

Mr Daniel Marcella
ITALIANWINESPECIALIST PTY LTD

By email to: [REDACTED]

22 March 2023

Dear Mr Marcella

Application No.	APP-0010941519
Applicant	ITALIANWINESPECIALST PTY LTD
Application for	Packaged liquor licence
Application date	21 December 2022
Decision date	15 February 2023
Licence name	Italian Wine Specialist
Trading hours	<u>Retail</u> Monday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Shop 13, 77 Victoria Rd Drummoyne NSW 2047
Legislation	Sections 3, 11A, 12, 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 packaged liquor licence – Italian Wine Specialist**

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

Statement of reasons

The reasons for our decision are attached at the end of this letter.

We only provide a detailed statement of reasons for applications that we refuse, partially approve or that are contested.

Otherwise, we provide a brief statement of reasons when section 36C of the *Gaming and Liquor Administration Act 2007* requires us to do so.

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.

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, Andy Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'Caroline Lamb'.

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 Drummoyne. The broader community is the Local Government Area of (LGA) Canada Bay.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice through a boutique style business model, specialising in the sale of Italian wines.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as violence, health problems or social and public amenity issues) because of the:

- high saturation of packaged liquor licences in Drummoyne and Canada Bay LGA compared to the NSW average.
- high rate of alcohol-attributable hospitalisations in the Canada Bay LGA compared to NSW.

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

- absence of any objections from agency stakeholders or members of the community.
- lower crime rates in Drummoyne and the Canada Bay LGA than the NSW average for all offence categories considered.
- Drummoyne and Canada Bay LGA being of high levels of socio-economic advantage and in NSW.
- alcohol related deaths in the Canada Bay LGA being lower than the NSW average.
- the boutique business model and 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.
- Category B community impact statement (CIS)
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations.
- Plan of management for the licensed business at the premises.
- Development consent for the premises.
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status,

liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities.

- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

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

Yours sincerely



Caroline Lamb

Chairperson

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



Schedule 1 – Licence conditions to be imposed Italian Wine Specialist

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 4:00 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.	Retail sales	Good Friday Not permitted December 24 th Normal trading Monday to Saturday 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st 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 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.
4.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 21 December 2022 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.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements: (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: (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 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.	Specialised liquor products	<ul style="list-style-type: none"> 1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by clause 2: <ul style="list-style-type: none"> (a) wine produced in Italy 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. 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.
8.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 8:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.