



Mr Grant Cusack
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18 November 2019

Dear Mr Cusack,

Application No.	APP-0005927890
Applicant	Amanda Yaupaung
Application for	Packaged Liquor Licence
Licence name	Porters Liquor Glebe Pty Limited
Trading hours	Monday to Saturday 11:00 am to 9:00 pm Sunday 11:00 am to 8:00 pm
Premises	Shop 1, Ground Floor 211 Glebe Point Road Glebe NSW 2037
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i> (NSW)

**Decision of the Independent Liquor and Gaming Authority
Application for a new Packaged Liquor Licence – Porters Liquor Glebe Pty Limited**

The Independent Liquor and Gaming Authority (“Authority”) considered the above application at its meeting on 16 October 2019 when it decided, pursuant to section 45 of the *Liquor Act 2007* (NSW), to **grant** the application subject to imposition of the following licence conditions:

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 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.
2. **Retail sales**

Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday 8:00 AM to 10:00 PM Sunday
Christmas Day	Not permitted
December 31 st	Normal Trading
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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.
4. The premises is to be operated at all times in accordance with the Plan of Management dated June 2019 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. Closed-Circuit Television

- (1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:
 - (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 six (6) 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:
 - (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:
 - (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 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
 - (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. Incident Register

- (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:
 - (a) any incident involving violence or anti-social behaviour occurring on the premises,
 - (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,
 - (c) any incident that results in a person being turned out of the premises under section 77 of the Act,
 - (d) any incident that results in a patron of the premises requiring medical assistance.
- (2) The licensee must, if requested to do so by a police officer or inspector:
 - (a) make any such incident register immediately available for inspection by a police officer or inspector, and
 - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
- (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.

8. Customers should not be sold/supplied with liquor if seen drinking an alcoholic beverage on approach to the venue.

The Authority notes that the six-hour liquor daily cessation period has been fixed, for the purposes of section 11A of the Act, between 4:00 am and 10:00 am. In the case of any Sunday that falls on 24 December, this overrides the 8:00 am opening time that may otherwise be permitted by the legislation.

Please direct any questions about this letter to the case manager via email to michelle.stark@liquorandgaming.nsw.gov.au.

Yours faithfully



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

Statement of reasons

Decision

1. On 19 June 2019 the Independent Liquor and Gaming Authority (“the Authority”) received from Ms Amanda Yaupaung (“the Applicant”), through Liquor and Gaming New South Wales (“LGNSW”), an application for a new packaged liquor licence (“Application”) in respect of premises located at Shop 1 Ground Floor, 211 Glebe Point Road, Glebe New South Wales (“NSW”) 2037 (“Premises”) with the licenced premises name of *Porters Liquor Glebe Pty Limited*.
2. The Authority considered the Application at its meeting on 16 October 2019 and pursuant to section 45(1) of the *Liquor Act 2007* (NSW) (“Act”) has decided, with effect from that date, to **grant** the Application.
3. In making this decision the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Regulation”).

Material Considered by the Authority

4. The Authority has considered the Application, accompanying Community Impact Statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with *Authority Guideline 6*, the Authority has also had regard to LGNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health and Australian Bureau of Statistics (“ABS”).
7. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

8. The Authority has considered the Application in accordance with the following provisions of the Act:
 - (a) Section 3: Statutory objects of the Act and relevant considerations.
 - (b) Section 11A: 6-hour closure period.
 - (c) Section 12: Standard trading period.
 - (d) Sections 29: Authorisation conferred by packaged liquor licence.
 - (e) Section 30: Liquor sales area required if bottle shop is part of another business activity.
 - (f) Section 31: Restrictions on granting packaged liquor licences.
 - (g) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - (h) Section 45: Criteria for granting a liquor licence.
 - (i) Section 48: Requirements in respect of a CIS.
9. An extract of these sections is set out in Schedule 2.

