



Mr Grant Cusack  
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Dear Mr Cusack

**APPLICATION NO:** APP-0002518175  
**APPLICATION FOR:** Packaged Liquor Licence  
**TRADING HOURS:** Monday to Saturday 9:00am – 10:00pm  
Sunday 10:00am – 10:00pm  
**APPLICANT:** Sokich Pty Ltd  
**LICENSED PREMISES NAME:** Cellarbrations at Wentworth Point  
**PREMISES LOCATION:** Shop 1, 'Dock' 1 Burroway Road  
WENTWORTH POINT NSW 2127  
**ISSUE:** Whether to grant or refuse an application for  
a packaged liquor licence  
**LEGISLATION** Sections 3, 11A, 29, 30, 31, 40, 45 and 48  
*Liquor Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION FOR A  
PACKAGED LIQUOR LICENCE –  
CELLARBRATIONS AT WENTWORTH POINT**

The Independent Liquor and Gaming Authority considered application number APP-0002518175 and decided, pursuant to section 45 of the *Liquor Act 2007*, to **grant** the application for a packaged liquor licence, subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 3:00am and 9:00am 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 & NYE (std)

Retail sales

Good Friday December 24th	Not permitted Normal trading Monday to Saturday, 8:00am to 10:00pm Sunday
Christmas Day December 31st	Not permitted Normal trading

3. The licensee or its representative must join and be an active participant in the local liquor accord.
4. 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
5. The premises are to be operated at all times in accordance with the Plan of Management dated December 2016 as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
6. Liquor is only to be sold or supplied pursuant to the licence at those times that the adjoining Supermarket is open for business.
7. (1) The licensee must maintain a closed-circuit television 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 are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
  - (b) recordings must be in digital format and at a minimum of 15 frames per second,
  - (c) any recorded image must specify the time and date of the recorded image,
  - (d) the system's cameras must cover the following areas:
    - (i) all entry and exit points on the premises,
    - (ii) the footpath immediately adjacent to the premises,
    - (iii) all publicly accessible areas (other than toilets) on the premises.
- (2) The licensee must also:
  - (a) keep all recordings made by the CCTV system for at least 30 days, and
  - (b) ensure that at least one member of staff is on the premises at all times the system is operating who is 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 inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

Please be advised that the licence must not be exercised unless and until the Authority has been provided with evidence that the premises is complete and ready to trade, and either an approved manager has been appointed to the licence, or the licence has been transferred to an individual licensee.

Furthermore, please note that in any year that the 24<sup>th</sup> December falls on a Sunday, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00am. The Premises must not trade any earlier than 9:00am, in accordance with the 6-hour closure period.

If you have any enquiries about this letter, please contact the case manager via email to [charles.rivers@justice.nsw.gov.au](mailto:charles.rivers@justice.nsw.gov.au).

Yours faithfully



David Armati

**Deputy Chairperson**

For and on behalf of the **Independent Liquor & Gaming Authority**

## Statement of reasons

### Decision

1. On 21 December 2016, the Independent Liquor and Gaming Authority (“the Authority”) received from the Applicant, through Liquor and Gaming NSW (“L&GNSW”), an application for a packaged liquor licence for premises at Shop 1 ‘Dock’ 1 Burroway Road WENTWORTH POINT NSW 2127 (“the Application”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to grant the licence.
3. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 29, 30, 31, 40, 45 and 48 of the Act, and relevant provisions of the Liquor Regulation 2008 (“the 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, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

### Legislative framework

8. The Authority has considered the Application in accordance with the following legislative provisions.

### Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, 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 different types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

### Minimum procedural requirements

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

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

13. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:

- (a) the applicant is a fit and proper person to carry on the proposed business,
- (b) practices will be in place to ensure the responsible service of alcohol, and
- (c) the applicable development consent (“DC”) required for use of the premises for the proposed business is in force.

### Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.

15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter brought to its attention.

### Provisions specific to packaged liquor licence

16. Further legislative provisions specific to a packaged liquor licence are set out in sections 29, 30 and 31 of the Act.

