



Ms Nicole Beath  
JDK Legal  
5/1 Castlereagh Street  
SYDNEY NSW 2000

[n.beath@jdklegal.com.au](mailto:n.beath@jdklegal.com.au)

Dear Ms Beath

**Application for Packaged Liquor Licence  
Liquorland Express – North Sydney**

I refer to an application made on behalf of the corporation Liquorland (Australia) Pty Limited seeking the grant of a new packaged liquor licence.

The licence is sought for a proposed "Liquorland" store to be located within a Coles Supermarket which will form part of a mixed use development at 99 Walker Street, North Sydney.

On 27 May 2015, after careful consideration of the Application and other material before it in relation to the Application, a Delegate of the Authority determined, pursuant to section 45 of the *Liquor Act 2007*, to grant the application.

Staff assisting the Authority informally notified the Delegate's decision by email dated 27 May 2015. This letter serves to provide a formal record of the decision.

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

The delegate's reasons are attached. This letter has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable. The actual conditions to which the licence is granted are set out in the OneGov record of the liquor licence, which was provided to the Applicant on 27 May 2015.

Yours faithfully

Micheil Brodie  
Chief Executive

- 7 AUG 2015

## STATEMENT OF REASONS

### INTRODUCTION

1. On 29 January 2015 the Independent Liquor and Gaming Authority (Authority) received an application (Application) made on behalf of Liquorland (Australia) Pty Limited (Applicant).
2. The Application seeks the grant of a new packaged liquor licence (within the meaning of section 29 of the *Liquor Act 2007* (Act) in respect of premises at the Coles Supermarket, 99 Walker Street, North Sydney 2060 (Premises).
3. The Application seeks a licence for an internal liquor department within the Supermarket, that is proposed to form part of a mixed use development at 99 Walker Street, North Sydney.
4. Once completed, the Coles Supermarket will cover 1,284 square metres and will be one of the largest supermarkets in the North Sydney precinct. The proposed licensed area of the Supermarket will comprise an area of approximately 132 square metres. The proposed licensed trading hours are from 8:00am to 10:00pm Monday through Saturday and from 10:00am to 10:00pm Sunday.
5. The Application seeks a 6-hour closure period required by section 11A of the Act to be fixed at between 2:00am and 8:00am.
6. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Licensing Co-ordinator (Delegate) the power to grant certain liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.
7. The Delegate considered the Application on 26 May 2015 and has decided, pursuant to section 45 of the Act, to grant the Application subject to the imposition of the following conditions upon the licence:
  - a) The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence
  - b) The licensee will ensure compliance with the Management Policies and Strategies and House Policy documents lodged with the Independent Liquor and Gaming Authority and will provide to the Authority copies of those documents as they are developed or updated from time to time
  - c) The licensee or its representative must join and be an active participant in the local liquor accord
  - d) The licence is authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by the consent authority from time to time
  - e) The licence cannot be exercised unless and until the Independent Liquor and Gaming Authority has been provided with evidence that the premises are complete and ready to trade
  - f) The licence cannot be operated unless an application has been lodged to transfer the licence to a suitably qualified person.