Key findings

10. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading hour requirements

11. The Authority finds that the Application and accompanying CIS have been validly made in that they meet the minimum procedural and information requirements under sections 40 and 48(4) of the Act and clauses 20 through 29 of the Regulation. This finding is made on the basis of the Application, CIS material and the Certificates of Advertising signed by Grant Cusack of Hatzis Cusack Lawyers on 30 August 2019 and Mr Craig Yaupaung on 29 August 2019.
12. The Authority is further satisfied that the trading hours sought by the Applicant in the Application Form and granted by the Authority meet the requirements specified by sections 11A, 12 and 29 of the Act in respect of a daily 6 - hour liquor sales cessation period and the permissible standard trading period for a packaged liquor licence.
13. The Authority is also satisfied, for the purposes of clause 66 of the Regulation, that the Applicant holds a recognised competency card with a current licensee endorsement. This finding is made on the basis of Interim Certificate CCH10747132, held on the LGNSW file, which is valid until 26 December 2022.

Fit and proper person, responsible service of alcohol and development consent

14. The Authority is satisfied that:
 - For the purposes of section 45(3)(a) of the Act, the Applicant is a fit and proper person to carry on the business to which the proposed licence relates. This finding is made on the basis of National Coordinated Criminal History Check Certificate NSS001 dated 13 June 2019, which recorded *No Disclosable Court Outcomes* for the Applicant and noting that no probity issues were raised following consultation with relevant law enforcement agencies, including NSW Police ("Police") and the Compliance section of LGNSW.
 - For the purposes of section 45(3)(b) of the Act, practices will be in place from the commencement of licensed trading on the Premises to ensure the responsible serving of alcohol and prevent intoxication. This finding is made on the basis of the Applicant's business policy documents provided with the Application, being the *Management Plan* dated June 2019 and the accompanying *House Policy*.
 - For the purposes of section 45(3)(c) of the Act, the requisite development consent permitting the conduct of a packaged liquor licensed business on the Premises is in force. This finding is made on the basis of Complying Development Certificate ("CDC") 5386 for "Change of use of Shop 1 to a retail of liquor shop with ancillary fitout" issued by Kudos Building Certification on 18 September 2019. Condition 21(1) of the CDC specifies that the hours of operation must not exceed the hours specified in an existing condition on a development consent. The Authority notes that condition 13 of development consent D980598 issued by the former Leichhardt Municipal Council on 23 March 1999 restricted trading hours to between 11:00 am and 12:00 midnight 7 days per week.

Community impact statement

15. For the purposes of this decision and consistent with *Authority Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Glebe, and the relevant “broader community” comprises the local government area (“LGA”) of the Council of the City of Sydney (“Sydney LGA”).

Positive social impacts

16. The Authority notes that this is an application for a packaged liquor licence for a standalone street facing liquor store within a substantial retail and entertainment precinct on Glebe Point Road.
17. The Authority is satisfied, on the CIS material, that granting this licence will provide some benefit by way of additional convenience and choice to members of the local and broader community who wish to purchase packaged liquor whilst shopping in this precinct.
18. However, the extent of that benefit is constrained by the existing licensed businesses operating in the local community. A LGNSW list of licensed premises as at 17 September 2019 indicates 8 packaged liquor and 8 full hotel licensed businesses operate within Glebe.
19. The Authority accepts the Applicant’s contentions in the *Submission in response to assessment of application* dated 29 August 2019 (“Applicant’s Response”), that of the 8 packaged liquor licences on the record:
 - Two are no longer being exercised – being Tommy’s Cellars and Best BYO.
 - Three are located within or near the Broadway Shopping Centre – some 1 kilometre by foot from the Premises – being ALDI Broadway, Liquorland Express and Sydney Cellars.
 - The remaining three are located between 465 metres and 800 metres by foot from the Premises – being J & M Fernandez Holdings Pty Limited (approximately 465 metres), Glebe Liquor Mart (approximately 680 metres) and BWS – Beer Wine Spirits (approximately 800 metres).
20. The Authority further accepts the Applicant’s contention in the Applicant’s Response, that of the 8 full hotel licences in the suburb:
 - The Roxbury Hotel is permanently closed.
 - The Off Broadway Hotel is located approximately 1 kilometre from the Premises by foot and is subject to a condition providing that no separate packaged liquor facility is to be provided on the licensed premises.
 - The Nag’s Head Hotel is located approximately 500 metres by foot from the Premises and does not provide a designated packaged liquor store area.
 - The Kauri Hotel is located approximately 700 metres by foot from the Premises and does not provide a designated packaged liquor store area.
 - The Friend In Hand Hotel is located approximately 800 metres by foot from the Premises and does not provide a designated packaged liquor store area.
 - The Glebe Hotel is located approximately 1 kilometre from the Premises and does not provide a designated packaged liquor store area.
 - The Ancient Briton Hotel is located within 100 metres from the Premises and provides a small packaged liquor store area comprising approximately 22 square metres.
 - The Toxteth Hotel is located approximately 400 metres by foot from the Premises and provides a small dedicated packaged liquor store area of approximately 40 square metres.

