

NSW Independent Liquor & Gaming Authority

Our ref: DF24/021601

Mr James Lidis
Design Collaborative

9 October 2024

Dear Mr Lidis

Application No.	APP-0013150629
Applicant	Ms Ana De Olive Ira Dos Santos
Application for	Packaged liquor licence
Application date	23 May 2024
Decision date	18 September 2024
Proposed licence name	Luso Liquors Pty Ltd
Proposed trading hours	Monday to Saturday 09:00 AM – 06:00 PM Sunday 10:00 AM – 06:00 PM
Proposed premises	275 Homer Street Earlwood NSW 2206
Legislation	Sections 3, 11A, 12, 29, 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 – Luso Liquors Pty Ltd

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 Earlwood. The broader community is the Local Government Area (LGA) of Canterbury-Bankstown.

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Positive social impacts

Luso Liquors, a licensed importer and wholesaler of Portuguese beverages since 2013, is seeking to operate a packaged liquor licence to continue its wholesale operations and commence retail sales direct to the public. The premises will sell wines and beverages produced in Portugal.

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

Negative social impact

We note the association between alcohol consumption and the commission of crimes and so we accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the high-density crime hotspots in the suburb for some crimes, particularly domestic assault and malicious damage to property

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

- absence of crime hotspots in the suburb for other crimes, particularly non-domestic assault or alcohol-related assault
- crime rates in both the suburb and LGA being lower than in NSW for all offence categories we considered
- saturation rate of packaged liquor licences in both the suburb and LGA being lower than in NSW
- generally
- rates of alcohol-attributable hospitalisations and alcohol-attributable deaths in the LGA being lower than in NSW generally
- SEIFA data indicating that the community in the suburb may be considered advantaged compared to the rest of 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 - Luso Liquors Pty Ltd

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 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>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.	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.	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 May 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.
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> <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 to be imposed	Description
		<p>2. The licensee must also:</p> <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.
7.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
8.	Specialised liquor products	<ol style="list-style-type: none"> 1. The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by clause 2: <ol style="list-style-type: none"> a. liquor products produced in Portugal. 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. 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 &

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		<p>Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p> <p>4. For every liquor product that is available for sale under sub-clause 1, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.</p>