



Our Ref: 1-3038377005  
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Dear Mr Smith

**Application for Packaged Liquor Licence  
Chambers Cellars, Bondi Junction**

I refer to an application received by the Independent Liquor and Gaming Authority on 6 March 2015 (Application) made on behalf of Kallin Pty Limited, seeking the grant of a new packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007* (Act).

The licence is sought for a proposed new "Chambers Cellars" store to be located at Shop 26, 310-330 Oxford Street, Bondi Junction 2022.

The Authority considered the Application at its meeting on 26 August 2015 and after careful consideration of the Application material and the submissions made in relation to the Application, the Authority decided to *refuse* the Application pursuant to section 45 of the Act.

An Authority staff member provided informal advice of the outcome of the Application in an email dated 31 August 2015. This letter provides the formal decision and reasons.

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*. The attached statement of reasons has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

Yours faithfully

Micheil Brodie  
Chief Executive

- 6 DEC 2015

## STATEMENT OF REASONS

### INTRODUCTION

1. On 6 March 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) regarding premises located at Shop 26, 310-330 Oxford Street, Bondi Junction, that are proposed to trade as a "Chambers Cellars" store (Premises). The Premises is situated within close proximity to the Bondi Junction commercial and retail precinct.
2. The Application is made by Kallin Pty Limited (Applicant) and seeks the grant of a packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007* (Act).
3. The Application seeks trading hours for the proposed new business to be conducted on the Premises from 10:00am to 10:00pm Monday through Sunday.
4. The Application also seeks that the 6-hour daily closure period required by section 11A of the Act be fixed at between 4:00am and 10:00am.
5. The Authority considered the Application at its meeting on 26 August 2015 and decided to *refuse* the Application, pursuant to section 45 of the Act.
6. Staff assisting the Authority informally notified the Authority's decision via email on 31 August 2015. This letter serves to provide a formal record of the decision to refuse the Application.
7. Liquor applications comprise a high volume aspect of the Authority's jurisdiction, and this letter provides a concise summary only of the key points arising from the material before the Authority and the rationale for refusing the Application.

### MATERIAL BEFORE THE AUTHORITY

8. Cover letter to the Authority from Design Collaborative Pty Limited (Design Collaborative) attaching the Application Form and documentation, dated 5 March 2015. This letter lists the documentation provided with the Application Form and states that the documents have been prepared by Design Collaborative on the instructions of the Applicant.
9. Liquor Licence Application Form dated 3 March 2015 and received by the Authority on 6 March 2015. This document discloses that the proposed premises for the packaged liquor licence sought are at 26/310-330 Oxford Street, Bondi Junction; that the Premises are owned jointly by Treesol Holdings Pty Limited, Morelle Pty Limited and Tashkan Pty Limited; that the business owner of the proposed licensed business to operate on the Premises is the Applicant, Kallin Pty Limited; and that Mr George Smith of Design Collaborative is an authorised agent of the Applicant.
10. Notices of application for a new packaged liquor licence dated 3 March 2015 accompanying the Application Form.
11. Floor Plan for the Premises accompanying the Application Form, providing a diagram outlining the licensed area of the proposed new licensed business indicating one counter and one entry and exit point.
12. ASIC Company Extract for Kallin Pty Limited created on 30 August 2013 accompanying the Application Form. This document discloses that the directors and sole shareholders

of Kallin Pty Limited are Ms Patricia Chambers and Mr Steven Chambers, and that the company was registered on 10 March 2005.

13. *Chambers Cellars Responsible Service of Alcohol Policy* (undated) accompanying the Application Form. This 2-page document states that its aim is to avoid harm associated with the misuse and abuse of alcohol. The Policy provides that alcohol must not be purchased by or on behalf of persons under the age of 18 and that staff must ask any person appearing to be under the age of 25 to produce identification, in the form of a current Driver's Licence, a NSW Photo Card, a Proof of Age card or a passport, before he or she may be served.
14. The Policy also provides that liquor is not to be sold to a person displaying signs of intoxication, including *inter alia* slurred speech, difficulties walking or standing, and difficulties comprehending or answering questions. Furthermore, the Policy states that liquor is not to be consumed in the "immediate area" outside the Premises, that all required signage is to be displayed at all times, and that all staff should be properly trained in "all areas" of responsible service of alcohol, in particular regarding how to "stop secondary supply".
15. Notice of Appointment of Manager dated 3 March 2015 and received by the Authority on 6 March 2015 accompanying the Application Form. This notice discloses that the appointed manager for the proposed licence is Mr Joshua Chambers. It is signed by Mr Joshua Chambers and by Mr Steven Chambers, the director of the Applicant.
16. Category B Community Impact Statement (CIS) Form dated 3 March 2015. In the CIS, the Applicant submits that "more than [*sic*] 800" occupiers of neighbouring premises were notified of the Application and that "three persons responded". The Applicant states that it was not able to resolve the issues, concerns or objections raised during consultation and that the "only way" to do so would be to "abandon the application". Attached to the CIS is a map showing the location of a designated Alcohol-Free Zone (AFZ) in Bondi Junction (located two blocks from the proposed Premises), an aerial photograph showing the location of the proposed Premises, and a map showing the boundaries of the Waverley Local Government Area (LGA) and the State suburb of Bondi Junction.
17. The Applicant's submissions on social impact are set out in detail below.
18. *Store List of Businesses Trading as Chambers Cellars* (undated) attached to the CIS Form. This document lists the locations, liquor licence numbers and contact details of 21 packaged liquor stores in NSW owned by the Applicant and trading as Chambers Cellars.
19. Extract from Notice of Determination of a Development Application no. DA-464/2014 (DA) issued by Waverley Council (Council) dated 25 February 2015. The DA states that the land to be developed is Shop 26, 310-330 Oxford Street, Bondi Junction; provides that planning consent operates from 25 February 2015 and describes the approved development as "shop fitout of a liquor shop". The DA states that the hours of operation of the business on the Premises are restricted to between 10:00 am and 10:00pm, Monday through Sunday. The DA also sets out conditions regarding, *inter alia*, the installation of roller shutters or grilles; management of the Premises to ensure that patrons do not "cause undue disturbance to the amenity of the neighbourhood"; and the maintenance of an incidents register.
20. Attached to the DA is a copy of the *Plan of Management Chambers Cellars Bondi Junction* stamped as "approved" by Waverley Council on 9 October 2014. The Plan

provides that the proposed use of the Premises is as a "retail shop" and that the Premises will comply with all conditions of consent, licence conditions, legislation and its own house policy. It states that if the Premises complies with the "fundamental tenants" of the Act concerning the prohibition on sale of liquor to minors, the Premises will be "unlikely to result in noise impact to adjoining properties". The Plan provides that one staff member must be present whenever the Premises is open, and two staff members must be present on weekends "if demand is sufficient to require it".

