

Our ref: DF23/022308

Mr Grant James Cusack
Hatzis Cusack Lawyers

By email to: gc@hatziscusack.com.au

28 November 2023

Dear Mr Cusack

Application No.	APP-0011214636
Applicant	Foodworks Tarrawanna
Application for	New packaged liquor licence
Application date	8 June 2023
Decision date	18 October 2023
Licence name	Foodworks Tarrawanna
Trading hours	Monday to Saturday 09:00 AM – 08:00 PM Sunday 10:00 AM – 08:00 PM
Premises	Shops 1 & 3, 104 Meadow Street Tarrawanna NSW 2518
Legislation	Sections 3, 11A, 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 –
Foodworks Tarrawanna**

We **approve** the application 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, due to the 6-hour closure period for the licence, the premises must not trade earlier than 09:00 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
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

Overall, we are satisfied the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The decision achieves the aim of the Liquor 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 the suburb of Tarrawanna. The broader community is the Local Government Area (LGA) of Wollongong.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Tarrawanna is a predominantly residential suburb with currently no packaged liquor outlet, requiring people to travel if wishing to buy liquor. The supermarket will provide a one-stop shopping experience. The liquor department with a designated checkout would be adequately separated from the rest of the supermarket. The proposed operator has a proven track record of responsibly running supermarkets that house a liquor area.

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:

- concerns raised by NSW health and some members of the public about alcohol-related crimes, and proximity to a school and vulnerable communities
- higher rate of alcohol-related crimes in the Wollongong LGA compared to NSW for all categories considered by the Authority.

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

- absence of alcohol related assault hotspots in Tarrawanna
- low incidence rates of alcohol-related assault, malicious damage to property and disorderly conduct in Tarrawanna
- reduced trading hours and small size of the liquor sales area
- 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, Wendy Yeung at wendy.yeung@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**

Schedule 1 – Licence conditions to be imposed

Foodworks Tarrawanna

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 03:00 AM and 09:00 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 - restricted trading & NYE - PLL (Packaged Liquor Licences)	Restricted trading & NYE (std) 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 on 18 October 2023.
4.	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 18 October 2023 or any premises plan subsequently approved by the Authority.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord
6.	Plan of management - default	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.
7.	Crime scene preservation	Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must: <ol style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website

		<p>3. make direct and personal contact with NSW Police to advise it of the incident</p> <p>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</p> <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.</p>
8.	Incident register	<p>1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:</p> <ul style="list-style-type: none"> (a) any incident involving violence or anti-social behaviour occurring on the premises, (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, (c) any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, (d) any incident that results in a patron of the premises requiring medical assistance. <p>2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul style="list-style-type: none"> (a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and (b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
9.	CCTV – PLL in supermarket	<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.
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