



Mr Grant Cusack
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8 December 2016

Dear Mr Cusack,

APPLICATION NO: 1-4518516571
APPLICATION FOR: New Packaged Liquor Licence
PROPOSED TRADING HOURS: Monday to Wednesday 9:00AM – 6:00PM
Thursday 9:00AM – 9:00PM
Friday to Saturday 9:00AM – 8:30PM
Sunday 10:00AM – 6:00PM

APPLICANT: Mr Christian Hage

PROPOSED LICENSED PREMISES NAME: Quattro Deli Chatswood

PREMISES LOCATION: Chatswood Chase Shopping Centre,
Shop B002, 365 Victoria Ave,
CHATSWOOD, NSW 2067 (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 – QUATTRO DELI CHATSWOOD**

The Independent Liquor and Gaming Authority considered application number 1-4518516571 at its meeting on 30 November 2016 and, pursuant to section 45 of the *Liquor Act 2007* (Act), decided to **grant** the application subject to the following conditions:

- 1. Trading Hours**
Monday to Wednesday 9:00AM – 6:00PM
Thursday 9:00AM – 9:00PM
Friday to Saturday 9:00AM – 8:30PM
Sunday 10:00AM – 6:00PM
- 2.** 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 3:00AM and 9:00AM 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.


3. Retail Sales

Good Friday	Not permitted
December 24 th	Normal trading
Christmas Day	Not permitted
December 31 st	Normal trading

4. 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.
5. The premises are to be operated at all times in accordance with the Plan of Management dated June 2016 as may be varied from time to time after consultation with the Local Area Commander.
6. The licensee will ensure the liquor sales area is adequately defined from the rest of the premises by means of a fixed, solid and permanent barrier.
7. The licensee or its representative must join and be an active participant in the local liquor accord.
8. The sale of liquor pursuant to the licence is restricted as follows: (i) liquor sold will principally comprise imported wines (ii) liquor is only to be sold when the adjoining delicatessen and grocer business is open and trading.

If you have any enquiries about this letter please contact the case manager, Ms Santina Causa, via email to santina.causa@ilqa.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 lodged on 3 June 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 the 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. Letter from the Office of Aboriginal Affairs, Department of Education NSW, dated 23 June 2016. The one-page letter states that Aboriginal Affairs “has no objection to the Application”.
4. Letter from Damian Norris, Senior Constable Licensing, and Simon Jones, Detective Inspector Crime Manager both from the North Shore Local Area Command of NSW Police (Police) dated 18 July 2016. In this one-page letter they state “Police do not wish to lodge an objection”. Police noted that restricted trading hours were being sought.
5. Applicant’s Plan of Management for the proposed business signed on 17 November 2016. The Plan contains information about the location of the Premises, the manner of operation of the proposed licensed business, the hours of licensed trade, measures regarding the management of patrons, measures regarding the security of the Premises, the CCTV system to be installed on the Premises and measures to implement a House Policy for the Responsible Service of Liquor, training of staff and requirements that staff have Responsible Service of Alcohol (RSA) certification, resolution of complaints from neighbours, participation in the local liquor accord and measures for liaison with Police and maintenance of this Plan.
6. Letter from the Applicant’s solicitor Mr Grant Cusack of Hatzis Cusack Lawyers, dated 18 November 2016. This 14-page letter provides information and submissions on licence conditions consented to by the Applicant should the Application be granted, the nature of the proposed licensed business, the manner of operation and type of liquor to be sold, location of the Premises, growth and development in the relevant communities, contended positive benefits to the community from granting the Application, submissions on licence density data for the communities, submissions on ABS Socio Economic Indexes For Areas (SEIFA) and demographic data for the communities, crime data from BOCSAR for the communities, health data for the communities and the Applicant’s submissions on the responses received in response to the Application from various stakeholders. The Applicant’s Certificate of Advertising for the Application dated 18 November 2016 is attached.

