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30 August 2017

Dear Mr Johnston

<b>Application No.</b>	1-5607289340
<b>Application for</b>	New Club Licence Non-restricted Area Authorisation Club Functions Authorisation
<b>Proposed Trading Hours</b>	<u>Consumption on Premises</u> Monday to Saturday: 10:00 am to 12:00 am Sunday: 10:00 am to 10:00 pm  <u>Takeaway sales</u> Monday to Saturday: 10:00 am to 11:00 pm Sunday: 10:00 am to 10:00 pm
<b>Applicant</b>	Club Arncliffe Limited
<b>Licensed premises name</b>	Club Arncliffe Limited
<b>Premises</b>	71B Wollongong Road, Arncliffe NSW 2205
<b>Issue</b>	Whether to grant or refuse an application for a new club licence with a non-restricted area authorisation and a club functions authorisation.
<b>Legislation</b>	Sections 3, 11A, 12, 13, 18, 19, 20, 40, 45 and 48 <i>Liquor Act 2007</i> Section 10, 22, 23 and 23A of the <i>Registered Clubs Act 1976</i>

**Decision of the Independent Liquor and Gaming Authority  
Application for a new club licence with a non-restricted area authorisation and club  
functions authorisation – Club Arncliffe Limited**

The Independent Liquor and Gaming Authority (“the Authority”) has considered your application for a new club licence (“Licence Application”) and the associated applications for a non-restricted area authorisation (“NAA Application”) and club functions authorisation (“CFA Application”). Pursuant to section 45 of the *Liquor Act 2007* (“Liquor Act”) and sections

22 and 23 of the *Registered Clubs Act 1976* (“Clubs Act”) respectively, the Authority has decided to **grant** the Licence Application, NAA Application and CFA 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 4:00 AM and 10:00 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 & NYE (std)**

**Consumption on premises**

Good Friday 12:00 noon – 10:00 PM

Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

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.

Note: Trading is allowed after midnight into the early morning of Good Friday and Christmas Day if authorized by an extended trading authorization, Trading must cease at the time specified under the authorization. The latest time that can be specified is 5:00 AM.

**Takeaway sales**

Good Friday Not permitted

Christmas Day Not permitted

December 31<sup>st</sup> 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 and extended trading authorisation.
4. The premises is to be operated at all times in accordance with the Plan of Management dated June 2017 as may be varied from time to time after consultation with the Local Area Commander of 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. Non-restricted area authorisation: the entire premises, excluding the Lounge on Ground Floor.
6. Club functions authorisation: the auditorium on the First Floor.

7. **Closed-circuit television system**

- I. The licensee must maintain a closed-circuit television (CCTV) 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 is required to close (or, in the case of premises that is not required to cease trading, continuously at all times),
  - 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 on the premises,
  - ii. the footpath immediately adjacent to the premises, and
  - iii. all publicly accessible areas (other than toilets) within the licensed area.
- II. The licensee must also:
  - a. keep all recordings made by the CCTV system for at least 30 days,
  - 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 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.

## 8. **Crime Scene Preservation**

- I. Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
  - a. take all practical steps to preserve and keep intact the area where the act of violence occurred,
  - b. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
  - c. make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
  - d. comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- II. In this condition, 'staff' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

## 9. **Neighbourhood Amenity**

- III. The management of the premises:
  - a. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
  - b. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
  - c. Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or

leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.

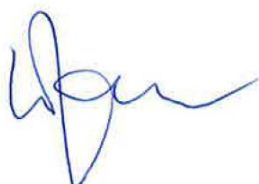
- d. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

IV. An adequate queuing system for patrons must be implemented at the main entrance of the licensed premises so as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.

10. The licensee or its representative must join and be an active participant in the local liquor accord.
11. Prior to any gaming machine application made on this licence, the club secretary and approved manager must obtain responsible conduct of gaming competency qualification.

If you have any questions about this letter, please email [santina.causa@justice.nsw.gov.au](mailto:santina.causa@justice.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is positioned above the typed name.

