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25 February 2022

Dear Mr Cusack

<b>Application No.</b>	APP-0008279373
<b>Applicant</b>	Urban Grocer at the Park Pty Ltd
<b>Application for</b>	Packaged liquor licence
<b>Licence name</b>	IGA Supermarket
<b>Premises</b>	Retail component, Pavilions 2 Figtree Drive, Sydney Olympic Park NSW 2127
<b>Trading hours</b>	Monday to Saturday 9:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
<b>Legislation</b>	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45 and 48 of the Liquor Act 2007

**Decision of the Independent Liquor & Gaming Authority  
Application for a packaged liquor licence – IGA Supermarket, Sydney Olympic Park**

The Independent Liquor & Gaming Authority considered the application above, and decided on 11 August 2021 to **approve** the application under section 45 of the *Liquor Act 2007*, 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 licence to trade from 8:00 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 9:00 am.

**Approved manager or individual licensee**

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

**Mixed-use checkouts must be closed outside licensed hours**

Pursuant to 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**

A statement of reasons for this decision is attached at the end of this letter.

If you have any questions, please contact the case manager, Danielle Hatton, at [danielle.hatton@liquorandgaming.nsw.gov.au](mailto:danielle.hatton@liquorandgaming.nsw.gov.au).

Yours faithfully

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

Philip Crawford

**Chairperson**

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

## STATEMENT OF REASONS

### DECISION

1. On 22 March 2021, Urban Grocer at the Park Pty Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence (“Licence”) for the premises at the Retail Component of the Pavilions at 2 Figtree Drive, Sydney Olympic Park (“Premises”).
2. The Authority considered the Application at its meeting on 11 August 2021 and decided to grant the Licence. under section 45 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.
4. A preliminary notification of this decision was sent to the Applicant on 20 September 2021, together with the licence document for the Premises.

### MATERIAL CONSIDERED BY THE AUTHORITY

5. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. In accordance with its *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
8. A list of the material considered by the Authority is set out in Schedule 2.

### LEGISLATIVE FRAMEWORK

9. 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:
  - a) section 3: Statutory objects of the Act and relevant considerations
  - b) sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold
  - c) sections 29-31: Specific provisions in respect of a packaged liquor licence
  - d) section 40: Minimum procedural requirements for a liquor licence application to be validly made
  - e) section 44: Submissions to the Authority in relation to licence applications
  - f) section 45: Criteria for granting a liquor licence, and
  - g) section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve an application for a licence 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.
10. An extract of these sections is set out in Schedule 3.
11. 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

12. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

## Validity, procedural and trading hour requirements

13. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 40 of the Act
- b) if the Licence were to be granted, liquor would be sold and supplied in a separate liquor sales area at the Premises, and in accordance with the authorisation conferred by a packaged liquor licence, as required by sections 29 and 30 of the Act, and
- c) section 31 of the Act does not apply to the Application as the Premises is not intended to operate as is contemplated by the section.

14. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements.

## Fit and proper person, responsible service of alcohol, and development consent requirements

15. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies
- b) practices would be in place from the commencement of licensed trading at the Premises to facilitate the responsible serving of alcohol, having regard to the plan of management documentation for the Premises and the conditions to be imposed on the Licence, and
- c) the requisite development consent is in force, based on the Development Application Consent DA 03-05-2021 in respect of the Premises, issued by Sydney Olympic Park Authority on 19 July 2021.

## Community impact

### *Local and broader communities*

16. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Sydney Olympic Park, and the relevant "broader community" comprises the Local Government Area ("LGA") of Parramatta. In defining the broader community, the Authority notes that in 2017, the Minister for Planning granted State Significant Consent SSD/7662 for the "Pavilions" development where the Premises is located and that as part of that State significant development, the local consent authority is the Sydney Olympic Park Authority ("SOPA"), rather than the city of Parramatta.

### *Licence density*

17. The Authority notes that, based on the 2016 census and compared to the NSW state average:

- a) Sydney Olympic Park and Parramatta have a **lower** saturation of packaged liquor licences
- b) Sydney Olympic Park and Parramatta have a **higher and lower** saturation respectively of licences authorised to sell packaged liquor
- c) Sydney Olympic Park and Parramatta have a **lower** clustering of packaged liquor licences, and
- a) Sydney Olympic Park and Parramatta have a **lower** clustering of licences authorised to sell packaged liquor.

