



Mr Lindsay Andrew Cornish  
Pyramid Liquor Licensing  
By email to: [REDACTED]

24 January 2023

Dear Mr Cornish

<b>Application No.</b>	APP-0010054067
<b>Applicant</b>	ROCY PTY LTD
<b>Application for</b>	Packaged licence – delivery only
<b>Licence name</b>	Rocy
<b>Trading hours</b>	<u>Retail</u> Monday to Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	The Summit Unit 96, 569-581 George Street, Sydney NSW 2000
<b>Legislation</b>	Sections 3, 11, 12, 29, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a packaged liquor licence – delivery only – Rocy**

The Independent Liquor & Gaming Authority considered the application above and decided on 23 November 2022 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, Zof El Hussein, at [zof.el.husseini@liquorandgaming.nsw.gov.au](mailto:zof.el.husseini@liquorandgaming.nsw.gov.au)

Yours faithfully



Murray Smith

Deputy Chairperson

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

**Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the [Liquor & Gaming NSW website](#) and be accompanied by the fee prescribed by the regulations.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The [NCAT website](#).

## Concise statement of reasons

### Key facts

<b>Application No.</b>	APP-0010054067
<b>Applicant</b>	ROCY PTY LTD
<b>Application for</b>	Packaged liquor licence – delivery only
<b>Licence name</b>	Rocy
<b>Premises</b>	The Summit Unit 96, 569-581 George Street, Sydney NSW 2000
<b>Trading hours</b>	<u>Retail</u> Monday to Sunday 10:00 AM – 10:00 PM
<b>Application date</b>	5 May 2022
<b>Decision</b>	Approved under section 45 of the <i>Liquor Act 2007</i>
<b>Decision date</b>	23 November 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 and 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.

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 Sydney, 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 for customer wishing to shop online;
- same day delivery will not be offered;
- members of the public will not be permitted to attend the premises to acquire alcohol, and
- no alcohol will be stored at the residential premises.

### 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 high-density hotspot across all four categories normally considered by the Authority;
- there are higher crime rates in the Sydney suburb and Sydney LGA compared to NSW;
- there is higher licence saturation of liquor licences in the Sydney suburb compared to NSW, and
- there are higher rates of alcohol-attributable hospitalisations the Sydney 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 following:

- there were no public or agency objections received;
- there is a lower rate of alcohol-attributable deaths in the Sydney LGA compared to NSW;
- health statistics indicate a high level of relative socio-economic advantage and disadvantage in the Sydney suburb and Sydney LGA compared to NSW, 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



Murray Smith

Deputy Chairperson

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

## **Schedule 1 – Licence conditions to be imposed Rocy**

### **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 4:00 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.

### **Restricted trading & NYE**

2. Retail sales

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 Monday to Saturday, 10:00 AM to 12:00 midnight Sunday

### **Social impact**

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.

### **Liquor Accord**

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

### **No walk-up sales**

5. 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**

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

### **No tastings**

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

### **No advertising**

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

### **No same day delivery**

9. 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

**Plan of management**

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