



Mr John Ralston  
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8 June 2017

Dear Mr Ralston

**APPLICATION NO:** 1-4994641375  
**APPLICATION FOR:** Club Licence  
**TRADING HOURS:** Consumption on premises:  
10:00AM to 12:00AM Monday to Saturday  
10:00AM to 10:00PM Sunday  
**APPLICANT:** Club Marconi of Bossley Park Social  
Recreation and Sporting Centre Ltd ("Club  
Marconi")  
**LICENSED PREMISES NAME:** Macarthur Community and Sporting Club  
**PROPOSED PREMISES LOCATION:** 2a Porrende Street, NARELLAN NSW 2567  
**ISSUE:** Whether to grant or refuse an application for  
a club licence  
**LEGISLATION** Sections 3, 11A, 12, 18,19, 20, 40, 44, 45,  
48 and 94 *Liquor Act 2007* and section  
10(1) of the *Registered Clubs Act 1976*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION FOR  
CLUB LICENCE – MACARTHUR COMMUNITY AND SPORTING CLUB**

The Independent Liquor and Gaming Authority considered application number 1-4994641375 for a club licence ("Application") at its meeting on 19 April 2017 and, pursuant to section 45 of the *Liquor Act 2007*, has decided to **grant** the Application subject to the following licence conditions:

1. Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00am and 10:00am 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**

Consumption on premises

Good Friday: Normal trading  
Christmas Day: Normal trading  
December 31<sup>st</sup>: Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later.

3. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
4. The premises must be operated at all times in accordance with the Macarthur Community and Sporting Club – Responsible Service of Alcohol Policy and Macarthur Community and Sporting Club – Responsible Provision of Gaming Policy dated 23 February 2017 or as may be varied from time to time after consultation with the Local Area Commander of New South Wales Police.
5. No drinks commonly referred to as “shots”, “shooters”, “slammers” and/or “bombs” nor any other alcoholic drinks that are designed to be consumed rapidly are to be sold or supplied on the Premises.
6. The licensee must join and be an active participant in the Local Liquor Accord.
7. No live entertainment, or any form of amplified music (including through speakers) is to be provided on the Premises.
  - (i) This condition does not apply to soft music that is played in the background as an accompaniment to meals.
  - (ii) This condition does not apply to a maximum of ten (10) community functions that may be held inside the licensed premises and/or on the Club's land outside the licensed premises over no more than a total of ten (10) days per calendar year.
8. Save for when community functions are conducted on the premises, the LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

\* Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.

## 9. Crime Scene Preservation

Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing injury to a person on the premises, the person must:

- (i) Take all practical steps to preserve and keep intact the area where the act of violence occurred, and retain all material and implements associated with the act of violence in accord with the New South Wales Police *Crime Scene Preservation Guideline*, and
- (ii) Make direct and personal contact with the Local Area Commander of NSW Police or his/her delegate, and advise the Commander or delegate of the incident, and
- (iii) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the act of violence occurred.

## 10. CCTV

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- (i) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
  - a. the person represents not less than 100% of the screen height, and
  - b. there is an unobstructed view of the person's face.
- (ii) CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
  - a. all other public entrances and exits, whether or not in use at the time
  - b. staircases
  - c. all portions of the floor area accessible to the public where entertainment is provided
  - d. toilet external entrances
  - e. all public accessible areas within the premises excluding toilets and accommodation rooms
  - f. the footpath area directly adjacent to the premises, and
  - g. courtyard and smoking areas.
- (iii) The CCTV recordings of the cameras referred to in sub condition (ii) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
  - a. the person represents not less than 50% of screen height, and
  - b. there is an unobstructed view of the person's face.
- (iv) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- (v) Camera recordings must meet the standards set in sub conditions (i) and (iii) at all times, either by way of camera positioning, camera shades or other environmental factors.
- (vi) Recordings must:
  - a. be in digital format
  - b. record at a minimum of ten (10) frames per second, and
  - c. commence one hour prior to opening, and operate continuously until at least one hour after closing.
- (vii) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (viii) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- (ix) When the venue is open and trading, at least one person shall be at the venue who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- (x) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, Liquor and Gaming NSW (LGNSW) or other regulatory officers upon request.