7. Letter from Mr Cusack to the Authority dated 21 November 2016 requesting permission to appear before the Authority at its meeting of 30 November 2016 to discuss any conditions that may be imposed upon the licence and requesting that no condition be imposed restricting the type of liquor to be sold, or if such a condition is imposed, that it accord with the conditions proffered by the Applicant.
8. Email from Mr Andrew Tougher, Senior Licensing Consultant, Hatzis Cusack Lawyers, dated 21 November 2016. Attached to this email is a four-page letter from Mr Cusack also dated 21 November 2016, which provides further information on planning approval for use of the Premises and whether a condition should be imposed requiring the business to not sell any refrigerated liquor products. The Applicant opposes the no refrigeration condition but consents to a condition in the same terms as imposed by the Authority on the *Mercato e Cucina Cellar* which is also associated with a boutique supermarket. The Applicant attaches a submission received from Roads & Maritime Services (RMS) dated 31 March 2016.
9. Letter from Mr Cusack to licensing staff dated 21 November 2016. In this two-page letter permission to appear before the Authority at its meeting of 30 November 2016 to discuss any imposed conditions was requested. It is requested that upon grant of the Application no condition should be imposed restricting the type of liquor to be sold, or if such a condition is imposed, that it accord with the condition proffered by the Applicant.
10. NSW Department of Health *HealthStats* Selected Reports for Willoughby Local Government Area (LGA) dated 21 November 2016. This 11-page document obtained by licensing staff from published sources includes information about alcohol attributable hospitalisations in the Willoughby LGA from 2001-2003 to 2013-2015 and alcohol attributable deaths in Willoughby LGA from 2001-2002 to 2012-2013. The report also details the methods used.
11. ABS *QuickStats* information derived from the 2011 Census for the State suburb of Chatswood and the Willoughby LGA with data for NSW and Australia downloaded by licensing staff from the ABS website on 21 November 2016.

Legislative Framework

12. The legal requirements for the making of a valid application for a new liquor licence are provided by section 40 of the Act and the *Liquor Regulations 2008* (Liquor Regulations). The power to grant an application for a 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. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Chatswood, while the broader community comprises the relevant LGA, which at the time of this decision is Willoughby City Council.

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 the 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.
20. The Authority is further 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 Applicant’s Plan of Management dated June 2016 and signed 17 November 2016.
21. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act, that the proposed use of the Premises falls within the scope of the development consent in force with regard to the Premises. This finding is made on the basis of Applicant’s Plan of Management dated June 2016 and Willoughby City Council’s (Council) Notice of Determination DA-1009/36(D) dated 20 February 2009.

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 this new licence will provide some benefit of convenience and choice to those members of the local and broader community who wish to conveniently purchase liquor products when shopping for premium delicatessen

products at this boutique delicatessen located within the Chatswood Chase Shopping Centre.

23. Council previously granted development consent for use and fit-out of Quattro Deli, with no express provision for liquor. Council were given an opportunity to provide a submission on the Application, but no submission was received.
24. The Authority is satisfied, on the basis of the Application, CIS and supporting submissions, that a limited range of liquor products (including wines, beers, ciders and spirits) will be sold to complement the existing delicatessen products. Products sold will principally comprise of imported wines.
25. The Applicant submits that the positive benefits include greater convenience for customers attending Quattro Deli, meeting customer needs in providing liquor products that complement the existing range, greater choice for customers and the introduction of new product lines, allowing customers to avoid making special trips (as they are able to purchase products in the same trip), reducing escape expenditure from the community (granting the application will encourage customers to shop within the Shopping Centre, rather than travelling elsewhere) and reduction in traffic (customers of Quattro Deli will not have to make a special trip to other packaged liquor facilities).
26. The Authority accepts the Applicant's contention that it distributed the consultation notice to stakeholders and neighbouring premises and did not receive any adverse submissions. On this basis, the Authority is satisfied that granting this Application is consistent with the "expectations, needs and aspirations of the community" in respect of the local community of Chatswood, being an object of section 3(1)(a) of the Act.
27. The Authority is satisfied, on the basis of the CIS and additional material supplied by the Applicant, that this new packaged liquor facility will provide mainly imported wines to compliment the current range of items available in the delicatessen. In this sense, given the speciality nature of the associated delicatessen business, the liquor sold on the Premises may reasonably develop, in the public interest, the liquor industry serving the local and broader community, for the purposes of section 3(1)(b) of the Act.
28. The Authority has given little weight to the other purported community benefits contended in the Application and CIS by reason that they are not supported by sufficient evidence, information or analysis to substantiate these claims of various economic benefits to the community.

Social Impact – Negative Impacts

29. 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.
30. The Authority notes that the Applicant seeks for the Premises to be licensed from 9:00AM – 6:00PM on Monday to Wednesday, 9:00AM – 9:00PM on Thursday, 9:00AM – 8:30PM on Friday to Saturday and 10:00AM – 6:00PM on Sunday. The business will close earlier in the evening than the 10:00PM closing time that is potentially available for packaged liquor businesses under the standard licensed trading hours prescribed by section 12 of the Act. This is an objective harm mitigation factor that has been given

some considerable weight when considering the likely contribution to negative alcohol related social impacts from the operation of this licence.