21. The Plan states that "no contracted security is considered necessary" but that CCTV will cover "the entrance, the till and the aisles of the shop".
22. Also attached to the DA is an extract from a Council report on the Application. In this report, Council state that from a land use perspective and despite the objections of Police and the Bondi Junction Precinct Committee, "the refusal of this application appears unjustified at this time". Council state that there is insufficient "convincing evidence" that granting the Application would not be in the public interest and that "conditions are recommended" to ensure that the Premises is operated in a manner "that is not against the public interest".
23. Submission from Roads & Maritime Services (RMS) to Mr G W Smith, Design Collaborative dated 14 November 2014. 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 Waverley LGA during 2012 there were eight alcohol-related crashes, resulting in two 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.
24. Submission from a delegate of the Secretary of (then) NSW Trade and Investment, now NSW Department of Justice, by an officer within the Compliance and Enforcement Division of the Office of Liquor Gaming and Racing (OLGR) dated 12 March 2015. OLGR objects to the Application and states that it is of the view that granting the Application is "likely to further contribute to alcohol-related harms" in an area that is "already exhibiting a high prevalence of such issues". OLGR observes that Sergeant Peter Bolt from the Eastern Suburbs Local Area Command (LAC) has provided a "comprehensive" submission detailing the reasons for Police's objection to the Application and that Council "supports" the position of Police.
25. OLGR notes that the primary purpose of the proposed licensed business to operate on the Premises is the sale of packaged liquor.
26. OLGR submits that NSW Bureau of Crime Statistics and Research (BOCSAR) data indicates that from January 2014 to December 2014, the rate of *alcohol related assaults* (domestic and non-domestic) that occurred within the State suburb of Bondi Junction was 673 (per 100,000 persons of population) compared to 311 (per 100,000 persons of population) for the whole of NSW.
27. OLGR submits that the rate of *alcohol related disorderly offences* that occurred in the suburb of Bondi Junction was 502 (per 100,000 persons of population) compared to 100 (per 100,000 persons of population) for the whole of NSW. OLGR also notes that the Premises will be located within a "combined high, medium and low density hotspot" for the concentration of alcohol-related assaults.

28. OLGR submits that these figures indicate that Bondi Junction has a "significant concentration of alcohol related harm when compared against the State average".
29. OLGR submits that Bondi Junction is "already very well serviced" by packaged liquor providers and hotels that are authorised to sell packaged liquor, located within "immediate walking distance" of the Premises.
30. Email from Mr John Maunsell, Legal Administration Officer, Waverley Council, to the Authority dated 27 May 2015. This email advises that the proposed business has received development consent; that Council has received submissions on the Application from local residents and Police; that the "increase of social disharmony in the Waverley municipality and particularly the Bondi Junction area, may be attributed to the marked increase in the existence of both packaged liquor and on-premises liquor licensed establishments"; and that Council supports the position of Police (who object to the Application).
31. Email submission from Sergeant Peter Bolt of the Eastern Suburbs Local Area Command (Police) to the Authority dated 15 June 2015. In this submission, Police object to the Application on the basis that they are not satisfied that the objects of the Act will be secured by granting the licence sought. They contend that granting the Application will "likely result in an overall detrimental social impact for the immediate and broader community".
32. Police note that during May 2012 the Authority refused an application for the grant of a new packaged liquor licence in Bondi Junction on the basis that the Authority was not satisfied that that application satisfied the social impact test in section 48(5) of the Act. Police submit that "due to the not dissimilar nature" of this Application the Application should "not be determined under delegation" (that is, it should be determined by the Authority itself).
33. Police further submit that there are currently five (5) packaged liquor outlets and four hotel licensed premises providing takeaway liquor sales located within "less than half a square kilometre" of the Premises and within the Bondi Junction "precinct". Police submit that "it is natural to expect" that demand from within the community for product diversity, competitive pricing and convenience "is being met".
34. Police submit that the demographic profiling provided by the Applicant within the CIS "does not appear to capture" the large number of "transient persons" who frequent Bondi Junction, particularly during summer months. Police state that plans are "under consideration" to expand the designated AFZ in Bondi Junction "further to the west", capturing the proposed Premises, and contend that it is "likely" that this expansion will occur "at a future time". [The Authority notes that Police make this statement without further elaboration as to why they believe the AFZ is likely to expand west].
35. Police submit that in 2011 the "threshold of community acceptance" of alcohol-related crime "peaked". They submit that before this time alcohol-related anti-social behaviour was "accepted as an unfortunate reality of residing within proximity" of the Bondi Junction commercial area.
36. Police submit that at present alcohol-related harms "continue to require the allocation of considerable Police resources in the precinct" in order to "ameliorate ongoing concerns". Police contend that a reduction in key crime statistics recorded for Bondi Junction since 2011 does not adequately reflect the "vast array of direct and indirect impacts" of the misuse of packaged liquor on the local and broader community.