Philip Crawford

**Chairperson**

For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 22 February 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from Club Arncliffe Limited (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new club licence (“Application”) with associated applications for a non-restricted area authorisation (“NAA Application”) and club functions authorisation (“CFA Application”) in respect of premises located at 71B Wollongong Road, Arncliffe NSW 2205 (“the Premises”) to be known as Club Arncliffe Limited.
2. This statement of reasons is prepared in respect of the (new club licence) Application only, while providing a formal record of the decisions in relation to the NAA Application and CFA Application, as the Authority is only required to publish reasons for the licence Application under section 36C of the *Gaming and Liquor Administration Act 2007* (“GALA Act”).
3. Pursuant to sections 45 of the *Liquor Act 2007* (“Liquor Act”) and sections 22 and 23 of the *Registered Clubs Act 1976* (“Clubs Act”), the Authority has decided to **grant** the Application, the NAA Application and the CFA Application respectively.
4. The Authority is satisfied that it is in the public interest for the non-restricted area authorisation (“NAA”) to apply to the whole of the Premises, excluding the lounge room on the ground floor. The Authority is satisfied that it is in the public interest for the club functions authorisation (“CFA”) to apply to the auditorium on the first floor of the Premises.
5. 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 purpose of section 48(5) of the Liquor Act that the overall social impact of granting this licence would not be detrimental to the well-being of the local and broader community.
6. In reaching this decision, the Authority has had regard to all the material before it, the legislative requirements under sections 3, 11A, 12, 13, 18, 19, 20, 40, 45 and 48 of the Liquor Act, sections 10, 22, 23 and 23A of the Clubs Act and relevant provisions of the *Liquor Regulation 2008* (“Liquor Regulation”) and the *Registered Clubs Regulation 2015* (“Clubs Regulation”).
7. By way of background, the Authority notes that the following material was before the Authority when making this decision:
  - Letter from Mr Peter Hart, an officer assisting the then Casino, Liquor & Gaming Control Authority to Mr Bruce Gotterson of the law firm Pigott Stinson dated 10 June 2011 advising transfer of the club licence previously held for the Premises by Arncliffe R.S.L and Community Club Ltd to the Bexley R.S.L. and Community Club Limited for the purposes of an amalgamation between those clubs.
  - Letter from Bexley R.S.L. and Community Club Limited to then Office of Liquor Gaming and Racing (now LGNSW) dated 26 October 2016, attaching a copy of an application to surrender the Arncliffe club’s licence LIQC300225127 and the cease to trade application form filed by that former club.
8. The Onegov liquor licence records for the Arncliffe R.S.L. Club Limited as at 6 June 2017, indicate that that the former club licence for this entity commenced on 15 December 1955. On the basis of the letter from Mr Hart (mentioned above) the Authority accepts that on 10 June 2011 the then Casino, Liquor & Gaming Control Authority approved the transfer of this licence number LIQC300225127 to Bexley

R.S.L. and Community Club Limited. On the basis of the cease to trade application form, that former licence ceased to trade on 26 April 2016. An application to surrender that licence was lodged with the Authority dated 26 October 2016.

9. That is, the Premises was a longstanding site for the operation of a registered club, but the Premises has been unlicensed since October 2016. The Authority is satisfied, on the basis of the letter from the Applicant's legal representative dated 22 February 2017, that since surrender of the former club licence, the venue has continued to be used by former members of Arncliffe R.S.L Club Limited (now comprising the Applicant, Club Arncliffe Limited) for meetings, functions and gatherings.
10. The purpose of this Application is for that group of former Arncliffe RSL members to once again reconstitute as a registered club and for the Premises to once again operate with the benefit of a club licence under the Liquor Act.

#### **Material considered by the Authority**

11. The Authority has considered the Application, NAA Application, CFA Application and the accompanying Community Impact Statement ("CIS"), and all submissions received in relation to the Application.
12. 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.
13. As foreshadowed in the Authority's *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research ("BOCSAR") crime data, NSW Department of Health data, and Australian Bureau of Statistics ("ABS") socio-demographic data pertaining to the local and broader communities, obtained by LGNSW staff from publicly available sources.
14. The material considered by the Authority is listed in the Schedule, with a brief description where appropriate.

#### **Legislative framework**

15. The Authority has considered the Application, NAA Application and CFA Application in accordance with the following legislative provisions.

#### Objects of the Liquor Act

16. The objects of the Liquor Act, as set out in section 3(1), are 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, to facilitate the balanced development, in the public interest, of the liquor industry, and to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
17. In order to secure the objects of the Liquor Act, section 3(2) requires each person who exercises functions under the Liquor Act (including a licensee) to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm from violence and anti-social behaviour), the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor, and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

### Minimum procedural requirements

18. Section 40 of the Liquor Act and clauses 6-11A of the Liquor Regulation prescribe the minimum procedural requirements for a liquor licence to be validly made to the Authority.

