



Mr Grant Cusack
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Dear Mr Cusack

**Application for Packaged Liquor Licence
Sydney Liquor Merchants, Epping**

I refer to an application made on behalf of Mr Marjan Brala to the Independent Liquor and Gaming Authority (Authority) seeking the grant of a new packaged liquor licence.

The licence is sought for a proposed packaged liquor store named "Sydney Liquor Merchants" to be located at 115A Midson Road, Epping.

On 10 July 2015, after careful consideration of the Application and other material before it in relation to the Application, a Delegate of the Authority determined, pursuant to section 45 of the *Liquor Act 2007*, to *grant* the application.

Staff assisting the Authority informally notified the Delegate's decision by email dated 13 July 2015. This letter serves to provide a formal record of the decision.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008.

This document has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable. The actual conditions to which the licence is granted are set out in the OneGov record of the liquor licence, which was provided to the Applicant on 13 July 2015.

If you have any enquiries about this letter please contact case manager, Ms Santina Causa via email at santina.causa@ilga.nsw.gov.au.

Yours faithfully

Michel Brodie
Chief Executive

19 FEB 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 13 March 2015 the Independent Liquor and Gaming Authority (Authority) received an application (Application) made on behalf of Mr Marjan Brala (Applicant).
2. The Application seeks the grant of a new packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007* (Act) in respect of premises at 115A Midson Road, Epping 2121 (Premises).
3. The Application seeks a new licence for the Premises which was previously operated as a BWS store within a group of retail and commercial shops approximately 1.9km west of the Epping CBD.
4. The proposed licensed trading hours are from 9:00am to 8:00pm Monday through Wednesday, from 9:00am to 9:00pm Thursday through Saturday, and from 10:00am to 8:00pm Sunday.
5. The Application seeks a 6-hour closure period required by section 11A of the Act to be fixed at between 3:00am and 9:00am.
6. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Licensing Co-ordinator (Delegate) the power to grant certain liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.
7. The Delegate considered the Application on 10 July 2015 and has decided, pursuant to section 45 of the Act, to grant the Application subject to the imposition of the following conditions upon the licence:
 - a) The licensee must comply with the 6-hour closure period along with any other limits specified in the trading hours for the licence.
 - b) 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
 - c) The licensee or its representative must join and be an active participant in the local liquor accord.
 - d) The licensee will ensure compliance with the Management Plan and House Policy documents lodged with the Authority and will provide to the Authority copies of those documents as they are developed or updated from time to time.
 - e) The licence cannot be exercised unless and until the Authority has been provided with evidence that the Premises is ready to trade.

MATERIAL BEFORE THE DELEGATE

8. Application Form and Category B Community Impact Statement (CIS) filed with the Authority on 13 March 2015. This discloses that the Applicant, Mr Marjan Brala, was licensee and operator of Ryde Cellars from 27 July 2006 to 2 July 2012 and was issued an RSA certificate of competency card on 21 February 2015. The current Premises Owner is identified as Epping Solutions Pty Limited, and the proposed Premises Owners are identified as the Applicant and Ms Heidi Brala. The Business Owner is identified as

Zimcro Pty Limited. The submissions by the Applicant on social impact are discussed below.

