

Ms Nicole Beath
JDK Legal
By email to: n.beath@jdklegal.com.au

1 February 2024

Dear Ms Beath

Application No.	APP-0010272322
Applicant	LIQUORLAND (AUSTRALIA) PTY LTD
Application for	New packaged liquor licence
Decision Date	19 September 2022
Proposed licence name	First Choice Liquor Market
Proposed trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Proposed premises	338-362 Princes Highway Banksia NSW 2216
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 – First Choice Liquor Market**

We **approve** the application under section 45 of the *Liquor Act 2007* - with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 27 September 2022.

Trading on a Sunday that falls on 24 December

If any Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow trading from 8:00 AM. In this case, the premises must not trade earlier than 9:00 AM.

Statement of reasons

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

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- sections 30 and 31 of the Act don't apply to this application

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates, as law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Bayside Council approved the development application DA-2021/640 for the premises on 10 June 2022.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Banksia, and the relevant 'broader community' comprises the Local Government Area (LGA) of Bayside.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Banksia shows:

- there are 5 authorised liquor licences, of which 4 are authorised to sell packaged liquor (comprised of: 3 packaged liquor licences and 1 hotel licence).
- saturation of packaged liquor licences in Banksia is higher compared to Bayside and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR available data shows:

- the premises are located in hotspots for alcohol-related assault (domestic assault) and for malicious damage to property
- alcohol-related domestic assault, alcohol-related non-domestic assault, alcohol-related offensive conduct, and malicious damage to property in Banksia were lower compared to the Bayside and all of NSW.

Alcohol-related health data (per 100,000 residents)

HealthStats NSW data was not calculated for Bayside.

ABS Socio-Economic Index for Areas (SEIFA) SEIFA

Banksia has an average level of relative socio-economic advantage and disadvantage and the Bayside LGA has a high level of relative socio-economic advantage and disadvantage compared to other suburbs and LGAs in NSW.

Business model

The proposed business model involves a new standalone packaged liquor store that is intended to service transit shoppers along the Princes Highway and nearby residents.

Benefits proposed by the applicant

Benefits proposed by applicant

The applicant proposes that the redevelopment of the vacant site into a modernised standalone packaged liquor outlet would service the needs of locals and visitors, offer ample on-site car parking and provide shoppers with a pleasant and convenient experience.

Stakeholder submissions

We considered the following submissions:

- NSW Police dated 4 August 2022, which recommended that CCTV and plan of management conditions be imposed
- Bayside Council dated 20 July 2022, which recommended the retail sales condition be reviewed.
- L&GNSW Compliance dated 19 July 2022, who raised no concerns.
- Transport for NSW dated 4 May 2022, who encouraged the licensee to maintain awareness of local alcohol-related issues impacting the community, participate in the local liquor accord, and consider making public education material accessible on the premises.
- 2 public objections dated 12 May 2022 and 15 July 2022, which raised concerns about noise and anti-social behaviour, traffic parking and congestion, and the proximity of several other packaged liquor licences.

We also considered the Applicant's submission in response, to these submissions, who agreed to implement Transport for NSW's recommendations and noted that neither Council nor Transport for NSW had raised concerns about traffic or the proximity of other packaged liquor licences.

Findings of concern and mitigation

The premises are located in a medium-density crime hotspot for incidents of alcohol-related assault (domestic assault) and for malicious damage to property. There is also a higher saturation of packaged liquor licences in Banksia compared to all of NSW.

We are satisfied the risks are adequately mitigated by the following factors:

- crime rates across all categories considered by the Authority are lower for Banksia and Bayside compared to NSW
- indication of an average to above average level of socio-economic advantage and disadvantage for Banksia and Bayside compared to NSW
- the applicant's experience as an operator of multiple licensed premises.

The material we considered

We considered all the material we received about the application, including:

Application material

- completed application dated 14 July 2022
- completed Category B Community Impact Statement (CIS) dated 11 July 2022
- completed certifications of advertising dated 9 August 2022
- plan of management documents for the premises, titled Coles Liquor NSW Management Strategies and House Policy for the Responsible Service of Alcohol
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated July 2022, indicating the proposed licensed area.

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received

- correspondence between L&GNSW staff and the applicant between 19 July 2022 and 24 August 2022 in relation to the assessment of the Application
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

This decision will be published on the [Liquor & Gaming NSW website](#).

If you are 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 of the decision.


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 Leonie Jennings, leonie.jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

First Choice Liquor Market Banksia

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 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.	Retail sales	Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
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 Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Plan of management	The premises is to be operated at all times in accordance with the Coles Liquor NSW Management Strategies and House Policy for the Responsible Service of Alcohol 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 and Gaming NSW inspector, or any other person authorised by the Authority.
6.	CCTV	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") 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 premises 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 on the premises, and

		<p>(ii) all publicly accessible areas (other than toilets) within the premises.</p> <p>2) The licensee must also:</p> <p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <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>
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