



Mr Oliver Perrottet
Dick & Williams Lawyers

By email to: Oliver@dwlawalbury.com.au

15 August 2023

Dear Mr Perrottet

Application No.	APP-0010107242
Applicant	Matt Tyler Johnson
Application for	Packaged liquor licence
Licence name	Ravi Babu Annamneni
Proposed trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 9:00 PM
Premises	270-280 Hume Street, COROWA NSW 2646
Legislation	Sections 3, 11A, 12, 29-31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – Ravi Babu Annamneni**

The Independent Liquor & Gaming Authority (Authority) considered the application above and decided on 19 September 2022 to **refuse** the application under section 45 of the *Liquor Act 2007*.

Statement of reasons

A statement of reasons for this decision is attached at the end of this letter.

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

Yours sincerely

Sarah Dinning
Deputy Chairperson

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

STATEMENT OF REASONS

Our decision

We refuse the application under section 45 of the *Liquor Act 2007* (NSW) (the Act).

Under section 31(1)(a) of the Act, a packaged liquor licence must not be granted for premises' that comprise a general store unless the Authority is satisfied that in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public.

The applicant has defined the neighbourhood of South Corowa which includes Corowa Golf Club where take-away liquor is available to be purchased from 11:00 AM to 10:00 PM, seven days per week.

The application has therefore failed to satisfy the requirements of section 31(1)(a) of the Act.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- liquor would be sold and supplied in a separate liquor sales area at the premises

The Community Impact Statement (CIS) meets the relevant requirements.

However, we are not satisfied that the requirements of section 31(1)(a) have been met.

1. Business model

We note that the proposed business model involves a liquor sales area that sits wholly within an existing general store known as the 'South Corowa General Store' in Corowa.

Benefits proposed by applicant

The applicant proposes that it is a small-scale development which will provide convenience to the local residents and save them travelling into town.

Stakeholder submissions

We considered the submissions from:

- Federation Council, dated 20 July 2022 and 28 July 2022, which noted that there are no other service stations in the suburb and that one diesel pump remains operational.
- L&GNSW Compliance, dated 19 July 2022, which noted no adverse findings, however recommended certain licence conditions be imposed.
- NSW Police Force, dated 14 June 2022, which raised concerns regarding the saturation of licensed premises in the area, lack of consultation with Licensing Police and that there is a school bus zone at the front of the store. Police also noted that the premises is both a general store and service station and therefore section 31 applies.
- a member of the public, dated 24 May 2022, which noted deficiencies within the CIS and that a packaged liquor licence should not be granted for a premises that is a general store or comprises of a service station or a takeaway food shop.

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

- local police were notified of the CIS and application as required.
- school bus routes in Corowa include drop off points outside other licensed premises.
- the public submission was made by a competitor of the applicant and therefore due regard should be given to paragraphs 45 to 49 of ILGA Guideline 6.
- each of the conditions set out in an email from the Authority dated 28 June 2022 were consented to.

The material we considered

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

Application Material

- Completed application dated 19 May 2022.
- Plan of Management documents for the premises, titled Liquor Plan of Management and dated April 2022.
- Completed Category B Community Impact Statement (CIS) dated 29 March 2022.
- Completed certification of advertising dated 6 February 2022.
- Floor plan for the premises, dated 29 October 2020, indicating the proposed liquor sales area.
- ASIC business records for the Applicant.

Under Guideline 6, we have 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.

Submissions

- Submission from Federation Council, dated 20 July 2022 and 28 July 2022.
- Submission from L&GNSW Compliance, dated 19 July 2022.
- Submission from NSW Police Force, dated 14 June 2022.
- Submission from a member of the public, dated 24 May 2022.

Other relevant material

- Correspondence between L&GNSW staff and the applicant between 1 June 2022 and 7 September 2022 in relation to the assessment of the Application.
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

The law that applies

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 29–31: Specific provisions about a packaged liquor licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being.

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

Yours sincerely



Sarah Dinning

Deputy Chairperson

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