



Mr Grant Cusack
Hatzis Cusack Lawyers

By email to: gc@hatziscusack.com.au

19 December 2023

Dear Mr Cusack

Application No.	APP-0010331500
Applicant	Camperdown Cellars Pty Limited
Application for	New packaged liquor licence
Decision Date	16 December 2022
Licence name	Camperdown Cellars - Rose Bay
Proposed trading hours	Retail Monday to Saturday 10:00 AM – 09:00 PM Sunday 10:00 AM – 06:00 PM
Approved trading hours	Retail Monday to Saturday 10:00 AM – 07:00 PM Sunday 10:00 AM – 06:00 PM
Premises	674-680 New South Head Rd, Rose Bay NSW 2029
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Camperdown Cellars - Rose Bay**

We **approve** the application under section 45 of the *Liquor Act 2007* (the Act) with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 16 February 2023.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been 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.

Trading on a Sunday that falls on 24 December

If a Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 am. However, due to the 6-hour closure period for the licence, the premises must not trade earlier than 10:00 am.

Statement of reasons

Overall, we are satisfied the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- sections 30 and 31 of the Act do not apply to this application.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Woollahra LGA approved the development application Ref: DA294/2021/1 on 31 May 2022.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Rose Bay, and the relevant 'broader community' comprises the Local Government Area of Woollahra.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Rose Bay shows:

- there are 41 authorised liquor licenses, of which 11 are authorised to sell packaged liquor (comprised of: 6 packaged liquor licences, 4 registered club licences and 1 hotel licence)
- saturation of packaged liquor licences in Rose Bay is lower compared to the Woollahra LGA but higher compared to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to June 2022:

- the premises in Rose Bay are located near a hotspot for domestic assault and malicious damage to property
- the incident rate for Woollahra LGA for all crime categories considered by the Authority was lower compared with all of NSW
- the incident rate for Rose Bay was higher for malicious damage to property but lower for all other crime categories considered by the Authority compared with Woollahra and all of NSW

Alcohol-related health data (per 100,000 residents)

The most recent Health Stats NSW data available for Rose Bay and Woollahra LGA shows:

- alcohol-related deaths were lower compared to all of NSW
- alcohol-related hospitalisations were higher compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA) SEIFA

Rose Bay and Woollahra LGA were ranked as relatively advantaged in household income and residents in skilled occupations compared with other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves a standalone packaged liquor licence for a wine and liquor store located in Rose Bay. The applicant seeks to sell fine wines, in addition to mainstream alcohol. The store would operate as a retail cash and carry outlet only.

Benefits proposed by the applicant

The applicant proposes that there would be these benefits:

- increased convenience and choice in the area
- experienced operator presently operating 8 stores at various locations with a proven track record, operating those establishments responsibly
- Distinct business model — focus on selling a range of fine wines in addition to mainstream liquors
- increased employment opportunities

Stakeholder submissions

We considered the submissions from:

NSW Police Force, dated 6 September 2022, objecting to the proposal, noting a high saturation of outlets in the area and concerns about potential noise disturbance and alcohol-related harm and citing their regular interventions in incidents involving minors and the general public

Local Council dated 14 September 2022, which notes no concerns, no objection

Compliance L&GNSW dated 3 August 2022, no objection

Transport for NSW dated 19 July 2022, which notes concerns about alcohol-related crashes and the need for awareness of alcohol-related-road trauma in the area and local alcohol-related issues affecting the community, no objection

Department of Communities and Justice dated 6 June 2022 and 27 August 2022, which notes no concerns, no objections

General Public - 5 members of the public raising concerns about the potential increase of traffic and congestion, littering of packaged products, alcohol consumption at the beach, unruly behaviour

We also considered the Applicant's submission in response, to these submissions, which notes:

- their opinion of Rose Bay being underprovided with packaged liquor facilities

- no evidence was provided of problematic alcohol-related crime rates in the area
- their consent to become an active participant in the local Liquor Accord
- Council has imposed several conditions to reduce the potential for the licence to adversely impact the area.

Findings of concern

The Woollahra LGA is a high-density hotspot for alcohol related domestic and non-domestic assault and has a higher rate of alcohol-attributed hospitalisations compared to all of NSW. There is a risk that if the licence was granted, liquor sold from the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

We are satisfied the risk are reduced by the following factors:

- the focus on premium products could result in the store being less attractive to people who want to buy liquor to drink immediately
- the suburb and the LGA have a high level of relative socio-economic advantage compared to all of NSW
- the proposed trading to be reduced from 9:00 PM closing time to 7:00 PM
- harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

Material considered

We considered all the material we received about the application, including:

Application Material

- completed application dated 27 July 2022
- completed Category B Community Impact Statement (CIS) dated 26 July 2022
- completed certifications of advertising dated 2 November 2022
- plan of management documents for the premises, dated June 2022
- ASIC business records for the Applicant and associated companies.
- floor plan for the premises, dated 15 June 2021 indicating the proposed licensed area to which the ETA will apply.

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- Google map images extracted from the Google website showing the location and photos of the Premises in map view
- correspondence between L&GNSW staff and the applicant between 3 August 2022 and 24 October 2022 in relation to the assessment of the Application.

The statement of reasons will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you are not happy 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 being notified that the decision is published on the [Liquor & Gaming NSW 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, wendy.yeung@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Dinning". The signature is written in a cursive style.

Sarah Dinning
Deputy Chairperson

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

Schedule 1 – Licence conditions to be imposed

Camperdown Cellars - Rose Bay

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> 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.	Retail sales	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
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.	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 June 2022 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 licensed premises (“the premises”) in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close, (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (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.

		<p>2) The licensee must also:</p> <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.
7.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ul style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. 5) In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.
8.	Incident register	<p>1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:</p> <ul style="list-style-type: none"> a) any incident involving violence or anti-social behaviour occurring on the premises, b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c) any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>,

		<ul style="list-style-type: none"> d) any incident that results in a patron of the premises requiring medical assistance. <p>2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul style="list-style-type: none"> a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
9.	Trial period for full set of hours	<p>The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on 31 May 2023 (or as may be extended from time to time).</p> <p>A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.</p>