



Mr Brian Almeida  
by email: [b3almeida@yahoo.com.au](mailto:b3almeida@yahoo.com.au)

13 December 2021

Dear Mr Almeida

|                        |  |
|------------------------|--|
| <b>Application No.</b> | APP-0009040552   |
| <b>Applicant</b>       | Brian Almeida  |
| <b>Application for</b> | packaged liquor licence (delivery only)                                    |
| <b>Licence name</b>    | Brian Delivers   |
| <b>Trading hours</b>   | Monday to Saturday 08:00 AM – 11:45 PM<br>Sunday 10:00 AM – 10:00 PM       |
| <b>Premises</b>        | Unit 12 7 Francis St<br>BONDI BEACH NSW 2026                               |
| <b>Legislation</b>     | Sections 3, 11A, 12, 29 – 31, 40, 44, 45, 48 of the <i>Liquor Act 2007</i> |

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

The Independent Liquor & Gaming Authority considered the application above, and decided on 17 November 2021 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

**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 at [Danielle.Hatton@liquorandgaming.nsw.gov.au](mailto:Danielle.Hatton@liquorandgaming.nsw.gov.au).

Yours faithfully

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

## Concise statement of reasons

### Key facts

|                         |  |
|-------------------------|--|
| <b>Application No.</b>  | APP-0009040552   |
| <b>Applicant</b>        | Brian Almeida  |
| <b>Application for</b>  | packaged liquor licence (delivery only)                              |
| <b>Licence name</b>     | Brian Delivers   |
| <b>Premises</b>         | Unit 12 7 Francis St<br>BONDI BEACH NSW 2026                         |
| <b>Trading hours</b>    | Monday to Saturday 08:00 AM – 11:45 PM<br>Sunday 10:00 AM – 10:00 PM |
| <b>Application date</b> | 30 July 2021   |
| <b>Decision</b>         | Approved under section 45 of the <i>Liquor Act 2007</i>              |
| <b>Decision date</b>    | 17 November 2021   |

### 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;
- 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 (including public) 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.
- 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 Bondi Beach, and the broader community is the Local Government Area of Waverley.

### 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:

- higher than average liquor licence density in the local and broader community
- presence of crime hotspots in the local community
- higher than average crime rates in the local and broader community for all offence types usually reviewed by the Authority, except the rate of alcohol-related domestic assault in the broader community, and malicious property damage, and
- higher than average level of alcohol-attributable hospitalisations in the broader community.

Noting that the business model is for delivery-only within the local Council area of Waverley and surrounding council areas (and for postal deliveries anywhere in Australia permitted by law and areas Australia Post can deliver), the Authority also accepts that the proposal may possibly 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:

- relatively small proposed business model which involves a sole trader
- absence of any objections from agency stakeholders
- lower than average density and clustering of licenses authorised to supply packaged liquor in the broader community
- 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.



Philip Crawford  
Chairperson

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

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

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 2:00 AM and 8:00 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<br>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 premises is to be operated at all times in accordance with the Plan of Management dated September 2021 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.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. No walk-up sales  

This licence is 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.
10. Licensee training must be completed no later than 6 months from the date of grant of the liquor licence.