

# NSW Independent Liquor & Gaming Authority

Our ref: DF24/024273

Mr Tony Schwartz  
BSV Liquor & Gaming Lawyers

8 November 2024

Dear Mr Schwartz

Application No.	APP-0013375192
Applicant	AUTOPILOT CELLARS PTY LTD
Application for	New packaged liquor licence
Application date	25 July 2024
Decision date	16 October 2024
Proposed licence name	Moama's Cheapest Liquor
Proposed trading hours	Monday to Thursday 09:00 AM – 10:00 PM Friday and Saturday 09:00 AM – 11:00 PM Sunday 10:00 AM – 09:00 PM
Proposed premises	1 Boundary Road Moama NSW 2731
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 53 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – Moama's Cheapest Liquor

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.

### 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.

## Statement of reasons

We are satisfied that the overall impact of approving the application will not be detrimental 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 Moama. The broader community is the Local Government Area (LGA) of Murray River.

#### *Positive social impacts*

The application is for a standalone packaged liquor licence which will not offer a delivery service. There were no objections received in relation to the application.

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 for domestic assault in the suburb
- crime rates in the suburb and LGA for alcohol-related disorderly conduct being higher than in NSW as a whole
- crime rate in the LGA for alcohol-related domestic assault being higher than in NSW as a whole
- indigenous population in the suburb and LGA being slightly higher compared to the NSW average
- rate of alcohol-attributable deaths in the LGA being higher than in NSW as a whole
- high saturation rate of packaged liquor licences in the suburb.

However, we are satisfied that these risks are reduced due to the:

- absence of crime hotspots in the suburb for non-domestic assault and alcohol-related assault
- low density hotspot for malicious damage in the suburb
- lower crime rates in the suburb and LGA for alcohol-related non-domestic assault and malicious damage than in NSW
- lower crime rates in the suburb for alcohol-related domestic assault than in the LGA and NSW
- lower rate of alcohol-attributable hospitalisations in the LGA than in NSW generally
- proposed premises not offering an alcohol delivery service
- 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:

- application material — including evidence that stakeholders and the community were notified about the application
- community impact statement (CIS)

- plan of the licensed premises and any authorisations
- plan of management for the licensed business
- 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 Liquor & Gaming NSW website 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 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, Max Costa, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Chris Honey

**Deputy Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Moama's Cheapest Liquor

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 <b>03:00 AM and 09:00 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.	Restricted trading & NYE	<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.	Overall impact	The business authorised by this licence must not operate with a greater overall 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.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>22 July 2024</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.
6.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system on 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 (or, in the case of a premises that is not required to cease trading, continuously at all times),</p> <p>b. recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</p> <p>c. any recorded image must specify the time and date of the recorded image,</p> <p>d. the system's cameras must cover the following areas:</p> <p>i. all entry and exit points on the premises,</p> <p>ii. the footpath immediately adjacent to the premises, and</p> <p>iii. all publicly accessible areas (other than toilets) within the premises.</p>

No.	Condition to be imposed	Description
		<p>2. The licensee must also:</p> <ul 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 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> </ul> <p>3. 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.</p>