



Ms Nicole Beath  
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1 March 2019

Dear Ms Beath,

<b>Application No.</b>	APP-0004296852
<b>Applicant</b>	Red Bottle Surry Hills Pty Ltd
<b>Application for</b>	Packaged Liquor Licence
<b>Licence name</b>	Red Bottle Surry Hills
<b>Trading hours</b>	Monday to Sunday 10:00 AM – 09:59 PM
<b>Premises</b>	Ground Floor, 310 Elizabeth Street Surry Hills NSW 2010
<b>Legislation</b>	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 – Red Bottle Surry Hills**

The Independent Liquor and Gaming Authority (“Authority”) considered the above application at its meeting on 23 January 2019 and, following further consultation with the applicant has decided, pursuant to section 45 of the *Liquor Act 2007* (NSW) (“Act”), to **grant** the application subject to the following 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 <sup>th</sup>	Normal trading Monday to Saturday 8:00 AM to 10:00 PM Sunday
Christmas Day	Not permitted
December 31 <sup>st</sup>	Normal Trading
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 be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. The premises is to be operated at all times in accordance with the Plan of Management dated December 2018, 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. **Closed-Circuit Television**

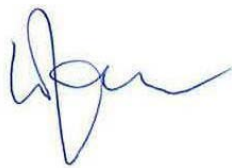
- 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements:
  - (a) the system must record continuously from opening time until one hour after the premises is required to close,
  - (b) recordings must 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.

The commencement of this licence is subject to a requirement, under section 47(2) of the Act, that the licensee furnish the Authority with an amended version of the Plan of Management dated December 2018 specifying the licensed trading hours that have been granted by the Authority.

Please direct the amended Plan of Management or any questions about this letter to the case manager via email to [kieran.mcsherry@liquorandgaming.nsw.gov.au](mailto:kieran.mcsherry@liquorandgaming.nsw.gov.au)

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Yours faithfully

Philip Crawford  
Chairperson

For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 21 May 2018 the Independent Liquor and Gaming Authority (“the Authority”) received from Red Bottle Surry Hills Pty Ltd (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new packaged liquor licence (“Application”) in respect of premises located at the Ground Floor 310 Elizabeth Street, Surry Hills NSW 2010 (“Premises”) to be known as Red Bottle Surry Hills.
2. The Authority considered the Application at its meeting on 23 January 2019 and after further consultation with the Applicant decided to grant the Licence under section 45 of the Liquor Act 2007 (“Act”).
3. In reaching 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 this 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 its *Guideline 6*, the Authority has also had regard to relevant 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 are 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 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 Certificate of Advertising signed by Mr Scott Towers on behalf of Red Bottle Surry Hills Pty Ltd dated 22 November 2018.
12. The Authority has considered a submission from a commercial objector, George Thomas Hotels Pty Limited (who has an interest in the Aurora Hotel at 324 Elizabeth Street Surry Hills, approximately 21 metres from the Premises) ("Commercial Objector"), made through a letter from their solicitors, Back Schwartz Vaughan, dated 20 June 2018. The Commercial Objector submits that the CIS failed to meet the minimum requirements of the legislation in the following three ways. First, the Commercial Objector questions the accuracy of a map provided by the Applicant depicting a 120 metres area in which notification of the Application was distributed. Second, that the Aurora Hotel was not provided with a notice that the Application had been made, as required by the former clause 7 of the *Liquor Regulation 2008* (NSW) (now clause 21 of the current Regulation). Third, that the Applicant has not complied with requirements of the former clauses 6 and 7 of the *Liquor Regulation 2008* (NSW) (now clauses 20 and 21 of the Regulation) in respect of all occupants of premises on a large area of land comprising Central Railway Station.
13. The Authority has before it a report prepared by the Applicant's consultants, Urbis Pty Ltd, submitted on 22 November 2018 ("Second Urbis Report") and statutory declarations dated 5 February 2019 from Mr Jonathan Martin of JDK Legal (the Applicant's solicitor) and Mr Justin Bartlett (who conducts distributions on behalf of Sydney Posters). On the basis of that evidence and material, the Authority is satisfied that all advertising requirements in Part 3 Division 1 of the Regulation and the CIS notification requirements in Part 3 Division 2 of the Regulation have been satisfied. The Authority accepts that Mr Bartlett served occupiers of neighbouring premises falling within at least the required 100 metres consultation area. This included, specifically, the Aurora Hotel and the occupants of that portion of the land comprising Central Station that falls within this distribution area, including RailCorp.
14. The Authority agrees with the Applicant's submission dated 5 February 2019 that the *entire* land comprising Central Railway Station *does not* constitute "neighbouring premises" pursuant to clause 20 of the Regulation. The final part of that definition includes premises that would be on land adjoining the boundary of the land upon which the Premises is situated but for separation of the two parcels of land by "a road". In this case, the Premises is separated from the land upon which Central Station is located by *two roads*.
15. The Authority has considered, but does not accept, the Commercial Objector's submission that the CIS provides insufficient analysis of the likely social impacts and how the Premises will meet the statutory objects in section 3. The Applicant has provided the minimum information required by the legislation including the Application and CIS forms.

