

Mr Grant Cusack
Hatzis Cusack Lawyers
By email to: gc@hatziscusack.com.au

30 October 2023

Dear Mr Cusack

Application No.	APP-0011636224
Applicant	ASHCROFT'S MILLTHORPE PTY LTD
Application for	New packaged liquor licence
Application date	4 July 2023
Decision date	20 September 2023
Licence name	Ashcroft's on Pym
Trading hours	Retail Monday to Saturday 08:00 AM – 07:00 PM Sunday 10:00 AM – 07:00 PM
Premises	1 Pym Street Millthorpe NSW 2798
Legislation	Sections 3, 11, 12, 29, 30, 31, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Ashcroft's on Pym**

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. However in these circumstances due to the 6-hour closure period for the 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

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 Millthorpe. The broader community is the Local Government Area (LGA) of Blayney.

Positive social impacts

The applicant seeks approval to operate a small liquor sales area that will sit wholly within an existing supermarket, located in the commercial centre of Millthorpe.

We are satisfied that the proposal would benefit the local and broader communities by providing increased supply, 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 because of the:

- higher crime rates in the Blayney LGA for alcohol-related domestic assault compared to NSW
- higher indigenous population in Millthorpe (4.8%) and the Blayney LGA (5.8%) compared to NSW
- higher rate of alcohol attributed deaths in the Blayney LGA compared to NSW.

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

- premises being located in Millthorpe where there are no crime hotspots for categories usually considered by the Authority
- lower crime rates in the Blayney LGA for alcohol-related non-domestic assault and alcohol-related disorderly conduct compared to NSW
- low number of actual incidents within Millthorpe for all categories considered by the Authority
- low saturation rate of packaged licences in the Blayney LGA, and by the fact that there are currently no packaged licences in Millthorpe
- lower rates of alcohol attributed hospitalisations in the Blayney 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.

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, Glenn Barry, at Glenn.Barry@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 flourish at the end.

Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed Ashcroft's on Pym

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 6 hours between 2:00 AM and 8:00 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	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 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 obtaining the licence
4.	Local 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 August 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.
6.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: <ul style="list-style-type: none"> a) the system must record continuously from opening time until one hour after the supermarket/specialty 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/specialty store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. 2) The licensee must also: <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 of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7.	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 20 September 2023 or any premises plan subsequently approved by the Authority.