



Mr Tony Schwartz
Back Schwartz Vaughan
Level 1, 156 Edgecliff Road
WOOLLAHRA NSW 2025

tschwartz@bsv.com.au

1 August 2016

Dear Mr Schwartz

Application for removal of a packaged liquor licence – BWS Bondi Beach

I am writing to you regarding an application made by your client, Mr Anthony Charles Leybourne Smith, which was received by the Independent Liquor and Gaming Authority on 20 October 2015.

The Application seeks the removal of a packaged liquor licence, within the meaning of section 59 of the *Liquor Act 2007*, from premises located at 220 Campbell Parade, Bondi Beach, NSW 2026 to new premises at Shop G02, 180-186 Campbell Parade, Bondi Beach, NSW 2026 within the *Swiss Grand Hotel Bondi Beach* complex.

The Authority considered the Application at its meeting on 8 June 2016 and decided to *grant* the Application pursuant to section 59 of the Act. Licensing staff informally notified the Authority's decision shortly after the meeting and via email dated 21 June 2016.

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 letter attaches the Authority's statement of reasons. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statement of reasons as soon as practicable.

If you have any enquiries about this letter, please contact the case manager on this Application via mike.freeman@ilga.nsw.gov.au

Yours faithfully

Philip Crawford
Chairperson

For and on behalf of the **Independent Liquor and Gaming Authority**

STATEMENT OF REASONS

INTRODUCTION

1. On 20 October 2015 the Independent Liquor and Gaming Authority (**Authority**) received an application (**Application**) from Mr Anthony Charles Leybourne Smith, regarding the liquor licence that currently attaches to premises located at 220 Campbell Parade, Bondi Beach, NSW 2026 (**Current Premises**).
2. The Application seeks the removal of the licence under section 59 of the *Liquor Act 2007* (**Act**) from the Current Premises to new premises located at Shop G02, 180-186 Campbell Parade, Bondi Beach, NSW 2026 (**New Premises**).
3. The New Premises is part of a development including a Woolworths Supermarket, hotel, apartments, and retail tenancies. This development is located approximately 80 metres away from the Current Premises.
4. The intention of the Applicant is to operate a BWS store within the confines of the Swiss Grand Hotel. This Application has been made concurrently with a separate application made by Bondi Beachside Pty Ltd (the owner of the New Premises) to change the licenced area of the Swiss Grand Hotel licence to exclude the New Premises from the licence area of the hotel.
5. The recorded licenced trading hours for the licence attaching to the Current Premises are from 5:00am to 12:00 midnight Monday to Saturday and 8:00am to 12:00 midnight Sunday. (The Authority notes that this licence record apparently pre-dates amendments to the Act that commenced during February 2014 which limited all takeaway liquor sales from any licensed premises across the State to no later than 10:00pm).
6. The proposed licensed trading hours for the business to operate on the New Premises are 9:00am to 8:00pm Monday through Saturday and from 10:00am to 8:00pm Sunday.
7. The Applicant has also made an application seeking that the 6-hour closure period required by section 11A of the Act be fixed at the alternative time of between 3:00am and 9:00am daily.

MATERIAL BEFORE THE AUTHORITY

8. **Application Form and Community Impact Statement (CIS) dated 16 October 2015.** The Application form indicates the proposed licensed trading hours noted above. In a separate but related application form the Applicant seeks to vary the 6-hour daily closure period, for the purposes of section 11A of the Act, to the alternative period disclosed above. The various contentions and submissions made by the Applicant in the CIS document as to the overall social impact of granting the Application are discussed below.
9. **Supporting Material provided with Application and CIS including:**
 - **National Police Certificate dated 11 July 2018**