21. The Authority notes that a petition was provided by the Applicant in support of the proposed licence, signed by some 111 residents, a large portion of whom identify as residents of Glebe. The petition states the following:
- “1. We, the undersigned, SUPPORT the application for a packaged liquor facility to be located in the shop at 211 Glebe Point Road, Glebe which adjoins the IGA Supermarket, and is located in the retail precinct between Bridge and St Johns Roads.*
 - 2. We would like the substantial convenience of being able to purchase liquor items, when attending the retail precinct to purchase grocery and other products.*
 - 3. At present there is no adequate liquor facility conveniently located for customers of the Supermarket and other nearby retail shops. The nearest liquor facility, at the Ancient Briton Hotel, is inadequate in our view.*
 - 4. In our view, the creation of a small liquor packaged liquor facility adjoining the existing IGA Supermarket is not likely to lead to any increase in crime or anti-social behaviour”.*
22. The Applicant has also provided pro forma letters signed by six local businesses (Melissa Young Beauty, Fish on Fire, Le Petit Tarte cafe, The Charleston Glebe, CTC Glebe and Descanso) situated on Glebe Point Road dated 8 or 9 August 2019 in support of the proposal. The writers contend that the new liquor store “would be a welcome addition to the groups of shops”; “add significantly to the convenience and choice enjoyed by local residents” and can “only be an asset” to the community.
23. The Authority notes that two further submissions in support were received, one from the proprietor of Glebe Foodworks supermarket dated 1 August 2019 (who had previously objected) and one from the Rector of the nearby St John’s Anglican Church in Glebe dated 15 July 2019.
24. While there was greater evidence of local support than opposition, seven submitters (two being owners of local businesses and 5 being local residents) raised social impact concerns (discussed in greater detail below). Some of these writers provided multiple submissions.
25. Notwithstanding that community sentiment is divided, the Authority is satisfied on balance that granting the licence will advance, to a modest extent, the statutory object of regulating liquor in a manner consistent with the “expectations, needs and aspirations” of the local and broader community, for the purposes of section 3(1)(a) of the Act.
26. The Authority accepts the contention in the CIS that this will be an independently operated business and considers that it will contribute to the balanced development of the liquor industry in the local community, advancing the statutory object of section 3(1)(b) of the Act. However, this benefit is constrained by the number and location of the incumbent licensees in the local community.
27. The Authority accepts the contention in the CIS material that Glebe is a popular destination for visitors to the LGA as well as persons residing in the suburbs surrounding Glebe, due to the surrounding restaurant precinct and many licensed entertainment venues.
28. The Authority accepts that the packaged liquor store may service demand for takeaway liquor by patrons of local unlicensed restaurants and cafes and provide some scope to cater for tourists staying in this area of the City. In this sense granting the licence may

advance the statutory object in section 3(1)(c) of the Act – the responsible development of related hospitality and tourism industries, albeit to a modest extent.

29. While the Applicant contends in the CIS that the new licensed business will sell products that are presently not available at other licensed facilities within Glebe, without a detailed product list or information supporting that claim, the Authority has given it little weight.
30. Finally, in the absence of supporting evidence or independent analysis the Authority gives little weight to the Applicant's contentions that granting the licence will reduce escape expenditure (strengthening local businesses) and increase public safety due to customers not being put "at risk" by having to make an "inconvenient trip by road" to other packaged liquor facilities. These are complex factual claims that cannot be readily inferred from the material provided by the Applicant.