16. The Authority does not accept the Commercial Objector's submissions that the Application and CIS were not validly made. Those forms and the accompanying material satisfy the Authority that the minimum requirements of sections 40 and 48(4) of the Act and clauses 20 through 29 of the Regulation have been observed.
17. The Authority notes that the licensed trading hours that have been granted by the Authority will meet the requirements specified by sections 11A, 12 and 29 of the Act in respect of permissible trading hours and a requirement for a 6-hour daily liquor cessation period.

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

18. The Authority is satisfied that:
  - (a) For the purpose of section 45(3)(a) of the Act, the corporate Applicant is a fit and proper person to carry on the business to which the proposed licence relates, on the basis that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies including NSW Police ("Police") and the compliance section of LGNSW.
  - (b) For the purpose of section 45(3)(b) of the Act, practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication. This finding is made on the basis of the Applicant's Plan of Management dated December 2018, which incorporates the House Policy for the Responsible Service of Alcohol.
  - (c) For the purpose of section 45(3)(c) of the Act, the requisite development consent permitting use of the Premises as a packaged liquor licensed business is in force. This finding is made on the basis of a determination by City of Sydney Council ("Council") dated 18 June 2018 for development application ("DA") D/2018/246 permitting "Use and fitout of the ground floor for a liquor store including a new shopfront, signage and rear additions". This DA restricts trading between 9:00 am and 10:00 pm Monday through Saturday and from 10:00 am to 10:00 pm on Sunday, with a one-year trial period (running from the date of issue of the Occupation Certificate) permitting additional trading between 10:00 pm and 11:00 pm on Monday through Saturday.

#### Community impact statement

19. 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 Surry Hills, and the relevant "broader community" comprises the local government area ("LGA") of City of Sydney Council ("Sydney LGA").

#### Positive social impacts

20. The Authority is satisfied, on the basis of the report prepared by Urbis Pty Ltd dated 26 April 2018 ("First Urbis Report") accompanying the CIS that this packaged liquor outlet, to be located on the ground floor of a building in a strip of retail premises located opposite Central Railway Station, will provide some significant additional convenience to persons in the local and broader community seeking to purchase packaged liquor in this part of Surry Hills.

21. Notwithstanding the three objections from Police, the Commercial Objector and Mr P Notaras of Panma Developments P/L (discussed below), there has been little by way of opposition from members of the local or broader communities. On balance, the Authority is satisfied that granting this licence will advance 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.
22. A list of licensed premises maintained by LGNSW dated 6 December 2018 indicates that of the 19 packaged liquor licensed premises in the suburb of Surry Hills, 16 are limited by licence conditions with only 3 providing a “full” service bricks and mortar packaged liquor business.
23. Although the Applicant has not provided a list of products to be sold at the new store (which would have given their submissions as to increased choice more weight), the Authority accepts the Applicant’s contentions, articulated in the First Urbis Report, that the proposed Red Bottle business will sell a wide range of liquor products including wine, craft beer, artisan spirits and specialist Asian alcohol. It will service a potentially wide range of patrons due to its location in the City of Sydney.
24. The Authority accepts the information in the Commercial Objector’s submission dated 20 June 2018 that the Aurora Hotel has a separate bottle shop facility that is accessible from the street of approximately 32 square metres in scale. This liquor store stocks approximately 540 different product lines. Notwithstanding the presence of this outlet only 21 metres away from the Premises, the Authority is satisfied, on the basis of the pro-forma letters of support that there is some support evident among members of the local community for a new stand- alone liquor store in what the Authority considers to be a busy commercial precinct, near a major metropolitan transport hub.
25. The Authority is satisfied that a devoted packaged liquor licenced business is likely to appeal to those members of the community who prefer to purchase their alcohol from packaged liquor stores rather than hotels, noting that there are 4 hotels in Surry Hills that may potentially sell packaged liquor.
26. The fact that the Premises is located close to an existing hotel bottle shop reduces the convenience of adding another store in this location, but the new licensed business is nevertheless likely to offer some increase in choice for those living, working or staying in Surry Hills or patronising numerous local restaurants and cafes. It will make a modest contribution to the balanced development of the liquor industry servicing the local community, advancing the statutory object of section 3(1)(b) of the Act and the responsible development of related tourism and hospitality industries, pursuant to section 3(1)(c) of the Act.

