



Our Ref: LIQP770016905
Your Ref: JCM:130317

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Dear Mr Martin

**Application for Packaged Liquor Licence
First Choice Liquor Superstore, San Remo**

I refer to an application made on behalf of Liquorland (Australia) Pty Limited to the Independent Liquor and Gaming Authority seeking the grant of a new packaged liquor licence for premises located at 17-33 Pacific Highway, San Remo NSW 2262.

On 16 December 2015, after careful consideration of the Application and other material before it in relation to the Application, a delegate of the Authority determined, pursuant to section 45 of the *Liquor Act 2007*, to grant the application.

Staff assisting the Authority informally notified the delegate's decision by email dated 18 December 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 produce and publish statements of reasons with respect to those decisions prescribed by clause 6 of the *Gaming and Liquor Administration Regulation 2008*.

This letter 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 18 December 2015.

If you have any questions about this letter please contact the case manager, Ms Santina Causa via email at santina.causa@ilga.nsw.gov.au.

Yours faithfully

Michel Brodie
Chief Executive

13 JAN 2016

STATEMENT OF REASONS

1. On 12 February 2014 the Independent Liquor and Gaming Authority (Authority) received an application (Application) made by Ms Alison Tehan on behalf of Liquorland (Australia) Pty Limited (Applicant).
2. The Application seeks the grant of a new packaged liquor licence (within the meaning of section 29 of the *Liquor Act 2007* (Act)) in respect of a new First Choice Liquor Superstore to be located at 17-33 Pacific Highway, San Remo NSW 2262 (Premises).
3. The proposed new liquor business on the Premises comprises a 960 square metre area, which is currently operated as the takeaway liquor facility of the Northlakes Tavern, a full hotel licensed premises which adjoins the Premises.
4. The Applicant's proposal is to redefine the boundaries of the existing hotel licence to exclude the area currently occupied as the hotel bottle shop and for a new packaged liquor licenced business to operate in that space.
5. The proposed licensed trading hours for the new business are from 8:00am to 10:00pm Monday through Saturday and from 10:00am to 10:00pm Sunday. The Application seeks a 6-hour closure period required by section 11A of the Act to be fixed at between 2:00am and 8:00am Monday through Saturday and between 4:00am and 10:00am Sunday in order to accommodate the proposed licensed trading hours.
6. The Authority considered the Application at its meeting on 16 December 2015 when it decided to grant the Application. At the same meeting, the Authority approved the related application under section 94 of the Act to vary the licensed boundary of the licence of the Northlakes Tavern to exclude the proposed Premises from the hotel's licensed trading area.
7. Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to produce and publish statements of reasons with respect to those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008.
8. The purpose of this statement is to notify the reasons for granting the Application.

MATERIAL BEFORE THE AUTHORITY

9. **Application Form for the grant of a new packaged liquor licence and Category B Community Impact Statement (CIS) filed with the Authority on 12 February 2014.** This discloses that Ms Alison Tehan is the proposed licensee of the Premises and has "approval to execute documents on behalf of Liquorland (Australia) Pty Limited". The premises owner of the relevant property upon which the new licensed business will operate is identified as Lotana Property Pty Limited and the business owner of the new licensed business is identified as Liquorland (Australia) Pty Limited (Business Owner). The submissions made by the Applicant on the overall social impact of granting the Application are discussed in greater detail below.
10. **Application Form for change of boundaries of a licensed premises filed with the Authority on 13 February 2014.** This form discloses that Ms Alison Tehan is the licensee of the Northlakes Tavern (LIQH400109865) and has "approval to execute documents on behalf of Liquorland (Australia) Pty Limited". Attached to this form is a diagram of the Northlakes Tavern licensed premises marked as the "proposed licensed area", with the proposed First Choice Liquor Superstore to be excluded from that area.

