

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/046364

Mr David Balog  
D.C. Balog & Associates

25 July 2025

Dear Mr Balog,

Application No.	APP-0014134781
Applicant	FAB DRINKS AND PROVISIONS
Application for	New packaged liquor licence
Application date	24 February 2025
Decision date	18 June 2025
Proposed licence name	Fab Drinks and Provisions
Proposed Trading hours	Monday to Sunday 11:00 AM – 08:00 PM
Proposed premises	202 Elizabeth Street, Surry Hills NSW 2010
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 53, 114, and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a new packaged liquor licence – Fab Drinks and Provisions

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

### 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 contribute to, not detract from, the amenity of community life.

### Our main findings

The local community for the purposes of this decision is the suburb of Surry Hills. The broader community is the Local Government Area (LGA) of Sydney.

The application is for a standalone packaged liquor store which would offer exclusively premium craft beers and organic wines, with reduced trading hours and a modest size premises.

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:

- crime hotspots and crime rates – the proposed premises are located in high density crime hotspots for all offence types we considered, and the incident rate of all crime categories we considered is higher in the suburb and LGA than in NSW. However, the data for these crime rates may be skewed due to the suburb and LGA being high transient visitation areas
- licence saturation – the rate of packaged liquor licences is higher in the suburb and LGA than in NSW
- health statistics – the rate of alcohol-attributed hospitalisations in the LGA is higher than in NSW, however the rate of alcohol-attributed deaths in the LGA is aligned with NSW.

We also note that the below factors weighed in favour of approval of the application, and may also reduce some of the risks identified above:

- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW suggesting the surrounding community may be less vulnerable to alcohol related harm
- the proposed premises will offer exclusively premium craft beers and organic wines
- the proposed premises will be a modest size of 52m<sup>2</sup> and will operate under reduced trading hours until 8pm, with no same day delivery
- harm-minimisation measures are outlined in the plan of management and appropriate licence conditions have been imposed, as set out in Schedule 1.

We considered objections received from NSW Police and a member of the public (a direct competitor) in relation to the various risks we have identified above, however, on balance, we considered the business model to be low risk in this circumstance.

### **The material we considered**

We considered the following material when making our decision:

- the legislation
- the application material — including evidence that stakeholders and the community were notified about the application
- a Statement of Risk 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
- 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 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](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Fab Drinks and Provisions

No.	Condition to be imposed	Description
1.	6-hour closure	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 6 hours between <b>04:00 AM and 10:00 AM</b> 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	<b>Good Friday:</b> Not permitted <b>December 24<sup>th</sup></b> Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday <b>Christmas Day</b> Not permitted <b>December 31<sup>st</sup></b> 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 <b>23 April 2025</b> 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"> <li>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"> <li>the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</li> <li>any recorded image must specify the time and date of the recorded image,</li> <li>the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>all entry and exit points on the premises, and</li> <li>all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>The licensee must also: <ol style="list-style-type: none"> <li>keep all recordings made by the CCTV system for at least 30 days,</li> <li>ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>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.</p>
7.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> <li>1. take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,</li> <li>3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.</p>
8.	Incident register	<ol style="list-style-type: none"> <li>1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,</li> <li>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.
9.	Specialised Liquor Products	<p>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:</p> <ul style="list-style-type: none"> <li><b>a. craft beer</b></li> <li><b>b. organic and natural liquor products</b></li> </ul> <p>2. The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor &amp; Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p> <p>3. For every liquor product that is available for sale under sub-clause 1, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.</p> <p><u>Definitions</u></p> <p>For the purposes of this condition:</p> <ul style="list-style-type: none"> <li>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"> <li>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;</li> <li>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</li> <li>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).</li> </ul> </li> <li>2. Organic and natural liquor products are defined as: <ul style="list-style-type: none"> <li>a. Organic liquors (including organic wines) that bear a recognised organic certification logo;</li> <li>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);</li> <li>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</li> </ul> </li> </ul>

No.	Condition to be imposed	Description
		<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 (i.e. not owned by a larger wine company at the time the licensee purchases wine wholesale from the supplier).</p>