



Mr Lachlan Archer
JDK Legal

By email to: l.archer@jdklegal.com.au

12 October 2023

Dear Mr Archer

| | |
|-------------------------|--|
| Application No. | APP-0011718141 |
| Applicant | Adam Joseph Iskowicz |
| Application for | New packaged liquor licence |
| Application date | 13 July 2023 |
| Decision date | 20 September 2023 |
| Licence name | DNA Liquor |
| Trading hours | Monday to Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 06:00 PM |
| Premises | Shop 5, 18-24 Adelphi St Rouse Hill NSW 2155 |
| Legislation | Sections 3, 11, 12, 29, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i> |

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – DNA Liquor**

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

Trading on a Sunday that falls on 24 December

If a Sunday 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. Under the 6-hour closure period for the current licence, the premises must not trade earlier than 9:00 am.

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, Andy Whitehead, at Andrew.Whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

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 the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Rouse Hill. The broader community is the Local Government Area (LGA) of The Hills.

Positive social impacts

The applicant seeks approval to operate a 'standalone' bottle shop in a shopping centre known as the Village Centre in the suburb of Rouse Hill.

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

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- higher crime rates in Rouse Hill for the offences of alcohol-related non-domestic assault and malicious damage to property compared to NSW
- premises being located in high-density hotspots for the offences of alcohol-related assault and malicious damage to property, and medium-density hotspots for both domestic and non-domestic assault within The Hills LGA
- higher saturation of packaged liquor and producer/wholesaler licences in The Hills LGA compared to NSW average.

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

- lower crime rates in Rouse Hills for alcohol-related domestic assault and alcohol-related offensive conduct compared to NSW
- lower crime rates in The Hills for all offences usually considered by the Authority compared to NSW
- lower saturation of all licence types authorised to sell packaged liquor in The Hills LGA than in NSW
- indication that both Rouse Hill and The Hills LGA are amongst the most advantaged communities in NSW
- lower rates in The Hills LGA of alcohol-attributable hospitalisations and alcohol-attributable deaths compared to NSW
- 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
- stakeholder submissions and the applicant's response 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
DNA Liquor**

| 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 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 | <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 well-being 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 the licence. |
| 4. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated 6 July 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. | Local Liquor accord | The licensee or its representative must join and be an active participant in the local liquor accord. |
| 6. | CCTV | <p>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) 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 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: <ul 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. <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 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. |

| No. | Condition to be imposed | Description |
|------------|--|--|
| 7. | Restricted trading on public holidays | The sale and supply of liquor at the licensed premises must not commence before 10:00 AM and must cease by 06:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours. |