



Mrs Minse Park
c/o E-Star Trading Pty Ltd
10 London Street
Campsie NSW 2194

23 August 2016

Dear Mrs Park,

APPLICATION NO: 1-3806840846
APPLICATION FOR: New Packaged Liquor Licence
PROPOSED TRADING HOURS: Monday to Sunday 10:00AM – 10:00PM

APPLICANT: E-Star Trading Pty Ltd
**PROPOSED LICENSED PREMISES
NAME:** Jin Mart (E-Star Trading Pty Ltd)

PREMISES LOCATION: 10 London Street, Campsie (Premises)

ISSUE: Whether to grant or refuse an application for
a new packaged liquor licence.

LEGISLATION Sections 3, 29, 30, 31, 40, 45, 48 *Liquor Act
2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR
NEW PACKAGED LIQUOR LICENCE – JIN MART CAMPSIE**

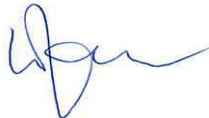
The Independent Liquor and Gaming Authority considered the Application at its meeting on 13 July 2016 and pursuant to section 45 of the *Liquor Act 2007* (Act), has decided to **grant** the Application number 1-3806840846 subject to the following conditions:

1. Trading Hours for Retail Sales
Monday – Sunday 10:00AM – 10:00PM
2. Section 11A of the Liquor Act 2007 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.
3. Retail Sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday, 8:00AM to 10:00PM Sunday
Christmas Day Not permitted

December 31st Normal trading

4. 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.
5. The licensee will ensure the liquor sales area is adequately defined from the rest of the supermarket by means of a fixed, solid and permanent barrier.
6. The premises are to be operated at all times in accordance with the Plan of Management dated 19 May 2016 as may be varied from time to time after endorsement by the Local Area Commander.
7. That the licensee will be only permitted to sell wines, spirits, makkoli (Korean traditional rice wine), beer or other alcoholic beverages imported from Asian countries including Korea, Japan and China from the licensed premises.
8. The licensee or its representative must join and be an active participant in the local liquor accord
9. At any time the licensed premises is trading and the licensee is not present on the premises, the licensee must ensure that the premises are under the supervision of a person ("Supervisor") who the licensee has verified and shall maintain documentary evidence on the premises that the Supervisor has at least one year of experience working as a supervisor or manager of a licensed premises.
10. The licence cannot be exercised unless and until Independent, Liquor & Gaming Authority has been provided with evidence that the premises at this location are complete and ready to trade.

Yours faithfully



Philip Crawford

Chairperson

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

STATEMENT OF REASONS

Material Before The Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high volume jurisdiction.
2. In making this decision, the Authority has considered the application for a new packaged liquor licence (Application), the accompanying community impact statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority Guideline 6, the Authority has also had regard to relevant liquor licensing records and licence density data maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) data pertaining to the local and broader communities sourced by licensing staff from publicly available sources. That material is listed and briefly summarised in the Schedule.

Summary of Further Submissions

3. Submission from Mr A Hargreaves, Team Leader, Development Assessment Operations for City of Canterbury (Council) dated 8 December 2015 - noting that the retail sale of liquor is an activity that was “approved by DA-7687/1995”. However, Council raise concerns regarding the compliance with the Development Application (DA) restriction on the number of staff employed at the Premises. Council advise that until the matter is “satisfactorily resolved” Council cannot support the Application.
4. Email from Mr Eric Kim, director, Moma Architects, on behalf of the Applicant dated 10 December 2015 advising that the Applicant seeks to amend the Application regarding the number of staff on site in accordance with the DA.
5. Further submission from Police dated 30 March 2016 advising that the current DA restricts trading hours to 08:30 – 22:00. Police advised that having spoken to the Applicant, Police now support the Application providing that the licensee joins the local liquor accord and that at any time the business trades without the licensee on premises the business shall be under the supervision an experienced person.
6. Report to the Authority from Compliance Branch of the Office of Liquor Gaming and Racing, now LGNSW, dated 20 January 2016 which notes that the Application was assessed using the Environment and Venue Assessment Tool (EVAT). This means that LGNSW have not performed any specific assessment of the Application.
7. Email from Mr Eric Kim on behalf of the Applicant to the Authority dated 11 April 2016 responding to questions from licensing staff by:
 - (a) Advising that the Applicant has “noted” the following four conditions proposed by licensing staff relating to the 6-hour closure period; the social impact of the licence; compliance with the House Policy; and local liquor accord participation.
 - (b) Contending that the liquor sales area will be “adequately defined” from the rest of the supermarket by “fixed, solid and permanent” barriers;

