



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

20 December 2023

Dear Mr Schwartz

Application No.	APP-0011696173
Applicant	Ad's Liquor Pty Ltd
Application for	New packaged liquor licence
Decision Date	18 October 2023
Licence name	Bankstown Fine Wine and Liquors
Trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Shop 18, 32 Kitchener Parade Bankstown NSW 2200
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 – Bankstown Fine Wine and Liquors**

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

Statement of reasons

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
- 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.

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. Canterbury Bankstown Council approved the modification of development consent DA-957/2017/K on 22 June 2023 for *'Demolition of existing structures, associated site works including excavation, construction of a 14-storey mixed use development, comprising of basement car-parking, 516 residential apartments, retail tenancies, health services facility, child-care centre and associated landscaping'*.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Bankstown, and the relevant 'broader community' comprises the Local Government Area of Canterbury-Bankstown.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Bankstown shows:

- there are 47 authorised liquor licenses, of which 20 are authorised to sell packaged liquor. This includes 7 packaged liquor licences, 5 registered club licences, 5 hotel licences and 3 Producers/Wholesalers.
- saturation of packaged liquor licences in Bankstown is lower compared to both, the LGA and to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to March 2023:

- the premises is located in high-density hotspots in the suburb across all categories usually considered by us
- alcohol-related domestic assault in Bankstown was lower compared to both, the Canterbury-Bankstown LGA and to all of NSW.
- alcohol-related non-domestic assault in Bankstown was higher compared to the Canterbury-Bankstown LGA and lower compared to all of NSW.
- alcohol-related offensive conduct in Bankstown was higher compared to the Canterbury-Bankstown LGA and lower compared to all of NSW.
- malicious damage to property in Bankstown was higher compared to both, the Canterbury-Bankstown LGA and to all of NSW.

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

HealthStats NSW data showed that alcohol-related deaths and alcohol-related hospitalisations in the Canterbury-Bankstown LGA were lower compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Bankstown was ranked as a below average level and the Canterbury-Bankstown LGA was ranked as an average level of relative socio-economic advantage 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 a 'standalone' packaged liquor licence in the suburb of Bankstown.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- providing significant convenience and increased choice to customers shopping in Bankstown

- independent family owned and run, local business improving neighbourhood safety and security
- increased employment opportunities

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 21 June 2023, requesting trading hours to cease at 9PM from Thursdays to Saturdays, no objection
- Local Council, dated 18 September 2023, which notes they are satisfied with proposed hours of operation, no objection
- L&GNSW Compliance, dated 4 August 2023, which notes nil adverse findings against the proposed licensee or approved manager, no objection
- Transport for NSW, dated 22 June 2023, requesting the applicant to consider measures on road safety, to become a member of the local liquor accord and the need to maintain awareness of local alcohol-related issues impacting the community, no objection
- 3 members of the public objecting to the proposal, questioning the need of another bottle shop in the area and raising concerns about potential risks to the wellbeing of residents

We also considered the Applicant's submission in response, to these submissions, which notes:

- their consent to become an active participant in the local liquor accord and to cease trading at 9:00 PM Thursdays through to Saturdays
- that there is a low saturation of packaged liquor licences in the suburb and LGA compared to the NSW rate.

Findings of concern

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.

We are satisfied that the risks are mitigated by the:

- lower saturation rate of packaged liquor licences in both, the suburb and LGA compared to NSW
- lower crime rates in the suburb for incidents of alcohol-related domestic and non-domestic assault as well as for alcohol-related disorderly conduct compared to NSW
- all crime rates in the LGA are comparatively lower than NSW rates
- 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 17 July 2023
- completed Category B Community Impact Statement (CIS) dated 10 July 2023
- completed certifications of advertising dated 17 July 2023 and 24 July 2023
- plan of management documents for the premises, titled Plan of Management Bankstown Fine Wine and Liquors, Shop 18, 32 Kitchener Parade, Bankstown and dated 10 July 2023
- ASIC business records for the Applicant and associated companies

- floor plan for the premises, dated 4 May 2023, indicating the proposed liquor sales 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 25 July 2023 and 20 September 2023 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](#) 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**

**Schedule 1 – Licence conditions to be imposed
Bankstown Fine Wine and Liquors**

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 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	<div>Good Friday Not permitted</div> <div>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</div> <div>Christmas Day Not permitted</div> <div>December 31st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday</div>
3.	Social Impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4.	Participation in the 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 Plan of Management dated 10 July 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	<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 to the premises, and ii. all publicly accessible areas (other than toilets) within the licensed 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 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 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.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays.