



Ms Angela M Frost
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2 May 2017

Dear Ms Frost

APPLICATION NO: 1-5049560749

APPLICATION FOR: Packaged liquor licence with extended trading authorisation

APPLICANT: Mr Patrick Bradley

LICENSED PREMISES NAME: PADDINGTON FINE WINES

PREMISES: 356 Oxford Street
PADDINGTON, NSW 2021

ISSUE: Whether to grant or refuse a new packaged liquor licence with extended trading authorisation

LEGISLATION: Sections 3, 11, 29, 31, 40, 45, 48 and 49 of the *Liquor Act 2007*

INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR PACKAGED LIQUOR LICENCE WITH EXTENDED TRADING AUTHORISATION AND CHANGE TO 6-HOUR CLOSURE PERIOD

The Independent Liquor and Gaming Authority considered application number 1-5049560749 seeking the grant of a new packaged liquor licence (the Application) and an associated application for an extended trading authorisation on 8 March 2017 and, pursuant to section 45 of the *Liquor Act 2007* (the "Act"), decided to **grant** the Application subject to submission of an updated plan of management and the following conditions:

1. **Trading Hours**

During Daylight Saving Hours

Monday to Sunday 9:00AM – 9:00PM

During Non-Daylight Saving Hours

Monday to Sunday 9:00AM – 8:00PM

2. 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 3:00AM and 9:00AM 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.
3. Restricted trading & NYE (std)

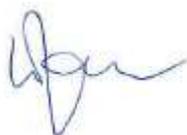
Retail Sales

Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday, 9:00AM to 8:00PM Sunday
Christmas Day	Not permitted

4. 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.
5. The licensee or its representative must join and be an active financial member of the local liquor accord.
6. The premises are to be operated at all times in accordance with the Plan of Management and House Policy dated 9 March 2017 as may be varied from time to time after consultation with the Local Area Commander of the NSW Police Force.

If you have any advice or enquiries about this letter, please contact the case manager via email to santina.causa@justice.nsw.gov.au

Yours faithfully



Philip Crawford
Chairperson

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

STATEMENT OF REASONS

DECISION

1. The Independent Liquor and Gaming Authority (the Authority) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the application for a packaged liquor licence that was lodged on 26 October 2016 (the Application). The Application was accompanied by a related application for an Extended Trading Authorisation (ETA) for one additional hour's trading on a Sunday morning from 9:00 am and an application to vary the usual 6-hour closure period. All parties required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
2. Having considered together 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 *Liquor Act 2007* (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 and broader communities.
3. The Application is approved pursuant to section 45 of the Act. The ETA application is approved pursuant to section 49(2) of the Act and the Authority has fixed an alternative 6-hour closure period to accommodate the 9:00AM opening time for the business pursuant to section 11A of the Act.
4. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) of the Act.

MATERIAL CONSIDERED BY THE AUTHORITY

5. In making this decision, the Authority has considered the Application, Community Impact Statement ("CIS") and all submissions received in relation to the Application. As foreshadowed in Authority *Guideline 6*, the Authority has also had regard to relevant liquor licensing records maintained by Liquor and Gaming NSW ("LGNSW"), Bureau of Crime Statistics and Research ("BOCSAR") crime data and Australian Bureau of Statistics ("ABS") socio-demographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. The material before the Authority that was considered when making this decision is listed and, in some cases, briefly summarised in the Schedule.

LEGISLATIVE FRAMEWORK

6. The legal requirements for the making of a valid application for a new liquor licence are provided by section 40 of the Act and by the *Liquor Regulation 2008* (the "Regulation"). The power to grant an application for a liquor licence is provided by section 45 of the Act.

7. Section 48(5) of the Act requires that the Authority must not grant an application 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”.
8. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the suburb of Paddington.
9. Consistent with the Authority’s long standing policy to find that the broader community comprises the relevant local government area (“LGA”), the Authority is satisfied that the broader community is, at the time of this decision, the Woollahra Municipal Council (the “Council”).
10. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
 - (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.*

KEY FINDINGS

11. The Authority is satisfied, on the basis of the Application and CIS material, that, for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
12. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a licensed venue of the kind proposed in the Application. This finding is made on the basis of the Police Certificate dated 29 September 2016 for the Applicant, Mr Patrick Bradley and in the absence of any probity concerns raised by law enforcement agencies, including LGNSW and Police.
13. The Authority is also satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of

licensed trading. This finding is made on the basis of the Applicant's *Management Plan* and *House Policy* dated 9 March 2017.