- **Applicant documentation** including Responsible Service of Alcohol (RSA) Card identify documents
 - **Diagram of Licensed Boundary** of the New Premises
 - **Map of the Alcohol Free Zone (AFZ)**. indicating that both the Current Premises and New Premises are situated within an alcohol free zone
 - **Complying Development Certificate No. J140095 issued by Vic Lilli & Partners, dated 12 August 2014 (CDC)**: certifying that the “first use and fit out of liquor store” at the New Premises is “a complying development” and will comply with all development standards applicable to the development and with such other requirements prescribed by the *Environmental Planning and Assessment Regulation 2000*
 - **Waverley Council Determination of Development Application 433/2012 (DA), dated 1 March 2013**. recording consent for a “24 Hour Supermarket with Liquor Store and associated fit out” for the New Premises and restricting hours of trading (for planning purposes) to between 6:00am and 12:00 midnight, 7 days per week. The document also addresses, *inter alia*, the regulation of construction, fire safety, maintenance, and amenities on the New Premises
 - **Bundle of Woolworths Policy Documentation** including “Woolworths Liquor Group Liquor Store House Policy”; “Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW”; “Woolworths Best Practice Policies and Interventions”; “Woolworths Liquor Group: Responsibilities”, “School Uniform Policy”; “Refusal of Service (intoxication) Policy”, “ID 25 Policy” (requiring identification for any person who appears less than 25 years of age and “Secondary Supply Policy”.
10. **Submission from NSW Family and Community Services (FACS) dated 9 October 2014**. This brief letter states that FACS “will not be providing input into the submission”.
11. **Submission from the then Office of Liquor Gaming and Racing - now Liquor and Gaming NSW (LGNSW) dated 7 August 2015**. This brief submission includes an Environment and Venue Assessment Tool Report (**EVAT Report**) for the New Premises. This submission notes that LGNSW “does not intend to carry out any further assessment of this application at this time”.
12. The EVAT Report records the location and venue risk factors as “low to moderate” with the exception of the rate of alcohol related offensive behaviours and proportion of venues that are late night trading are recorded as to be “high risk” factors while the radial density of licensed premises is recorded as an “extreme” risk factor.
13. **Submission from NSW Roads and Maritime Services (RMS) dated 27 October 2015**: This letter presents data for the Waverley Local Government Area (**LGA**) indicating that during 2013 there were nine alcohol-related crashes, resulting in two casualties. RMS recommend that the licensee maintain awareness of local alcohol-related issues; attend the LGA’s Liquor Accord and that public education material focusing on drink drive and pedestrian-alcohol issues be supported and displayed within the Premises.

14. RMS also recommends that the licensee to draw attention to the *Safe Party Kit* available on the NSW Police website for customers buying large quantities of alcohol or alternatively display a list of tips for people hosting social events.

15. **Submission from NSW Police Eastern Suburbs Local Area Command (LAC), dated 25 February 2016.** This submission records the following statement:

“Police acknowledge that the application cites trading hours constrained until 8:00pm (seven days) and removes the packaged liquor outlet from street exposure to within a newly developed precinct of Bondi Beach, which incorporates enhanced natural supervision. The Bondi Beach precinct is a ‘hotspot’ for alcohol related harms however Police are satisfied that the granting of the application will not amplify such harms and the relocation of the licensed premises and reduced trading hour may well assist in reducing opportunity for minors to gain access to liquor.

The Easter Suburbs Liquor Accord is an active Accord within the trading area of the proposed premises and it has been indicated that an imposed condition requiring the applicant to participate in the Accord is reasonable and will ensure the premises continues to assist in the reduction of alcohol related harm within the community”.

16. **Licensed Premises Records:** this information, available for purchase from LGNSW, records the address and licence type of other liquor licenced premises within the suburb of Bondi Beach. It indicates that there are:

- **3** registered club licenced premises
- **4** hotel licenced premises
- **5** packaged liquor licenced premises.

17. **Liquor licence density data:** This data, obtained by licensing staff from publically available data, indicates that the Waverley LGA as a whole recorded:

- a rate of **20.47 packaged liquor licences** per 100,000 persons, below the NSW state wide rate of **32.85**.
- a rate of **7.87 registered club licences** per 100,000 persons, well below the NSW state wide rate of **20.48**.
- a rate of **15.75 full hotel licences** per 100,000 persons, below the NSW state wide rate of **30.36**.
- a rate of **17.32 on-premises licences** per 100,000 persons, well below the NSW state wide rate of **121.31**.

18. **Report on Crime by LGA and Alcohol Related Status** obtained from published **BOCSAR sources** for calendar year 2013. This data indicates that:

- the rate of *alcohol related domestic violence related assault* incidents recorded by reporting Police as *alcohol related* across the Waverley LGA was **65** per 100,000 persons, substantially below the New South Wales rate of **145** per 100,000 persons.

- the rate of *alcohol related non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the Waverley LGA for 2013 was **53**, well below the State wide rate of **191**.
- the rate of *alcohol related offensive conduct* offences flagged by reporting Police as *alcohol related* across the Waverley LGA was **3** per 100,000 persons, well below the State wide rate of **83**.
- the rate of *alcohol related assault police* incidents flagged by reporting Police as alcohol related across the Waverley LGA was **4**, well below the rate of **24** per 100,000 for New South Wales as a whole.
- the rate of *alcohol related malicious damage to property* offences flagged by reporting Police as *alcohol related* across the Waverley LGA was **28** per 100,000 persons, well below the State wide rate of **122**.

