



Josh Ungaro  
Yardy Legal

by email to: [josh@yardy.com.au](mailto:josh@yardy.com.au)

25 November 2022

Dear Mr Ungaro

<b>Application No.</b>	APP-0009846625
<b>Application date</b>	1 June 2022
<b>Applicant</b>	Eros Pedone
<b>Application for</b>	Packaged liquor licence
<b>Licence name</b>	Cozy Feels
<b>Trading hours</b>	<u>Retail</u> Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	Shop 9, Level B1, 417 - 419 Bourke Street, SURRY HILLS NSW 2010
<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 – Cozy Feels**

The Independent Liquor & Gaming Authority considered the application above and decided on 19 September 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 case manager Wendy Yeung at [wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au](mailto:wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Murray Smith', with a stylized flourish at the end.

Murray Smith

Deputy Chairperson

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

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0009846625
<b>Application date</b>	1 June 2022
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<b>Application for</b>	Packaged liquor licence
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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 B 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: 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 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;
- sales will be managed from a small office;
- same day delivery will not be offered;
- will offer select products to residents and local businesses.

#### 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 premises is located within a high density hotspot for domestic & non-domestic violence and malicious damage to property across the suburb and LGA;
- there are higher rates of crime across all areas within the local and broader communities, and
- the premises is located within a cumulative impact area.

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:

- there are no agency or public objections;
- walk-up sales are not permitted;
- there is no same day delivery permitted, and
- 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

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

Murray Smith  
Deputy Chairperson  
For and on behalf of the **Independent Liquor & Gaming Authority**

**Schedule 1 – Licence conditions to be imposed  
Cozy Feels**

**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<sup>th</sup> Normal trading Monday to Saturday 8:00 AM to 12:00 Midnight Sunday  
Christmas Day Not permitted  
December 31<sup>st</sup> Normal trading

**Social Impact**

3. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably 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**

4. The premises is to be operated at all times in accordance with the Plan of Management dated 11 August 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**

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

**No walk-up sales**

6. 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**

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

**No tastings**

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

**No advertising**

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

**No same day delivery**

10. Alcohol is not permitted to be delivered to a customer (other than a person authorised to sell liquor) on the same business day as the order is placed.

**Trial period for full set of hours**

11. The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the initial trial period specified in the relevant development consent ends on 11 September 2025 (or as may be extended from time to time).

A copy of the relevant development consent is to be kept on the premises and made available for inspection at the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.