



Mr Alexander Louis Placer
Little Bay Cellars,
By email to: fornow0@hotmail.com

5 October 2023

Dear Mr Placer

Application No.	APP-0009021260
Applicant	Alexander Placer
Application for	New packaged liquor licence (delivery only)
Licence name	Mobile Bevvv
Trading hours	Retail Monday to Saturday 09:00 AM – 12 Midnight Sunday 10:00 AM – 10:00 PM
Premises	Unit 1 67 Fletcher St Tamarama NSW 2026
Legislation	Sections 3, 11, 12, 29, 30, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence (delivery only) – Mobile Bevvv**

On 13 January 2022 the Independent Liquor & Gaming Authority (Authority) approved the application under section 45 of the *Liquor Act 2007*.

We provided you with our preliminary advice of this decision on 19 January 2022.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](#) under section 36C of the *Gaming and Liquor Administration Act 2007*.

If you're not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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 the case manager, Glenn Barry, at glenn.barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Dinning". The signature is written in a cursive style with a large initial 'S'.

Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We approve the application under section 45 of the *Liquor Act 2007* (NSW) (the Act).

We are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

The application is valid. It meets the Act's requirements for procedural fairness. The proposed trading hours and 6-hour closure period meet the requirements under sections 11A, 12 and 14 of the Act.

The Community Impact Statement (CIS) meets the relevant requirements.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business, as law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

Waverley Council confirmed the proposed use of the home office premises at Unit 1 67 Fletcher St Tamarama NSW 2026 is permissible under the Waverley Local Environmental Plan (LEP) 2012 and deemed 'exempt development' under the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. The primary use of the residential premises must remain residential. (Reference A20/0043, 29 July 2021).

Community impact

Local and broader communities

The 'local community' is the community in the suburb of Tamarama, and the 'broader community' comprises the Local Government Area of Waverley.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Tamarama shows:

- there is 1 authorised liquor license, which is not authorised to sell packaged liquor. This includes 0 packaged liquor stores, 0 registered clubs and 0 hotel licenses.
- saturation of packaged liquor licences in Tamarama is lower compared to the Waverley LGA and lower compared to all of NSW.
- saturation of licences authorised to sell packaged liquor in Tamarama is lower compared to both the Waverley LGA and all of NSW.
- clustering of packaged liquor licences in Tamarama is lower compared to both the Waverley LGA and all of NSW.
- clustering of licences authorised to sell packaged liquor in Tamarama is lower compared to both the Waverley LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that in the year to March 2021:

- the venue was located in hotspots for alcohol-related domestic assault and offensive conduct and malicious damage to property.

Alcohol-related health data (per 100,000 residents)

The most recent HealthStats NSW data available show that between 2015/16 to 2018/19:

- alcohol-related deaths in the Waverley LGA were lower compared to the NSW average
- alcohol-related hospitalisations in the Waverley LGA were higher compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA) SEIFA

Data as at 2016 shows that Tamarama and Waverley LGA were relatively advantaged in household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

The proposed business model involves a packaged liquor licence (delivery only) limited to remote sales processed from a home office located in Tamarama.

Benefits proposed by the applicant

The applicant didn't propose any benefits, but we note that:

- the licence address will comply with, and operate within, all relevant rules and regulations.
- they have agreed to the Council's and the Authority's conditions that address resident concerns (that is, no liquor storage, walk-ups, advertising, tastings or consumption).
- the licence address is only for the receipt of orders and those orders will be fulfilled from commercially zoned premises outside the Waverley LGA.
- no deliveries will be made to public places.

Stakeholder submissions

We considered the submissions from:

NSW Police Force – dated 14 September 2021

NSW Police raised no objections or adverse issues. They did raise concerns about public drinking during the CIS, but the applicant confirmed that no deliveries would be made to public places.

Waverley Council – dated 29 July 2021

Council raised concerns about the potential social impacts of another packaged liquor outlet operating in the LGA, including an increase in the availability of alcohol and more drinking in public. They requested that conditions be imposed to prohibit liquor storage, walk-ups, advertising, tastings or consumption.

