



Mr Grant Cusack
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20 August 2018

Dear Mr Cusack

Application No.	APP-0003809965
Applicant	Cannons Liquor & Co Googong Pty Limited
Application for	Packaged Liquor Licence
Licence name	Cannons Liquor & Co
Trading hours	Monday to Saturday 9:00am – 8:30pm Sunday 10:00am – 8:30pm
Licensed Premises	195 Gorman Drive GOOGONG NSW 2620
Issue	Whether to grant a packaged liquor licence
Legislation	Sections 3, 11A, 12, 29, 40, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a packaged liquor licence – Cannons Liquor & Co**

The Independent Liquor and Gaming Authority considered application number APP-0003809965 at its meeting on 14 March 2018 and, pursuant to section 45 of the *Liquor Act 2007*, has decided to **approve** the application subject to the following conditions:

1. Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 3:00 AM and 9:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. Restricted trading and NYE (std)

Retail Sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday
8:00 am to 10:00 pm Sunday
Christmas Day Not permitted
December 31st Normal trading
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 is to be operated at all times in accordance with the Plan of Management dated December 2017 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5. CCTV condition

- 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements:
 - a) the system must record continuously from opening time until one hour after the supermarket/general store is required to close,
 - b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - c) any recorded image must specify the time and date of the recorded image,
 - d) the system’s cameras must cover the following areas:
 - i. all entry and exit points to the supermarket/general store, and
 - ii. all publicly accessible areas (other than toilets) within the licensed premises.
- 2) The licensee must also:
 - a) keep all recordings made by the CCTV system for at least 30 days,
 - b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

6. The licensee or its representative must join and be an active participant in the local liquor accord.

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

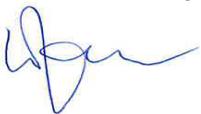
Please note that the licence cannot be exercised unless and until the Authority has been provided with evidence that the premises is complete and ready to trade.

Trading on a Sunday that falls on 24 December

Please note that in the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade any earlier than 9:00am.

If you have any enquiries about this letter, please contact the case manager via email to beatrice.pitpaiaac@liquorandgaming.nsw.gov.au.

Yours faithfully



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 17 January 2018, Cannons Liquor & Co Googong Pty Limited (“Applicant”) lodged an application (“Application”) with Liquor and Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”). The Application sought the granting of a packaged liquor licence (“Licence”) for the premises at 195 Gorman Drive, Googong, NSW, 2620 (“Premises”).
2. The Authority considered the Application at its meeting on 14 March 2018 and decided to grant the Licence under section 45 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 29, 40, 45 and 48 of the Act, and relevant provisions of the *Liquor Regulation 2008*.

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 its Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
7. A list of the material considered by the Authority is set out in the Schedule at the end of this statement of reasons.

Legislative framework

8. The Authority has considered the Application in the context of the following legislative provisions.

Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations, needs and aspirations 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 exercising its powers under the Act, have due regard to the need to minimise harm associated with misuse and abuse of liquor, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

Trading hours and 6-hour closure period

11. Section 12 of the Act sets out the standard trading period for various types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

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

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

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

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

Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a 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 before it.

Provisions specific to a 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 a licensee can sell or supply liquor.

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 certain restrictions on the granting of 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 hour requirements

21. The Authority is satisfied on the material before it 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 and 12 of the Act in respect of trading and 6-hour closure periods,

- c) liquor will be sold and supplied at the Premises, in accordance with the authorisation conferred by a packaged liquor licence as required by sections 29 of the Act, and
- d) section 31 of the Act does not apply to the Application as the Premises is not intended to operate as is contemplated by the section.

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

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

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- b) practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol, having regard to the Applicant's Premises Plan of Management, and the conditions to be imposed on the licence, and
- c) the requisite development consent is in force, based on the Notice of Determination issued by Queanbeyan-Palerang Regional Council on 30 August 2017.

Community impact statement

23. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.

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 Googong, and the relevant "broader community" comprises Queanbeyan-Palerang Regional Council Local Government Area ("LGA").

