

Mr Grant Cusack
Hatzis Cusack Lawyers
qc@hatziscusack.com.au

22 October 2019

Dear Mr Cusack

Application No.	APP-0004843199
Applicant	Miracle Chifu Pty Ltd
Application for	Packaged liquor licence
Licence name	Miracle Liquor Alexandria
Premises	135-139 McEvoy Street Alexandria NSW 2015
Trading hours	Monday to Saturday 9:00 am – 9:00 pm Sunday 10:00 am – 8:00 pm
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – Miracle Liquor Alexandria**

The Independent Liquor & Gaming Authority considered the application above, and decided on 19 June 2019 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to the following conditions:

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 6 hours between 3:00 am and 9:00 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 and NYE (std)
Retail Sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday
8:00 am to 10:00 pm Sunday
Christmas Day Not permitted
December 31st Normal trading
 3. 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 reasonably be expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
 4. The premises is to be operated at all times in accordance with the Plan of Management dated September 2018 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.
 5. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:
 - (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 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 to the supermarket/general store, and

- (ii) all publicly accessible areas (other than toilets) within the liquor sales area.
- 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.
- 6. 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 19 June 2019 or any premises plan subsequently approved by the Authority.
- 7. The licensee or its representative must join and be an active participant in the local liquor accord.
- 8. The licensee is only permitted to sell alcoholic beverages produced in South Korea, Japan, China, Thailand, Vietnam, Indonesia, India, Taiwan, Singapore and the Philippines at the licensed premises.
- 9. 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 after that time.

Appointment of an approved manager/Transfer to an individual licensee

The licence cannot be exercised unless and until Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Mixed-use checkouts must be closed outside licensed hours

Pursuant to section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

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 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 9 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 pursuant to 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
danielle.hatton@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

Application No.	APP-0004843199
Applicant	Miracle Chifu Pty Ltd
Application for	Packaged liquor licence
Licence name	Miracle Liquor Alexandria
Premises	135-139 McEvoy Street Alexandria NSW 2015
Trading hours	Monday to Saturday 9:00 am – 9:00 pm Sunday 10:00 am – 8:00 pm
Application date	6 October 2018
Decision	Approved under section 45 of the <i>Liquor Act 2007</i>
Decision date	19 June 2019

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;
- Category B community impact statement;
- 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, and prevailing alcohol-related crimes and health issues in the relevant local and broader communities.
- 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 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 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

Having regard to its position in Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Alexandria, and the broader community is the Local Government Area of Sydney.

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.

The Authority notes the applicant's proposal to only sell liquor imported from Asia, and accepts that this unique business model would likely appeal to the niche market of customers who prefer Asian liquor products. The Authority also notes that a petition with over 140 signatures was submitted in support of the application.

Negative social impacts

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

- higher than average liquor licence density in the local and broader communities
- presence of crime hotspots in the local community
- higher than average crime rates in the local and broader communities
- higher than average level of alcohol-attributable deaths and hospitalisations in the broader community

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

- relatively small size of the area in which liquor will be sold or supplied
- scope of the proposed liquor business is limited to the sale of liquor imported from Asia
- relative socio-economic advantage in the local and/or broader community.
- absence of any objections from agency stakeholders or members of the community
- harm minimisation measures set out in the plan of management and licence conditions.

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 would 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 would be 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 the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority has decided to grant the Licence under section 45 of the Act.



Philip Crawford
Chairperson