#### Negative social impacts

27. The Authority notes that the licence type in question is a standalone packaged liquor outlet, which authorises the sale of liquor for consumption away from the premises only. The Premises is of relatively small scale, at approximately 85 square metres.
28. Licence density is a compounding risk factor as there is no shortage of licensed venues within the local and broader communities. Calculations performed by licensing staff using the 2016 Census population data and the LGNSW list of licensed premises as at 6 December 2018 indicate that both the suburb of Surry Hills and the LGA have higher rates per 100,000 persons compared to NSW for packaged liquor licences. For

packaged liquor licences, Surry Hills recorded a rate of 115.77 per 100,000 persons compared to a rate of 81.58 for the LGA and 34.46 for NSW.

29. Although licence density is concerning, a mitigating factor is that notwithstanding the rapid gentrification of the area, most packaged liquor licensed premises in Surry Hills are limited by licence conditions – mostly to operate as phone or internet sales, with only 3 of the 19 packaged liquor licences providing full range bricks and mortar liquor stores.
30. In assessing the suitability of the proposed location of the Premises, the Authority has considered BOCSAR crime maps between October 2017 and September 2018 which indicate that the Premises is located within concentrations of crime. The BOCSAR hotspot maps indicate that the Premises *is located* within high-density hotspots of *alcohol related assault, domestic assault, non-domestic assault and malicious damage to property*.
31. Further to these concentrations, the local and broader communities are experiencing elevated crime rates with the BOCSAR data for the year to September 2018 recording:
  - A rate of **140.1** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **191.3** for the LGA and a rate of **115.4** for NSW.
  - A rate of **538.0** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **675.7** for the LGA and a rate of **126.3** for NSW.
  - A rate of **1782.1** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **1211.4** for the LGA and a rate of **765.8** for NSW.
  - A rate of **319.4** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **289.9** for the LGA and with a rate of **39.0** for NSW.
32. The moderately elevated rates of alcohol related domestic violence and the considerably elevated rates of alcohol related disorderly conduct within Surry Hills are of greatest concern to the Authority, when assessing the overall social impact of granting a packaged liquor licence in this location. These rates are adverse to the Application although the Authority accepts that the rate and concentration of crime in the Sydney LGA is a function of the numerous hotels, bars and on-premises venues serving the great many city residents, workers and visitors in the Sydney LGA.
33. The licensed trading hours sought are very extensive across the course of the week, The trading hours specified in the Application Form were from 9:00 am to 11:00 pm Monday to Saturday and from 10:00 am to 10:00 pm Sunday.
34. The Authority is unable to grant 11:00 pm licensed trading with respect to a packaged liquor licensed premises by reason that the standard trading hours available under the Act are from 5:00 am to 10:00 pm Monday to Saturday and 10:00 am to 10:00 pm Sunday. It is only pursuant to an exemption granted by clause 117 of the Regulation, that those premises licensed until 10:00 pm may continue to sell liquor until 11:00 pm, Monday through Saturday.
35. The Authority has had regard to adverse information regarding rates and prevalence of alcohol related crime and anti-social conduct in this local community (as apparent from BOCSAR Hotspot Maps between October 2017 to September 2018, BOCSAR crime data for October 2016 to September 2018) and further crime data and information about



sensitive locations in the Police submission dated 7 June 2018. The Authority notes that the new liquor store will operate in walking distance of Central Station, Prince Alfred Park, Belmore Park) and these sensitive locations objectively increase the scope for liquor sales from this convenient new business to contribute to alcohol related anti-social conduct and adverse impacts upon local amenity associated with the abuse of packaged liquor, including minors drinking and public drinking.

