



Mr Hamish Tame
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Dear Mr Tame

**Application for the Grant of a Packaged Liquor Licence
Ten Thousand Paces**

I am writing to you about an application made by you to the Independent Liquor and Gaming Authority on 9 March 2015, in respect of a proposed new packaged liquor licence for premises to be located at U10, 302-306, Bong Bong Street, Bowral known as "Ten Thousand Paces".

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

The Application was considered by the Delegate who has decided on 10 June 2015 to *approve* the Application, pursuant to section 45 of the Act. This decision was advised to you informally in an email from Authority Staff dated 10 June 2015.

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*. This letter attaches the statement of reasons for the Delegates decision to grant the Application. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

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

Yours faithfully

Micheil Brodie
Chief Executive

- 7 AUG 2015

STATEMENT OF REASONS

INTRODUCTION

1. On 9 March 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) made by Mr Hamish Tame (Applicant). The Application seeks the grant of a new packaged liquor licence, within the meaning of section 29 of the *Liquor Act 2007* (Act), for premises located at U10, 302-306 Bong Bong Street, Bowral currently trading as "Ten Thousand Paces" (Premises).
2. The Premises is described as an existing "regional gallery" situated within a long established shopping centre in the heart of Bowral.
3. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Manager of Licensing (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold, enabling the matter to be determined under delegation.
4. The Premises has a total floor space of approximately 55 square meters and the Application seeks to licence only half of the floor space of the gallery.
5. The initial Application proposes that the packaged liquor business be licensed to sell or supply liquor for consumption off the Premises during the trading hours of:

Monday to Sunday 8:00am - 6:00pm
6. The initial Application seeks that the 6-hour closure period required by section 11A of the Act be fixed at between 12:00 midnight and 6:00am.
7. However, the Application was later amended for a 9:00am commencement and for the 6-hour closure period to be fixed between 3:00am and 9:00am. This is pursuant to Authority Policy for a 9:00am commencement for stand-alone packaged liquor businesses that are not associated with a supermarket.

MATERIAL BEFORE THE DELEGATE

8. Application Form for Packaged Liquor Licence and Community Impact Statement (CIS) filed with the Authority on 09 March 2015: In the Application form, the Applicant discloses that the proposed capacity of the licensed area of the Premises will be 20 patrons; that a House Policy is in place that is reviewed regularly ensuring responsible service of alcohol occurs; that no alcohol will be served to persons under the age of 18 years; that staff must request identification from any person who appears to be under 25 years of age; that staff will refuse to serve liquor to a patron who exhibits signs of intoxication or may supply the liquor to an underage person; that alcohol will not be consumed on the premises except for tastings in accordance with the Act; that staff "...abide by our responsible service of alcohol policy"; that the proposed licensed trading hours are between 8:00am to 6:00pm Monday through Sunday; and that a 6-hour closure period be fixed for the purposes of section 11A of the Act from 12:00 midnight to 6:00am.
9. The various contentions and submissions made by the Applicant in the CIS document regarding the overall social impact of granting the Application are discussed in further detail below.

