

NSW Independent Liquor & Gaming Authority

Our ref: DF24/019581

Mr Tony Schwartz
Back Schwartz Vaughan

11 September 2024

Dear Mr Schwartz

Application No.	APP-0012460656
Applicant	HASSY INVESTMENTS PTY LTD
Application for	Packaged liquor licence
Application date	15 January 2024
Decision date	21 August 2024
Proposed licence name	Harry's Liquor
Proposed Trading hours	Monday to Thursday 9:00 AM – 9:00 PM Friday to Saturday 9:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Proposed premises	444-448 Windsor Road Vineyard NSW 2765
Legislation	Sections 3, 11A, 12, 29, 31, 40, 44, 45, 48, 53, 114 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Harry's Liquor

We **approve** the application above under section 45 of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Statement of reasons

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

The local community for the purposes of this decision is Vineyard. The broader community is the Local Government Area (LGA) of Hawkesbury.

Positive social impacts

The application seeks to operate a standalone packaged liquor licence with delivery (including same day) forming part of the business model.

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

Negative social impacts

We have taken into account the concerns raised by NSW Health and two members of the public and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- premises being located in a medium-density hotspot for domestic assault and a low-density hotspot for malicious damage
- higher saturation of packaged licences in the suburb than in NSW
- suburb and LGA having a higher than average population of the ATSI community compared to other areas in NSW
- SEIFA data indicating that the community in the suburb may be considered disadvantaged compared to the rest of NSW
- higher alcohol attributed deaths in the LGA than in NSW.

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

- crime rates in the LGA being either lower or aligned to NSW for all offence categories we considered
- the fact that the licence saturation data may be skewed in the suburb
- SEIFA data indicating that the community in the LGA may be considered advantaged compared to the rest of NSW
- 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*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the 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 Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Harry's Liquor

No.	Condition	Description
1.	6-hour closure	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 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	Retail sales Good Friday Not permitted December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st 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 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.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 15 January 2024 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	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.

No.	Condition	Description
		<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, 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.