



Mr Michael Joseph Bailey
Southern Operations – Charles Sturt University
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24 October 2018

Dear Mr Bailey

Application No.	1-6710167472
Applicant	Charles Sturt University
Application for	Hotel (general bar) liquor licence with a minors area authorisation
Licence name	The Deck
Trading hours	Monday to Saturday 10:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	Building 230, Carpark 35, Valder Way CHARLES STURT UNIVERSITY NSW 2678
Legislation	Sections 3, 11A, 12, 14-17, 40, 45, 48, 51 and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a hotel (general bar) licence with a minors area authorisation
The Deck**

The Independent Liquor and Gaming Authority (“Authority”) considered the application above at its meeting on 13 June 2018 and, pursuant to sections 45 and 121 of the *Liquor Act 2007*, decided to **approve** the application 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 six (6) hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. Restricted trading and NYE (std)
Consumption on premises
Good Friday 12:00 noon – 10:00 PM
Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 dated July 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 premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points to the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

7. The licensee must ensure that an incident register is kept on the premises; and that any incident involving any staff member and/or security personnel; physical contact and/or physical restraint; the ejection of a member of the public from the premises; or when a patron, staff member or security personnel is injured as a result of an assault; is recorded in this register. The licensee must ensure to record the full names of the staff involved in the incident, and produce the register immediately upon request by NSW Police, or authorised officers of Liquor & Gaming NSW.

8. Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
- 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
 - 3) make direct and personal contact with NSW Police to advise it of the incident, and
 - 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

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

If you have any questions, please contact the case manager at 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 6 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 hotel (general bar) licence (“Licence”) with a minors area authorisation (“Authorisation”), for the premises at Building 230, Carpark 35, Valder Way, Charles Sturt University (“Premises”).
2. The Authority considered the Application at its meeting on 13 June 2018 and decided to grant the Licence and Authorisation under sections 45 and 121 of the *Liquor Act 2007* (“Act”), subject to conditions. A preliminary advice letter advising of the decision and the relevant licence document were issued to the Applicant on 26 July 2018, after some further information was received from the Applicant.
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 the Authority’s 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”), HealthStats NSW, 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, include the regulation of the supply of liquor in line with the expectations, needs and aspirations of the community, and facilitation of 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 functions 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 for a licence application

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 hotel 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 Licence

16. Further legislative provisions specific to a Licence are set out in sections 14 to 17 of the Act.

Provisions specific to an Authorisation

17. Section 51 of the Act prescribes the minimum procedural requirements for a licensee to make a valid application for a licence related authorisation. The section also provides that when determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as it has in relation to an application for a licence.
18. Section 121 of the Act provides that the Authority may grant an Authorisation to a hotel licensee to permit minors to use part of the hotel while in the company of a responsible adult.

Key findings

19. 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 requirements

20. The Authority is satisfied on the material before it that:
- a) the Application has been validly made and meets the procedural and trading hour requirements under sections 11A, 12, 14, 40 and 51 of the Act,
 - b) the primary purpose of the business carried out on the Premises will at all times be the sale of liquor by retail, as required by section 15 of the Act,
 - c) section 15A is not applicable in the absence of the Applicant's stated intention to cease liquor sales during trading hours,
 - d) the proposed operation of the Premises without gaming machines or take away liquor sales satisfies the requirements under section 16 of the Act in respect of a hotel licence designated as a general bar licence, and
 - e) liquor will be sold and supplied at the Premises in accordance with the requirements under section 17 of the Act.

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

21. 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, as 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 facilitate the responsible serving of alcohol, having regard to the Plan of Management for the Premises dated 17 July 2018, and
 - c) the requisite development consent is in force, based on the confirmation from Wagga Wagga City Council on 2 March 2018 that development consent is in place to permit the proposed business activity at the Premises.

Community impact statement

22. 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.
23. 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 impact

24. There are no existing hotel licences in Charles Sturt University, though the density of hotel licences in the Wagga Wagga LGA is higher than the NSW state average.
25. The Premises is located within the catering service area of the university campus, and has already been used in the past to host functions where liquor was supplied under a liquor licence held by the Applicant for a different venue with an authorisation to sell liquor on other premises.
26. The Authority accepts, on the material before it, that granting the Licence and Authorisation will likely benefit members of the local community, mainly university staff, students and their guests, by providing them with convenient access to a venue where:
- a) they can consume liquor while they eat, socialise and enjoy other services and entertainment, and
 - b) family friendly functions and events with liquor services can be held.
27. The Authority nevertheless notes and has taken into consideration the absence of substantive evidence of community support of the Application.
28. On the basis of the available information, the Authority is satisfied that approving the Application would be in line with the expectations, needs and aspirations of the local 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 Applicant is an experienced operator of licensed venues, having held three other liquor licences since the 1980s with no recorded breaches or compliance issues.
 - c) The Applicant has committed to adhering to the harm minimisation measures in the plan of management, and consented to a number of licence conditions, such as the requirement to operate a CCTV system.

Overall social impact

34. Having considered the positive and negative social impacts that are likely to flow from granting the Licence and the Authorisation, the Authority is satisfied that the overall social impact of approving the Application 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 the other statutory criteria for the granting of the Licence and Authorisation, and that approving the Application is consistent with the objects of the Act.
36. Accordingly, the Authority has decided to grant the Licence and the Authorisation under sections 45 and 121 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 before 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 10th decile being the most advantaged and 1st decile the most disadvantaged, the Wagga Wagga LGA ranked in the 7th decile and Boorooma ranked in the 9th 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 showing 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 16 January 2018.
7. Completed application dated 6 February 2018 and the supporting documents attached.
8. Submission from L&GNSW Compliance on 6 February 2018 in relation to the Application.
9. Letter from Wagga Wagga City Council on 2 March 2018 confirming that the requisite development consent is in place for the purpose of the Application.
10. Certifications of Advertising dated 25 May 2018.
11. Correspondence between L&GNSW staff and the Applicant between 11 April and 25 May 2018 in relation to the assessment of the Application.
12. Submissions from NSW Police Force on 11 April 2018 in relation to the Application.
13. Emails from NSW Family & Community Services on 18 April 2018 in relation to the Application.
14. Correspondence between L&GNSW staff and NSW Health between 17 April and 7 May 2018 in relation to the Application.
15. 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.
16. 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 hotel

licences is 28.37 in NSW, 43.28 in the Wagga Wagga LGA, and 0 in Charles Sturt University.

17. Plan of management titled "The Deck Venue Management Plan July 2018".

18. Premises plans and photos of the Premises.