

Dai Chen  
Li & Associates

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23 October 2023

Dear Mr Chen

<b>Application No.</b>	APP-0011366058
<b>Applicant</b>	JIANEN WANG
<b>Application for</b>	New packaged liquor licence
<b>Application date</b>	4 April 2023
<b>Decision date</b>	16 August 2023
<b>Licence name</b>	Top Happigo Pty Ltd
<b>Trading hours</b>	Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
<b>Premises</b>	Level LG2, Shop MM4 Top Ryde City Shopping Centre 109-129 Blaxland Road RYDE NSW 2112
<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 – Top Happigo Pty Ltd**

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. However in these circumstances due to the 6-hour closure period for the licence, the premises must not trade earlier than 10:00 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**

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

### Positive social impacts

The applicant seeks approval to operate a new packaged liquor licence within the Happigo Asian Supermarket at the Top Ryde Shopping Centre. There were no objections received by agencies or the public.

The premises will occupy a relatively small part of the supermarket and provide customers with the opportunity for one-stop shopping as well as next day delivery. The premises will only offer Asian specialty liquor products.

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:

- crime hotspots identified at and around the Top Ryde Shopping Centre (proposed location of the premises) for domestic assault, non-domestic assault, and malicious damage to property
- higher alcohol-attributable hospitalisation rate in the Ryde LGA compared to NSW
- higher rate of packaged liquor licences in the Ryde LGA compared to NSW.

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

- absence of crime hotspots in Ryde for alcohol-related assault
- low crime rates in both Ryde and the Ryde LGA compared to NSW across all categories usually considered by the Authority
- lower saturation rate of packaged liquor licences in the suburb compared to NSW
- indication of an above-average level of relative socio-economic advantage and disadvantage in both Ryde and the Ryde LGA
- lower alcohol-attributable death rate in the Ryde LGA compared to NSW
- location within a well-established shopping centre with existing clientele
- limited range of Asian specialty liquor products, 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, 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.

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, Leonie Jennings, at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

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

**Schedule 1 – Licence conditions to be imposed  
Top Happigo Pty Ltd**

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>04:00 AM and 10:00 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>Liquor Accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
4.	<b>CCTV</b>	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store 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 supermarket/general store 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 to the supermarket/general store, and</li> <li>(ii) all publicly accessible areas (other than toilets) within the liquor sales area.</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> <li>(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.</li> </ul>
5.	<b>Adequate separation</b>	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 16 August 2023 or any premises plan subsequently approved by the Authority.

No.	Condition to be imposed	Description
6.	<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.
7.	<b>Plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>15 May 2023</b> 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.	<b>Restricted trading on public holidays</b>	The sale and supply of liquor at the licensed premises must cease by <b>08:00 PM</b> on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
9.	<b>Specialised liquor products</b>	<ol style="list-style-type: none"> <li>1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by clause 2: <ol style="list-style-type: none"> <li>(a) liquor products produced in China, South Korea and Japan;</li> <li>(b) Sake</li> </ol> </li> <li>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.</li> <li>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 &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</li> </ol>