11. **Notice of intention to apply for a liquor licence dated 13 December 2013** with respect to the Application.
12. **Copies of consultation notices dated 10 February 2014** with respect to the Application.
13. **Certificate of advertising application signed by the Applicant dated 16 June 2014** with respect to the Application.
14. **Plan of the Premises.** This is a diagram showing the proposed licensed area of the new packaged liquor business as 960 square metres in size. The diagram also shows the licensed area of the adjacent hotel (the Northlakes Tavern) as 873 square metres; and the "common area" (being an entrance foyer through which both the proposed packaged liquor store and the Northlakes Tavern may be accessed) as 23 square metres. The diagram shows six long aisles within the proposed licensed area, as well as a "cool room"; a "service desk"; four "check outs"; and one public entry point via an "auto sliding door".
15. **Management Strategies.** This 3-page internal business planning document prepared by the Applicant states that First Choice Liquor Superstore considers that "mitigation of alcohol harm" is most effective when "collaboration occurs between the licence regulators, licensees, police, local Government and health professionals" and that its management strategies are designed to "limit the risks" associated with the proposed Premises. The document addresses, *inter alia*, staff and training; CCTV surveillance; prohibition on "drunk or disorderly persons" entering the Premises; recording and monitoring incidents which may occur at the Premises; communication with Police; participation in the local Liquor Accord; and display of drink driving educational material.
16. **House Policy for the Responsible Service of Alcohol.** This 2-page internal business policy document prepared by the Applicant states that management staff at the proposed Premises "must request" one or more approved forms of identification from any person who wishes to purchase alcohol from the Premises and who appears to be under 25 years of age. It states that liquor must not be sold or supplied to persons who exhibit signs of intoxication or who are reasonably believed to intend to supply liquor to intoxicated or underage persons. The *House Policy* also addresses, *inter alia*, continual review of house practices; provision of low range alcohol and non-alcoholic beverages with appropriate low pricing; display of mandatory signage; and prohibition of consumption of liquor on the Premises.
17. **Wyong Shire Council map** of an Alcohol Free Zone covering Goorama Avenue, Scribbly Gum Close, Brava Avenue, Costa Avenue and Pacific Highway located in parts of the suburbs of Blue Haven and San Remo.
18. **ASIC Company Extract for Liquorland (Australia) Pty Limited created on 28 June 2012.** This document discloses that the directors of this corporation are Messrs Ian James Winward McLeod, Antonios Leon, and Anthony David Buffin; that the company secretary is Ms Linda Jayne Kenyon and that the ultimate holding company is Wesfarmers Limited.
19. **Submission to the Authority from a delegate (Delegate) of the Director General of the NSW Trade and Investment, working within the Compliance and Enforcement Division of the Office of Liquor, Gaming and Racing (OLGR) dated 30 May 2014.** The Delegate reports that the OLGR Director of Compliance and Enforcement is of the view that granting the Application is "unlikely to increase any alcohol related issues in the area". The Delegate submits that the business model for the proposed Premises is assessed as "low risk". The Delegate notes that the Northlakes Tavern which adjoins the

proposed Premises operates under a full hotel licence and there are "no restrictions on the hotel that would prevent it from continuing to sell packaged liquor".

