

Our ref: DOC23/148846

Mr Tony Schwartz
Back Schwartz Vaughan
By email to: tschwartz@bsv.com.au

6 July 2023

Dear Mr Schwartz

Application No.	1-8613896267
Applicant	JOANNE & CO. PTY LTD
Application for	Small bar - new extended trading authorisation
Application date	15 March 2023
Decision date	21 June 2023
Licence name	Saigon Hustle
Trading hours	Sunday to Thursday 12:00 PM – 12 Midnight Friday and Saturday 12:00 PM – 02:00 AM
Premises	678a The Horsley Drive, Smithfield NSW 2164
Legislation	Sections 3, 11, 12, 20, 40, 44, 45, 48 and 49 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new extended trading authorisation (ETA) – Saigon Hustle**

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

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

Yours sincerely



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 Smithfield. The broader community is the Local Government Area (LGA) of Fairfield.

Positive social impacts

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

- increased convenience to existing customers of the premises, who have expressed to the applicant that they would like to stay longer at the premises on Friday and Saturday evenings
- a reduction in the potential for customers to migrate to other venues that are open during this period.

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 violence, health problems or social and public amenity issues) because the:

- extended trading hours will provide an additional four hours of liquor sales per week, with two hours on Friday and Saturday between 12:00 midnight and 02:00 AM
- premises is located in a medium-density crime hotspot for domestic assault and a low-density crime hotspot for alcohol-related assault, and
- SEIFA health data indicates a below average level of relative socio-economic advantage in both Smithfield and Fairfield.

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

- lower crime rates in both Smithfield and Fairfield compared to NSW across all categories usually considered by the Authority
- lower rates of alcohol-attributable deaths and hospitalisations in Fairfield compared to NSW
- 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 to them.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', with a stylized flourish at the end.

Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Saigon Hustle**

No.	Condition to be imposed	Description
1.	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 extended trading authorisation on 21 June 2023.
2.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 6 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.
3.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
4.	CCTV	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on 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 (or, in the case of a premises that is not required to cease trading, continuously at all times), (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, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises. <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.
5.	Extended Trading	Extended Trading Authorisation: whole of the licensed

		premises.
6.	Crime scene preservation	<p>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:</p> <ol style="list-style-type: none"> 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 and 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. 5) 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.
7.	Trial period for extended hours	<p>If the local consent authority does not approve the continuation of the trial period in the development consent after 03 February 2025 (or as may be extended from time to time), the trading hours of the premises will revert to 12:00 midday – 10:00 PM (Monday to Sunday).</p> <p>A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.</p>