

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/062310

Ms Sonia Deakin

4 October 2025

Dear Ms Deakin

Application No.	APP-0014852251
Applicant	Sonia Marjorie Deakin
Application for	New small bar with minors' area authorisation
Application date	19 May 2025
Decision date	17 September 2025
Proposed licence name	Yamba Sunset
Proposed trading hours	Monday to Sunday 02:00 PM – 08:00 PM
Proposed premises	3 Yamba Road Yamba NSW 2464
Legislation	Sections 3, 11A, 12, 20A, 20B, 20C, 40, 44, 45, 48 and 53 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a new small bar with minors' area authorisation – Yamba Sunset

We **approve** the application above under sections 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 Yamba. The broader community is the Local Government Area (LGA) of Clarence Valley.

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The applicant is seeking a small bar licence at the Yamba Marina where there is a café and prawn shack. We recognised the unique business model with the small bar being operated from a mobile food truck, permanently fixed at the location.

We are satisfied that the proposal would 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:

- licence saturation – the rate of small bar licences is higher in the suburb and LGA than in NSW<sup>1</sup>
- demographic information:
  - the percentage of Aboriginal and Torres Strait Islander (ATSI) population in the suburb and LGA is higher than in NSW
  - Socio-Economic Index for Areas (SEIFA) data indicates a below average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW<sup>2</sup>
- crime rates – the incident rate of all crime categories we considered are higher in the suburb and LGA than in NSW<sup>1</sup>
- health statistics – the rate of alcohol-attributed deaths is higher in the LGA than in NSW, while the rate of alcohol-attributed hospitalisations is lower in the LGA than in NSW.

We also considered objections from:

- community members – four submissions from the public outlined concerns relating to:
  - safety and suitability of the location
  - access
  - incompatibility with existing use and insufficient amenities for current users
  - oversaturation of licenced premises in the area
  - inadequate community engagement for the proposal
  - safety concerns relating to the proposed premises being in front of an electrical switchboard and the marina's evacuation point.

The applicant responded to these objections stating:

- adequate community engagement occurred, above what was required
- the proposed bar will be small, unobtrusive and on private land, observing that all 42 licenced venues in Yamba operate successfully and responsibly
- electrical capacity assessed and confirmed by a marina-employed electrician and the venue is not located at the evacuation assembly site.

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

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<sup>1</sup> Both the suburb and LGA are tourist destinations, with local, state and national visitation, increasing the population of the area compared to the local residential population. This additional visitation may skew the licence saturation statistics.

<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)).

- community support – five submissions of support stating that the proposed premises will be a great addition to Yamba Marina precinct for the local community and visitors to enjoy water views, sunset and music.
- the proposed premises will operate under reduced trading hours until 8:00pm in summer and 6pm in winter
- the proposed premises is not located near any crime hotspots for the categories that we considered
- 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
- 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
- photographs of proposal, setup and saturation map for small bars in the proposed premises suburb
- 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 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

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

**NSW Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Yamba Sunset

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>4:00 AM and 10:00 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.	Consumption on premises	Good Friday: 12:00 noon - 10:00 PM Christmas Day: 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 <sup>st</sup> : Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3.	Overall impact	The business authorised by this licence must not operate with a greater overall 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.	CCTV	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system on 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 (or, in the case of a premises that is not required to cease trading, continuously at all times),</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,</li> <li>ii. the footpath immediately adjacent to the premises, and</li> <li>iii. 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</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>and fully 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>
6.	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>
7.	Liquor plan of management	<p>The premises is to be operated at all times in accordance with the Plan of Management dated <b>7 August 2025</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.</p>
8.	Incident register	<ol style="list-style-type: none"> <li>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>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>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>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</li> </ol>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>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> </ul> <p>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.</p>