- (xi) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to Police, LGNSW or other regulatory officers.
- (xii) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander of NSW Police or their delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

11. The licensee will not sell or supply liquor for consumption off the Premises.

The licence is granted on the proviso that it may not be exercised unless and until (i) the existing club licence held in respect of the Premises by the Eastern Suburbs Leagues Club Ltd ("Easts") is surrendered to the Authority (ii) the Applicant provides the Authority with evidence of a completed contract between the Applicant and Easts for the purchase of the property at 2a Porrende Street, Narellan and (iii) the Applicant provides the Authority with evidence that the Premises are complete and ready to trade.

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

Yours faithfully



Philip Crawford  
**Chairperson**

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

## **STATEMENT OF REASONS**

### **DECISION**

1. The Independent Liquor & Gaming Authority (“the Authority”) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the application lodged on 9 August 2016 (“the Application”) for a new club liquor licence, as all of those parties required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
2. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the *Liquor Act 2007* (“the Act”) that the overall social impact of granting this licence would not be detrimental to the well-being of the local and broader communities.
3. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) of the Act.

### **MATERIAL CONSIDERED BY THE AUTHORITY**

4. In making this decision, the Authority has considered the Application, community impact statement (“CIS”) and all submissions received in relation to the Application. As foreshadowed in Authority *Guideline 6*, the Authority has also had regard to relevant liquor licensing records maintained by Liquor & Gaming NSW (“LGNSW”), Bureau of Crime Statistics and Research (“BOCSAR”) crime data and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. The material considered pursuant to the making of this decision is listed and, in some cases, briefly summarised in the Schedule.

### **LEGISLATIVE FRAMEWORK**

5. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and the *Liquor Regulation 2008* (“Regulation”). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
6. Section 19 of the Act requires that an applicant for a club licence must meet the requirements of a *bona fide* registered club that are prescribed by section 10 of the *Registered Clubs Act 1976* (“Clubs Act”) and otherwise comply with the Clubs Act. Section 20 of the Act requires, *inter alia*, that an applicant for a club licence will not hold a hotel licence or have an interest in a hotel.
7. An application for a new club licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
8. Section 48(5) of the Act requires that the Authority must not grant an application unless satisfied 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”.

9. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Narellan.
10. Consistent with the Authority’s long standing policy to find that the broader community comprises the relevant local government area, the Authority is satisfied that the broader community is, at the time of this decision, the area of Camden Council local government area (“Camden LGA”).
11. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
  - (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.*

## **KEY FINDINGS**

12. The Authority is satisfied, on the basis of the Application and CIS material including Certificate of Advertising dated 23 February 2017 and the further information provided in the Applicant’s submission dated 24 February 2017 that the Application has been validly made for the purposes of section 40 of the Act and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
13. The Authority is also satisfied, for the purposes of section 19 of the Act and on the basis of the Application, CIS and legal submissions dated 24 February 2017 that the Applicant is operating as a bona fide registered club that meets the requirements of section 10(1) of the Clubs Act and that the proposed new separately licensed premises will meet other requirements of the Clubs Act.
14. The Authority is further satisfied, for the purposes of section 20 of the Act on the basis of the Applicant’s legal submission dated 24 February 2017, that Club Marconi and the proposed new licensed club will not hold a hotel licence nor any interest in a hotel.

