

# NSW Independent Liquor & Gaming Authority

Our ref: DF24/021599

Mr Paul Bao

Alton Legal

9 October 2024

Dear Mr Bao

Application No.	APP-0013417893
Applicant	Seoho International Pty Ltd
Application for	Packaged liquor licence
Application date	27 June 2024
Decision date	18 September 2024
Proposed licence name	Kwon Mart Greenhills
Proposed trading hours	Monday to Saturday 10:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM
Proposed premises	Shop 1, 17 Mitchell Drive East Maitland NSW 2323
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 53 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Kwon Mart Greenhills

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 East Maitland. The broader community is the Local Government Area (LGA) of Maitland.

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### *Positive social impacts*

The application seeks to operate a liquor sales area within an existing Asian supermarket selling predominately Asian liquors, catering primarily to its Asian clientele when also shopping at the supermarket.

The proposed trading hours will align with the opening hours of the supermarket and the liquor sales area will be separated from the rest of the supermarket by solid, opaque partitions with its own dedicated point of sale.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice, particularly those who enjoy Asian beverages.

### *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 than average saturation of packaged liquor licences in the suburb than in NSW
- presence of high-density crime hotspots in the suburb for domestic and non-domestic assault and malicious damage to property; and a medium-density crime hotspot in the suburb for alcohol-related assault
- crime rates in the suburb for alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage being higher than in NSW
- crime rates in the LGA for alcohol-related domestic assault and malicious damage being higher than in NSW
- suburb and LGA having a higher-than-average population of the ATSI community compared to other areas in NSW
- higher rate of alcohol-attributable deaths in the LGA than in NSW.

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

- reduced licensed trading hours, closing at 9pm and 8pm on Sunday.
- crime rates in both the suburb and LGA for alcohol-related disorderly conduct being lower than in NSW generally
- crime rates in the LGA for alcohol-related non-domestic assault being lower than in NSW generally
- saturation rate of packaged liquor licences in the LGA being lower than the average for NSW
- lower rate of alcohol-attributable hospitalisations in the LGA than the average for NSW
- imposition of a specialised liquor condition restricting the type of liquor sold at the proposed premises
- 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
- 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 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, Max Costa, 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 - Kwon Mart Greenhills

No.	Condition to be imposed	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 <b>4:00 AM and 10:00 AM</b> 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>Good Friday      Not permitted December 24th    Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day    Not permitted December 31st    Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</p>
3.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by <b>08:00 PM</b> on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
4.	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.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>29 May 2024 (and updated 17 July 2024)</b> 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.
7.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close,</li> <li>b. recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas:</li> </ol>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>i. all entry and exit points to the supermarket/specialty store, and</li> <li>ii. all publicly accessible areas (other than toilets) within the liquor sales area.</li> </ul> <p>2. The licensee must also:</p> <ul style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>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</li> <li>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.</li> </ul>
8.	Adequate separation	The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on <b>18 September 2024</b> or any premises plan subsequently approved by the Authority.
9.	Specialised liquor products	<ul style="list-style-type: none"> <li>1. The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"): <ul style="list-style-type: none"> <li>(a) liquor products produced in Indonesia, Thailand, China, South Korea, and Japan.</li> </ul> </li> <li>2. Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.</li> <li>3. The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</li> </ul>