9. *Additional Information – 6-Hour Closure Period* document submitted with the Application. In this document, the Applicant states that a 6-hour closure period fixed at between 3:00am and 9:00am on Monday through Sunday is sought. The Applicant submits that the Premises previously opened from "at least 9:00am and much earlier" during the "many decades" which it was operated prior to this Application and therefore "the store will need to open from 9:00am to meet the needs and demands of customers and to ensure the financial viability of the business".
10. Plan of the Premises. This is a diagram showing the Premises as 225 square metres in total, all of which is marked as the "proposed licensed area" except for the garage at the rear of the Premises. One entry point from Midson Road is marked on the plan, as well as one counter near the entry point.
11. National Police Certificate No. NCHRC-2015-13568 dated 14 February 2015 certifying that there are "no disclosable court outcomes" or outstanding matters recorded against the Applicant within the records of Australian Police.
12. Copies of identification for the Applicant, being the Applicant's current Australian passport, Medicare card and Driver Licence.
13. ASIC Company Extract created on 11 February 2015. This document discloses that Zimcro Pty Limited (the Business Owner) is registered with ASIC and its sole director is the Applicant.
14. ASIC Company Extract created on 2 March 2015. This document discloses that Epping Solutions Pty Limited (the current owner of the Premises) is registered with ASIC and its sole director is Mr Keith Gateley.
15. Certificate of Advertising dated 23 March 2015 with respect to the Application.
16. *House Policy – Sydney Liquor Merchants*. This two-page document outlines the practices to be implemented at the Premises "to minimise the likelihood of negative impacts" and to "ensure compliance with the liquor laws". These practices include, *inter alia*, ensuring that persons under the age of 18 years do not purchase liquor or have liquor purchased on their behalf from the Premises by asking for an approved form of ID; refusing service to any person who is intoxicated; ensuring that alcohol is not consumed on the Premises; ensuring that all required signage is displayed within the licensed area and that liquor is not displayed outside the licensed area. The document states that staff are to "remain alert" to "secondary purchase of liquor situations" where "older persons may supply liquor to persons under age", and that staff will not serve "customers who show signs of intoxication".
17. *Management Plan for the Operation of a Packaged Liquor Facility – 115A Midson Road Epping*. The purpose of this five-page management plan is stated to be "to control various aspects of the operations" of the Premises. This document states that the Premises will be "fitted out as a medium sized modern packaged liquor facility" and that management and staff will "take all reasonable steps to control the behaviour of patrons" whilst within the Premises and whilst entering and leaving the Premises. Staff are to advise any customers who consume alcohol "in the vicinity" of the Premises that this may "lead to them being barred from purchasing liquor" at the Premises in the future.

18. The Plan states that a CCTV system and a "back to base alarm system" will be installed at the Premises, and that the Premises will be "designed so as to minimise security risks, including theft". The CCTV system will be "positioned so as to give coverage to all public areas" of the Premises, the entry and exit point, and the "area immediately in front of the store". The recording equipment will be "of a high grade digital quality" which is "capable of establishing the identity of customers" and "must be maintained in good operational order". The Plan also states that staff will receive training and be advised of any issues raised by Police or other persons, and that the licensee or its representative must join and be an active participant in the local liquor accord.
19. Email from the Compliance & Enforcement Division of the Office of Liquor, Gaming and Racing (OLGR) to the Authority dated 27 May 2015. In this email, OLGR states that "relying on the information provided" and in the absence of "any specific requests", the Director of Compliance & Enforcement "does not object to or support" the Application "at this time".
20. Letter from Senior Constable Meegan Perigo, Ryde LAC to Grant Cusack dated 6 March 2015. In this letter, Police state that "careful consideration has been made" in relation to the Applicant's notice of intention to apply for a packaged liquor licence. Police state that checks relating to the liquor licence held by the previous operators of the Premises revealed "break enter and steal offences, stealing offences, malicious damage and an armed robbery offence" in relation to that liquor licence. However, Police state that they "have no adverse concerns in relation to this notice of intention".
21. Submission to the Authority from Superintendent John Duncan, Ryde Local Area Command (LAC) of NSW Police (Police) dated 17 March 2015. This letter states that from information contained within the Application, Police have "not found anything that raises doubt as to the integrity of the applicant" and that "Police do not object to this application". Police request that a condition be endorsed on the liquor licence, if the Application is granted, that the licensee or its representative must join and be an active participant in the local liquor accord.
22. Submission to the Authority from Parramatta City Council (Council) dated 19 March 2015. In this letter, Council states that it "raises no objection to the application being lodged" on the basis of "consent for the continued use of the premises as a bottle shop via development consent No. 87/1995 on 20 June 1995". Council requests that the hours of operation of the Premises be restricted to between 9:00am and 8:00pm Monday to Wednesday, 9:00am to 9:00pm Thursday to Saturday and 10:00am to 8:00pm Sunday.
23. Letter from Council to Grant Cusack dated 10 February 2015. This letter is in identical terms to the submission from Council to the Authority dated 19 March 2015.
24. Letter from Paul Klarenaar, Director of North Sydney Local Health District (NSW Health) to Grant Cusack dated 24 February 2015. In this letter, Mr Klarenaar seeks clarification on behalf of NSW Health in relation to "the rationale behind removing the pre-existing licence" and "re-applying for a replacement licence".
25. Letter from Grant Cusack to Paul Klarenaar (NSW Health) dated 9 March 2015. In this letter, Mr Cusack states that the Applicant recently purchased the Premises from Woolworths Limited, that the Applicant "has no affiliation with Woolworths" and that the proposed Premises will trade as "Sydney Liquor Merchants".
26. Letter from Roads & Maritime Services (RMS) to Grant Cusack dated 16 February 2015. RMS states that its focus is the relationship between alcohol consumption by all road