19. BOCSAR crime mapping data for January 2015 to December 2015. These crime maps indicate that both the Current Premises and the New Premises are located:

- within a high density hotspot for the concentration of incidents of *non-domestic assault*;
- within a high density hotspot for the concentration of incidents of *domestic assault*;
- within a high density hotspot for the concentration of *malicious damage to property*;
- within a high density hotspot for the concentration of incidents of *l assault*.

20. Australian Bureau of Statistics (ABS) Socio-economic Indexes for Areas (SEIFA) data: prepared on the basis of the 2011 census, indicates that:

- The Waverley LGA ranked in the 10th decile, compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
- The state suburb of Bondi Beach ranked in the 9th decile, compared to other state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage.

LEGISLATION

- 21.** The Authority has had regard to the power to remove a packaged liquor licence under section 59 of the Act, which provides, *inter alia*, that such application is to be dealt with as if it were an application for the granting of a licence, and that the provisions of Part 4, Division 1 of the Act apply.
- 22.** The Authority has had regard to its decision making power to grant a licence under section 45 of the Act and notes that an application to remove a packaged liquor licence is

a “relevant application” under section 48(2) of the Act, requiring the Authority to have regard to section 48(5) of the Act, which requires that the Authority **must not** grant a licence unless satisfied 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.

23. In determining the Application, the Authority 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 OVERALL SOCIAL IMPACT

24. In the CIS, the Applicant addressed the potential for the proposed new packaged liquor business to positively and negatively impact the “local community” (which the Applicant identifies by reference to the expected trade catchment area of the proposed new business) and the broader community (which the Applicant identifies as the Waverley LGA).
25. The Applicant submits that the proposed business will form part of a redevelopment of the Swiss Grand Resort Spa (**Development**) and will also include a Supermarket, hotel, apartment and retail tenancies.
26. The Applicant summarises the primary differences between the New Premises and the Current Premises as follows:

- Floor space – the Premises has a floor space of approximately 188 square metres an increase on the Current Premises which has a floor space of approximately 82 square metres.
- Visibility – the Premises will be internal and will not be visible from outside of the Development. The Current Premises has direct street access and is visible from the street.
- Signage – the Premises will not have signage external to the Development. There are no restrictions on the advertising material that is lawfully permitted on the Current Premises.
- Trading hours – the Premises will finish trading at 8pm daily while the Current Premises is permitted to trade until 10pm daily. Furthermore, the Extended Trading Authorisation that allows the Current Premises to trade from 8am on Sunday will not be in effect at the New Premises and trade will commence at 10am on a Sunday.
- Off street parking – 50 off street parking spaces will be available for the Premises where Current Premises has no off street parking.
- Security – In addition to the security features of the Current Premises (which will be replicated at the Premises) the New Premises will have the benefit of the security measures provided by the Development which includes back to base alarms, security patrols and CCTV.
- Amenity – The New Premises will be subject to the conditions of use through the Development Consent and lease obligations of the Development.

27. The Applicant contends that a number of “positive benefits” have been identified from granting the Application. They are:

- Improved Amenity – The proposed new business will be “a state of the art premises complete with modern fixture and fittings”.
- Convenience – The proposed new business will be located close to a Woolworths Supermarket and off street parking and will meet the one stop shopping requirement of locals and visitors.
- Less traffic – Customers at the New Premises will not have to drive to a separate location to purchase alcohol after shopping at the Woolworths Supermarket.
- Product range – The proposed new business will stock a “large range of products that provide exceptional value for money”.
- Market leading range – Woolworths is able to quickly “range new and different products to meet the demands of its customers” due to its status as a national retailer.
- Brand – BWS is a well-known brand and has “appeal to a wide range of customers”.
- Loyalty program – Customers who are members of the loyalty program “are able to benefit from exclusive, targeted offers”.
- Responsible retail assurance – the proposed new business would incorporate Responsible Service of Alcohol policies and procedures.
- Customer service – Woolworths invests heavily in “training programs to educate their staff on customer service skills, product knowledge as well as various safety and compliance matters”.
- Career opportunities – the proposed new business will require 1 additional staff member, in addition to those employed at the Current Premises. Staff of the proposed new business will “have an opportunity to progress throughout the wider Woolworths business in both operational and support functions”.