37. Police state that at its meeting on 29 May 2012, the Authority refused an application for a new packaged liquor licence for a *Cellarbrations* outlet located "around one hundred (100) metres east" of the proposed Premises. Police note that the Authority formed the view that granting that licence application would be "detrimental to the wellbeing of the community of Bondi Junction". Police contend that granting this Application "poses a more significant risk" than the previously refused *Cellarbrations* application, by reason that the Applicant now intends to place less focus on "premium product lines".
38. Police note that the Applicant "makes numerous references" to the granting by the Authority of a packaged liquor licence to an ALDI Supermarket in Bondi Junction during 2013, but submit that the Application now before the Authority is "markedly different" by reason that the proposed Premises are not located within a "peak commercial precinct" and therefore the site lacks "natural supervision". Police further distinguish the current Application from the ALDI licence on the basis that the proposed new premises will be "substantially larger" than the licensed area of the ALDI Supermarket, offer a "broad" range of liquor products and trade until 10:00pm at night compared to the 8:00pm licensed closing time for the ALDI Supermarket.
39. Police submit that the Authority's decision to grant a liquor licence to a Chambers Cellars store at Bronte in 2013 can "in no way support an inference" that granting the Application will have "no noticeable adverse impacts" in this case by reason that they contend that the local community of Bronte is "considerably removed" from major hubs and is "not subject to moderate or high levels of crime".
40. Police submit that the area of Bondi Junction in which the proposed Premises is to be located is a high density hotspot within the Eastern Suburbs LAC for the occurrence of domestic and non-domestic violence related assault incidents, alcohol-related assault incidents and malicious damage to property incidents.
41. Police refer to an internal Police intelligence report entitled *Last Place of Alcohol Consumption Report*. This document has been prepared on the basis of NSW Police data from the *Alcohol Related Crime Information Exchange* (ARCIE). Police submit that this data maintained in respect of the LAC provides information on those Police recorded incidents where "alcohol-affected persons whom have been subject to a Police intervention" had last consumed alcohol.
42. Police submit that "nearly 50%" of alcohol consumption falling into this category occurs in either a "home/private residence" or a "public place". [The Authority notes that while Police refer to their data, this report is not actually provided by Police].
43. Police contend that the supply of liquor from packaged liquor outlets has a "tremendous impact" within the LAC, the "vast majority" of which manifests some distance away from the licensed premises.
44. Police further contend that the unlawful possession and consumption of liquor by minors is a "serious and persistent issue" in Bondi Junction and that "large amounts of youths" are travelling to the commercial precinct and making "concerted efforts to acquire liquor". Police contend that this diverts "considerable" Police resources on Thursday to Sunday nights in particular.
45. Police submit that the "predominant" source of liquor supply to minors is via the unlawful sale of liquor by packaged liquor stores either directly or via secondary supply by other persons.

46. Police submit that "at the time of drafting this correspondence", an investigation is being undertaken into the supply of liquor to minors by another packaged liquor outlet "within the vicinity" of the Premises.
47. Police contend that "large groups of minors" are "often" found in possession of alcohol in "parks and other public spaces" located close to the Premises and exhibiting anti-social, violent and disorderly behaviour. Police submit that it is "highly likely" that the proposed new Premises would be attractive to minors seeking to obtain liquor.
48. Police contend that the Eastern Suburbs LAC is presently experiencing "increased levels of liquor consumption" in the Bondi Junction precinct which have "perhaps intensified since 2012".
49. Police contend that increased regulatory controls on licensed premises has led to intoxicated persons attempting to source alcohol from packaged liquor outlets which "lack the security infrastructure" to undertake "rigorous assessment" of customers.
50. Police further contend that "street drinking" within Bondi Junction becomes "amplified" and requires the allocation of "a dedicated 'beat crew'" assigned "specifically to the precinct" during the summer period.
51. Police conclude with a submission that in their opinion the Bondi Junction precinct is "more than adequately serviced" by the existing licensed premises and that granting the Application is likely to "amplify ongoing precinct concerns".
52. Police request that if the Authority is minded to grant the Application, conditions be imposed on the licence to require:
  - a) a licensed, uniformed security guard be engaged at the Premises from 4:00pm until close of trade on Thursdays through Sundays
  - b) restriction of licensed trading hours consistent with the ALDI Supermarket licence
  - c) the CCTV condition endorsed on the DA be also imposed upon the liquor licence
  - d) maintenance of full membership to the Eastern Suburbs Liquor Accord by the licensee.
53. New South Wales Bureau of Crime Statistics and Research (BOCSAR) crime mapping data for April 2014 to March 2015. This data reveals that the Premises is located within high density hotspots for the concentration of domestic and non-domestic assault incidents and malicious damage to property incidents occurring in the Waverley LGA.
54. 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 non-domestic assault* incidents within the Waverley LGA was 241 per 100,000 persons, above the rate of 191 for NSW a whole. The rate of *alcohol related domestic assault* incidents within the LGA was 94, below the NSW rate of 145 per 100,000 persons. The rate of *alcohol related assault police* incidents within the LGA was 49, above the NSW rate of 24. The rate of *alcohol related offensive conduct* incidents within the LGA was 134, above the NSW rate of 83 per 100,000 persons.
55. This data also includes rates per 100,000 persons of recorded incidents of non-alcohol related crime within the Waverley LGA and within NSW as a whole for the calendar year 2013. According to this data, the rate of *non-alcohol related domestic assault* within the Waverley LGA in 2013 was 139, below the NSW rate of 265. The rate of *non-alcohol related non-domestic assault* within the LGA was 238, below the NSW rate of 298. The rate of *non-alcohol related malicious damage to property* incidents in this LGA was 786, compared with the NSW rate of 980 per 100,000 persons, and the rate of *non-alcohol*

*related offensive conduct* incidents in the LGA was 28, compared with 24 for NSW as a whole.

