



Mr Timothy O'Meara  
Liquorland (Australia) Pty Ltd  
800 Toorak Road  
Hawthorn East Vic 3123  
25 October 2016

Dear Mr O'Meara

**APPLICATION NO:** 1-4238653021  
**APPLICATION FOR:** New Packaged Liquor Licence  
**PROPOSED TRADING HOURS:** Monday to Saturday 8:00AM – 10:00PM  
Sunday 10:00AM – 10:00PM

**APPLICANT:** Mr Timothy O'Meara

**PROPOSED LICENSED  
PREMISES NAME:** Liquorland

**PREMISES LOCATION:** Top Ryde City Shopping Centre  
Cnr Devlin Street & Blaxland Rd, Ryde,  
NSW 2112 (Premises)

**ISSUE:** Whether to grant or refuse an application  
for a new packaged liquor licence.

**LEGISLATION** Sections 3, 29, 30, 31, 40, 45, 48 *Liquor  
Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION  
FOR NEW PACKAGED LIQUOR LICENCE – LIQUORLAND, RYDE**

The Independent Liquor and Gaming Authority considered the Application at its meeting on 28 September 2016 and, pursuant to section 45 of the *Liquor Act 2007* (Act), decided to **grant** the Application number 1-4238653021 subject to the following conditions:

- Trading Hours**  
Monday to Saturday 8:00AM – 10:00PM  
Sunday 10:00AM – 10:00PM
- 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 2:00AM and 8:00AM 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.
- Retail Sales**  
Good Friday Not permitted  
December 24<sup>th</sup> Normal trading Monday to Saturday, 8:00AM – 10:00PM Sunday  
Christmas Day Not permitted  
December 31<sup>st</sup> Normal trading.

4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. 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.
6. The licensee must conduct the licence at all times in accordance with the Management Strategies and House Policy dated 20 October 2015 as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
7. The licence cannot be exercised unless and until Independent Liquor & Gaming Authority has been provided with evidence that the premises are complete and ready to trade.
8. The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority has been notified of the appointment of a manager to the licence.

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

Yours faithfully



Philip Crawford

**Chairperson**

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

## STATEMENT OF REASONS

### Material before the Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high volume jurisdiction.
2. In making this decision, the Authority has considered the packaged liquor licence application filed on 31 March 2016 (Application), the accompanying 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 and licence density data maintained by Liquor and 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. That material is listed and in some cases briefly summarised in the Schedule.

### Summary of Further Submissions

3. Submission from Senior Constable Meegan Perigo from the Ryde Local Area Command (Police) dated 24 August 2015. In this four-page submission Police raise no objection to the Application but identify issues regarding a) environmental factors - noting the proposed premises will be located within a major shopping centre, that there is sufficient access to public transport, that there is one existing packaged liquor outlet in the shopping centre; b) accessibility of location - noting there are 5000 parking spaces in the Top Ryde City Shopping Centre with taxi and bus services are available, c) crime - submitting that the rate of alcohol related assaults within the Ryde LAC over the past 12 months have been lower than the New South Wales average rate.
4. LGNSW advise that although the Secretary of the Department of Justice was notified of the Application, no report was provided on this Application.
5. Submission from Mr Wayne Moy, City of Ryde Council (Council), dated 22 March 2016, advising that Council raises no concerns with the Application and that the Premises are subject to an approval of development application LDA2015/0143, which accompanies Council's submission. The DA was determined by Council on 17 June 2015 and permits alterations to the Top Ryde Shopping Centre, prescribing conditions, *inter alia*, requiring the maintenance of CCTV and restricting use of the Premises (for planning purposes) to between 6:00AM and midnight on Monday through Saturday and from 6:00 AM to 11:00 PM on Sundays.
6. Submission from Roads and Maritime Services (RMS) dated 30 July 2015 advising that there were 14 alcohol-related crashes resulting in 8 casualties within the City of Ryde LGA during 2013. RMS do not object to the Application but recommend that the licensee maintain awareness of alcohol-related issues by attending the local liquor accord and that public education material be supported on the Premises.
7. The Authority notes the Applicant's advice that no response was received by the Applicant from the local Aboriginal community, the Department of Health, the

Department of Community Services or from other stakeholders or special interest groups.

8. Submission dated 18 August 2016 was made to the Authority from the director of a business in East Ryde, commenting on packaged liquor licence density in Ryde, with two new licences granted in the last 18 months.
9. Email submission from the Applicant dated 31 August 2016, in response to the local business owner's submission. The Applicant notes that liquor outlet density and the potential for increase in alcohol-related crime and other alcohol-related harms was addressed in the CIS. The Applicant repeats its contentions that the level of licence density in local and broader communities are low, that overall rates of crime in those communities are low, that the local community is relatively advantaged in socio economic terms and that the Premises is situated within a very large shopping centre. The Applicant consents to certain conditions proposed by licensing staff.
10. Email submission from the Applicant dated 1 September 2016. In this one-page submission the Applicant consented to an amendment to the condition requiring the licensee to conduct the licence at all times in accordance with the Management Strategies and House Policy dated 20 October 2015, as proposed by licensing staff.
11. Email submission from the Applicant dated 2 September 2016. In this one-page submission the Applicant provided a copy of the CIS, certificate of advertising, D/A, and an amended page of the CIS.

### **Legislative Framework**

12. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the *Liquor Act 2007* and the *Liquor Regulations 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
13. 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.*
14. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the

application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.

15. An application for a new packaged liquor licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
16. 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”.
17. Consistent with its longstanding practice and as advised in *Guideline 6*, the Authority finds the relevant “local community” to be the community within the State suburb of Ryde, while the broader community constitutes the relevant local government area, being the City of Ryde.

### **Analysis of Relevant Facts**

18. The Authority is satisfied, on the basis of the Application and CIS material before it, that for the purposes of Section 40 of the Act the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
19. 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 packaged liquor licensed venue of the kind proposed in the Application material. The Authority notes that no probity issues were raised with regard to the Applicant following consultation with law enforcement agencies including Police and LGNSW.
20. 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 *Management Strategies and House Policy* dated 20 October 2015.
21. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the proposed use of the Premises falls within the scope of development consent. This finding is made on the basis of the Development Application No LDA2015/0143 issued by City of Ryde on 17 June 2015.

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

22. The Authority is satisfied, on the basis of the Application, CIS and additional material supplied by the Applicant that granting the licence will provide some benefit to those members of the local and broader community who wish to conveniently purchase liquor products when shopping at the Coles supermarket within the Top Ryde City Shopping Centre.
23. The Authority accepts that the Applicant consulted with stakeholders and neighbouring premises as required by the liquor legislation and that process yielded only one submission from a business located in East Ryde. On this basis, the Authority is satisfied that granting the Application is consistent with the

“expectations, needs and aspirations of the community” in respect of the local community of Ryde, being an object of section 3(1)(a) of the Act.

24. The Authority is satisfied, on the basis of the CIS and additional material supplied by the Applicant, that this packaged liquor facility will provide a diverse range of both domestic and imported wines, beers and spirits in addition to a range of low alcoholic and non-alcoholic beverages. In this sense it will increase awareness, choice and availability to patrons at this major shopping centre and the business will reasonably develop, in the public interest, the liquor industry serving the local and broader communities, for the purposes of section 3(1)(b) of the Act.

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

25. Having reviewed all of the material before it, the Authority considers that over time there is a risk that the liquor sold from this new licensed business 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 packaged liquor.
26. The trading hours sought are extensive. The business will trade until the 10:00 pm limit of evening trading permitted by the Act and this increases the scope of the business to contribute to adverse social impact over time.
27. The Authority notes, on the basis of the information in the CIS that the licensed business area will occupy 194 square metres. It is larger in scale than many packaged liquor outlets and this is another factor that increases its capacity to contribute, along with the incumbent licensed premises, to adverse social impacts over time.
28. However, LGNSW liquor licence density data satisfies the Authority that the City of Ryde LGA has lower rates per 100,000 persons of population of *packaged liquor licences, registered club licences* and *full hotel licences* compared to New South Wales as a whole.
29. The Authority is further satisfied, on the basis of LGNSW liquor licensing records, that the suburb of Ryde has 3 packaged liquor licences, 2 registered club licence and 1 full hotel licence. The Authority does not consider that prevailing licence density *per se* gives rise to any particular cause for concern with regard to the relevant communities.
30. At the level of the local community, BOCSAR Crime Maps between April 2015 and March 2016 indicate that the Premises:
- (a) Is located inside a *high density hotspot* for incidents of *domestic assault*
  - (b) Is located inside a *medium density hotspot* for incidents of *non-domestic assault*
  - (c) Is located inside a *high density hotspot* for incidents of *malicious damage to property*.
31. However, the Authority derives considerable reassurance from the BOCSAR *Report on Crime by LGA and Alcohol Related Status* for July 2010 to June 2015 which records that the Ryde LGA had considerably lower rates per 100,000 persons of

population of *domestic violence related assault, non-domestic violence related assault, offensive behaviour* and *assault police* compared to NSW as a whole. That is, the concentrations of crime evident from the crime maps is derived from relatively low rates of crime across the Ryde LGA as a whole.

32. The Authority further notes that Police do not oppose the Application and have not recommended any specific conditions. There is no evidence provided by Police or other agencies of any prevailing localised liquor related impacts in the area where the Premises is situated.
33. The Authority is satisfied, on the basis of the ABS SEIFA data, that both the suburb of Ryde and the City of Ryde LGA are relatively advantaged compared to other local government areas and State suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage, with Ryde ranked in the 8<sup>th</sup> decile on the Index and City of Ryde ranked in the 9<sup>th</sup> decile (with a decile ranking of 10 being the most advantaged)
34. The Authority has also had regard to the reasonably detailed harm minimisation measures set out in the *Management Strategies* and *House Policy* dated 20 October 2015, the conditions to which the Applicant has consented, the additional harm minimisation measures such as CCTV and the location of the business within a large shopping centre, facilitating increased security and passive surveillance of the operation of any patrons of the business.