- Safe environment – the proposed new business “will provided a safe environment for both staff and customers”.
 - Community contributions – the proposed new business will support local groups and organisations. The Applicant states that “the aim” of Woolworths is to “contribute the equivalent of at least 1% of pre-tax profits to the communities in which they operate”. Furthermore, every BWS store in Australia has been allocated a share of in excess of \$250,000 to use to support a local charity, club or other community group through the provision of Wish Gift Cards.
- 28.** The Applicant submits a table of the data, extracted from 2011 ABS Census data indicating, by reference to all of the usual “at risk” groups within the Waverley LGA (that is, sociodemographic groups associated in the literature with a relatively greater exposure to adverse alcohol related social impacts). For most but not all of those factors the local and broader community indicate relatively lower risk.
- 29.** With regard to prevailing liquor licence density, the Applicant submits that the data indicates an “under-provision” of licensed premises in the Waverley LGA but an “over-provision” in the suburb of Bondi Beach.
- 30.** However, the Applicant submits that since this Application is for the *removal* of the licence and not the grant of a new licence, granting the Application will not affect the licence density in either Bondi Beach or Waverley LGA.
- 31.** With regard to the ABS SEIFA data for the communities the Applicant contends that the scores for both the Waverley LGA and the Suburb of Bondi Beach are high (with the Suburb of Bondi Beach having an Index of Relative Socioeconomic Advantage and Disadvantage score of 9 and the Waverly LGA having a score of 10).
- 32.** With regard to potentially sensitive facilities near the New Premises the Applicant contends that there are three potentially sensitive facilities including Bondi Beach Public School, Bondi Beach Foreshore and Pavilion and the Alcohol Free Zone. The Applicant contends in relation to this that he is unaware of any circumstances in which the Current Premises has caused an adverse social impact.
- 33.** Furthermore, the Applicant contends that if granted the Application would not introduce packaged liquor services to the community but would move the licence further away from the potentially sensitive facilities.
- 34.** The Applicant provides BOCSAR data on the rates of alcohol related crime in Waverley LGA compared to NSW as a whole, contending that there is a significant transient tourist population for this community and that:
- “Tourists and visitors have perhaps a greater risk of being involved in a crim due to the range of experiences they undertake when in this location...When one considers that Waverley Council estimates Bondi is host to approximately 5 million visitors each year, the number of offences is low”.*
- 35.** Furthermore, the Applicant contends that there are significant numbers of major events that occur at Bondi Beach each year (e.g. City to Surf, Bondi Light the Night, Sculpture by the Sea, Water Polo by the Sea, Carols by the Sea etc.) which contribute to the number of visitors to Bondi Beach and to the crime rates to which the communities are exposed.

36. The Applicant contends that granting the Application is unlikely to increase the rates of alcohol related harm or crime in Bondi Beach or Waverley LGA because of the following:
- The Application is for the removal of a licence approximately 80 metres away.
 - The Application will result in reduced trading hours for this licence.
 - Packaged liquor is also available at other locations throughout Bondi Beach.
 - BOCSAR data indicates that the majority of all alcohol related non-domestic violence assault offences occur on the weekend and at night when patrons are on or having recently left an on-premises licenced venue.
 - The proposed new business would not increase overall liquor sales but would cannibalise a share of the current local market.
 - There is “no evidence” that the proposed business has the ability to change the established drinking patters of the population of Bondi Beach or Waverley LGA.
 - There is “no evidence” that alcohol is a “pre-determining factor for violence”. Rather, the Applicant contends that alcohol is used as an “excuse” for poor behaviour but is rarely the underlying reason.
 - The proposed new liquor store is not a late night trading venue and it will have CCTV and security systems at the New Premises.
37. The Applicant has also supplied NSW Department of Health data which indicates that the level of risk that an *alcohol related hospitalisation* may occur within the Waverley LGA is high compared to the rate for NSW although the risk that an *alcohol related death* may occur in the Waverley LGA is not statistically different from NSW as a whole.