10. Plan of the Premises: being a two page document. The first page shows the location of the Premises in regard to other shops. The second page shows the proposed licenced area as approximately 20sqm within an overall floor plan of the Premises. The Plan shows, for the purposes of section 30 of the Act, where a "wall/barrier/picket fence" and a wooden bench will be placed, separating the sale of liquor from the remaining gallery, and that there will be a separate point of sale for liquor.
11. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Council and the site notice placed on the Premises.
12. Certification of Advertising signed and dated by the Applicant on 12 March 2015.
13. Responsible Service of Alcohol Certificate No. 10000580869: This certifies that Mr Hamish Tame has completed responsible service of alcohol (RSA) training on 28 January 2015.
14. Police Certificate No. NCHRC-2015-7631 for the Applicant: This Certificate, issued 29 January 2015, records that Mr Tame has no disclosable court outcomes or outstanding matters within the records of police services in Australia.
15. Photos of Premises: This two page document provides four images displaying both the outside and inside of the existing Premises.
16. Drivers Licence, Medicare Card, HCF Card and Commonwealth Bank Card for the Applicant providing proof of identity.
17. List of Stakeholders and Special Interest Groups located near the proposed licensed Premises.
18. Geographical Maps identifying where the Premises is located and the Alcohol Free Zones established in Bowral.
19. Submission from NSW Roads and Maritime Services (RMS) dated 10 February 2015 stating the RMS does not object to the application but recommends that the Applicant join the Southern Highlands Liquor Accord.
20. Email submission from Bowral resident Mr B Lawton dated 11 February 2015 outlining his support for the "...provision for local wineries to display their products at Ten Thousand Paces". This document contends that the community can only benefit from the grant of the Application; that the licence will enhance the area for tourism; that the licence will "...compliment the gallery and attract more visitors to the Southern Highlands".
21. Determination on Development Application number 15/0080 (DA) by Wingecarribee Shire Council (Council) dated 10 March 2015: This document records the grant of development consent for use of the Premises for planning purposes to allow the sale of Packaged Liquor "...in accordance with the approved plans and documentation submitted". The DA specifies certain conditions including, *inter alia*, that hours of operation are limited to between 8:00am to 6:30pm Monday-Sunday; that "...no liquor is to be served on the premises with the exception of complimentary liquor provided at exhibition openings"; that no liquor may be "...sold from open bottled or by glass"; that CCTV systems shall be "...installed prior to commencement of alcohol sales" and that CCTV footage will be "...supplied to NSW Police upon request".

22. Email submission from Senior Constable Phillip Anderson of The Hume Local Area Command (LAC) of NSW Police to the Authority dated 10 April 2015: In this email, Police contend that they have spoken to the Applicant and Wingecarribee Shire Council and have "nil objections" provided the Applicant abides by the DA conditions and the CIS submitted by the Applicant.
23. Report to Authority dated 29 April 2015 from a delegate of the (then) Secretary of NSW Trade and Investment (Secretary) via the Compliance and Enforcement Division of the Office of Liquor, Gaming and Racing (OLGR): OLGR acknowledges that the Premises is located within a retail store that promotes local artists and goods produced within the region. It is operated by a photographer and the primary business activity will remain the exhibition and sale of local arts and crafts.
24. OLGR notes that the NSW Bureau of Crime Statistics and Research (BOCSAR) data suggest that the Premises is located within a high density hot spot for alcohol related crime with Bowral having a significantly higher rate of alcohol related assaults and alcohol related disorderly conduct offences compared to NSW as a whole.
25. OLGR notes that the radial density of Bowral is double the State average; that the BOCSAR data between October 2013 and September 2014 shows the rate of alcohol related assaults that occurred in Bowral per 100,000 people was 450 compared to the NSW state average of 321; and that the rate of alcohol related disorderly conduct offences was 470 compared to the NSW state average of 105.
26. However, OLGR submits that the proposed business model (the type of licence) is assessed to be a low risk operation.
27. OLGR notes that Police and Council raised no objection with this application and a review of Compliance and Enforcement Division records did not disclose any adverse information regarding Mr Hamish Tame.
28. Plan of Management for Ten Thousand Paces dated May 2015: This three page document outlines that the Applicant acknowledges "...the harm that liquor and alcohol can cause" and accepts that liquor cannot be sold for consumption within the premises. The Applicant contends that in order to ensure compliance the bottled liquor sold from the business will be sold in a package, that a comprehensive CCTV camera system is in the process of being installed; that staff will be fully trained and hold a current RSA and that if an incident occurs, it will be recorded in the Incident Register, Police will be contacted and the person will be asked to leave the Premises immediately. This documents further outlines that the legal age to buy alcohol will be adhered to by requiring staff to request identification documents if the patron appears to be under the age of 25 years; that alcohol will not be served to a patron who appears intoxicated; that staff and customers will be educated to ensure they understand and abide by the Premises RSA policy; that the house policy will be continually applied, assessed and updated and that all mandatory signage will be displayed prominently and that the Applicant has applied to join the local liquor accord.
29. Email from Authority Staff dated 12 May 2015 at 17:03: This document outlines 10 issues requiring attention in order for the Authority to complete its assessment. The document requests *inter alia* that the Applicant clarify the proposed trading hours as the hours noted on the DA differ from the Application; agree to the "...Council and Authority requirements; confirm that the liquor trading hours sought are from Monday to Sunday 8:00am to 6:00pm"; provide reasons to support the alternative 6-hour closure period proposed (noting that the six hour period is usually fixed between 4:00am and 10:00pm); provide information regarding the products the Applicant intends to stock; provide