56. The BOCSAR data on the numbers of offences occurring in the State Suburb of Bondi Junction and in the Waverley LGA by time of day and day of week indicate that, in Bondi Junction, there is an elevation of recorded incidents of *malicious damage to property* offences in the hours between 6:00pm and 12:00 midnight on Thursday to Saturday evenings. The data indicates that there is also an elevation of recorded incidents of *non-domestic violence assaults* in Bondi Junction between 6:00pm and 12:00 midnight on Friday evenings, and an elevation of recorded incidents of *offensive conduct* between 6:00pm and 12:00 midnight on Fridays and Saturdays and between 12:00 midnight and 6:00am on Saturday mornings. This data also indicates an elevation of recorded incidents of *exceed PCA* offences in Bondi Junction between 6:00pm and 12:00 midnight on Friday evenings, and between 12:00 midnight and 6:00am on Saturday mornings.
57. For the Waverley LGA, this BOCSAR data indicates that there is a general elevation of recorded incidents of *domestic violence assault* offences in the later hours of each day and in particular on Friday and Saturday evenings between 6:00pm and 12:00 midnight. The data indicates an elevation of recorded incidents of *malicious damage to property* offences in the LGA between 6:00pm and 12:00 midnight on Thursday through Saturday evenings, and an elevation of recorded incidents of *non-domestic assault* offences between 6:00pm and 12:00 midnight on Friday and Saturday evenings, as well as between 12:00 midnight and 6:00am on Saturday and Sunday mornings. This data also indicates an elevation of recorded incidents of *exceed PCA* offences in the LGA between 6:00pm and 12:00 midnight on Fridays and Saturdays, and in particular between 12:00 midnight and 6:00am on Saturday and Sunday mornings.
58. Google photos of a satellite view of the Premises, the front entrance of 310-330 Oxford Street, Bondi Junction, and the nearby "Forum" apartment and retail complex.
59. Authority licensing data indicating that liquor licence density for packaged liquor licences per 100,000 persons of population within postcode 2022 (which covers Bondi Junction, Bondi Junction Plaza and the neighbouring suburb of Queens Park) is 34.52, which is above the rates for the Waverley LGA at 20.47 and NSW as a whole at 32.85. The density of hotel licences in postcode 2022 is 69.05 per 100,000 persons, compared with 15.75 for the Waverley LGA and 30.36 for NSW. The density of on-premises licences in postcode 2022 is 224.41, compared to 17.32 for the Waverley LGA and 121.31 for NSW as a whole.
60. This data indicates that there are seven (7) packaged liquor licences in Bondi Junction, held by Diageo Australia Limited, BWS, Vintage Cellars, Liquorland, David Jones Limited, Alacran Australia Pty Limited, and The Spiritual Guide. This data also indicates that a further three (3) packaged liquor licences are held in the neighbouring suburb of Woollahra, by Woollahra Liquor Store, Pizza Moncur and Moncur Cellars.
61. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS). Data before the Authority indicates that on the Index of Relative Socio-Economic Advantage and Disadvantage the suburb of Bondi Junction ranked in the ninth decile for suburbs within the State, postcode 2022 ranked in the ninth decile for postcodes and the Waverley LGA ranked in the tenth decile for LGAs within the State (with a decile ranking of 10 being the most advantaged).
62. Submission from local resident of Bondi Junction (address redacted) to Mr George Smith, Design Collaborative dated 5 December 2014. In this email, the local resident opposes the Application and states that the writer has resided in Bondi Junction



for "almost 12 years" and since 2007 has "experienced alcohol-related problems around my property" in "public places", including through "the consumption of alcohol by under-age drinkers" often "in the capacity of pre-loading".

63. The resident notes that Bondi Junction "remains a BOCSAR alcohol hotspot" despite the maintenance of AFZs in public spaces, and that "the incidence of drinking is worse in summer months". The writer states that the writer's son has "regrettably had to endure this type of alcohol-related anti-social behaviour for many years" which is "not suitable" for children. The writer contends that the Application "does not meet the public interest test" in terms of "public safety, the quiet and good order of the area and the amenity of the community". The writer submits that there is "no shortage of bottle shops to visit in the area".
64. Email submission from local resident (address redacted) to Mr George Smith, Design Collaborative dated 5 December 2014. In this email, the local resident states that "we have enough places for people to buy liquor in this part of the Junction" and that "we don't need to encourage" the "many people" who are often "inebriated" with more liquor outlets.
65. Email submission from local resident (address redacted) to Mr George Smith, Design Collaborative dated 9 December 2014. In this email, the local resident states that the writer opposes the Application and has been a resident of Bondi Junction for "over 19 years". The writer states that over this time, there have "often" been "groups of drunk men and women sitting in our 'alcohol-free' parks and seating areas, openly drinking from brown paper bags and clearly intoxicated". The writer states that the writer has also witnessed "defaecation, urination and piles of vomit throughout the junction", as well as "people who are suffering hangovers sleeping it off on our front lawns" and "fighting in the streets". The writer states that Bondi Junction has been nicknamed "Bondi Drunktion" and that beer and wine bottles are "forever being strewn up and down the residential streets and throughout the main thoroughfares". The writer contends that Bondi Junction has "reached saturation point regarding the availability of liquor".
66. Email submission from local resident (address redacted) to Mr George Smith, Design Collaborative dated 10 December 2014. In this email, this local resident states the writer's belief that "the social impact of the proposal will be detrimental to the local and broader community". The writer states that since the 1980s when moving to the writer's current residence "I have observed an expansion in late trading hours of hotels" as well as "drinking in the park" leading to "antisocial impacts" which have become "intolerable". The writer states that the writer has experienced negative impacts from "people congregating to drink in the adjoining park, mostly in the evening and sometimes through to the early hours of the morning". The writer contends that the "more general impacts" that would be caused by granting the Application include, *inter alia*, increased noise; urinating and defecating; rubbish; less safety; underage drinking; and diversion of police resources. The resident submits that there are "already sufficient outlets" from which to purchase alcohol in Bondi Junction.
67. In a follow up email of the same date (10 December 2014), this same local resident states that "drinking in Clementson Park is a continuing problem, particularly in the summer months", and contends that "a discarded bottle or two or three" seems to be "close to a daily thing" in Clementson Park, and that two weeks earlier the writer had called Waverley Police due to a "young group of drinkers" in this park.
68. Email submission from local resident of The Forum Apartment complex, Bondi Junction to OLGR dated 11 March 2015. In this email, the writer states that the writer is "strongly against" the Application on the basis that many "children/juniors" are living in the

building, including his own two children, and that a liquor store "is definitely not a positive on them". The writer submits that there will not be "any inconvenience" caused to the local community by refusing the Application by reason that there are liquor shops and bars located "just less than 10 minutes' walk to Westfield shopping area".

