



Tong Xie

by email to: tong@lutondesign.com.au

18 October 2022

Dear Mr Xie

Application No.	APP-0010294166
Application date	7 July 2022
Applicant	NORIGHTTURN PTY LTD
Application for	Packaged liquor licence and extended trading authorisation
Licence name	Olympic Asian Supermarket
Proposed trading hours	<u>Retail</u> Monday to Saturday 09:00 AM – 10:00 PM Sunday 09:00 AM – 08:00 PM
Premises	Shop 6, 11A Carter Street, LIDCOMBE NSW 2141
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 49 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence and extended trading authorisation
Olympic Asian Supermarket**

The Independent Liquor & Gaming Authority first considered the application above at its meeting on 19 September 2022, and following the receipt and consideration of further requested information, and pursuant to sections 45 and 49 of the *Liquor Act 2007*, decided on 17 October 2022 to **approve** the application subject to imposing conditions as set out in Schedule 1.

Trading on a Sunday that falls on 24 December

In the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the license to trade from 08:00 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 09:00 am.

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 the case manager Eloise Ryan-Mackie at eloise.ryan-mackie@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'ms', is positioned above the typed name.

Murray Smith

Deputy 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
- 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 44: Submissions to Authority in relation to licence applications

- 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 49: General provisions relating to extended trading authorisations
- Section 51: General provisions relating to licence-related authorisations.

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 Lidcombe, and the broader community is the Local Government Area of the City of Parramatta.

Positive social impacts

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through:

- the provision of increased choice and convenience
- the addition of a small liquor sales area within the existing supermarket to sell specialty Asian packaged liquor
- offering a contemporary range of local and international products, which will cater to the requirements of residents, visitors and business owners.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to:

- the applicant's application for one extended hour of trade on Sunday mornings from 09:00 am
- the premises is located in a high-density hotspot for malicious damage to property and in a medium-density hotspot for domestic assault
- the premises is located in proximity to a high-density hotspot for incidents of non-domestic assault and alcohol-related assault
- a previous packaged liquor licence application in Lidcombe was refused by the Authority in March 2018.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- the absence of public or agency objections
- there are lower crime incident rates in both Lidcombe and the City of Parramatta LGA compared to NSW
- there are lower saturation rates for packaged liquor licences in both Lidcombe and the City of Parramatta LGA compared to NSW

- there is a lower rate of alcohol-attributable hospitalisations and deaths in the City of Parramatta LGA compared to NSW
- SEIFA data indicates an average socio-economic advantage in Lidcombe and an above-average socio-economic advantage in the City of Parramatta compared to NSW
- this will be the first packaged liquor licence to operate within Lidcombe
- there is no delivery service offered at the premises, which is reflected in the liquor plan of management
- City of Parramatta Council has confirmed the business can trade within the proposed trading hours as per the current development application for the premises
- the harm minimisation measures are set out in the plan of management and licence conditions as set out in Schedule 1.

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 49 of the Act.

Yours faithfully



Murray Smith

Deputy Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Olympic Asian Supermarket**

1. 6-hour closure period

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 6 hours between 03:00 AM and 09:00 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 AM 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 this licence.

4. The licensee or its representative must join and be an active participant in the local liquor accord.

5. CCTV

1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements:

- 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:
 - 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.

2) The licensee must also:

- 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 sub-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.

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 17 October 2022 or any premises plan subsequently approved by the Authority.

7. Point of sale

The point of sale system within the liquor sales area must provide price look-up codes for liquor items. A separate EFTPOS machine is to be linked to the point of sale system to be used exclusively for card purchases not including liquor.

8. Specialised Liquor Products

- 1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"):
 - a) liquor products produced in China, South Korea and Japan;
 - b) Sake.
- 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. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.
- 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.

9. Plan of management

The premises is to be operated at all times in accordance with the Plan of Management dated 7 September 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.