



Our ref: DF23/022377

Ms Tracy Archer  
JDK Legal

By email to: [t.archer@jdklegal.com.au](mailto:t.archer@jdklegal.com.au)

4 December 2023

Dear Ms Archer

<b>Application No.</b>	APP-0011414006
<b>Applicant</b>	ETYMON AURA PTY LTD
<b>Application for</b>	Packaged liquor licence PLL
<b>Application date</b>	9 June 2023
<b>Decision date</b>	12 October 2023
<b>Licence name</b>	Providore
<b>Trading hours</b>	Monday to Saturday 09:00 AM – 10:00 PM Sunday - 10:00 AM – 10:00 PM
<b>Premises</b>	168 Walker Street North Sydney NSW 2060
<b>Legislation</b>	Sections 3, 11A, 12, 29, 30, 31, 40, 45, and 48 of the <i>Liquor Act 2007</i>

### **Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Providore**

We **approve** the application above under section 45 of the *Liquor Act 2007* with the conditions set out in Schedule 1

#### **Trading on a Sunday that falls on 24 December**

If a Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 am. However in these circumstances due to the 6-hour closure period for the licence, the premises must not trade earlier than 09:00 AM.

#### **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
- the licensee or approved manager is a suitable and qualified person.

#### **Mixed-use checkouts must be closed outside licensed hours**

Under section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

#### **Statement of reasons**

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

## **Our findings**

The relevant local community for the purposes of this decision is North Sydney. The relevant broader community is the Local Government Area (LGA) of North Sydney .

### Positive social impacts

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

- the application is valid and meets the Act's requirements for procedural fairness and the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 18 of the Act in respect of trading and 6-hour closure periods.
- the Community Impact Statement (CIS) meets the relevant requirements.

The application is for a small liquor sales area within a specialty food store selling fine gourmet and specialty delicatessen products including meats, cheeses, spices, condiments and preserves. The licence is for high-end local and imported wine, beer and spirits (with higher price points). Specialised liquor products will also be sold.

### Negative 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:

- packaged liquor density of the area being 4.7 times higher than the state average, albeit a high transit area with people visiting and not necessarily living in the area
- high density crime hotspots in the suburb for non-domestic assault and malicious damage, medium density crime hotspot in the suburb for domestic assault
- high crime rates in the suburb compared to NSW for incidents of alcohol-related disorderly conduct
- higher rate of alcohol attributable hospitalisations in the LGA compared to NSW.

However, we are satisfied these risks are reduced by the:

- suburb being a low density crime hotspot for alcohol-related assault
- low crime rate in the suburb and LGA compared to NSW for incidents of alcohol-related domestic and non domestic assault, and malicious damage
- low crime rate in the LGA for incidents of alcohol-related disorderly conduct
- lower rate of alcohol-attributable deaths in the LGA compared to NSW
- indication of a high level of relative socio-economic advantage in the suburb and LGA compared to NSW
- harm-minimisation measures outlined in the plan of management and licence conditions (including a specialised liquor products condition), as set out in Schedule 1.

## **Material 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
- a community impact statement (CIS)
- 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
- stakeholder submissions and the applicant's response to them.

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

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **If you have any questions**

Please contact the case manager, Max Costa at [max.costa@liquorandgaming.new.gov.au](mailto:max.costa@liquorandgaming.new.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb  
**Chairperson**

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

## Schedule 1 – Licence conditions to be imposed

### Providore

No.	Condition to be imposed	Description
1.	<b>6-hour closure</b>	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 <b>03:00 AM and 09:00 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.	<b>Retail Sales</b>	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.	<b>Social impact</b>	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.
4.	<b>Participation in the local liquor accord</b>	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	<b>Liquor plan of management</b>	The premises is to be operated at all times in accordance with the Plan of Management dated <b>July 2023</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.
6.	<b>CCTV</b>	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system at the specialty store 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 specialty store is required to close</li> <li>b. recordings must be in digital format and at a minimum of <i>ten (10)</i> 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 to the supermarket/specialty store</li> <li>ii. all publicly accessible areas (other than toilets) within the liquor sales area.</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 clause 1(a), by at least one person able to access and fully</li> </ol> </li> </ol>

		<p>operate the system, including downloading and producing recordings of CCTV footage</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.	<b>Specialised Liquor Products</b>	<ol style="list-style-type: none"> <li>1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2: <ol style="list-style-type: none"> <li>a. craft beer</li> <li>b. craft cider</li> <li>c. craft spirits</li> <li>d. boutique wines (including sparkling wines and champagne)</li> <li>e. organic and natural liquor products</li> </ol> </li> <li>2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.</li> <li>3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</li> <li>4) For every liquor product that is available for sale under sub-clause 1, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.</li> </ol> <p><u>Definitions</u></p> <p>For the purposes of this condition:</p> <ol style="list-style-type: none"> <li>1. Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer: <ol style="list-style-type: none"> <li>(a) which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum;</li> <li>(b) where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft brewer; and</li> <li>(c) which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers).</li> </ol> </li> </ol>

		<ol style="list-style-type: none"> <li>2. Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer:       <ol style="list-style-type: none"> <li>a. which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum;</li> <li>b. where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and</li> <li>c. which will certify that the cider is made from liquid consisting only of juice (no concentrates).</li> </ol> </li> <li>3. Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are:       <ol style="list-style-type: none"> <li>a. the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and</li> <li>b. distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller.</li> </ol> </li> <li>4. Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company at the time wine is supplied to the Business).</li> <li>5. Boutique champagne and sparkling wine is defined as champagne or sparkling wine that is not generally considered to be mainstream champagne or sparkling wine, that is, champagne or sparkling wine that is not commonly sold by major liquor retailers.</li> <li>6. Organic and natural liquor products are defined as:       <ol style="list-style-type: none"> <li>a. Organic liquors (including organic wines) that bear a recognised organic certification logo;</li> <li>b. Wine that is labelled or marketed as organic wine, and is produced from vineyards and farms that are farmed organically or to organic standards, typically with little or no additions in wine-making (whether or not the wine is certified as organic);</li> <li>c. Wine that is labelled or marketed as natural wine, and is produced from vineyards that are farmed organically or bio-dynamically, and then produced with no additions (additives) in wine-making, including MegaPurple, tartaric acid, enzymes, malabugs, and bottled with lower levels of sulphur or without sulphur (preservative 220); and</li> <li>d. Boutique wines that are marketed as organic, bio-dynamic or natural wines (including sparkling wine), and manufactured by or on behalf of a boutique wine</li> </ol> </li> </ol>
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		company which crushes and bottles 250 tonnes or less annually under its own label and is independently-owned (ie not owned by a larger wine company at the time the licensee purchases wine wholesale from the supplier).
8.	<b>Adequate Separation</b>	The liquor sales area must be adequately defined from the rest of the <b>speciality store</b> in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on <b>12 October 2023</b> or any premises plan subsequently approved by the Authority.