comment on the attached BOCSAR research paper detailing the relationship between liquor licence concentrations and assault rates (domestic and non-domestic violence) in LGA in NSW; confirm that the Premises is complete and ready to trade; agree to a condition requiring the Applicant to join and be an active participant in the local liquor accord and agree to a condition limiting the maximum number of patrons on the Premises to 20.

30. Email from Mr Hamish Tame date 17 May 2015 at 22:08 with attachments: addressing the questions asked in the email from Authority staff dated 12 May 2015. The Applicant submits that they are happy to modify the proposed trading hours to "9:00am-6:00pm Monday to Sunday" and that the proposed 6-hour closure period is appropriate for the premises as *inter alia* the Premises will be closed for "15 hours" which is in "excess of the mandated 6 hours". The Applicant submits that it is contractually obliged by shopping centre management to trade between 9:00am-6:00pm and that neighbouring premises are open earlier than 9:00am with food and wine being a "...natural combination that many people would consider purchasing together".
31. The Applicant further outlines in this email that their sale of unique, artisan and local packaged liquor will be "...savoured and lingered over rather than a means to achieve rapid intoxication". The Applicant submits that the licensed area will be clearly defined by a very large industrial wooden beam acting as a ready impediment to access by children and that the Premises will be showing unusual, boutique and otherwise unavailable wines from the Southern Highlands Wine Region and not attempting to compete with the buying power of national chains. The Applicant submits that the Premises is ready to trade resulting from the installation of physical infrastructure, a new point of sale system and increased physical security; and that the imposed conditions are agreed to which include joining the local liquor accord conditionally on having the license granted and limiting the patron capacity to 20.
32. The Applicant acknowledges the BOCSAR Research Paper provided by Authority staff and contends that over half of the liquor licenses in Wingecarribee LGA are associated with restaurants and accommodation. The Applicant submits that "...groups most commonly at-risk of alcohol related harm have an average or below average representation in the local area"; that the crime associated with alcohol has below average rates; that the overall statistics "...suggests that the local area represents a relatively low level of risk" and that due to the "...expense and specialist nature of the liquor on sale...60 per cent of our customers will be out of town visitors". The Applicant submits that "...the groups identified in the BOCSAR report are unlikely to be our regular clientele".
33. Email from Authority Staff dated 26 May 2015 at 10:46 requesting the Applicant to confirm that the trading hours will be "9:00am to 6:00pm Monday to Sunday"; that the "proposed 6-hour closure period for the liquor licence is 3:00am to 9:00am"; and that the Premises must "...only sell liquor products from producers located in Goulburn Mulwaree, Palerang, Shoalhaven City, Oberon, Wingecarribee Shire, Upper Lachlan Shire and Wollondilly Shire".
34. Email from Mr Hamish Tame dated 27 May 2015 at 07:17 responding to the email from Authority staff dated 26 May 2015 and agreeing to the following imposed licence conditions. The amended trading hours of 9:00am to 6:00pm Monday to Sunday and the 6-hour closure period from 3:00am to 9:00am; that a "...picket fence or similar structure" will be provided to adequately separate the Premises; that these changes have been forwarded to the local police for comment and inspection; and that the Applicant agrees to only stock products from producers in the regions specified in the email from Authority Staff on 26 May 2015.

