

**Submission  
No 778**

## **SYDNEY'S NIGHT TIME ECONOMY**

**Organisation:** Romeo's Retail Group

**Date Received:** 8 July 2019

# HATZIS CUSACK LAWYERS

## *Liquor & Gaming Specialists*

Our Ref: GC:HCM:03796  
Your Ref:

8 July 2019

The Committee Members  
Joint Selective Committee – Sydney's Night Time Economy

**By email: [nighttimeeconomy@parliament.nsw.gov.au](mailto:nighttimeeconomy@parliament.nsw.gov.au)**

Dear Committee Members,

**RE: SUBMISSION ON BEHALF OF ROMEO'S RETAIL GROUP RELATING TO ROMEO'S IGA FOODHALL SUPERMARKET, RETAIL PRECINCT, MLC CENTRE, 19 MARTIN PLACE (SITE ON PARCEL OF LAND BOUNDED BY MARTIN PLACE, CASTLEREAGH & AND PARK STREETS), SYDNEY CITY CBD**

We act for Romeo's Retail Group which operates numerous supermarkets in NSW and South Australia, including Romeo's IGA Food Hall Supermarket in the basement level of the retail precinct of the MLC Centre in Sydney CBD.

Our client's supermarket in the MLC Centre commenced trading in late 2015. However, as a result of the freeze that has been in place since 2014, our client has not been able to apply for a packaged liquor licence to allow the sale of packaged liquor from its supermarket.

It is requested that the Committee give consideration to recommending that the freeze provisions of the Liquor Act 2007 be amended so as to allow a packaged liquor licence to be applied for in relation to a supermarket in Sydney CBD, such as that operated by our client.

Set out below is various material in support of our request.

### **1. The Initial Introduction of the Freeze and the Subsequent Callinan Review**

- 1.1 In January 2014 the NSW Parliament passed the Liquor Amendment Bill 2014 implementing a package of new reforms to tackle alcohol-related violence.
- 1.2 The Bill declared the "Sydney CBD Entertainment Precinct", and created a freeze on certain new licences and approvals for premises in the Precinct, including applications for packaged liquor licences.
- 1.3 As a result of the reforms, since 2014 it has not been possible to apply for the new grant of a packaged liquor licence in the Precinct including a licence to apply to a supermarket.

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- 1.4 In 2016 the Government appointed the Hon. Ian Callinan AC to review the effectiveness of the 1.30 am lockouts, 3.00 am cessation of liquor sales and 10.00 pm takeaway liquor laws.
- 1.5 Mr Callinan subsequently provided a report to the Government.
- 1.6 Whilst there were no changes to the freeze provisions concerning packaged liquor licences as a result of the review, the lockdown laws were relaxed in a number of respects including that the hours for takeaway liquor were extended from 10.00 pm to 11.00 pm across the State.
- 1.7 In relation to his review concerning the sale of takeaway liquor, Mr Callinan found as follows:

*“The sale of takeaway alcohol, whether before or after 10.00pm, makes little or no contribution to violence and anti-social behaviour in the Precincts, even less so when it is home delivered. Extension of the hours of sale of takeaway alcohol at licensed premises could be extended to 11.00pm, and of home delivered liquor to midnight. In some regional areas, hotels do make a contribution to the social life of the district by sponsoring sport and other community activities. In some places, hotels are the only venues for night time entertainment.”*

- 1.8 Mr Callinan’s findings – which were arrived at after a thorough examination of the situation in the Sydney CBD Entertainment and Kings Cross Precincts – support the proposition that the sale of packaged liquor is unlikely to appreciably contribute to rates of crime and anti-social behaviour.

## **2. Romeo’s Retail Group**

- 2.1 The Romeo’s Retail Group (Romeo’s Group) is operated by the Romeo Family.
- 2.2 The Group currently operates numerous supermarkets in NSW and South Australia. In 2015, the Group’s founders, Tony and Elizabeth Romeo, were inducted into the IGA Hall of Fame.
- 2.3 Many of its supermarkets operate as Romeo’s IGA Food Hall. The Romeo’s IGA Food Hall Supermarket comprises a traditional IGA offering together with a number of additional departments and products.
- 2.4 The Group has a proven track record of operating its supermarkets, including those the subject of a packaged liquor licence, responsibly and in accordance with all requirements.

## **3. About Romeo’s IGA Food Hall Supermarket - MLC**

- 3.1 The MLC Centre is located at 19 Martin Place, Sydney and on a parcel of land bounded by Martin Place, Castlereagh Street, and Park Street. In addition to housing a multi-storey office tower, the Centre also includes a retail precinct including a food court,



various fashion stores, various retail stores and other commercial shops, and a restaurant precinct.

- 3.2 Situated within the basement level of the retail precinct and only accessible by escalators, is the Romeo's IGA Food Hall (Romeo's MLC).
- 3.3 Romeo's MLC was fitted out at a considerable cost and commenced trading in late 2015.
- 3.4 The Supermarket occupies an area of some 1118sqm with trading floor area of 800sqm and provides the following departments:
  - Full dairy range
  - Frozen food section
  - Fresh fruit and vegetables section
  - Service to delicatessen
  - Self-serve meat section
  - General grocery area
  - Beauty products department
  - Cheese section
  - Bakery section
  - Gourmet foods section.
- 3.5 The current trading hours of the Supermarket are as follows:
  - Monday to Friday – 6.00 am until 10.00 pm.
  - Saturday – 6.00 am until 9.00 pm.
  - Sunday – trading hours vary.
- 3.6 Attached are some photos depicting the facilities at Romeo's MLC.
- 3.7 Romeo's MLC is located in the north western section of Sydney CBD. The Supermarket receives custom from persons working in that section of the CBD in which the MLC Centre is located, residents of that part of the CBD, and visitors to the Sydney CBD including persons staying in various accommodation premises in the area.
- 3.8 Romeo's MLC is the only Supermarket servicing the north-western section of the Sydney CBD. The nearest supermarkets are the Woolworths Metro Pitt Street Mall



(400 George Street) Coles Supermarket (Wynyard Station concourse) and the Woolworths Supermarket (Met Centre north of Wynyard Station).

- 3.9 Further, there are no liquor stores operating within the MLC Centre with the nearest liquor store being the “Bottle Shop” forming part of the Ivy development at 1 Palings Lane.

#### **4. The Proposed Packaged Liquor Department**

- 4.1 The Romeo’s Group would like to apply for a packaged liquor licence in relation to a small defined area of Romeo’s MLC. The proposal would be as follows:

- Location – the liquor department would comprise a defined area located in the bowels of the Supermarket away from the entry point to the Supermarket which is via an escalator. The liquor department would not be visible to persons from outside the Supermarket. That reduces the likelihood of liquor being purchased for immediate consumption.
- Scale – it is proposed that the liquor department would comprise an area of less than 60sqm. That is much smaller than a typical liquor store associated with a supermarket. For example, a typical BWS Store associated with a Woolworths Supermarket usually comprises an area of some 200sqm.
- Adequately defined – the liquor department would be defined on all sides with a single entry/exit point. The manner of definition will comply with Guideline 10 issued by the Independent Liquor and Gaming Authority.
- Hours – it is proposed that the hours to be imposed on the licence will be within the standard hours prescribed by the Liquor Act and be from 9.00 am until 9.00 pm Mondays to Fridays, 9.00 am until 8.00 pm Saturdays, and 10.00 am until 8.00 pm on Sundays.
- Products – a range of mainstream liquors would be carried together with various craft, premium, and boutique liquor products. There would be an emphasis on the provision of wines with the majority of products stocked being wines.
- Conditions – it is proposed that various conditions be imposed on the licence including requiring that: the premises be operated in accordance with a detailed and comprehensive Plan of Management; a CCTV system be installed with coverage of all public areas of the liquor department including entry and exit points; the operator join and be an active participant in the Sydney City Liquor Accord; and requiring definition of the packaged liquor facility in accordance with the Guideline.
- No advertising of liquor specials within the MLC Centre and outside of the Supermarket – it is not proposed that there will be any advertising of liquor specials within the MLC Centre outside of the Supermarket. As such, persons would not be drawn to the facility as a result of advertised of liquor specials on the exterior of the MLC Centre building.

