will promote the object of section 3(1)(a) of the Act in that it will meet the "desires, expectations and needs" of the local community.

Negative Impacts

71. The Delegate accepts that over time there will more likely than not be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or adverse impact on amenity from a minority of customers who abuse packaged liquor that is purchased from the Premises.
72. A minority of patrons of the new business may also contribute to other adverse impacts upon local amenity, including drinking in public, "pre-fuelling" before attending licensed premises or alcohol related litter.
73. However, the Delegate notes the submission from OLGR that since the Application seeks to split an existing licence from the Olympic Hotel which has operated since 1958, it is unlikely that the granting of the Application will contribute to additional alcohol related crime to the current configuration of the Hotel, which includes the same drive-through bottle-shop that is proposed in this Application.
74. The Delegate notes that there is some cause for concern arising from the rates of crime, including domestic assault, within the Cootamundra suburb and the Cootamundra LGA when compared to NSW State averages.
75. The 2014 BOCSAR *Report on Crime by Local Government Area and Alcohol Related Status* for 2014 (based on data from January to December 2013) satisfies the Delegate that the rate for Cootamundra LGA for alcohol related incidents exceed the average compared to NSW.
76. The report indicates that in the Cootamundra LGA, the rate per 100,000 population of *alcohol related assault police* incidents was 39.6 compared with a NSW total of 22.6. The rate per 100,000 population for *alcohol related domestic violence offences* was 264.2 compared with a NSW total of 137.2. The rate of *alcohol related non-domestic violence related offences* was 211.3 compared with a NSW total of 181.0.
77. In relation to the suburb of Cootamundra, BOCSAR crime mapping data for the period from April 2014 to March 2015, reveal that the Premises is located in an area of some moderate sensitivity in terms of concentration of prevailing crime impacts, in that within the Cootamundra LGA, the Premises is situated within a low concentration "hotspot" for the occurrence of reported domestic assault and non-domestic assault. In addition, the Premises is located on the border of a low to medium hotspot for the occurrence of

reported malicious damage offences (noting that such matters may or may not be recorded as alcohol related).

78. However, the Delegate is satisfied on the basis of the Application and material provided by the Applicant that there are well-developed business, CCTV and security practices and plans for the new business which will constrain the contribution this business may have on alcohol related crime.
79. The Delegate notes that the licence density statistics do reveal some high concentration of overall liquor licences in the suburb of Cootamundra compared to the average overall licence density for NSW, in that the density of packaged liquor licenced premises is higher than the state average (56.16 per 100,000 compared to 32.85 per 100,000 respectively).
80. Notably, despite concern arising from licence density and crime data, there is an absence of any significant local opposition to the Application nor regulatory concerns identified by Police or OLGR in relation to this proposal.
81. No particular concerns have been raised by those agencies or Council or local residents as to prevailing sensitivities pertaining to the location of the Premises in respect of anti-social conduct arising from the abuse of packaged liquor.
82. The Delegate has taken into account the fact that following the re-arrangement of the hotel licence, there will be a hotel licensed premises with a drive through packaged liquor store in the drive through area. That is, there will be an increase in the number of licences in the local and broader community capable of selling packaged liquor by retail in the local and broader community. However, the Delegate accepts, on the basis of the information provided by the Applicant and on the basis that the Hotel's licensed area is reduced, that the Hotel licensed premises will be reconfigured to focus on the sale or supply of liquor for on premises consumption and the new licence will displace the majority of off premises liquor sales that were previously made from the Olympic Hotel.
83. The Delegate notes the absence of any concerns raised by local agencies as to prevailing adverse social or amenity impacts of a kind likely to be attributable to the abuse of packaged liquor.
84. The Delegate is satisfied that the higher than state average density of licences have not translated into identified forms of local anti-social conduct which would call into question the location of the Premises when assessing the social impact of granting the Application.
85. The Delegate notes that the population of the local community is relatively small at 7,123 which may also skew the local licence density rates somewhat.
86. The higher than state average crime rates for the communities are problematic, but in these particular circumstances the Delegate is satisfied, *on the proviso that the related redefinition of the neighbouring hotel licensed area occurs*, that this new licence will largely displace the takeaway liquor sold from the Olympic Hotel.
87. The Delegate is satisfied that the above mentioned aspects of the particular proposal will operate to constrain or reduce the extent of contribution that this outlet may otherwise make to the alcohol related social problems in the local and broader communities.
88. Having considered together the positive benefits of granting the Application and the factors noted above that objectively reduce the negative impacts arising from the

particular circumstances relating to this Application, the Delegate is satisfied that the overall social impact of granting the Application will not be detrimental to the local and broader community for the purposes of section 48(5) of the Act.

89. In making this decision, the Delegate has determined that the 6-hour daily closure period for the purposes of section 11A(3) of the Act shall be fixed at between 3:00am and 9:00am.
90. The Delegate notes that while the default policy position is for the 6-hour closure period to be fixed between 4.00am and 10.00am daily, the Authority's usual practice is to entertain applications for 9.00am opening times for stand-alone packaged liquor stores that are not associated with a supermarket where an applicant establishes that it is in the public interest for trading to commence at that time.
91. In making this decision the Delegate has considered all of the statutory objects and considerations prescribed by section 3(2) of the Act. The Delegate has had regard to the need to minimise harm associated with the misuse and abuse of liquor within the meaning of section 3(2)(a) and the need to ensure that the sale, supply and consumption of liquor contributes to and does not detract from the amenity of community life within the meaning of section 3(2)(c).



Micheil Brodie
Chief Executive

DATED 19 FEB 2016