31. The Authority is satisfied that the scale of the licensed area of the proposed new Premises (less than 20sqm) is relatively very small. The packaged liquor licence will apply only to a small defined area of the existing Quattro Deli Chatswood and will be separated from the remainder of the store by fixed partitions as depicted in the plan of the Premises dated 12 April 2016. It is expected that the majority of customers will be existing customers of Quattro Deli who will have the convenience of being able to purchase a limited range of liquor products to complement other purchases from the delicatessen. All liquor purchases will be paid for at the designated checkout within the licensed area.
32. With regard to licence density, the Authority further notes, on the basis of LGNSW liquor licensing records, that the State suburb of Chatswood currently has 10 packaged liquor licensed premises.
33. With regard to prevailing crime data, BOCSAR Crime Maps for the period between July 2015 – June 2016 indicate that the Premises:
 - (a) Is located inside a *hotspot* for incidents of *domestic assault*.
 - (b) Is located inside a *hotspot* for incidents of *non-domestic assault*.
 - (c) Is located inside a *hotspot* for incidents of *malicious damage to property*.
34. However, the Authority derives considerable reassurance from the BOCSAR Report on NSW Recorded Crime Statistics July 2010 – June 2015 which records that Willoughby City Council LGA recorded a lower rate per 100,000 persons of population for the occurrence of alcohol related assault police incidents than the State as a whole, a much lower rate than New South Wales for alcohol related non-domestic assault, a much lower rate of alcohol related domestic assault (of particular concern to the Authority when assessing a packaged liquor licence, given that most domestic violence occurs in the home where most packaged liquor is intended to be consumed) and a much lower rate of alcohol related offensive behaviour than New South Wales as a whole.
35. Police do not object to the Application, but note the reduced trading hours proposed for the licence. There is no objection or submission from any law enforcement agency (Police, Council or LGNSW) identifying any localised adverse alcohol related social impacts at or in the area of the Premises involving the abuse of packaged liquor.
36. In a letter dated 31 March 2016 RMS recommended that the licensee attend the local liquor accord and support certain public education material on the Premise. This is a standard form response that provided no adverse data regarding alcohol related traffic impacts in the local or broader community.
37. Aboriginal Affairs NSW advises “no objection to the Application”. The Metropolitan Local Aboriginal Land Council was notified and raised no concern. The Probus Club of Chatswood Central Inc. also had no objections to the Applicant. No submission was received from Council for this Application.
38. The Authority notes, on the basis of the ABS SEIFA data, that both the suburb of Chatswood and the Willoughby LGA are advantaged compared to other local government areas and State suburbs in NSW on the Index of Relative Socio-Economic

Advantage and Disadvantage, with Chatswood ranked in the 9th decile on the Index and Willoughby LGA ranked in the 10th decile (with a decile ranking of 10 being the most advantaged).

39. The Authority has also had regard to the reasonably detailed harm minimisation measures set out in the Plan of Management dated June 2016 and the conditions to which the Applicant has consented, the additional harm minimisation measures such as a CCTV system being installed in the proposed Premises and the scope for active and passive surveillance within a large established shopping centre.

Conclusion

40. 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.
41. 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.
42. The Application is granted pursuant to section 45 of the Act.
43. 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: 30 November 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/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. Application Form for packaged liquor licence lodged 3 June 2016.
2. CIS form and supporting material dated 27 May 2016 and lodged on 3 June 2016 with the Application. Supporting material includes:
 - (a) List of stakeholders, special interest groups and two maps of the area (illustrating the alcohol-free zone around Chatswood CBD and the location of Chatswood Chase).
 - (b) A 12-page document in which the Applicant provides information about the location of the Premises, manner of operation and facilities to be provided, suitability of the site for a packaged liquor business, responsible service of liquor, access to liquor by minors, position with Council, completion of Premises, identification of the local community and broader community, consideration of social impact, trading hours, growth in Chatswood and the LGA, density data, measures to reduce the potential for alcohol-related harms, minimising potential for anti-social behaviour, liquor sales area, positive benefits, conditions consented to by the Applicant, notification of Stakeholders and issues raised during consultation, no adverse impact to the area and the proposed 6-hour closure period. 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.
 - (c) Letter from Douglas Grant, secretary, on behalf of the Probus Club of Chatswood Central Inc. dated 15th June 2016 stating that the Probus Club has no objections to the Application.
 - (d) Document regarding a packaged liquor licence for the *Mercato E Cucina* Cellar (LIQP770016613) sourced from Service NSW published records of licensed premises on 18 November 2016.
 - (e) Document titled “Additional Information – 6-hour Closure Period” prepared by Hatzis Cusack Lawyers.
 - (f) Copy of a *Current Organisation Extract* for *QUATTRO DELI PTY LTD* issued by Australian Securities and Investments Commission (ASIC) on 18 April 2016.
 - (g) Copy of a *Current Organisation Extract* for *CC No. 1 Pty Ltd* issued by ASIC on 6 May 2016.
 - (h) Copy of a *Current Organisation Extract* for *CC No. 2 Pty Ltd* issued by ASIC on 6 May 2016.
 - (i) Public Consultation – Site Notice, Police Notice and Local Consent Authority Notice signed 27 May 2016.
 - (j) Certificate of Advertising Application dated 18 November 2016.