- (c) Advising that the Applicant does not agree with a proposed condition that the licensee not be able to sell refrigerated liquor products. The Applicant wishes to sell refrigerated liquor products and the licensee and staff trained in the Responsible Service of Alcohol (RSA) “will ensure, through regular patrols and monitoring systems”, that liquor is not consumed on, outside or near the Premises;
 - (d) Advising that the Premises is an existing supermarket and currently trading.
 - (e) Attaching two photographs depicting the separation of the licensed area by a glazed wall, and the proposed doorway entrance to the licensed area
 - (f) Advising that the business will primarily sell imported liquor products, providing a four-page document listing the proposed products to be sold.
8. Email from Mrs Park to NSW Police dated 10 May 2016 advising that the licensee will become an active member of the local liquor accord and at any time the licensed Premises is trading and that when the licensee is not present the licensee will ensure that the Premises are under the supervision of an experienced supervisor.
 9. Email from Mrs Park to the Authority dated 24 May 2016 responding to an email from licensing staff dated 18 May 2016 in which the Applicant contends:
 - (a) that a dedicated cash register will be provided;
 - (b) that the licensee will *only* be permitted to sell wines, spirits, *makkoli* (Korean traditional rice wine), beer or other alcoholic beverages imported from Asian countries including Korea, Japan and China from the licensed premises;
 - (c) that the two points raised by Police may be imposed as conditions on the licence.
 10. Certificate of Advertising signed by Mrs Park, dated 26 May 2016.

Legislative Framework

11. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and the *Liquor Regulations 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
12. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
 - (1) *The objects of this Act are as follows:*
 - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
 - (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*

- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*
13. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
 14. An application for a new packaged liquor licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
 15. Section 48(5) of the Act requires that the Authority must not grant the Application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
 16. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant ‘local community’ is the community within the State suburb of Campsie while the “broader community” comprises the responsible Local Government Area (LGA), the Canterbury LGA.

Analysis of Relevant Facts

17. The Authority is satisfied, on the basis of the Application material before the Authority that for the purposes of Section 40 of the Act the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied. This finding is made on the basis of the Application and CIS material and Certification of Advertising and Stakeholder Notices provided by the Applicant.
18. The Authority is satisfied, on the basis of the plan of the Premises, photographs and additional submissions made by the Applicant, that requirements as to packaged liquor businesses required by section 30 and 31 of the Act have also been satisfied.
19. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. No issues of concern were raised with regard to the Applicant company or its directors’ probity following consultation with relevant law enforcement agencies including Police and LGNSW.
20. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the *House Policy* and *Plan of Management* dated 19 May 2016 provided by the Applicant.

21. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act that the required development consent for the proposed retail liquor business is in force, on the basis of the DA No. 7687/95 dated 29 March 1995.

Social Impact – Positive Benefits

22. The Authority is satisfied, on the basis of the CIS and further submissions made by the Applicant (and particularly the product list provided to the Authority) that the Applicant has demonstrated that granting this licence will provide a discrete benefit to members of the local and broader community who wish to conveniently purchase imported liquors from Asian countries including Korea, Japan and China whilst grocery shopping.
23. The Authority is satisfied on the basis of the CIS and the lack of local opposition that granting the Application will be consistent with the “expectations, needs and aspirations of the community” in respect of the local community of Campsie, being an object of section 3(1)(a), particularly with regard to demand for products from Asian countries.
24. The Authority is satisfied a *specialised* packaged liquor licenced business, operating within a supermarket that specialises in supplying Asian groceries, would diversify the range of options available to the local community seeking to purchase imported packaged liquor within the local community of Campsie. This will develop, in the public interest, the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act.
25. The Applicant has agreed to a condition restricting the scope of the licence to only selling “wines, spirits, *makkoli* (Korean traditional rice wine), beer or other alcoholic beverages imported from Asian countries including Korea, Japan and China”. This condition bolsters the Applicant’s case that the business will serve the speciality purpose described in the Application and submissions.

Social Impact – Negative Impacts

26. The Authority is satisfied that over time there will likely be some contribution from the liquor sold at Premises to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse packaged liquor purchased from the business operating on the Premises.
27. On the basis of the plan of the Premises, photographs and additional submissions from the Applicant, the area in which the licence covers will be adequately separated from the rest of the supermarket ensuring access to the licensed area can be easily monitored.
28. The extensive trading hours sought by the Premises expands the scope for potential adverse impacts from liquor sales made by this business
29. However, the diagram provided by the Applicant indicates that the scale of the licensed business is relatively small, comprising a small section of an Asian speciality supermarket, reducing its scope to generate adverse social impact over time.