## **5. Public Benefits that will flow from the provision of a Small Packaged Liquor Department**

- 5.1 The granting of an application for a packaged liquor licence so as to allow a packaged liquor department to be provided at Romeo's MLC would result in various positive public benefits, and be in accordance with the expectations, needs and aspirations of the local and broader community (Section 3 Liquor Act 2007). Those public benefits include:

### *Convenience/One-Stop Shopping*

- (i) The provision of a liquor department within the Supermarket is necessary if it is to offer the time/savings benefit of on-stop shopping to customers. The public has come to expect to be able to purchase liquor products in conjunction with other grocery items and the granting of this application would afford customers of the Supermarket that very substantial convenience.
- (ii) The convenience of one-stop shopping is a convenience which the vast majority of supermarket shoppers at various other supermarkets have enjoyed for many years, the convenience which all members of the public have come to demand or expect. Indeed, the availability of liquor in grocery stores is commonplace in NSW. The regulation of sale of alcohol is required to be carried out in the manner in which is consistent with the expectations, needs and aspirations of the community: section 3(1)(a) Liquor Act 2007. The public expectation of being able to buy liquor in conjunction with their grocery shopping must therefore be afforded considerable weight.
- (iii) The Authority has acknowledged this when granting numerous applications for packaged liquor licences associated with supermarkets in NSW.

### *Need*

- (iv) At present there is not a packaged liquor facility operating within the MLC Centre or nearby.
- (v) Customers of Romeo's IGA Food Hall comprise: employers and employees of various businesses situated within the north western section of Sydney CBD; residents of that part of the city; visitors to that part of the city including from interstate, intrastate and overseas, including those staying at various accommodation facilities in the area.
- (vi) Regular requests are received from customers of the Supermarket as to whether liquor products are available for purchase.



*Choice and introduction of new product lines*

- (vii) In addition to various mainstream products it is proposed that a range of craft, boutique and premium liquor products will be sold. The majority of products sold will be wines.
- (viii) As such, the establishing of a packaged liquor department would result in additional choice for persons who frequent the area and have to travel a considerable distance to existing liquor stores which are some distance away.

**6. The Suggested Action to be Taken**

- 6.1 The proposal by our client to sell packaged liquor in conjunction with groceries and other products in the circumstances outlined above (ie in a small defined liquor department wholly within a major supermarket), is most unlikely to result in any adverse liquor-related impacts including liquor-related violence or anti-social behaviour.
- 6.2 Moreover, the provisions of a liquor department within the Supermarket will result in various positive public benefits as outlined above.
- 6.3 In his report relating to a review of the amendments to the Liquor Act 2007, and after a thorough examination of the situation in the Sydney Entertainment and Kings Cross Precincts, the Hon. Ian Callinan AC found that the sale of takeaway alcohol, whether before or after 10.00 pm, makes little or no contribution to violence and anti-social behaviour in the Precincts.
- 6.4 Given that the proposal is for a packaged liquor licence in relation to an existing Supermarket which will predominantly be used by existing customers of the Supermarket, there is even less reason for any apprehension that the provision of a liquor department would lead to higher levels of crime and/or anti-social behaviour.
- 6.5 As such, it is sought that there be a carve-out from the current freeze requirements so as to allow a packaged liquor licence to be granted for premises that are situated within the Sydney CBD Entertainment Precinct. That carve-out could be such so as only to apply to a packaged liquor licence that will:
  - Apply to a defined section wholly within a supermarket.
  - Where the supermarket has a retail floor area of not less than 700sqm.
  - Where the defined liquor department is to comprise an area of less than 60sqm.
  - Where the liquor department only will operate at those times that the supermarket is also operating.



Should you have any queries please do not hesitate to contact our office.

