

NSW Independent Liquor & Gaming Authority

Our ref: DF24/021594

Mr Tony Schwartz

Back Schwartz Vaughan

10 October 2024

Dear Mr Schwartz

Application No.	SR0001268913
Applicant	Darren John Hammond
Application for	Change of boundaries
Application date	28 June 2024
Decision date	18 September 2024
Licence name	BWS - Beer Wine Spirits
Current trading hours	Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Proposed Trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Current Premises	Shop 7, Jesmond Central Blue Gum Road Jesmond NSW 2299
Proposed Premises	Shops 21 and 22, Jesmond Central 28 Blue Gum Road Jesmond NSW 2299
Legislation	Sections 3, 12, 29, 40, 44, 45, 48, 53, 94, 114 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a change of boundaries – BWS - Beer Wine Spirits

We **approve** the application above under section 94 of the *Liquor Act 2007* – with the conditions set out in Schedule 1.

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

Positive social impacts

The application is for a change of boundaries where the packaged licence will move from shop 7 to shops 20 and 21 within the Jesmond Central Shopping Centre. The move will result in a larger licensed area (from 266 m² to 930m²). The premises will operate under reduced trading hours, although will open earlier to align with the shopping centre hours.

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:

- premises being located in a high-density hotspot for all offence categories we considered
- crime rates in the suburb for alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct being higher than NSW rate
- crime rates in the LGA for alcohol-related non-domestic assault and malicious damage to property being higher than the NSW rates
- SEIFA data indicating that the community in the suburb may be considered disadvantaged compared to the rest of NSW
- higher rates of alcohol-attributable hospitalisations and deaths in the LGA than in NSW
- suburb and LGA having a higher than average population of the ATSI community compared to other areas in NSW
- increase in licensed premises area.

However, we noted there were no public or agency objections and are satisfied that these risk factors are reduced by the:

- crime rates in the suburb and LGA for alcohol-related domestic assault being lower than the NSW rate
- lower saturation of packaged liquor licenses in the suburb and LGA than in NSW (and approval of this application will not change saturation level)
- premises being the only packaged liquor licence in the suburb
- SEIFA data indicating that the community in the LGA may be considered advantaged compared to the rest of NSW
- reduction in licence trading hours by 42 hours per week
- licence remaining within the confines of the shopping centre, with no direct street access

- 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:

- application material — including evidence that stakeholders and the community were notified about the application
- community impact statement (CIS)
- the plan of the licensed premises
- 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 in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Glenn Barry, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed – BWS - Beer Wine Spirits

No.	Condition to be imposed	Description
1.	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 varying the licensed boundaries on 18 September 2024 .
2.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
3.	Plan of management	The premises is to be operated at all times in accordance with the <i>policies and procedures of the Endeavour Group Limited</i> , as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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.
4.	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.

No.	Condition to be imposed	Description
5.		The licence is not to be exercised at Shops 20 and 21, Jesmond Central, 28 Blue Gum Road, Jesmond, unless and until Liquor & Gaming NSW has been provided with evidence that the proposed licensed premises is complete and ready to trade.
6.		The licence remains at the existing licensed premises, subject to the same conditions and trading hours that were in force immediately before the approval of the change of boundaries application, until such time as Liquor & Gaming NSW is notified that the licence has been moved.