18. The Authority also notes the limitations of the 2016 census data in relation to residential population and the statistics in relation to outlet clustering and saturation in the local community in view of the significant residential development that has taken place since 2016.

### ***Crime data***

19. The relevant BOCSAR data indicates that, in the year to July 2021:

- a) the Premises was located within hotspots for incidents of alcohol-related domestic assault and malicious damage to property, and
- b) Parramatta recorded **lower** rates of alcohol-related domestic and non-domestic assault, alcohol-related offensive conduct, and malicious damage to property compared to the NSW state average.

### ***Alcohol-related health data***

20. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Parramatta recorded a **lower** than average level of alcohol-attributable deaths for the period 2017 – 2018, and a **lower** than average level of alcohol-attributable hospitalisations for the period 2017/2018 – 2018/2019.

### ***SEIFA***

21. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Sydney Olympic Park and Parramatta were relatively advantaged compared to other suburbs and LGAs in NSW.

### ***Business model***

22. The Authority notes that the proposed business model involves a dedicated liquor sales area within a new "IGA" branded supermarket.

### ***Purported benefits***

23. The Authority has had regard to the Application's purported benefits, including that:

- a) the local and broader community has experienced significant growth over the last few years and that growth is expected to continue with the building and occupation of a large number of apartments, indicating that that demand for packaged liquor will likely increase
- b) there are currently no bricks-and-mortar packaged liquor licences in the area selling liquor for takeaway consumption
- c) the premises is not located in the immediate vicinity of the Sydney Olympic Park train station or stadiums or the "town centre" area of Sydney Olympic Park
- d) the premises may add to community amenity, providing increased choice to customers seeking to purchase packaged liquor by retail in a modern new supermarket, and
- e) customers who wish to purchase packaged liquor while shopping at the supermarket/shopping centre may benefit from "one stop shop" convenience, noting also that due to the relatively small liquor sales area, there is a limitation on the range available and shoppers might still prefer to purchase liquor elsewhere.

### ***Stakeholder submissions***

24. The Authority has had regard to the 19 public submissions objecting to the Application, including concerns that the Application, if granted:

- a) may encourage the repeat of past incidents of violence and anti-social behaviour at and surrounding Opal Towers and other apartment blocks in the local community involving guests staying in residences being let out for short-term rental via “Airbnb”
- b) may encourage and increase anti-social behaviour in the local community, including and possibly as a result of public drinking, possibly at the seating area outside the supermarket
- c) may present a safety concern, especially if trading late in the evening and/or before or after major events held in Sydney Olympic Park
- d) may have negative noise impacts for residents if trading late in the evening, particularly in light of its location underneath and close to a number of residential apartment buildings
- e) would not fulfill any community “need”
- f) would not be granted in line with the Authority’s procedural fairness obligations, since there may have been inadequate stakeholder consultation, including in relation to the community impact statement process,
- g) would be unacceptably close to preschools as well as arenas/stadiums hosting major events, and
- h) would be unacceptably close to the new COVID-19 vaccination hub.

25. The Authority has also had regard to the Applicant’s submission in response, particularly that:

- a) there were no objections to the application from any government agency
- b) the applicant consented to the imposition of an incident register as a licence condition to mitigate harm in relation to anti-social activity in or around the premises
- c) the applicant updated its plan of management to ensure as far as practicable that:
  - i. customers do not loiter in the immediate vicinity of the premises, including the seated areas
  - ii. noise and litter are controlled, particularly at night, and
  - iii. customers do not purchase liquor for immediate consumption in inappropriate outdoor courtyard areas or if intoxicated
- d) claims of incidents of violence and antisocial behaviour occurring in Opal Towers or Australia Towers, including those involving residences let out for short-term rental on websites such as “Airbnb,” must be weighed against the lack of other evidence of ongoing issues in the vicinity and that Police do not object to the Application
- e) the community consultation process (including the community impact statement process) was undertaken in accordance with requirements, with all necessary stakeholders and special interest groups notified
- f) the relevant consent for a supermarket with bottle shop was granted by SOPA in July 2021 satisfying all planning requirements under the *Sydney Olympic Park Authority Act 2001*, the objects of which are to ensure:
  - i. that Sydney Olympic Park becomes an active and vibrant centre within metropolitan Sydney
  - ii. that Sydney Olympic Park becomes a premium destination for cultural, entertainment, recreation and sporting events,

- iii. that any new development carried out accords with best practice accessibility standards and environmental and town planning standards, and
  - iv. the protection and enhancement of the natural heritage of the Millennium Parklands, and
- g) the Premises is not unacceptably close to preschool or any areas/stadiums hosting major events, and the COVID-19 vaccination hub was set up on a temporary basis after lodgement of the Application.

