

Mr Lindsay Andrew Cornish
Pyramid Liquor Licensing

By email to: lindsay@pyramidliquor.com.au

11 December 2023

Dear Mr Cornish

Application No.	APP-0010167598
Applicant	CMF GROUP PTY LIMITED
Application for	New packaged liquor licence
Application date	3 June 2022
Decision Date	16 December 2022
Proposed licence name	Vintage Wines
Proposed trading hours	Monday to Saturday 10:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM
Proposed premises	Shop 4, 110 Spring Street Bondi Junction NSW 2022
Legislation	Sections 3, 11, 12, 29, 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 – Vintage Wines**

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

Statement of reasons

Overall, we are concerned that the social impact of approving the application may be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- sections 30 and 31 of the Act don't apply to this application

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates.

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

The applicant has a Complying Development Certificate (CDC 00002610) for change of use for the premises issued by CD Certification Pty Ltd dated 5 August 2020. However, the applicant has not provided evidence of development consent from Waverley Council.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Bondi Junction, and the relevant 'broader community' comprises the Local Government Area of Waverley.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Bondi Junction shows:

- there are 56 authorised liquor licenses, of which 25 are authorised to sell packaged liquor.
- saturation of packaged liquor licences in Bondi Junction is higher compared to Waverley and higher compared to all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to July 2022:

- the premises were located in hotspots for alcohol-related assault, domestic and non-domestic assault, and malicious damage to property.
- alcohol-related domestic assault, non-domestic assault, offensive conduct, and malicious damage to property in Bondi Junction was higher compared to Waverley and all of NSW.

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

HealthStats NSW data showed that:

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

ABS Socio-Economic Index for Areas (SEIFA)

Bondi Junction and Waverley were ranked as advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves the sale of alcohol for consumption away from the premises, with a focus on fine wines and kosher products.

Benefits proposed by applicant

The applicant proposes that the proposed premises would advance the expectations, needs and aspirations of both the local and broader community in terms of location, personalised customer experience, flexibility to meet customer demand and choice of quality products including a kosher range.

We believe that these proposed benefits are limited by the lack of concrete evidence of community support for the application. However, we also note that there was no objection raised by members of the community.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 23 June 2022 and 26 June 2022 (objection), which notes that they had objected to an identical application made by the applicant in 2020 and noted that the liquor environment in Bondi has not changed significantly to alter police opinion. Police acknowledge that some minor changes to the statistical live data is likely to have occurred since 2020, however, the overall statistics pertaining to alcohol related harms for the Waverley LGA and Bondi Junction remains high in all categories when compared to major NSW cities or all of NSW. Police indicate that they have been advised by Waverley Council

that relevant development consent may not be in place for the proposed licenced premises.

- L&GNSW Compliance, dated 30 June 2022, which notes no adverse findings were identified for the applicant, however there is no development consent approved by council.
- Waverley Council, dated 5 July 2022, which notes that the applicant has obtained a CDC for change of use, however the applicant is required to demonstrate evidence of development consent for the use.
- NSW Health, dated 11 November 2022, which notes the high packaged liquor licence saturation rate in Bondi Junction and recommends a minimum price setting for normal priced bottled wine and no cask wine.

We also considered the Applicant's submission in response, which notes:

- the high rates of outlet density and alcohol-related crime in the local community are skewed by counting the large number of visitors and tourists to the area
- the police view is that the local area has not changed in recent years and disputes the assertion that the Waverley LGA is adequately serviced
- the business is a small-scale low-risk proposition with a focus on fine wines as well as kosher products
- the previous submissions (2020) were provided by the same police officer and that it is subjective, lacks reliable and verifiable evidence and is aligned to the personal view of a particular officer
- the appropriate development consent is in place
- the proposed licenced business will operate under reduced trading hours
- the applicant has agreed to minimum pricing and no sale of cask wine.

Findings of concern

An application for a packaged liquor licence in the same location was refused on 11 November 2020, with NSW Police objecting to both the previous and current applications, as well as concerns raised by NSW Health for the current application.

Bondi Junction has a higher license density and saturation of packaged liquor licences compared to NSW.

The proposed premises is located in high-density hotspots for alcohol-related assault, domestic and non-domestic assault, and malicious damage to property. Crime rates for Bondi Junction are higher compared to NSW for alcohol-related domestic assault, non-domestic assault, offensive conduct, and malicious damage to property.

If the licence is granted, there is a risk that liquor sold at or from the premises would lead to an increase in alcohol-related crime, health, and other social and amenity issues, worsening these problems.

The risks may be mitigated by the:

- indication of a high level of relative socio-economic advantage in both Bondi Junction and Waverley
- lower rate of alcohol-attributable deaths in Waverley compared to NSW
- proposed business model for a smaller-scale stand-alone packaged liquor outlet, operating reduced trading hours, with a focus on wines and koshers products, supplemented by mainstream liquor products.

However, on balance, we are concerned that the likelihood of adverse social impact from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

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

Application Material

- completed application dated 3 June 2022
- completed Category B Community Impact Statement (CIS) dated 3 June 2022
- completed certification of advertising dated 26 June 2022.
- plan of management documents for the premises, titled 'Vintage Wines' and dated 2 June 2022
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 1 May 2022, indicating the proposed licensed area.

Under [Guideline 6](#), we 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.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 22 June 2022 and 14 November 2022 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.

This decision will be published on the [Liquor & Gaming NSW website](#).

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 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](#).

Apologies for the delay in issuing this statement of reasons.

If you have any questions

Please contact the case manager, Zof El Hussein, at zof.el.husseini@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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