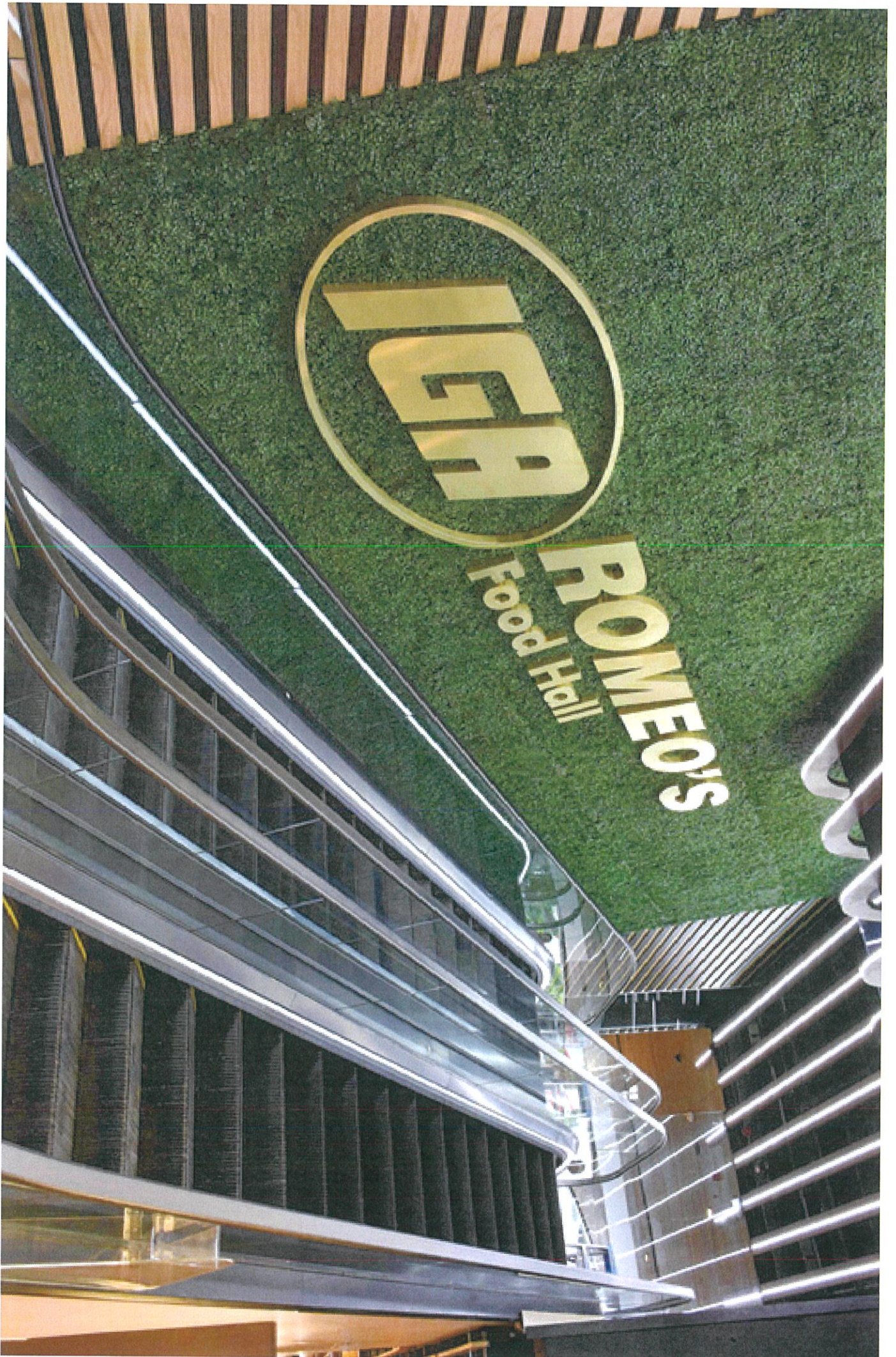
Yours faithfully,

A handwritten signature in black ink, appearing to be 'G. Cusack', with a stylized flourish at the end.

