

NSW Independent Liquor & Gaming Authority

Our ref: DF24/010212

Mr Grant Cusack
Hatzis Cusack Lawyers

7 June 2024

Dear Mr Cusack

| | |
|------------------|---|
| Application No. | APP-0012779626 |
| Applicant | Justin Lee Hutchesson |
| Application for | Packaged liquor licence |
| Application date | 21 February 2024 |
| Decision date | 15 May 2024 |
| Licence name | Cardiff South Cellars |
| Trading hours | Monday to Thursday 09:00 AM – 08:00 PM Friday and Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM |
| Premises | Shop 7 15 Gertrude Street Cardiff South NSW 2285 |
| Legislation | Sections 3, 11A, 12, 29, 40, 44, 45, 48, 114, and 123 of the <i>Liquor Act 2007</i> |

Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Cardiff South Cellars

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

Statement of reasons

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, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Cardiff South. The broader community is the Local Government Area (LGA) of Lake Macquarie.

Positive social impacts

The applicant seeks to operate a standalone packaged liquor store in a suburb with no current liquor licences.

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:

- medium-density hotspot in the suburb for domestic assault and low-density hotspot in the suburb for malicious damage
- higher rate of alcohol-attributable deaths in the LGA compared to NSW
- higher proportion of the population who are identified as a vulnerable community in the suburb and LGA compared to NSW

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

- suburb not having any other packaged liquor outlets
- reduced trading hours
- lower crime rates in the suburb compared to NSW for alcohol-related domestic assault and malicious damage and lower crime rates in the LGA compared to NSW for all offence categories we considered
- lower rate of alcohol-attributable hospitalisations in the LGA compared to NSW
- indication of an average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW
- experienced operator with no past adverse incidents
- 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 to them.

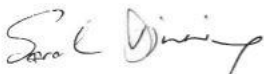
We also considered Guideline 6 to assess the likely social impact to the local and broader community.

This decision will be published on the [ILGA website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Sophie Cartwright, at Liquor & Gaming NSW if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Dinning'.

Sarah Dinning

Deputy Chairperson

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

Schedule 1: Licence conditions to be imposed - Cardiff South Cellars

| 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 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 | <p>Retail sales</p> <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 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. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated March 2024 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. | 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> <p>a. the system must record continuously from opening time until one hour after the premises is required to close,</p> <p>b. recordings must be in digital format and at a minimum of ten (10) frames per second,</p> <p>c. any recorded image must specify the time and date of the recorded image,</p> |

| No. | Condition to be imposed | Description |
|-----|-------------------------|--|
| | | <ul style="list-style-type: none"> 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. 2. The licensee must also: <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 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. |