

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/026500

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

15 April 2025

Dear Mr Schwartz

Application No.	APP-0013947172
Applicant	James Scott-McKenzie
Application for	New packaged liquor licence
Application date	27 November 2024
Decision date	19 March 2025
Proposed licence name	BWS - Beer Wine Spirits
Proposed trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Proposed premises	Calderwood Valley Village Centre Shop T25, 25 Escarpment Drive Calderwood NSW 2527
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 53, 114 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – BWS - Beer Wine Spirits

We **approve** the application above under section 45 of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

### 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

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

### Our main findings

The local community for the purposes of this decision is Calderwood. The broader community is the Local Government Area (LGA) of Shellharbour.

#### *Positive social impacts*

The applicant sought to operate a standalone packaged liquor licence in a development under construction, with reduced trading hours and same-day delivery.

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

#### *Negative social impacts*

We note the objection from NSW Health and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- low-density crime hotspot in the suburb for domestic assault and malicious damage to property
- rate of alcohol-attributable deaths in the LGA being higher than in NSW
- Aboriginal and Torres Strait Islander population in the suburb and LGA being higher than the NSW average, which has been identified in research as a probable risk factor.

However, we are satisfied that these risk factors are reduced by the:

- crime rates in the suburb and LGA being lower than in NSW, for all categories we considered
- liquor licence saturation in the suburb and LGA being lower than in NSW
- fact that there are no packaged licences in the suburb
- rate of alcohol-attributable hospitalisations in the LGA being lower than in NSW
- Socio-Economic Indexes for Areas (SEIFA) data indicating an above average level of socio-economic advantage and disadvantage in the suburb compared to other communities in 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 Statement of Risks and Potential Effects
- 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 to them.

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

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **Opportunity for review**

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the 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 Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - BWS - Beer Wine Spirits

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 <b>03:00 AM and 09:00 AM</b> 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.	Restricted trading & NYE	<b>Good Friday:</b> Not permitted <b>December 24<sup>th</sup>:</b> Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday <b>Christmas Day:</b> Not permitted <b>December 31<sup>st</sup>:</b> Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
3.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining the licence.
4.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor plan of management	The premises is to be operated at all times in accordance with the <b>policies and procedures of the Endeavour Group Limited</b> , as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>b. recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system’s cameras must cover the following areas: <ol style="list-style-type: none"> <li>i) all entry and exit points on the premises, and</li> <li>ii) all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>2. The licensee must also: <ol style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>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</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>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>