



Mr Tony Schwartz

Back Schwartz Vaughan lawyers

By email to: licensing@bsv.com.au

14 December 2023

Dear Mr Schwartz

Application No.	APP-0009812724
Applicant	Hassy Investments Pty Ltd
Application for	New packaged liquor licence
Licence name	Harry's Liquor
Proposed trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 9:00 PM
Premises	35 Riverstone Parade Riverstone NSW 2765
Legislation	Sections 3, 11A, 12, 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 – Harry's Liquor**

We first considered the application above on 19 August 2022 and, following the receipt and consideration of further requested information, decided on 13 October 2022 to **approve** the application under section 45 of the *Liquor Act 2007* - with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 30 November 2022.

Trading on a Sunday that falls on 24 December

Please note that in the case of any Sunday that 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. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 09:00 AM.

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.

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. Blacktown City Council approved the development application DA-21-00327 for the premises on 12 May 2021.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Riverstone, and the relevant 'broader community' comprises the Local Government Area of Blacktown.

Diversity and density of licensed outlets

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

- there are 8 authorised liquor licenses, of which 6 are authorised to sell packaged liquor. This includes 2 packaged liquor licences, 2 registered club licences, 1 hotel licence and 1 Producer/Wholesaler.
- saturation of packaged liquor licences in Riverstone is higher compared to the LGA of Blacktown, but significantly lower compared to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to March 2022:

- the premises was located in a high-density hotspot for alcohol-related assault; medium-density hotspots for domestic assault, non-domestic assault and malicious damage to property
- alcohol-related domestic assault in Riverstone was higher compared to the LGA as well as to all of NSW
- alcohol-related non-domestic assault in Riverstone was slightly higher compared to the Blacktown LGA, but considerably lower compared to all of NSW
- malicious damage to property in Riverstone was lower compared to the LGA and lower compared to all of NSW
- no alcohol-related offensive conduct was reported in Riverstone.

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

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

ABS Socio-Economic Index for Areas (SEIFA)

Riverstone and the Blacktown LGA were ranked as relatively advantaged 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 bottle shop that sells take-away alcohol for consumption away from the premises.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- improved neighbourhood safety and security and access to convenient shopping
- experienced operator providing local and friendly customer service
- meets local demand for products that may not be readily available to them in this location
- offering additional employment opportunities.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 23 May 2022 and 24 May 2022, objecting to the proposal, noting that the sole director is known for not complying with directions made by Police over the years. It was also noted that there are no concerns with the location of the venue itself or the proposed licence conditions
- Local Council, dated 23 May 2022 and 25 May 2022, which notes no objection to the proposed use of the premises for a liquor store
- L&GNSW Compliance, dated 7 June 2022, which notes no adverse holdings on the proposed licensee or sole director
- Local Aboriginal community, dated 3 March 2022, which notes no objection

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

- Harry's liquor group has extensive experience managing licensed venues, none of the current licences have received infringements or warnings
- the sole director is indeed a fit and proper person to carry on the business of the proposed licence.

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.

The risks may be mitigated by the:

- Riverstone and the Blacktown LGA having a lower packaged licence saturation than NSW
- relatively moderate licensed trading hours with trade until 9:00 PM seven days per week
- retail floor area being relatively moderate at 184 sqm, although the licensed premises is large
- alcohol-related hospitalisation and death rates being lower than in NSW
- 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 10 May 2022
- completed Category B Community Impact Statement (CIS) dated 9 May 2022
- completed certifications of advertising dated 11 February 2022 and 10 May 2022
- plan of management documents for the premises, titled Plan of Management Harry's Liquor, 35 Riverstone Parade, Riverstone and dated 9 May 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 26 February 2022, indicating the proposed Store Layout and proposed licensed 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 19 May 2022 and 7 July 2022 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, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

Harry's Liquor

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 3:00 AM and 9:00 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.	Restricted trading & NYE	<p>Retail sales</p> <p>Good Friday Not permitted</p> <p>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>December 31st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday</p>
3.	Social impact	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 the licence.
4.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 4 July 2022 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 supermarket/general store 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 supermarket/general store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. <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 clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, andc) 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.
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