20. The Delegate states that the radial density in both the state suburbs of San Remo and Charmhaven are "well below the State average". The Delegate submits that data sourced from the NSW Bureau of Crime Statistics and Research (BOCSAR) reveals that while the suburb of San Remo "does not appear to have a concentration of alcohol-related anti-social behaviour", the neighbouring suburb of Charmhaven does appear to have a "significant concentration" of alcohol-related anti-social behaviour.
21. The Delegate submits that OLGR does not object to the Application provided that the associated reduction of licensed boundary application for the Northlakes Tavern is approved and the proposed trading hours for the Premises are amended to commence at 10:00am Monday to Sunday. The Delegate submits that the Applicant has, in OLGR's view, not made a "compelling argument" to support the commencement of licensed trade at 8:00am in light of the unfavourable crime data for the suburb of Charmhaven. The Delegate contends that commencing trade at 8:00am may "further contribute to the already high rates of alcohol related harm in the area" and that the hours proposed by the Applicant "conflict with the mandatory 6-hour closure period" between 4:00am and 10:00am. [The Authority notes that while section 11A prescribes a default daily closure period of 4:00am to 10:00am, the Authority has a discretion to vary that 6-hour period to another time and the Applicant seeks an alternative closure period].
22. The Delegate submits that a review of Compliance and Enforcement Division records did not disclose any adverse information in respect of the Applicant and notes that the Applicant has "involvement either as a contact person or licensee" with several packaged liquor outlets operating under Liquorland and Vintage Cellars brands.
23. **Letter from NSW Roads and Maritime Services (RMS) to Ms Nicole Beath (the Applicant's legal representative) dated 23 December 2013.** RMS states that alcohol was involved in **21.6%** of all fatal crashes recorded in the Hunter Region within the last five years and that countermeasures to prevent and decrease the likelihood of alcohol involvement in road crashes should be "discussed in the approval process" for the Application. RMS requests that should the Application be granted the licensee be aware of any specific local alcohol related issues through attending Liquor Accord meetings and where possible "prominently display" drink driving and pedestrian educational material from either Council or RMS.
24. **Email from Senior Constable Matt Dyer from Wyong Police (Police) to the Authority dated 29 August 2014.** This brief email states that "licensing police have no objection to the amended trading hours" and that Police have advised the Applicant's solicitor that "no objection would be forwarded considering it is an existing licensed premises".
25. **Copy of Notice of Determination of an Application to Modify Development Consent No. DA/1796/2005/A by Wyong Shire Council (Council) dated 28 July 2006 (DA).** This document records the grant of consent by Council, for planning purposes, for the proposed use of the Premises for a "hotel and bottle shop" on land described as Lot 531 DP 853897 at 17-33 Pacific Highway East, San Remo. The DA specifies conditions in relation to, *inter alia*, vehicular access and parking; acoustic requirements; and waste management. The DA states that for the purposes of "preserving the amenity of neighbouring occupants and residents" the opening hours of the hotel are restricted to 9:00am and 12:00 midnight Sunday to Wednesday and 9:00am to 3:00am Thursday to Saturday, and the opening hours of the liquor shop are restricted to 9:00am to 10:00pm Sunday to Wednesday and 9:00am to 12:00 midnight Thursday to Saturday.

26. **Email from Mr Jon Martin (the Applicant's legal representative) to the Authority dated 23 September 2015.** In response to the Authority's proposal that the Applicant apply for the grant of a new general bar licence in respect of the Northlakes Tavern and surrender the hotel licence, Mr Martin states that it is "simply not viable" for the Applicant to continue operating the Northlakes Tavern without its gaming machines, which would be "inherent in adopting the Authority's recommendation". Mr Martin submits that the Authority approved a "very similar application" for Liquorland Padstow in May 2014 as well as "what appears to be a similar application" for the "Dulwich Hill drive in bottle shop" which was "formerly part of the Gladstone Hotel".
27. Mr Martin states that if the Authority is minded to grant the Application, the Applicant would be prepared to agree to the imposition of a condition that the new packaged liquor licence cannot be exercised unless the liquor licence for premises formerly trading as "Industrie" (LIQH424015413) located at 107 Pitt Street, Sydney (within the high risk Sydney CBD Entertainment Precinct) is surrendered. Mr Martin contends that this would provide an "additional means of enhancing public benefits potentially arising from the approval of this application".
28. **BOCSAR crime mapping data for July 2014 to June 2015.** This data reveals that the Premises is located within a low density hotspot for the concentration of *domestic assault* and *non-domestic assault* incidents recorded across the Wyong Local Government Area (LGA) and within a medium density hotspot for the concentration of *malicious damage to property* incidents within the LGA.
29. **Authority licensing data** indicating that liquor licence density for packaged liquor licences per 100,000 persons of population in the State suburb of San Remo is **19.85**, which is above the rate for the Wyong LGA at **8.68** but below the NSW wide rate of **32.85**. The density of hotel licences in San Remo is **39.69**, above the LGA rate of **6.68** and the NSW rate of **30.36**. The density of on-premises licences in San Remo is **129.00**, well above the LGA rate of **7.35** but similar to the NSW rate of **121.31** per 100,000 persons of population.
30. **Crime data on the Authority's records sourced from BOCSAR for calendar year 2013.** This data reveals that for calendar year 2013:
 - a) the rate of *alcohol related domestic assault* incidents recorded across the community of the Wyong LGA was **193** per 100,000 persons, moderately above the NSW wide rate of **145** per 100,000 persons
 - b) the rate of *alcohol related non-domestic assault* incidents within the LGA was **203**, close to and slightly above the NSW rate of **191** per 100,000 persons
 - c) the rate of *exceed PCA* (prescribed concentration of alcohol) incidents recorded across the LGA was **303**, above the NSW wide rate of **290** per 100,000 persons
 - d) the rate of *alcohol related malicious damage to property* incidents across the LGA was **156** per 100,000 persons, moderately above the rate of **122** per 100,000 persons of population for NSW as a whole.
31. The crime data also records the numbers of offences which occurred in the suburb of San Remo by time of day and day of week. According to this data, there is an elevation of recorded incidences of *malicious damage to property* offences between the hours of 6:00pm and midnight on Fridays through Sundays; an even spread of recorded incidences of *domestic violence assault* and *exceed PCA* offences throughout the week; and a slight elevation of *non-domestic violence assault* on Mondays through Fridays as compared with weekends.