users, including pedestrians, and road injuries and fatalities. RMS states that within the Hornsby Local Government Area (LGA) during the five years from 2009 to 2013 inclusive, there were 28 alcohol-related crashes, resulting in 18 casualties. RMS requests that if the Application is granted, the "licensee must maintain awareness of any specific local alcohol-related issues" by attending the Local Liquor Accord, public education material from either Council or RMS focused on drink driving and pedestrian-alcohol issues should be displayed, and extra measures be taken by the staff of the Premises with respect to customers who buy "large quantities of alcohol for a party or social event" by referring them to the "safe party kit" available on the NSW Police website.

27. Letter from David Bobinac, Town Planner to De La Vega Architects dated 29 May 1995. In this letter Mr Bobinac states that Development Application 95/00039/DB in relation to 115 Midson Road, Epping NSW 2121 is "approved" for "alterations and additions to the existing liquor store and hairdressing salon".
28. Letter from Rochelle Hurst (Hatzis Cusack Lawyers) to the Authority dated 7 April 2015. In this letter, Ms Hurst requests that the assessment of the Application be expedited, so as to "continue to allow the premises to operate as a liquor store to meet the needs, demands, expectations and aspirations of the local community". Ms Hurst states that the licence for the BWS store which previously occupied the Premises was granted in 1947 "meaning that residents of Epping have had access to that facility for many decades". Ms Hurst states that the expedition request is also made "in order to alleviate the financial pressures faced" by the Applicant who has purchased the Premises. Ms Hurst states that the "lack of any adverse concerns" raised in relation to the Application mean that "it would be appropriate" to expedite the assessment of the Application.
29. NSW Bureau of Crime Statistics and Research (BOCSAR) crime mapping data for January 2014 to December 2014. This data reveals that the Premises is not located within a hotspot for the concentration of domestic assault, non-domestic assault or malicious damage to property offences within the Parramatta Local Government Area (LGA).
30. Authority licensing records indicating the addresses of other hotel, on-premises and other nearby licensed businesses in the suburbs of Epping and North Epping, including a total of three packaged liquor licences (Epping Cellars, North Epping Cellars and Coco Cubano).
31. Authority licensing data indicating that liquor licence density for packaged liquor licences per 100,000 persons of population in postcode 2121 (which covers the suburbs of Epping and North Epping) is 16.23 which is above the rate for the Parramatta LGA at 7.79 but below the NSW wide rate of 32.85. The density of hotel licences in postcode 2121 is 32.46, compared to 5.99 for the Parramatta LGA and 30.36 for NSW. The density of on-premises licences in postcode 2121 is 105.49, compared to 6.59 for the Parramatta LGA and 121.31 for NSW as a whole.
32. Crime data on the Authority's records sourced from BOCSAR for calendar year 2013. This data reveals that for calendar year 2013, the rate of *alcohol related domestic assault* incidents within the Parramatta LGA was 104 per 100,000 persons, below the rate of 145 per 100,000 persons for NSW as a whole. The rate of *alcohol related non-domestic assault* incidents within the LGA was 164, below the NSW rate of 191. The rate of *alcohol related assault police* incidents within the LGA was 42, above the NSW rate of 24. The rate of *alcohol related malicious damage to property* incidents within the LGA was 95 per 100,000 persons, compared with the rate of 122 per 100,000 persons for NSW as a whole.

33. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) in 2011. Data before the Delegate indicates that on the Index of Relative Socio-economic Advantage and Disadvantage (IRSAD) the suburb of Epping ranked in the tenth decile for suburbs within the State, postcode 2121 ranked in the ninth decile for postcodes and the Parramatta LGA ranked in the eighth decile for LGAs within the State (with a decile ranking of 10 being the most advantaged).
34. Letter from Grant Cusack to the Authority dated 23 June 2015. In this letter, Mr Cusack responds to an email from the Authority dated 17 June 2015 requesting consent to the Authority's proposed conditions to be attached to the licence if granted. Mr Cusack provides consent to these conditions and attaches an amended plan which reveals "some changes to the internal layout" which are "non-structural and do not require any further planning approvals".
35. Mr Cusack notes, in support of the Application and as previously referred to in the Applicant's submissions on social impact, licence density data, SEIFA data, data sourced from NSW Health regarding rates of alcohol-related hospitalisations for the LGA, and BOCSAR data.
36. Amended Plan of the Premises. This plan indicates that the "proposed licensed area" of the Premises is 210 square metres, which is slightly smaller than the proposed licensed area indicated on the plan submitted with the Application (225 square metres). One entry point and one counter are marked on the Plan, as well as a "main cool room", "store room" and various shelves and racks.

STATUTORY OBJECTS AND CONSIDERATIONS

37. The power to grant a packaged liquor licence is provided by section 45 of the Act, which states:

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) *...*
 - (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.*
38. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted *will not be detrimental* to the local or broader community.

39. Section 48(5) of the Act states:

48 Community impact

- (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.*

40. An application for a packaged liquor licence is a type of licence prescribed by section 48(2).

41. In determining the Application, the Delegate also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

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.*

APPLICANT CASE ON SOCIAL IMPACT

42. In the CIS document and attached material, the Applicant states that "as a responsible operator, the applicant will maintain an ongoing and open dialogue with customers, neighbours, the local consent authority, the local police and any other relevant person should any issues be raised in the future".

43. The Applicant submits that the proposed licensed Premises "operated for many years as a BWS" which is "now vacant" and that Woolworths Limited has "applied to remove that licence" to premises "outside the suburb of Epping". The Application seeks to "allow the premises to continue to operate" in the way that it has "for many years".

44. The Applicant submits that the Premises will be "independently owned and operated" and that the Applicant is "experienced" having operated a liquor store in North Ryde for six years.

45. The Applicant submits that a variety of liquor types will be sold at the Premises, including "many items that would not normally be available from a major chain such as a BWS Store".

46. The Applicant submits that the licensed hours sought are "less than the approved hours" endorsed on the previous licence for the Premises, that it is expected that there will be a

"relatively small number of deliveries" to the Premises each week, and that there will be a "clear and firm commitment" to "responsible service of alcohol principles" in the management of the Premises.