15. The Authority 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 registered club licensed venue of the kind proposed in the Application material.
16. The Authority notes that the Applicant club has a trading history. In a very brief submission dated 31 March 2017, LGNSW do not object to the Application but attach records of compliance action taken by that agency against the Club Marconi since 2009. There are numerous contraventions recorded by the former Office of Liquor, Gaming and Racing (now LGNSW) against the Club Marconi in respect of various corporate governance requirements in the Clubs Act and further instances of non-Compliance with the *Gaming Machines Act 2001* during 2009 and 2010, which resulted in the issue of Compliance Notices (written warnings) from LGNSW.
17. There were six contraventions of the *Gaming Machines Regulation 2010* that resulted in the issue of Penalty Notices from LGNSW, including five during September 2010 with one more issued in May 2014. Five of these six Penalty Notices concerned minor breaches of gaming machine ticket and contact card requirements, and one involved a more serious breach, during September 2010, with respect to a failure to properly record a gaming machine clearance.
18. The LGNSW records support the Applicant's submission that no adverse compliance issues have been detected since a change in executive management of the Club Marconi occurred during 2013. While the Applicant's regulatory history is problematic and warrants careful consideration, there have been no further regulatory issues detected by LGNSW pertaining to the last 4 years. The proposed Secretary for the new club, Mr Grant Imeson, has not been the subject of any apparent compliance concerns. No probity issues were raised with the Application by NSW Police ("Police").
19. On balance, noting in particular the change in executive management in 2013 the Authority is satisfied that the Applicant is a fit and proper corporate person to hold a licence at this time. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the *Responsible Service of Alcohol (RSA)* plan that was signed by the CEO Mr Imeson and submitted in support of the Application dated 23 February 2017.
20. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act, that the proposed use of the Premises that is the subject of this Application falls within the scope of the development consent that is currently in force for the Premises. This finding is made on the basis of the Camden Council ("Council") submission dated 6 September 2016 advising that development consent is required and is in place through development approval 2009/349/1 granted by Council on 16 August 2010 ("DA"), as modified. The Authority notes that the DA permits use of a car park to accommodate some 318 vehicles and that the permitted hours of use of the property (for planning purposes) are between 9am and 3am.

### **Social Impact – Positive Benefits**

21. On the basis of the information provided by the CIS about the nature and layout of the new club Premises, the Authority accepts that the new club will provide

substantial benefits to the local and broader community through new and ongoing hospitality infrastructure. This will occur in the context of a local and broader community with a growing population.

22. While a competitor club in the broader community, *Western Suburbs League Club, Campbelltown* (“Wests”) has called into question whether there is any “shortage” of dining options in the relevant communities, the Authority accepts that the new club will provide new bistro and café options for those in the local community seeking family oriented hospitality services within a licensed club environment.
23. The Authority accepts, on the basis of the online and face to face survey information provided by the Applicant’s consultant, that there is some positive evidence of local community support for the operation of a new registered club at this location and little evidence of community opposition to the proposal.
24. In this respect the Authority is also satisfied that granting the Application will be consistent with the expectations, needs and aspirations of the local community, advancing the statutory object of section 3(1)(a) of the Act.
25. The Authority is satisfied, on the information provided in the CIS, that granting the Application will further the balanced development of the liquor industry serving the local and broader communities by providing another registered club style of licensed entertainment venue, advancing the statutory object of section 3(1)(b) of the Act.
26. The Authority accepts that the bistro and function facilities specified in the Application and plans will also contribute to the responsible development of related industries, such as the hospitality industry, for the purpose of section 3(1)(c) of the Act. These benefits are given some weight in respect of the local community given the substantial nature of the proposed new venue and the fact that there will be only one other registered club (a golf club) within the State suburb of Narellan should the Application be granted.
27. The Authority further accepts that granting the Application will also provide a new outlet or choice of venue for the development of an associated industry, the provision of gambling services, including gaming machines, TAB and Keno advancing the responsible development of a related industry – the wagering and gaming machines industries. The extent of this benefit is reduced by the number and location of the incumbent hotels and clubs across the broader community. Nevertheless, the Authority accepts the Applicant’s submission, confirmed by LGNSW licensed premises data, that the only local community venues with gaming machines are the Camden Golf Club and the Narellan Hotel.
28. Noting that Camden LGA is designated a Band 1 area by the Authority under section 33 of the *Gaming Machines Act 2001* (following an assessment of relative gaming machine social impact that includes consideration of gaming machine density), the Authority accepts that granting the Application will provide some *modest* benefit by way of increased choice and convenience in respect of this related form of licensed entertainment in the *local* community.
29. While the Authority has considered the submissions from the Applicant and Wests on the extent of any community benefits and detriments that may flow through the



provision of gaming machine and other gambling services should this new club licence be granted, a more comprehensive assessment of the proposed keeping of gaming machines will be required should the Club seek to increase its gaming machine threshold and transfer gaming machine entitlements to the Premises.

