



Mr Tony Schwartz
Back Schwartz Vaughan
by email: tschwartz@bsv.com.au

6 May 2022

Dear Mr Schwartz

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| Application No. | 1-8214109203 |
| Applicant | Anthony Charles Leybourne Smith |
| Application for | Removal of a packaged liquor licence |
| Licence name | Dan Murphy's Eastwood |
| Current Premises | 578-580 Blaxland Rd EASTWOOD NSW 2122 |
| Proposed Premises | Eastwood Centre, Shop 32, 152- 160 Rowe St, EASTWOOD, NSW 2122 |
| Trading hours | Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM |
| Legislation | Sections 3, 11A, 12, 29, 30, 31, 40, 45, 48 and 59 of the Liquor Act 2007 |

**Decision of the Independent Liquor & Gaming Authority
Application for removal – packaged liquor licence – Dan Murphy's Eastwood.**

The Independent Liquor & Gaming Authority considered the application above, and decided on 13 April 2022 to **approve** the application under sections 45 and 59 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings. If you have any questions, please contact Jason Owston at jason.owston@liquorandgaming.nsw.gov.au.

Yours faithfully

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor & Gaming Authority

Concise statement of reasons

Key facts

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Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category B community impact statement;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- Stakeholder submissions in relation to the application, and the applicant’s response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 29-31: Specific provisions in respect of a packaged liquor licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Section 59: Requirements for an application to remove a liquor licence to another premises and the determination of such an application.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Eastwood, and the broader community is the Local Government Area of Ryde.

Positive and Negative social impacts

The Authority is satisfied on the material before it that the proposal set out in the application will have a neutral effect on the local or broader communities. This is because the licence is not trading at the current premises and will not trade at the proposed premises, being an area of approximately 1m². Any further removal application in order for the licence to resume trade would be considered by the Authority on its merits in due course.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under sections 45 and 59 of the Act.



Philip Crawford
Chairperson

Schedule 1 – Licence conditions to be imposed Dan Murphy’s Eastwood

6-hour closure

1. 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 04:00 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.

Social Impact

2. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 removing this licence to the premises at Eastwood Shopping Centre, Shop 32, 152-160 Rowe St, EASTWOOD, NSW 2122 AUSTRALIA
3. The licence must not be exercised at Eastwood Shopping Centre, Shop 32, 152-160 Rowe St, EASTWOOD, NSW 2122 AUSTRALIA