47. The Applicant submits that based on the material accompanying the Application the Authority can "on balance" be satisfied that "the overall social impact in granting the application will not be detrimental to the well-being of the local community or broader community".
48. In the document titled "Additional Information", the Applicant submits that the Premises is situated in a "group of retail and commercial shops" within a "primarily residential area". The Applicant submits that the nearest packaged liquor facilities to the Premises are located at Carlingford "over 1.2 kilometres away" and in the Epping CBD "some 1.9 kilometres away".
49. The Applicant submits that the Premises will be "renovated and refurbished" to operate as a "modern liquor store" catering to an "expected" customer base of residents of Epping and "persons working in and visiting the area", as was "previously the case" when the Premises was operated as a BWS store. The Applicant submits that the Premises will "continue to meet the needs" of these customers.
50. The Applicant submits that "various measures will be implemented" to ensure that the Premises is operated in accordance with the Act, and that the Applicant has a "proven track record" of operating a liquor store in NSW "in accordance with all requirements". The Applicant submits that these measures will include checking identification of persons "suspected of being under the age of 25 years" and the use of CCTV surveillance at the Premises.
51. The Applicant submits that granting the Application is "not likely" to result in any increase in the sale of packaged liquor at the Premises and that the Premises has "little potential to result in increased levels of alcohol-related anti-social behaviour", as there is "no evidence" of this occurring previously at the Premises and no concerns were raised during the CIS consultation stage. The Applicant notes that there will be "no change to the size" of the Premises from when it was operated under the previous licence.
52. The Applicant submits that granting the Application will not result in any increase in licence density in the suburb of Epping. The Applicant cites "recent licence densities figures" for NSW as at March 2015 and for the Parramatta LGA and the suburb of Epping as at December 2014. According to this data, the density of packaged liquor licences in the LGA was 26.96 per 100,000 persons and in the suburb of Epping was 9.88 per 100,000 persons. The density of packaged liquor licences in NSW as a whole was 35.48 per 100,000 persons. The Applicant also lists 10 packaged liquor licences in the LGA which it submits are "either not trading or the subject of restrictions". The Applicant submits that "both the LGA and the Epping suburb are underprovided for in terms of packaged liquor facilities".
53. The Applicant submits that the Premises will offer the following "public interest benefits":
 - a) Convenience – it will be convenient for persons residing in or "resorting to" Epping to "continue to be able to purchase" liquor at the Premises.
 - b) Facilitating social/recreational opportunities – granting the Application will enable "legitimate community demands" for alcohol "in conjunction with" social and recreational opportunities to be serviced.
 - c) Economic spin-offs – granting the Application will contribute to the "economic health" of the local and broader communities "through the employment of staff" at the Premises.

REASONS FOR GRANT

54. The Delegate is satisfied, for the purposes of section 40 of the Act, that the Application material establishes that the Application has been validly made and relevant consultation and advertising requirements of the legislation were observed.
55. The Delegate is satisfied, for the purposes of section 45(3)(a), that the Applicant is a fit and proper person to hold a liquor licence. The Delegate makes this finding on the Police Certificate provided by the Applicant and further notes that the Applicant has been an operator of a packaged liquor licensed store for a period of 6 years between 2006 and 2012 and that Police have raised no concerns with the probity of the Application. The Delegate is satisfied that the Applicant's *House Policy* and *Management Plan* disclose that a risk mitigation regime has been devised by the Applicant and will be in place at the Premises.
56. The Delegate is satisfied, for the purposes of section 45(3)(b), that responsible service of alcohol practices will be in place with the commencement of licensed trading and will remain in place with the operation of the new licensed business. This finding is made on the basis of the Applicant's *House Policy* and *Management Plan* documents and submissions provided by the Applicant and noting an absence of adverse submissions from OLGR or Police in this regard.
57. The Delegate is satisfied, for the purposes of section 45(3)(c), that the required development consent has been granted for use of a packaged liquor licence at the Premises. This finding is made on the basis of the development consent granted on 29 May 1995 with respect to the Premises, as well as the submission from Council to the Authority dated 19 March 2015 confirming that development consent No. 87/1995 remains in place and enables the Premises to operate as a bottle shop.

Overall Social Impact

58. With regard to the overall social impact test prescribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the suburb of Epping and the broader community comprises the Parramatta LGA.
59. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.

Positive Benefits

60. The Delegate is satisfied, on the basis of the Applicant's submissions and CIS Document, that the Premises was operated as a packaged liquor store prior to this Application being made and that the previous liquor licence has been removed to other premises outside the LGA. The Delegate accepts the Applicant's submission that the "expected" customers of the Premises will be the same customers who purchased packaged liquor from the BWS store which was previously located at the Premises.
61. The Delegate notes that within the suburb of Epping there are only two other packaged liquor outlets (Epping Cellars and Coco Cubano) and that based on the data within the Authority's records, neither of these outlets are within the near vicinity of the Premises. On this basis, the Delegate is satisfied by the Applicant's submission that granting the Application will enable the Applicant to "continue to meet the needs" of the members of the local and broader community who previously purchased packaged liquor from the BWS store at the Premises.