30. The Applicant has advanced several other purported community benefits in the CIS- such as the provision of a gymnasium and childcare facilities and the potential to provide support for community groups and the development of sporting fields.
31. While the Authority accepts that the Applicant Club Marconi has delivered certain community support with respect to its existing premises in Bossley Park, save for two small donations to Camden Community Connections and Macarthur Hockey Associations there is an absence of specification as to *when and to whom* the foreshadowed gymnasium, childcare facilities or direct support to community groups will be delivered. This reduces the weight that the Authority may give to these claims on the material before it.

### **Social Impact – Negative Impacts**

32. Having reviewed all of the material before it, the Authority considers that over time there is a risk that liquor sold from this new club will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse liquor.
33. Turning to the factors identified in Authority Guideline 6, the licence *type* is a registered club. Unlike other licensed premises, section 10 of the Clubs Act requires that licensed clubs observe the requirements of section 10 in respect of a bona fide registered club. Clubs must serve a dedicated social, literary, political, sporting, athletic or other lawful purpose, providing accommodation for their members and guests. The Authority is satisfied that this will be the case, on the basis of the Application, CIS and a copy of the Club Marconi constitution.
34. By reason of the additional regulatory requirements pertaining to clubs, they typically provide a more structured form of monitoring and control of access to members, guests and visitors than other types of licensed venues.
35. The Applicant states that it does not seek extended licensed trading hours “in this Application”. While the licensed hours granted will be quite extensive across the week, the Applicant’s proposal to only trade within the standard trading period has been given considerable weight when assessing whether the Applicant satisfies the requirements of section 48(5) of the Act.
36. While LGNSW data records multiple clubs in the broader community that trade during extended hours, the Application’s decision to trade within the standard trading period will mean that this venue will not accommodate or attract persons who have been drinking for a prolonged period during times of the week that the BOCSAR excel report for the Camden LGA indicate are higher risk times for the occurrence of alcohol related violence (late on Friday and Saturday evenings).
37. The *scale* of the Premises is substantial, with a maximum patron capacity of 500. While it is not a relatively large club, its scale is another factor that increases the scope of this venue to generate adverse social impacts over time.

38. Notably, the Applicant does not propose to sell takeaway liquor from the Premises. This is a meaningful harm reduction measure that will reduce the scope for this new club to contribute to alcohol related anti-social conduct arising from the abuse of packaged liquor in the local and broader communities. This aspect of the proposal also eliminates the prospect that takeaway liquor sold from the club may be consumed in a manner that frustrates the Alcohol-Free Zones that have been declared in Narellan and identified in submissions from Wests and the Applicant.
39. Furthermore, the club will not provide live entertainment, save for during a limited number of community functions held on the Premises each year. The operation of the club within standard licensed hours, combined with an absence of live music or nightclub style entertainment are factors that will reduce the scope for *this* venue to generate alcohol related interpersonal conflict and adverse amenity impacts upon local amenity.
40. As for the suitability of the *location*, BOCSAR crime map data before the Authority for the period from October 2015 to September 2016 indicates that the Premises will not be situated within any prevailing hotspots for the relative concentration of *alcohol related crime, domestic assault, non-domestic assault* or *malicious damage* by reference to crime recorded across the Camden LGA. There are hotspots for crime in the local community but they are centred around an area near the intersection of Camden Valley Way and Grahams Hill Road, with two other low to medium hotspots for *domestic assault* to the East of the suburb.
41. BOCSAR crime statistics for January 2015 to December 2016 indicate that crime rates recorded for the broader community of Camden LGA were substantially below the rates recorded for New South Wales in the offence categories of *alcohol related assault police* (14.9 compared to 15.6 per 100,000 persons); *alcohol related non-domestic assault* (96.9 compared to 136.5 per 100,000 persons); *alcohol related domestic assault* (101.4 compared to 116.9 per 100,000 persons); *alcohol related disorderly conduct* (37.3 compared to 48.4 per 100,000 persons); *liquor offences* (120.7 compared to 145.4 per 100,000 persons); and *malicious damage to property* (660.4 compared to 834.0 per 100,000 persons).
42. This data also indicates that in the year ending December 2016 Camden LGA recorded lower crime rates than New South Wales for incidents occurring during the weekends in the following categories *alcohol related domestic assault* (59.6 compared to 62.7 per 100,000 persons); *alcohol related non-domestic assault* (80.5 compared to 90.0 per 100,000 persons); and *alcohol related disorderly conduct* (31.3 compared to 34.3).
43. Crime data at the level of the local community is more problematic. Data obtained from published BOCSAR sources, including data specified in a submission dated 1 December 2016 from Wests, indicates that the crime categories of *alcohol related (non-domestic) assault, alcohol related assault police, alcohol related disorderly conduct, liquor legislation offences* and *malicious damage* are at rates per 100,000 persons of population in Narellan that are above State wide averages.
44. However, the Authority has taken into account data from ABS Census in 2011 indicating that the population of the suburb is relatively small (3,492), which is likely

