

Our ref: DF24/000311

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

6 February 2024

Dear Mr Schwartz

Application No.	APP - 0011521281
Applicant	Endeavour Group Limited
Application for	New packaged liquor licence
Application date	17 August 2023
Decision date	14 December 2023
Licence name	BWS – Beer Wine Spirits
Proposed trading hours	Monday to Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 09:00 PM
Premises	11 Camp Street Forbes NSW 2871
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application for a new - packaged liquor licence (PLL) – BWS – Beer Wine Spirits

We **approve** the application above under section 45 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Statement of reasons

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

Positive social impacts

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

Forbes is a regional centre supporting surrounding rural areas and tourism. The applicant proposes to build a new premises with a total licensed area of 355m², which will offer drive through and “park and browse” facilities as well as a same day delivery service.

Negative social impacts

We accept the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- large size of the premises
- higher than NSW average crime rates for the offences of alcohol-related domestic assault and malicious damage to property
- high density hotspots in Forbes for the offences of domestic assault and malicious damage to property, and medium density hotspots for the offences of non-domestic assault and alcohol-related assault
- high indigenous population in the suburb and the LGA in comparison to NSW average
- data indicating below average level of relative socio-economic advantage in the suburb compared to other communities in NSW.

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

- lower crime rates in the suburb and the LGA for alcohol-related non-domestic assault and alcohol-related offensive conduct compared to NSW average
- lower density of packaged liquor licences, club licences and producer/wholesaler licences in the suburb and the LGA compared to NSW average; with only two packaged liquor licences currently operating in the Forbes LGA
- applicant's experience as an operator of more than one licensed premises with sound compliance records
- 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.

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

If you have any questions

Please contact the case manager, Andrew Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
BWS, Beer Wine and Spirits, Forbes**

No.	Conditions 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 03:00 AM and 09:00 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, 10:00AM 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.	Local liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor 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.
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 <i>ten (10)</i> 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 ii. 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,

No.	Conditions to be imposed	Description
		<ul style="list-style-type: none"> <li data-bbox="746 210 1406 394">b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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 <li data-bbox="746 412 1426 566">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.