Negative social impacts

31. The licence type sought is a packaged liquor licence. Aside from product tastings, it authorises the sale of liquor for consumption away from the premises only.
32. At approximately 65 square metres, the scale of the Premises is relatively small compared to other standalone packaged liquor businesses in NSW.
33. While the proposed licensed trading hours (closing at 9:00 pm six nights per week) are reasonably extensive, the later opening time of 11:00 am has been taken into account as a moderating factor, given that most stand-alone liquor stores are licensed from 9:00am.
34. The Authority finds that granting this licence will increase licence density in the local and broader community. The licence density calculations based on the 2016 Census and LGNSW list of licensed premises as at 17 September 2019 indicate that:
 - the suburb has a rate of 69.37 packaged liquor licences per 100,000 of population and a rate of 82.06 for the LGA compared to the NSW rate of 34.54.
 - the suburb has a rate of 69.37 full hotel licences per 100,000 of population and a rate of 140.61 for the LGA compared to the NSW rate of 26.92.
35. Furthermore, the Premises is within a location that is exposed to some concentration of crime, with the BOCSAR hotspot maps for July 2018 to June 2019 indicating that this new store will be located within high-density hotspots for incidents of alcohol-related assault, domestic assault, non-domestic assault and malicious damage to property.
36. Alcohol related crime is elevated in the local and broader community on the basis of the BOCSAR crime data for the year to June 2019 which recorded:
 - A rate of **168.7** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **194.5** for the LGA and a rate of **116.9** for NSW.
 - A rate of **184.8** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **619.5** for the LGA and a rate of **119.1** for NSW.
 - A rate of **1349.9** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **1142.9** for the LGA and a rate of **732.2** for NSW.
 - A rate of **88.4** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **288.9** for the LGA and with a rate of **35.9** for NSW.

37. 2016 ABS Socio-Economic Index For Areas (“SEIFA”) data indicates that the suburb and LGA are relatively advantaged, with both ranking in the 9th decile on the Index of Relative Socio-Economic Advantage and Disadvantage.
38. The Authority acknowledges that the NSW *Healthstats* data indicates that the Sydney LGA has elevated rates of alcohol attributable hospitalisations but alcohol attributable deaths that are slightly above NSW. Sydney LGA recorded a spatially adjusted rate per 100,000 population of 20.8 compared to the NSW rate of 18.1 (2015 to 2016) for alcohol attributable deaths and a rate of 764.2 per 100,000 persons compared to the NSW rate of 555.6 (2016 to 2018) for alcohol attributable hospitalisations.
39. With regard to the potential impact of the licensed business upon local amenity. There are 7 opposing submissions from 5 residents (C Newton, R and E Beehag, P Crawshaw, A Chiew and C Hoult) and 2 businesses (Cibo Café and Pho Hanoi Pho) in the local community, dated between 14 May and 29 July 2019.
40. The key contentions raised by the objectors are:
- Glebe being well serviced with liquor shops and a lack of need for more liquor outlets.
 - Existing issues with people drinking alcohol on the street and begging for money.
 - Existing anti-social behaviour from intoxicated people being loud, offensive, yelling, using vulgar language and being intimidating. Including the increased risk to people’s safety if the licence is granted.
 - The proximity of the Premises to St Johns Anglican Church and St James Church and Primary School.
 - Impact of children having to walk past another liquor store on their way to school.
 - The number of disadvantaged residents in housing complexes on Glebe Point Road and surrounds. Including the existing issues of domestic violence at the housing estate near the Premises.
 - The location of Foley Park (including the War Memorial) across the road from the Premises and not wanting to encourage drinking in Foley Park.
 - Proximity of residents residing in the units above the shops.
 - The location of the store next to a supermarket giving the wrong impression of liquor as food.
 - This business failing to complement existing businesses or enhance the City of Sydney’s new night time proposals.
41. The Authority accepts that licence density for packaged liquor is relatively high, and this is a factor of concern. However, the Authority has taken into account the fact that this new liquor store will operate in the context of a substantial retail and entertainment precinct running along Glebe Point Road. The number and variety of licensed businesses servicing residents and visitors to the location places the data on licence density and crime rates in context when balancing the objects of the Act.
42. When considering the scope for adverse impact upon local amenity, including nearby sensitive areas such as parks and churches, the Authority has given some weight to the absence of objections from agencies with a law enforcement capacity with records of compliance and disturbance issues arising from licensed premises. Although Police acknowledge the “possible risks” of the location in an area “that could be high risk for alcohol related crime and anti-social behaviour”, they do not object. Resident concerns about impact upon the nearby church are not reflected in the position taken by the Church itself.
43. The Authority accepts that there are disadvantaged members of the local community, but without detailed submissions or information as to the prevalence of impacts on

those pockets of disadvantage and noting that the SEIFA ranking for the suburb and LGA is high, the Authority is unable to give great weight to that potential impact on the material before it.

44. The Authority does not consider it unusual for liquor stores to operate in close proximity to supermarkets and notes that no adverse submission is maintained by the adjacent Foodworks business. Takeaway liquor is available from a nearby hotel liquor store. Absent any specific evidence or information that the abuse of packaged liquor is impacting supermarket patrons, this potential concern is given little weight.
45. The Authority does not accept the submission that this licence would be inconsistent with the local businesses or the City of Sydney's night-time economy proposals. There are numerous on and off premises licensed businesses along Glebe Point Road. While diversification of night-time retail may be desirable, the Authority's focus is social impact, not broader town planning considerations.
46. In conclusion, the crime, licence density and proximity to a nearby park are adverse factors of some weight when assessing the potential negative social impact of granting this licence. Mitigating factors include the small scale and commercial location. The Authority has also taken into account the harm minimisation measures in the Applicant's Management Plan dated June 2019 and House Policy (enforceable by a licence condition) which concern security, CCTV, responsible sale of liquor practices and crime scene preservation measures.

Overall social impact

47. On balance, having considered the positive benefits and negative impacts likely to flow from granting the Application, the Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting this new packaged liquor licence would not be detrimental to the well-being of the local or broader community.
48. The Application is granted pursuant to section 45(1) of the Act.



Philip Crawford
Chairperson

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 the New South Wales Civil and Administrative Tribunal ("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 and gaming website <https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority/ilga-and-l-and-gsw-decisions> 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 is at <http://www.ncat.nsw.gov.au/>.

Schedule 1

Material before the Authority

1. Application form for a new packaged liquor licence (“Application”) and a Category B Community Impact Statement (“CIS”) lodged on 19 June 2019 by Ms Amanda Yaupaung (“Applicant”) accompanied by the following documents:
 - (a) Liquor and Gaming New South Wales (“LGNSW”) *Declaration: liquor licence application by proposed licensee* form signed and dated 18 June 2019.
 - (b) Australian Securities and Investments Commission (“ASIC”) Current Organisation Extract for Harvestrove Pty Limited, extracted on 14 June 2019.
 - (c) Public consultation site notice and local consent authority notice.
 - (d) National Coordinated Criminal History Check Certificate NSS001 issued on 13 June 2019 in regards to the Applicant.
 - (e) Identification forms for the Applicant comprising a New South Wales (“NSW”) Driver Licence, Australian Passport, Medicare card and LGNSW Competency Card.
 - (f) Interim Certificate No 10001244414 certifying that the Applicant completed Licensee Training on 31 May 2019.
 - (g) Map depicting the neighbouring premises in which notice of the Application was distributed.
 - (h) Map depicting the alcohol-free zones and alcohol-prohibited areas.
 - (i) List of stakeholders and special interest groups notified of the Application.
 - (j) An undated seventeen-page document titled *Additional Information – Application and Community Impact Statement*, prepared by Hatzis Cusack Lawyers (“Hatzis Cusack”) on behalf of the Applicant.
 - (k) Letter from City of Sydney Council (“Council”) dated 30 May 2019 advising Council has no matters of concern with the Application.
 - (l) Email submission from Aboriginal Affairs dated 20 May 2019 advising no objection provided the NSW Aboriginal Land Council and the Local Aboriginal Land Council were notified.
 - (m) Submission letter from NSW Roads and Maritime Services dated 20 May 2019 making recommendations to prevent and decrease the likelihood of alcohol involvement in road crashes.
 - (n) Email submission from Mr P Crawshaw of Ferry Road, Glebe dated 21 May 2019 objecting to the Application.
 - (o) Email submission from Ms A Chiew [address not specified] dated 17 May 2019 objecting to the Application.
 - (p) Email submission from C Hoult of Arcadia Road, Glebe dated 16 May 2019 objecting to the Application.
 - (q) Two email submissions from Ms C Newton of Glebe Point Road, Glebe dated 16 May 2019 objecting to the Application.
 - (r) Email from Mr R Beehag of Talfourd Street, Glebe dated 14 May 2019 objecting to the Application.
 - (s) Note on Planning Approvals.
 - (t) Management Plan dated June 2019 and House Policy (undated).
 - (u) Plan/diagram of the premises highlighting the licensed area in yellow.
2. Submission letter from Council dated 27 June 2019 (sent via email of the same date) advising Council has no matters of concern.
3. Email from Council dated 3 July 2019 providing a copy of Occupation Certificate No 034/99 issued by the former Leichhardt Council.
4. Submission letter from Superintendent – Commander Alf Sergi of the Leichhardt Police Area Command of NSW Police (“Police”) dated 10 July 2019 (sent via email dated 11 July 2019) advising Police do not object.
5. Two email submissions from Mr R and Ms E Beehag of Talfourd Street, Glebe received on 16 July 2019, objecting to the Application.