14. The Authority is further satisfied, for the purposes of section 45(3)(c) of the Act that the proposed use of the Premises falls within the scope of the development consent that is currently in force with regard to the Premises. This finding is made on the basis of the Development Consent No. 594/2015/1 Notice of Determination dated 4 October 2016 granted by Council for "change of use from general retail to liquor retail store".

Social Impact – Positive Benefits

15. The Authority is satisfied, on the basis of the information provided in the Application and CIS that granting the Application, the ETA and a change to the usual 6-hour closure period will provide some reasonable cumulative benefits by way of increased convenience and choice to members of the local and broader communities.
16. While that benefit is diminished by the number of alternative sources of packaged liquor in the broader community, particularly packaged liquor licensed businesses and hotels, the Authority nevertheless accepts that this proposal will provide additional services to those local residents who chose to patronise the existing nearby Oxford street convenience shops in this part of Paddington.
17. The Applicant contends and the Authority accepts that the Premises will "provide a select range of fine wines, beers, cider and spirits" and the "style of liquor to be offered will be very community-based, responding to requests from local residents who will be able to benefit from our wine club". While Applicant has not provided any great degree of specification as to the products it will stock (and this reduces the weight that may be given to this contention) the Authority infers, from the SEIFA data discussed below, that as the communities are amongst the most socio economically advantaged in the State, a rational licensee is more likely than not to service the demands of the local market for products of this kind.
18. Having found some reasonable degree of increased choice and convenience to the local community, and noting very little community opposition, the Authority is satisfied that granting the Application is consistent with the "expectations, needs and aspirations of the community" in respect of the local and broader community advancing the object of section 3(1)(a) of the Act.
19. The Authority is further satisfied that granting the Application will make a modest contribution to the development, in the public interest, of the local liquor industry in furtherance of the statutory object in section 3(1)(b) of the Act. This finding is also informed by the Authority's acceptance of information provided in the CIS that the Premises will contribute to the current revival of retailing and pedestrian activities along this part of Oxford Street and remove the need for residents to travel outside the neighbourhood to purchase quality packaged liquor.

Social Impact – Negative Impacts

20. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this new retail liquor business will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse packaged liquor.
21. The proposed licensed trading hours are reasonably extensive across the course of the week. The 8:00PM evening closing time proposed during Eastern Standard Time provides some degree of moderation as to the licensed trading hours, reducing the scope for the liquor sold from *this* business to contribute to the prevailing adverse liquor impacts in the local and broader communities. The ETA seeks one additional hour on a Sunday morning, and in the absence of any evidence of localised alcohol related social impact concerns during that hour in this location, the Authority finds this extension of hours to not provide any significant additional concerns with regard to the scope for this business to generate negative impacts.
22. The Authority has given careful consideration to the objection made by the Surry Hills Local Area Command of the NSW Police Force (the “Police”). In a submission dated 16 November 2016, Police object to the “likely negative social impacts” of granting the licence and the “suitability of the site” and contend that “it is not in the public interest for another takeaway liquor store”.
23. Police have raised concerns that given the location of the Premises, packaged liquor may be sold to persons attending major sporting events at Moore Park and to persons participating in local “pub crawls” in Paddington.
24. Police provide information that “one such event, the Rugby 7’s, resulted in significant issues for Police and residents, which would have only been exacerbated if another takeaway liquor store was trading”.
25. While the Authority finds those concerns about the potential conduct of sporting crowds and adults engaging in “pre-fuelling” to be generally credible, the Authority accepts the Applicant’s response that the Premises will close before most major sporting events end in the evening. The Authority has also taken into account the *Management Plan* and *House Policy* dated 9 March 2017 which will become enforceable through a licence condition and which imposes measures to deal with any intoxicated persons or minors seeking liquor on the Premises.
26. While the Authority finds the Police concern about persons engaging in local pub crawls to be credible given the number and proximity of licensed premises in this suburb, there is insufficient localised information or evidence of alcohol related crime or acts of disturbance before the Authority to discern the nature and frequency of that particular alleged anti-social conduct to give those concerns decisive weight in this case.

