



Mr Tony Schwartz

BSV Lawyers

By email to: tschwartz@bsv.com.au

28 November 2023

Dear Mr Schwartz

Application No.	APP-0010102446
Applicant	San International Trading Pty Ltd
Application for	New – packaged liquor licence
Licence name	Murray Estate
Proposed trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 7:00 PM
Premises	Shop 23, 1-15 Murray Street Camden NSW 2570
Legislation	Sections 3, 11, 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 packaged liquor licence – Murray Estate

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 16 December 2022 to **refuse** the application under section 45 of the *Liquor Act 2007*.

Statement of reasons

Overall, we are concerned that approving the application is likely to be detrimental to the well-being of the local and 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

'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

Complying Development Certificate No. BPB2376/2022-0013-0 was issued by BSGM Consulting Building Surveyors on 1 February 2022.

Community impact

Local and broader communities

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

Diversity and density of licensed outlets

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

- there are 28 authorised liquor licenses, 9 of which are authorised to sell packaged liquor. This includes 2 packaged liquor licences, 2 club licences, 4 hotel licences and 1 producer/wholesaler licence.
- saturation of packaged liquor licences in the suburb is higher compared to all of NSW, but lower in the LGA Camden compared to NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data for the year to December 2021 shows that:

- the proposed location of the packaged licence is in a hotspot for incidents of alcohol-related assaults in the suburb of Camden
- alcohol-related domestic assault in the suburb was significantly higher compared to the Camden LGA and higher compared to all of NSW
- alcohol-related non-domestic assault in the suburb was significantly higher compared to the Camden LGA and higher compared to all of NSW
- alcohol-related offensive conduct in the suburb was higher compared to the LGA and higher compared to all of NSW
- malicious damage to property in the suburb was higher compared to the LGA and higher compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

SEIFA data indicates that Camden has an above average level of 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 sale of packaged liquor via retail for consumption away from the premises. The class of licence applied for is appropriate to the proposed business model.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- increased convenience and choice through one-stop grocery shopping
- provision of a refined, boutique drinking experience that differs from mainstream hotel licensed venues in the local and broader community
- personal and friendly service and additional local employment opportunities
- improved neighbourhood safety and security.

We believe that these proposed benefits are limited by the lack of concrete evidence of community support for the application.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 21 September 2022, which raises potential risks from trading hours and the size of the premises, but no objection
- Local Council, dated 24 August and 5 May 2022, which notes no objection
- Liquor & Gaming NSW Compliance, dated 6 October 2022, which notes no objection
- NSW Health, dated 22 May and 20 September 2022, objecting to the proposal, which notes a number of concerns including the size and proposed trading hours of the venue increasing alcohol availability and potential contribution to alcohol-related problems in the region; the high saturation of liquor licenses; and, high rates of alcohol-related domestic assault in Camden
- Transport for NSW, dated 19 May 2022, which noting the need to ensure patrons have educative material available to them such as transport options, drink driving prevention and pedestrian safety, but no objection
- Local Aboriginal community, dated 25 August 2022, which notes no objection provided the applicant has notified the NSW Aboriginal Land Council
- 2 submissions from members of the public, 1 in support and 1 objecting due to alleged bad experiences with the occupier of shop 23 (the premises).

We also considered the applicant's submission in response to these submissions, which notes:

- their disagreement with NSW Health's recommendation to restrict proposed trading hours with other liquor stores in the area trading similar hours. The applicant also noted that the bottle shop will not be trading later than 9:00 PM Monday to Saturday
- that crime rates may be skewed by a low population in the suburb.

Findings of concern

There is a risk that if the licence was granted, liquor sold at the premises may contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.

The Authority noted the large size of the venue, location in close proximity to other liquor outlets, and high liquor density in an area with a small population. Camden also has high-density hotspots for all crime categories usually considered by the Authority, and rates of alcohol-related domestic and non-domestic assault and alcohol-related disorderly conduct are higher than both the LGA and NSW averages.

The risks may be mitigated by the:

- lower crime rates in the Camden LGA compared to NSW
- lower saturation of packaged liquor licences in the Camden LGA compared to NSW
- lower rate of alcohol-attributable hospitalisations and deaths in the Camden LGA compared to NSW.

However, on balance, we are concerned that the likelihood of adverse social impact from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

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

- completed application dated 22 August 2022

- completed Category B Community Impact Statement (CIS) dated 16 August 2022
- completed certifications of advertising dated 22 August and 24 August 2022
- plan of management documents for the premises, titled 'Plan of Management Murray Estate, Shop 23, 1-15 Murray Street, Camden' and dated 16 August 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated November 2021, indicating the proposed licensed area and liquor sales area.

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 14 September 2022 and 30 November 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

Please contact the case manager, Leonie Jennings, at Leonie.Jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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