



Mr Tony Schwartz
Back Schwartz Vaughan

By email to: tschwartz@bsv.com.au

16 January 2024

Dear Mr Schwartz

Application No.	APP-0010757238
Applicant	Cerno Hurstville Investors No. 3 Pty Ltd
Application for	New Packaged Liquor Licence
Decision Date	15 March 2023
Licence name	Shop MM1
Proposed trading hours	Monday to Saturday 08:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Approved trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Hurstville Central 225 Forest Road Hurstville NSW 2220
Legislation	3, 11, 12, 29, 40, 44, 45, 48 and 114 the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – Shop MM1, Hurstville

We **approve** the application **in part** under section 45 of the *Liquor Act 2007* (the Act) - with the proposed hours being amended as outlined above and conditions set out in Schedule 1. Preliminary advice of this decision was provided on 1 May 2023.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been 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.

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

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation

- sections 30 and 31 of the Act don't apply to this application

'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

The necessary development consent is in force. The Georges River Council approved the development application Ref: 22/0577/01 for the premises on 30 September 2022.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Hurstville, and the relevant 'broader community' comprises the Local Government Area (LGA) of Georges River.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Hurstville shows:

- there are 41 authorised liquor licenses, of which 14 are authorised to sell packaged liquor. This includes 6 packaged liquor licences, 2 registered clubs, 4 hotel (full) licences and 2 Producers/Wholesalers.
- saturation of packaged liquor licences in Hurstville is significantly lower compared to both the Georges River LGA and all of NSW

Crime data (annual rate per 100,000 residents)

- BOCSAR data shows that, in the year to September 2022: the premises were located in hotspots for all crime categories normally considered by us
- the incidents rate for all crime categories usually considered by us was higher for Hurstville compared with the Georges River LGA and lower compared to all of NSW

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

Health Stats NSW data available for the Georges River LGA (2019/20 – 2020/21) shows that alcohol-related deaths and hospitalisations in the Georges River LGA were lower compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

Hurstville was ranked as having an average level, and the Georges River LGA shows high levels of socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in all of NSW.

Business model

We note that the proposed business model involves a 'stand-alone' packaged liquor licence, offering same day delivery, located in the Hurstville Central shopping complex.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- Increased choice and convenience due to the Store's co-location with the Centre
- Improved amenity and neighbourhood safety and security

Additional employment opportunities

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 3 January 2023, which raised no objection
- L&GNSW Compliance, dated 9 December 2022, which notes no adverse matters were raised
- Local Council, dated 30 January 2023, which raised no objection
- 5 submissions from members of the public, objecting to the proposal noting concerns about the abundance of liquor outlets in the area and the premises being located in close proximity to schools and train station.

We also considered the Applicant's submission in response, to these submissions, including the following:

- applicant contends there is a significant under-provision of both PLL & hotel in the suburb and LGA compared to NSW
- evidence does not exist indicating a packaged liquor store near train stations could result in drinking on the trains, there are no existing concerns in Hurstville with the use of alcohol on trains.

Findings of concern

The premises is located in a high-density crime hotspot in the Hurstville and the Georges Rivers LGA for incidents in all four categories normally considered by us. 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.

We are satisfied that the risks are mitigated by:

- lower crime rates in both the suburb and LGA compared to NSW across all four offence categories normally considered by us
- low licence saturation of packaged liquor licences in the suburb and LGA compared to NSW
- approved trading hours align with other outlets in the suburb
- 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 1 December 2022
- completed Category B Community Impact Statement (CIS) dated 30 November 2022
- completed certifications of advertising dated 1 December 2022 and 2 December 2022
- plan of management documents for the premises dated 29 November 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 20 June 2022 indicating the proposed licensed 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 8 December 2022 and 17 February 2023 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 are 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, Roger Ha, at roger.ha@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed

Shop MM1, Hurstville

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 3:00 AM and 9:00 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 12:00 midnight Sunday Christmas Day: Not permitted December 31 st : Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
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 29 November 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.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	<ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) 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 premises 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 on the premises, and (ii) all publicly accessible areas (other than toilets) within the premises. 2) The licensee must also: <ol 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.