62. The Delegate accepts the Applicant's submission that the Premises will provide the public benefit of convenience to the local and broader community. The Delegate accepts the Applicant's submission that the nearest other packaged liquor stores are over 1km away from the Premises, and is satisfied based on the Authority's licensing data that the licence density of packaged liquor licences in the postcode 2121 is lower than the density of this licence type in NSW as a whole, at 16.23 compared with 32.85 per 100,000 persons.
63. On this basis, the Delegate is satisfied that granting the Application will advance the statutory objection of section 3(1)(a) of the Act to meet the "expectations, needs and aspirations" of the local and broader community by increasing the convenience for residents in those communities who would otherwise since the removal of the previous licence at the Premises have had to travel further to purchase liquor, and who would not otherwise have access to packaged liquor within the group of retail and commercial shops where the Premises is located.
64. The Delegate accepts the Applicant's submission that granting the Application will make a small positive contribution to employment and lead to some degree, albeit small, of increased expenditure in the local community.

Negative Impacts

65. The Delegate accepts that over time there will be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
66. The Delegate notes that there is some cause for concern arising from the elevated rate of alcohol-related police assault incidents occurring within the Parramatta LGA, compared with the rate for NSW as a whole.
67. However, the Delegate notes that overall the BOCSAR data for the LGA is relatively favourable. In terms of the rate per 100,000 persons of population of alcohol-related *domestic assault*, *non-domestic assault* and *malicious damage to property* offences, the Parramatta LGA performs generally better than NSW as a whole.
68. Furthermore, the Delegate notes that BOCSAR crime maps provide an indication that there is relatively little crime occurring in the vicinity of the Premises, particularly given that these maps show the concentration of crime *within* a given LGA and, according to BOCSAR data, the Parramatta LGA generally experiences rates of crime below the NSW average rates.
69. The Delegate is satisfied that the relatively moderate rates of prevailing rates of crime in the LGA and the absence of a concentration of crime in the location of the Premises within the local community are factors that objectively constrain the extent of prevailing negative impacts and hence whether the new business will contribute to a relatively problematic environment for alcohol related crime. The Delegate notes in particular relatively lower rate of alcohol related domestic violence, much of which occurs in the home where packaged liquor is primarily consumed.
70. The Delegate notes that there have been no adverse submissions from law enforcement, Council or local residents or businesses as to localised issues associated with the abuse of packaged liquor – such as alcohol related violence, public drinking, under-age drinking, pre-fuelling by young adults before attending licensed premises, or alcohol related litter.

71. Further, the Delegate is satisfied that SEIFA statistics for the local and broader community indicate that these communities are relatively economically advantaged, which is generally associated with lower vulnerability to alcohol related adverse social impacts.
72. The Delegate notes that the trading hours sought by the Applicant are less than the standard hours for takeaway sales, with the proposed closing time of 8:00pm on Sunday through Wednesday and 9:00pm on Thursday through Saturday. The Delegate also notes the conditions consented to by the Applicant, the harm mitigation strategies outlined in the submissions provided as part of the Application material, and the Applicant's intention to install a CCTV surveillance system at the Premises.
73. These factors, combined with an absence of adverse submissions, relatively favourable overall crime rates, and the fact that granting the Application will not increase the licence density of the postcode 2121 or the LGA, objectively reduce the scope for the Premises to contribute to an increase in alcohol related crime or anti-social conduct in the local and broader community.

CONCLUSION

74. Considering together the positive benefits of increased convenience for local residents, and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in these communities, the Delegate is satisfied that the overall social impact of granting this Application will not be detrimental to the well-being of the local or broader community.
75. In making this decision, the Delegate has also determined that it is in the public interest for the 6-hour closure period required by section 11A of the Act to be fixed at 3:00am to 9:00am.
76. In making this decision the Delegate has had regard to all of the statutory objects prescribed by section 3(1) of the Act and has considered all of the statutory considerations prescribed by section 3(2).



Michel Brodie
Chief Executive

DATED 19 FEB 2016