

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/062305

Mr Lester Lim  
Brighton Lawyers

4 October 2025

Dear Mr Lim

Application No.	APP-0014888361
Applicant	XYA PTY LTD
Application for	New packaged liquor licence
Application date	26 May 2025
Decision date	17 September 2025
Proposed licence name	Lokka Supermarket
Proposed trading hours	Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Proposed premises	Shop G.02 6 Tingwell Boulevard Eastgardens NSW 2036
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45, 48, 53 and 114 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a new packaged liquor licence – Lokka Supermarket

We **approve** the application above under section 45 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

## Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will not be detrimental to the wellbeing of the local or broader community

### Our main findings

The local community for the purposes of this decision is the suburb of Eastgardens. The broader community is the Local Government Area (LGA) of Bayside.

The applicant seeks to operate a packaged liquor licence within an existing Asian supermarket in Eastgardens.

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

### *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:

- crime hotspots – the premises are located in high-density hotspots within the suburb has a for domestic assault, non-domestic assault and malicious damage to property and a low-density hotspot for alcohol-related assault
- crime rates – the incident rate of malicious damage to property are higher in the suburb than in NSW, however the incident rate of alcohol-related domestic assault, alcohol-related non-domestic assault and alcohol-related disorderly conduct are lower in the suburb than in NSW and all crime categories we considered are lower in the LGA than in NSW
- licence saturation – the rate of packaged liquor licences is higher in the suburb and LGA than in NSW, however two of the current five packaged liquor licences are delivery only business models.

We considered submissions from:

- NSW Police – the submission outlined concerns that the high saturation of packaged liquor licences in the LGA may have a detrimental social impact by causing an increase in alcohol related domestic violence and alcohol related non-domestic violence assault rates. Therefore, a ‘no refrigerated products’ condition was requested. The applicant objected to the proposed condition, instead proposing an alternative refrigerated liquor products condition to only sell refrigerated liquor products from the licensed premises with an alcohol volume of 20% or less. We determined neither condition was necessary.

The factors below weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW<sup>1</sup>
- the proposed liquor sales area is small and will not offer same day delivery

---

<sup>1</sup> Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024)).

- the rate of alcohol-attributed hospitalisations and deaths is lower in the LGA than in NSW
- the 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
- the legislation
- a Statement of Risks and Potential Effects
- certificate of advertising
- 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
- licence saturation map
- L&GNSW compliance materials
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely overall impact to the local and broader community and [Guideline 10](#) relating to the sale of liquor in supermarkets.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **Opportunity for review**

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after the decision is published on the 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 Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**NSW Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Lokka Supermarket

No.	Condition to be imposed	Description
1.	6-hour closure	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 <b>04:00 AM and 10:00 AM</b> 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 <sup>th</sup> : Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day: Not permitted December 31 <sup>st</sup> : Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
3.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining the licence.
4.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>2 July 2025</b> 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.	CCTV	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close,</li> <li>b. recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>i. all entry and exit points to the supermarket/specialty store, and</li> <li>ii. all publicly accessible areas (other than toilets) within the liquor sales area.</li> </ol> </li> </ol> </li> <li>2. The licensee must also: <ol style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>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</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>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</li> </ul>
6.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	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 September 2025 or any premises plan subsequently approved by the Authority.
8.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.
9.	Specialised Liquor Products	<ol style="list-style-type: none"> <li>1. The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"): <ul style="list-style-type: none"> <li>a. Liquor products produced in Singapore, Malaysia, Philippines, India, Indonesia, Thailand, China, South Korea, and Japan, or</li> <li>b. Liquor products produced in Australia if the products (due to their nature or appearance), would be considered by customers to be Asian liquor products</li> </ul> </li> <li>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.</li> <li>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 &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</li> </ol>