27. The Authority finds that the Premises is of moderate scale. At 92 m² it is comparable to many stand-alone packaged liquor licensed businesses throughout New South Wales. The Authority accepts the Applicant's submission, in the CIS, that the maximum number of customers in the Premises at any one time "would rarely exceed 10" apart from the conduct of wine tastings which would only be held "on occasion" and when patron numbers "might increase to 20 for short periods a few times a week".
28. When assessing the scope for this new business to generate adverse social impact there is prima facie cause for concern arising from BOCSAR crime rates and crime data for the local and broader communities as a whole.
29. The alcohol related hospitalisation data for the Woollahra LGA is also moderately above New South Wales wide rates and this is another adverse factor when assessing the Application. It has not been a decisive factor when considered in the context of the other evidence before the Authority
30. NSW Crime Statistics for Paddington during the year to September 2015 record that the rate of *alcohol related domestic assault* is **131.5** per 100,000 persons of population, slightly above the New South Wales wide rate of **121.5**. The rate of incidents of *alcohol related non-domestic assault* is **204.5**, substantially above the NSW rate of **141.2**.
31. Of those two rates, the domestic assault rate is the more moderate and is of greater focus when assessing the impact of granting a new packaged liquor licence, by reason that BOCSAR Crime data for New South Wales for 2016 records that domestic violence occurs overwhelmingly in private residences, where packaged liquor is expected to be consumed.
32. BOCSAR Crime Maps based upon data from October 2015 to September 2016 indicate the Premises is not located within any hotspot for incidents of *domestic or non-domestic assault*, but it is located within a high-density hotspot for incidents of *malicious damage to property*. However, some reassurance is provided in that these concentrations of malicious damage incidents are calculated by reference to the rates of malicious damage recorded for the Woollahra LGA as a whole, which are well below State wide offence rates.
33. Liquor licensing records from LGNSW indicate the Woollahra LGA and the Paddington suburb have a packaged liquor licence density above the NSW rate of **35.60** per 100,000 of population.
34. While the licence density and crime data call for careful scrutiny of the claimed positive benefits and the likely negative impacts of a new licence, the Authority is reassured, on the material before it, by the lack of objection from Council, RMS and local residents with regard to social impact concerns arising from this particular proposal.
35. The Authority is further satisfied, on the basis of ABS Socio-Economic Indexes For Areas (SEIFA) data, that the suburb of Paddington and the Woollahra LGA are both

very socio economically advantaged (ranking in the 10th decile), by comparison to other state suburbs and local government areas in NSW according to the Index of Relative Socio-economic Advantage and Disadvantage (with the 10th decile being the most advantaged). That is, socio economic disadvantage is not a compounding factor of concern in these communities.

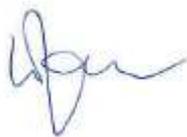
36. Finally, noting that the Act is concerned with the minimisation and not elimination of risk with respect to the sale, supply and consumption of liquor, the Authority is reassured by the *Management Plan* and *House Policy* both dated 9 March 2017, which provide details regarding the number of staff (minimum two at any given time), security arrangements (including CCTV), procedures for large groups of patrons, a complaint/ incident handling system, that there will be no entertainment at any time in the shop, lighting within the boundaries of the site, rubbish storage and bottle storage removal and that no smoking is permitted in the shop. The *House Policy* details measures to deal with patron intoxication and the risk of supply to minors.

Conclusion

37. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include Police, the Applicant, Council, RMS, neighbouring occupiers and all other parties required to be consulted under the legislation.
38. Having considered together the positive benefits and negative impacts that the Authority are satisfied 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 with the modest extension of hours on Sunday morning would not be detrimental to the well-being of the local and broader communities.
39. The Application is granted pursuant to section 45 of the Act. The ETA is granted pursuant to section 49(2) and the Authority notes, for the purposes of section 49(6), that the extended hours apply between 9:00AM and 10:00AM on a Sunday and the ETA applies to the whole of the Premises. The Authority is also satisfied that it is in the public interest to vary the usual 6-hour closure period so that it is fixed between 3:00AM and 9:00AM, pursuant to section 11A of the Act, to accommodate 9:00AM opening.
40. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (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.

