



Mr Chris Brown
chrisb@roofbar.com.au

06 October 2022

Dear Mr Brown

Application No.	APP-0010001860
Applicant	WINE VENDOR PTY LTD
Application for	Packaged liquor licence (delivery only)
Licence name	Wine Vendor
Trading hours	Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	12 Rivenoak Avenue Padstow NSW 2211
Legislation	Sections 3, 11A, 12, 29, 30, 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) – Wine Vendor**

The Independent Liquor & Gaming Authority considered the application above, and decided on 19 August 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.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

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, Zof El Hussein at zof.el.husseini@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

Application No.	APP-0010001860
Applicant	WINE VENDOR PTY LTD
Application for	Packaged liquor licence – delivery only
Licence name	Wine Vendor
Premises	12 Rivenoak Avenue Padstow NSW 2211
Trading hours	Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Application date	25 April 2022
Decision	Approved under section 45 of the <i>Liquor Act 2007</i>
Decision date	19 August 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 and
- 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 29-31: 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.

- Section 114: Statutory requirements relating to same day delivery.

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 Padstow, and the broader community is the Local Government Area of Canterbury Bankstown.

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 liquor access, choice and convenience.

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:

- availability of same-day delivery throughout the Canterbury Bankstown LGA
- high-density hotspot in Padstow for incidents of malicious damage to property and a medium-density hotspot in Padstow for incidents of domestic and non-domestic assault
- significantly high crime rates for alcohol-related non-domestic assault in Padstow compared to NSW
- below average relative socio-economic disadvantage in Canterbury Bankstown LGA compared to NSW.

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:

- absence of any objections from agency stakeholders
- low saturation of packaged liquor licences in Padstow and Canterbury Bankstown LGA compared to NSW
- low crime rates for alcohol-related domestic assault, alcohol-related disorderly conduct, and malicious damage to property in Padstow and Canterbury Bankstown LGA compared to NSW
- low rates of alcohol-attributable hospitalisations and deaths in Canterbury Bankstown LGA compared to NSW
- average level of relative socio-economic advantage/disadvantage in Padstow compared to NSW
- 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 Wine Vendor

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 04:00 AM and 10:00 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.

Retail sales

- | | |
|---------------------------|--|
| 2. Good Friday | Not permitted |
| December 24 th | Normal trading Monday to Saturday
8:00 AM to 12 midnight Sunday |
| Christmas Day | Not permitted |
| December 31 st | Normal trading |

No walk-up sales

3. 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

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

No tastings

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

No advertising

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

Social impact

7. 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 the licence.

Plan of management

8. The premises is to be operated at all times in accordance with the Plan of Management dated 28 May 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

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