



Mr Grant Cusack
Hatzis Cusack Lawyers
By email to: gc@hatziscusack.com.au

5 December 2023

Dear Mr Cusack

Application No.	APP-0009612921
Applicant	Romeo Lockleys Holdings Pty Ltd
Application for	New packaged liquor licence
Decision Date	18 May 2022
Licence name	Locali by Romeo's
Trading hours	Monday to Friday 8:00 AM – 10:00 PM Saturday 9:00 AM – 8:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Tenancy HC31, Hunter Connection, Brookfield Place 301 George Street Sydney NSW 2000
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Locali by Romeo's, Sydney**

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 22 June 2022.

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 meets the 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

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. MBC Group approved the complying development consent 21000109/2 for the premises on 12 July 2021.

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Sydney, and the relevant 'broader community' comprises the Local Government Area of Sydney.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for the suburb of Sydney shows:

- there are 677 authorised liquor licenses, of which 146 are authorised to sell packaged liquor. This includes 22 packaged liquor licences, 19 registered club licences and 105 hotel licences
- saturation of licensed premises in the suburb as well as in the LGA are higher compared to all of NSW

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to December 2021:

- the premises is located in high density crime hotspots across the suburb in all categories usually considered by the Authority
- alcohol-related domestic assault in the suburb of Sydney was higher compared to the LGA as well as to all of NSW
- alcohol-related non-domestic assault in the suburb of Sydney was higher compared to the LGA as well as to all of NSW
- alcohol-related offensive conduct in the suburb of Sydney was higher compared to the LGA as well as to all of NSW
- malicious damage to property in the suburb of Sydney was higher compared to the LGA as well as to all of NSW

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

HealthStats NSW data showed that:

- alcohol-related deaths in the LGA of Sydney were slightly lower compared to the NSW average
- alcohol-related hospitalisations in the LGA of Sydney were higher compared to the NSW average

ABS Socio-Economic Index for Areas (SEIFA)

The suburb and LGA of Sydney were ranked as above average advantaged 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 establishment of a small liquor department wholly within the new Locali by Romeo's European - inspired food hall. The liquor department will

occupy a small section of the Food Hall (22 sqm) and will be set back some distance from the entry points to the Food Hall.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- 'One stop shop' convenience — Benefits consumers who wish to purchase packaged liquor while shopping at the Food Hall
- In addition to various mainstream products, it is proposed that a range of craft, boutique and premium liquor products will be sold
- Improved community amenity
- The Food Hall is operated by the Romeo Group, an experienced operator of licensed supermarkets in NSW.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 13 January 2022 and 15 March 2022, which notes high saturation of licences and crime data with the request of additional conditions to be added to the license, but no objection
- Local Council, dated 23 February 2022 and 10 December 2021, which notes the use of a complying development certificate and hours permitted with no objection
- L&GNSW Compliance, dated 15 March 2022, which notes no objection
- Transport for NSW, dated 22 December 2021, which notes the need to monitor local alcohol-related issues impacting the community, but no objection
- One submission from a commercial competitor, objecting to the proposal noting issues with saturation and clustering in the area
- A petition with 261 signatures supporting the proposal

We also considered the Applicant's submission in response, to these submissions, which notes the applicant's consent to all recommended additional license conditions made by the agencies.

Findings of concern

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.

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

- relatively small size of the area in which liquor will be sold
- data describing the suburb and LGA to be socio-economically advantaged
- experience of the applicant as an operator of multiple licensed premises with sound compliance records
- The liquor sales area to be part of a larger supermarket, benefitting one-stop shopping for customers with a positive community amenity
- 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 we received about the application, including:

Application Material

- completed application dated 3 February 2022
- completed Category B Community Impact Statement dated 21 January 2021
- completed certification of advertising dated 16 March 2022
- plan of management documents for the premises, titled Management Plan for the operation of a proposed packaged liquor department to be located within the Locali by Romeo's Food Hall and dated April 2022
- ASIC business records for the Applicant and associated companies
- Floor plan for the Premises, compiled 22 March 2022, indicating where the proposed licensed area and the liquor sales area will apply

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
- correspondence between L&GNSW staff and the applicant between 1 March 2022 and 6 April 2022 in relation to the assessment of the Application
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

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're 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

If you have any questions, please contact the case manager, Glenn Barry, at glenn.barry@liquorandgaming.nsw.gov.au.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

Locali by Romeo's

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 6 hours between 2:00 AM and 8:00 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 24 th Normal trading Monday to Saturday 8:00 AM to 12 midnight Sunday Christmas Day Not permitted December 31 st Normal trading
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 the licence.
4.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated April 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.
6.	CCTV	<ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store 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 supermarket/specialty store 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 to the supermarket/specialty store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area.

		<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.	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 (e.g., crowd controller or bouncer) on or about the premises.</p>
8.	Incident Register	<p>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:</p> <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, c) any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>,

		<p>d) any incident that results in a patron of the premises requiring medical assistance.</p> <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <p>a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and</p> <p>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> <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>
9.	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 May 2022 or any premises plan subsequently approved by the Authority.
10.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.