



Mr Tony Schwartz

Back Schwartz and Vaughan

By email to: licensing@bsv.com.au

17 October 2023

Dear Mr Schwartz

Application No.	APP-0009886754
Applicant	JOY MART HOLDINGS PTY LTD
Application for	New packaged licence
Licence name	Joy Mart
Trading hours	Retail Monday to Saturday 08:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Premises	Station Level, Shop 38A, Chatswood Interchange 436 Victoria Avenue, Chatswood NSW 2057
Legislation	Sections 3, 11, 12, 29, 30, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Joy Mart**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 15 July 2022 to approve the application under section 45 of the *Liquor Act 2007* with the conditions set out in Schedule 1.

We provided you with preliminary advice of this decision on 8 August 2022.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

The application is valid. It meets the Act's requirements for procedural fairness. The proposed trading hours and 6-hour closure periods meet the requirements under sections 11A, 12 and 14 of the Act.

The Community Impact Statement (CIS) meets the relevant requirements.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business, as law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Willoughby City Council approved the development application Ref. 7480 for the premises on 18 January 2022.

Community impact

Local and broader communities

The 'local community' is the community in the suburb of Chatswood, and the 'broader community' comprises the Local Government Area of Willoughby.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Chatswood shows:

- there are 14 packaged liquor stores, 4 clubs and 4 hotels in the suburb.
- saturation of packaged liquor licences in Chatswood is higher compared to both the Willoughby LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to December 2021:

- the premises were located in hotspots for alcohol-related assault, domestic and non-domestic assault and malicious damage to property.
- alcohol-related domestic assault in Chatswood was higher compared to the Willoughby LGA and lower compared to all of NSW.
- alcohol-related non-domestic assault in Chatswood was higher compared to the Willoughby LGA and lower compared to all of NSW.
- alcohol-related offensive conduct in Chatswood was higher compared to the Willoughby LGA and lower compared to all of NSW.
- malicious damage to property was lower compared to both Willoughby and all of NSW.

Alcohol-related health data (per 100,000 residents)

The most recent HealthStats NSW data available show that between 2016/17 and 2018/19:

- alcohol-related deaths in Willoughby LGA were lower compared to the NSW average.
- alcohol-related hospitalisations in the LGA were higher compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA) SEIFA

Data as at February 2022 shows that Chatswood and the Willoughby LGA were relatively advantaged in household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

The proposed business model involves operating a new liquor sales area alongside an existing Asian-style retail grocery store for consumption away from the premises.

Proposed benefits

The applicant proposes that there would be these benefits:

- increased convenience by one-stop grocery shopping
- conveniently located and a well-appointed retail liquor store that facilitates the balanced development, in the public interest, of the liquor industry
- Promoting Asian products and improved amenity and access
- The Supermarket is a family owned and run business – it provides a small and personal local and friendly service. The same level of service will be offered at the Store.
- Employment opportunities
- Improved neighbourhood safety and security
- The Store will form part of the Supermarket which is already an integral part of Chatswood. It will (where possible) support the local community through donations to local sporting groups and charities.

We believe that these proposed benefits are limited by the lack of concrete evidence of community support for the application. However, we also note that there was no objection raised by members of the community.

Stakeholder submissions

We considered the submissions from:

NSW Police Force – dated 13 May 2022

NSW Police notes that the location of the premises doesn't appear to present a risk and is unlikely to adversely affect the community. They requested that the trading hours reflect the standard trading hours for packaged liquor outlets.

Local Council – dated 31 May 2022

The Council initially objected to the proposed trading hours. However, as they did not respond to several requests to review the Complying Development Consent (CDC) it was considered that the proposed trading hours are aligned with what is permitted under the CDC.

L&GNSW Compliance – dated 31 May 2022: no concerns were raised.

Transport for NSW – dated 22 March 2022

Transport for NSW encouraged the licensee to:

- consider the road safety measures on its website
- maintain awareness of any local alcohol-related issues impacting the community and
- participate in the local Liquor Accord, and
- consider using public education material store that focuses on drink-driving prevention, pedestrian safety and transport options.

NSW Health – dated 27 May 2022

Northern Sydney Local Health District did not support the granting of licence. Its concerns included:

- the over-saturation of packaged liquor licences
- local alcohol-related hospitalisations
- the location of the premises at a public transport interchange
- the link between buying and consuming alcohol and the risk of crime and its impact on neighbourhood safety.

Local Aboriginal community – dated 31 March 2022

The community did not object to the application on the basis that the applicant also notified the New South Wales Aboriginal Land Council and the Local Aboriginal Land Council of the proposal and the objection process.

[Applicant's submissions in response](#)

We also considered the applicant's response to these submissions. The applicant noted that:

- the proposed trading hours are within the standard trading period for packaged liquor licences under the 2007 Liquor Act and also comply with what is permitted under the Complying Development Consent
- they have addressed the concerns raised by Transport NSW.

Findings of concern

The premises is located close to a major public transport hub, enabling large numbers of transport customers to access alcohol. The area is a high-density hotspot for incidents of non-domestic assault, alcohol-related assault and malicious damage to property and a medium-density hotspot for incidents of domestic assault.

Also, there is a high saturation of packaged liquor licences and more alcohol-attributable hospitalisations in Chatswood and the Willoughby LGA compared to NSW.

[Factors that may reduce this risk](#)

However, we are satisfied that the risk is reduced by these factors:

- The crime statistics across all 4 categories normally considered by the Authority are low
- Alcohol-attributable deaths are lower in the LGA compared to NSW
- SEIFA data indicates above-average socio-economic advantage in both the suburb and LGA
- The store is within the Chatswood Interchange and won't have any street frontage.
- The applicant has consented to the specialised liquor product condition which limits the sale of liquor to products produced in Singapore, China, Taiwan, Japan, Korea, Thailand, Vietnam, Philippines, Malaysia and Russia.

The material we considered

We considered all the material we received about the application, including:

[Application material](#)

- Completed application dated 27 April 2022

- Completed Category B Community Impact Statement (CIS) dated 26 April 2022
- Completed certification of advertising dated 16 May 2022
- Plan of Management documents for the premises, titled Plan of Management Joy Mart dated 25 May 2022
- ASIC business records for the Applicant and associated companies.
- Floor plan for the premises, dated 18 February 2022, indicating the proposed licensed and liquor sales area.

Under [Guideline 6](#), we have also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Submissions

- Submission from NSW Police Force – dated 13 May 2022
- Submission from Local Council – dated 31 May 2022
- Submission from L&GNSW Compliance – dated 31 May 2022
- Submission from Transport for NSW – dated 22 March 2022
- Submission from NSW Health – dated 27 May 2022
- Submission from the local Aboriginal community – dated 31 March 2022

Other relevant material

- Correspondence between L&GNSW staff and the applicant between 27 May and 8 June 2022 in relation to the assessment of the Application.
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

The law that applies

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other 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 29–31: Specific provisions about a packaged liquor licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being.

We also considered [Guideline 6](#) to assess the likely social impact on the local and broader community.

This decision will be published on the [Liquor & Gaming NSW website](#) under section 36C of the *Gaming and Liquor Administration Act 2007*.

If you're not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to apply.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the [NCAT website](#).

If you have any questions

Please contact the case manager, Max Costa, at max.costa@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Dinning'.

Sarah Dinning

Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

Joy Mart

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 2:00 AM and 8:00 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	Retail sales Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading
3.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 8:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
4.	Social impact	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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated May 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.
7.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements: <ul style="list-style-type: none"> a) the system must record continuously from opening time until one hour after the supermarket/general store 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: <ul style="list-style-type: none"> (i) all entry and exit points to the supermarket/general store, and (ii) all publicly accessible areas (other than toilets) within the liquor sales area.

		<p>2) The licensee must also:</p> <ul style="list-style-type: none"> 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.
8.	Adequate separation	The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 8 August 2022 or any premises plan subsequently approved by the Authority.
9.	Specialised liquor products	<ul style="list-style-type: none"> 1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by clause 2: <ul style="list-style-type: none"> a) liquor products produced in Singapore, China, Taiwan, Japan, Korea, Thailand, Vietnam, Philippines, Malaysia and Russia (parts in Europe and Asia). 2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. 3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority. 4) For every liquor product that is available for sale, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.