to skew the local rates. Other information provided by the Applicant in submissions dated 24 February 2017 indicate that the broader community that the club will serve is currently subject to substantial population growth.

45. While the *non-domestic alcohol related assault rate* in Narellan is adverse to the Application, BOCSAR crime maps indicate that *alcohol related assault* is concentrated in a different part of the suburb to where the Premises will be situated and where there is a concentration of other liquor licensed premises, including late licensed premises.
46. Notably, the BOCSAR Excel Crime Report for Camden LGA for calendar year 2016 makes clear that the risk of *alcohol related assault* in this broader community peaks between midnight and 6 am on Sunday morning and is greatly elevated between midnight and 6 am on Saturday morning. These are times during which this new club will not trade.
47. The Authority derives some comfort from the lack of objection from local Police, who have instead proposed certain risk reduction measures be made enforceable against the licence, including conditions prohibiting live entertainment and requiring observance of NSW Police *Crime Preservation Guidelines* in the event of an act of violence occurring on the Premises. Furthermore, no objection was made on social impact grounds by any other public agencies with a responsibility for managing and responding to disturbance, including LGNSW and the Council.
48. The licence density data for the relevant communities provide a mixed picture. LGNSW licence density data indicates that the Camden LGA recorded lower rates than New South Wales in all categories of licences except *limited licences*. As for the local community, licence density in Narellan per 100,000 persons is well above the State-wide average with respect to *club licences* (57.3 compared to 19.02 per 100,000 persons); *packaged liquor licences* (85.9 compared to 35.69 per 100,000 persons) and *on-premises licences* (429.6 compared to 116.02 per 100,000). By contrast, Hotel licences were lower in density than the New South Wales rate (28.6 compared to 30.81 per 100,000 persons) and *small bar licences* were non-existent in this LGA.
49. While local licence density is high, LGNSW information indicates that most of these licences are for on-premises licensed restaurants. The Authority accepts that licence density is also likely to be skewed somewhat from the relatively small population recorded during the last 2011 ABS Census.
50. In conclusion, the Authority does not find licence density *per se* to be a decisive factor in respect of the local or broader community, noting that this new club licence will replace an existing club licence and will not increase the total number of licensed premises trading during extended trading hours in either community.
51. ABS socio economic index for areas (“SEIFA”) data derived from the 2011 Census indicates that the broader community of Camden LGA is relatively advantaged, ranking on the 9<sup>th</sup> decile on the Index of Relative Socio Economic Advantage and Disadvantage in New South Wales compared to other areas in the State. The local community is moderately disadvantaged, ranking on the 4<sup>th</sup> decile. That is, the socio demographic data does not indicate that socio economic disadvantage is a

compounding factor when assessing the relative vulnerability of either of these communities to adverse alcohol related social impacts.

