



Mr Lester Lim
Brighton Lawyers
By email to: lester@brighton-lawyers.com

20 December 2023

Dear Mr Lim

Application No.	APP-0011359148
Applicant	Everyday Mart Pty Ltd
Application for	New packaged liquor licence
Decision Date	12 October 2023
Licence name	Everyday Mart
Proposed trading hours	Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Shop 1, Ground Floor 1 Mooltan Avenue Macquarie Park NSW 2113
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

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

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

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

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

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 is valid meets the Act's requirements for procedural fairness and trading period
- liquor would be sold and supplied in a separate liquor sales area at the premises
- [section 31](#) of the Act doesn'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. Complying Development Consent CDC/2020/0132/1 for the premises was issued by du Chateau Chun on 12 March 2020 permitting the internal alterations to a retail premises-shop.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Macquarie Park, and the relevant 'broader community' comprises the Local Government Area of Ryde.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Macquarie Park shows:

- there are 46 authorised liquor licenses, of which 8 are authorised to sell packaged liquor. This includes seven packaged liquor licences and one hotel licence.
- saturation of packaged liquor licences in Macquarie Park is higher compared to both, LGA of Ryde and 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 for domestic assault and malicious damage to property; medium density hotspot in the suburb for non-domestic assault.
- alcohol-related domestic assault in Macquarie Park was slightly higher compared to the LGA, but significantly lower compared to all of NSW.
- alcohol-related non-domestic assault in Macquarie Park was lower compared to both, the LGA of Ryde and all of NSW.
- alcohol-related offensive conduct in the LGA of Ryde was lower compared to all of NSW.
- malicious damage to property in Macquarie Park was higher compared to both the LGA and all of NSW.

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

HealthStats NSW data showed that:

- alcohol-related deaths in Ryde were lower compared to the NSW average.
- alcohol-related hospitalisations in Ryde were higher compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Macquarie Park and the LGA of Ryde were ranked as having high levels of relative social-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 liquor sales area that sits wholly within an existing Asian supermarket known as 'Everyday Mart' in Macquarie Park.

Benefits proposed by applicant

The applicant did not propose any benefits, but we note that the proposal would provide increased convenience by one-stop grocery shopping.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 7 August 2023, which notes no objection
- Local Council, dated 9 June 2023, which notes no objection
- L&GNSW Compliance, dated 16 May 2023, which notes nil adverse findings against the proposed licensee, no objection
- Transport for NSW, dated 9 March 2023, which notes alcohol-related incidents and issues in the community and a recommendation to participate in the local liquor accord, no objection

We also considered the Applicant's submission in response to these submissions, which notes their consent to become a member of the local liquor accord as recommended by Transport for NSW.

Findings of concern

Macquarie Park has a higher saturation rate of packaged liquor licences than the state average. 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.

We are satisfied that the risks are mitigated by the:

- relatively small liquor sales area with an existing supermarket specialising in Asian products
- premises not being located in a crime hotspot for alcohol related assault
- applicant consenting to the specialty liquor products condition; limiting the sale or supply of liquor to those produced in China, South Korea, and Japan
- 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 22 May 2023
- completed Category B Community Impact Statement (CIS) dated 29 March 2023
- completed certification of advertising dated 22 May 2023

- plan of management documents for the premises, titled Liquor Plan of Management and dated 23 August 2023
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 3 March 2020, 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 6 June 2023 and 22 September 2023 in relation to the assessment of the Application
- Saturation map - location of other packaged liquor licences in the suburb of Macquarie Park.

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

Everyday Mart

No.	Condition to be imposed	Description								
1.	6-hour closure period	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 04:00 AM and 10:00 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 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
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3.	Participation in the local liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.								
4.	CCTV	<div>1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket in accordance with the following requirements:<div>a) the system must record continuously from opening time until one hour after the supermarket/specialty 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>(i) all entry and exit points to the supermarket, and</div><div>(ii) all publicly accessible areas (other than toilets) within the liquor sales area.</div></div></div> <div>2) The licensee must also:<div>a) keep all recordings made by the CCTV system for at least 30 days,</div><div>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</div><div>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.</div></div>								
5.	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 12 October 2023 or any premises plan subsequently approved by the Authority.								
6.	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.								
7.	Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 23 August 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.
8.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
9.	Specialised Liquor Products	<ol style="list-style-type: none"> 1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2: <ol style="list-style-type: none"> a) liquor products produced in China, South Korea and Japan; b) Sake 2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds. 3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.