REASONS

38. The Authority is satisfied, for the purposes of section 59(2) of the Act that the Application and CIS material provided by the Applicant establishes that the Application has been validly made and that consultation and advertising requirements were observed.
39. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person from a probity perspective and the Authority notes that no probity concerns have been raised in submission form the other stakeholders, particularly NSW Police and LGNSW, in this regard.
40. The Authority is satisfied that that the Applicant is experienced in operating a retail packaged liquor business on the basis that the Applicant’s policy and planning documents “Woolworths Liquor Group Liquor Store House Policy”, and “Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW” disclose that detailed policies and a comprehensive risk mitigation regime has been devised by the Applicant and will be in place when the licensed business commences operation on the Premises. The Authority notes that there is no adverse information before the Authority as to the Applicant’s company’s fitness in response to consultation on this Application with relevant law enforcement agencies including Police and LGNSW.
41. The Authority is satisfied, for the purposes of section 59(5) and 45(3)(b) of the Act, that responsible service practices will be in place with the commencement of licensed trading, on the basis of the detailed business planning material provided with the Application including the “Woolworths Liquor Group Liquor Store House Policy”, and “Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW” submissions provided by the Applicant and noting an

absence of adverse submission from OLGR or from Police with regard to the Applicant in this regard.

42. The Authority is also satisfied, for the purpose of section 45(3)(c) of the Act, that the required development consent is in place for conduct of a retail package liquor business on the New Premises. This finding is made on the basis of the DA issued by the Waverley Council (433/2012) dated 1 March 2013 and the CDC issue by Vic Lilli & Partners dated 12 August 2014.

Local and Broader Community

34. With regard to the overall social impact test proscribed by section 48(5) of the Act the Authority is satisfied that the relevant “local community” comprises the state suburb of Bondi Beach while the “broader community” comprises the Waverley LGA.
35. The Authority notes that the Applicant has posited a “local community” that is contiguous with the expected trade catchment area of the proposed business. The Applicant has provided a map of the proposed trade area, which is apparently more extensive than the suburb of Bondi Beach.
36. The Act does not define what “local community” means. Consistent with the Authority’s *Guideline 6* and its long established practice, the Authority is satisfied that the local community comprises the State suburb or town in which the proposed licensed premises is to be located.
37. While the Authority accepts that the Applicant has provided an explanation and evidence in support of its expected catchment area, and the Authority accepts that a supermarket may well attract patrons from wider area than the suburb in which it is situated, the Authority is of the view that define the local community in such a manner would lose any genuinely “local” focus when assessing overall social impact.
38. In the interests of regulatory consistency and certainty, the Authority considers it preferable to find that the state suburb of Bondi Beach is the local community, while the broader community comprises the Waverley LGA.

Overall Social Impact

39. 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

40. The Authority accepts the Applicant’s contention that granting the Application will provide some additional measure of *convenience* to those members of the local and broader community who wish to purchase liquor for consumption off the Premises at the same time as buying their groceries from the nearby Woolworths Supermarket, as they will be able to do so during the licensed trading hours of the Premises. The Authority accepts that the licence to premises within a shopping complex that has off street underground parking may also help to reduce traffic and in particular parking congestion in the local community.
41. This measure of additional convenience for those shoppers who wish to engage in “one stop” liquor shopping within the same Shopping Centre in which the Woolworths

Supermarket and other stores are located may be said to promote the object of section 3(1)(a) of the Act (catering for the expectations, needs and aspirations of the community).

42. The Authority is also satisfied that removal of the licence a short distance away within the same local community to the Applicant's proposed new place of business, providing a new facility will also contribute to the responsible development of the liquor industry serving the local and broader community which is an object of section 3(1)(b) of the Act.
43. The Authority does not accept that the Application will provide a benefit to the local or broader community in terms of range of products, loyalty programs or customer service provided by the proposed business. While accepting that the new business will, by definition provide a newer facility, liquor products on the basis of the same BWS business model have been available at the Current Premises. The Applicant has not specified let alone substantiated how the business on the New Premises will stock an improved or more expansive range of products or operate an improved model of service to the Current Premises. Little weight is given to that submission on the material before the Authority.
44. While the Applicant's submission that granting the Application will, to some extent, provide employment opportunities may be credible in a general sense, the Applicant has submitted that only one role will be created by the proposed business. The Applicant has not stated what this role will be and if they will source this new employee from within the local or broader community. Consequently, little weight can be given to this purported benefit on the material before the Authority.
45. The Authority also notes the Applicant's submission that granting the Application will allow the proposed new business to contribute to local groups and organisations. While the Authority accepts that the Applicant company has an aim of contributing towards local charitable initiatives the nature, extent and timing of any community support has not been specified nor substantiated and little weight can be given to those purported community benefits on the material before the Authority.