Decision Date: 8 March 2017



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 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.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> 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

Material Before The Authority

1. Submission by NSW Transport Roads & Maritime Services (“RMS”) dated 9 March 2015. RMS does not object to the Application, but recommends that the licensee is to maintain an awareness of local alcohol related issues and become an active member of the local Liquor Accord and requests that public education material focused on drink drive and pedestrian-alcohol issues be supported and, where relevant, displayed within the Premises.
2. *Management Plan* and *House Policy* both dated 9 March 2017. The *Management Plan* provides details regarding the number of staff (minimum two at any given time), security arrangements (including CCTV), procedures for large groups of patrons, a complaint/ incident handling system, that there will be no entertainment at any time in the shop, lighting within the boundaries of the site, rubbish storage and bottle storage removal and that no smoking is permitted in the shop. The *Management Plan* includes details regarding RSA practices in place which satisfies section 45(3)(b) of the Act. The *House Policy* details measurements in place to prevent intoxication and describes how staff are instructed and trained to prevent intoxication on the licensed Premises. The following documents are attached to the *Management Plan* and *House Policy*:
 - (a) “Liquor Promotion Guidelines – Summary” Factsheet, produced by the NSW Office of Liquor, Gaming & Racing, dated July 2013.
 - (b) NSW Government “Prevention of Intoxication on Licenced Premises” Guidelines dated March 2015.
3. Plan or diagram of the Premises dated October 2016 indicating the proposed licensed area.
4. Development Consent No. 594/2015/1 Notice of Determination dated 4 October 2016 granted by the Woollahra Municipal Council (the “Council”) for “change of use from general retail to liquor retail store” is in place. The Development Consent documentations satisfies section 45(3)(c) of the Act.
5. Police Notice, Local Consent Authority Notice and Public Consultation Site Notice all dated 20 October 2016.
6. Category B Community Impact Statement Form and supporting documentation dated 20 October 2016. The CIS attached Google Maps of the area downloaded on 19 October 2016 and a “social impact statement” prepared by the Applicant.
7. In the Applicant’s *Social Impact Statement* attached to the CIS dated 20 October 2016, the Applicant responded to submissions from Police, RMS and one local resident during the pre-Application consultation process. The key contentions are as follows:

- (a) In response to Police submissions, the Applicant contends that the sensitive public spaces referred to by Police as of risk in relation to the abuse of liquor are situated “closer to BWS” and that there appears to be no record of these spaces being problem areas on BOCSAR crime maps.
 - (b) The Applicant submits that he “does not believe street drinking is a problem in Paddington” and submits that the profile of this suburb does not warrant comparison to areas like Kings Cross or Surry Hills. The Applicant “disagrees” with the Police contention that there are “sufficient” liquor outlets in Paddington.
 - (c) In response to the issues raised by Police in response to the Applicant’s Statement of Environmental Effects, the Applicant contends that “the great majority” of liquor stores in NSW are “located in business areas surrounded by residential development” but few of those stores are considered to be “inimical to the amenity of the residential areas surrounding them”.
 - (d) The Applicant contends that local business people in Paddington are “anxious” to see this part of Oxford Street revived after it has suffered from competition from nearby Bondi Junction and like places.
 - (e) On the potential for people attending major sporting events at Moore Park to patronise this store, the Applicant contends that the store will be closed *before most major events end* and this will reduce the scope for this liquor business to contribute to alcohol related disturbance from patrons attending those games.
 - (f) The Applicant makes the general contention that anti-social behaviour is “not a major problem in the area”.
8. The Social Impact Statement also notes one local resident who strongly objected to the Application on the basis of possible disturbances in the neighbourhood. The Applicant notes that following discussion with the Applicant “there has been no formal objection by any resident”.
9. Application Forms for new packaged liquor licence, extended trading authorisation, and change 6-hour closure period lodged by the Applicant on 26 October 2016.
10. NSW Police (“Police”) Submission from Leading Senior Constable Ping Liu, Licensing Unit, Surry Hills Local Area Command (“LAC”), dated 16 November 2016.
- (a) Police object to the Application “due to the likely negative social impacts, suitability of the site” and because “it is not in the public interest for another takeaway liquor store”. Police note that there are four other takeaway liquor stores in close proximity and a number of hotels authorised to sell liquor for consumption away from the Premises. Police further note the close proximity to residential premises and parks. Police note there is an issue with patrons consuming alcohol en route to sporting events and that closing prior to sporting events “does not solve the problem”.
 - (b) Police submit BOCSAR crime data to show that the Application is in a “hotspot” for alcohol-related assaults. Police submit NSW Recorded Crime data for the Woollahra LGA in 2014 show that a significant percentage of assaults occurring within this LGA occur in either a licensed Premises or an Outdoor/Public Place. Police submit that the data shows that a significant percentage of victims and offenders are over the age of 29, which Police contend is a demographic likely to attend this liquor store and submit that a

