



Mr Tony Schwartz  
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30 September 2022

Dear Mr Schwartz

<b>Application No.</b>	APP-0010043792
<b>Applicant</b>	Ms Leticia Maria De Oliveira Leite
<b>Application for</b>	Packaged liquor licence (delivery only)
<b>Licence name</b>	Bra Roots
<b>Trading hours</b>	Monday to Saturday 7:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	Unit 1 35A Rosalind St Cammeray NSW 2062
<b>Legislation</b>	Sections 3, 11A, 12, 29-31, 40, 44, 45, 48 and 114 of the <i>Liquor Act 2007</i>

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

The Independent Liquor & Gaming Authority considered the application above, and decided on 19 September 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

**Concise statement of reasons**

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager at [eloise.ryan-mackie@liquorandgaming.nsw.gov.au](mailto:eloise.ryan-mackie@liquorandgaming.nsw.gov.au).

Yours faithfully

Murray Smith  
Deputy Chairperson  
For and on behalf of the **Independent Liquor & Gaming Authority**

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0010043792
<b>Applicant</b>	Ms Leticia Maria De Oliveira Leite
<b>Application for</b>	Packaged liquor licence (delivery only)
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<b>Premises</b>	Unit 1 35A Rosalind St Camberay NSW 2062
<b>Trading hours</b>	Monday to Saturday 7:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
<b>Application date</b>	22 July 2022
<b>Decision</b>	Approved under section 45 of the <i>Liquor Act 2007</i>
<b>Decision date</b>	19 September 2022

### Material considered by the Authority

The Authority has considered the following material in determining the application:

- application material, including evidence of notification to specified stakeholders and the community about the application
- category A community impact statement
- premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations
- plan of management for the licensed business at the premises
- development consent for the premises
- statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities
- submissions from NSW Police Force, L&GNSW Compliance, North Sydney Council and a member of the public in relation to the application
- the applicant's response to the stakeholder submissions.

### Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and 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 in respect of a packaged liquor licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 44: Submissions to Authority in relation to licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Sections 114E-114G: Specific provisions relating to same day liquor deliveries.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

### **Key findings**

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Cammeray, and the broader community is the Local Government Area of North Sydney.

#### Positive social impacts

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of increased convenience and choice.

The Authority noted the Applicant proposes to operate a delivery only packaged liquor business from a home office in Cammeray, which will offer a same-day delivery service. The Authority further noted that orders will be limited to remote sales only, which will be taken via the internet or by other electronic means.

#### Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- higher than average liquor licence density in the local and broader community
- presence of crime hotspots in the local community
- higher than average level of alcohol-attributable hospitalisations in the broader community

Noting that the business model is for delivery-only across NSW, the Authority also accepts that the proposal may contribute to alcohol-related harm in other areas of the State.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- absence of any objections from agency stakeholders
- the delivery-only business model and harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

#### Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the Act.



Murray Smith

Deputy Chairperson

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

## **Schedule 1 – Licence conditions to be imposed**

### **Bra Roots**

1. 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 six (6) hours between 1:00 AM and 7:00 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. Restricted trading & NYE (std)  
Retail sales

Good Friday	Not permitted
December 24 <sup>th</sup>	Normal trading Monday to Saturday 8:00 AM to 12 midnight Sunday
Christmas Day	Not permitted
December 31 <sup>st</sup>	Normal trading
3. 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. The licensee or its representative must join and be an active participant in the local liquor accord.
5. The premises is to be operated at all times in accordance with the Plan of Management dated July 2022 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. 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.
7. No liquor products for sale under this licence are to be delivered to, or stored at, the licensed premises.
8. The licensee must ensure that no tastings are conducted on the premises.
9. No advertising or promotional material relating to alcohol is to be displayed outside the licensed premises.