36. The Authority finds that the preferable course is to moderate the licensed trading hours so they are fixed from 10:00 am to 9:59 pm Monday to Sunday. This is a finely balanced decision and the Authority has only reached satisfaction as to the overall social impact of granting the licence, on the basis that there will be some reduction in the licensed hours from that proposed by the Applicant.
37. The local community is ranked in the highest decile (being the 10<sup>th</sup> decile) and the broader community in the second highest decile (being the 9<sup>th</sup> decile) on the index of relative socio-economic advantage and disadvantage compared to other suburbs and LGAs within the State, according to the 2016 socio-economic indexes for areas data. That is, local socio-economic disadvantage is not a compounding risk factor.
38. Some further cause for concern arises from NSW Department of Health *HealthStats* data on alcohol attributable deaths and hospitalisations. The Sydney LGA recorded a spatially adjusted rate per 100,000 population for alcohol attributable deaths of 20.8 compared to the NSW rate of 18.1 for 2015 to 2016 and a spatially adjusted rate per 100,000 population of alcohol attributable hospitalisations of 819.3 compared to the NSW rate of 580.6 for 2015 to 2017.
39. In making this decision, the Authority has also had regard to the three submissions objecting to the Application from Police dated 7 June 2018, Mr Notaras of Panma Developments P/L dated 18 June 2018 and the Commercial Objector dated 20 June 2018.
40. Briefly, Police opposition is based upon the location of the Premises, a contended lack of detail in the Application as to social impact, what Police regard as licensed premises saturation, the scope for the new licence to increase the local availability of alcohol, the proximity of residential areas, the general association between alcohol outlet density and assaults in and around licensed premises and the elevated rate and localised concentration of relevant crime (the Premises being within a high density hotspot for alcohol related assaults). Police submit that there has been no discernible change to those factors since three previous packaged liquor applications were refused to warrant approval of this Application.
41. Police question the sensitivity of the location by reference to: its proximity to the Salvation Army William Booth House Alcohol Detoxification Unit; its proximity to Salvation Army Foster House including the Knudsen Place intoxicated persons unit; the declaration of nearby Alcohol Free Zones and Parks which are designated to be Alcohol Prohibited Areas (a constant source of complaints already regarding public drinking and intoxicated disturbances); the proximity to late night trading hotels with an ability to sell alcohol for consumption off the premises; the immediate vicinity of public housing style premises and Central Railway Station; the location of the Premises on a main thoroughfare between Central Railway Station and sporting stadiums at Moore Park and the fact that Police are already required to constantly monitor the presence of

minors who attempt to enter local licensed premises and consume alcohol. Police submit that this location is high risk in terms of increased alcohol availability and contributing to alcohol-related crime, street offences and anti-social behaviour within the Surry Hills Police Area Command.