35. Email from Authority Staff dated 1 June 2015 at 10:43 noting that Police have requested a condition on the licence specifying 12 minimum requirements of an adequate CCTV system which require *inter alia* that a camera is located at the main entrance; that the view is unobstructed; that all entrances, exists and portions of the floor accessible to the public are recorded; that the correct date and time be embedded on all recordings; that recordings must be retained for a period of 30 days; that immediate access to the CCTV system be granted to NSW Police and OLGR Inspectors; and that the CCTV system will be checked at the commencement of trade each day.
36. This email also proposes conditions that the Applicant must "...conduct the licence in accordance with its Plan of Management" and ensure that "...the liquor sales area is defined from the rest of the premises by means of a fixed, solid and permanent barrier".
37. Email from Mr Hamish Tame dated 1 June 2015 at 16:38 outlining that the Premises "...will have the mandated CCTV coverage *within* the shop prior to liquor sales" and that proof of the CCTV system will be provided "...in the form of receipts and technical specs within 28 days of the licence being granted". The Applicant contends however, that the *external* CCTV coverage of the Premises "...is covered by the shopping centre arcades CCTV". The Applicant agrees to the imposition of licence conditions to the effect that the business be conducted in accordance with the Plan of Management and that the liquor sales area be adequately defined.
38. Email Submission from Senior Constable Phillip Anderson of The Hume LAC to the Authority dated 2 June 2015: In this email, Police contend that they have spoken to the Applicant and viewed the proposed floor plan and have no objection to the Application. The Police outline that the divider that is proposed on the floor plan will be adequate in separating the packaged liquor area and the rest of the building.
39. Email from Authority Staff dated 3 June 2015 at 15:04 requesting the Applicant to agree to condition that the licence cannot be operated until the Authority has been provided with evidence that a CCTV system meeting minimum requirements has been installed. This condition is proposed a result of the Applicant's Plan of Management specifying that CCTV will be installed prior to liquor sales.
40. Email from Mr Hamish Tame 3 June 2015 at 15:54 agreeing to the requirement of Authority staff advised by email dated 3 June 2015 requiring that a CCTV system to be installed prior to the licence being granted.
41. Email from Authority Staff dated 10 June 2015 at 9:26 informing the Applicant that an extended trading authorisation would be required if trading was to commence on Sunday before 10:00am. The document outlines that the Applicant may choose not to apply for an extended trading authorisation and consent to the imposition of licensed trading hours of Monday through Saturday 9:00am to 6:00pm and Sunday from 10:00am to 6:00pm.
42. Email from Mr Hamish Tame dated 19 June 2015 at 11:40 in which the Applicant agrees to the further proposed trading hours of Monday through Saturday 9:00am to 6:00pm and Sunday 10:00am to 6:00pm.
43. BOCSAR Crime Maps based upon data from January 2014 to December 2014 detailing hotspots of offences for the location of Ten Thousand Paces: This data obtained from published BOCSAR sources shows the immediate location surrounding the Premises at U10, 302-306 Bong Bong Street, Bowral, has had no incidents of *domestic assault*. The data shows, that the Premises is located within a medium density area for incidents of *non-domestic assault* and a high density area for incidents of malicious damage to property.

44. Authority licensing records indicating the addresses of other liquor licenced premises in the suburb of Bowral.
45. Authority liquor licensing data: It is noted that the Wingecarribee Local Government Area (LGA) had a rate of 29.29 *packaged liquor licences* per 100,000 persons and the postcode 2576 had a rate of 31.44. These statistics for packaged liquor licences are lower than the NSW state average of 32.85. The BOCSAR statistics show postcode 2576 as having a higher rate of *club licences, full hotel licences, on premises licences and wholesaler licences* per 100,000 people compared to the NSW state average. Postcode 2576 has a total of four *packaged liquor licences*, Wingecarribee LGA has 17 and Bowral has only three.
46. BOCSAR Report on *Crime by LGA and Alcohol Related Status* for calendar year 2013. The rate of recorded *domestic violence related assault* incidents in which alcohol was flagged by reporting Police as a contributing factor across the Wingecarribee LGA was 81 per 100,000 persons, which is significantly less than the NSW state average of 145 per 100,000 persons. The rate of *non-domestic violence related assault* incidents flagged by reporting Police as alcohol related in the Wingecarribee LGA for 2013 was 124, lower than the rate for NSW of 191. The rate of *offensive behaviour* offences flagged by reporting Police as alcohol related in this LGA was 88 per 100,000 persons, which is slightly higher than the NSW rate of 83. The rate of *assault police* incidents flagged by reporting Police as alcohol related in this LGA was 11, well below the NSW rate of 24. The statistics outline that rate of alcohol related *malicious damage to property* in the Wingecarribee LGA is 128, which is higher than the NSW rate of 122.
47. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS): ABS data indicates that the suburb of Bowral ranked in the seventh decile, while the Wingecarribee LGA as a whole ranked in the eighth decile, within the State on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

