

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/009904

Ms Nicole Beath

JDK legal

13 February 2025

Dear Ms Beath

Application No.	1-9192526772
Applicant	John Stewart Waters
Application for	Packaged liquor licence removal
Application date	26 August 2024
Decision date	22 January 2025
Licence number	LIQP700351756
Current licence name	Vintage Cellars
Proposed licence name	Liquorland
Current trading hours	Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Proposed trading hours	Monday to Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 04:00 PM
Current premises	14 Ben Boyd Road Neutral Bay NSW 2089
Proposed premises	43-53 Grosvenor Street Neutral Bay 2089
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 53 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence removal – Vintage Cellars

We **approve** the application above under section 59 of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

McKell Building, 2-24 Rawson Place Haymarket NSW 2000 | GPO Box 4012 Sydney NSW 2001  
office@ilga.nsw.gov.au | ilga.nsw.gov.au | ABN 42 496 653 361

## 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.

### Our main findings

The local community for the purposes of this decision is Neutral Bay. The broader community is the Local Government Area (LGA) of North Sydney.

#### *Positive social impacts*

The application seeks to remove a packaged liquor licence approximately 1km from its current location.

We are satisfied that the proposal would benefit the local and broader communities by maintaining the provision of convenience and choice.

#### *Negative social impacts*

We note the objection from NSW Health, and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- density of packaged liquor outlets within the LGA being higher than the NSW average
- rate of alcohol attributed hospitalisations in the LGA being higher than the NSW average
- rate of alcohol-related domestic and non-domestic assault, and disorderly conduct in the suburb being higher than the NSW average
- high density crime hotspots for domestic assault, non-domestic assault, malicious damage to property and offensive conducts in the suburb.

However, we are satisfied that these risk factors are reduced by the:

- licence being removed within the same suburb and LGA and therefore there will not be an increase in the density of packaged liquor outlets
- Socio-Economic Indexes for Areas (SEIFA) data indicating an above average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW
- 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*.

### **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, Wendy Yeung, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

**Schedule 1: Licence conditions to be imposed - Vintage Cellars (to be known as Liquorland)**

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	<table border="0"> <tr> <td>Good Friday</td> <td>Not permitted</td> </tr> <tr> <td>December 24th</td> <td>Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</td> </tr> <tr> <td>Christmas Day</td> <td>Not permitted</td> </tr> <tr> <td>December 31st</td> <td>Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</td> </tr> </table>	Good Friday	Not permitted	December 24th	Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday	Christmas Day	Not permitted	December 31st	Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
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3.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 removing this licence to the premises at <b>43-53 Grosvenor St, Neutral Bay NSW 2089</b> .								
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 <b>Coles Liquor NSW Management Strategies and House Policy for the Responsible Service of Alcohol documents</b> , as submitted to the Independent Liquor and Gaming Authority ("the Authority") in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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 Authority.								
6.	CCTV	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements: <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>b. recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>i. all entry and exit points on the premises, and</li> </ol> </li> </ol> </li> </ol>								

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>ii. all publicly accessible areas (other than toilets) within the premises.</li> </ul> <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 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</li> <li>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.</li> </ul>