69. Submission from the Applicant to the Authority in response to community submissions dated 15 July 2015. In this email submission, the Applicant responds to the OLGR submission as follows:
- a) Waverley Council has not objected to the Application but rather "one of its officers has belatedly done so"
  - b) OLGR's objection to the Application "flies in the face of the reason why [the Act] was introduced", being to "remove perceived barriers to competition"
  - c) there is "no evidence" that granting the ALDI Bondi Junction liquor licence resulted in any increase in alcohol-related assaults
  - d) the Premises is not "centrally" located within hotspots for alcohol-related assaults, but rather the Premises is "towards the edges of hotspots"
  - e) an "elevated level of criminal activity" is "inevitable" in Bondi Junction as it contains late trading premises and "what is virtually a 24 hour transport interchange", and crime rates for what is "a comparatively small State Suburb" are magnified by incidents occurring in the commercial centre.
70. In response to the submission from NSW Police, the Applicant submits that:
- a) Sergeant Bolt is "known to oppose most applications for liquor licences in the LAC" and "advances very much the same arguments in every case"
  - b) Police do not specify which objects of the Act they claim would "not be secured" by granting the Application
  - c) the Act was introduced to "encourage competition" and therefore whether there are sufficient liquor outlets to satisfy community expectations is "not a relevant test"
  - d) the AFZ commences "150 metres east" of the proposed Premises, has existed for "a number of years", and the fact that its boundaries have not been extended to include the western section of the Bondi Junction commercial area where the Premises is located is "evidence that alcohol-related anti-social behaviour in that area does not occur with the same frequency" as it does in the area covered by the AFZ
  - e) Police "provide no data" to support the allegation that alcohol-related crime in Bondi Junction requires the allocation of considerable Police resources
  - f) the Applicant has a "lengthy record" of operating packaged liquor outlets in a "wide variety of environments" some of which experience "much higher levels" of alcohol-related crime than Bondi Junction, without being charged with breaches of the Act
  - g) Police have erred in stating that the Premises will not "focus on premium lines"
  - h) Police's endeavours to maintain a "low level of alcohol-related crime" which the Eastern Suburbs LAC enjoys are "misdirected" by opposing "the establishment of well-managed businesses which seek to provide the benefits of convenience and competition for the community"
  - i) The Bondi Junction transport interchange is located "some 500 metres" from the proposed Premises and therefore it "seems unlikely" that young people from outside the suburb would come to or pass by the Premises on a night out
  - j) There is "no reasonable basis" for the belief that if the Application were granted, there would be "more people drinking more liquor" in Bondi Junction
  - k) The submissions received by members of the public in response to the Application are "scarcely indicative of any serious community concern".

71. In response to the submission from a local resident dated 11 March 2015, the Applicant submits that:
- a) Minors coming in and out of The Forum building could do so without being "aware of the existence" of the Premises
  - b) The Forum is "not a liquor-free building".
72. The Applicant concludes that as an experienced owner/operator of packaged liquor outlets, it considers the Premises an appropriate site for a packaged liquor licence due to its size and location, the increasing local population, the recent re-zoning of land in Bondi Junction to permit more building of residential apartment buildings, and the "strong market" for packaged liquor in the Eastern Suburbs and in Bondi Junction in particular.

## STATUTORY OBJECTS AND CONSIDERATIONS

73. In determining the Application, the Authority has considered the relevant provisions of the Act, including the statutory objects and considerations that are prescribed by section 3, which states as follows:

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.*

74. Section 45 of the Act provides the power pursuant to which the Authority may grant or refuse to grant, an application for a new liquor licence. Relevantly, this section 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) *The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.*
- (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
  - (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
  - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
  - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*

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

75. Division 5 of the Act makes provision for packaged liquor licences. Sections 29 to 31 of the Act state as follows:

29 *Authorisation conferred by packaged liquor licence*

(1) **Retail sales**

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

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

(2) **No retail trading on restricted trading days**

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

(3) **Selling liquor by wholesale or to employees** *A packaged liquor licence also authorises the licensee:*

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

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

(4) **Tastings**

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

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

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

(2) *The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.*

31 *Restrictions on granting packaged liquor licences*

(1) *A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:*

- (a) *in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and*
- (b) *the grant of the licence would not encourage drink-driving or other liquor-related harm.*

(2) *A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.*

(3) *In this section:*

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

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

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

## COMMUNITY IMPACT TEST

76. 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.

77. 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.*

78. The CIS usually provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.

### **APPLICANT SUBMISSIONS ON OVERALL SOCIAL IMPACT**

79. In its CIS, the Applicant describes the suburb of Bondi Junction in some detail, submitting that it is the "largest retail and commercial centre in Sydney's Eastern Suburbs", dominated by two large shopping centres, Westfield Bondi Junction and Eastgate, and attracting trade from the "Woollahra, Waverley and parts of the Sydney and Randwick local government areas". The Applicant submits that Bondi Junction's trade area has a "population in excess of 250,000", a "considerable" proportion of which "enjoy high incomes".
80. The Applicant submits that there are "some 875 apartments" located within 150 metres of the proposed Premises and that this number "can be expected to increase" as retail shops are replaced with residential buildings (including a building planned to contain "60 apartments within 100 metres of the premises").
81. The Applicant submits that the proposed Premises will be a "lock-up shop" with a "frontage of 5 metres to Oxford Street" and an area of "100 square metres".
82. The Applicant submits that the proposed Premises will be "beneficial to the public" by providing increased competition and convenience for the growing population living on or near Oxford Street and for employees and patrons of nearby businesses.
83. The Applicant submits that there are two existing hotels in the area "between the focal area of the Bondi Junction commercial area and Centennial Park" which may sell packaged liquor, neither of which offers "much of a range" of liquor or "an opportunity to browse". The Applicant submits that there are five packaged liquor outlets in Bondi Junction and that none of these are "conveniently located".
84. The Applicant refers to the local community as the State suburb of Bondi Junction and the broader community as the Waverley LGA and provides data on these communities sourced from the 2011 Australian Bureau of Statistics (ABS) Census. On the basis of this data, the Applicant submits that the populations of both communities are "young", that occupations are "strongly biased towards professional and managerial classifications" with a "low" proportion of labourers, that incomes are "high" and that the proportions of the populations living in "flats" are "high".

