

Mr Tony Schwartz  
Back Schwartz Vaughan  
By email to: [licensing@bsv.com.au](mailto:licensing@bsv.com.au)

20 September 2023

Dear Mr Schwartz

<b>Application No.</b>	APP-0011483163
<b>Applicant</b>	ANTHONY SMITH
<b>Application for</b>	New packaged liquor licence
<b>Application date</b>	7 June 2023
<b>Decision date</b>	16 August 2023
<b>Licence name</b>	BWS – Beer Wine Spirits
<b>Trading hours</b>	Monday to Saturday 8:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	Chisholm Plaza Corner of Settlers Boulevard, Tigerhawk Drive and Heritage Drive Chisholm NSW 2322
<b>Legislation</b>	Sections 3, 11, 12, 29, 30, 31, 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 – BWS – Beer Wine Spirits**

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, Wendy Yeung, at [wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au](mailto:wendy.yeung.wye.kong@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 Chisholm. The broader community is the Local Government Area (LGA) of Maitland.

### Positive social impacts

The applicant seeks approval to operate a standalone liquor store, within a new shopping centre to be known as Chisholm Plaza at Chisholm.

There were no objections received from the community or key stakeholders. There is currently one packaged liquor licence in Chisholm, and it offers a delivery only service.

The licence hours align with the trading hours of the shopping centre providing customers with the opportunity for one-stop shopping.

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

### 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 the:

- possibility that the crime statistics may be skewed given Chisholm is a newly developed suburb
- incident rate of alcohol attributed deaths being higher within the Maitland LGA compared to NSW
- rate of alcohol-related domestic assault being higher within the Maitland LGA compared to NSW
- domestic assault hotspot identified in part of Chisholm (which was classified as medium density).

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

- location of the store within a shopping centre (with no direct street frontage or appeal) and reduced trading hours
- low crime rates identified within Chisholm for all offence categories usually considered by the Authority
- limited availability of packaged liquor licences in Chisholm, with only one other which offers a delivery only service
- 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



Caroline Lamb

**Chairperson**

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

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

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	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 <b>02:00 AM and 08:00 AM</b> 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.	<b>Restricted trading &amp; NYE</b>	<p>Good Friday      Not permitted</p> <p>December 24<sup>th</sup>    Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day    Not permitted</p> <p>December 31<sup>st</sup>    Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</p>
3.	<b>Social impact</b>	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.	<b>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	<b>Plan of management</b>	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.	<b>CCTV</b>	<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"> <li>(a) the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>(b) recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>(c) any recorded image must specify the time and date of the recorded image,</li> <li>(d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> <li>(i) all entry and exit points on the premises, and</li> <li>(ii) all publicly accessible areas (other than toilets) within the premises.</li> </ul> </li> </ul> <p>2) The licensee must also:</p> <ul style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(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</li> </ul>

		(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.	<b>Crime scene preservation</b>	<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"> <li>1) take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>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,</li> <li>3) make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> <li>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 (eg. crowd controller or bouncer) on or about the premises.</li> </ol>