32. **BOCSAR Report on *Crime by LGA and Alcohol Related Status* for the period from July 2014 to June 2015.** This report records rates of *alcohol related* offences which occurred in each LGA in NSW, and on average across NSW. It indicates that between July 2014 and June 2015:
- a) the rate per 100,000 persons of *alcohol related domestic assault* incidents in the Wyong LGA was **172.9**, compared to the NSW rate of **122.6** per 100,000 persons
 - b) the rate of *alcohol related non-domestic assault* incidents in the LGA was **194.3** compared to the rate of **144.0** per 100,000 persons across NSW as a whole
 - c) the rate of *alcohol related assault police* incidents in this LGA was **24.5** compared to **18.2** per 100,000 persons recorded across NSW as a whole
 - d) the rate of *alcohol related offensive behaviour* incidents in this LGA was **59.7** per 100,000 persons compared to **88.2** for NSW as a whole.
33. **Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS)** indicating that the State suburb of San Remo ranked in the first decile for suburbs within the State on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged); Charmhaven ranked in the second decile for suburbs within the State; postcode 2262 ranked in the second decile for postcodes; and the Wyong LGA ranked in the fourth decile for LGAs within the State.

STATUTORY OBJECTS AND CONSIDERATIONS

34. The power to grant a packaged liquor licence is provided by section 45 of the Act, which 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) ...
 - (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.*
35. 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.
36. 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.

37. An application for a packaged liquor licence is a type of licence prescribed by section 48(2).
38. In determining the Application, the Authority 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

39. In the CIS document, the Applicant contends that "First Choice Liquor Superstore will establish close links with the local community through participation in the Local Liquor Accord and ongoing discussions with the Local Police and Council as and when required".
40. In the material attached to the CIS document, the Applicant explains that the proposed Premises will be located in the same building as the existing Northlakes Tavern hotel, in the area which was previously the hotel's bottle shop.
41. The Applicant states that the approval of this Application "will be conditional upon the grant of the Redefinition Application" which seeks to redefine the licensed area of the Northlakes Tavern to exclude the existing bottle shop from the licence of the hotel.
42. The Applicant contends that there will "inevitably be demand" from patrons to open at 8:00am due to the location of the Premises in a "mixed use residential and commercial precinct" and that this demand traditionally increases in the weeks leading up to occasions such as Christmas and New Year's Eve.
43. The Applicant contends that there will be only a "very small minority" of patrons who wish to purchase liquor between the hours of 8:00am and 10:00am who are "at risk of harm from the misuse and abuse of alcohol" and that the Applicant has "adequate procedures" in place to ensure that these prospective patrons are not sold or supplied with liquor from the Premises. However, the Applicant also contends that the actual trading hours exercised may be reduced during low trading periods.
44. The Applicant submits that the Premises will stock a "comprehensive" range of wine, spirits, liquor, pre-mixed and ready to drink products, including non-alcoholic beverages. The Applicant states that the "nature, extent and quality" of the fixtures and fittings at the

Premises will be of a "high standard"; and that the layout enables "as much interaction as possible between team members and customers", so that customers may make choices "under the surveillance and with the assistance" of staff members of the Premises.