52. New South Wales Department of Health data for the Camden LGA during 2013-2015 indicates that the *smoothed standardised mortality ratio* for that area is 97.20 (close to the State-wide rate which is fixed at 100) while the *smoothed standardised alcohol related hospital separation ratio* of 78.80 compares favourably to the NSW average.
53. The Authority has also had regard to the harm minimisation measures set out in the Applicant's Responsible Service of Alcohol and Responsible Conduct of Gaming plans dated 23 February 2017, the licence conditions to which the Applicant has consented and the additional harm minimisation measures such as CCTV and security measures.
54. The Authority has turned its mind to an issue raised in the submission from Wests dated 1 December 2016 as to the limited availability of public transport in Narellan.
55. The Authority accepts that this is the case and expects that at those times when public transport such as buses are not available patrons will primarily use private vehicles (noting the car park capacity indicated in the DA), taxis and uber services. There is a likelihood that some persons in the local community will travel by foot from nearby residential areas.
56. The absence of direct transport links is a matter of some concern but has not been decisive given the above alternative transport options and reiterating the Applicant's decision not to pursue extended trading hours.
57. The Authority does not accept Wests' submission that the Applicant has not provided adequate planning measures. The Applicant has provided a Responsible Service of Alcohol ("RSA") plan and Responsible Conduct of Gaming plan that will become enforceable through the operation of a licence condition. The Applicant has also accepted a range of enforceable harm minimisation measures proposed by police, including conditions restricting live entertainment, crime scene preservation and a minimum standard of CCTV coverage.
58. The Authority agrees with Wests' criticism that the Application and CIS includes a consultant's report that makes reference to the former Office of Liquor Gaming and Racing *Social Impact Report* from 2009. That report is now well out of date and of value for historical purposes only.
59. However, in further submissions through its lawyers dated 24 February 2017, the Applicant has provided a range of up to date BOCSAR crime data, socio demographic data and licensing data pertaining to the local and broader communities. When determining this Application the Authority has made its own assessment of the current crime, licence density and SEIFA data for the local and broader communities - with the benefit of relevant data obtained by licensing staff and the submissions provided by Wests and the Applicant.

## **Conclusion**

60. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as

all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include NSW Police, the Applicant, Council, neighbouring occupiers and all other parties required to be consulted under the legislation.

61. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
62. The Application is granted pursuant to section 45 of the Act. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) of the Act – including (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; and (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.

Decision Date: 19 April 2017



Philip Crawford  
Chairperson

**Important Information:**

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

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

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

## SCHEDULE

### Material before the Authority

1. DA/2009/349/1 issued by Council dated 16 August 2010 including modification 2009/349/2 issued by Council on 4 June 2015 and modification 2009/349/3 issued by Council on 24 February 2017.
2. Application material in respect of a previous application dated 7 July 2009 made by Eastern Suburbs Leagues Club Ltd (Easts) and a (published) decision with reasons by the Authority under section 45 of the Act dated 25 May 2011 granting a club licence for the Premises in respect of the proposed Narellan Country Club but refusing an extended trading authorisation.
3. ABS 2011 Census *QuickStats* data for the suburb of Narellan, Camden LGA and the state of New South Wales, retrieved on 18 April 2017.
4. ABS SEIFA data sourced from the 2011 Census for Narellan and Camden LGA.
5. BOCSAR crime data for New South Wales, Camden LGA and Narellan for the period from January 2015 to December 2016.
6. BOCSAR Crime Maps based upon data from October 2015 to September 2016 detailing hotspots for the concentration of offences near the location of the Premises.
7. BOCSAR *Excel Crime Report* for Camden LGA for calendar year 2016.
8. Application form for new registered club licence stamped received on 9 August 2016, accompanied by Australian Securities and Investments Commission (“ASIC”) Company Extract dated 20 June 2016 for the proposed Premises owner, CLUB MARCONI OF BOSSLEY PARK SOCIAL RECREATION & SPORTING CENTRE LIMITED; public consultation site notice, local consent authority notice and Police notice signed and dated 28 July 2016; map depicting the location of Alcohol Free Zones in Narellan and the location of the club site.
9. Community Impact Statement (CIS) accompanying the Application and also received on 9 August 2016. The CIS attaches a map of the site and proposed licensed Premises area and buildings situated within 100 and 150 metres; a list of occupiers of any building on land situated within 100 metres and within 100-150 metres of the Premises; the Applicant’s 15 page *Social Impact Submission* accompanying the CIS form; the Applicant’s Responsible Service of Alcohol and Responsible Conduct of Gaming Policies; a further *Social Impact Assessment* submission prepared by the Applicant’s planning consultant, Ms Kathleen Swinbourne Consulting (“Consultant”) dated May 2016; a letter to stakeholders from the Consultant attaching a Notice of Intention to apply for the liquor licence dated 28 January 2016; an online survey uploaded by the Consultant via the *Survey Monkey* application that was made available from 13 April 2016 to 8 May 2016; the Applicant’s diagram depicting the hierarchy of club management and a profile and resume of the Consultant.

