

**NSW Department of Industry
Liquor & Gaming NSW**

APPLICATION NO:	APP-0003085617
APPLICATION FOR:	Liquor - packaged liquor licence (online)
TRADING HOURS:	Monday to Friday: 10:00AM - 7:00PM
APPLICANT:	Mrs Saab, Pauline
LICENCE NAME:	Salt Meats Cheese Events
PREMISES ADDRESS:	U 20/ 504-512 Parramatta Rd PETERSHAM NSW 2049
ISSUE:	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse the liquor licence application
LEGISLATION	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR A LIQUOR LICENCE
SALT MEATS CHEESE EVENTS**

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the *Gaming and Liquor Administration Act 2007*, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Industry, has decided to grant the application for an on-premise liquor licence for a packaged liquor licence (online), application number APP-0003085617.

On 12 September 2017, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

Conditions imposed:

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. 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. No liquor products for sale under this liquor licence are to be stored at the licensed premises address.
4. Limited to the sale of liquor only by means of taking orders over the telephone or by facsimile or mail order, or through an Internet site.

STATEMENT OF REASONS

1. Material before the ILGA delegate (DF17/010885)

- (1) Application form lodged 16 June 2017.
- (2) Category A Community Impact Statement, signed and dated by the applicant on 16 June 2017.
- (3) Development Application Number 200500213, granted by Marrickville Council on 7 June 2005. DA is for "the operation of the ground floor as a commercial office and erect associated signage relating to property situated at: 504-512 PARRAMATTA ROAD, PETERSHAM".
- (4) Certification of Advertising Application, signed and dated by the applicant on 30 August 2017.
- (5) Identification and National Police Certificate for the applicant.
- (6) Plan of the proposed licensed premises.
- (7) Signed notice from Inner West Council, dated 16 June 2017, stating that council consent is required and in place, Da number is DA200500213.
- (8) Submission from the Marrickville Local Area Command received 4 July 2017, stating no objections subject to compliance with conditions imposed by Local Council.
- (9) Liquor Plan of Management, dated 16 June 2017.
- (10) Email correspondence from the Authority to the applicant requesting additional information in support of the application, dated 4 August 2017 and 4 September 2017.
- (11) Email correspondence from the applicant to the Authority in response to the requests for additional information, dated 30 August 2017 and 4 September 2017.

2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

Objects of Act

- (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 the 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.

3. Statutory tests

- (1) In determining an application for a licence, under section 45(3) of the *Liquor Act 2007*, the delegate must also be satisfied that:
 - a. the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
 - b. practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
 - c. if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under part 3A or part 5.1 of that Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

4. Community impact test

- (1) Under section 48(5) of the *Liquor Act* 2007, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the application process, that the overall impact of the licence, authorisation or approval in question being granted, will not be detrimental to the local or broader community.
- (2) The test applying under section 48(5) relates to delegated decisions in relation to the granting or removal of:
 - a. a small bar licence,
 - b. a packaged liquor licence (limited to telephone/internet sales),
 - c. an on-premises licence relating to a restaurant that, in the case of a new licence, includes an application for a primary service authorisation,
 - d. an on-premises licence relating to a karaoke bar, a catering service or a vessel,
 - e. an application for a producer/wholesaler licence that, in the case of a new licence, includes an application for a drink on-premises authorisation
 - f. an application for ongoing extended trading hours to permit the sale of liquor after midnight in relation to any of the above licence types.
- (3) The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.
- (4) Local and Broader Community - for the purposes of this decision, the delegate is satisfied that the relevant “local community” is the community within the suburb of Petersham, and the “broader community” of the Inner West Council LGA.

5. Analysis of Submissions and other Materials

- (1) Having reviewed all the material, I am satisfied that this application for an online packaged liquor licence is unlikely to result in any significant increase in alcohol-related harms in the local community.
- (2) The sales of liquor will be limited to: telephone orders, as well as facsimile, online or mail order.
- (3) The proposal is for an on-line based liquor distribution company, with the proposed business activity essentially involving dispatching liquor for orders made by mail or through an internet site, with the liquor items predominantly involving a selection of

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imported beers and wines. The orders will be then delivered to the end- consumer via a courier.

- (4) The proposed licensed premises comprise an office, at which orders will be received and processed for remote sales only (i.e. via telephone, internet, facsimile or mail orders). There will be no liquor or alcohol sold on the licensed premises.
- (5) A submission was received by the Inner West Council, stating that a council consent is required and in place, and that the da number is DA200500213.
- (6) A submission has been provided by the Marrickville Local Area Command, confirming that the police have no objections to the proposed licence being granted, subject to compliance with conditions imposed by the local Council.
- (7) No other submissions have been received in respect of this application.
- (8) The applicant noted the restricted nature of the licence sought. Namely, the business is proposed to be primarily via the internet and, therefore, not involve any retail sales at the licensed premises. As such no adverse effects on the wellbeing of the local community is expected.(CIS)
- (9) I am satisfied that the applicant has provided consent to imposing the conditions contained in the licence document.
- (10) I am satisfied that the statutory advertising requirements have been met.

6. Overall social impact

(1) Positive benefits

The proposed licence will provide convenient access to liquor, offering the option of ordering online, by phone, fax or mail, and including delivery to customers via courier. No sales will be made in person at the licensed premises.

(2) Negative impacts

No objections were received and no concerns were raised. The nature of the licence sought means that there are unlikely to be any amenity impacts on the local community.

7. Conclusion

- (1) I am 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.
- (2) In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
- (3) Having considered the venue management plan and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.
- (4) Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) In making this decision under delegation of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant with conditions the licence application.

Decision Date: **12 September 2017**



Mat Weber, A/Manager Licensing (Business Licensing)

Liquor & Gaming NSW

Delegate of the Independent Liquor & Gaming Authority

Important Information:

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard

at: <https://www.liquorandgaming.justice.nsw.gov.au/pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed on line via the Application Number hyperlink.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>