

NSW Independent Liquor & Gaming Authority

Our ref: DF26/031978

Mr Grant Cusack

Hatzis Cusack Lawyers

1 July 2026

Dear Mr Cusack

Application No.	APP-0016081705
Applicant	KMALL 09 CBD PTY LTD
Application for	New packaged liquor licence
Application date	10 March 2026
Decision date	17 June 2026
Proposed licence name	KMALL 09 CBD Supermarket
Proposed trading hours	Monday to Thursday 08:00 AM – 10:00 PM Friday to Saturday 08:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM
Proposed premises	Shop 16, 537-551 George Street Sydney NSW 2000
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45, 47B, 72I, 114 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new packaged liquor licence – KMALL 09 CBD Supermarket

We **approve** the application above under sections 45 and 72I 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.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is 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.

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Mixed-use checkouts must be closed outside licensed hours

Under 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

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 Sydney. The broader community is the Local Government Area (**LGA**) of Sydney.

The applicant sought approval to operate a packaged liquor licence from a liquor sales area within an Asian supermarket located in the Sydney CBD. The proposal includes primarily Asian liquor products, with trading aligned to supermarket hours and a variation to the standard hours to permit an 8am opening. The premises are located in the basement of a refurbished Meriton tower comprising 428 serviced apartments, forming part of a mixed-use development. The applicant confirmed compliance with planning requirements under a Complying Development Certificate. Same-day delivery will also be available, supported by a plan of management addressing harm minimisation measures and on-site security.

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:

- high-density crime hotspots in the suburb for all categories we considered
- incidence of all crime categories examined being higher in the suburb and LGA than the rate for NSW
- higher saturation of packaged liquor licences and total outlet density in the suburb and LGA than the rate for NSW¹²³
- incidence of alcohol-attributed hospitalisations in the LGA being higher than the rate for NSW.

We considered the following objections:

- City of Sydney Council (**Council**) partially objected to the application due to trading hours. No approval for the proposed supermarket use was identified, making the application premature. The site was zoned SP5, allowing trading from 6am to 10pm, and the proposed 11pm closing time exceeded this limit. Council indicated it would support the application if a Complying Development Certificate (**CDC**) was issued and trading hours were reduced to 10pm.

¹ High levels of outlet-density have been shown to be positively associated with higher levels of alcohol-related harm, including alcohol-related domestic and non-domestic assaults (Livingston et al., 2016; Jiang et al., 2023).

² High levels of packaged liquor outlet-density have been shown to be positively associated with higher rates of alcohol-attributable morbidity and mortality (Morrison et al., 2016).

³ Extension of packaged liquor outlet trading hours later at night has been shown to be associated with higher rates of domestic violence (Wang, Fung & Poynton, 2022).

The CDC has now been issued, satisfying Council's requirement. However, the previously approved 24-hour trading (Monday to Sunday) continues to apply from a planning perspective, which permits the grant of 11pm trading on Fridays and Saturdays.

- A local resident objected to the application due to the proximity of existing liquor outlets, concerns about anti-social behaviour, and the potential impact of increased access to alcohol on residents.

The applicant responded that the licence would be subject to a specialised liquor products condition, that police had not raised concerns about alcohol-related issues, and nearby liquor stores are not subject to such conditions.

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

- no objections were received from NSW Police
- Socio-Economic Indexes for Areas (**SEIFA**) data, which combine Census data such as income, education, employment, occupation, housing and family structure to summarise the socio-economic characteristics of an area, indicate that the suburb and the LGA exhibit an above average level of socio-economic advantage (and disadvantage) compared with other communities across NSW⁴
- the incidence of alcohol-attributed deaths being lower in the LGA than the rate for NSW
- the small scale of the proposed liquor sales area
- the proposed premises are located at the basement level of a retail centre with no direct street access
- both the suburb and the LGA are significant tourist destinations, attracting local, state, national and international visitors, which increase the area's population beyond the local residential base. This additional visitation may skew both crime and licence saturation statistics
- the harm minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1, which may mitigate the risk of alcohol-related harm.

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
- the certificate of advertising
- the Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations
- the plan of management for the licensed business
- the 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

⁴ 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. (2023)).

- 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](#) to assess the sale of liquor in a supermarket.

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 if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

NSW Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - KMALL 09 CBD 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 2:00 AM and 08:00 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 AM midnight Sunday Christmas Day: Not permitted December 31 st : Normal trading
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 accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated February 2026 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.
6.	CCTV	- The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: - the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close, - recordings must be in digital format and at a minimum of ten (10) frames per second, - any recorded image must specify the time and date of the recorded image, - the system's cameras must cover the following areas: - all entry and exit points to the supermarket/specialty store, and - all publicly accessible areas (other than toilets) within the liquor sales area. - The licensee must also:

No.	Condition to be imposed	Description
		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.
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 June 2026 or any premises plan subsequently approved by the Authority.
8.	Crime scene preservation	Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must: 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.
9.	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,

No.	Condition to be imposed	Description
		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.
10.	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 South Korea, Japan, China, Thailand, Vietnam, Indonesia, India, Nepal, Bhutan, Taiwan, Singapore, Malaysia, the Philippines, Myanmar, Mongolia and Russia (east of the Ural Mountains). 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 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.