

Mr Tony Schwartz
Back Schwartz Vaughan
[REDACTED]

6 June 2023

Dear Mr Schwartz

Application No.	APP-0010151082
Applicant	James A Scott-Mackenzie
Application for	Packaged liquor licence
Licence name	BWS – Beer Wine Spirits
Trading hours	Monday to Saturday 8:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Premises	108 and 116 Ingleburn Road Leppington NSW 2179
Legislation	Sections 3, 11A, 12, 29-31, 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**

The Independent Liquor & Gaming Authority considered the application above, and decided on 19 September 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1. Preliminary advice of this decision was provided on 17 October 2022.

Statement of reasons

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

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 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, at leonie.jennings@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* (NSW) (the Act).

Overall, we are satisfied that 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.

The Community Impact Statement (CIS) meets the relevant requirements.

'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. Camden Council approved the development application 2020/211/1 for the Premises on 4 June 2021.

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Leppington, and the relevant 'broader community' comprises the Local Government Area of Camden.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Leppington, generated 27 June 2022, shows:

- There are **11** authorised liquor licenses in Leppington. Of these, five are authorised to sell packaged liquor. This includes three packaged liquor licences, one hotel licence and one producer/wholesaler licence.
- saturation of packaged liquor licences in Leppington is **higher** compared to both the Camden LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to March 2022:

- alcohol-related domestic and non-domestic assault in Leppington was lower compared to both the Camden LGA and all of NSW
- alcohol-related offensive conduct in Leppington was higher compared to both the Camden LGA and all of NSW
- malicious damage to property in Leppington was higher compared to the Camden LGA and lower compared to all of NSW.

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

The most recent HealthStats NSW data available show that between 2018 - 2020:

- alcohol-related deaths in the Camden LGA were lower compared to the NSW average.
- alcohol-related hospitalisations in the Camden LGA were lower compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

According to SEIFA households in Leppington and Camden were relatively advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves the retail sale of packaged liquor at the premises for consumption away from the premises, which will operate as a stand-alone packaged liquor outlet with no direct street access and one entry/exit point for customers.

Proposed benefits

The applicant proposes that there would be these benefits:

- the premises will be located within a new mixed-use two storey neighbourhood shopping centre known as Leppington Village, which is in the commercial core of the Leppington Major Centre and services residents, visitors and local business owners.
- the Leppington Major Centre will be the central focus for residents of Sydney's South-West Growth Area which is set to see significant population growth and therefore demand for packaged liquor will likely increase.
- the premises will provide a measure of convenience to customers of the Woolworths supermarket who wish to engage in 'one-stop shopping' by purchasing liquor items together with their grocery items.
- The business owner is a nationally recognised trader operating hundreds of retail stores throughout Australia.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 21 July 2022, which does not object to the application but requests the conditions listed by L&GNSW are imposed
- Camden Council, dated 14 June 2022, which did not object to the application
- One member of the public, dated 1 July 2022 which requests that trading hours are in accordance with the regulations and that CCTV is installed outside the premises to assist Police with any criminal or anti-social behaviour as a direct result of increased liquor sales.

We also considered the Applicant's submission in response, to these submissions, which notes that which advises that the trading hours are within the standard trading period and the CCTV condition has been consented to.

Findings of concern

Leppington has a licence density that is above state average and is subject to a relatively high level of alcohol-related offensive conduct. There is a risk that if the licence was granted, liquor sold from the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

Factors that may reduce this risk

However, we are satisfied that the risk is reduced by:

- the crime rates in the local and broader communities for alcohol-related domestic and non-domestic assault and incidents of malicious damage to property being lower than comparable NSW averages
- the experience of the applicant as an operator of multiple licensed premises with sound compliance records
- the harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1

The material we considered

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

Application Material

- Completed application dated 7 June 2022
- Completed Category B Community Impact Statement (CIS) dated 10 May 2022
- Completed certifications of advertising dated 6 and 7 June 2022
- Plan of Management documents for the premises, titled Policies and Procedures of Endeavour Group Limited and dated July 2021
- ASIC business records for the Applicant and associated companies
- Floor plan for the premises indicating the proposed licensed area.

Under [Guideline 6](#), we have 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 from government stakeholders and the applicant's response to these
- Correspondence between L&GNSW staff and the applicant between 20 June 2022 and 18 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
- 6-Hour Closure Period Submission – 10 May 2022.

The law that applies

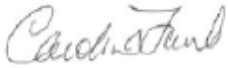
These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other 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 about a packaged liquor licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.

- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being.

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

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed
BWS Leppington

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 02:00 AM and 08:00 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	<table><tr><td>Good Friday</td><td>Not permitted</td></tr><tr><td>December 24th</td><td>Normal trading Monday to Saturday 8:00 AM to 12:00 midnight Sunday</td></tr><tr><td>Christmas Day</td><td>Not permitted</td></tr><tr><td>December 31st</td><td>Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</td></tr></table>	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
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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.	Plan of management	The premises is to be operated at all times in accordance with the policies and procedures of the Endeavour Group Limited, 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.								
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.								
6.	CCTV	<div>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements:</div> <div><div>(a) the system must record continuously from opening time until one hour after the supermarket/general store is required to close,</div><div>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</div><div>(c) any recorded image must specify the time and date of the recorded image,</div><div>(d) the system’s cameras must cover the following areas:<div><div>(i) all entry and exit points to the supermarket/general store, and</div><div>(ii) all publicly accessible areas (other than toilets) within the licensed premises.</div></div></div></div>								

No.	Condition to be imposed	Description
		<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 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.