17. Section 29 prescribes the period and manner in which liquor is to be sold or supplied.

18. Section 30 requires a separate liquor sales area to be set up on the licensed premises if its primary business is not to sell liquor for consumption away from the premises.

19. Section 31 sets out restrictions for granting the licence to general stores, service stations and take-away food shops.

### **Key findings**

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

### Validity, procedural and trading requirements

21. The Authority finds that:

- (a) the Application has been validly made and meets the procedural requirements under section 40 of the Act,
- (b) the proposed trading hours for the Premises meet the requirements under sections 11A, 12 of the Act in respect of trading and 6-hour closure periods,
- (c) liquor will be sold and supplied in a separate liquor sales area at the Premises, and in accordance with the authorisation conferred by a packaged liquor licence, as required by sections 29 and 30 of the Act, and
- (d) section 31 of the Act does not apply to the Application, as the Premises is not intended to be used for any of the purposes specified in the section.

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

22. Pursuant to section 45 of the Act, the Authority is satisfied that:

- (a) the Applicant is a fit and proper person to carry on the proposed business,

- (b) practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible service of alcohol, having regard to the “Plan of Management” and “House Policy” lodged with the Application,
- (c) the requisite development consent for use of the Premises as a bottle shop is in force, based on the notice of determination issued by Sydney Olympic Park Authority on 6 December 2016 approving development application DA 10-09-2016.

#### Community impact statement

- 23. Pursuant to section 48 of the Act, the Authority is satisfied that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
- 24. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the suburb of Wentworth Point, and the relevant “broader community” comprises the City of Parramatta local government area (“the LGA”). The LGA was established in May 2016 and is comprised of parts of the previous Auburn, Holroyd, Hornsby, Parramatta and The Hills LGAs.

#### Positive social impacts

- 25. L&GNSW’s liquor licensing records indicate that there is only one other packaged liquor facility in Wentworth Point. The Authority accepts, based on the information available, the Applicant’s contention that Wentworth Point is undergoing substantial residential development, and is one of the fastest growing suburbs in metropolitan Sydney. The Authority also accepts that the suburb’s anticipated population growth will create further demand for packaged liquor within the local community.
- 26. The Authority accepts that the Premises will, as contended by the Applicant, service the needs of the local and broader communities by offering a modern and convenient facility that will operate as the liquor department of a proposed IGA Supermarket. The Premises will meet the needs of members of the local community who expect to be able to access packaged liquor whilst purchasing grocery and other items.
- 27. Furthermore, the Authority is satisfied that the Premises will offer additional choice, and introduce new lines of liquor products that are not currently available in the local community for off-premises consumption.
- 28. The Authority is satisfied that no submissions opposing the Application have been received from NSW Police, City of Parramatta Council, NSW Health, or any other relevant agencies or bodies. One submission objecting to the Application was received from a member of the public, and that submission failed to substantiate its author’s concerns. The submitter simply advised that he/she was “writing to oppose the Application”.
- 29. The Authority acknowledges the submission received from NSW Police advising that it does not object to the Application and requesting the imposition of a number of conditions on the licence. Those conditions were considered by the Authority, and where appropriate, imposed, albeit subject to some modifications.
- 30. The Authority has had regard to ABS data indicating that, as at 2011, the suburb was extremely advantaged in comparison with other suburbs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.