## MATERIAL BEFORE THE DELEGATE

8. Application Form and Category B Community Impact Statement filed with the Authority on 29 January 2015. This discloses that Ms Melanie Lucas (who has completed the form) has approval to execute documents on behalf of Liquorland (Australia) Pty Limited. The Premises Owner (the property owner of the Premises) is identified as IOF Custodian Pty Limited and the Business Owner is identified as Liquorland (Australia) Pty Limited.
9. The Applicant proposes that the licence be granted subject to two conditions - that the licence not be exercised unless and until the Authority has been provided with evidence that the Premises are complete and ready to trade and that "...the licence is to be held in a dormant capacity and subject to a condition that it not be exercised until transferred to a suitably qualified nominee". The submissions by the Applicant on social impact are discussed in greater detail below.
10. Annexure A to the Application Form. This is a three page document explaining the Applicant's proposal to fix the 6-hour closure period required by section 11A of the Act to between 2:00am and 8:00am Monday to Saturday. The Applicant submits that this closure period will allow the Premises to cater to "...early bird convenience shoppers looking to combine their grocery shopping with liquor purchases and who seek to avoid peak hour trading". The Applicant submits that other retail shops close by to the Premises are "...permitted to open from 8:00am, including the existing Coles Supermarket". The Applicant notes that "...neither the Police or Council have objected to the proposed trading hours" or to the Application itself.
11. Plan of the Premises. This is a diagram showing the proposed licensed area as 132 square metres in total, including a 99.5 square metre selling area, a 22 square metre cool room area and a 10.5 square metre stock area. One entry point from the shopping centre into the licensed area is shown on the diagram.
12. ASIC Company Extract created on 20 November 2014. This document discloses that the directors of Liquorland (Australia) Pty Limited are John Patrick Durkan and Robert Geoffrey Scott and its ultimate holding company is Wesfarmers Limited.
13. *Liquorland Management Strategies*. This three page document outlines "...operational strategies to limit the risks associated with the proposed premises" including, *inter alia*, the installation of a CCTV surveillance system; formal training for staff; prohibition on the sale of alcohol to minors or intoxicated persons; ensuring that staff "...stay informed about alcohol related problems in the local community"; keeping records of any incidents of violent, threatening or offensive behaviour; displaying drink driving educational material; and establishing a close working relationship with Police and links with the local community, including through active participation in the Local Liquor Accord.
14. *Liquorland House Policy for the Responsible Service of Alcohol*. This two page document states that the Premises will "...support the object of harm minimisation associated with the misuse and abuse of liquor". The House Policy addresses, *inter alia*, prevention of sale of alcohol to persons under 18 years of age or persons without an approved form of identification who appear to be under 25 years of age; prevention of sale of alcohol to persons exhibiting signs of intoxication or to persons who are reasonably expected to supply alcohol purchased at the Premises to an intoxicated person; prevention of consumption of alcohol on the Premises except for tastings which will comply with the provisions of the Act; provision of a range of low alcohol and non-alcoholic beverages at all times at prices which "...reflect the lower wholesale cost of those beverages"; and the prominent display of mandatory signage.

15. Submission to the Authority from the Compliance & Enforcement Division of the Office of Liquor, Gaming and Racing (OLGR) dated 2 April 2015. This submission states that "...the application has been subject to a risk based assessment with no compliance issues identified" and that OLGR "...does not intend to carry out any further assessment of this application at this time".
16. Email from Senior Constable Aaron Melnyk, Harbourside Local Area Command (LAC) to the Authority dated 19 February 2015. This email states that "...Police have no objections to the application being granted" although Police propose that conditions be imposed upon the licence if it is granted. These conditions would require that an In Venue CCTV system operate at the Premises and be positioned in consultation and agreement with Police; that all video equipment "...be of superior quality so as to facilitate identification of patrons, offenders and incidents occurring in and around the licensed premises". On the probity of the Applicant Police observe that "...there is nothing recorded which would raise doubt" as to "...the integrity of the application or financially interested persons to be associated with the subject licence".
17. Submission to the Authority from Senior Constable Aaron Melnyk, Harbourside Local Area Command (LAC) of NSW Police dated 19 February 2015. This letter states that inquiries have been conducted by Police on the basis of the information sent to Police by the Applicant. It restates the conditions requested by Police in the abovementioned covering email. The letter notes that the Application is supported by Sergeant Bradley Duke (Licensing Supervisor), Detective Inspector Michael Birley (Crime Manager) and Superintendent Allan Sicard.
18. Letter from Roads & Maritime Services (RMS) to Ms Nicole Beath (JDK Legal) dated 18 September 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 North Sydney LGA during the five years from 2008 to 2012 inclusive, there were eight alcohol-related crashes, resulting in three 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.
19. Email from North Sydney Council (Council) to Mr Jon Martin (JDK Legal) dated 26 September 2014. Council states in response to the Notice of Intention to Apply for a New Packaged Liquor Licence with respect to the Premises, that "...Council is concerned about cumulative impacts that may arise from the increased concentration of the availability of alcohol in the North Sydney CBD, including direct street front exposure and access, and proximity to an existing on-premise sites (*sic*) in the area and an existing packaged liquor licence premise at No.99 Mount Street, North Sydney". Council notes that its concern is for your consideration.
20. Local Consent Authority Notice dated 29 January 2015. This Notice confirms that "...development consent is required but not in place". The Notice is signed by Executive Planning Advisor Gavin McConnell and dated 30 January 2015.
21. Copy of Notice of Determination of a Development Application No. 283/14 by North Sydney Independent Planning Panel (NSIPP) dated 8 April 2015 (DA). This document records the grant of consent by Council for planning purposes of the proposed alterations and additions to existing retail, food and drink, and commercial premises, including liquor store, on land described as 99 Walker Street, North Sydney.