42. Police submit that BOCSAR data for the Sydney LGA during 2017 shows that of the 3,170 non-domestic violence related assaults 47.6% were alcohol-related (1,510), 42% occurred in outdoor/public place (1,331), 22.4% occurred in a licensed premises (713), and 37.5% occurred between 6:00 pm and 12:00 midnight from Monday to Sunday. Police further submit that BOCSAR data on assault police incidents within the Sydney LGA between October 2016 to September 2017 indicate that 269 Police were assaulted with 57.9% (156) of those events recorded as alcohol-related. Alcohol-Related Crime Information Exchange data from 1 February 2017 until 31 January 2018 within the Surry Hills Local Area Command (“LAC”) shows that 53% of all assaults, 35% of all domestic violence, 43% of all licensing legislation offences, 56% of all resist/hinder/assault police officer and 66% of all street offences within Surry Hills LAC were recorded as “alcohol-related”.
43. The Authority accepts that the operation of Salvation Army facilities in Surry Hills provide a potential cause for concern but those facilities are not situated sufficiently close to the Premises to be a decisive factor in this instance. The Authority is satisfied that nearby park areas, Alcohol Free Zones and Alcohol Prohibited Areas provide a more substantial cause for concern given the scope for these areas to host public drinking and minors drinking. The Authority also accepts the Police contention that the Premises is situated in a pedestrian corridor between Central Station and Moore Park. The Authority does not accept the Police submission that Surry Hills is saturated with respect to packaged liquor outlets, noting the minority of licensed premises that provide a full liquor store service, as distinct from packaged liquor licensed premises that are restricted by licence conditions.
44. More data on the *extent* of localised alcohol disturbance and nuisance events attributed by Police to the abuse of *packaged liquor* may have enabled the Authority to give greater weight to Police submissions on the suitability of the location. Nevertheless, on the material before it, the Authority is moved by the Police submissions to reduce the licensed trading hours that the Applicant has sought and moderate the trading hours to ameliorate the scope for increased accessibility in this area of Surry Hills to frustrate the attempts of Council and Police to manage the abuse of packed liquor.
45. The concerns raised by Mr Notaras of Panma Developments P/L relate to the number of existing licensed premises, the potential for the Premises to encourage young people to engage in pre-fuelling, the location of the Premises in a high-density area of alcohol related assaults and the encouragement of vagrancy. The Authority accepts that these concerns are broadly credible, but has been unable to give them greater weight without some evidence of the nature and frequency of those impacts and the extent to which they can be attributed to the abuse of packaged liquor.
46. Briefly the Commercial Objector contended that: the CIS failed to address the potential for adverse social impact by locating two bottle shops (21 metres apart) on the same shopping strip in a hotspot for alcohol related crime; parts of Surry Hills (and people within those areas) are very disadvantaged and vulnerable to alcohol related harm; the significant transient population in Surry Hills has a very high vulnerability to alcohol

related harm; the location is problematic; the scale and trading hours are adverse factors; the purported target market does not match demographic data for Surry Hills; that the store will not provide anything that the Aurora Hotel has not been providing for years; that there is a lack of local support for this Application; that there are no apparent benefits posed by the proposal; that there is high licence density and significantly higher rates of alcohol related crime and high-density hotspot locations where crime occurs; that higher numbers of persons are exposed to rental stress in Surry Hills and a higher proportion of persons are in social housing; that packaged liquor licence densities are significantly above the threshold identified in research for increased alcohol related domestic violence; a real potential for an increase in sales to minors and secondary sales; that available research and previous findings of the Authority do not support this proposal and that the Application fails to meet the requirements of the section 3 objects.

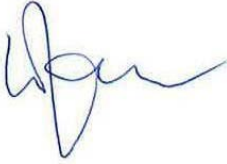
47. As noted above, the Application and supporting material meet minimum legislative requirements. Submissions on social impact were supplemented by the Second Urbis Report. The Authority accepts that the management of alcohol related crime is a challenging issue for the local and broader community.
48. The Authority notes that there are 19 packaged liquor licences in Surry Hills, 3 “full” packaged liquor licences and 16 with limitations or restrictions. The availability of packaged liquor from unrestricted packaged liquor licences within Surry Hills is not high, and the very small liquor store within the Commercial Objector's hotel offers the main source of competition. These factors have been taken into account when assessing the scope of positive benefits and negative impacts posed by licensing a business of this type in this location.
49. The Authority is satisfied that some reduction in the proposed licensed opening and closing hours is warranted. This will work in combination with the measures specified in the enforceable Plan of Management, the House Policy and other harm reduction conditions mandating use of CCTV and an incident register. The Authority is satisfied that the smaller scale of this stand-alone liquor store will help reduce the scope for it to contribute to adverse liquor impacts over time, in the context of these local and broader communities.
50. The Authority accepts, on the basis of the Second Urbis Report, that the nearest detoxification and rehabilitation facility is approximately 350 metres away. The Authority finds some reassurance in the fact that no direct concerns were raised with the Authority by the operators of those services. As noted above, while the evidence of community views is limited, the balance of that evidence is in favour of the Application. While the Authority accepts that there is public housing and rental stress in the suburb, the Premises is not located particularly close to public housing and on a whole, the local and broader communities are relatively advantaged.

#### Overall social impact

51. Having considered the positive benefits and negative impacts that are 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 community or broader communities.