### Negative social impacts

31. The Authority accepts NSW Health data that indicates that rates of alcohol-related hospitalisations and deaths in the previous Auburn LGA were well below corresponding NSW rates, and have generally been trending downward since the early 2000s.
32. The Authority notes from the BOCSAR data that:
- (a) for the year ending December 2016, there was a low density hotspot for alcohol-related assault, and high density hotspots for domestic assault and malicious damage to property in Wentworth Point suburb,
  - (b) the suburb recorded, for the year ending December 2016:
    - i. a higher rate of alcohol-related domestic assault than the corresponding NSW figure, and
    - ii. lower rates of alcohol-related non-domestic assault and malicious damage to property than the corresponding NSW figures.
  - (c) The previous Auburn LGA recorded, for the year ending December 2016:
    - i. lower rates of alcohol-related domestic assault and malicious damage to property than the corresponding NSW figures, and
    - ii. a higher rate of alcohol-related non-domestic assault than the corresponding NSW figure.
  - (d) The previous Holroyd LGA recorded, for the year ending December 2016:
    - i. lower rates of alcohol-related domestic assault and malicious damage to property than the corresponding NSW figures, and
    - ii. a higher rate of alcohol-related non-domestic assault than the corresponding NSW figure.
  - (e) The previous Hornsby LGA recorded, for the year ending December 2016:
    - i. lower rates of alcohol-related domestic assault and malicious damage to property than the corresponding NSW figures, and
    - ii. a higher rate of alcohol-related non-domestic assault than the corresponding NSW figure.
  - (f) The previous Parramatta LGA recorded, for the year ending December 2016:
    - i. lower rates of alcohol-related domestic assault and malicious damage to property than the corresponding NSW figures, and
    - ii. a higher rate of alcohol-related non-domestic assault than the corresponding NSW figure.
  - (g) The previous The Hills LGA recorded, for the year ending December 2016, lower rates of alcohol-related domestic assault, alcohol-related non-domestic assault, and malicious damage to property than the corresponding NSW figures.
33. Although the Authority is concerned by the evidence of elevated rates of some alcohol-related offences in the local and broader communities, its concerns are somewhat alleviated by the fact that there is only one existing packaged liquor licence in the suburb, along with the location of the Premises within a local community that is undergoing rapid expansion and evidence that alcohol-related health harms are not particularly prevalent in

the area. On this basis, the Authority is satisfied that levels of alcohol-related crime do not give rise to any immediate concern, or indicate that an additional packaged liquor licence would exacerbate any existing alcohol-related problems in the local or broader communities.

34. Having regard to the information provided by the Applicant, the Authority is satisfied that the risks identified are adequately mitigated by the following:

- (a) the Premises will be one of only two packaged liquor facilities in the suburb. Most patrons will most likely attend the associated IGA Supermarket for other purchases and services in addition to the purchase of liquor at the Premises,
- (b) only one unsubstantiated objection was received in response to the Application, and
- (c) the Applicant has set out in its Plan of Management and House Policy documents procedures and practices in respect of the responsible service of alcohol, which are complemented by the imposition of special conditions on the licence.

#### Overall social impact

35. Having considered the positive and negative impacts that are likely to flow from granting the licence, the Authority is satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.

36. The Authority is also satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.

37. Accordingly, the Authority has decided to grant the packaged liquor licence.



David Armati  
Deputy 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

<http://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/>.

