

NSW Independent Liquor & Gaming Authority

Our ref: DF25/062298

Mr Grant Cusack
Hatzis Cusack Lawyers

10 October 2025

Dear Mr Cusack

Application No.	APP-0014570745
Applicant	RITORO PTY LTD
Application for	New packaged liquor licence
Application date	1 April 2025
Decision date	17 September 2025
Proposed licence name	FoodWorks Unanderra
Proposed trading hours	Monday to Sunday 10:00 AM – 07:00 PM
Proposed premises	23-27 Farmborough Road Unanderra NSW 2526
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48 and 53 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new packaged liquor licence – FoodWorks Unanderra

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. We note 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 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 Unanderra. The broader community is the Local Government Area (**LGA**) of Wollongong.

The applicant is seeking a new packaged liquor licence for a liquor sales area within an existing Foodworks Supermarket in Unanderra.

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:

- crime hotspots – the suburb has high-density hotspots for domestic assault and malicious damage to property, medium-density hotspots for non-domestic assault and low-density hotspots for alcohol-related assault
- crime rates – the incident rate of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property are higher in the suburb than in NSW and the incident rate of malicious damage to property, non-domestic assault and alcohol-related assault are higher in the LGA than in NSW
- licence saturation – the rate of packaged liquor licences is higher in the suburb than in NSW
- health statistics – the rate of alcohol-attributed hospitalisations and deaths are higher in the LGA than in NSW
- demographic information:
 - the percentage of Aboriginal and Torres Strait Islander (**ATSI**) population in the suburb 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 compared to other communities in NSW, however SEIFA data indicates an above average level of socio-economic advantage and disadvantage in the LGA compared to other communities in NSW¹

We also considered objections from:

- NSW Police submissions
 - sought assurance in relation to the CCTV conditions
 - raised concerns about the potential for underage drinking and secondary supply
 - observed the proposed premises is located in close proximity to a primary school, raising concerns about its impact on the local community
 - noted the suburb already has three packaged liquor licences, one hotel liquor licence, and one club liquor licence, all authorised to sell take-away alcohol

¹ 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)).

- expressed concerns that the high crime rate will increase with the introduction of another licenced premises, specifically noting the rise in bottle shop thefts in the Lake Illawarra Police Area Command, especially among young offenders
- expressed concerns that the availability of lower-end alcohol could lead to more anti-social behaviour
- observed that since 2013, although the Shellharbour LGA has had a rate of alcohol-attributable hospitalisation rate below the NSW average, hospitalisations have significantly increased since 2018. We note that this part of the police submission may not be relevant due to the fact that the relevant LGA is the Wollongong LGA, not the Shellharbour LGA.
- NSW Health submissions raised concerns about:
 - the lower income levels and a higher proportion of unemployed residents, making the community more susceptible to alcohol-related harm
 - the higher Indigenous representation and rates mental health problems, both linked to greater alcohol-related health impacts
 - the packaged liquor licence saturation in the LGA
 - the alcohol-related hospitalisation rates and deaths exceeding NSW figures, and local alcohol-attributable costs surpass \$262 million annually.
- community member – one submission from the public raising concerns about socio-demographics, crime statistics, and proximity to a primary school.

However, notwithstanding the significant evidence of potential for harm, 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:

- the location of the premises separated from the rest of the suburb by a four lane highway and serving an area with more favourable sociodemographic characteristics with few convenient alternatives
- five letters of support and a 257-signature petition in support for the proposed premises
- the rate of packaged liquor licences is lower in the LGA than in NSW
- the proposed premises will operate under reduced trading hours until 7:00pm
- the proposed premises will have a modest liquor sales area size of 52.5 square metres
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1
- the incident rate of alcohol-related disorderly conduct is lower in the suburb than in NSW and the incident rate of alcohol-related domestic assault are lower in the LGA than in NSW.

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

- liquor saturation map
- L&GNSW compliance materials
- report from A&M Consultants – June 2025
- 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 overall impact to the local and broader community and [Guideline 10](#) relating to the sale of liquor in supermarkets.

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 if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

NSW Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - FoodWorks Unanderra

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 24 th : Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day: Not permitted December 31 st : 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 March 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"> 1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close, b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points to the supermarket/specialty store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> 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 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.
7.	Adequate separation	The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 17 September 2025 or any premises plan subsequently approved by the Authority.
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"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <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>
9.	Incident register	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, 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, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <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>