

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/026496

Mr Grant Cusack  
Hatzis Cusack Lawyers

15 April 2025

Dear Mr Cusack

Application No.	APP-0013974546
Applicant	SHIVAAY GROUP PTY LTD
Application for	New packaged liquor licence
Application date	20 November 2024
Decision date	19 March 2025
Proposed licence name	Cellarbrations Murrumbateman
Proposed trading hours	Monday to Wednesday 08:00 AM – 08:00 PM Thursday to Saturday 08:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM
Proposed premises	Shop 2, 6 Hercules Street Murrumbateman NSW 2582
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 – Cellarbrations Murrumbateman

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 Murrumbateman. The broader community is the Local Government Area (LGA) of Yass Valley.

#### *Positive social impacts*

The application sought to operate a standalone packaged liquor licence with an early opening from 8am Monday to Sunday.

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 objections received from NSW Police and 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:

- crime rates for alcohol-related disorderly conduct in the LGA being higher than in NSW
- saturation rate of packaged liquor licences (and all other licence types) in the suburb and LGA being higher than in NSW (however, we recognise that the influx of visitors may distort licence saturation statistics with the suburb and LGA being tourist destinations)
- rate of alcohol-attributable deaths in the LGA being higher than in NSW.

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

- absence of crime hotspots in the suburb for any offence categories we considered
- crime rates in the suburb being lower than in NSW for all offence categories we considered
- lower crime rates in the LGA for alcohol-related domestic and non-domestic assault as well as for malicious damage compared to NSW
- 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 and LGA 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 than 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 - Cellarbrations Murrumbateman

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>02:00 AM and 08:00 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.	Restricted trading on public holidays	The sale and supply of liquor at the licensed premises must cease by 08:00 PM on public holidays.
4.	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.
5.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>November 2024</b> 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.	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> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <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 operate the system, including downloading and producing recordings of CCTV footage, and</li> <li>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.</li> </ul>
8.	Crime scene preservation	<p>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:</p> <ol style="list-style-type: none"> <li>1. take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>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,</li> <li>3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <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>