

Han Ko
Strathfield Law

By email to: hanko@strathfieldlaw.com.au

30 January 2024

Dear Han Ko

Application No.	APP-0011751889
Applicant	HANARO PENRITH PTY LTD
Application for	New packaged liquor licence
Application date	5 September 2023
Decision date	14 December 2023
Proposed licence name	Hanaromart Penrith
Proposed trading hours	Monday to Wednesday 10:00 AM – 07:00 PM Thursday 10:00 AM – 09:00 PM Friday to Saturday 10:00 AM – 07:00 PM Sunday 10:00 AM – 06:00 PM
Proposed premises	Westfield Penrith Shop MM101, 569-595 High Street Penrith NSW 2750
Legislation	Sections 3, 11A, 12, 29, 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 – Hanaromart Penrith**

We **approve** the application above under section 45 of the *Liquor Act 2007* (Act) — with the conditions set out in Schedule 1.

Trading on a Sunday that falls on 24 December

If a Sunday falls on 24 December, the premises must not trade earlier than 10:00 am.

Mixed-use checkouts must be closed outside licensed hours

Under 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.

Statement of reasons

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

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Penrith. The broader community is the Local Government Area (LGA) of Penrith.

Positive social impacts

The applicant seeks approval to operate a small liquor sales area that sits wholly within an existing Asian supermarket known as 'Hanaromart Penrith', which is located within the Westfield Penrith Shopping Centre.

The licence hours align with the trading hours of the shopping centre, providing customers with the opportunity for one-stop shopping

The proposed premises would be restricted to the sale of liquor produced in China, South Korea, and Japan as well as sake.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- crime hotspots identified in Penrith (classified as medium-density) across all categories usually considered by the Authority
- higher crime rates in Penrith for incidents of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage compared to NSW
- higher crime rates in the Penrith LGA for incidents of malicious damage to property compared to NSW
- higher saturation rates of packaged liquor licences in Penrith compared to NSW
- indication of a below average level of relative socio-economic advantage and disadvantage in Penrith.

However, we are satisfied that these risks are reduced by the:

- lower crime rates in the Penrith LGA for incidents of alcohol-related domestic assault, alcohol-related non-domestic assault and alcohol-related disorderly conduct compared to NSW
- lower crime rates in Penrith for incidents of alcohol-related disorderly conduct compared to NSW
- indication of an average level of relative socio-economic advantage and disadvantage in the Penrith LGA.
- applicant consenting to a condition which restricts the sale of liquor at the proposed premises to Asian specialty liquor products
- proposed premises being located within a shopping centre
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities

- stakeholder submissions and the applicant's response them.

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

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

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



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Hanaromart Penrith**

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 04:00 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	<p>Good Friday Not permitted</p> <p>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>December 31st Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</p>
3.	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.
4.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 6 October 2023 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	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:</p> <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

No.	Condition to be imposed	Description
		<p>downloading and producing recordings of CCTV footage, and</p> <p>(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.</p>
7.	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 14 December 2023 or any premises plan subsequently approved by the Authority.
8.	Public Holiday trading hours	The licensed premises must cease to trade by 8:00 PM, on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
9.	Specialised Liquor Products	<ol 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 sub-clause 2: <ol style="list-style-type: none"> (a) liquor products produced in China, South Korea, and Japan; (b) Sake. 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. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds. 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.