

Our ref: DF23015177

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

12 September 2023

Dear Mr Cusack

Application No.	1-8634231275
Applicant	DUNPEC PTY. LIMITED
Application for	Removal – Packaged liquor licence
Application date	31 March 2023
Decision date	19 July 2023
Licence name	Khan's Supa IGA
Licence number	LIQP700355611
Proposed Trading hours	Monday to Saturday 07:00 AM – 09:00 PM Sunday 10:00 AM – 09:00 PM
Current trading hours	Monday to Saturday 05:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Proposed premises	1 Marshall Street & 2A Louth Road Cobar NSW 2835
Current premises	Corner Marshall & Linsley Streets Cobar NSW 2835
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 53, 59 and 114 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for removal of a packaged liquor licence – Khan's Supa IGA**

We **approve** the application above under section 59 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Mixed-use checkouts must be closed outside licensed hours

Under section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority) 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 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**

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 59 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 Cobar. The broader community is the Local Government Area (LGA) of Cobar.

Positive social impacts

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

- the store will continue to operate as a supermarket with a liquor department under the same name
- the new premises will offer an improved, expanded and modernised facility with additional carparking spaces that is better able to meet the demands and needs of the local and broader community both for groceries and liquor, and
- the applicant has sought a varied 6-hour closure period to continue to provide the added convenience of liquor purchases in line with the supermarket hours of operation.

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:

- premises being located in a high density hotspot for domestic assault
- higher crime rates in both Cobar and the Cobar LGA for alcohol-related domestic and non-domestic assault, and malicious damage compared to NSW
- rates of alcohol-attributable deaths being higher in the Cobar LGA compared to NSW
- high rates of Aboriginal and Torres Strait Islander populations in both Cobar and the Cobar LGA
- SEIFA health data indicating a below average level of socio-economic advantage in Cobar compared to NSW.

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

- premises not being located in hotspots for non-domestic assault or malicious damage
- rates of alcohol-attributable hospitalisations being lower in the Cobar LGA compared to NSW
- saturation of packaged liquor licences being lower in both Cobar and the Cobar LGA compared to NSW
- premises being the only packaged liquor licence located in Cobar and the Cobar LGA
- relatively moderate trading hours, 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
- 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, and
- 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.

Yours sincerely



Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed
Khan's Supa IGA

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 01:00 AM and 07:00 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	<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>
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 1 Marshall Street & 2A Louth Road, Cobar NSW 2835.
4.	Liquor Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated February 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 at the supermarket/specialty 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,

No.	Condition to be imposed	Description
		<p>(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</p> <p>(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.</p>
6.	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 19 July 2023 or any premises plan subsequently approved by the Authority.
7.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
8.	Same Day Delivery	The licensee cannot operate same-day delivery.