



Mr Tony Schwartz  
Back Schwartz Vaughan  
By email to: [licensing@bsv.com.au](mailto:licensing@bsv.com.au)

15 September 2022

Dear Mr Schwartz

<b>Application No.</b>	APP-0009810527
<b>Application type</b>	On-premises (sport facility)
<b>Application No.</b>	APP-0009810785
<b>Application type</b>	Packaged liquor licence
<b>Application date</b>	18 March 2022
<b>Applicant</b>	Brendon Wayne Roods (On-premises) Emerald Downs Golf Course Management Pty Ltd (Packaged liquor)
<b>Licence name</b>	Emerald Downs Golf Course
<b>Proposed trading hours</b>	<u>Consumption on premises (on-premises sport facility – clubhouse)</u> Monday to Sunday 10:00 AM – 07:00 PM <u>Retail (packaged liquor)</u> Monday to Sunday 10:00 AM – 06:00 PM
<b>Premises</b>	67 Emerald Drive Port Macquarie NSW 2444
<b>Legislation</b>	Sections 3, 11A, 12, 21–28, 29-31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Applications for an on-premises licence and a packaged liquor licence – Emerald Downs  
Golf Course**

The Independent Liquor & Gaming Authority considered the applications above and decided on 15 July 2022 to **approve** the applications under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

**Packaged liquor licence - Trading on a Sunday that falls on 24 December**

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 10:00 AM.

**Concise statement of reasons**

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

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager Wendy Yeung at [wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au](mailto:wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Murray Smith', is positioned above the typed name.

Murray Smith  
Deputy/ Chairperson  
For and on behalf of the **Independent Liquor & Gaming Authority**

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0009810527
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### Material considered by the Authority

The Authority has considered the following material in determining the applications:

- Application material, including evidence of notification to specified stakeholders and the community about the on-premises and packaged liquor licence applications;
- Category B community impact statement;
- Premises plans setting out the proposed boundaries of the on-premises and packaged liquor licences at the premises including any applicable authorisations;
- The plan of management for the on-premises and packaged liquor licence operations at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- Stakeholder submissions in relation to on-premises and packaged liquor licence applications, and the applicant's response to those submissions.

### Legislative requirements

The Authority has considered the applications in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 21-28: Specific provisions in respect of an on-premises liquor licence.

- Sections 29-31: Specific provisions in respect of a packaged liquor licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 44: Submissions to Authority in relation to licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

### **Key findings**

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Port Macquarie, and the broader community is the Local Government Area of Port Macquarie-Hastings.

#### Positive social impacts

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through:

- the application restricts the on-premises licence to the club house only and the licensed premises will not extend to any part of the golf course;
- the on-premises business model includes a reduced licensed area to strengthen the harm minimisation measures, which addresses previous concerns raised in relation to the consumption of alcohol at the premises, and
- the packaged liquor licence will consist of a small drinks fridge and point of sale only area behind the counter in the clubhouse which will not be open to members of the general public other than those who are attending to use its facilities.

#### Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- higher rates of alcohol-related domestic assault and non-domestic assault, malicious damage to property and alcohol-related offensive conduct in Port Macquarie compared to NSW; and
- the medium to high crime density hotspots located across the suburb of Port Macquarie.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- the relatively small size of the area in which liquor will be sold or supplied at the premises as part of the packaged liquor licence;
- the premises' relatively moderate licensed trading hours;
- the absence of any objections from agency stakeholders or members of the community in relation to both applications;

- 55 public submissions in support of the packaged liquor licence application;
- the premises is not located in or near any crime-related hotspots;
- the premises is not open to the general public; and
- the plan of management for the on-premises and packaged liquor licence has measures in place for RSA-trained staff to be on duty to supervise patrons and the consumption of liquor on the golf course.

#### Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the applications will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the applications have been met.

The Authority finds, having regard to the above, that approving the applications are consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the applications under section 45 of the Act.

Yours faithfully



Murray Smith  
Deputy/ Chairperson  
For and on behalf of the **Independent Liquor & Gaming Authority**

## Schedule 1 – Licence conditions to be imposed

### Emerald Downs Golf Course

#### On-premises (sport facility) liquor licence

1. 6-hour closure period

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 six (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. Restricted trading & NYE (except airport, catering, other public entertainment venue, vessel - std)

Consumption on premises

Good Friday: 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

Christmas Day: 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st: Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. Plan of Management

The premises is to be operated at all times in accordance with the Plan of Management dated 6 July 2022 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.

4. No rapid consumption of drinks

The following drinks must not be sold or supplied on the licensed premises:

Any drink commonly referred to as a "shot" or a "shooter", (with the exception of cocktails) that contains more than 30 ml of spirits or liqueur and that is designed to be consumed rapidly.

**Schedule 1 – Licence conditions to be imposed**  
**Emerald Downs Golf Course**

**Packaged liquor licence**

1. 6-hour closure period  
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 12:00 Midnight Sunday  
Christmas Day Not permitted  
December 31st Normal trading - Monday to Saturday, 10:00 AM to 12:00 midnight on a Sunday
3. Social impact  
The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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.
4. Plan of management  
The premises is to be operated at all times in accordance with the Plan of Management dated 6 July 2022 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.
5. Liquor Accord  
The licensee or its representative must join and be an active participant in the local liquor accord.
6. CCTV
  1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“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 *ten (10)* 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,
      - ii. all publicly accessible areas (other than toilets) within the 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 sub-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. Incident Register

1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
  - a) any incident involving violence or anti-social behaviour occurring on the premises,
  - b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
  - c) any incident that results in a person being turned out of the premises under section 77 of the Act,
  - d) any incident that results in a patron of the premises requiring medical assistance.
2. The licensee must, if requested to do so by a police officer or inspector:
  - a) make any such incident register immediately available for inspection by a police officer or inspector, and
  - b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

## 8. Adequate separation

The liquor sales area must be adequately defined from the rest of the clubhouse in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 15 July 2022 or any premises plan subsequently approved by the Authority.

## 9. No tastings

The licensee must ensure that no tastings are conducted on the premises.

## 10. No delivery

No liquor purchased under this licence is permitted to be delivered to a customer at an address away from the Premises.