

NSW Independent Liquor & Gaming Authority

Our ref: DF25/080314

Mr Adam Francois Van Kempen

BvK Solicitors

19 December 2025

Dear Mr Van Kempen

Application No.	APP-0015272638
Applicant	ARRY INVESTMENTS PTY LTD
Application for	New packaged liquor licence
Application date	2 September 2025
Decision date	10 December 2025
Proposed licence name	Nonnie's Wine Store
Proposed trading hours	Monday to Sunday 10:00 AM – 10:00 PM
Proposed premises	Shops 2 and 3, 78 Burringbar Street Mullumbimby NSW 2482
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 47B, 72I and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new packaged liquor licence – Nonnie's Wine Store

We **approve** the application above under section 45 and 72I of the *Liquor Act 2007* (**the Act**) – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will not be detrimental to the wellbeing of the local or broader community.

Our main findings

The local community for the purposes of this decision is the suburb of Mullumbimby. The broader community is the Local Government Area (**LGA**) of Byron Shire.

The applicant sought to operate a packaged liquor licence to be known as ‘Nonnie’s Wine Store’ in Mullumbimby. A specialised liquor products condition has been proposed as the store intends to sell craft beer, wine, spirits and organic wine that is not readily available through other mainstream liquor stores.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- proposed premises being located in a high-density crime hotspot for non-domestic assault, malicious damage to property and alcohol-related assault and a low-density crime hotspot for domestic assault
- incident rate for alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property being higher in the suburb and LGA than in NSW and the incident rate for alcohol-related disorderly conduct being higher in the LGA than in NSW
- saturation rate of packaged liquor licences in the LGA being higher than in NSW
- rate of alcohol-attributed deaths in the LGA being higher than in NSW.

We considered the following objections:

- NSW Police raised concerns about the licence saturation of the suburb, stating that the suburb is sufficiently serviced by existing liquor licensed premises, and an additional liquor offering will be a detriment to the overall wellbeing of the local and broader community and also noted concerns about the high crime rate in the area
- 2 public submissions citing that they had not received notification of the application and that the suburb is already well serviced with bottle shops.

Although the public objections were received after the submission close date, both submitters were given multiple opportunities to provide further submissions and no response was received.

However, we note that the below factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- the incident rate for alcohol-related disorderly conduct is lower in the suburb than in NSW
- the saturation rate of packaged liquor licences is lower in the suburb than in NSW
- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the LGA compared to other communities in NSW¹

¹ Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024)).

- the rate of alcohol-attributed hospitalisations in the LGA is lower than in NSW
- the proposed premises will not offer a delivery service
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- the legislation
- certificate of advertising
- a Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- L&GNSW compliance materials
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely overall impact to the local and broader community.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact Liquor & Gaming NSW at: new.applications@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Chris Honey

Deputy Chairperson

NSW Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Nonnie's Wine Store

No.	Condition	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 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.
2.	Retail sales	Good Friday: Not permitted December 24 th : Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day: Not permitted December 31 st : Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday.
3.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining the licence.
4.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 15 September 2025 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.
6.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the premises is required to close b. recordings must be in digital format and at a minimum of ten (10) frames per second c. any recorded image must specify the time and date of the recorded image d. the system’s cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points on the premises, and ii. all publicly accessible areas (other than toilets) within the premises. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

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		<ul style="list-style-type: none"> c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7.	Specialised Liquor Products	<ol style="list-style-type: none"> 1. The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2: <ul style="list-style-type: none"> a. craft beer b. craft cider c. craft spirits d. boutique wines (including sparkling wines and champagne) e. organic and natural liquor products 2. Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds. <p><u>Definitions</u></p> <p>For the purposes of this condition:</p> <ol style="list-style-type: none"> 1. Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer: <ul style="list-style-type: none"> a. which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum; b. where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft brewer; and c. which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers). 2. Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer: <ul style="list-style-type: none"> a. which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum; b. where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and c. which will certify that the cider is made from liquid consisting only of juice (no concentrates). 3. Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are: <ul style="list-style-type: none"> a. the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an

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		<p>independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and</p> <p>b. distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller.</p> <p>4. Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company at the time wine is supplied to the Business).</p> <p>5. Boutique champagne and sparkling wine is defined as champagne or sparkling wine that is not generally considered to be mainstream champagne or sparkling wine, that is, champagne or sparkling wine that is not commonly sold by major liquor retailers.</p> <p>6. Organic and natural liquor products are defined as:</p> <p>a. Organic liquors (including organic wines) that bear a recognised organic certification logo;</p> <p>b. Wine that is labelled or marketed as organic wine, and is produced from vineyards and farms that are farmed organically or to organic standards, typically with little or no additions in wine-making (whether or not the wine is certified as organic);</p> <p>c. Wine that is labelled or marketed as natural wine, and is produced from vineyards that are farmed organically or bio-dynamically, and then produced with no additions (additives) in wine-making, including MegaPurple, tartaric acid, enzymes, malabugs, and bottled with lower levels of sulphur or without sulphur (preservative 220); and</p> <p>d. Boutique wines that are marketed as organic, bio-dynamic or natural wines (including sparkling wine), and manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently-owned (ie not owned by a larger wine company at the time the licensee purchases wine wholesale from the supplier).</p>