Positive social impacts

25. The Authority acknowledges, based on the material before it, that Googong is a relatively new master planned township that will likely continue to see an increase in population growth over the coming years, which may translate into an increased demand for packaged liquor.

26. The Authority accepts, on the basis of information provided in the CIS and L&GNSW outlet density data, the Applicant's submission that there are currently no other packaged liquor facilities in Googong suburb. Furthermore, the Authority notes that the LGA recorded a lower than average rate of packaged liquor licences compared to other LGAs in NSW. The Authority considers that the Licence will meet the expectations of the local community, who are likely to have the reasonable expectation to have convenient and local access to packaged liquor.

27. The Authority notes the Proposed Premises will be located within the new Googong North Village Centre, a mixed-use commercial and residential development, which will include an IGA Supermarket and various other retail stores.

28. The Authority is satisfied, on the basis of the Application, CIS and additional material provided by the Applicant, that granting the Licence will provide something of a "one-stop shopping" experience for members of the local and broader community who wish to have the convenience of purchasing liquor products immediately before or after shopping at the adjoining IGA Supermarket and other stores at the Centre.

29. The Authority notes that there were no objections to the Application received from any stakeholders, special interest groups, occupiers of neighbouring residents or any other member of the public. Furthermore, NSW Police and the Southern NSW Local Health District made a submission and did not oppose the Application.
30. The Authority accepts, on the basis of the CIS and Plan of Management, the Applicant's contention that appropriate practices will be in place at the Premises aimed at minimising harm associated with the misuse of liquor.
31. The Authority has had regard to the ABS Socio Economic Indexes For Areas ("SEIFA") data indicating that as at 2011, Googong suburb and the former Queanbeyan and Palerang LGAs were advantaged in comparison to other suburbs and LGAs on the Index of Relative Socio-economic Advantage and Disadvantage, ranking in the 10th, 9th and 10th deciles respectively (with a decile of 10 being the most advantaged). The Authority notes that this data is seven years old and does not draw any specific inferences from it, other than to note that it does not raise any concerns.
32. Having regard to the above, the Authority is satisfied that granting the licence would be in line with the expectations, needs and aspirations of the community, and contribute to the balanced and responsible development of the liquor industry.

Negative social impact

33. The Authority notes from the BOCSAR data that for the year ending September 2017, the proposed premises was not located in any hotspots for incidents of alcohol related assault, domestic and non-domestic assault and malicious damage to property.
34. The Authority also notes from the BOCSAR data that incidents of alcohol related assault (domestic and non-domestic) are occurring at significantly lower rates in Googong and the LGA, noting that for the year ending September 2017, the suburb and LGA recorded:
 - a) a rate of 36.2 and 44.7 per 100,000 of population for incidents of domestic alcohol related assault, which is less than the NSW rate of 114.3, and
 - b) a rate of 36.2 and 84.3 per 100,000 of population for incidents of non-domestic alcohol related assault, which is lower than the NSW rate of 131.9.
35. The Authority further notes from the BOCSAR data that the LGA recorded a higher than average rate of incidents of malicious damage to property, while Googong suburb recorded a lower than average rate compared to NSW for the year ending September 2017.
36. The Authority notes, from the most recent Healthstats NSW data available at the time of its consideration, that the former Queanbeyan LGA recorded a lower smoothed standardised mortality ratio and smoothed standardised separation ratio in comparison to the NSW average.
37. The Authority also notes, from the Healthstats NSW data, that the former Palerang LGA recorded a slightly higher smoothed standardised mortality ratio and a considerably lower smoothed standardised separation ratio compared to the NSW state average.
38. The Authority accepts that, over time, there is a risk that liquor sold from the Premises may contribute to an increase in alcohol related crime and health issues in the local and broader community, but the evidence before it at the time of its decision does not establish that the prevailing alcohol related adverse social impacts are at a problematic level or raise immediate concerns.