6. Submission letter from K Hirani, Proprietor of Glebe Foodworks, Glebe Point Road, Glebe dated 22 July 2019, objecting to the Application.
7. Submission letter from Ms S Ngyuen, owner of Pho Hanoi Pho, Glebe Point Road, Glebe received on 25 July 2019, objecting to the Application.
8. Submission letter from S Barkho, owner of Cibo Café, Glebe Point Road, Glebe received on 29 July 2019, objecting to the Application.
9. Email correspondence from the Applicant's legal representative dated 30 August 2019 providing the following documents:
 - (a) A one-page letter from the Applicant's legal representative dated 30 August 2019 responding to submissions received and providing further information on the Application.
 - (b) A forty-one page document, prepared by the Applicant's legal representative, dated 29 August 2019 titled *Submission in response to an assessment of application*.
 - (c) Annexure A – Petition in support of the Application containing some 111 signatures.
 - (d) Annexure B – The following submissions:
 - Second submission letter from K Hirani, Proprietor of Glebe Foodworks, Glebe Point Road, Glebe dated 1 August 2019, withdrawing the first objecting submission and instead providing support for the Application.
 - Pro-forma letters of support from businesses located on Glebe Point Road, Glebe:
 - The business owner of Melissa Young Beauty dated 8 August 2019.
 - The manager of Fish on Fire dated 9 August 2019.
 - The business owner of Le Petit Tarte Café dated 9 August 2019.
 - The business owner of The Charleston Glebe dated 9 August 2019.
 - The business owner of CTC Glebe dated 9 August 2019.
 - The business owner of Descanso dated 8 August 2019.
 - (e) Annexure C – a copy of the Applicant's resume.
 - (f) Annexure D – photographs of the IGA Supermarket.
 - (g) Annexure E – List of some of the foods on offer at the Source Bulk Foods Store, sourced from the stores website.
 - (h) Annexure F – Certificates of advertising signed by Grant Cusack of Hatzis Cusack on 30 August 2019 and Mr Craig Yaupaung on 29 August 2019.
 - (v) Annexure G – ASIC Current Organisation Extract for Porters Liquor Glebe Pty Ltd extracted on 30 August 2019.
 - (i) Annexure H – Development consent D980598 issued by the former Leichhardt Municipal Council on 23 March 1999.
 - (j) Annexure I – Statement of Steve Kemp, State Operations Manager of Australian Liquor Marketers dated 28 May 2019.
 - (k) Annexure J – Email submission from Rev Mark Wormell, Rector, St John's Anglican Church, Glebe dated 15 July 2019 advising that he is comfortable with the proposal.
10. Email from the Applicant's legal representative dated 3 September 2019 in relation to the name of the business.
11. Email from the Applicant's legal representative dated 3 September 2019 providing information on the Balmain East store and an updated resume of the Applicant.
12. Bureau of Crime Statistics and Research ("BOCSAR") data sourced by licensing staff on 13 September 2019 including:
 - (a) Hotspot maps for the suburb from July 2018 to June 2019 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property.
 - (b) Crime data for July 2017 to June 2019 comparing the count and rate per 100,000 persons for incidents of alcohol related domestic assault, alcohol related non-domestic assault, malicious damage to property and alcohol related disorderly conduct (offensive conduct) for NSW, the suburb and the Local Government Area ("LGA").
 - (c) Number and proportion of selected offences flagged by Police as alcohol related for the LGA and NSW from 2018.

