



Mr George Smith
Design Collaborative Pty Ltd
georgesmith@designcollaborative.com.au

29 October 2018

Dear Mr Smith

Application No.	1-6819122389
Applicant	Hassy Investments Pty Ltd
Application for	Packaged liquor licence
Licence name	Harry's Liquor
Trading hours	Monday to Wednesday 9:00 am – 8:00 pm Thursday to Saturday 9:00 am – 9:00 pm Sunday 10:00 am – 7:00pm
Premises	Shop 1, 454 Quakers Hill Parkway QUAKERS HILL NSW 2763
Legislation	Sections 3, 11A, 12, 29, 30, 31, 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 – Harry's Liquor**

The Independent Liquor and Gaming Authority considered, at its meeting on 15 August 2018, the Application above 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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. The premises is to be operated at all times in accordance with the Plan of Management dated July 2018, 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.
6. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:
 - (a) all eight cameras as set out in the Plan of Management, comprising of six internal and two external cameras in the set locations, must be installed,
 - (b) the system must record continuously,

- (c) recordings must be of good HD quality,
 - (d) any recorded image must specify the time and date of the recorded image,
 - (e) the system's cameras must cover the following areas:
 - (i) all entry and exit points to the licensed premises,
 - (ii) all publicly accessible areas (other than toilets) within the licensed premises, and
 - (iii) the surroundings of 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.
7. The licensed premises must not commence trading before 10:00 AM and must cease to trade by 7:00 PM, on public holidays.

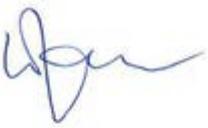
A statement of reasons for this decision is attached at the end of this letter.

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 earlier than 9:00 AM.

If you have any questions, please contact the case manager at andrew.whitehead@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 13 June 2018, Hassy Investments Pty Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (‘Application’) for a packaged liquor licence (‘Licence’) for the premises at Shop 1, 454 Quakers Hill Parkway, Quakers Hill (‘Premises’).
2. The Authority considered the Application at its meeting on 15 August 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 relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.

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.

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 and trading period requirements under sections 11A, 12 and 40 of the Act,
 - b) if the Licence were to be granted, liquor would be sold in accordance with the authorisation conferred by the Licence as required by section 29 of the Act, and
 - c) sections 30 and 31 of the Act do not apply to the Application, as the Premises is not intended to operate as is contemplated by the sections.

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 Plan of Management for the Premises and the conditions to be imposed on the licence, and
 - c) the requisite development consent is in force, based on the Decision in respect of the Premises, made by the Land and Environment Court on 19 October 2011.

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 Quakers Hill, and the relevant “broader community” comprises Blacktown Local Government Area (“LGA”).

Positive social impacts

25. The Authority notes that the Premises is located amongst a small cluster of shops in a predominantly residential part of Quakers Hill. The Authority accepts that the Premises will provide convenience shopping for residents living nearby, who will be able to satisfy their liquor needs locally without requiring special trips further afield.
26. The Authority notes that the Premises was previously operated as a BWS liquor store until May 2018, and accepts the Applicant’s contention that the Premises will continue to service the needs of the local community at that location.
27. The Authority notes that both Quakers Hill suburb and Blacktown LGA have a lower than average density of packaged liquor, hotel and club licences, and accepts that the Premises will provide the community with increased access to packaged liquor and additional product choice.
28. The Authority considers the proposed social benefits above to be somewhat limited by the lack of evident community support for the Application. The only indication of any such support is the fact that no submissions in opposition to the Application were received from the community.
29. Accordingly, 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

30. The Authority notes that, according to BOCSAR Crime Maps for the year to March 2018, whilst the Premises was not located within any relevant crime hotspots, there was a large hotspot for incidents of domestic assault and two hotspots for incidents of malicious damage to property west of the Premises, within the Quakers Hill suburb, in areas that are likely to be serviced by the Licence.
31. The concerns that such mapping raises are somewhat alleviated by the rates of incidents of alcohol-related domestic and non-domestic assault, malicious damage to property and alcohol-related disorderly conduct (offensive conduct) for Quakers Hill for that period, which were lower than the NSW average; however it is noted that the rates of alcohol-related domestic assault and malicious damage to property in the LGA were higher than the corresponding NSW rates.
32. The Authority notes from the most recent HealthStats NSW data available at the time of its consideration that the LGA recorded a level of alcohol attributable hospitalisations that was slightly lower than the NSW average for the period 2011-15, and a level of alcohol attributable deaths that was roughly on par with the NSW average for the period 2009-13.
33. The Authority has had regard to the ABS data indicating that as at 2016, Quakers Hill was amongst the most advantaged suburbs, and the LGA amongst the most advantaged Local Government Areas, in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
34. Accordingly, the Authority notes that there are no immediate concerns regarding socio-economic disadvantage in the broader community which may increase vulnerability to alcohol-related harms.
35. The Authority has considered a submission from NSW Police Force (Police) which notes that bottle shops have been identified as being a target for theft and contributing to alcohol-related

domestic violence and drink driving offences in the local community. The Authority notes that Police did not object to the application on the basis that the Applicant prepared a suitable Plan of Management and consented to a number of licence conditions.

