



Mr Tony Schwartz  
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5 November 2019

Dear Mr Schwartz

<b>Application No.</b>	1-7300645276
<b>Applicant</b>	Anthony Charles Leybourne Smith
<b>Application for</b>	Removal of a packaged liquor licence
<b>Licence number</b>	LIQP770016389
<b>Current licence name</b>	BWS – Beer Wine Spirits
<b>Current Premises</b>	Shop 1, 454 Quakers Hill Parkway Quakers Hill NSW 2763
<b>Proposed licence name</b>	BWS – Beer Wine Spirits
<b>Proposed Premises</b>	1 Goldsbro Glade Eastern Creek NSW 2766
<b>Trading hours</b>	Monday to Saturday 9:00 am – 9:59 pm Sunday 10:00 am – 8:00 pm
<b>Legislation</b>	Sections 3, 11A, 12, 29, 30, 31, 40, 45, 48 and 59 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for removal of a packaged liquor licence – BWS – Beer Wine Spirits**

The Independent Liquor & Gaming Authority considered the application above, and decided on 16 October 2019 to **approve** the application under section 59 of the *Liquor Act 2007* (“Act”), 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 am and 9 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 24<sup>th</sup> Normal trading Monday to Saturday  
8:00 am to 10:00 pm Sunday  
Christmas Day Not permitted  
December 31<sup>st</sup> 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 removing this licence to the premises at 1 Goldsbro Glade, Eastern Creek.
4. The premises is to be operated at all times in accordance with the Endeavour Drinks Group Liquor Store House Policy and Best Practice Policies and Interventions documents, 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5. The licensee or its representative must join and be an active participant in the local liquor accord.

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 16 October 2019 or any premises plan subsequently approved by the Authority.
7. Closed-circuit television system
  - 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket in accordance with the following requirements:
    - (a) the system must record continuously from opening time until one hour after the supermarket 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, 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.

#### 8. Crime scene preservation

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
- 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- 3) make direct and personal contact with NSW Police to advise it of the incident, and
- 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

### **Removal of the licence**

The licence remains at Shop 1, 454 Quakers Hill Parkway, Quakers Hill, subject to the same conditions and trading hours in force immediately before the approval of this application, until Liquor & Gaming NSW is notified that the licence has been removed.

### **Transfer to a suitable and qualified person**

The licence must not be exercised unless and until Liquor & Gaming NSW has granted a transfer of the licence to a suitable and qualified person.

### **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 under 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 [michelle.stark@liquorandgaming.nsw.gov.au](mailto:michelle.stark@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

<b>Application No.</b>	1-7300645276
<b>Applicant</b>	Anthony Charles Leybourne Smith
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<b>Trading hours</b>	Monday to Saturday 9:00 am – 9:59 pm Sunday 10:00 am – 8:00 pm
<b>Application date</b>	10 May 2019
<b>Decision</b>	Approved under section 59 of the <i>Liquor Act 2007</i>
<b>Decision date</b>	16 October 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, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- 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.
- 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.

- Section 59: Requirements for an application to remove a liquor licence to another premises and the determination of such an application.

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**

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Eastern Creek, and the broader community is the Local Government Area of Blacktown.

#### Positive social impacts

The licence is currently held in a dormant capacity at the Quakers Hill premises. The applicant proposed to move the licence to a premises in Eastern Creek, approximately 7.5 kilometres away, to operate as a BWS store adjacent to a new Woolworths supermarket to be constructed.

There are currently no packaged liquor licences in Eastern Creek.

The Authority accepts 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 and choice, and the convenience of one-stop shopping.

#### Negative social impacts

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

- higher than average crime rates in the broader community
- higher than average level of alcohol-attributable deaths in the broader community
- relative socio-economic disadvantage in the local community.

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

- absence of any objections from agency stakeholders or members of the community
- experience of the applicant as an operator of multiple licensed premises with sound compliance records
- 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 will 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 is 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 facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 59 of the Act.



Philip Crawford  
Chairperson