45. The Applicant submits that it is "anticipated" that the Premises will employ "approximately 17 experienced personnel", comprising five full-time and 12 part-time staff, as well as casual staff "as and when required".
46. The Applicant contends that given that the proposed First Choice Liquor Superstore will operate in the same location as an existing hotel bottle shop, there will be "no noticeable effect" in relation to "neighbourhood amenity, anti-social behaviour or crime" as a result of the Application being granted.
47. The Applicant submits that there is "no basis to suggest" that granting this Application will "increase the allurements" of the Premises for young people, however the Applicant contends that a "range of mitigative measures" will be in place by the new operator of the Premises to address "underage drinking", including the continuation of existing CCTV surveillance to ensure that the Premises does not "become a place where congregation or anti-social behaviour could occur".
48. The Applicant contends that it is likely that patrons of the new business will access the Premises by "private vehicle or by foot" and are "more likely" to purchase liquor for consumption "at home or in restaurants" than for consumption in the "surrounds" of the Premises.
49. The Applicant submits that while granting the Application will increase packaged liquor licence density in the Wyong LGA, any impact from this increase is "likely to be negligible and is unlikely to be adverse" as the new licence will "replace" the licence for the existing bottle shop at the Premises.
50. The Applicant further submits that according to the OLGR Social Profile for the Wyong LGA [which the Authority notes is now quite outdated and useful for historic analysis only], only 30 of the 174 liquor licences in the LGA were for packaged liquor outlets and that the rate of liquor licences per 100,000 persons of population in the LGA is "significantly lower" than the rate for NSW as a whole.
51. The Applicant submits that there is therefore "little cause for concern" that granting the Application will result in "an increase in existing alcohol related problems" and that the Applicant is "better placed than other packaged liquor operators in Wyong" to address the "potential for social harm" caused by granting the Application.
52. The Applicant submits that the new licensed business on the Premises will offer the following benefits to the local and broader community, and that these benefits must be "weighed and balanced" against the "concerns of stakeholders":
 - a) Improved facilities – the Applicant states that the proposed Premises will be "upgraded" to offer a "larger range of competitively priced goods" and a "safer shopping experience" by incorporating enhanced "designing out crime" features.
 - b) Reduced trading hours – the Applicant states that the proposed new business on the Premises will close two hours earlier than the existing hotel bottle shop, which may "assist in reducing the incidence of late night anti-social behaviour in San Remo".
 - c) Increased employment – the Applicant states that the existing staff of the hotel bottle shop will "continue their employment at the proposed Premises" and that "additional team members" will be employed and formally trained, offering a "small but positive contribution to the skill base of the local community".

53. The Applicant submits that First Choice Liquor Superstore is a "highly reputable operator" which takes its responsibilities regarding the sale of liquor "extremely seriously" and has a "notable level of success" in the responsible service of alcohol.
54. The Applicant submits that the measures outlined in its *Management Strategies* and *House Policy* documents have been designed to ensure that any potential adverse social impacts caused by the proposed Premises are "eliminated or managed". The Applicant submits in conclusion that the "net impact of the proposed Premises is likely to be positive".

REASONS FOR GRANT

55. The Authority is satisfied, for the purposes of section 40 of the Act, that the Application material establishes that the Application has been validly made and relevant consultation and advertising requirements of the legislation were observed.
56. The Authority is satisfied, for the purposes of section 45(3)(a), that the Applicant is a fit and proper person. The Authority is satisfied that the Applicant is experienced in the kind of service of liquor authorised by the grant of a packaged liquor licence, and that the Applicant's *House Policy* and *Management Strategies* disclose that a comprehensive risk mitigation regime has been devised by the Applicant or the Business Owner and will be in place at the Premises. The Authority is satisfied that no adverse submissions have been made from OLGR or Police as to the Applicant's probity or ability to hold a licence.
57. The Authority is satisfied, for the purposes of section 45(3)(b), that responsible service of alcohol practices will be in place with the commencement of licensed trading under the proposed new licence and will remain in place with the operation of the licensed business. This finding is made on the basis of the Applicant's *House Policy* and *Management Strategies* documents and submissions provided by the Applicant.
58. The Authority is satisfied, for the purposes of section 45(3)(c), that the required development consent has been granted for use of a packaged liquor licenced business on the Premises. This finding is made on the basis of the DA provided by Council in respect of the Premises that has been furnished by the Applicant.

Overall Social Impact

59. With regard to the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the suburb of San Remo and the broader community comprises the Wyong LGA.
60. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.
61. While the Authority finds that the proposed surrender of a liquor licence located in an entirely different location, outside the local and broader community, is not relevant to an assessment of the overall social impact upon the relevant communities of granting *this* Application, the Authority has nevertheless accepted the Applicant's proposal to surrender the licence for premises formerly known as *Industrie* located in the Sydney CBD Entertainment Precinct. This offer forms part of the representations made to the Authority in support of this Application and for that reason the offer is accepted.

Positive Benefits

62. The Authority is satisfied on the basis of the Applicant's submissions that the proposed Premises will provide "modern and pleasant shopping facilities" to the local and broader community while enabling the Applicant to assist and monitor customers.
63. While the Applicant has not provided a great amount of detail to support its submission that if the Application is granted the Premises will be "upgraded" to ensure a "safer shopping experience", the Authority is satisfied by the Applicant's submissions that the new facilities to be installed on the Premises will be of a high standard, that a "comprehensive" range of "competitively priced" liquor will be offered, and that the Premises will offer a "very convenient" shopping experience to the local and broader community. The Authority is satisfied that the installation of a new business on the existing hotel bottle shop will more likely than not provide a newer and rejuvenated licensed business by comparison to the bottle shop previously operating on the Premises.
64. In the absence of any evidence of local or broader community opposition to the proposal, these benefits may be said to modestly advance the statutory objects of section 3(1)(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. The replacement of an existing bottle shop with a newer business may also be said to contribute to the balanced development, in the public interest, of the local liquor industry which is an object of section 3(1)(b) of the Act.
65. The Authority accepts the Applicant's submission that the Applicant will employ new staff members, in addition to the existing staff at the Premises. While the Applicant submits that formal training of team members will contribute to the "skill base of the local community", the Authority gives little weight to the contended employment benefits in the absence of a clear indication and commitment that new employees will be sourced from the local or broader community.

Negative Impacts

66. The Authority accepts that over time there will more likely than not be some contribution from the liquor sold from this substantial scale packaged liquor business with extensive trading hours to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
67. The Authority notes that BOCSAR data reveals that alcohol related crime in the broader community is occurring at a relatively high rate when compared with average rates of alcohol related crime across NSW as a whole. The Authority also notes SEIFA statistics which indicate that the local and broader community is characterised by substantial socio-economic disadvantage, with the suburb of San Remo ranked in the lowest decile for suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage and the Wyong LGA ranked in the fourth decile for LGAs.
68. However, on the facts of this Application those concerns are to some considerable extent offset by the fact that that granting this Application, in combination with the associated application to reduce the licensed area of the neighbouring hotel, will mean that the new business will likely displace packaged liquor sales that would previously have been made by the hotel's bottle shop that operated on the same area.
69. The Authority is further satisfied that any structural and security improvements to minimise the potential for criminal activity at the Premises will to some extent reduce the

likelihood that granting the Application will have an adverse impact on the amenity of the local and broader community.

