

Mr Jon Martin
JDK Legal

By email to: j.martin@jdklegal.com.au

13 July 2023

Dear Mr Martin

Application No.	1-8465631146
Applicant	LIQUORLAND (AUSTRALIA) PTY. LTD.
Application for	Removal – packaged liquor licence
Application date	14 November 2022
Decision date	15 March 2023
Licence name	Vintage Cellars
Licence number	LIQP700382376
Proposed trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Current trading hours	Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Proposed Premises	Shops 26 & 27 'Glenrose Village Shopping Centre' 56-58 Glen Street Belrose NSW 2085
Current Premises	Warringah Mall Old Pittwater Road Brookvale NSW 2100
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 removal of a packaged liquor licence – Vintage Cellars**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. Please accept our apology for the delayed notification of this decision.

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. Under the 6-hour closure period for the current licence, the premises must not trade earlier than 9:00 am.

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

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.ilga.nsw.gov.au) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Max Costa, at Max.Costa@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', with a stylized, cursive script.

Caroline Lamb

Chairperson

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

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

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.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Belrose. The broader community is the Local Government Area (LGA) of the Northern Beaches.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice. The store will sell 'premium' liquor products including wine (will make up 65% of stock), boutique spirits (will make up 20% of stock) and craft beers (will make up 15% of stock) not often available at other competing packaged liquor stores.

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:

- objections from police and members of the public noting that the proposed premises is in an area attended by families and children
- higher saturation rate of packaged liquor licences in Belrose and the Northern Beaches compared to NSW (noting that 2 other packaged liquor licences also operate within the Glenrose Shopping Centre, and 4 of the 7 licences in Belrose are limited to online sales only)
- higher rate of alcohol-attributable hospitalisations in the Northern Beaches compared to NSW.

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

- reduced trading hours
- low crime statistics across all four categories normally considered by the Authority
- premises not being located in crime hotspots
- lower rate of alcohol-attributable deaths in the Northern Beaches compared to NSW
- indication of an above average level of relative socio-economic advantage in Belrose and the Northern Beaches compared to 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 them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed Vintage Cellars

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 03:00 AM and 09:00 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	<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 removing this licence to the premises at Shops 26 & 27 'Glenrose Village Shopping Centre', 56-58 Glen Street Belrose NSW 2085.
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 Coles Liquor NSW Management Strategies and House Policy for the Responsible Service of Alcohol documents, 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	<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

		<p>the system, including downloading and producing recordings of CCTV footage, and</p> <p>(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.</p>
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