



Mr Tony Schwartz
Back Schwartz Vaughan
By email to: licensing@bsv.com.au

12 May 2024

Dear Mr Schwartz

| | |
|-------------------------------|---|
| Application No. | 1-8938231398 |
| Applicant | MR ANTHONY CHARLES LEYBOURNE SMITH |
| Application for | Packaged liquor licence removal |
| Application date | 20 December 2023 |
| Decision date | 17 April 2024 |
| Licence name | BWS - Beer Wine Spirits |
| Current trading hours | Monday to Saturday 5:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM |
| Proposed trading hours | Monday to Saturday 9:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM |
| Current premises | Rouse Hill Shopping Centre Shop 5 Mile End & Windsor Road Rouse Hill NSW 2155 |
| Proposed premises | The Gables Town Centre Fontana Drive Gables NSW 2765 |
| Legislation | Sections 3, 11A, 12, 29, 40, 44, 45, 48, and 114 of the <i>Liquor Act 2007</i> |

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence removal – BWS – Beer Wine Spirits**

We **approve** the application above under section 59 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is 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 harmful to the well-being of the local or broader community, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Gables. The broader community is the Local Government Area (LGA) of The Hills Shire.

Positive social impacts

The application seeks to remove a packaged liquor licence to a new suburb within the same LGA, which has no other liquor licences operating. It will adjoin a Woolworths supermarket however it will have its own public entry points.

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 higher crime rates in the suburb compared to the LGA for alcohol-related domestic assault.

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

- the proposed premises being the only liquor licence operating in the suburb
- the proposed premises being located within a shopping centre with no street frontage
- there being no crime hotspots in the suburb across all categories we considered
- the suburb having no crime rates for non-domestic assault and alcohol-related disorderly conduct, lower crime rates for alcohol-related domestic assault and malicious damage to property, compared to NSW rates
- the lower crime rates in the LGA compared to NSW across all offence categories we considered
- the lower rate of alcohol-attributable hospitalisations and deaths in the LGA compared to NSW
- SEIFA data indicating an above-average level of socio-economic advantage and disadvantage in both the suburb and LGA compared to other communities in NSW
- the experienced operator
- 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 to 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, Sophie Cartwright, at sophie.cartwright@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
BWS - Beer Wine Spirits

| 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 six (6) hours between 03:00 AM and 09:00 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 | 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 |
| 3. | 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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at The Gables Town Centre, Fontana Drive, GABLES NSW 2765. |
| 4. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated <i>policies and procedures of the Endeavour Group Limited</i> , 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. |
| 5. | Liquor Accord | The licensee or its representative must join and be an active participant in the local liquor accord. |
| 6. | CCTV | <ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises 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: <ol style="list-style-type: none"> (i) all entry and exit points on the premises, and (ii) all publicly accessible areas (other than toilets) within the premises. 2) The licensee must also: <ol 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, and (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. |

**Licence conditions to be revoked
BWS - Beer Wine Spirits**

| Condition to be revoked | Description |
|---|---|
| Retail sales (replaced by condition 2 above) | Monday to Saturday 05:00 AM - 12:00 midnight Sunday 10:00 AM - 10:00 PM Good Friday Not permitted December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight on a Sunday Christmas Day Not permitted December 31st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on a Sunday |