39. The Authority is satisfied that any potential risks of negative social impact of granting the Licence are adequately mitigated by the following:

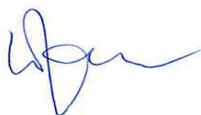
- a) The absence of any objections from members of the public or other key stakeholders consulted, including NSW Police, Queanbeyan-Palerang Council and NSW Health, in respect of the Application. Notably, NSW Police stated in its submission that it has no concerns to the Application proceeding.
- b) The Applicant has consented to a range of conditions being imposed on the licence, such as the requirement to operate a CCTV system and adhering to the measures set out in the Premises Plan of Management and Cannon's Liquor and Co responsible service of liquor House Policy.
- c) The Premises will close at 8:30pm on Monday to Sunday, which is earlier than many other packaged liquor licences across NSW. This will likely further reduce any adverse impact its operation may have on the amenity of the community.

Overall social impact

40. Having considered the positive and negative social 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.

41. Furthermore, the Authority is 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.

42. Accordingly, the Authority has decided to grant the Licence under section 45 of the Act.



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Important Information:

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

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

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

Schedule

Material considered by the Authority

1. ABS SEIFA data based on the 2011 Census ranking Googong and former Local Government Area of Queanbeyan and Palerang on the Index of Relative Socio-economic Advantage and Disadvantage.
2. HealthStats NSW data showing alcohol attributable deaths for the former Queanbeyan and Palerang Local Government Areas for the period between 2001-02 and 2012-13.
3. HealthStats NSW data showing alcohol attributable hospitalisations for the former Queanbeyan and Palerang Local Government Areas for the period between 2001-03 and 2012-13.
4. Modified Notice of Determination No. 390-2015/A issued by Queanbeyan-Palerang Regional Council, dated 30 August 2017, for mixed use development.
5. Premises plan dated 7 September 2017.
6. Queanbeyan Age article *“North Village centre to provide shops for Googong by early 2018”*, dated 14 September 2017.
7. BOCSAR crime maps for the year to September 2017, showing the Premises’ location relative to hotspots for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property.
8. NSW crime statistics for the two years to September 2017, published by BOCSAR, on incidents of alcohol related assault (domestic and non-domestic) and malicious damage to property in the Queanbeyan-Palerang Regional Council LGA.
9. Email from Department of Transport, Roads and Maritime Services, dated 8 December 2017, in relation to the Application.
10. ASIC Current Organisation Extracts for GOOGONG PROJECTS PTY LIMITED ACN 603 418 702 and CANNONS LIQUOR & CO GOOGONG PTY LIMITED ACN 142 575 200, dated 22 December 2017.
11. Premises Plan of Management, dated December 2017.
12. Completed Category B CIS form, signed and dated 10 January 2018, and relevant additional information prepared by the Applicant’s representative.
13. Completed application for a packaged liquor licence, lodged on 17 January 2018.
14. Local Consent Authority Notice and Public Consultation Site Notice, dated 17 January 2018.
15. Email from Aboriginal Affairs, Department of Education NSW, dated 23 January 2018, in relation to the Application.
16. Letter from Southern NSW Local Health District, Department of Health NSW, dated 25 January 2018, in relation to the Application.
17. Submission from NSW Police, dated 1 February 2018, in relation to the Application.
18. Email from Department of Transport, Roads and Maritime Services, dated 7 February 2018, in relation to the Application.

19. Email from Compliance Operations, Liquor and Gaming NSW, dated 8 February 2018, in relation to the Application.
20. Certification of Advertising Application signed by Mr John Efkarpidis and Mr Grant Cusack, dated 8 and 9 February 2018.
21. Liquor licensing records from L&GNSW as at 12 February 2018 listing the details of all liquor licences in the Queanbeyan-Palerang Regional Council LGA, and setting out the density of packaged liquor licences in Googong, the LGA and NSW.
22. Submission prepared by the Applicant's representative, dated 9 February 2018, in response to the submissions received in relation to the Application and supporting information.
23. Google map indicating the location of the Premises and images of the development site, dated 19 February 2018.