

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/047130

Mr Grant Cusack  
Hatzis Cusack Lawyers

25 August 2025

Dear Mr Cusack

Application No.	1-9372412976
Applicant	Carlo's Supabarn Pty Ltd
Application for	Packaged liquor licence removal
Application date	11 February 2025
Decision date	16 July 2025
Licence name	Calala Cellars
Licence number	LIQP700384816
Current trading hours	Monday to Sunday 05:00 AM – 12:00 AM
Proposed trading hours	Monday to Sunday 10:00 AM – 08:00 PM
Current premises	88 Calala Lane Calala NSW 2340
Proposed premises	120-124 Bridge Street West Tamworth NSW 2340
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 59, 114 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a packaged liquor licence removal – Calala Cellars

We **refuse** the application above under section 59 of the *Liquor Act 2007* (the Act).

## Statement of reasons

Having considered the objects of the Act (s3(1)) and the importance of the matters to be considered in securing those objects (s3(2)), we are not satisfied that the overall impact of approving the application would facilitate the balanced development, in the public interest, of the liquor industry, or that it would contribute to, and not detract from, the amenity of community life.

### Our main findings

The local community for the purposes of this decision is the suburb of West Tamworth. The broader community is the Local Government Area (LGA) of Tamworth.

We note the application was for the proposed removal of a liquor license from Calala to West Tamworth, approximately 5.5 kilometres away, within the Tamworth LGA. The proposed premises on Bridge Street were intended to be situated at a traffic light intersection along a major highway.

We considered the following factors:

- there was no objection from the Local Council or NSW Police
- the liquor licence is being managed by a suitably experienced operator
- if the application was approved, the premises trading hours would be reduced by 56 hours per week
- the rate of packaged liquor licence saturation is lower in the suburb than in NSW.

However, we were concerned that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- crime hotspots – the proposed premises is located in a crime hotspot for all categories we considered
- crime rates – the incident rate of all crime categories we considered is significantly higher in the suburb and the LGA than in NSW
- health statistics – the rate of alcohol-attributed deaths in the LGA is higher than in NSW, while the rate of alcohol-attributed hospitalisations in the LGA is lower than in NSW
- demographic information
  - the percentage of Aboriginal and Torres Strait Islanders (ATSI) population in the suburb and LGA is higher than in NSW<sup>1</sup>
  - Socio-Economic Index for Areas (SEIFA) data indicates a below average level of socio-economic advantage and disadvantage in the suburb, compared to other communities in NSW.<sup>1</sup>

We considered objections from:

- the Tamworth Local Aboriginal Land Council (LALC) who highlighted the presence of two existing liquor outlets in close proximity to the proposed site and a public school directly across the road. They argued that an additional outlet would exacerbate

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<sup>1</sup> Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024)

existing concerns, particularly given the detrimental effects alcohol can have on the health and well-being of their community, especially among young people and families. The LALC urged the Authority to consider the proposed relocation having regard to the broader implications for community safety and well-being

- a member of the public who identified concerns about the location, high crime rate, high alcohol attributed deaths in the LGA compared to NSW and the high level of disadvantage in the area.

The applicant raised the following points in mitigation:

- the distribution of licences in the community does not reflect a particularly harmful concentration of licences
- the public school is not across the road from the venue but rather faces Denison Street and aside from one male on a bike, no other student was observed going past the location of the proposed premises
- no objections were received from local schools, churches or the Police
- the proposed premises would remove significant inconvenience presently being experienced by the public in accessing their regular liquor shopping needs.

Elevated crime rates and hotspots across all crime categories, demographic information and objections to the application were considered compelling, primarily stemming from concerns raised regarding local community impact. On balance, we are not satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community, and accordingly, approval of the application does not facilitate the balanced development of the liquor industry in the public interest.

### **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
- the legislation
- a Statement of Risks and Potential Effects
- certificate of advertising
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- premises plan
- harm minimisation and community impact data report
- 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
- liquor licence document
- L&GNSW holdings
- Report Adam Purcell- April 2025
- Comparison report
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the overall 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**