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

19. Section 45 of the Liquor Act provides that the Authority may only grant a licence if it is satisfied that:
  - the applicant is a fit and proper person to carry on the proposed business,
  - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - if any applicable development consent is required to use the premises for business or activity to which the licence relates, such consent is in force.

### Requirements to be met by clubs

20. Section 19 of the Liquor 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 Clubs Act and otherwise comply with the Clubs Act.
21. Section 20 of the Liquor Act requires that an applicant for a club licence will not hold a hotel licence or have an interest in a hotel and that the manager of the licensed premises must not provide a cash advance on the premises, or permit a cash advance to be provided on the premises on behalf of the club otherwise than as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises.

### Community Impact Statement

22. Section 48 of the Liquor Act requires certain applications, including an application for a club licence, to be accompanied by a CIS that is prepared in accordance with the relevant legislative requirements.
23. Section 48(5) provides that the Authority may only grant a relevant application for a licence, authorisation or approval 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 the Authority becomes aware of during the application process.

### Provisions specific to club licences

24. Legislative provisions specific to club licences are set out in sections 18, 19 and 20 of the Liquor Act and the Liquor Regulation.

### **Key findings**

25. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings in relation to the Application.
26. Pursuant to section 40 of the Liquor Act, the Authority is satisfied that the Application has been validly made and meets the minimum procedural requirements. The Authority makes these findings on the basis of the Application and CIS material including the Certificate of Advertising signed by Mr Peter Hills (the director/secretary of the Applicant company) dated 16 June 2017.
27. Pursuant to section 19 of the Liquor Act, and on the basis of the letter dated 29 June 2017 from the Applicant's legal representative, the Authority is satisfied that the

proposed new club will meet the requirements of section 10(1) of the Clubs Act and will meet other requirements of the Clubs Act.

28. Pursuant to section 20 of the Liquor Act, the Authority is satisfied that Club Arncliffe Limited does not hold a hotel licence or acquire any financial interest in a hotel (on the basis of LGNSW licensing records) and that the manager of the licensed premises must not provide a cash advance on the premises, or permit a cash advance to be provided on the premises on behalf of the club otherwise than as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises. The regulation of payments to club members have been addressed at 5.2 of the new Club's constitution which provides that "the Company must not pay by way of dividend, bonus or otherwise any income or property of the Company to the Members of the Company".
29. Pursuant to section 45 of the Liquor Act, the Authority is satisfied that:
- for the purposes of section 45(3)(a), the Applicant is a fit and proper person to carry on the proposed business. No issues of concern were raised regarding the probity of the Applicant following consultation on the Application with relevant law enforcement agencies, including LGNSW and NSW Police ("Police"). However, the Police Certificate for Mr Peter Hills (club secretary and approved manager) dated 23 November 2016 discloses two historical matters, one of which occurred in 1972 for a serious offence, but which resulted in the former Sydney Court of Quarter Sessions ordering a 12 months good behaviour bond. The second matter involved a less serious offence from 1980 for which the District Court in Sydney Ordered a 12 months good behaviour bond and a \$100 fine. While there is limited information about these matters before the Authority, the sanctions issued by the Courts indicate that the facts and circumstances of both matters were at the less serious end of the spectrum. Having regard to this information, the fact there have been no submissions on the issue and the fact that these offences occurred around 37 and 45 years ago, the Authority is satisfied that Mr Hills is a fit and proper person to hold a licence as the club's secretary at this time.
  - for the purposes of section 45(3)(b), practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication, having regard to the Applicant's Plan of Management dated June 2017.
  - for the purposes of section 45(3)(c), the requisite development consent is in force for the proposed use of the Premises as a club. While the Premises owner (RSL Custodian Pty Ltd), Bayside City Council ("Council") and the previous licensees were unable to locate a copy of the current development consent, the Applicant has provided the original building permit application documents dated 1954 and 1961 filed with Municipality of Rockdale detailing alterations and repairs for the Premises described as a "clubhouse". The Authority has also considered information provided in the Applicant's legal submission dated 29 June 2017 about the history of land use for the Premises as a club and licensing records for LIQC300225127 recording that the Premises has been licensed as a registered club from 15 December 1955 until it ceased to trade on 26 April 2016. On the information before it and noting that no concerns as to the current scope of planning consent have been raised by Council in its response to the Application, the Authority finds that consent for the proposed use of the Premises is in force.
30. For the purposes of this decision and consistent with its position in *Guideline 6* and longstanding practice, the Authority is satisfied that the relevant "local community" is the community within the State suburb of Arncliffe, and the relevant "broader



community” comprises the local government area of Bayside Council (“Bayside LGA”) which was the subject of an amalgamation in 2016, merging the City of Botany Bay (“Botany Bay LGA”) and Rockdale City (“Rockdale LGA”) councils.

#### Positive social impacts

31. The Authority is satisfied, on the basis of the Application, CIS and additional submissions provided by the Applicant, that the Applicant has demonstrated that granting the licence will have a positive impact on the local community by permitting the former members of the Arncliffe R.S.L. Club Limited to pursue the objects of the Clubs Act by forming a bona fide community based club to operate on the Premises.
32. The Authority is satisfied that granting the Application will serve the statutory object of regulating liquor in a manner consistent with the “expectations, needs and aspirations” of the local community within the meaning of section 3(1)(a) of the Liquor Act. No objections were received from local residents or relevant stakeholders, including Police, Council and LGNSW.
33. The Authority is further satisfied, on the basis of the letter from the Applicant’s legal representative dated 29 June 2017, that the club will provide for club members *inter alia* accommodations and amenities including a lobby, lounge/bistro and bar on the ground floor and a bar, auditorium, stage, kitchen, office and board room on the first floor. The CFA Application form also indicates that entertainment will be provided at functions and may include disc jockeys, bands and other live entertainment.
34. On the basis of the Plan of Management dated June 2017, the Authority is satisfied that the club’s dedicated functions area will be an integral part of the club’s business to promote, market and host functions in the club. In this respect, 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 with a function facility, advancing the statutory object of section 3(1)(b) of the Liquor Act.
35. The Authority is further satisfied, on the basis of the bistro and function facilities specified in the Application and plans/diagrams for the Premises, that the new club 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 Liquor Act.

#### Negative social impacts

36. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this club licensed Premises (which is authorised to sell liquor by retail on the licensed premises to a member of the club (or a guest of a member of the club) for consumption on or away from the licensed premises) 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.
37. The Authority notes that 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, a letter from the Applicant’s legal representative dated 29 June 2017 and a copy of the Club Arncliffe Limited constitution.
38. By reason of the additional regulatory requirements pertaining to clubs, they typically provide a more structured form of monitoring and control of access to the Premises by members, guests and visitors than other types of licensed venues. Pursuant to section 30(3B) of the Clubs Act, a person whose ordinary place of residence is in New South

Wales and is within a radius of 5 kilometres from the premises of a registered club is *not* eligible for admission as a temporary member of the host club unless the person is a member of another registered club with similar objects to those of the host club, or a member of another registered club who is attending the host club as provided by subsection (10). Takeaway liquor sales by clubs are also limited by section 18(1) of the Act to the sale of liquor to a member or guest.