**Grant Cusack**  
**Solicitor – Director**











BREAD

FRESH PRODUCE

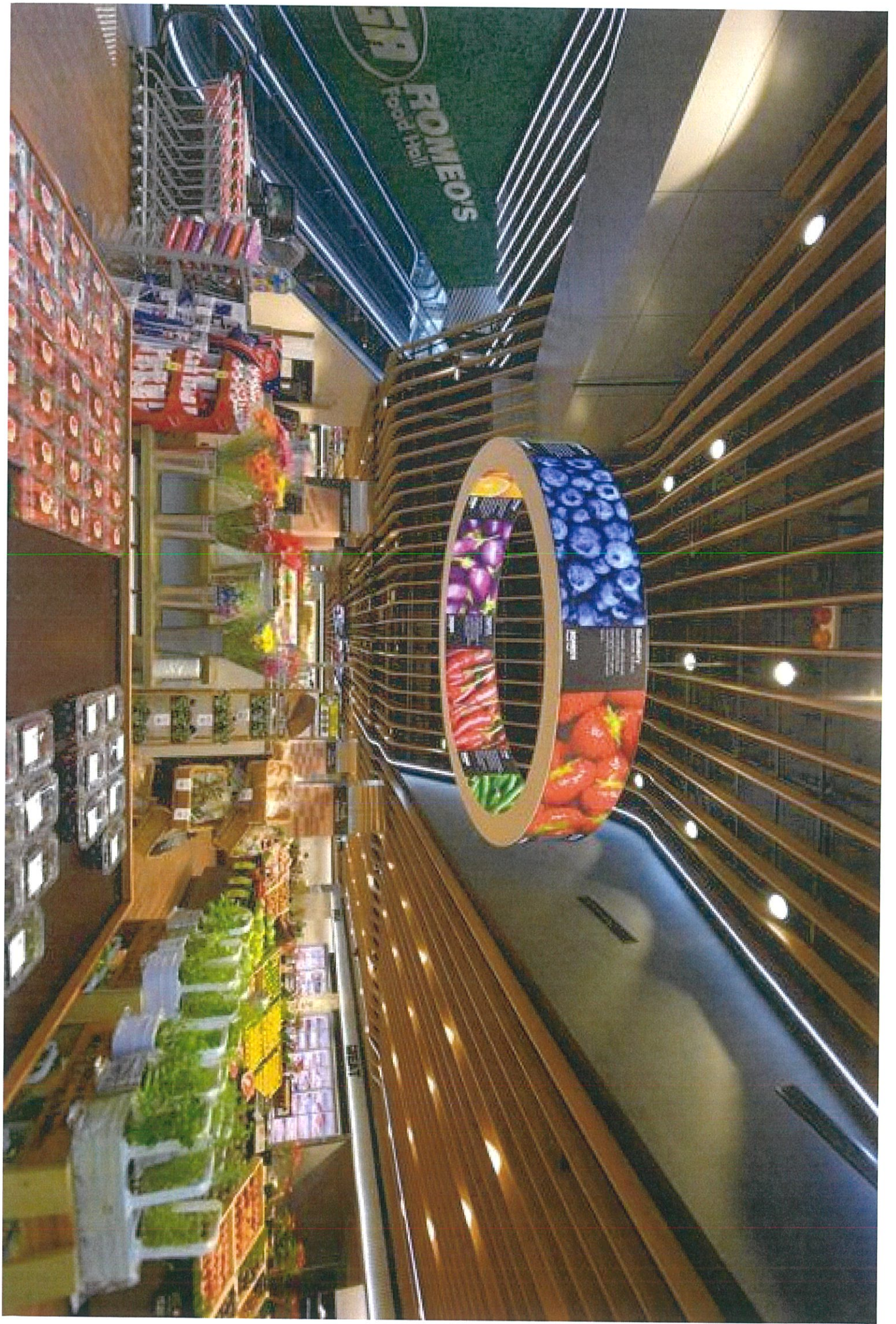
*Fresh*  
FRUIT

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# FRESH FRUIT AND VEG