## Material before the Authority

1. ABS SEIFA data based on the 2011 Census indicating that the suburb of Wentworth Point ranked in the 10th decile within NSW on the Index of Relative Socio-Economic Advantage and Disadvantage, with a decile ranking of 10 being the most advantaged.
2. HealthStats NSW data showing the trends of rates of alcohol-related deaths in Auburn LGA (the LGA within which the Premises was located prior to the creation of the new Parramatta City LGA in May 2016), for the period 2001-2002 – 2012-2013.
3. HealthStats NSW data showing the trends of rates of alcohol-attributable hospitalisations in Auburn LGA, for the period 2001-2002 – 2014-2015.
4. Submission from Transport Roads & Maritime Services dated 22 November 2016, making a number of recommendations to the Applicant.
5. An email from Aboriginal Affairs dated 29 November 2016 advising the Applicant that there is no objection to the Application provided that the NSW and Local Aboriginal Land Councils have been notified of the proposal.
6. Development Consent issued by Sydney Olympic Park Authority on 6 December 2016, for DA 10-09-2016. The notice approves the use of the Premises as a supermarket and sets out a number of conditions in relation to the hours and other aspects of the operation.
7. A copy of the ASIC Current Organisation Extracts for Sokich Pty Ltd ACN 166 676 437, Wentworth Point Supermarket Pty Ltd ACN 612 256 934, Payce Communities Wentworth Point Pty Limited ACN 161 430 744 and SH FWT Development Pty Limited ACN 164 281 145 extracted from ASIC's website, dated 8 and 16 December 2016.
8. A completed Category B CIS form, signed by the Applicant and dated 20 December 2016, and additional information provided by the Applicant in support of the CIS.
9. A completed online application form for a packaged liquor licence, dated 21 December 2016, and additional information provided by the Applicant in support of the Application.
10. A Plan of Management for the Premises dated December 2016 and a House Policy for the Premises, each lodged with the Application.
11. BOCSAR crime maps for the year to December 2016, indicating that Wentworth Point suburb features:
  - (a) a low density hotspot for alcohol-related assault;
  - (b) a high density hotspot for domestic assault; and
  - (c) a high density hotspot for malicious damage.
12. NSW crime statistics for the year ending December 2016, published by BOCSAR, indicating the following:
  - (a) The rate of alcohol-related domestic assault incidents was:
    - i. 162.4 for Wentworth Point suburb
    - ii. 77.9 per 100,000 persons for Parramatta LGA
    - iii. 61.2 per 100,000 persons for Holroyd LGA
    - iv. 64.4 per 100,000 persons for Auburn LGA



- v. 25.6 per 100,000 per persons for The Hills LGA
- vi. 28.5 per 100,000 per persons for Hornsby LGA
- vii. 116.9 per 100,000 persons for NSW.

(b) The rate of alcohol-related non-domestic assault incidents was:

- i. 81.2 for Wentworth Point suburb
- ii. 307.5 per 100,000 persons for Parramatta LGA
- iii. 248.4 per 100,000 persons for Holroyd LGA
- iv. 305.5 per 100,000 persons for Auburn LGA
- v. 115.6 per 100,000 per persons for The Hills LGA
- vi. 148.9 per 100,000 per persons for Hornsby LGA
- vii. 136.5 per 100,000 persons for NSW.

(c) The rate of malicious damage to property incidents was:

- i. 784.8 for Wentworth Point suburb
- ii. 713.4 per 100,000 persons for Parramatta LGA
- iii. 588.7 per 100,000 persons for Holroyd LGA
- iv. 541.9 per 100,000 persons for Auburn LGA
- v. 333.5 per 100,000 per persons for The Hills LGA
- vi. 393.1 per 100,000 per persons for Hornsby LGA
- vii. 834 per 100,000 persons for NSW.

13. Submission from a member of the public, dated 25 December 2016, opposing the grant of the licence.
14. Letter from Family & Community Services to the Applicant dated 17 January 2017, advising that the Department does not intend to provide any "input into the submission".
15. An email from Aboriginal Affairs to the Applicant dated 31 January 2017, advising that there is no objection to the Application provided that the NSW Aboriginal Land Council and Local Aboriginal Land Council have been notified of the proposal.
16. Submission from Flemington Local Area Command, dated 17 March 2017, requesting that a number of conditions be imposed on the licence, should it be granted.
17. Certification of Advertising Application signed by Mr Grant Cusack and dated 3 May 2017.
18. Liquor licensing records from L&GNSW as at 2 May 2017 for Parramatta, The Hills, Auburn, Holroyd and Hornsby LGAs (portions of which amalgamated in May 2016 to create the City of Parramatta LGA) and Wentworth Point suburb outlining
  - (a) the liquor licence density per 100,000 persons; and
  - (b) the total number of liquor licences in each LGA.
19. Google maps showing the location of the Premises, extracted from the Google website on 8 May 2017.

20. Letter from the Applicant in response to L&GNSW's assessment of the Application, including responses to the submissions received and consent to the imposition of various conditions, dated 11 May 2017.
21. Letter from the Applicant in response to the proposed imposition of the CCTV condition, dated 30 June 2017.
22. Floor plan indicating the Premises' proposed liquor sales area.