

NSW Independent Liquor & Gaming Authority

Our ref: DF24/014009

Mr Grant Cusack
Hatzis Cusack Lawyers

7 July 2024

Dear Mr Cusack

Application No.	APP-0012805473
Applicant	MID HILL INTERNATIONAL PTY LTD
Application for	New packaged liquor licence
Application date	8 March 2024
Decision date	19 June 2024
Licence name	FoodWorks Charlotte Bay
Trading hours	Monday to Wednesday 10:00 AM – 08:00 PM Thursday and Friday 10:00 AM – 09:00 PM Saturday and Sunday 10:00 AM – 08:00 PM
Premises	203 Charlotte Bay Street Charlotte Bay NSW 2428
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 114 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – FoodWorks Charlotte Bay

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.

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.

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

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 Charlotte Bay. The broader community is the Local Government Area (LGA) of Mid-Coast.

Positive social impacts

The application is for a dedicated liquor sales area within an existing FoodWorks Supermarket.

Notwithstanding with NSW Police objection in relation to the licence density and crime rates in the general area, the proposed premises is in the Charlotte Bay area with a very small population, therefore, 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:

- crime rates being higher in the LGA than in NSW for all offence categories we considered
- alcohol-related deaths in the LGA being higher than the NSW average.

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

- absence of crime density hotspots in the suburb for all categories we considered
- indication of an average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW
- rare incidents of alcohol-related domestic and non-domestic assault
- fact that there have been no incidents of malicious damage to property and alcohol-related disorderly conduct reported
- alcohol-related hospitalisations being lower in the LGA than the NSW average
- 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 in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you disagree with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to NCAT for a review of the decision.

An application for review must be made no later 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 the case manager, Sophie Cartwright, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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

Schedule 1: Licence conditions to be imposed – FoodWorks Charlotte Bay

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 4:00 AM and 10:00 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.	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.
4.	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.
5.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated January 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.
6.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements:</p> <p>a. the system must record continuously from opening time until one hour after the supermarket/specialty store 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 to the supermarket/speciality store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. 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.
8.	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 19 June 2024 or any premises plan subsequently approved by the Authority.