significant percentage of all assaults recorded within this LGA are alcohol-related. Police submit that almost half of all alcohol-related assaults occur between 6:00PM to 6:00AM on Friday and Saturday nights, which Police say coincides with the time that they expect this liquor outlet to be engaged in peak trading. Police submit this data “highlight the risks associated with the Application” and contend that “an additional takeaway liquor store will only worsen these issues”.

- (c) Police submit BOCSAR Alcohol-Related Crime Statistics for Paddington for the period from July 2012 to 2015 show a 14% increase for the three-year trend for *non-domestic assault incidents* and contend that granting this Application “will only contribute to these issues by increasing the availability of takeaway liquor”.
 - (d) Police submit that patrons of the Premises will include those who are “deemed ‘high’ risk” including person engaging in “‘pub crawls’, which Police contend “regularly” occur in this precinct, and persons attending major sporting events such as the NRL, AFL, Union, Cricket and A-League”. Police contend that one such event, the Rugby 7’s “resulted in significant issues for Police and residents, which would have only been exacerbated if another takeaway liquor store was trading”.
 - (e) Police make the further observation that street drinking is a “significant issue” for the LAC and contend that “another takeaway liquor store will only increase the risk of street drinking”.
 - (f) Police submit that this data highlights the risks associated with this Application and contended that “an additional takeaway liquor store will only worsen these issues”. Police refer to and submit BOCSAR Alcohol-Related Crime Statistics for Paddington from July 2012 to 2015 which show that there was a 14% increase for the three-year trend in relation to *non-domestic assault incidents* and contend that granting this Application “will only contribute to these issues by increasing the availability of takeaway liquor”.
 - (g) Police disagree with the Statement of Environmental Effects as it is only two pages and “not sufficient for a premises of this nature and risk”.
 - (h) Police submit the *Management Plan* is “merely four pages” and “not sufficient for a premises of this nature and risk”. Police describe the proposed CCTV condition as “poor” in that it does not provide minimum specifications for the system, prescribe storage time frames or if the system will be accessible during trading hours. Police make the submission that there is no information provided by the Applicant as to what additional action the business will take to “ensure the amenity of the neighbourhood” and no reference as to how the premises will manage the Responsible Service of Alcohol or how the premises will prevent underage drinking and intoxication.
11. Certification of Advertising Application dated 16 February 2017.
12. Letter from Ms Frost to licensing staff dated 21 February 2017 (responding to the email dated 15 February 2017). In this submission the Applicant agrees to the imposition of four licence conditions: a condition fixing a 6-hour closure period between 3:00AM and 9:00AM; a requirement that the business not operate with a greater overall level of social impact than disclosed in the Application; a requirement that the licensee or representative join and be an active participant in the local liquor accord and a condition requiring that the business on the Premises be operated at all times in accordance with the *Management Plan* and *House*

Policy dated 9 March 2017 as may be varied from time to time after consultation with the local Police.

