

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/073577

Mr Grant Cusack  
Hatzis Cusack Lawyers

11 December 2025

Dear Mr Cusack

Application No.	APP-0015107716
Applicant	CHEER UP LIQUOR PTY LTD
Application for	New packaged liquor licence
Application date	4 August 2025
Decision date	19 November 2025
Proposed licence name	SuperCellars
Proposed trading hours	Monday to Sunday 10:00 AM – 10:00 PM
Proposed premises	Shop 4 Rosebery Plaza 77 Epsom Road Rosebery NSW 2018
Legislation	Sections 3, 11A, 12, 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 – SuperCellars

We **approve** the application above under section 45 and 48 of the *Liquor Act 2007* (**the Act**) – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

### Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will not be detrimental to the wellbeing of the local or broader community.

## Our main findings

The local community for the purposes of this decision is the suburb of Rosebery. The broader community is the Local Government Area (**LGA**) of Sydney.

The applicant is seeking to operate a packaged liquor licence to sell takeaway liquor within Rosebery Plaza, a set of shops in the Overland Gardens (Jolyn Place) residential estate. Submissions were sought from the applicant regarding Police and community concerns related to the proposed extended trading hours after 10pm.

As a result of these concerns the applicant agreed to reduce the trading hours to 10pm Monday to Sunday.

We are satisfied that the proposed 10pm closure goes some way to address the concerns raised by Police and community submissions relating to the availability of liquor as a result of the density of liquor outlets in the area and the associated risk of juvenile crime and vagrancy.

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

### *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:

- crime hotspots – there are high-density crime hotspots in the suburb for domestic assault and malicious damage to property, medium-density hotspot for non-domestic assault and low-density hotspot for alcohol-related assault<sup>1</sup>
- crime rates – the incident rates for all offence types we considered are higher in the LGA than in NSW<sup>1</sup>
- licence saturation – the rate of packaged liquor licences is higher in the suburb and LGA than in NSW<sup>1</sup>
- the rate of alcohol attributed hospitalisations in the LGA being higher than in NSW

We also considered the following objections:

- NSW Police raised concerns about the densely populated residential location of the proposed premises making the proposal for a new packaged liquor licence incompatible with the community and noted the following:
  - bottle shops in the South Sydney Police Area Command (PAC) opt for a 10pm closure time
  - extended trading hours increase public safety risks, particularly in residential zones
  - bottle shop retail theft is a significant contributor to crime in the Sydney PAC.
- Public submissions raised concerns that the extended trading hours will encourage future applications in the area to opt for extended trading hours. Further, the objections outlined that the suburb is family orientated, and the extended trading hours will increase noise disturbances, loitering, anti-social behaviour and impact the safe character of the community.

However, we note that the below factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- one public submission of support upon the hours being reduced to 10pm

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<sup>1</sup> The LGA is a significant tourist destination, with local, state, national and international visitation, increasing the population of the area compared to the local residential population. This additional visitation above the residential population may skew both crime and licence saturation statistics.

- the applicant proactively agreed to reduce the trading hours to 10pm Monday to Sunday
- crime rates – the incident rates for all categories we considered are aligned or lower in the suburb than for NSW<sup>1</sup>
- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW<sup>2</sup>
- the 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
- the legislation
- certificate of advertising
- 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
- L&GNSW compliance materials
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely 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.

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<sup>2</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)).

**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**  
**NSW Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - SuperCellars

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 4:00 AM and 10:00 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	Good Friday	Not permitted
		December 24th	Normal trading Monday to Saturday 8:00 AM to 12:00 midnight Sunday
		Christmas Day	Not permitted
		December 31st	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 Plan of Management dated September 2025 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.	
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 ten (10) 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>
7.	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 data-bbox="557 653 1368 714">1. take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li data-bbox="557 720 1368 848">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 &amp; Gaming NSW website,</li> <li data-bbox="557 855 1368 916">3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li data-bbox="557 923 1368 1140">4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. 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.</li> </ol>
8.	Requirement to maintain an incident register	<ol style="list-style-type: none"> <li data-bbox="557 1147 1368 1635">1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> <li data-bbox="616 1260 1368 1320">a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li data-bbox="616 1327 1368 1484">b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,</li> <li data-bbox="616 1491 1368 1551">c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li data-bbox="616 1558 1368 1619">d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li data-bbox="557 1641 1368 1904">2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li data-bbox="616 1709 1368 1799">a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li data-bbox="616 1805 1368 1904">b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ol> </li> <li data-bbox="557 1911 1368 2010">3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</li> </ol>