



Mr Paul Raymond Matters

11 January 2024

Dear Mr Matters

Application No.	APP-0009920250
Applicant	LAOMAN PTY LTD
Application for	New packaged liquor licence
Decision Date	18 January 2023
Licence name	Hometown Fresh Market
Trading hours	Monday to Sunday 10:00 AM – 05:00 PM
Premises	Shop 1027 211 Lake Entrance Rd, Shellharbour City Centre NSW 2529
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Hometown Fresh Market**

We **approve** the application under section 45 of the *Liquor Act 2007* - with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 14 March 2023.

Trading on a Sunday that falls on 24 December

If a Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 AM. Under the 6-hour closure period for the licence, the premises must not trade earlier than 10:00 AM on a Sunday which falls on 24 December.

Mixed-use checkouts must be closed outside licensed hours

Under section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Liquor Act's requirements for procedural fairness and trading period

- liquor would be sold and supplied in a separate liquor sales area at the premises
- section 31 of the Act doesn't apply to this application
- the Community Impact Statement (CIS) meets the relevant requirements.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Shellharbour LGA approved the development application Ref:6699/0 on 9 November 2020.

Community impact

Local and broader communities

The relevant local community is the town of Shellharbour City and the relevant broader community comprises the Local Governance Area of Shellharbour.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Shellharbour City shows:

- there are 18 authorised liquor licences, of which 6 are authorised to sell packaged liquor (comprised of 5 packaged liquor licences and 1 hotel licence)
- saturation of packaged liquor licences in Shellharbour City is higher compared to both the Shellharbour LGA and all of NSW, although this data may be skewed due to low population density in the suburb.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to March 2022

- the premises are located in a medium density hotspot for incidents of alcohol-related non-domestic assault and malicious damage to property
- the incident rate for the Shellharbour LGA for all crime categories considered by the Authority was lower compared with all of NSW.

Alcohol-related health data (per 100,000 residents)

Health Stats NSW data available for Shellharbour LGA shows:

- alcohol-related deaths were higher compared to all of NSW
- alcohol-related hospitalisations were lower compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

Shellharbour City was ranked as below average level of relative socio-economic advantage and Shellharbour LGA indicates an average level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves the operation of a small liquor sales area (12m²) within an existing Asian-style retail grocery store (699 m²) to sell packaged specialised liquor products produced in China, South Korea and Japan, for consumption away from the premises.

Benefits proposed by the applicant

The applicant proposed that convenience would be a benefit for consumers wishing to buy packaged specialised liquor products produced in China, South Korea and Japan locally from a 'one stop shop' grocery store with a focus on imported products.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 5 August 2022, objecting to the proposal noting concerns about the high-risk factors associated with the location with high licence saturation in the area
- Local Council, dated 27 April 2022, which notes no concerns, no objections
- Compliance L&GNSW, dated 19 July 2022, which notes no objection
- Transport for NSW, which notes requests to maintain awareness of local alcohol-related issues impacting the community and to participate in the local liquor accord.

We also considered the Applicant's submission in response, to these submissions, which notes their consent to becoming an active member of the liquor accord, complying with all the requirements of the Shellharbour City alcohol-free zone and liaising with the Licensing Unit, Lake Illawarra Police District and the Shellharbour City LGA to help reduce alcohol-related offences.

Findings of concern

The premises is located in a medium-density hotspot for incidents of non-domestic assault and malicious damage to property and the data suggests a higher licence saturation of packaged liquor licences in Shellharbour City compared to the LGA and all of NSW. There is a risk that if the licence was granted, liquor sold from the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

We are satisfied the risks may be mitigated by the following factors:

- crime rates for the Shellharbour LGA are lower compared to all of NSW
- the premises will operate under reduced trading hours
- the sale of liquor products will be limited to specialised liquor products produced in China, South Korea and Japan
- harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

The material we considered

We considered all the material received about the application, including:

Application Material

- completed application dated 18 January 2023
- completed Category B Community Impact Statement (CIS) dated 8 November 2021
- completed certification of advertising dated 12 April 2022
- plan of Management documents for the premises dated 24 November 2022;
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 6 October 2021, indicating the proposed licensed area / liquor sales area to which the application applies

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- Google Maps images extracted from the Google website showing the location and photos of the building in which the premises are located
- correspondence between L&GNSW staff and the applicant between 20 April 2022 and 24 November 2022 in relation to the assessment of the Application

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you are not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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, Zof el Hussein, zof.el.husseini@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed

Hometown Fresh Market

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 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.	Retail sales	Good Friday Not permitted December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 AM midnight Sunday Christmas Day Not permitted December 31st Normal trading
3.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 8:00 PM 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 November 2022 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	<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

		<p>access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>(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.</p>
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 18 January 2023 or any premises plan subsequently approved by the Authority.
9.	Specialised liquor products	<p>The licensee must ensure that only the following liquor products are sold or supplied by the licensed business:</p> <ol style="list-style-type: none"> 1) liquor products produced in China, South Korea and Japan 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. 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 & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.