

NSW Independent Liquor & Gaming Authority

Our ref: DF24/024270

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

8 November 2024

Dear Mr Schwartz

| | |
|------------------------|---|
| Application No. | APP-0013148011 |
| Applicant | Anthony Charles Leybourne Smith |
| Application for | New packaged liquor licence |
| Application date | 20 August 2024 |
| Decision date | 16 October 2024 |
| Proposed licence name | BWS - Beer Wine Spirits |
| Proposed trading hours | Monday to Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM |
| Proposed premises | Shop 20B, Ground Level, International Tower 3 300 Barangaroo Avenue Barangaroo NSW 2000 |
| 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 – BWS - Beer Wine Spirits

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, while also promoting a balanced and responsible development of the industry.

Our main findings

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

Positive social impacts

The application seeks to operate a standalone packaged liquor outlet in Barangaroo adjacent to a Woolworths Metro supermarket.

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:

- proposed premises being located in a high-density hotspot for all offence categories we considered
- higher crime rates in the LGA for all offences considered we considered, when compared to the NSW average
- higher than average saturation of packaged liquor licences in the suburb and LGA than in NSW as a whole
- rate of alcohol-attributable hospitalisations in the LGA being higher than the NSW rate.

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

- possibility that the crime rates and licence saturation figures are distorted due to the proposed premises being located within the Sydney CBD and adjacent to the Sydney Entertainment Precinct which operates 24 hours a day and attracts a large population of visitors relative to the local population
- low number of incidents of alcohol-related crime in the area; with two incidents of alcohol-related domestic assault, three incidents of alcohol-related non-domestic assault and three incidents of malicious damage to property recorded for the year ending March 2024
- existing packaged liquor licences in the suburb being authorised to only provide online delivery services
- rate of alcohol-attributed deaths in the LGA being lower than the NSW rate
- SEIFA index of relative socio-economic advantage and disadvantage indicating both the suburb and LGA are highly advantaged compared to other communities in 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 Statement of Risks and Potential Effects (SoRPE)
- the plan of the licensed premises and any authorisations
- plan of management for the licensed business
- 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, Andrew Whitehead, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Chris Honey

Deputy Chairperson

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 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 | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Good Friday</td> <td style="width: 50%;">Not permitted</td> </tr> <tr> <td>December 24th</td> <td>Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</td> </tr> <tr> <td>Christmas Day</td> <td>Not permitted</td> </tr> <tr> <td>December 31st</td> <td>Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday</td> </tr> </table> | 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 |
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| 3. | Overall impact | The business authorised by this licence must not operate with a greater overall level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the 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 policies and procedures of the Endeavour Group Limited, 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. | | | | | | | | |
| 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 | | | | | | | | |

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| | | <ul style="list-style-type: none"> ii. all publicly accessible areas (other than toilets) within the premises. <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. |
| 7. | Restricted trading on public holidays | The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays. |
| 8. | 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> <ul 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> |
| 9. | Incident Register | <ul style="list-style-type: none"> 1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ul style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, |

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| | | <ul style="list-style-type: none"> c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. <p>2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p> |