13. Google geographical maps and street view image of the premises and surrounds, sourced by licensing staff on 13 September 2019.
14. BOCSAR data on number of selected offences flagged by Police as alcohol related by time of day and day of week for NSW, the suburb and LGA from July 2018 to June 2019, sourced by staff on 16 September 2019.
15. Australian Bureau of Statistics (“ABS”) Socio-Economic Indexes For Areas data based on the 2016 Census for the suburb and LGA, sourced by licensing staff on 16 September 2019.
16. NSW Healthstats data on alcohol attributable deaths in NSW (between 1997 and 2016); alcohol attributable deaths, Sydney LGA, NSW (between 2001 and 2016); alcohol attributable hospitalisations in NSW (between 2001 and 2018); and alcohol attributable hospitalisations, Sydney LGA (between 2001 and 2018), sourced by licensing staff on 16 September 2019.
17. Email submission from LGNSW Compliance dated 17 September 2019 advising that a review of LGNSW compliance records did not identify any adverse findings.
18. Licence density data calculated by licensing staff using the 2016 ABS population data and licensed premises information as at 17 September 2019.
19. LGNSW list of licensed premises in Glebe, sourced by licensing staff as at 17 September 2019.
20. Email from the Applicant’s legal representative dated 18 September 2019 responding to the LGNSW Compliance submission.
21. Complying Development Certificate 5386 issued by Kudos Building Certification on 18 September 2019 and provided on that date.
22. Letter from Applicant solicitor dated 31 October 2019 (provided after Authority determination) confirming licensee RSA Card details and scale of premises.

Schedule 2

Relevant extracts from the *Liquor Act 2007* (NSW)

3 Objects of Act

- (1) The objects of this Act are as follows:
 - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
 - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
 - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
 - (a) any licence granted on or after 30 October 2008, and
 - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
 - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the *Liquor Legislation Amendment Act 2008*) commenced, or
 - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
 - (a) the period as last approved by the Authority, or
 - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
 - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
 - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).

- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the **standard trading period** means:
 - (a) for any day of the week other than a Sunday:
 - (i) the period from 5 am to midnight, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
 - (b) for a Sunday:
 - (i) the period from 10 am to 10 pm, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

Note. Small bars are subject to the 6-hour closure period under section 11A.
- (1B) Despite subsection (1) (a), the **standard trading period** for premises to which this subsection applies ends at 10 pm.
- (1C) Subsection (1B) applies to the following premises or part of premises:
 - (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
 - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
 - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
 - (a) apply to a specified class of licensed premises, and
 - (b) apply in relation to a specified day or days, and
 - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

29 Authorisation conferred by packaged liquor licence

(1) Retail sales

A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:

- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
- (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.

(2) No retail trading on restricted trading days

Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.

(3) **Selling liquor by wholesale or to employees**

A packaged liquor licence also authorises the licensee:

- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
- (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.

(3A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.

(4) **Tastings**

A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:
 - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
 - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section:

general store means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

service station means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

take-away food shop means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
 - (a) an individual, or
 - (b) a corporation, or
 - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the *Registered Clubs Act 1976*.
- (3) An application for a licence may not be made by:
 - (a) an individual who is under the age of 18 years, or
 - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
 - (c) an individual who is a controlled member of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*.

Note. Controlled members are prohibited from applying for licences—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.

- (4) An application for a licence must:
- (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
 - (c) be advertised in accordance with the regulations, and
 - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.
- Note.** See also section 48 which requires a community impact statement to be provided with certain licence applications.
- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
- (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
 - (c) if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

Note. Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
- (a) that the person:
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*, and
 - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper

person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:

- (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
- (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:
- relevant application** means any of the following:
- (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
 - (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
 - (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
 - (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
 - (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,
- but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).
- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
- (a) development consent is required under the *Environmental Planning and Assessment Act 1979* to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
- (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:

- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the *Environmental Planning and Assessment Act 1979* to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
- (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the *Registered Clubs Act 1976*.
- (4) The community impact statement must:
- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
 - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.