52. 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-gnsw-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. One-page letter from City of Sydney Council ("Council") to Liquor and Gaming NSW ("LGNSW") dated 12 January 2018 advising that Council does not support the operational hours sought and that the Applicant will need to either amend the application or lodge a section 96 application with Council to modify the trading hours permitted by development consent.
2. New Packaged Liquor Licence Application Form ("the Application") lodged by Red Bottle Surry Hills Pty Ltd ("the Applicant") on 21 May 2018 accompanied by the following documents:
  - (a) Notices to Local Consent Authority and Public Consultation – Site Notice.
  - (b) Australian Securities and Investments Commission ("ASIC") Current Organisation Extract for the corporate Applicant, Red Bottle Surry Hills Pty Ltd.
  - (c) A one-page document listing a condition to be imposed on the licence.
  - (d) A one-page plan/diagram of the premises ("Premises") highlighting the licensed area in red.
  - (e) A three-page document detailing why a varied six-hour closure period is sought.
3. Category B Community Impact Statement signed and dated 14 May 2018 accompanied the Application and included the following documents:
  - (a) A list of stakeholders and special interest groups notified of the Application.
  - (b) A map depicting the alcohol free zones sourced from City of Sydney website.
  - (c) A geographical map depicting the location of the Premises and the 120 metres in which notification of the Application was distributed.
  - (d) A thirty-two-page report prepared by Urbis Pty Ltd on behalf of the Applicant dated 26 April 2018 providing an assessment of the overall social impact of the proposal and whether it will impact the wellbeing of the local community. This report is accompanied by a demographic profile for Surry Hills suburb, Sydney local government area ("Sydney LGA") and Greater Sydney based off the 2016 Census data, population projections for Sydney LGA between 2016 and 2036 and a list of the key sensitive land uses.
  - (e) Notice of intention to apply for a liquor licence or a licence authorisation dated 20 December 2017.
4. One-page letter from Council dated 6 June 2018 advising that the Application is premature seeing as D/2018/246 has been lodged and is currently being assessed.
5. Three-sentence email from Leading Senior Constable Ping Liu of Surry Hills Police Area Command of NSW Police dated 16 June 2018 attaching an 8-page submission dated 7 June 2018 in which Police object and discuss the location, the Application, licensed premises saturation, crime data and similar applications.
6. One-page letter from Mr P Notaras of Panma Developments P/L dated 18 June 2018, sent via email dated 17 June 2018, objecting to the Application.
7. A thirty-four-page submission lodged by Back Schwartz Vaughan on behalf of George Thomas Hotels Pty Limited (who has an interest in the Aurora Hotel at 324 Elizabeth Street Surry Hills) dated 20 June 2018. This objecting submission was sent via email on the same date and was accompanied by the following documents:
  - (a) Statistical data including the density and other characteristics for NSW, Sydney LGA and the suburb of Surry Hills, a premises list for Surry Hills, Bureau of Crime Statistics and