13. In a letter dated 21 February 2017 the Applicant responds to the Police submission dated 16 November 2016 through the Applicant's solicitor.
 - (a) Ms Frost notes that the submission is "substantially identical" to the Police submission made to Woollahra Council dated 26 February 2016 in relation to the development application for the Premises and that the Applicant responded to Woollahra Council in respect of the Police submission and the issues raised were addressed in the Social Impact Assessment submitted to Council.
 - (b) Ms Frost states that Police provided a further response to Council dated 12 June 2016 of which the final paragraph included conditions that may be imposed should Council decide to approve the development application. Those conditions were agreed by the Applicant and are now part of the Development Consent for the Premises.
 - (c) In response to Police concerns about the adequacy of the *Plan of Management* Ms Frost contends that "most bottle shops operate without a Plan of Management" and notes that in this Plan the licensee and staff must also comply with the incorporated *House Policy* which is an additional 15 pages of business planning requirements.
 - (d) In response to the crime data specified in the Police submission, Ms Frost notes that:
 - i) BOCSAR Crime data for the period from October 2014 to September 2016 record that incidents of *alcohol related assault* in Paddington are down by 50% compared a 3.1% reduction for the State of NSW over the same period.
 - ii) BOCSAR Crime maps for the period from October 2015 to September 2016 indicate that the Premises is NOT situated in any hotspot for incidents of *alcohol related assault* or incidents of *alcohol related non domestic assault*.
14. Environment and Venue Assessment Tool (EVAT) dated 22 February 2017. Location risk is "low" to "moderate", with the exception of the radial density of licensed premises which is assessed as "extreme" and the proportion of all venues that are late night trading which is assessed as "high". The venue risk is assessed as "low", apart from the ETA which is assessed as "high" and the licence type which is "moderate".
15. Email from Ms Frost to licensing staff dated 22 February 2017. In response to the EVAT Assessment Report, Ms Frost notes that the extreme rating does not consider the type of licensed premises and that there are "a very small number of packaged liquor outlets in the area" and submits that the Premises will be "closed well before the standard closing time". Ms Frost compares the Applicant to 280 Oxford Street, which was granted an on-licence with Primary Service Authorisation in 2016, and states that "in comparison, the proposed premises at 356 Oxford Street, Paddington is low risk as there will be no consumption on the Premises". Ms Frost submits that "this is not a high-risk venue".
16. Two Google Maps of the Premises and surrounding area dated 22 February 2017.
17. Police submission from Licensing Sergeant Darrin Thompson, Surry Hills Local Area Command, dated 26 February 2016. Police "object to this application due to

the likely negative social impacts, suitability of the site and it is not in the public interest for another takeaway liquor store". Licensing Sergeant Thompson brings up the same issues raised in the Police submission dated 16 November 2016. The same statistics are provided and the same issues regarding the *Management Plan*, the location of the Premises and that there "are already sufficient takeaway liquor stores" are raised.

18. Liquor licensing records from LGNSW indicate the Woollahra LGA has a licence density of **64.07** packaged licences per 100,000 of the population and the Paddington suburb has a density of **54.68**, both of which are above the NSW rate of **35.60** per 100,000 of the population.
19. BOCSAR Crime Maps based upon data from October 2015 to September 2016 detailing hotspots for the concentration of offences near the location indicating that the Premises:
 - (a) Is not located within a *hotspot* for incidents of *assault (domestic assault)*;
 - (b) Is not located within a *hotspot* for incidents of *assault (non-domestic assault)*;
 - (c) Is located within a *high-density hotspot* for incidents of *malicious damage to property*.
20. BOCSAR NSW Crime Statistics for October 2014 to September 2016 indicate that the two-year trend for the Woollahra shows that the LGA has remained **stable** for incidents of *alcohol related assault (domestic assault)*, *alcohol related assault (non-domestic assault)* and for incidents of *malicious damage to property*.
21. BOCSAR NSW Crime Statistics for the Paddington suburb for the year to September 2015 for incidents of *alcohol related domestic assault* is **131.5**, slightly above the NSW rate of **121.5**. The rate for *alcohol related non-domestic assault* is **204.5**, above the NSW rate of **141.2**. The rate for incidents of *malicious damage to property* is **577.0**, well below the NSW rate of **859.0**.
22. ABS SEIFA data prepared on the basis of the 2011 census indicating that both the Woollahra LGA and the Paddington suburb ranked in the 10th decile on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
23. NSW Department of Health *HealthStats* data prepared on the basis of the 2011 Census indicate that the *smoothed standardised separation ratio* for *alcohol attributable hospitalisations* in the Woollahra LGA was **124.90** and the *smoothed standardised mortality ratio* was **83.20**, compared to the NSW average set at **100.0**.