STATUTORY OBJECTS AND CONSIDERATIONS

48. Division 5 of the Act addresses concerns packaged liquor licences and includes the following provisions:
 - 29 *Authorisation conferred by packaged liquor licence*
 - (1) *Retail sales* A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:
 - (a) *during the standard trading period or such other period as may be authorised by an extended trading authorisation, or*
 - (b) *in the case of any Sunday that falls on 24 December-from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.*
 - (2) *No retail trading on restricted trading days* Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.
 - (3) *Selling liquor by wholesale or to employees* A packaged liquor licence also authorises the licensee:
 - (a) *to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and*
 - (b) *to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.*
 - (3A) *An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.*
 - (4) *Tastings* A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise

than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

- 30 *Liquor sales area required if bottle shop is part of another business activity*
- (1) *If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises ("the liquor sales area") that is adequately separated from those parts of the premises in which other activities are carried out.*
 - (2) *The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.*
- 31 *Restrictions on granting packaged liquor licences*
- (1) *A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:*
 - (a) *in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and*
 - (b) *the grant of the licence would not encourage drink-driving or other liquor-related harm.*
 - (2) *A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.*
 - (3) *In this section:*

"general store" means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

"service station" means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

"take-away food shop" means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

49. The power to grant a new liquor licence is provided by section 45 of the Act, which states, relevantly:

- 45 *Decision of Authority in relation to licence applications*
- (1) *The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.*
 - (2) *...*
 - (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
 - (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
 - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
 - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*
 - (4) *...*
 - (5) *...*
 - (5A) *Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:*
 - (a) *is of good repute, having regard to character, honesty and integrity, and*
 - (b) *is competent to carry on that business or activity.*

50. 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.

51. 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.*

52. An application for a packaged liquor licence is a type of licence prescribed by section 48(2).

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

3 *Objects of Act*

- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

APPLICANT CASE ON SOCIAL IMPACT

54. The Applicant contends that the proposed packaged liquor licence at the Premises will have no negative impacts on the local community and instead will provide significant benefits to the local community as well as stakeholders in the immediate region. The Applicant outlines that the Application is a way for the Premises to extend its existing regional gallery and creative space to artisanal produce from the regions winemakers, brewers and distillers.

55. The Applicant proposes to restrict the the wines, beers, and spirits on show to producers who are within the immediate district. The Applicant states that the Premises has an established and enthusiastic following and broad support from many sectors including the local creative community through to the local council and media.