- Research (“BOCSAR”) hotspot maps between April 2017 and March 2018 for Surry Hills, BOCSAR crime data for April 2016 to March 2018 for Surry Hills, Socio-Economic Indexes For Areas (“SEIFA”) data for the suburb and LGA based on the 2016 Census and Healthstats alcohol related hospitalisation data between 2013 to 2015 and alcohol related deaths data between 2012 and 2013.
- (b) Product and price comparison between Red Bottle and the Aurora Rooftop Hotel Surry Hills dated 13 June 2018.
  - (c) Photographs depicting the proximity between the bottle shop of the Aurora Hotel and Red Bottle Surry Hills and the internal areas of the bottle shop of the Aurora Hotel.
  - (d) Article from the Digital Print edition of the Daily Telegraph newspaper on 7 May 2016 by Robbie Patterson, Wentworth Courier titled *“Police increase patrols to battle ‘perceptions’ that Surry Hills’ Northcott building is unsafe”*.
  - (e) Map showing the location of the 21 packaged liquor licences and 30 hotels in Surry Hills.
  - (f) Map showing the location of licensed premises within 100 metres of the Premises.
  - (g) LGNSW Index of Licensed Premises for Surry Hills as at 5 March 2018.
  - (h) 4 geographical maps illustrating the Central Station land, the location of the Premises and an approximate 100-metre radius from the Premises.
8. One-page letter from Council dated 29 September 2018 raising no concerns and enclosing development consent D/2018/216, approved on 18 June 2018.
  9. Twenty-seven pro-forma letters in support of the Application lodged by the Applicant’s legal representative on 2 October 2018, 5 October 2018, 16 October 2018 and 13 November 2018.
  10. Three-sentence email from the Assessments and Analysis Unit of LGNSW dated 15 October 2018 advising that the Compliance Unit makes no submission.
  11. Two and a half page email from the Applicant’s legal representative dated 22 November 2018 responding to an email from licensing staff dated 9 October 2018. In this email the Applicant responds to questions and proposed conditions and attaches the following documents:
    - (a) ASIC current organisation extract on the premises owner Gold International Pty Ltd (while not before the Authority, is held on the licensing file).
    - (b) Second report (undated but comprising eighteen pages) prepared by Urbis Pty Ltd on behalf of the Applicant responding to submissions received.
  12. Licence density data calculated by licensing staff using the 2016 Australian Bureau of Statistics (“ABS”) population data and licensed premises information as at 6 December 2018.
  13. LGNSW List of Licensed Premises in Surry Hills at 6 December 2018 sourced by licensing staff.
  14. Three-paragraph email from the Applicant’s legal representative dated 18 December 2018, responding to an email from licensing staff dated 17 December 2018 in regards to unpublished BOCSAR data. Accompanying this email is the certificate of advertising signed by Scott Towers on behalf of Red Bottle Surry Hills Pty Ltd dated 22 November 2018.
  15. *Plan of Management and House Policy* for the responsible service of alcohol dated December 2018. This document was sent via email to licensing staff on 20 December 2018.

16. Three-sentence email from the Applicant's legal representative dated 7 January 2019 responding to an email from licensing staff of the same date, consenting to the imposition of the trial period condition and confirming that the occupation certificate has not been issued.
17. Two-paragraph email from the Applicant's legal representative dated 9 January 2019, responding to an email from licensing staff dated 8 January 2019 in relation to unpublished BOCSAR data.
18. BOCSAR hotspot maps for the State Suburb of Surry Hills from October 2017 to September 2018 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property, sourced by licensing staff on 8 January 2019.
19. Google geographical maps and street view images of the Premises and surrounds sourced by licensing staff on 8 January 2019.
20. BOCSAR Crime data for October 2016 to September 2018 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 of Surry Hills and the Sydney LGA, sourced by licensing staff on 8 January 2019.
21. BOCSAR number and proportion of selected offences flagged as alcohol related by NSW Police for the Sydney LGA and NSW from 2017, sourced by licensing staff on 8 January 2019.
22. ABS SEIFA data based on the 2016 Census for Surry Hills and Sydney LGA, sourced by licensing staff on 8 January 2019.
23. NSW Healthstats data on alcohol attributable deaths (between 2001 and 2016) and alcohol attributable hospitalisations (between 2001 and 2017) in the Sydney LGA sourced by licensing staff on 10 January 2019.
24. One-sentence email from the Applicant's legal representative dated 11 January 2019 consenting to the incident register condition proposed by staff on 11 January 2019.
25. In a two-page email dated 5 February 2019, the Applicant's legal representative responds to questions from licensing staff in an email dated 30 January 2019 in relation to notification of the Application. The following documents accompanied this email:
  - (a) A geographical map depicting the location of the Premises.
  - (b) A two-page statutory declaration of Mr Justin Bartlett (who has conducted distributions on behalf of Sydney Posters for approximately 2 years) dated 5 February 2019 including a geographical map depicting the area in which notification of the Application was distributed.
  - (c) A one-page statutory declaration of Mr Jonathan Martin of JDK Legal dated 5 February 2019.
26. Transport for NSW Bureau of Transport Statistics *Train Statistics 2014: Everything you need to know about Sydney Trains and NSW TrainLink* 9<sup>th</sup> Edition – December 2014, sourced by licensing staff.
27. BOCSAR number of selected offences flagged as alcohol related by NSW Police by day of week and time of day for the Sydney LGA, Surry Hills suburb and NSW from October 2017 to September 2018, sourced by the Reviews and Secretariat Unit and provided to licensing staff.

## 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.