Public submissions

Seven submissions were received by members of the public between 29 and 1 August 2021. The common themes in those submissions were concerns about increased road and pedestrian traffic and noise, the potential negative impacts on local amenity and the argument that commercial businesses should be run out of commercial premises.

Applicant's submissions in response

We also considered the applicant's response to these submissions. The applicant notes that they:

- will comply with, and operate within, all relevant rules and regulations

- have agreed to the conditions that address resident concerns. That is, there will be no liquor storage, walk-ups, advertising, tastings or consumption. And last orders for same-day delivery will only be accepted within one hour of the close of permitted trading.
- will only receive and process orders for subscribed members by telephone or through their website and those orders will be fulfilled from commercially zoned premises outside the Waverley LGA.
- won't deliver to public places.

Findings of concern

A same-day delivery-only business model may be considered higher risk, with deliveries across NSW potentially contributing to alcohol-related harm in the local and wider communities.

Tamarama is a high-density hotspot for alcohol-related domestic assault and malicious damage to property, a medium-density hotspot for alcohol-related offensive conduct and a low-density hotspot for alcohol-related non-domestic assault. Waverley LGA has a high crime rate for alcohol-related non-domestic assault and offensive conduct and also a high alcohol-attributable hospital rate.

Factors that may reduce this risk

However, we are satisfied that the risk is reduced by these factors:

- The relatively moderate licensed trading hours.
- The lower than average liquor licence density in the local and broader community.
- The outlet saturation and outlet clustering of packaged liquor licences and licences authorised to sell packaged liquor in the local and broader communities is significantly lower compared to the NSW state average.
- The low crime rates in the LGA for alcohol-related domestic assault.
- The delivery-only business model and harm minimisation measures outlined in the licence conditions set out in Schedule 1.

The material we considered

We considered all the material we received about the application, including:

Application Material

- Completed application dated 27 July 2021.
- Completed Category B Community Impact Statement (CIS) dated 27 July 2021.
- Completed certification of advertising dated 14 September 2021.
- Plan of Management documents for the premises, titled 'Plan of Management for Mobile Bevvy' dated September 2021.
- ASIC business records for the Applicant and associated companies.
- Floor plan for the premises, dated 23 May 2019, indicating the proposed licensed area to which the ETA will apply.

Under [Guideline 6](#), we have also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Submissions

- Submission from NSW Police Force – dated 14 September 2021
- Submission from Waverley Council – dated 29 July 2021
- Submission from 'LB', resident – received 29 July 2021
- Submission from 'SW', resident – received 30 July 2021
- Submission from N. Boaz, resident – received 30 July 2021
- Submission from Brad M., resident – received 30 July 2021
- Submission from 'PJ', resident – received 31 July 2021
- Submission from Bella, resident – received 31 July 2021
- Submission from D. Botondo, resident – received 1 August 2021

Other relevant material

- Correspondence between L&GNSW staff and the applicant between 13 September 2021 and 15 September 2021 in relation to the assessment of the Application.
- Google map images extracted from the Google website showing the location and photos of the premises in map view.

The law that applies

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 29 – 31: Specific provisions about a packaged liquor licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it won't harm the local or wider community's well-being.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed

Mobile Bevvvy

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 3:00 AM and 9:00 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.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
3.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated September 2021 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.
4.	Packaged liquor trading hours	Retail sales: Good Friday Not permitted December 24 th Normal trading Monday to Saturday 8.00 AM to 12.00 AM and midnight Sunday Christmas Day Not permitted December 31 st Normal trading
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	No advertising	No advertising or promotional material relating to alcohol is to be displayed outside the licensed premises.
7.	No tastings	The licensee must ensure that no tastings are conducted on the premises.
8.	No walk-up sales	1) Limited to the sale of liquor only by means of taking orders over the telephone or by facsimile or mail order, or through an Internet site. 2) Orders must be processed on the licensed premises.
9.	Liquor storage	No liquor products for sale under this licence are to be delivered to, or stored at, the licensed premises.