



Mr Michael Fitzgerald  
Shout Brewing  
by email: [michael@shoutbrewing.com.au](mailto:michael@shoutbrewing.com.au)

2 May 2022

Dear Mr Fitzgerald

<b>Application No.</b>	APP-0009342799
<b>Applicant</b>	Adventure Brewing Australia Pty Ltd
<b>Application for Licence name</b>	producer wholesaler with drink on premises authorisation (DOPA) Shout Brewing
<b>Trading hours</b>	<u>Drink on premises (bar, seating and display (cool room) areas):</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 12:00 PM – 10:00 PM <u>Retail Sales:</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 12:00 PM – 10:00 PM
<b>Premises</b>	Unit 2/ 22 Clyde Street Islington NSW 2296
<b>Legislation</b>	Sections 3, 11A, 12, 32 -35, 40, 44, 45, 48, 50 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a producer wholesaler with drink on premises authorisation (DOPA) – Shout  
Brewing**

The Independent Liquor & Gaming Authority considered the application above, and decided on 13 April 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

**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 at [Glenn.Barry@liquorandgaming.nsw.gov.au](mailto:Glenn.Barry@liquorandgaming.nsw.gov.au).

Yours faithfully

Philip Crawford  
Chairperson  
For and on behalf of the **Independent Liquor & Gaming Authority**

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0009342799
<b>Applicant</b>	Adventure Brewing Australia Pty Ltd
<b>Application for</b>	producer wholesaler with drink on premises authorisation (DOPA)
<b>Licence name</b>	Shout Brewing
<b>Trading hours</b>	<u>Drink on premises (bar, seating and display (cool room) areas):</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 12:00 PM – 10:00 PM <u>Retail Sales:</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 12:00 PM – 10:00 PM
<b>Premises</b>	Unit 2/ 22 Clyde Street Islington NSW 2296
<b>Application date</b>	28/10/2021
<b>Decision</b>	Approved under section 45 of the <i>Liquor Act 2007</i>
<b>Decision date</b>	13 April 2022

### Material considered by the Authority

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

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business 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 the application, and the applicant's response to those submissions.

### Legislative requirements

The Authority has considered the application 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 32 - 35: Specific provisions in respect of a producer/wholesaler 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 relation to the community impact of licence applications, including that the Authority must not approve the application unless it is satisfied, having

regard to the available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.

- Section 50: General provisions in respect of a drink on premises authorisation.
- Section 51: General provisions relating to licence-related authorisations.

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 Islington, and the broader community is the Local Government Area of Newcastle.

#### 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 provision of increased liquor access, choice and convenience, in particular, through the provision of craft beer.

#### 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 than average liquor licence density in the local community
- presence of crime hotspots in the local community
- higher than average crime rates in the broader community,
- fact that food offerings may be limited during hours where the kitchen is closed, and
- higher than average level of alcohol-attributable deaths in the broader community

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

- fact that the premises is not located within any crime hotspots
- relatively moderate licensed trading hours
- relatively moderate patron capacity, at 50 persons
- lower than average level of alcohol-attributable hospitalisations in the broader community
- the fact that the premises has a kitchen and when it is closed, the offering of food will be from nearby premises via menus at tables to order online
- absence of any objections from agency stakeholders, save for NSW Police, and
- experience of the applicant as an operator of a previous licensed premises since 2019 with sound compliance records.

#### 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 application 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 application have been met.

The Authority finds, having regard to the above, that approving the application is 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 application under section 45 of the Act.

A handwritten signature in blue ink, appearing to read 'Philip Crawford', written in a cursive style.

Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

## **Schedule 1 – Licence conditions to be imposed Shout Brewing**

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 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 (std)  
Retail sales  
Good Friday            Normal trading  
December 24<sup>th</sup>        Normal trading Monday to Saturday  
                                 10:00 AM to 12:00 midnight on a Sunday.  
Christmas Day        Normal trading  
December 31<sup>st</sup>        Normal trading Monday to Saturday  
                                 10:00 AM to 12:00 midnight on a Sunday.
3. Restricted trading & NYE (std)  
Drink on premises authorisation  
Good Friday            12:00 noon - 10:00 PM  
Christmas Day        12:00 noon - 10:00 PM  
December 31<sup>st</sup>        Normal opening time until normal closing time or 2:00 AM on New Year's Day,  
                                 whichever is the later
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. Crime Scene Preservation  
Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
  - 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
  - 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,
  - 3) make direct and personal contact with NSW Police to advise it of the incident, and
  - 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.
6. The premises is to be operated at all times in accordance with the Plan of Management dated 8 March 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
7. Closed-circuit television system
  - 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 (or, in the case of a premises that is not required to cease trading, continuously at all times),
    - (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) the footpath immediately adjacent to the premises, and

- (iii) 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 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.