Negative Impacts

46. The Authority accepts that, over time, there will more likely than not be some contribution made from the liquor sold from the Premises to alcohol related crime, alcohol abuse, disturbance or adverse impacts on amenity (whether or not they rise to the level of criminality) caused by a minority of customers who abuse the packaged liquor purchased from this new business and adversely impact the local and broader community.
47. With regard to the prevalence of alcohol related crime, the Authority finds that as a whole, the broader community of the Waverley LGA has lower rates of crime compared to NSW State averages in several relevant categories.
48. BOCSAR crime mapping data for the area indicates that the New Premises is located within high density hotspots for the concentration of incidents of assault (domestic and non-domestic) and malicious damage to property. The operation of the proposed new business in within these hotspots is an objective matter for concern.
49. However, this Application is for the *removal* of a licence from a location approximately 80 metres away, within the same local community and within the same hotspots for the concentration of crime. As such the Authority is satisfied that there will not be any

significant net adverse impact arising from granting *this* application upon the local or broader communities. This is not an instance of a licensed business moving from a less sensitive site to a more problematic site. There is little apparent difference between the two sites on the basis of the prevailing crime mapping data.

50. The Authority accepts that the grant of the Application would allow for the removal of a packaged liquor licence from a street facing location to a within a shopping centre which would afford some proposed additional security benefits in the form of restricted access, additional CCTV and security guards. This submitted benefit is given additional weight in light of the support that local Police have given to the Application on this basis.
51. As for the hours of operation, the proposed trading hours of the Premises are substantial, trading from 10am to 8pm Monday to Saturday and 10am to 8pm Sunday. However, removing the licence will bring with it a reduction on the licensed trading hours available at Current Premises which may trade from 8am to 10pm daily. The trading hours associated with granting this Application provide an objective harm reduction factor.
52. The scale of the licensed business is an issue of concern when assessing the social impact of granting the Application. As is identified in the CIS document the New Premises will occupy approximately 188 square meters. This is not a small scale operation. According to the Applicant's CIS document the Current Premises is only 82 square metres.
53. The Authority has taken into account the comprehensive harm minimisation measures outlined in the *House Policy and Management Policies and Strategies* provided by the Applicant as part of the Application, including the use of CCTV surveillance, also satisfy the Authority that steps will be taken by the Applicant and its staff to ensure that the extent of adverse impact arising from the abuse of liquor sold from the New Premises would be constrained.
54. Notwithstanding the increase in scale of the business, the relocation of the licence to the New Premises within a new development and supermarket, as distinct from the street facing Current Premises, is accepted by local Police as a factor that increases the scope for passive surveillance of patron conduct. The Authority accepts that the features of the new complex presents a net improvement in security which, in combination with a reduction in evening trading hours militates in favour of granting the Application.

CONDITIONS

43. The Authority has granted the Application subject to the imposition, with the Applicant's consent, of the following conditions pursuant to section 53 of the Act. These conditions have been taken into account when assessing the overall social impact upon the local and broader communities of granting the Application:
 - 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 3:00 Am and 9:00 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.
 - 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 that what could be reasonably expected from the information contained in the Community Impact Statement, application, and other information submitted in the process of removing this licence to premises at Shop G02, 180-18 Campbell Parade, Bondi Beach. The licensee or its representative must join and be an active participant in the local liquor accord.

- The licensee or its representative must join and be an active member of the local liquor accord.

CONCLUSION

- 55.** Having considered together the extent of found positive benefits and those factors which objectively constrain or reduce the extent of likely negative impacts that may otherwise arise from the sale of liquor from this proposed new business, the Authority is satisfied, for the purpose of section 48(5) of the Act, that the overall social impact of granting this Application to remove a packaged liquor licence will not be detrimental to the well-being of the local or broader community.
- 56.** The Application is granted pursuant to section 59 of the Act.
- 57.** In making this decision, the Authority is satisfied, on the basis of the case provided by the Applicant that it is in the public interest to fix the 6-hour closure period for the purpose of 11A of the Act at the alternative period of between 3:00 am and 9:00 am. This will enable the liquor business to operate concurrently with the Supermarket and provide the convenience benefits accepted by the Authority.
- 58.** In making this decision the Authority has had regard to all of the statutory objects of section 3(1) and has taken into account all of the considerations prescribed by section 3(2). The Authority has had particular regard to the need to minimise harm associated with the misuse and abuse of liquor within the meaning of section 3(2)(a) and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from the amenity of community life within the meaning of section 3(2)(c).



Philip Crawford
Chairperson

DATED: 1 August 2016