



Mr Tony Schwartz
Back Schwartz Vaughan
By email to: licensing@bsv.com.au

14 July 2022

Dear Mr Schwartz

Application No.	APP-0009917156
Application date	7 April 2022
Applicant	MILKRUN AU PTY LTD
Application for	Packaged liquor licence (delivery only)
Licence name	MILKRUN AU PTY LTD
Trading hours	<u>Retail</u> Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Premises	146 Foveaux Street SURRY HILLS NSW 2010
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48 and 114E-G of the Liquor Act 2007

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence (delivery only) – MILKRUN AU PTY LTD**

The Independent Liquor & Gaming Authority considered the application above, and decided on 15 June 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Trading on a Sunday that falls on 24 December

In the case of any Sunday that 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. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 10:00 AM.

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 Alice Duxbury at
alice.duxbury@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is written over a light blue rectangular background.

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

Concise statement of reasons

Key facts

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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
- Stakeholder submissions in relation to the application, and the applicant's response to those 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: 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 Surry Hills, and the broader community is the Local Government Area of City of 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
- no members of the public will be able to attend the premises to place or collect their liquor orders
- no liquor for sale under the licence will be stored at or delivered from the premises.

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:

- same-day delivery service is expected to expand past the Sydney CBD, Eastern Suburbs and Inner West areas, as new distribution centres are established
- high-density hotspots across the suburb for alcohol-related domestic and non-domestic assault and offensive conduct, and medium to high hotspots for malicious damage over most of the suburb
- high crime statistics for alcohol-related domestic and non-domestic assault, alcohol-related offensive conduct and malicious damage
- high licence saturation for all licence types excluding clubs
- alcohol-attributable hospitalisations are higher in the broader community compared to NSW.

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

However, on balance, the Authority is satisfied that these risk factors can be sufficiently mitigated by the following:

- relatively moderate licensed trading hours
- absence of any objections from agency stakeholders or members of the community
- health data indicates above average socio-economic advantage in both the local and broader communities

- alcohol-attributable deaths are aligned in the broader community compared to the NSW state
- no liquor will be stored at the licensed premises
- 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.

Yours faithfully



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

**Schedule 1 – Licence conditions to be imposed
MILKRUN AU PTY LTD**

6-hour closure

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 03:00 AM and 09:00 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.

Restricted trading & NYE - PLL

2. Restricted trading & NYE (std)

Retail sales

Good Friday Not permitted

December 24th Normal trading Monday to Saturday 8:00 AM to 12 midnight Sunday

Christmas Day Not permitted

December 31st Normal trading

Restricted trading on public holidays

3. The sale and supply of liquor at the licensed premises must cease by 8:00 PM on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.

No walk-up sales

4. 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.

Liquor storage

5. No liquor products for sale under this licence are to be delivered or stored at, the licensed premises.

No tastings

6. The licensee must ensure that no tastings are conducted on the licensed premises.

No advertising

7. No advertising or promotional material relating to alcohol is to be displayed outside the licensed premises.

Social impact

8. 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.

Plan of Management

9. The premises is to be operated at all times in accordance with the Plan of Management dated 6 April 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.

Liquor Accord

10. The licensee or its representative must join and be an active participant in the local liquor accord.