10. Notice to Local Consent Authority signed by Council's Community Safety Officer dated 6 September 2016 acknowledging the Application and advising that DA 2009/349/1 is in force for the Premises.
11. Email from Mr Tony Mathew, Chief Executive Officer of the Wests club dated 21 November 2016. Attached is a legal submission from Wests' lawyers, Back Schwartz Vaughan, dated 10 November 2016 raising concerns with the Application and requesting an extension of time to lodge a detailed submission.
12. NSW Police submission from Senior Constable Mario Pasalic, licensing unit of Camden Local Area Command ("LAC") dated 29 November 2016 advising that Police do not object to the Application but request the imposition of three conditions upon the licence should the Application be granted.
13. Email from Mr Tony Mathew, Chief Executive Officer of Wests to licensing staff dated 1 December 2016. Attached is a letter to licensing staff from Mr Mathew dated 1 December 2016 requesting additional time to prepare an assessment of the Application, providing an earlier letter to licensing staff dated 16 December 2015 in regards to a local impact assessment ("LIA") 1 for Camden Valley Country Club; referring to Council's population forecasts and community profile dated 7 December 2015; providing a LGNSW *Clubs State Rankings* by Gaming Machines Profit report dated August 2016; a List of Level 1 and level 2 licenced premises under Schedule 4 of the Act and details on assault incident numbers for the period from 1 January 2010 to 31 December 2010.
14. Email from the Applicant's legal representative, Pigott Stinson Lawyers, to licensing staff dated 11 January 2017 responding to an email from licensing staff dated 10 December 2016.
15. Email from Pigott Stinson Lawyers to licensing staff dated 24 February 2017. Attached is a letter dated 24 February 2017 in response to an email from licensing staff dated 10 December 2016; a Certificate of Advertising signed by Grant Imeson dated 23 February 2017; Responsible Service of Gaming Policy and Responsible Service of Alcohol Policy (now dated 23 February 2017) signed by CEO Mr Grant Imeson and a detailed legal submission dated 24 February 2017 in response to the Wests submission including updated licence density, crime and ABS socio demographic data for Narellan and Camden LGA.
16. Email from Pigott Stinson Lawyers dated 24 February 2017 attaching licence for Narellan Country Club (LIQC330010009); background information on the *Narellan Sports Hub*; CV for Applicant's Consultant Kathleen Swinbourne; development consent documents from Council permitting use of the Premises; a plan or diagram of the proposed licensed Premises; an organisational chart for the Applicant clubs; and a map of the Alcohol-Free Zones in Narellan.
17. Liquor licence LIQC330010009 issued to Eastern Suburbs Leagues Club Ltd in respect of the proposed Narellan Country Club current as at 6 March 2017.
18. List of LGNSW licensed premises for the Camden LGA and the suburb of Narellan sourced by licensing staff dated 12 March 2017 indicating that there are currently **2** club licences in Narellan and **6** in the Camden LGA.

19. Licensed premises information calculated from the LGNSW licensed premises information sourced by licensing staff dated 12 March 2017 and ABS census 2011 Census QuickStats data for Camden LGA, the suburb of Narellan and the state of New South Wales.
20. Submission from the Compliance department of LGNSW dated 31 March 2017 providing information about the Club Marconi's compliance history from 2009 to 31 March 2017.
21. Letter from Pigott Stinson Lawyers dated 4 April 2017 accepting conditions proposed by licensing staff in an email of 4 April 2017 and advising that the new club's secretary will be Mr Grant Imeson, the current Secretary of Club Marconi, that there will be no takeaway liquor sales from the venue and making brief submissions on the licensing history noted by LGNSW in relation to Club Marconi.
22. Plan/diagram of the Premises indicating the proposed licensed areas.
23. Constitution of the Applicant Club Marconi of Bossley Park Social Recreation and Sporting Centre Limited.
24. Legislative checklist prepared by licensing staff assessing compliance with regard to the Applicant's compliance with section 10(1) *Registered Clubs Act 1976*.
25. NSW Department of Health data on *alcohol attributable deaths and hospitalisation* for the Camden LGA during 2013-2015.
26. Google maps of the site of the Premises and surrounding streets.