26. The Authority also notes that “need” for a licence or premises is no longer part of its decision-making criteria. The Authority also notes the two public submissions that expressed neutral views in relation to the Application and the 19 public submissions in support of the Application.

***Findings of concern***

27. Having regard to the relevant statistics and the submissions received, including the Applicant’s reply submissions, the Authority finds that Sydney Olympic Park has a licence density that is above state average and there are some alcohol-related health issues in the broader community. The Authority considers that, if the Licence is granted, there is a risk that the liquor sold from the Premises would, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues (including anti-social behaviour) in the local and broader communities.

***Mitigating factors***

28. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the:

- a) *Sydney Olympic Park 2030 Masterplan* (as reviewed in 2018), which indicates a rapidly growing residential and working population which is not represented in 2016 census figures for Sydney Olympic Park and which skews some statistics, for example, in relation to outlet clustering and density
- b) relatively small size of the area in which liquor will be sold or supplied
- c) relatively moderate licensed trading hours, which match the supermarket opening hours
- d) lower than average liquor licence density in the broader community
- e) fact that outlet saturation and outlet clustering of packaged liquor licences and licences authorised to sell packaged liquor in the broader community is lower compared to the NSW state average
- f) crime rates in the broader community for all offences normally considered by the Authority being lower than comparable NSW averages
- g) plan of management in respect of the Application, which was updated as a result of stakeholder and community consultation, and
- h) absence of any objections from agency stakeholders.

## CONCLUSION

29. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.
30. The Authority is also satisfied that the other legislative criteria for the granting of the Licence have been met.
31. Accordingly, the Authority has decided to grant the Licence under section 45 of the Act.



Philip Crawford

**Chairperson**

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

### **Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the Liquor & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.



## Schedule 1 – Licence conditions to be imposed IGA Supermarket

1. 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 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. Restricted trading & NYE (std)  
Retail sales

Good Friday	Not permitted
December 24 <sup>th</sup>	Normal trading Monday to Saturday 8:00 AM to 12 midnight Sunday
Christmas Day	Not permitted
December 31 <sup>st</sup>	Normal trading
3. 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 premises is to be operated at all times in accordance with the Plan of Management dated July 2021 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. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
  - 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:
    - (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:
      - (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.
  - 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 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. 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 11 August 2021 or any premises plan subsequently approved by the Authority.
8. Incident register
  - 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:
    - 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 *Liquor Act 2007*,
  - d. any incident that results in a patron of the premises requiring medical assistance.
- 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:
- a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and
  - b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.
- 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.
9. Licensee training must be completed no later than 6 months from the date of grant of the liquor licence.

## Schedule 2 – Material considered by the Authority IGA Supermarket

### Application material

1. ASIC business records extracted on 21 January 2021 in relation to the Applicant.
2. Completed application dated 22 March 2021.
3. Completed Category B Community Impact Statement dated 22 March 2021.
4. Plan of Management documents for the Premises, titled *Management Plan for the Operation of a Proposed Packaged Liquor Department to be located within an IGA Supermarket* and dated July 2021.
5. Completed certifications of advertising dated 20 and 21 July 2021.
6. Floor plan for the Premises (undated) indicating the proposed licensed area and liquor sales area.

### Development consent

7. Notice of determination issued by Sydney Olympic Park Authority on 19 July 2021, approving the development application DA 03-05-2021 for the Premises.

### Liquor & Gaming LiveData Report

8. L&GNSW Liquor & Gaming LiveData Report for the suburb of Sydney Olympic Park, generated on 8 July 2021 and using 2016 census data, which sets out that:

#### Outlet diversification

- a. There are 35 authorised liquor licences in Sydney Olympic Park. Of these, three are full hotel licences authorised to sell packaged liquor.

