

- 1) 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,
 - (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, and
 - (ii) all publicly accessible areas (other than toilets) within the licensed area.

- 2) 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.

If you have any enquiries about this letter, please contact the case manager via email to beatrice.pitpaiaac@liquorandgaming.nsw.gov.au.

Yours faithfully



David Armati
Deputy Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

Statement of reasons

DECISION

1. On 7 July 2017, James Anthony Speziale (“the Applicant”) lodged an application for a packaged liquor licence for premises located at 31-35 Hill Street ROSEVILLE NSW 2069 (“the Application”) with Liquor & Gaming NSW (“L&GNSW”) for determination by the Independent Liquor & Gaming Authority (“the Authority”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority decided to grant the Application.
3. In making this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 29, 30, 31, 40, 45 and 48 of the Act, and the relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

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 the Authority’s Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed 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 and needs 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 determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

Trading hours

11. Section 12 of the Act sets out the standard trading period for different 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:

- 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
- 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 brought to its attention.

Provisions specific to 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 requirements

21. The Authority finds that:
 - the Application has been validly made and meets the procedural requirements under section 40 of the Act,
 - the proposed trading hours 31-35 Hill Street, Roseville NSW 2069 (“the Premises”) meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods, and
 - the proposed use of the Premises as a bottle shop satisfies the requirements under section 29 of the Act, and renders sections 30 and 31 not applicable.

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:
 - the Applicant is a fit and proper person to carry on the proposed business, given that no concerns regarding the Applicant’s probity were raised upon consultation with relevant law enforcement agencies,
 - practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible service of alcohol, having regard to the Applicant’s Plan of Management (“POM”) and the conditions to be imposed on the licence, and
 - the requisite development consent is in force, based on the Land Use consent issued by Ku-ring-gai Council on 23 February 1978.

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 Roseville, and the relevant “broader community” comprises Ku-ring-gai Local Government Area (“the LGA”).

Positive social impacts

- 25.** L&GNSW’s liquor licensing records indicate that:
- as at 3 August 2017 there is only one other packaged liquor facility in Roseville, which is held in a dormant capacity by a different owner, BWS - Beer Wine and Spirits and is currently located at the same Premises.
 - This dormant licence has recently been approved by the Authority to change its licence boundary so that the existing licence will occupy a small storeroom near the boundary of the licensed area proposed by the Applicant. This licence is intended to be removed and transferred to a new location in another suburb.
- 26.** The Authority accepts that the Premises will be a welcome addition to the local community as there are no packaged liquor licence premises trading in Roseville. Furthermore, the Premises will provide additional convenience for its customers as it will offer a drive through facility designed to maximise ease of access for customers.
- 27.** The Authority also accepts that the Applicant has extensive experience in managing a licensed premises having held an on-premises licence for a restaurant for 11 years with no known incidents and is familiar with the local and broader communities, noting his possession of a valid RSA competency card and his residence in the LGA.
- 28.** On the basis of the above, the Authority is satisfied that the Premises will provide additional convenience and choice to local consumers wishing to purchase packaged liquor, and will contribute to the balanced and responsible development of the liquor industry.

Negative social impacts

- 29.** The Authority accepts that there were no objections to the Application from any stakeholders, special interest groups, occupiers of neighbouring residents or any other members of the public. In addition, the Authority notes the submission from Ku-ring-gai Council advising that it has no objection to the proposal and that the Premises is currently not near any alcohol free zones, any area identified with public drinking issues, or any detoxification centres or facilities for alcohol related problems.
- 30.** The Authority notes from the BOCSAR data that:
- for the year ending March 2017, the Premises was not located in the vicinity of any hotspots for incidents of domestic, non-domestic or alcohol-related assault, or malicious damage to property,
 - for the year ending March 2017, in Roseville suburb and the LGA:
 - i. the rates of alcohol-related domestic assault incidents were 29.5 and 23.6 per 100,000 persons, respectively, which is considerably lower than the NSW rate of 114.7 per 100,000 persons;

- ii. the rates of alcohol-related non-domestic assault incidents were 9.8 and 14.7 per 100,000 persons, respectively, which is considerably lower than the NSW rate of 113.9 per 100,000 persons; and
 - iii. the rates of malicious damage to property incidents were 297.8 and 302 per 100,000 persons, respectively, which is well below the NSW rate of 816.4 per 100,000 persons.
31. On this basis, the Authority considers that the level of alcohol-related crime issues in Roseville and the LGA does not give rise to any immediate concern, or indicate that an additional packaged liquor licence would exacerbate any existing social problems attributable to alcohol.
32. However, the Authority also notes from the HealthStats NSW data that, for the period 2012-13, alcohol attributable hospitalisations, reflected by a Smoothed Standardised Separation Ratio, were 30 percent higher than the corresponding NSW figure, although alcohol attributable deaths in the LGA were around 30 percent lower than the NSW state average.
33. The Authority acknowledges that the high rate of alcohol attributable hospitalisations in the LGA indicates some potential risk that liquor sold or supplied at the Premises will contribute towards the prevailing levels of alcohol-related health issues in the local and broader communities.
34. The Authority is nevertheless, satisfied that any potential risks identified are adequately mitigated by the following:
 - no objection was received from any relevant parties in relation to the Application;
 - there are no other packaged liquor licenses trading in Roseville;
 - the Applicant's experience in the liquor industry and the community; and
 - the Applicant's adherence to the "Plan of Management" document which sets out detailed procedures and practices in respect of the responsible service of alcohol, which is complemented by special conditions on the licence.

Overall social impact

35. The Authority has had regard to the ABS data indicating that as at 2011, Roseville and the LGA were among the most advantaged in comparison with other suburbs and LGAs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
36. Having considered the positive and negative 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.
37. Furthermore, the Authority is satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.
38. Accordingly, the Authority has decided to grant the Application.



David Armati
Deputy 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 <http://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

1. ABS SEIFA data based on the 2011 Census indicating that Roseville suburb ranked in the 10th decile compared to other suburbs in NSW, and Ku-ring-gai LGA also ranked in the 10th decile compared to other local government areas in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage.
2. HealthStats NSW data showing alcohol related deaths and hospitalisations in the LGA for the period 2012-13.
3. BOCSAR Crime Hotspot Maps for Roseville and surrounding suburbs for the year ending March 2017.
4. NSW crime statistics for the two years to March 2017, published by BOCSAR, showing the rates of alcohol related domestic and non-domestic assault and malicious damage to property in Roseville and the LGA.
5. Submission from Ku-ring-gai Council, dated 7 June 2017, in relation to the Application.
6. A letter to the Applicant from Family & Community Services dated 8 June 2017, declining to provide "input into the submission".
7. A letter to the Applicant from Transport Roads & Maritime Services dated 8 June 2017, making a number of recommendations.
8. A completed Category B CIS form, signed by the Applicant and dated 6 July 2017.
9. A completed application form signed by the Applicant dated 7 July 2017, with copies of notices of the Application attached.
10. Plan of the proposed licensed area lodged with the Application on 7 July 2017.
11. Certification of Advertising Application signed by the Applicant and dated 20 July 2017.
12. A letter to L&GNSW from North Shore Local Area Command advising that NSW Police has "nil objections" to the Application, dated 20 July 2017
13. Plan of management for the Premises dated 25 July 2017.
14. Liquor licensing records from L&GNSW as at 3 August 2017 setting out the liquor outlet density in Roseville and the LGA.
15. Google maps showing the location of the Premises, extracted from the Google website on 4 August 2017.
16. Submission from L&GNSW Compliance Unit, dated 28 July 2017, in relation to the Application.
17. An email from Ku-ring-gai Council dated 10 August 2017 advising that the Land Use Consent (78/23) for the proposed premises was issued on 23 February 1978 for the purposes of the use of a liquor store and no further Council approvals are required.
18. Probity documents provided by the Applicant including National Police History Check dated 20 July 2017, copies of the Applicant's identification and valid NSW competency card, and a copy of ASIC Current Organisation Extract of the Applicant.