39. The Authority further notes, on the basis of the Club Licence Application Form that the Applicant does not seek extended licensed trading hours. While the licensed hours granted will be quite extensive across the week (10:00 am to 12:00 am Monday to Saturday and 10:00am to 10:00pm Sunday), the Applicant's proposal to only trade within the standard hours has been given some weight when assessing whether the Applicant satisfies the requirements of section 48(5) of the Liquor Act, particularly given the prospect that the club may host live entertainment and functions.
40. The scale of the Premises is substantial, comprising approximately 929 square metres (according to a letter from the Applicant's legal representative dated 29 June 2017) although the maximum patron capacity is only 120 patrons (according to the Club Licence Application form). The patron capacity is a moderating factor when assessing the scope for the venue to attract and generate adverse liquor related social impacts over time.
41. The Authority notes the Applicant's legal representative submission dated 29 June 2017, which advises that the Applicant does not apply for a gaming machine threshold "at this stage". The Authority notes that a club venue will have the *potential* to seek gaming machine entitlements and operate as a gaming venue in the future and the Application does not rule this out as part of the services to be provided at the venue.
42. The Authority is satisfied, on the basis of LGNSW licensed premises information sourced by licensing staff as at 13 July 2017 for club licences in the suburb of Arncliffe and Bayside LGA, that the suburb of Arncliffe has 2 club licences (Arncliffe Scots Sports & Social Club Limited located at 29 Burrows Street Arncliffe and Kogarah Golf Club at 19 Marsh Street Arncliffe) while the broader community of Bayside LGA has 26 club licences.
43. With respect to the location of the Premises, the Authority has considered licence density calculations performed by licensing staff on the basis of liquor licensing records from LGNSW as at 13 July 2017 for club licences in the suburb of Arncliffe and the Bayside LGA (comprising the former Rockdale LGA and Botany Bay LGA) and New South Wales against ABS *Quickstats* population data derived from the 2016 census.
44. This analysis indicates that the density of club licences in the suburb of Arncliffe (18.88 per 100,000 persons of population) broader community of Bayside LGA (16.66 per 100,000 persons) are both close to the NSW rate (17.53 per 100,000 persons).
45. The Authority does not consider licence density data in isolation, but as one of several risk factors when assessing the suitability of the proposed location of a club licence when assessing overall social impact upon a community.
46. BOCSAR crime maps for April 2016 to March 2017 indicate some concentration of relevant crime within the local community. Although the Premises is not located within any hotspot for incidents of alcohol related assault and is on the edge of a low-density hotspot for non-domestic assault, the Premises is located within medium density hotspots for domestic assault and malicious damage to property.
47. BOCSAR crime data for the period from April 2015 to March 2017, in particular the 12 months ending March 2017, indicate that the suburb of Arncliffe recorded substantially lower rates for *alcohol related assault* (**57.1** per 100,000 persons) than the rate

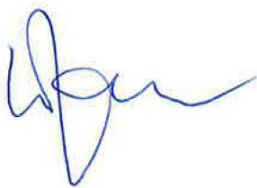
recorded for New South Wales as a whole (**133.9** per 100,000 persons). The same may be said for the two former local government areas that comprise the Bayside LGA, with Botany Bay LGA at **62.2** per 100,000 persons and Rockdale LGA at **42.8** per 100,000 persons).

48. During the same period, rates of malicious damage to property for the suburb of Arncliffe (**647.3** per 100,000) the former Botany Bay LGA (**740.5** per 100,000) and Rockdale LGA (**568** per 100,000) were also significantly below the NSW rate of **816.4** per 100,000 population.
49. While some concern arises from the moderately elevated rates of domestic violence recorded in the suburb of Arncliffe suburb (**123.8** per 100,000 persons compared to the NSW rate of **114.7**), the rates for Botany Bay LGA (79.4 per 100,000 persons) and Rockdale LGA (78.3 per 100,000 persons) are substantially below the State-wide rate. The Authority has focused on the *alcohol related assault* data for the suburb as this figure both incorporates an alcohol related element and covers non-domestic assaults, which are more likely to be associated with the operation of licensed premises (with most domestic violence occurring in private settings).
50. ABS Socio-Economic Indexes For Areas ("SEIFA") data based on the 2011 Census for the former Botany Bay LGA, former Rockdale LGA and suburb of Arncliffe provides a mixed picture. The former Botany Bay LGA ranked in the 7<sup>th</sup> decile within NSW on the Index of Relative Socio-Economic Advantage and Disadvantage by comparison to other local government areas in NSW. Rockdale LGA ranked within the 8<sup>th</sup> decile (with a score of 10 being the most advantaged). The local community of Arncliffe ranked within the 4<sup>th</sup> decile on this index by comparison to other suburbs in the State. This indicates moderate, but not substantial relative disadvantage in Arncliffe, with the broader community being relatively advantaged.
51. NSW Department of Health data for the former Botany Bay LGA during 2012-2013 recorded a Smoothed Estimate of Standardised Mortality Ratio (alcohol related deaths) at **92.60** and a Smoothed Estimate of Standardised Separation Ratio (alcohol related hospitalisation) at **106.90**.
52. During 2012-013 the former Rockdale LGA recorded a Smoothed Estimate of Standardised Mortality Ratio (alcohol related deaths) at **87.70** and a Smoothed Estimate of Standardised Separation Ratio (alcohol related hospitalisation) at **77.30**.
53. With the NSW wide rate fixed at 100, the rate for alcohol related hospitalisations for the former Botany Bay LGA provides a moderate cause for concern but this is counterbalanced by the more favourable data for the Rockdale proportion of the broader community.
54. The Authority derives some comfort from the lack of objection from local Police, who advise that the Application, CIS and floor plan have all been reviewed by Police and have instead proposed certain risk reduction measures be made enforceable against the licence, including conditions relating to the social impact of operating the business, operating the Premises in accordance with a Plan of Management, the applicability of the non-restricted area authorisation to the entire Premises (excluding the gaming machine room on the ground floor – which the Authority notes was renamed the lounge) and the club function authorisation covering the auditorium first floor. These authorisations will enable the club to better serve the community through use of these spaces for appropriate activities.
55. The Authority notes that no objection was made on social impact grounds by any public agencies, including those with a responsibility for managing and responding to disturbance, including LGNSW and Council.