3. Notice of Determination DA-2009/36(D) dated 20 February 2009. This six-page document lists the conditions of consent, including the general conditions, prior to the issue of a construction certificate conditions, prior to the commencement of any works and prior to occupation of the development conditions.
4. Letter from Kerry Ryan, Road User Safety Officer, RMS dated 31 March 2016 and made during the CIS consultation process. In this two-page letter RMS requests that the licensee maintains awareness of any specific local alcohol-related issues by attending the LGA's Liquor Accord and that public education material focus on drink drive and pedestrian-alcohol issues be supported and, where relevant, displayed within the premises. RMS additionally requests the licensee considers the following extra initiative: for customers buying large quantities of alcohol, staff could draw attention to safe party strategies available on Police website or alternatively the licensee may consider displaying a list of tips for people hosting social events.
5. Applicant's plan or diagram of the proposed licenced area of the Premises dated 12 April 2016.
6. Letter from Aboriginal Affairs, Department of Education NSW, dated 23 June 2016.
7. Letter from Damian Norris, Senior Constable Licensing, and Simon Jones, Detective Inspector Crime Manager both from the North Shore Local Area Command dated 18 July 2016.
8. Email from licensing staff to Andrew Tougher, Senior Licensing Consultant, Hatzis Cusack Lawyers, dated 27 October 2016.
9. Applicant's Plan of Management for the Premises signed on 17 November 2016. The Plan contains information about the location of the Premises, manner of operation, hours of trade, behaviour of patrons, security of Premises/ prevention of crime, CCTV system, responsible sale and supply of liquor, staff, complaint resolution, Local Liquor Accord, requirement to liaise with licensing Police for area and monitoring the Plan of Management.
10. Certificate of Advertising Application dated 18 November 2016.
11. Letter from Grant Cusack, solicitor at Hatzis Cusack Lawyers dated 18 November 2016.
12. Email from licensing staff to Mr Tougher dated 19 November 2016.
13. Two Google Maps of the Chatswood Chase Shopping Centre and surrounding area dated 19 November 2016.
14. Letter from Mr Cusack to the Authority dated 21 November 2016 requesting permission to appear before the Authority at its meeting of 30 November 2016.
15. Email from Mr Tougher dated 21 November 2016. Attached to this email is a four-page letter from Mr Cusack dated 21 November 2016, with the RMS submission attached.
16. Email from licensing staff to Mr Tougher dated 21 November 2016.
17. BOCSAR Report on NSW Recorded Crime Statistics July 2010 – June 2015. This report indicates that for July 2014 – June 2015:

- (a) the rate of *alcohol related assault Police* incidents recorded by NSW Police recorded across Willoughby City Council LGA was **10.8** per 100,000 persons, slightly below the State-wide rate of **18.2** per 100,000 persons.
 - (b) the rate of *alcohol related non-domestic violence* assault incidents recorded across Willoughby City Council LGA was **33.7** per 100,000 persons, significantly below the State-wide rate of **144.0** per 100,000 persons;
 - (c) the rate of *alcohol related domestic violence* assault incidents recorded across Willoughby City Council LGA was **44.5** per 100,000 persons, significantly below above the NSW rate of **122.6** per 100,000 persons; and
 - (d) the rate of *alcohol related offensive behaviour offences* recorded across Willoughby City Council LGA was **16.2** per 100,000 persons, below the State-wide rate of **88.2** per 100,000 persons.
18. BOCSAR Crime Maps based upon data from July 2015 – June 2016 detailing hotspots of offences near the location of the Premises.
 19. Liquor licensing records from LGNSW indicating that the suburb of Chatswood already has 10 packaged liquor licences. The Willoughby City Council LGA has 33 packaged liquor licences.
 20. ABS SEIFA data prepared on the basis of the 2011 census indicating that the suburb of Chatswood ranked in the 9th decile and the Willoughby LGA ranked in the 10nd decile, on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
 21. HealthStats NSW Selected Reports dated 21 November 2016.
 22. 2011 Census QuickStats information downloaded from the Australian Bureau of Statistics website on 21 November 2016.