36. Whilst the information before the Authority gives rise to some concerns, the Authority is nevertheless satisfied that the risk associated with the granting of the Licence will be adequately mitigated by the following:

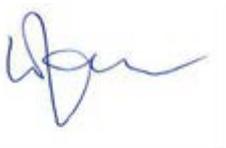
- a) the fact that the Premises has been operating as a packaged liquor outlet since 2012 and is unlikely to contribute to any significant increase in alcohol-related harms;
- b) the fact that objective BOCSAR data indicates that the rates of alcohol-related crime in Quakers Hill are lower than the corresponding NSW rates;
- c) the operation of a CCTV system at the premises, which can be considered a deterrent to theft;
- d) the lack of objection to the Application;
- e) the imposition of special licence conditions; and
- f) the Applicant's adherence to a Plan of Management.

Overall social impact

37. 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.

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

39. Accordingly, the Authority has decided to grant the Licence under section 45 of the 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.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. Decision in relation to the Premises, made by the Land and Environment Court on 19 October 2011.
2. HealthStats NSW data showing that, compared to the state benchmark of 100, Blacktown LGA recorded:
 - a. a standardised alcohol-related hospitalisation ratio of:
 - i. 89.80 in 2011
 - ii. 88.70 in 2012
 - iii. 91.10 in 2013
 - iv. 95.30 in 2014
 - v. 100.10 in 2015
 - b. a standardised alcohol-related mortality ratio of:
 - i. 97.00 in 2009
 - ii. 99.20 in 2010
 - iii. 109.30 in 2011
 - iv. 102.70 in 2012
 - v. 91.60 in 2013
3. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-Economic Advantage and Disadvantage on a scale of 1 to 10, with the 10th decile being the most advantaged and 1st decile the most disadvantaged, both Quakers Hill and the Blacktown LGA ranked in the 8th decile.
4. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to March 2018, the rate of:
 - i. alcohol-related domestic assault in the Blacktown LGA and Quakers Hill were 132.9 and 61.0 respectively, compared to the NSW average of 114.4,
 - ii. alcohol-related non-domestic assault in the Blacktown LGA and Quakers Hill were 106.4 and 14.4 respectively, compared to the NSW average of 130.4,
 - iii. malicious damage to property in the Blacktown LGA and Quakers Hill were 937.0 and 423.7 respectively, compared to the NSW average of 779.5,
 - iv. alcohol-related disorderly conduct (offensive conduct) in the Blacktown LGA and Quakers Hill were 12.1 and 0.0 respectively, compared to the NSW average of 41.2,
 - b. for the year to March 2017, the rate of:
 - i. alcohol-related domestic assault in the Blacktown LGA and Quakers Hill were 123.7 and 50.3 respectively, compared to the NSW average of 113.2,
 - ii. alcohol-related non-domestic assault in the Blacktown LGA and Quakers Hill were 94.4 and 18.0 respectively, compared to the NSW average of 132.8,
 - iii. malicious damage to property in the Blacktown LGA and Quakers Hill were 992.0 and 477.6 respectively, compared to the NSW average of 805.1,

- iv. alcohol-related disorderly conduct (offensive conduct) in the Blacktown LGA and Quakers Hill were 13.2 and 7.2 respectively, compared to the NSW average of 46.3.
5. NSW Recorded Crime Statistics 2017 outlining the proportion of offences in the LGA by day of week and time of day.
6. NSW Recorded Crime Statistics 2017 outlining the number and proportion of selected offences flagged as alcohol related by NSW Police.
7. BOCSAR crime maps for the year to March 2018, indicating the location of the Premises relative to hotspots for alcohol-related assault, domestic assault, non-domestic assault, and malicious damage to property.
8. Submission from Roads & Maritime Services on 4 April 2018 in relation to the Application.
9. Submission from NSW Police Force on 2 May 2018 in relation to the Application.
10. Copy of the public consultation site notice, police notice and local consent authority notice signed by the Applicant on 11 May 2018.
11. Completed Category B Community Impact Statement dated 11 May 2018.
12. Completed application dated 12 May 2018.
13. Completed appointment of manager notice dated 15 May 2018.
14. Correspondence between L&GNSW and the Licensee LIQP770016389 on 28 May 2018 in relation to the Premises.
15. Correspondence from L&GNSW Compliance on 20 June 2018 in relation to the Application.
16. Certification of Advertising Application signed and dated 26 June 2018.
17. Correspondence between the Applicant and Blacktown City Council between 22 June 2018 and 6 July 2018 in relation to the Plan of Management.
18. Submission from NSW Police Force on 6 July 2018 in relation to the Application.
19. Certification of Advertising Application signed and dated 9 July 2018.
20. L&GNSW liquor licensing records as at 15 July 2018, setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in Quakers Hill, the Blacktown LGA and NSW. The density of packaged liquor licences is 34.46 in NSW, 18.70 in the Blacktown LGA and 18.46 in Quakers Hill.
21. Google map images extracted from the Google website on 26 July 2018, showing the location and photos of the Premises in map view, earth view and street view.
22. Key liquor licence details recorded as at 27 July 2018 for LIQP770016389.
23. Correspondence between L&GNSW staff and the Applicant between 21 June 2018 and 27 August 2018 in relation to the assessment of the Application.
24. Plan of Management for the Premises dated July 2018.
25. ASIC business records in relation to the Applicant.
26. Premises plan for the Premises.