56. In making this decision the Authority has taken into account the additional harm minimisation measures in the form of conditions being imposed on the licence, including an enforceable Plan of Management dated June 2017. The Plan provides a number of key management policies and procedures concerning the responsible service of alcohol, noise and security.

Overall social impact

57. Having considered the positive benefits and negative impacts that are likely to flow from granting the Application, the Authority is satisfied, for the purposes of section 48(5) of the Liquor Act, that the overall social impact of granting this Application would not be detrimental to the well-being of the local community or broader communities.
58. The Application is granted pursuant to section 45 of the Liquor Act.
59. The NAA Application is granted pursuant to section 22 of the Clubs Act while the CFA Application is granted pursuant to section 23 of the Clubs Act.



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. ABS SEIFA data based on the 2011 Census for the former Botany Bay LGA, former Rockdale LGA and suburb of Arncliffe.
2. Letter from Mr Peter Hart, officer assisting the then Casino, Liquor & Gaming Control Authority to Mr Bruce Gotterson of Pigott Stinson dated 10 June 2011 advising transfer of the club licence (LIQC300225127) held by Arncliffe R.S.L and Community Club Ltd to Bexley R.S.L. and Community Club Limited for the purposes of amalgamation.
3. HealthStats NSW data showing alcohol-related deaths and hospitalisations in the former Botany Bay LGA and former Rockdale LGA for the period 2012-13.
4. Healthstats reports for alcohol attributable deaths for the former Botany Bay LGA and former Rockdale LGA between 2001-2002 to 2012-2013.
5. Healthstats reports for alcohol attributable hospitalisations for the former Botany Bay LGA and former Rockdale LGA between 2001-03 to 2013-2015.
6. BOCSAR crime statistics comparing the suburb of Arncliffe, the former Botany Bay LGA and the former Rockdale LGA to NSW for the period April 2015 to March 2017.
7. 2016 Census Quickstats data, sourced by licensing staff, for New South Wales, the suburb of Arncliffe, the former Botany Bay LGA and the former Rockdale LGA.
8. BOCSAR crime maps for April 2016 to March 2017, for the local community of Arncliffe.
9. Letter from Bexley R.S.L. and Community Club Limited to then Office of Liquor Gaming and Racing (now LGNSW) dated 26 October 2016 attaching a copy of the application to surrender the licence for Arncliffe RSL Club Limited, LIQC300225127 and the cease to trade application form.
10. Letter from the Applicant's legal representative, Mr Tony Johnston of Eastern Commercial Lawyers to the Authority dated 22 February 2017 lodging the Application and attaching the following material:
  - Cub Licence Application Form lodged on 22 February 2017. This document is signed by Mr Barry Ryan (the director/president of the Applicant company) and Mr Peter Hills (the director/secretary of the Applicant company) dated 30 November 2016.
  - NAA Application Form lodged on 22 February 2017. This document is signed by Mr Barry Ryan (the director/president of the Applicant company) and Mr Peter Hills (the director/secretary of the Applicant company) dated 30 November 2016.
  - CFA Application Form lodged on 22 February 2017. This document is signed by Mr Barry Ryan and Mr Peter Hills dated 30 November 2016.
  - Public Consultation Site Notice for the Application, NAA and CFA, Notice to Police and Notice to the Local Consent Authority - all of which are signed by Mr Peter Hills and dated 30 November 2016.
  - National Police Certificate for Mr Peter Hills dated 23 November 2016
  - LGNSW RSA competency card CCH10647183 issued to Mr Peter Hills with an expiry date of 31 January 2022.

