



Mr Lindsay Cornish  
Pyramid Liquor Licensing  
By email to: [lindsay@pyramidliquor.com.au](mailto:lindsay@pyramidliquor.com.au)

24 June 2022

Dear Mr Cornish

<b>Application No.</b>	APP-0009589088
<b>Applicant</b>	F.I.R Pty Ltd
<b>Application for Licence name</b>	Packaged liquor licence (delivery only) Ming Feng
<b>Proposed trading hours</b>	<u>Retail Sales</u> Monday to Saturday 09:00 AM – 07:00 PM Sunday 10:00 AM – 07:00 PM
<b>Premises</b>	Unit 4/8-12 Bond Street HURSTVILLE NSW 2220
<b>Legislation</b>	Sections 3, 11A, 12, 29, 40, 44, 45, 48 and 114E-G of the <i>Liquor Act 2007</i>

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

The Independent Liquor & Gaming Authority considered the application above, and decided on 18 May 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 09:00 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 case manager Leonie Jennings at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is positioned above the typed name.

Philip Crawford  
Chairperson

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

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0009589088
<b>Application date</b>	7 January 2021
<b>Applicant</b>	F.I.R Pty Ltd
<b>Application for</b>	Packaged liquor licence (delivery only)
<b>Licence name</b>	Ming Feng
<b>Proposed Trading hours</b>	<u>Retail Sales</u> Monday to Saturday 09:00 AM – 07:00 PM Sunday 10:00 AM – 07:00 PM
<b>Premises</b>	Unit 4/8-12 Bond Street HURSTVILLE NSW 2220
<b>Decision</b>	Approved under section 45 of the <i>Liquor Act 2007</i>
<b>Decision Date</b>	18 May 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;
- 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: 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 Hurstville, and the broader community is the Local Government Area of Georges River.

### 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's contention that the business will operate from a small home office, situated in Hurstville. The Authority further noted that orders will be taken by phone, fax or via the internet. The orders will be processed and dispatched from secured external storage locations by a verified third party supplier to registered residential and business addresses. The Applicant contends deliveries will be compliant with the responsible supply of alcohol.

### 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:

- presence of crime hotspots in the local community
- higher than average crime rates for alcohol-related domestic and non-domestic assault and malicious damage in the local and broader community
- higher clustering rate of packaged liquor licences in Hurstville compared to NSW state average
- offering of same day deliveries.

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:

- retail sales are managed via online and telephone only from a small residential home office
- no storage of alcohol onsite
- reduced licensed trading hours
- low crime rates in Hurstville and St Georges River LGA across all four relevant categories and not located in a crime hotspot in three out of four categories normally considered by the Authority

- above average socio-economic advantage in the local and broader community
- significantly lower levels of alcohol-attributable deaths and hospitalisations in the broader community
- lower than average liquor licence density saturation in the local and/or broader community
- lower clustering rate in Hurstville and St Georges River LGA for outlets authorised to sell packaged liquor and for packaged liquor licences in St Georges River LGA compared to NSW
- absence of any objections from agency stakeholders or members of the 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.

Yours faithfully



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

**Schedule 1 – Licence conditions to be imposed**  
**Ming Feng**

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.
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 on 18 May 2022.
4. The premises is to be operated at all times in accordance with the Plan of Management dated 19 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.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Licensee training must be completed no later than six months from the date of grant of the liquor licence.
7. No walk-up sales  
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.
8. The licensee must ensure that no tastings are conducted on the premises.
9. No liquor products for sale under this licence are to be delivered to, or stored at, the licensed premises.
10. No advertising or promotional material relating to alcohol is to be displayed outside the licensed premises.