



Mr Tony Schwartz  
Back Schwartz Vaughan  
[REDACTED]

21 March 2023

Dear Mr Schwartz

<b>Application No.</b>	APP-0009693446
<b>Applicant</b>	James A Scott-Mackenzie
<b>Application for</b>	Packaged liquor licence
<b>Application date</b>	29 September 2022
<b>Decision date</b>	18 January 2023
<b>Licence name</b>	BWS – Beer Wine Spirits
<b>Trading hours</b>	<u>Retail</u> Monday to Saturday 8:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	Carnes Hill Market Place, Cnr Cowpasture Rd & Kurrajong Rd, Carnes Hill NSW 2170
<b>Legislation</b>	Sections 3, 11A, 12, 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 packaged liquor licence – BWS – Beer Wine Spirits**

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application above under section 45 of the Act — with the conditions set out in Schedule 1.

**Statement of reasons**

The reasons for our decision are attached at the end of this letter.

We only provide a detailed statement of reasons for applications that we refuse, partially approve or that are contested.

Otherwise, we provide a brief statement of reasons when section 36C of the *Gaming and Liquor Administration Act 2007* requires us to do so.

**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.

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

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](mailto: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**

## STATEMENT OF REASONS

### Our decision

We approve the application under section 45 of the *Liquor Act 2007* (the Act).

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 Carnes Hill. The broader community is the Local Government Area (LGA) of Liverpool.

#### Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice through one-stop shopping with a supermarket located next door to the premises.

#### Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as alcohol-fuelled violence, health problems and/or social and public amenity issues) because of the:

- high density hotspots for alcohol-related domestic assault and malicious damage within Carnes Hill.
- high licence saturation of packaged liquor licence outlets for Carnes Hill.

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

- absence of any objections from agency stakeholders or members of the community.
- Carnes Hill and the Liverpool LGA being of high and average levels of socio-economic advantage and disadvantage respectively.
- alcohol related hospitalisations and deaths in the Liverpool LGA being lower than the NSW average.
- absence of hotspots for alcohol-related assault (domestic and non-domestic)
- absence of alcohol-related incidents of assault (domestic and non-domestic) or disorderly conduct recorded for the year ending June 2022.
- harm minimisation measures set out 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:

- 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, alcohol-related crimes rates, 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.

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

Yours sincerely



Caroline Lamb

**Chairperson**

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

## Schedule 1 – Licence conditions to be imposed BWS – Beer Wine Spirits

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	<p>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 6 hours between 2:00 AM and 8:00 AM during each consecutive period of 24 hours.</p> <p>The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.</p>
2.	<b>Retail sales</b>	<p>Good Friday Not permitted</p> <p>December 24<sup>th</sup> Normal trading Monday to Saturday 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>December 31<sup>st</sup> Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</p>
3.	<b>Social impact</b>	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.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	<b>Liquor plan of management</b>	The premises is to be operated at all times in accordance with the <b><i>policies and procedures of the Endeavour Group Limited</i></b> , as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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.
6.	<b>CCTV</b>	<ol style="list-style-type: none"> <li>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> <li>(a) the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>(c) any recorded image must specify the time and date of the recorded image,</li> <li>(d) the system’s cameras must cover the following areas: <ol style="list-style-type: none"> <li>(i) all entry and exit points on the premises, and</li> <li>(ii) all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>2) The licensee must also: <ol style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(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</li> </ol> </li> </ol>

		<p>the system, including 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>
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