70. The Authority accepts that the *House Policy and Management Strategies* provided by the Applicant demonstrate a comprehensive risk mitigation regime which the Applicant will implement in the operation of the Premises to minimise any adverse impact of granting the Application upon the local and broader community. The Authority is satisfied that the Applicant is an experienced operator of many large scale packaged liquor outlets throughout NSW and on this basis accepts the Applicant's submission that it is "better placed than other packaged liquor operators in Wyong" to address the "potential for social harm" caused by granting the Application.
71. The Authority accepts the submission from OLGR that the Applicant has not made a "compelling argument" for trading hours to commence as early as 8:00am Monday to Sunday.
72. The Authority's policy, demonstrated through many previous published decisions, is to entertain the grant of licensed opening hours as early as 8:00am for a packaged liquor business that operates with a supermarket - to enable shoppers of the supermarket to obtain the benefit of one stop shopping. It is not the Authority's policy or practice to grant opening hours earlier than 9:00am for a stand-alone packaged liquor business.
73. The Authority is not satisfied that the Applicant has substantiated how it is in the public interest for this stand-alone licensed premises to open any earlier than 9:00am in the morning and for this reason, and for the sake of regulatory consistency, the Authority is satisfied that it is in the public interest for licensed hours to commence from 9:00am on Monday to Saturday and from 10:00am on Sunday.
74. Noting that the hotel next door will continue to operate, the Authority accepts that granting this Application will increase packaged liquor licence density in the local and broader community.
75. However, the Authority is satisfied, on the basis of its licensing records that licence density in the local and broader community is generally lower than licence density in NSW as a whole, with 8.68 packaged liquor licences per 100,000 persons of population in the Wyong LGA, below the rate of 32.85 per 100,000 persons across NSW. The rate per 100,000 persons of population of hotel licences in the LGA is substantially lower than the NSW rate, at 6.68 compared with 30.36 per 100,000 persons. The rate of club licences in the LGA is 3.34 per 100,000 persons, below the NSW rate of 20.48.
76. The Authority notes that the Applicant did not make any submissions concerning the nature and number of licensed premises in San Remo. However, the Authority is nonetheless satisfied, on the basis of its licensing records, that licence density figures do not indicate particularly high rates for licensed premises types that are authorised to sell takeaway liquor (being packaged liquor, full hotel and registered club licensed premises) in the LGA and that there are currently no other licensed premises in the State suburb of San Remo.
77. However, accepting OLGR's submission that, as a full hotel, the Northlakes Tavern will continue to have a hotel licence that is capable of selling takeaway liquor, with the Applicant's consent and as an additional measure to mitigate any potential adverse impact from an increase in packaged liquor retailers in the local community from granting the Application and/or as a means of ensuring that the new licensed business replaces

the previous bottle shop, the Authority will impose (with the Applicant's consent) a condition on the licence for the Northlakes Tavern (LIQH400109865) that:

The licensee of hotel LIQH400109865 must not sell packaged liquor for consumption off the hotel premises whenever the packaged liquor licence LIQP770016905 are open and trading.

78. The Authority notes that OLGR and Police do not object to the Application. This absence of adverse submissions in relation to the Application and an absence of evidence that there are localised problems associated with the supply of packaged liquor in the area of the Premises (such as public drinking, secondary supply to minors or pre fuelling by young adults before attending on premises venues are factors that reduce the extent of concern that may otherwise arise from granting this Application.

CONCLUSION

79. Considering together the positive benefits of convenience and increased employment, 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 location, the Authority is satisfied that the overall social impact of granting this Application will not be detrimental to the well-being of the local or broader community.
80. In making this decision the Authority has had regard to all of the statutory objects of section 3(1) and has taken into account all of the statutory considerations prescribed by section 3(2).
81. In making this decision, the Authority has also determined that it is in the public interest for the daily 6-hour closure period required by section 11A of the Act will be fixed at between 3:00am and 9:00am daily.



Micheil Brodie
Chief Executive

DATED: 13 JAN 2016