

Our ref: DOC23/125792

Mr Joshua Knatress
JB Solicitors

By email to: joshua@jbsolicitors.com.au

7 June 2023

Dear Mr Knatress

Application No.	APP-0010997567
Applicant	GACHI AUST PTY LTD
Application for	Packaged liquor licence
Application date	25 January 2023
Decision date	17 May 2023
Licence name	Seoul Mart
Trading hours	Monday to Saturday 09:00 AM – 07:30 PM Sunday 09:00 AM – 07:30 PM
Premises	Westfield Shopping Centre, Shop 1028 33-41 Florence Street Hornsby NSW 2077
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45, 48, and 49 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – Seoul Mart**

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

Trading on a Sunday that falls on 24 December

If a Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 am. Under the 6-hour closure period for the current licence, the premises must not trade earlier than 09:00 am.

Mixed-use checkouts must be closed outside licensed hours

Under 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.


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, Andy 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**

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

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice. The premises will offer a limited range of liquor products as a convenient alternative for customers to mainstream packaged liquor stores.

Negative social impacts

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

- high-density crime hotspots in Hornsby for all categories usually considered by the Authority
- higher crime rate in Hornsby for alcohol-related non-domestic assault and disorderly conduct compared to the NSW average
- higher rate of alcohol-attributable hospitalisations in the Hornsby LGA.

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

- the relatively small size of the area in which liquor will be sold or supplied
- the relatively moderate licensed trading hours
- the lower than average liquor licence density in Hornsby and the Hornsby LGA
- the absence of any objections from government agency stakeholders or members of the community
- alcohol delivery services not being offered
- the 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 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', written in a cursive style.

Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed Seoul Mart

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 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.	Restricted trading	Good Friday Not permitted December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31st 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 - default	The premises is to be operated at all times in accordance with the Plan of Management dated 3 April 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.
6.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket in accordance with the following requirements: <ol style="list-style-type: none"> (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 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: <ol style="list-style-type: none"> (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: <ol 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

No.	Condition to be imposed	Description
		(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.
7.	Adequate separation	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 17 May 2023 or any premises plan subsequently approved by the Authority.