



Ms Amanda Moseley  
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23 October 2018

Dear Ms Moseley

<b>Application No.</b>	APP-0003954844
<b>Applicant</b>	Charles Sturt University
<b>Application for</b>	Packaged liquor licence
<b>Licence name</b>	Charles Sturt University Winery – Riverina
<b>Premises</b>	Building 413 Mambarra Drive CHARLES STURT UNIVERSITY NSW 2678
<b>Trading hours</b>	Monday to Friday 11:00 AM – 5:00 PM Saturday to Sunday 11:00 AM – 4:00 PM
<b>Legislation</b>	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority  
Application for a packaged liquor licence – Charles Sturt University Winery – Riverina**

The Independent Liquor and Gaming Authority considered the application above at its meeting on 13 June 2018 and, subsequent to the receipt of additional information from you, decided to **approve** the application under section 45 of the *Liquor Act 2007*, subject to the following conditions:

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 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 and NYE (std)  
Retail Sales  
Good Friday Not permitted  
December 24<sup>th</sup> Normal trading Monday to Saturday  
8:00 AM to 10:00 PM Sunday  
Christmas Day Not permitted  
December 31<sup>st</sup> Normal trading
3. 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.
4. The premises is to be operated at all times in accordance with the Plan of Management document titled "Alcohol Management Plan 2018" as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
  - 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("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,
    - (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 on the premises, and
    - (ii) 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.
7. The licensee must ensure that only alcoholic products packaged under Charles Sturt University-owned labels are sold and supplied on the premises.

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

### **Trading on a Sunday that falls on 24 December**

Please note that in the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 AM. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 10:00 AM.

If you have any questions, please contact the case manager at [danielle.hatton@liquorandgaming.nsw.gov.au](mailto:danielle.hatton@liquorandgaming.nsw.gov.au).

Yours faithfully



Philip Crawford  
Chairperson  
For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 8 March 2018, Charles Sturt University (“Applicant”) lodged an application (“Application”) with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”). The Application sought the granting of a packaged liquor licence (“Licence”) for the premises at Building 413 Mambarra Drive, Charles Sturt University (“Premises”).
2. The Authority considered the Application at its meeting on 13 June 2018 and, subsequent to the receipt of additional information on its request, decided to grant the Licence under section 45 of the *Liquor Act 2007* (“Act”). A preliminary advice letter advising of the decision and the relevant licence document were issued to the Applicant on 2 August 2018.
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the associated Regulation.

### Material considered by the Authority

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with its Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
7. A list of the material considered by the Authority is set out in the Schedule.

### Legislative framework

8. The Authority has considered the Application in the context of the following legislative provisions.

### Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations, needs and aspirations of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in exercising its powers under the Act, have due regard to the need to minimise harm associated with misuse and abuse of liquor, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

### Trading hours and 6-hour closure period

11. Section 12 of the Act sets out the standard trading period for various types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

### Minimum procedural requirements

12. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

### Fit and proper person, responsible service of alcohol, and development consent

13. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
- a) the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
  - b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - c) the applicable development consent required for use of the premises for the proposed business is in force.

### Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter before it.

### Provisions specific to a packaged liquor licence

16. Further legislative provisions specific to a packaged liquor licence are set out in sections 29, 30 and 31 of the Act.
17. Section 29 prescribes the period and manner in which a licensee can sell or supply liquor.
18. Section 30 requires a separate liquor sales area to be set up on the licensed premises if its primary business is not to sell liquor for consumption away from the premises.
19. Section 31 sets out certain restrictions on the granting of the licence to general stores, service stations and take-away food shops.

### **Key findings**

20. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

### Validity, procedural and trading hour requirements

21. The Authority is satisfied on the material before it that:
- a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 40 of the Act,
  - b) if the Licence were to be granted, liquor would be sold and supplied in accordance with the authorisation conferred by a packaged liquor licence, as required by section 29 of the Act, and
  - c) sections 30 and 31 of the Act do not apply to the Application as the Premises is not intended to operate as is contemplated by the sections.

### Fit and proper person, responsible service of alcohol, and development consent

22. Pursuant to section 45 of the Act, the Authority is also satisfied that:
- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
  - b) practices would be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol, having regard to the plan of management documents for the Premises and the conditions to be imposed on the licence, and

- c) the requisite development consent is in force, based on the confirmation from Wagga Wagga City Council on 12 March 2018 that development consent is in place to permit the proposed business activity at the Premises.

#### Community impact statement

23. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
24. For the purpose of this decision and consistent with its position in Guideline 6, the Authority is satisfied that the relevant “local community” is the community within the suburb of Charles Sturt University, and the relevant “broader community” comprises the Local Government Area (“LGA”) of Wagga Wagga.

#### Positive social impacts

25. The Authority notes that there are no existing packaged liquor licences in Charles Sturt University, and the density of packaged liquor licences in the Wagga Wagga LGA is lower than the NSW state average.
26. The Authority also notes that the Premises has been operated as a winery since 1983 under a producer/wholesale licence, selling wine products produced on the premises, and that the Applicant is seeking the Licence to enable the sale of a university-labelled wine product that is not produced onsite.
27. The Authority accepts the Applicant’s contention that granting the Licence will likely provide additional convenience and choice to customers in the local community, but also notes the absence of any substantive evidence of community support for the Application.
28. On balance of the information before it, the Authority is satisfied that granting the Licence would be in line with the expectations, needs and aspirations of the community, and contribute to the balanced and responsible development of the liquor industry.