#### Outlet density (annual rate per 100,000 residents)

- b. saturation of packaged liquor store licences in Sydney Olympic Park (**0**) is **lower** compared to Parramatta LGA (**23.9**), and **lower** compared to NSW (**30.3**)
- c. saturation of licences authorised to sell packaged liquor in Sydney Olympic Park (**172.8**) is **higher** compared to Parramatta LGA (**41.1**), and **higher** compared to NSW (**75.8**)
- d. clustering of packaged liquor store licences in Sydney Olympic Park (**0**) is **lower** compared to Parramatta LGA (**2.9**), and **lower** compared to NSW (**3**)
- e. clustering of licences authorised to sell packaged liquor in Sydney Olympic Park (**3**) is **lower** compared to Parramatta LGA (**3.5**), and **lower** compared to NSW (**7.1**).

#### Offence data (annual rate per 100,000 residents)

In the year to March 2021:

- f. alcohol-related domestic assault in the Parramatta LGA (**77.4**) was lower compared to all NSW (**112.9**)
- g. alcohol-related non-domestic assault in the Parramatta LGA (**43.9**) was lower compared to all NSW (**89.9**)
- h. late-night alcohol-related non-domestic assault in the Parramatta LGA (**11.7**) was lower compared to all NSW (**24.9**)
- i. alcohol-related non-domestic serious assault in the Parramatta LGA (**13.6**) was lower compared to all NSW (**32.5**)
- j. alcohol-related offensive conduct in the Parramatta LGA (**9.3**) was lower compared to all NSW (**22.6**), and
- k. malicious damage to property in the Parramatta LGA (**446.7**) was lower compared to all NSW (**649.5**), noting that rates for Sydney Olympic Park are not recorded.

Alcohol-attributable hospitalisations & deaths (per 100,000 residents)

- l. In the period 2017/2018 the alcohol-attributable death rate in Parramatta (**14.6**) was lower compared to the average across all of NSW (**20**)
- m. In the period 2017/2018-2018/2019 the alcohol-attributable hospitalisation rate in Parramatta (**492.8**) was lower compared to the NSW average (**542.1**).

SEIFA

- n. According to the SEIFA Index of Relative Economic Advantage & Disadvantage, households in Sydney Olympic Park and Parramatta are socio-economically advantaged (**Top 7%** and **Top 15%** of NSW households respectively, in terms of household income and residents in skilled occupations).

**Stakeholder submissions**

- 9. Submission from Annie Shu dated 27 December 2020 and 2 April 2021
- 10. Submission from Perry Wong dated 29 December 2020, 1 April and 17 April 2021
- 11. Submission from Jenna Yoon dated 29 December 2020 and 30 March 2021
- 12. Submission from Maggie Chan 30 December 2020
- 13. Submission from Freddie Wong dated 2 January 2021 and 1 April 2021
- 14. Submission from Thilini G dated 12 January 2021
- 15. Submission from Transport for NSW dated 18 January 2021
- 16. Submission from Mr Mark Kunnen dated 4 January 2021 and 29 June 2021, and related complaint and correspondence from Mr Kunnen dated 20 and 22 April 2021, 4 and 14 June 2021 and 20 July 2021
- 17. Submission from Wali Rashid dated 30 March 2021
- 18. Submission from Hamish Fraser dated 1 April 2021
- 19. Submission from Yummii Nguyen dated 1 April 2021
- 20. Submission from Erin Turner dated 1 April 2021
- 21. Submission from Jingjie Zhou dated 1 April 2021
- 22. Submission from Iris Wong dated 1 April 2021
- 23. Submission from Harleen Kaur dated 2 April 2021
- 24. Submission from Janice Wunderlich dated 3 April 2021
- 25. Submission from Katrina Aro dated 4 April 2021
- 26. Submission from Luke Magee dated 4 April 2021
- 27. Submission from Matthew Edwards dated 8 April 2021
- 28. Submission from Paul Turner dated 15 April 2021
- 29. Submission from Tomasz Pospiechny dated 20 April 2021
- 30. Submission from Robert Wikaira dated 20 April 2021
- 31. Submission from Kieron Ashwood dated 20 April 2021
- 32. Submission from Michele Buckland dated 20 April 2021
- 33. Submission from Jarryd Coulcher dated 20 April 2021
- 34. Submission from Steve Shaw dated 20 April 2021
- 35. Submission from Madaline Ryan dated 20 April 2021
- 36. Submission from Sonie Shaw dated 20 April 2021
- 37. Submission from Tingyi Wei dated 20 April 2021
- 38. Submission from Caitlin Scarr dated 20 April 2021
- 39. Submission from Kasturi Kalidasan dated 20 April 2021