56. The Applicant states that the liquor licence will take up around half of the floor space of the approximately 55 square metre gallery, showcasing around 20-30 vineyards and makers. The Applicant contends that this liquor licence will allow the Premises to "...create a unified sense of the region as a unique and creative destination for visitors and a central hub for locals to learn about and support the local vineyards, brewers and distillers".
57. The Applicant contends that the proposed business is a community based initiative that will continue to build our relationships with the local police and council. If concerns are raised, the Applicant outlines that it will respond quickly and look to resolve the problems in partnership with the appropriate organisation or institution.
58. The Applicant contends that the proposed trading hours sought for the Premises are considerably fewer than the standard hours permitted under the Liquor Act. The Applicant claims that the Premises will differ from bulk and discount liquor outlets as it will aim to "...inform visitors and locals about unique local wines and will be creating a boutique experience of premium products".
59. The Applicant contends that local stakeholders in the viticulture, brewing and distilling industries will benefit from the proposed liquor licence as it will provide them with a new venue to show their produce and will increase their sales, visitation, and engagement with their local community.
60. The Applicant submits that the notification was displayed on their windows as required which resulted in several casual queries about the application. The Applicant contends that these queries were taken seriously "...and an explanation of [our] application was provided along with a hard copy of the CIS notification". The Applicant contends that most of these conversations were casual with people being universally supportive and wanting to know how soon they can buy wine.
61. The Applicant states that every business within the CIS notification area was hand delivered a CIS notification letter amounting to approximately 200 letters. In the instances where premises were closed, the Applicant contends that the form was posted under their door, or in the mailbox. The Applicant asserts that most were handed directly to the business owner or a staff member and the process of the CIS explained. The Applicant contends that this process of consultation resulted in no adverse comments with almost universal support.
62. The Applicant notes that there was no comment or concerns raised by the Police and the Applicant has joined the local liquor accord as recommended by the Roads and Maritime Services.
63. The Applicant contends that no concerns were raised during consultation and a letter of support was received by email from a local who thought it was a good idea.
64. The Applicant has agreed to proposed licence conditions to combat any negative social impacts. These include the Applicant consenting to: the proposed trading hours suggested by the Authority; a condition that the Premises will be conducted in accordance with its Plan of Management; a requirement that adequate CCTV systems be in place prior to the granting of the licence; a condition that the Applicant join the local liquor accord; and a condition that the licenced area be adequately separated from the rest of the Premises.

REASONS

65. The Delegate is satisfied, on the basis of the Application material before the Authority and the absence of any submissions to the contrary that, for the purposes of Section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
66. The Delegate is satisfied, on the basis of the Application material, plans and conditions consented to by the Applicant in further submissions, that additional requirements as to packaged liquor businesses required by section 30 and 31 of the Act have also been satisfied.
67. The Delegate is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. The Authority notes the Applicant's completion of RSA training and is satisfied on the basis of the National Police Certificate provided by the Applicant and that no issues of concern were raised with regard to the Applicant's probity following consultation with relevant law enforcement agencies including Police and OLGR.
68. The Delegate is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service practices will be in place with the commencement of licensed trading, on the basis of the *Plan of Management* and submissions provided by the Applicant and noting an absence of adverse submission regarding this from OLGR or Police.
69. The Delegate is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in place for use of a packaged liquor licence at the Premises, on the basis of the DA provided by Council.

Overall Social Impact Test

70. 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.
71. Applying the social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local or broader community.
72. For the purposes of the overall social impact test prescribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the state suburb of Bowral while the relevant broader community comprises the Wingecarribee LGA.

Positive benefits

73. The Delegate is satisfied the Applicant has demonstrated that granting the licence will provide benefit to members of the local and broader community who wish to purchase unique and local wine in a boutique regional gallery setting.
74. The Delegate accepts that the Application may positively affect tourism in a tourist area like Bowral whilst providing local stakeholders in the local distilling and brewing industry with business opportunities to showcase their products.
75. The Delegate accepts the Applicant has established that granting the Application will be consistent with the expectations, needs and aspirations of the community being an object

of section 3(1)(a). The Delegate accepts that the Applicant distributed approximately 200 letters to the surrounding community without receiving any adverse comments or complaints and the lack of objection from OLGR and the Police.

76. The Delegate is satisfied a packaged liquor licence at a local gallery, that provides a boutique experience through selling unique and unusual local wines, would diversify the range of options available to the local community and tourists wanting to purchase packaged liquor within Bowral. In this sense the Authority is satisfied that the proposed new business will develop, in the public interest, the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act. The Authority often receives submissions to the effect that a new liquor business will assist in the development of a local liquor industry but this Applicant has specified how the product of local breweries, vineyards and distillers will occur. The Applicant has agreed to enforceable conditions to this effect. This will not be another mainstream liquor store.
77. The Delegate is satisfied that Bowral is an area that attracts and caters for tourism and in this respect the proposal will also contribute to the reasonable development of related industry, being the local tourism industry, interacting with local breweries, vineyards and distillers in a positive manner within the meaning of section 3(1)(c) of the Act and showcasing local produce. The Authority is satisfied that the proposed business will be attractive to visitors to Bowral and tourism involving breweries, vineyards and distillers will be supported by the proposed licence through increased product awareness.