85. The Applicant contends that these characteristics are "not indicative of populations which appear likely to succumb to alcohol abuse". The Applicant also contends that people living in flats "tend to purchase day-to-day items regularly and in small quantities" due to a lack of "storage space".
86. The Applicant submits, on the basis of BOCSAR data for the six years to 2014 which it sets out, that rates of non-domestic violence related assaults and malicious damage to property offences have "declined significantly" in the local and broader communities since 2009.
87. The Applicant submits that elevated crime rates are "a characteristic of major commercial centres" because these areas "attract large numbers of people" and that the elevation of incidents recorded in major centres "magnify the rates per 100,000 persons" of crimes occurring in State suburbs within those centres. The Applicant submits that, "interestingly", the rates of crime in the State suburb of Bondi Junction between 2009 and 2014 "represented almost constant proportions of the corresponding number of incidents" recorded for the Waverley LGA.
88. The Applicant submits that the recorded incidents of non-domestic violence assaults in the State suburb of Bondi Junction were "about a third" of the number recorded for the Waverley LGA, and the recorded incidents of malicious damage to property offences were "about a quarter" of those recorded for the LGA.
89. The Applicant submits that crime rates for the local community "dropped significantly" in 2011 and that this was "about the time" when Council reduced the trading hours of "some of the hotels in Bondi Junction" and when many "boarding houses" in the local area were "being re-developed or raising their rents".
90. The Applicant contends that these factors led to a reduction in the "numbers of Irish and English backpackers frequenting late night trading hotels" in Bondi Junction and a "commensurate decline" in anti-social behaviour in that area. The Applicant further contends that the granting of a packaged liquor licence to an ALDI store in the Eastgate shopping centre has not impacted upon the "downward trends in crime" in the local community.
91. In response to the concerns raised by Police regarding the Application, the Applicant submits that the level of alcohol-related crime in Bondi Junction "appears to have declined markedly since 2011" on the basis of BOCSAR data indicating a consistently declining number of alcohol-related assaults recorded in Bondi Junction between 2009 and 2014.
92. The Applicant contends that despite Police's objection to an application for a packaged liquor outlet at 28 Spring Street, Bondi Junction in 2012, on the basis of density of licensed premises and the level of alcohol-related crime, the establishment of a new packaged liquor store would now "not necessarily result in increased levels of crime".
93. The Applicant contends that the claims made by local residents that Bondi Junction is exposed to a high level of alcohol-related anti-social behaviour are "over-stated" and that BOCSAR "reports fewer than one alcohol-related assault per week" in what is "one of the metropolitan area's larger and busier commercial centres".
94. The Applicant submits that these "objectors appear to dislike liquor and the liquor industry" and similarly that the Bondi Junction Precinct Committee which expressed concerns relating to under-age drinking has a "dislike for liquor outlets".

95. The Applicant submits that the Authority granted packaged liquor licences for an ALDI Supermarket in Bondi Junction during 2013 and for a packaged liquor store in Macpherson Street, Bronte, which has had no "appreciable adverse effects" on the local or broader community.
96. The Applicant submits that the proposed Premises are "about the same size" as the Bronte premises licensed during 2013 and contends that "the licence would be conducted in the same manner" as the Bronte premises, so that any adverse impacts would "also be marginal, at most".
97. The Applicant submits that given that there are five hotels, three clubs and a number of nightclubs located in Bondi Junction, the numbers of alcohol-related incidents recorded in that community "are very modest".
98. The Applicant submits that while the management measures for the proposed Premises, including measures for compliance with the Act, licence conditions, the DA and the House Policy, would "mitigate some potential impacts", the Applicant would have "little control of the packaged liquor sold once it is taken off the licensed premises".
99. The Applicant further submits that granting the Application "could result in some minor adverse impact" including "adding to the potential for pre-fuelling". However, the Applicant contends that overall any adverse impact on the local community would "not be significant" and on the broader community would be "negligible".
100. The Applicant submits that the beneficial impacts of granting the Application would "fall primarily on the local community" and would consist "mainly" of:
  - a) increased convenience for a growing residential population and for the "workforce employed in the area"
  - b) increased competition
  - c) an increased range of liquor available, as the Applicant would "adjust its range" to "satisfy the demands of its customers".

## **REASONS FOR REFUSAL**

101. The Authority has critically examined the Application and all of the material before it and has decided to *refuse* the Application pursuant to section 45 of the Act, by reason that the Authority is not satisfied that the Applicant meets the requirements of section 48(5) of the Act in respect of the local community of Bondi Junction.

### **Local and Broader Community**

102. With regard to the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the State suburb of Bondi Junction and the broader community comprises the Waverley LGA.

### **Overall Social Impact**

103. The Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application will be detrimental to the wellbeing of the local or broader community.
104. Determining the overall social impact of granting the Application requires a degree of speculation about what is likely to occur in the event that the Application is granted – albeit speculation that is informed by the prevailing circumstances in the relevant local and broader communities.

## Positive Benefits

105. The Authority accepts the Applicant's contention that granting the Application will provide some additional, albeit modest measure of convenience to those members of the local community who wish to purchase liquor for consumption off the Premises, as the proposed Premises is located outside the major shopping centres in the Bondi Junction commercial precinct, being Westfield Bondi Junction and Eastgate.
106. The Authority further accepts the Applicant's submission that five of the seven nearby packaged liquor licensed premises are located within one of these shopping centres.
107. The Authority accepts the Applicant's submission that there is a growing residential population in the immediate vicinity of the Premises, and for this population, the existing packaged liquor outlets in the local community are less "conveniently located" than the Premises.
108. This 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) and may also contribute to the responsible development of the industry which is an object of section 3(1)(b) of the Act.
109. The Authority also accepts the Applicant's contention that granting the Application will provide some additional degree of competition and choice for members of the local community who wish for the opportunity to "browse" a range of packaged liquor products rather than having to purchase packaged liquor "over the counter". This may also be said to promote the object of section 3(1)(a) of the Act.
110. However, the Authority is satisfied that the extent of those cumulative benefits by way of increased convenience to the local community are objectively reduced by the number of nearby licensed premises that are authorised to sell liquor for consumption off the premises. The Authority is satisfied, on the basis of its licensing records and noting the submissions made by Police, that of the seven current packaged liquor licensed premises within the suburb of Bondi Junction, five are within 500 metres of the proposed site of the Premises and the other two packaged liquor licences are within 1km of the Premises. The three packaged liquor licences which according to the Authority's licensing records are currently in operation in the suburb of Woollahra are also all located within 1km of the proposed Premises. The range and availability of packaged liquor licensed premises (noting that hotels and clubs may also sell liquor for off premises consumption) that are conveniently available to the local community objectively diminishes the extent to which granting this Application will advance the "expectations, needs and aspirations of the community" which is a statutory object of section 3(1)(a) of the Act and the extent to which granting this Application may develop the liquor industry in the local and broader community which is a statutory object of section 3(1)(b).
111. The Authority accepts that there may be some additional, albeit indeterminate degree of competitive pressure brought to bear by the operation of this new packaged liquor business in Bondi Junction. The extent of those benefits have not been particularly well articulated in this Application – in that there is little specification as to the Applicant's pricing policies or how those policies will advance competition in a crowded local retail market. While there is brief reference made to "premium lines" there is little explanation as to how this business would provide product lines that are not otherwise readily available from other mainstream liquor retailers in the local community – so it is difficult to give much weight to the proposition that granting this Application will develop the local liquor industry, which is a statutory object of section 3(1)(b) of the Act.



112. There is also some degree of localised community opposition to the Application combined with opposition expressed by Police and Council's legal administration officer – largely on the basis of the alcohol related amenity impacts to which Bondi Junction is currently exposed, and concern that this new business will contribute to those impacts. These submissions are discussed in relation to the prevailing negative impacts, but the submissions in opposition from several nearby residents combined with the submissions from agencies with some local expertise as to prevailing liquor related impacts (Police and Council) also serve to reduce the extent to which this Application has demonstrated that it will be serving the "expectations, needs and aspirations of the community" by offering another liquor store in this particular location.
113. The Authority notes that while the Applicant contends that there is a growing residential population in the immediate vicinity of the Premises and in the local community, as well as a local "workforce" who wish to purchase alcohol at a conveniently located packaged liquor store, the extent of these community demands have not been specified or substantiated to any great extent.

### **Negative Impacts**

114. The Authority is satisfied that that, over time, there will more likely than not be some contribution from the liquor sold at the Premises to local alcohol related crime, disturbance or adverse impacts on amenity caused by a minority of customers who abuse the packaged liquor purchased from this new business.
115. A minority of patrons of the new business may also contribute to other adverse impacts upon local amenity, including (relevantly to the issues raised in this Application) drinking in public places, secondary supply, "pre-fuelling" before attending licensed premises and alcohol related litter.
116. The Authority notes that as a whole, the broader community of the Waverley LGA experiences rates of crime that are generally on par with, or marginally above or below, NSW State averages.
117. However, the crime data before the Authority for the local community of Bondi Junction indicates that the local community of Bondi Junction poses a fairly challenging environment in terms of exposure to alcohol related crime.
118. The BOCSAR *Report on Crime by LGA and Alcohol Related Status* for the year from July 2014 to June 2015 focuses upon the proportion of crime reports in certain offence categories that have also been flagged by individual reporting Police officers as "alcohol related".
119. This report discloses that the rate of *alcohol-related domestic violence related assault* occurring across the Waverley LGA was 111.5 per 100,000 persons of population, close to the rate of 122.6 for NSW as a whole.
120. This report further discloses that the rate of *alcohol-related non-domestic violence related assault* occurring across the Waverley LGA was 178.3 per 100,000 persons of population, above the NSW rate of 144.0.
121. The Authority notes that this report discloses that the rate of *offensive behaviour* incidents recorded as alcohol-related by reporting police in the Waverley LGA was 220.2 per 100,000 persons, substantially higher than the NSW rate of 88.2. The rate of *alcohol-related assault police* incidents in the LGA was also higher than the NSW rate of these incidents, at 23.7 per 100,000 persons of population compared with 18.2.

122. Turning to the local community in the State suburb of Bondi Junction, BOCSAR crime mapping data for the period from April 2014 to March 2015 reveals that the Premises is located within high concentration hotspots for *domestic assault*, *non-domestic assault* and *malicious damage to property* incidents within the Waverley LGA. This lends some objective support to the concerns expressed by local residents and Police about public drinking and anti-social conduct in the area where the Premises is to be located.
123. The Authority notes the submission from OLGR that BOCSAR data indicates that from January 2014 to December 2014, the rate of *alcohol related assaults* (domestic and non-domestic) that occurred within the State suburb of Bondi Junction was 673 (per 100,000 persons of population) compared to 311 (per 100,000 persons of population) for the whole of NSW. The Authority also notes the OLGR submission that, according to this BOCSAR data, the rate of *alcohol related disorderly offences* that occurred in the suburb of Bondi Junction was 502 (per 100,000 persons of population) compared to 100 (per 100,000 persons of population) for the whole of NSW.
124. The Authority is satisfied, as submitted by OLGR, that these figures indicate that Bondi Junction has a "significant concentration of alcohol related harm when compared against the State average".
125. New South Wales does not mandate the collection of liquor sales data that has enabled researchers in other jurisdictions to identify an association between volumes of liquor sold in a local government area and assault rates. There is insufficient data or analysis for the Authority to find whether granting this Application will lead to an increase, decrease, or no change in the volume of liquor consumed at the level of this local or broader community. Nevertheless, the Authority considers it more likely than not that the liquor sold from this Premises will contribute, along with the incumbent licences, to the prevailing adverse social impacts evident from the crime data, the Police data and the declaration of the AFZ.
126. Whether or not liquor sold from this business makes any contribution to local alcohol related crime, the Authority is satisfied that the liquor sold from the business in this location is more likely than not to contribute to amenity impacts in the local community that are apparent from the material before the Authority.
127. The Authority accepts and gives some weight to the local knowledge of Police who contend that the consumption of liquor by minors in "parks and other public spaces" within the local community is a "serious and persistent issue", as is "street drinking" within the local community in general.
128. Although this submission has not been specified, the Authority accepts the broad submission from Police that alcohol-related harms "continue to require the allocation of considerable Police resources in the precinct".
129. The Police submission, which refers to Police internal "last place consumed" data is also of concern to the Authority in that it indicates that a substantial proportion of alcohol related incidents recorded by the Eastern Suburbs LAC involved persons who had last consumed liquor in either a private residence or a public place before being engaged with by Police – underlining the contribution that packaged liquor is making to Police recorded incidents in the local community.
130. The Authority is satisfied, on the basis of the submission from Police, the local resident submissions and the maps of the local community provided with the Application material and showing the location of the proposed Premises, that the Premises is located close to designated AFZs adjoining Grafton Street and including Clemenston Park which has

been identified by local residents as an area in which public drinking and alcohol related anti-social conduct is already prevalent. The declaration of an AFZ provides a further objective indicia that the public consumption of alcohol is of concern to Council in Bondi Junction. The grant of a new liquor licence in an accessible street location not far from that AFZ is more likely than not to contribute to public drinking by a problematic minority of patrons, contrary to the objects of that AFZ.

131. The Authority is satisfied that there is local opposition to the Application which is founded on ongoing dissatisfaction within the community regarding the level of alcohol-related disturbance and crime in Bondi Junction. The Authority notes the consistency between the community submissions received in relation to the prevalence of drinking in public places including parks, and in particular notes the observation of one local resident that he or she has observed "clearly intoxicated" people drinking out of "brown paper bags" in areas within the AFZ in Bondi Junction. The Authority is wary of the role played by packaged liquor outlets in enabling this kind of alcohol-related anti-social behaviour to occur in the local and broader community.
132. The Authority is satisfied, on the basis of the local resident submissions, reinforced by the submissions from Police that alcohol related litter and public drinking is a visible problem in public parks and public places in the Bondi Junction precinct. The Authority considers it more likely than not that another packaged liquor outlet in this location will contribute, along with the incumbent licences, to those prevailing amenity impacts that the Authority is satisfied are a reasonably regular nuisance to local residents.
133. The impact of liquor sold from this business upon local amenity is a matter to which the Authority must turn its mind when considering the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life, which is a statutory consideration under section 3(2)(c) of the Act. On the basis of the Police submission, the public submissions and the OLGR report, the Authority is concerned that granting the Application may detract from the amenity of community life.
134. The Authority notes that while some public submissions as well as the submission from OLGR refer to the ample availability of packaged liquor outlets within the vicinity of the Premises, the "needs test" that was provided in the former *Liquor Act 1982* has been removed from the current Act and the absence of demonstrated "need" is not a barrier to granting a liquor licence.
135. Nevertheless, the opposition from the community, Police and OLGR, the relatively high rates of alcohol-related crime in the local community in particular, and the prevailing availability of liquor outlets within the local and broader communities are matters that go to the consideration of overall social impact upon *this* local and broader community. A range and number of local licensed premises can both reduce the extent to which granting this Application will offer benefits such as increased convenience to the local community, and provide another means by which liquor will be accessible in an already problematic part of the suburb for public drinking and alcohol related liquor.
136. The Authority has considered the Applicant's submission that the Authority granted a liquor licence to an ALDI Supermarket during 2013. The Authority accepts the Police submission and distinguishes that application from the present Application by reason that the present Application involves a street front location, with less opportunity for natural surveillance and deterrence of misconduct than a licence located within a larger shopping centre. The Application presently before the Authority is larger in scale – about twice the scale of an ALDI Supermarket liquor section. Importantly, the Applicant seeks to engage in licensed trading to the maximum permissible night time hours for a

packaged liquor business in New South Wales – until 10:00pm each night. The Authority further notes that ALDI's range is more limited and that ALDI consents to a licence condition of not selling any refrigerated liquor, as an additional measure over and above the requirements of the legislation to discourage impulse consumption in public places after purchase.

137. The Authority has considered the Applicant's submissions as to the additional measures (such as its business policies and plans) that the Applicant will implement to reduce harm. The Authority accepts that the Applicant has experience in operating packaged liquor outlets and accepts that those established business policies will be in place. The Authority does not consider that the Applicant's staff would be likely to knowingly sell liquor to intoxicated patrons, minors or persons seen drinking near the store.
138. Nevertheless, the Authority considers that the Applicant's staff will only have the meaningful capacity to monitor those who may engage in packaged liquor abuse at the point of sale, and the measures disclosed in the material before the Authority do not overcome the Authority's concerns about the sensitivity of the location of the Premises and the surrounding area to the alcohol related impacts on public amenity that have been established in the submissions from the local community, Police and OLGR.

## CONCLUSION

139. Considering the benefits and negative impacts together, the Authority is *not* satisfied, on the material before it, that the overall social impact of granting *this* type of licence to a business located at *this* particular site will not be detrimental to *this* local community.
140. In making this decision, the Authority has had regard to all the objects and considerations prescribed by section 3 of the Act, but has given weight to section 3(2)(a) – the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and section 3(2)(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.



Micheil Brodie  
Chief Executive

DATED 6 / 12 / 2015