40. Submission from Harshwardhan Pandhare dated 21 April 2021
41. Submission from Lisa Bender dated 21 April 2021
42. Submission from Renee Reeve dated 23 April 2021
43. Submission from Kyrillos Kyrillos dated 25 April 2021
44. Submission from NSW Police dated 7 June 2021.
45. Submission from L&GNSW Compliance dated 2 June 2021

**Other relevant information**

46. Correspondence between L&GNSW staff and the Applicant between 7 April and 28 July 2021 in relation to the assessment of the Application, including undated documents titled:
  - a. "Additional Information – Application and Community Impact Statement"
  - b. "Additional Information – 6 Hour Closure Period"
  - c. "Submission in Response to Assessment of Application"
47. Google map images extracted from the Google website in 2021, showing the location and photos of the Premises in map view.

## Schedule 3 – Relevant extracts from the *Liquor Act 2007*

### IGA Supermarket

#### 3 Objects of Act

- (1) The objects of this Act are as follows:
  - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
  - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
  - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
  - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
  - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
  - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

#### 11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
  - (a) any licence granted on or after 30 October 2008, and
  - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (the 6-hour closure period).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
  - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the Liquor Legislation Amendment Act 2008) commenced, or
  - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
  - (a) the period as last approved by the Authority, or
  - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
  - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
  - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).
- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

## 12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the **standard trading period** means—
- (a) for any day of the week other than a Sunday—
    - (i) the period from 5 am to midnight, or
    - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
  - (b) for a Sunday—
    - (i) the period from 10 am to 10 pm, or
    - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

### Note—

Small bars are subject to the 6-hour closure period under section 11A.

- (1B) Despite subsection (1)(b), the **standard trading period** for premises to which this subsection applies ends at midnight on a Sunday that falls on 24 or 31 December.
- (1C) Subsection (1B) applies to the following premises or part of premises—
- (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
  - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
  - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may—
- (a) apply to a specified class of licensed premises, and
  - (b) apply in relation to a specified day or days, and
  - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2)(a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

## 29 Authorisation conferred by packaged liquor licence

- (1) **Retail sales** A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only—
- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
  - (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to midnight on that day.
- (2) **No retail trading on restricted trading days** Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.
- (3) **Selling liquor by wholesale or to employees** A packaged liquor licence also authorises the licensee—
- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
  - (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.
- (3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

- (a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and
  - (b) on any other day—after midnight.
- (4) **Tastings** A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

### 30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

### 31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that—
  - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
  - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section—

**general store** means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

**service station** means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

**take-away food shop** means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

### 40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
  - (a) an individual, or
  - (b) a corporation, or
  - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the Registered Clubs Act 1976.
- (3) An application for a licence may not be made by:
  - (a) an individual who is under the age of 18 years, or
  - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
  - (c) an individual who is a controlled member of a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012.

**Note.** Controlled members are prohibited from applying for licences—see section 27 of the Crimes (Criminal Organisations Control) Act 2012.

- (4) An application for a licence must:
  - (a) be in the form and manner approved by the Authority, and
  - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
  - (c) be advertised in accordance with the regulations, and
  - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

**Note.** See also section 48 which requires a community impact statement to be provided with certain licence applications.



- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

#### **44 Submissions to Authority in relation to licence applications**

- (1) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for a licence.
- (2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the licence.

#### **45 Decision of Authority in relation to licence applications**

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
  - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
  - (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
  - (c) if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

**Note.** Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
  - (a) that the person:
    - (i) is a member of, or
    - (ii) is a close associate of, or
    - (iii) regularly associates with one or more members of,a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012, and
  - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:
  - (a) is of good repute, having regard to character, honesty and integrity, and
  - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

#### **48 Community impact**

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
  - (a) the views of the local community, and
  - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.

(2) In this section:

**relevant application** means any of the following:

- (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
- (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
- (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
- (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
- (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
- (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
- (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).

(3) A relevant application must be accompanied by a community impact statement.

...

(4) The community impact statement must:

- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
- (b) be in the form approved by the Authority.

(5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:

- (a) the community impact statement provided with the application, and
- (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, and
- (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),

that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.

(6) The regulations may make provision for or with respect to the following:

- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
- (b) the matters to be addressed by a community impact statement,
- (c) the information to be provided in a community impact statement,
- (d) the criteria for determining the local and broader community for the purposes of a relevant application,
- (e) any other matter relating to the preparation and content of a community impact statement.

(7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.