

Mr Jim Adams
Adams Hospitality Solutions
By email to: jimm@adamshospitality.com.au

4 October 2023

Dear Mr Adams

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| Application No. | APP-0011324554 |
| Applicant | JMIT TRADING PTY LTD |
| Application for | New packaged liquor licence |
| Application date | 14 April 2023 |
| Decision date | 16 August 2023 |
| Licence name | FoodWorks Wallerawang |
| Trading hours | Monday to Friday 10:00 AM – 7:30 PM Saturday to Sunday 10:00 AM – 6:30 PM |
| Premises | 60B - 60C Main Street Wallerawang NSW 2845 |
| Legislation | Sections 3, 11, 12, 29, 30, 31, 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 – FoodWorks Wallerawang**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

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 10:00 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.

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

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, Leonie Jennings, at leonie.jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb', positioned above a horizontal line.

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 Wallerawang. The broader community is the Local Government Area (LGA) of Lithgow.

Positive social impacts

The applicant proposes to operate a liquor sales area that sits wholly within an existing supermarket known as 'FoodWorks Wallerawang', in Wallerawang.

The licence hours align with the trading hours of the supermarket providing customers with the opportunity for one-stop shopping.

It was noted that Wallerawang has a large indigenous population and that support for the application was received by a local elder of the community.

There was one objection received from a local hotel which was considered as not providing a basis for refusal.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice and mitigates the need for customers to travel some distance to purchase packaged liquor (which presents other risks).

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 hotspots identified in Wallerawang for domestic assault (high density), malicious damage to property (medium density), and alcohol-related assault (medium density)
- higher crime rates in Wallerawang for incidents of alcohol-related domestic assault and malicious damage to property compared to NSW
- indigenous population being higher in Wallerawang and the Lithgow LGA compared to NSW
- indication of below average level of socio-economic advantage and disadvantage in both Wallerawang and the Lithgow LGA
- higher rate of alcohol-attributable deaths in the Lithgow LGA compared to NSW.

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

- absence of a crime hotspot in Wallerawang for non-domestic assault
- lower crime rates in Wallerawang for incidents of alcohol-related non-domestic assault and alcohol-related disorderly conduct compared to NSW
- lower rate of alcohol-attributable hospitalisations in the Lithgow LGA compared to NSW
- low saturation of packaged liquor licences in both Wallerawang and the Lithgow LGA 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 FoodWorks Wallerawang

| 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 04:00 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>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. | Liquor Accord | The licensee or its representative must join and be an active participant in the local liquor accord. |
| 4. | CCTV | <p>1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store 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 supermarket/general store 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 to the supermarket/general store, and (ii) all publicly accessible areas (other than toilets) within the liquor sales area. <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. |
| 5. | 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 16 August 2023 or any premises plan subsequently approved by the Authority. |
| 6. | 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. |

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| 7. | Plan of management - default | The premises is to be operated at all times in accordance with the Plan of Management dated March 2023 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. |
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