- NSW drivers licence and Medicare card for to Mr Peter Hills (the director/secretary of the Applicant company).
  - Category B CIS lodged with the Application on 22 February 2017 and signed by Mr Peter Hills (the director/secretary of the Applicant company) dated 30 November 2016.
11. OneGov key liquor licence details for Arncliffe RSL Cub Limited (LIQC300225127) as at 6 June 2017 showing the licence status as surrendered.
  12. Submission from Senior Constable Peter Kench of St George Local Area Command (“LAC”) of Police dated 11 June 2017.
  13. Email from LGNSW dated 19 June 2017 advising that LGNSW does not intent to carry out any further assessment of the Application at this time.
  14. Letter from the Applicant’s legal representative Mr Johnston dated 29 June 2017 responding to an email from licensing staff dated 6 June 2017 and addressing section 10 of the Clubs Act, advertising requirements for the Application, the 6-hour closure period, the issue of development consent, proposed operation of the business, conditions consented to and advice that no gaming machine threshold is sought at this stage. The letter refers to, but does not attach, a copy of the Rockdale Local Environmental Plan 2011 Land Zoning Map. The following material is attached:
    - Certificate of Advertising signed by Mr Peter Hills (the director/secretary of the Applicant company) and dated 16 June 2017.
    - Email from Council dated 28 February 2017 attaching copies of the applications for building permits for the Premises, including BA-1954-558 for alterations and repairs dated 23 June 1954 and BA-1961-959 dated 27 November 1961 for alterations and additions to RSL Club.
    - Plan of Management dated June 2017.
    - Lease agreement between R.S.L. Custodian Pty Limited and Club Arncliffe Limited commencing 1 April 2017 and terminating 31 March 2022.
    - Australian Securities and Investments Commission (“ASIC”) current organisation extract for the Applicant company, Club Arncliffe Limited, as at 20 February 2017 and at 29 June 2017 including the (*creditor*)*watch* credit report.
    - Club Arncliffe Limited Constitution.
  15. Licence density calculations performed by licensing staff on the basis of liquor licensing records from LGNSW as at 13 July 2017, for club licences in Arncliffe, Botany Bay LGA, Rockdale LGA, Bayside LGA (comprised from the sum of Rockdale LGA and Botany Bay LGA) and NSW with ABS population data from the 2016 census.
  16. LGNSW licensed premises information as at 13 July 2017 for club licences in the suburb of Arncliffe and Bayside LGA.
  17. Google maps showing the location of the Premises, extracted from the Google website by licensing staff on 19 July 2017.
  18. Google street view of the Premises (undated) sourced by licensing staff.
  19. Letter from Applicant’s legal representative, Mr Johnston dated 27 July 2017 responding to an email from licensing staff dated 19 July 2017 advising that Mr Peter Hills will be the approved manager and that letters notifying the Application were sent on 22 February 2017 to Metropolitan Local Aboriginal Land Council, Aboriginal

Education Centre and Aboriginal Child, Family & Community Care State Secretariat. The Applicant advises the size of the Premises and consents to a number of conditions being imposed upon the licence, with following documents attached:

- Change of Secretary Form executed by Mr Peter Hills dated 21 July 2017.
  - Letter from the Applicant's legal representative, Mr Johnston dated 22 February 2017 attaching a Public Consultation Site Notice and evidence of consultation with AbSec (Aboriginal Child, Family & Community Care State Secretariat) – 22 Carrington Rd Marrickville NSW 2204; Aboriginal Education Centre – 7 Park Road, Alexandria NSW 2015; Metropolitan Local Aboriginal Land Council – 36-38 George Street, Redfern NSW 2016.
20. Email correspondence from licensing staff to the Applicant's legal representative dated 31 July 2017 confirming a telephone conversation with the Applicant's legal representative of the same date, noting that the Applicant has no intention to apply for gaming machines in the "immediate future", that the gaming machine room on the plan/diagram of the Premises is to be re-labelled as the "lounge" and the Applicant consents to a condition requiring Responsible Conduct of Gambling qualifications being obtained prior to lodging any future gaming machine application. Also attached is an updated plan/diagram of the Premises highlighting the proposed licensed boundary and the areas to which the NAA and CFA shall apply.