30. The ABS Socio-Economic Indexes For Areas (SEIFA) data indicates some relative disadvantage in the local community of Campsie while the Canterbury LGA ranked in the 4th decile, although no submissions or evidence linking localised socioeconomic disadvantage to localised alcohol related adverse impacts in this case.
31. There is insufficient data before the Authority to discern whether the addition of this new licence to the local or broader community will mean an overall increase, decrease or no change to the overall consumption of liquor or the incidents of alcohol related crime across the relevant local or broader community.
32. Some cause for concern arises from the BOCSAR crime maps for the period between October 2014 and September 2015 which indicate that the Premises is located within a local community that is experiencing some concentration of crime.
33. However, those concerns are ameliorated by the fact that this data is derived by reference to the broader community, which the 2013 BOCSAR data indicates is exposed to lower offence rates per 100,000 persons compared to NSW as a whole, for incidents of *domestic violence related assault, non-domestic violence related assault, offensive conduct, assault police and malicious damage to property*.
34. The liquor licence density data, outlined in full above, indicates that postcode 2194 (which only covers Campsie) has slightly higher rates of *full hotel licences* and *on-premises licences* but has lower rates of *packaged liquor licences, club licences* and *producer wholesaler licences* per 100,000 persons compared to NSW as a whole.
35. The liquor licence density data indicates that Canterbury LGA has lower rates of *packaged liquor licences, club licences, full hotel licences* as well as *on-premises licences* and *producer wholesaler licences* per 100,000 persons compared to NSW as a whole. The Authority does not consider that prevailing licence density *per se* gives rise to any particular cause for concern with regard to the relevant communities.
36. The Applicant has consented to the conditions proposed by Police and licensing staff, save for the “no-refrigeration” condition. Police do not object, having interviewed the proposed approved manager, Mrs Minse Park (Approved Manager).
37. Notably, the enforceable condition restricting the sale of liquor to alcoholic beverages to those imported from Asian countries both reinforces the positive speciality benefits of the business while reducing the scope for this business to operate in the manner of a mainstream liquor business with a broader range of products.
38. The Authority has also had regard to the reasonably detailed harm minimisation measures in the *House Policy* and *Plan of Management* dated 19 May 2016.

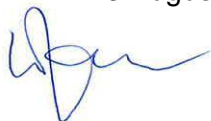
Conclusion

39. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and informed this decision. The interested parties are Police, the Licensee, Council, NSW Roads and Maritime Services (RMS),

neighbouring occupiers, NSW Health and Family and Community Services and other parties as required under the legislation.

40. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Application, the Authority is satisfied that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
41. The Application is granted under section 45 of the Act.
42. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

DATED: 23 August 2016



Philip Crawford
Chairperson

SCHEDULE

Material Before The Authority

1. Application form– lodged on 30 November 2015.
2. CIS document and supporting material dated 30 November 2015. Briefly, the Applicant makes the following contentions on the overall social impact of granting the Application:
 - (a) Campsie is a “well – known suburb for diversity of cultural background” and the licensed business on the Premises “will bring variety of imported liquors” from the “home countries of local residents” to meet existing local demand;
 - (b) The licensed business will not have any negative impact on the neighbouring community because the business has “management expertise” and “operating experience” to ensure that the policies and strategies identified in that statement are adopted and rigorously enforced;
 - (c) These measures represent an “active and everyday deterrent” for persons behaving inappropriately, result in a high degree of accountability for staff and customers and ensure that the store trades responsibly so as not to cause any adverse social impact in the vicinity of the store;
 - (d) A copy of the *House Policy* will be “obeyed” in all situations; and
 - (e) The proposed business “will not have any adverse impact on the neighbouring community”.
3. Notice of Appointment of Approved Manager filed with the Authority on 30 November 2015 appointing Mrs Minse Park as Approved Manager.
4. Stakeholder Notices notifying the Application pursuant to legislative requirements.
5. Plan of the Premises depicting the internal layout of the grocery store and highlighting the proposed licensed area.
6. Current ABN Details from for the Applicant Company as at 15 June 2015.
7. Australian Securities and Investments Commission Current Organisation Extracts.
8. RSA Certificate No: 10000699727
9. Passport, Drivers Licence, Medicare and credit card of the Approved Manager.
10. National Police Certificate No. NCHRC-2015-51595 issued 28 May 2015 certifying no “disclosable court outcomes” for Approved Manager for police services in Australia.
11. Geographical Map depicting the location of the Premises and the 100-metre neighbouring premises radius.
12. Plan of Management and House Policy dated 19 May 2016.
13. Submission from RMS dated 23 July 2015.

14. Email from Mr Eric Kim, director of Moma Architects dated 1 October 2015 providing proof of Mrs Park's last employment as a bilingual customer service staff member at Centrelink and contending that:
 - (a) There is existing demand for a premises supplying imported liquor from their home;
 - (b) The bilingual ability of the Appointed Manager will ensure that she can "assist customers with responsible provision of alcohol in their own language"; and
 - (c) Multilingual notices will be displayed on the Premises to encourage responsible provision of alcohol to all customers.
15. Submission from Senior Constable Michael Kynezos, Licensing Officer at Campsie Local Area Command (LAC) of NSW Police (Police) dated 22 June 2015 advising that they oppose the Application on the basis that:
 - (a) Campsie suburb is 4 kilometres square in size with a population of 22,615 (according to 2011 statistics) and contains 1 club licence, 2 hotel licences, 28 on premises licences, 2 packaged liquor licences and 2 producer licences;
 - (b) The Premises is located approximately 250 metres from The Wine Man, 150 metres from Oasis on Beamish (packaged liquor part of hotel), 450 metres from Woolworths BWS and 450 metres from Campsie Hotel (packaged liquor part of hotel).
16. Google geographical map depicting an aerial view of the location of the Premises.
17. DA 7687/95 issued by Council dated 29 March 1995.
18. RSA Competency Card No CCH10499276 for Mrs Park valid until 30 October 2020.
19. Two photographs depicting that the licensed area is ready to trade.
20. BOCSAR Crime Maps based upon data from October 2014 to September 2015 detailing hotspots for the concentration of offences near the location of the Premises which is publically available on the BOCSAR website. This data indicates that the Premises:
 - (a) Is located *within a high density hotspot* for incidents of *domestic assault*
 - (b) Is located *within a high density hotspot* for incidents of *non-domestic assault property*
 - (c) Is located *within a high density hotspot* for incidents of *malicious damage to property*
21. Liquor licensing records indicating that the suburb of Campsie already has: 1 registered club licence; 2 full hotel licences; and 2 packaged liquor licences
22. Liquor licence density data derived from licensing records that are publicly available from LGNSW indicating that the Canterbury LGA as a whole recorded:
 - (a) a rate of **9.46 packaged liquor licences** per 100,000 persons, substantially below the NSW state wide rate of **32.85**.

- (b) a rate of **3.64** *registered club licences* per 100,000 persons, well below the NSW state wide rate of **20.48**.
 - (c) a rate of **7.28** *full hotel licences* per 100,000 persons, substantially below the NSW state wide rate of **30.36**.
23. This data also indicates that postcode 2194, which only includes Campsie, recorded the following licence density rates:
- (a) a rate of **18.83** *packaged liquor licences* per 100,000 persons, substantially below the NSW state wide rate of **32.85**.
 - (b) a rate of **14.12** *club licences* per 100,000 persons, significantly below the NSW state wide rate of **20.48**.
 - (c) a rate of **37.67** *full hotel licences* per 100,000 persons, which is above the NSW state wide rate of **30.36**.
24. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. This data indicates that:
- (a) The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* across the Canterbury LGA was **65** per 100,000 persons, substantially below the New South Wales rate of **145** per 100,000 persons.
 - (b) The rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the Canterbury LGA for 2013 was **53**, well below the State wide rate of **191**.
 - (c) The rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across this LGA was **3** per 100,000 persons, well below the State wide rate of **83**.
 - (d) The rate of *assault police* incidents flagged by reporting Police as alcohol related across the Canterbury LGA was **4**, well below the rate of **24** per 100,000 for New South Wales as a whole.
 - (e) The rate of *malicious damage to property* offences flagged by reporting Police as *alcohol related* across this LGA was **28** per 100,000 persons, well below the State wide rate of **122**.
25. ABS SEIFA data prepared on the basis of the 2011 census which indicates that:
- (a) The Canterbury LGA ranked in the 4th decile, compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
 - (b) The state suburb of Campsie and postcode 2194 (which only includes Campsie) ranked in the 2nd decile, compared to other state suburbs and postcodes in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage.
26. Submission from Mr A Hargreaves, Team Leader, Development Assessment Operations for Council dated 8 December 2015.

27. Email from Mr Eric Kim, director, Moma Architects, on behalf of the Applicant dated 10 December 2015.
28. Further submission from Police dated 30 March 2016.
29. Report to the Authority from Compliance Branch of the Office of Liquor Gaming and Racing, now LGNSW, dated 20 January 2016.
30. Email from Mr Eric Kim on behalf of the Applicant to the Authority dated 11 April 2016.
31. Email from Mrs Park to NSW Police dated 10 May 2016.
32. Email from Mrs Park to the Authority dated 24 May 2016.
33. Certificate of Advertising signed by Mrs Park, dated 26 May 2016.