## Conclusion

35. 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, RMS, neighbouring occupiers, NSW Health and Department of Community Services and all other parties required to be consulted under the legislation.
36. 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.
37. The Application is granted pursuant to section 45 of the Act.
38. 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) – 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: 28 September 2016



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/ilqa/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. Application Form lodged on 31 March 2016.
2. Notices of the Application sent to various public agencies and other stakeholders.
3. CIS document and supporting material dated 10 February 2016. The Applicant contends that new licensed business will form part of a “new state-of-the-art Coles Supermarket” located in a refurbished Shopping Centre comprising speciality retail stores, major and mini retailers. The business will offer a diverse range of both domestic and imported wines, beers and spirits. The Applicant submits that no adverse comments were made during the CIS process indicating the net social impact from the licence is likely to be positive. The Applicant contends that the population of the local community is growing, that rates of crime and outlet density are comparatively low and the local community is comparatively advantaged. Minors and anti-social behaviour will be managed through security arrangements, CCTV, Management Strategies and RSA procedures.
4. Additional Information about the Application and CIS dated 10 February 2016. In this 66-page document, the Applicant provides information about the Application, the location of the Premises, manner of operation and facilities to be provided, suitability of the site for a packaged liquor facility, responsible service of liquor, access to liquor by minors, position with Council, completion of the Premises, positive benefits of granting the Application, the proposed 6-hour closure period, the location of nearby community buildings, facilities and places, notification of stakeholders and issues raised during consultation. The Applicant also discusses (by apparent reference to the social impact factors identified in Authority *Guideline 6*) the type, scale, hours of the Premises, along with measures to be implemented to reduce the potential for alcohol related harms and submits that there will be no adverse impact to the area. The Applicant contends that Coles Liquor operates over 800 liquor outlets across Australia and has detailed management practices to draw upon. All team members will be trained in RSA procedures, trading restrictions, dealing with underage customers, secondary supply to minors, signage and pricing policy. The CIS identifies no relevant nearby sensitive facilities as likely to be negatively impacted on by the proposed premises.
5. Attached to the Application is a company extract for *LIQUORLAND (AUSTRALIA) PTY. LTD* from the Australian Securities and Investments Commission (ASIC) on 20 November 2014.
6. Attached to the CIS is the *Management Strategies and House Policy* dated 20 October 2015.
7. Development Application (DA) LDA2015/0143 approved by the City of Ryde on 17 June 2015 permitting alterations to the Top Ryde Shopping Centre. The DA provided conditions, inter alia, for the installation and maintenance of CCTV facilities for premises licensed to sell liquor.
8. Plan or diagram of the Premises highlighting the proposed licensed area of the business within the Coles supermarket.

9. Google geographical maps depicting an aerial view of the location of the Premises.
10. BOCSAR Crime Maps based upon data from April 2015 to March 2016 detailing hotspots for the concentration of offences near the Premises.
11. Liquor licensing records from LGNSW indicating that the suburb of Ryde already has 2 registered club licences, 1 full hotel licences and 3 packaged liquor licences.
12. Liquor licence density data from LGNSW indicating that the City of Ryde LGA as a whole recorded:
  - (a) A rate of **12.62 packaged liquor licences** per 100,000 persons, which is substantially below the NSW state wide rate of **32.85**.
  - (b) A rate of **10.80 registered club licences** per 100,000 persons, which is well below the NSW state wide rate of **20.48**.
  - (c) A rate of **28.80 full hotel licences** per 100,000 persons, which is substantially below the NSW state wide rate of **30.36**.
13. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. This data indicates that:
  - (a) the rate of *domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Ryde LGA was **39** per 100,000 persons, well below the New South Wales rate of **145** per 100,000 persons;
  - (b) the rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* across the Ryde LGA was **55** per 100,000 persons, substantially below the State wide rate of **191** per 100,000 persons;
  - (c) the rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across the Ryde LGA was **13** per 100,000 persons, substantially below the State wide rate of **83** per 100,000 persons;
  - (d) the rate of *assault Police* incidents flagged by reporting Police as *alcohol related* across the Ryde LGA was **14** per 100,000 persons, below the State wide rate of **24** per 100,000 persons; and
  - (e) the rate of *malicious damage to property* offences flagged by reporting Police as *alcohol related* across the Ryde LGA was **36** per 100,000 persons, well below the State wide rate of **122** per 100,00 persons.
14. ABS SEIFA data prepared on the basis of the 2011 Census indicating that the State suburb of Ryde ranked in the 8th decile and the City of Ryde LGA ranked in the 9th decile on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
15. Submission from Senior Constable Meegan Perigo, Ryde LAC dated 24 August 2015.
16. Report to the Authority dated 1 September 2016 from LGNSW.
17. Submission from Mr Wayne Moy, City of Ryde (Council), dated 22 March 2016.

- 18.** Email submission from the Applicant dated 31 August 2016. Applicant responded to the public submission and consented to the Authority's proposed conditions.
- 19.** Email submission from the Applicant dated 1 September 2016. Applicant consented to an amendment to a condition proposed by the Authority.
- 20.** Email submission from the Applicant dated 2 September 2016. Applicant provided a copy of the CIS, advertising certificate, D/A, and an amended page of the CIS.