

Mr Michael Marr
By email to: <mailto:mjmarr@tpg.com.au>

7 July 2023

Dear Mr Marr

Application No.	APP-0011163518
Applicant	James Aschner
Application for	New packaged liquor licence with extended trading authorisation
Application date	18 February 2023
Decision date	21 June 2023
Licence name	IGA Local Grocer Dee Why Beach
Trading hours	Monday to Saturday 07:00 AM – 10:00 PM Sunday 09:00 AM – 08:00 PM
Premises	13 The Strand, Dee Why NSW 2099
Legislation	Sections 3, 11, 12, 29, 30, 40, 44, 45, 48, 49 and 114 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence with extended trading authorisation – IGA
Local Grocer Dee Why Beach**

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

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.

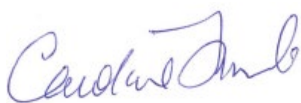
Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) 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**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of 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 Dee Why. The broader community is the Local Government Area (LGA) of Northern Beaches.

Positive social impacts

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

- the business proposes to operate a small liquor sales area wholly within an existing IGA Supermarket
- products for sale will primarily be specialised in nature, limited to a range of craft beers, craft ciders, craft spirits and boutique wines (including sparkling wines and champagne), and
- the applicant has sought a varied 6-hour closure period to provide added convenience to members of the local community who shop at the supermarket in the early morning hours for general groceries and who would also like to purchase liquor prior to 10:00 AM.

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:

- business proposal to operate under extended trading hours (early opening on Sundays)
- premises being located in a high crime hotspot in Dee Why for all offence categories usually considered by the Authority (although crime rates for both Dee Why and the Northern Beaches are lower compared to NSW)
- higher rates of alcohol-attributable hospitalisations in the Northern Beaches compared to NSW, and
- business model also proposing deliveries of alcohol, which could involve same day and next day delivery.

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

- small liquor sales area (28m²)
- lower rates of alcohol-attributable deaths in the Northern Beaches compared to NSW
- lower saturation rates of packaged liquor licences in Dee Why compared to NSW
- indication of above average levels of socio-economic advantage in both Dee Why and the Northern Beaches compared to NSW, and
- 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.

Yours sincerely



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
IGA Local Grocer Dee Why Beach**

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 01:00 AM and 07:00 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.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 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.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 27 February 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.
7.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty 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/specialty 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/specialty 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,

No.	Condition to be imposed	Description
		<p>(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</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>
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 21 June 2023 or any premises plan subsequently approved by the Authority.
9.	Specialised liquor products	<p>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:</p> <ul style="list-style-type: none"> (a) craft beer (b) craft cider (c) craft spirits (d) boutique wines (including sparkling wines and champagne) <p>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.</p> <p>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.</p> <p>4. For every liquor product (except products packaged under labels owned by the Business that is available for sale under sub-clause 1, 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.</p> <p><u>Definitions</u></p> <p>For the purposes of this condition:</p> <p>1. Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer:</p> <ul style="list-style-type: none"> (a) which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum; (b) where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest)

No.	Condition to be imposed	Description
		<p>by an industry participant that is not itself a craft brewer; and</p> <p>(c) which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers).</p> <p>2. Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer:</p> <p>(a) which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum;</p> <p>(b) where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and</p> <p>(c) which will certify that the cider is made from liquid consisting only of juice (no concentrates).</p> <p>3. Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are:</p> <p>(a) the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and</p> <p>(b) distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller.</p> <p>4. Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company at the time wine is supplied to the Business).</p>