Negative impacts

78. The Delegate accepts that over time there will likely be some contribution from the liquor sold at the Premises to alcohol related crime, disturbances or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
79. The Delegate also notes that there is some cause for concern arising from the BOCSAR crime data. The location of the Premises within a high density hotspot for the occurrence of malicious damage to property offences and within a medium density hotspot for the occurrence of non-domestic violence assaults.
80. However, the BOCSAR Report on Crime by Local Government Area and Alcohol Related Status satisfies the Delegate that such hotspots occur in the context of a broader community where the rate of *alcohol related domestic violence related assault* incidents across the Wingecarribee LGA was **81** per 100,000 persons, which is significantly less than the NSW state average of **145** per 100,000 persons. Alcohol related domestic violence data is of particular interest when assessing a packaged liquor application given that packaged liquor tends to be consumed in the home, where most domestic violence occurs.
81. However, the Delegate is satisfied that the following aspects of the proposal will objectively operate to constrain the extent of adverse social impact arising from the abuse of packaged liquor in the circumstances of the Application.
82. The Delegate is satisfied mitigating factors include the size and capacity of the venue. The licensed area of the Premises will constitute a very small scale venue of approximately 20sqm and has a maximum patron capacity of 20. In addition, the Delegate is satisfied that the area in which the licence covers will be adequately separated from the rest of the gallery ensuring access to the licensed area can be easily monitored.

83. The Delegate accepts that the location and venue type of the Premises also acts as a mitigating factor. The Premises comprises a gallery within a retail area located near a bakery and butcher. The Delegate acknowledges that the Premises promote local artists and goods produced in the region. It is a boutique business that will not have the same broad appeal as a mainstream packaged liquor outlet.
84. The Applicant has agreed to restrict the licensed trading hours to Monday through Saturday 9:00am to 6:00pm and Sunday 10:00am to 6:00pm. The Delegate acknowledges that the trading hours are quite moderate by comparison to the potential standard trading hours available for packaged liquor businesses. The business will not trade into traditionally higher risk times of the day or week, such as later on weekend evenings. The earlier weekend closing time is a notable mitigating factor.
85. The Delegate notes the absence of any adverse submissions from members of the local or broader community, Police or OLGR. That is, no submissions have been made identifying localised concerns with the abuse of packaged liquor in the particular location of the Premises, notwithstanding that there are Alcohol Free Zones declared in Bowral.
86. The Delegate is satisfied that the Applicant has implemented comprehensive harm minimisation measures through its Plan of Management. The steps outlined in this document satisfy the Delegate that the Applicant and all staff members will be adequately trained and will engage in steps that ensure the extent of adverse impact arising from the abuse of liquor sold at the Premises is constrained.
87. The Delegate is satisfied that the Applicant has consented to a number of conditions that will operate to reduce or constrain the social impact that the Premises may otherwise have. In addition to the restricted trading hours and 20 person maximum capacity, the Applicant has:
- a) consented to a 6-hour closure period between 3:00am and 9:00am
 - b) agreed to implementing an adequate CCTV system with extensive conditions
 - c) agreed to join and be an active participant in the local liquor accord
 - d) agreed to only sell liquor from specific locations outlined by the Authority
 - e) agreed to conduct the licence in accordance with its detailed Plan of Management.
88. These measures will further reduce the scope of the Premises to give rise to adverse social impacts. The Applicant has consented to a condition that will constrain the types and range of liquor products stocked, reducing the scope for the business to stock many mainstream liquor brands and reinforcing the boutique nature of the business that is proposed.

CONCLUSION

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

If you have any queries, contact the case manager, Ms Trudy Tafea via email at trudy.tafea@ilga.nsw.gov.au.



Micheil Brodie

Chief Executive

for and on behalf of the Independent Liquor and Gaming Authority

7 August 2015.