

NSW Independent Liquor & Gaming Authority

Our ref: DF25/043961
Mr Grant Cusack
Hatzis Cusack Lawyers

26 June 2025

Dear Mr Cusack

Application No.	APP-0013809553
Applicant	X ROADS CRANE BROOK PTY LIMITED
Application for	New packaged liquor licence
Application date	15 October 2024
Decision date	21 May 2025
Proposed licence name	IGA Cranebrook
Proposed trading hours	Monday to Sunday 10:00 AM – 09:00 PM
Proposed premises	1-21 Cranebrook Road Cranebrook NSW 2749
Legislation	Sections 3, 29, 30, 31 and 45 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – IGA Cranebrook

We **refuse** the application above under section 45 of the *Liquor Act 2007*.

Statement of reasons

The applicant is seeking a packaged liquor licence to operate a liquor sales area within a proposed IGA supermarket currently under construction. The supermarket is to occupy part of premises in Cranebrook that is currently vacant. The supermarket is in the final stages of fit-out. Other parts of the premises house a service station with an associated convenience store and a McDonald's.

Development consent issues

The Penrith City Council (Council) submits that there is no development consent (DC) in force for the intended use of the premises as a packaged liquor store and supermarket, and that the current DC only allows for the site to be used as a service station with an integrated convenience store.

The applicant submits that it has consent for the development of a supermarket and bottle shop pursuant to Complying Development Certificates (CDCs) that have been issued by a private certifier under the *Environmental Planning and Assessment Act 1979* (EPA Act).

The proposed site is zoned RU4 under the Penrith Local Environmental Plan 2010 (Penrith LEP). Zone RU4 in the Land Use Table (Table) in the Penrith LEP sets out the uses that are permitted without consent, with consent, and those that are prohibited. Developments not specified in list of uses permitted with or without consent are expressly prohibited. As the proposed use of the site as a supermarket and packaged liquor store is not specified in the list of uses permitted without or with consent in the Table, the proposed use appears to be prohibited.

Accordingly, we cannot be satisfied that the necessary development consent is in force, as required by section 45(3)(c) of the *Liquor Act 2007*.

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
- complying development certificates for the premises
- Council 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 if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority