



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

30 August 2023

Dear Mr Cusack

Application No.	APP-0011276113
Applicant	SUPERMARKET WESTLEIGH PTY LTD
Application for	New packaged liquor licence with extended trading authorisation
Application date	31 March 2023
Decision date	19 July 2023
Licence name	Mint Fresh IGA Westleigh
Trading hours	Monday to Saturday 08:00 AM – 08:00 PM Sunday 10:00 AM – 08:00 PM
Premises	Westleigh Village Shopping Centre Shops 5, 6 & 7A 4-8 Eucalyptus Drive Westleigh NSW 2120
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45, 48 and 114 insert as relevant of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – Mint Fresh IGA Westleigh**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

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

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

If you have any questions

Please contact the case manager, Max Costa, at max.costa@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

Overall, we are satisfied that approving the application meets the needs of the community and will not be harmful to the well-being of the local or broader community.

Our main findings

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

Positive social impacts

The business owner seeks approval to operate a new packaged liquor licence with a liquor sales area sitting wholly within an IGA supermarket located in the Westleigh Village Shopping Centre. The licence hours align with the existing trading hours of the supermarket providing customers with the opportunity for one-stop shopping.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice:

Negative social impacts

We note the objection from a member of the public, but the assertions raised did not appear to be supported by evidence. We also accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- rates of alcohol-attributable hospitalisations being higher in the Hornsby LGA compared to NSW, and
- availability of liquor sales from 8:00 AM.

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

- premises not being located in any hotspots for all crime categories usually considered by the Authority
- crime rates being lower in both Westleigh and the Hornsby LGA for all crime categories usually considered by the Authority compared to NSW
- rates of alcohol-attributable deaths being lower in the Hornsby LGA compared to NSW
- indication of an above average level of socio-economic advantage in both Westleigh and the Hornsby LGA compared to NSW
- saturation rates of packaged liquor licences being lower in the Hornsby LGA compared to NSW
- relatively small liquor sales area (50 m²)
- 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 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, and
- 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.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', written in a cursive style.

Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Mint Fresh IGA Westleigh**

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 02:00 AM and 08:00 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	<p>Good Friday Not permitted</p> <p>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>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.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated June 2023 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.
5.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the supermarket/general 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: <ul style="list-style-type: none"> (i) all entry and exit points to the supermarket/general 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

No.	Condition to be imposed	Description
		(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.
6.	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 19 July 2023 or any premises plan subsequently approved by the Authority.
7.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.