#### Negative social impact

29. The Authority notes from the BOCSAR data for the year to December 2017 that:
  - a) there are no hotspots within Charles Sturt University for incidents of alcohol-related assault, domestic assault, non-domestic assault or malicious damage to property,
  - b) Charles Sturt University recorded no incidents of alcohol-related assault (domestic or non-domestic), malicious damage to property or alcohol-related offensive conduct, and
  - c) The Wagga Wagga LGA recorded higher than average rates of alcohol-related assault (both domestic and non-domestic), malicious damage to property and alcohol-related offensive conduct.
30. The Authority also notes, from the most recent HealthStats NSW data available at the time of its consideration, that the LGA recorded a higher level of alcohol-attributable deaths and a lower level of alcohol-attributable hospitalisations compared to the NSW average benchmark.
31. The ABS Socio-Economic Indexes for Areas (“SEIFA”) data as at 2016 indicates that the Wagga Wagga LGA was relatively advantaged compared to other LGAs in NSW, ranking in the top 30 percent on the Index of Relative Socio-economic Advantage and Disadvantage. No SEIFA data is available for Charles Sturt University, but the adjacent suburb of Boorooma was among the most advantaged suburbs in NSW, ranking in the top 10 percent on the same index.
32. On the basis of the above, the Authority finds that the prevailing levels of alcohol-related crime, health and social issues in the local and broader communities, and the socio-economic status of these communities, do not raise immediate concerns.

33. The Authority also finds that any risk of adverse social impact associated with granting the Licence is adequately mitigated by the following:
- a) There were no objections from any members of the public or the key stakeholders consulted, including NSW Police Force and NSW Health, in respect of the Application.
  - b) The size of the proposed licensed area is very small (15 square metres), and the proposed range of liquor products to be sold is limited to university-labelled products.
  - c) The Premises will operate for reduced trading hours, closing by 5 PM Monday to Friday, and 4 PM on weekends.
  - d) There have been no recorded breaches or adverse compliance incidents against the Premises under its existing liquor licence.
  - e) The Applicant has committed to adhering to the harm minimisation measures in the plan of management, and consented to all proposed licence conditions, such as the requirement to operate a CCTV system, and to limit the liquor products sold.

### Conclusion

34. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.
35. The Authority is also satisfied that the Application has met all of the other statutory criteria for the granting of the Licence, and that granting the Licence is consistent with the objects of the Act.
36. Accordingly, the Authority has decided to grant the Licence under section 45 of the Act.



Philip Crawford  
Chairperson

#### **Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

## Schedule

### Material considered by the Authority

1. HealthStats NSW data showing that the Wagga Wagga LGA recorded, compared to a state benchmark of 100:
  - a. a smoothed standardised mortality ration of 103.9 for the period 2012-13, and
  - b. a smoothed standardised separation ratio of 93.1 for the period 2013-15.
2. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-economic Advantage and Disadvantage for NSW on a scale of 1 to 10, with the 10<sup>th</sup> decile being the most advantaged and 1<sup>st</sup> decile the most disadvantaged, the Wagga Wagga LGA ranked in the 7<sup>th</sup> decile and Boorooma ranked in the 9<sup>th</sup> decile.
3. BOCSAR Crime Hotspot Maps for the year to December 2017, indicating that there are no hotspots in Charles Sturt University for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
4. NSW crime statistics published by BOCSAR indicating that, for the year to December 2017:
  - a. Charles Sturt University recorded no incidents of alcohol-related domestic assault, alcohol-related non-domestic assault, malicious damage to property or alcohol-related offensive conduct,
  - b. the Wagga Wagga LGA recorded a rate of
    - i. 190.4 for alcohol-related domestic assault compared to the NSW average of 114.4,
    - ii. 207.5 for alcohol-related non-domestic assault compared to the NSW average of 130.7,
    - iii. 1476.2 for malicious damage to property compared to the NSW average of 788.7, and
    - iv. 62.4 for alcohol-related offensive conduct compared to the NSW average of 42.8.
5. BOCSAR NSW Recorded Crime Statistics 2017 reflecting the proportion of offences in the Wagga Wagga LGA by day of week and time of day.
6. Completed Category B Community Impact Statement dated 21 February 2018.
7. Completed online application lodged on 8 March 2018 and the supporting documents attached.
8. Letter from Wagga Wagga City Council on 12 March 2018 confirming that the requisite development consent is in place for the purpose of the Application, and attaching the consent.
9. Certifications of Advertising dated 23 March 2018.
10. Submissions from NSW Police Force on 4 and 24 April 2018 in relation to the Application.
11. Google map images extracted from the Google website on 10 May 2018, showing the location and photos of the Premises in map view and earth view.
12. L&GNSW liquor licensing records as at 31 May 2018 setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in Charles Sturt University, the Wagga Wagga LGA and NSW. The density of packaged liquor licences is 34.34 in NSW, 25.65 in the Wagga Wagga LGA, and 0 in Charles Sturt University.
13. Plan of management titled "Charles Sturt University Boutique Wines Alcohol Management Plan 2018".
14. Undated submission from NSW Transport Roads & Maritime Services in relation to the Application.
15. Premises plans and aerial view of the Premises.