

Our ref: DF24/000414

Ms Nicole Beath
JDK Legal
By email to: n.beath@jdklegal.com.au

30 January 2024

Dear Ms Beath

Application No.	1-8875550682 (Removal) 1-8874616633 (Change of conditions)
Applicant	Adrian Filuta
Applications for	Removal of packaged liquor licence and change of conditions
Application date	19 October 2023 (change of conditions) 26 October 2023 (removal)
Decision date	14 December 2023
Proposed Licence name	Hunters Hill Wine Room
Current Licence name	Adrian Filuta
Licence No.	LIQP770016914
Proposed trading hours	Sunday and Monday 11:00 AM – 7:00 PM Tuesday and Wednesday 11:00 AM – 8:00 PM Thursday to Saturday 11:00 AM – 9:00 PM
Current trading hours	Monday to Sunday 10:00 AM – 10:00 PM
Proposed premises	Shop 5, 35 Alexandra Street Hunters Hill NSW 2110
Current premises	7 Bass Street Putney NSW 2112
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application for a removal of a packaged liquor licence and change of conditions - Hunters Hill Wine Room

We **approve** the applications above under sections 59 and 53 of the *Liquor Act 2007* (the Act) — 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. 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 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 Hunters Hill. The broader community is the Local Government Area (LGA) of Hunters Hill.

Positive social impacts

The proposed premises would bring a selection of high-quality wines to the local community. The liquor proposed to be sold will be of a boutique nature only from a small scale operation with reduced trading hours.

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 due to the higher saturation rate of packaged liquor licences in the Hunters Hill LGA compared to NSW.

However, we are satisfied that these risks are adequately mitigated by the:

- relatively small size of the area in which liquor will be sold and reduced trading hours
- proposed premises not being located in any crime hotspots in Hunters Hill for domestic assault, non-domestic assault, and alcohol-related assault and in a low crime hotspot for malicious damage to property
- lower crime rates in both the suburb and LGA compared to NSW for all offence categories usually considered by the Authority
- lower saturation rate of packaged liquor licences in Hunters Hill compared to NSW
- indication of an above average level of relative socio-economic advantage in both the suburb and LGA
- 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 on the [Liquor & Gaming NSW website](#) 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 you have any questions.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

Schedule 1
Licence conditions to be imposed
Hunters Hill Wine Room

No.	Condition to be imposed	Description
1.	Retail sales	<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>
2.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
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 Shop 5, 35 Alexandra Street Hunters Hill NSW 2110.
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated October 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.
5.	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 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 c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours

No.	Condition to be imposed	Description
		of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
6.	Specialised Liquor Products	<p>1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2:</p> <ul style="list-style-type: none"> a) craft beer b) craft cider c) craft spirits d) boutique wines (including sparkling wines and champagne) e) organic and natural liquor products <p>2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.</p> <p>3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p> <p>4) For every liquor product that is available for sale under sub-clause 1, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.</p> <p><u>Definitions</u></p> <p>For the purposes of this condition:</p> <p>1) Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer:</p> <ul style="list-style-type: none"> a) which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum; b) where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft brewer; and c) which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers). <p>2) Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer:</p> <ul style="list-style-type: none"> a) which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum;

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> b) where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and <ul style="list-style-type: none"> a. which will certify that the cider is made from liquid consisting only of juice (no concentrates). 3) Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are: <ul style="list-style-type: none"> a) the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and b) distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller. 4) Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company at the time wine is supplied to the Business). 5) Boutique champagne and sparkling wine is defined as champagne or sparkling wine that is not generally considered to be mainstream champagne or sparkling wine, that is, champagne or sparkling wine that is not commonly sold by major liquor retailers. 6) Organic and natural liquor products are defined as: <ul style="list-style-type: none"> a) Organic liquors (including organic wines) that bear a recognised organic certification logo; b) Wine that is labelled or marketed as organic wine, and is produced from vineyards and farms that are farmed organically or to organic standards, typically with little or no additions in wine-making (whether or not the wine is certified as organic); c) Wine that is labelled or marketed as natural wine, and is produced from vineyards that are farmed organically or bio-dynamically, and then produced with no additions (additives) in wine-making, including MegaPurple, tartaric acid, enzymes, malabugs, and bottled with lower levels of sulphur or without sulphur (preservative 220); and d) Boutique wines that are marketed as organic, bio-dynamic or natural wines (including sparkling wine), and manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently-owned (ie not owned by a larger wine company at the time the licensee purchases wine wholesale from the supplier).

**Licence conditions to be revoked
Hunters Hill Wine Room**

Condition to be revoked	Description
130 (replaced by condition 1)	Retail sales Good Friday Not permitted. December 24th Normal trading Monday to Saturday, 8:00 AM to 10:00 PM Sunday Christmas Day Not permitted. December 31st Normal trading
2010 (replaced by condition 3)	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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
2030	Limited to the sale of liquor only by means of taking orders over the telephone or by facsimile or mail order, or through an Internet site.
3010 (replaced by condition 4)	The premises are to be operated at all times in accordance with the Plan of Management dated 8 January 2016 as may be varied from time to time after endorsement by the Local Area Commander.