22. The DA document specifies in Condition 11 that the Supermarket may operate between *6:00am and 12:00 midnight, seven (7) days per week*. Condition 12 specifies that these trading hours will be subject to *a trial period of twelve (12) months from the date of issue of the first Occupation Certificate* and that for the trading hours to be confirmed as ongoing, a modification application must be lodged with Council prior to the expiration of the trial period.
23. However, Condition 13 of the DA states that the trading hours for the *liquor store in retail tenancy T3* shall be *in accordance with the approved trading hours in this development consent or the provisions of the liquor licence, whichever is the more restrictive*. Condition 14 states that notwithstanding Condition 13, *any operation of the liquor store after 12:00 midnight must be for a trial period of twelve (12) months*.
24. The DA also addresses, *inter alia*, planning matters such as illuminated signage, installation of an electronic surveillance system, daily cleaning, waste collection, delivery hours, shop premises registration and crime prevention, including the conditions that all staff only areas shall be clearly marked with physical barriers and an emergency control and evacuation plan shall be implemented within the building.
25. Condition 119 also specifically addresses the *licensed premises (liquor store)* on the Premises and requires that conditions requested by Police be implemented.
26. Email from Ms Nicole Beath (JDK Legal) to the Authority dated 30 April 2015. This email, sent in response to a request by Authority staff to consent to certain standard conditions imposed upon new liquor licences, states that "...we are instructed that the applicant consents to the Authority's proposed conditions".
27. Authority licensing records indicating the addresses of other hotel, on-premises and other nearby licensed businesses in the nearby suburbs of North Sydney, Milsons Point, McMahons Point, Lavender Bay, Waverton, Kirribilli and Neutral Bay. Included are a total of 10 packaged liquor licences, four of which are located in North Sydney (North Sydney Cellars, ALDI North Sydney, Grapescape Wines and IGA – Express North Sydney).
28. Bing map image showing the location of Premises in the North Sydney area.
29. Authority licensing data indicating that liquor licence density for packaged liquor licences per 100,000 persons of population in postcode 2060 (which covers North Sydney, Lavender Bay, McMahons Point and Waverton) is 32.61 which is above the rate for the North Sydney Local Government Area (LGA) at 20.87 and close to the NSW wide rate of 32.85. The density of hotel licences in postcode 2060 is 65.22 per 100,000 persons, compared with 16.05 for the North Sydney LGA and 30.36 for NSW. The density of on-premises licences in postcode 2060 is 211.97, compared to 17.66 for the North Sydney LGA and 21.31 for New South Wales as a whole.
30. NSW Bureau of Crime Statistics and Research (BOCSAR) crime mapping data for October 2013 to September 2014. This data reveals that the Premises is located within medium density hotspots for the concentration, of *domestic assault* incidents and *non-domestic assault* incidents, and a high density hotspot for the concentration of *malicious damage to property* incidents in the North Sydney LGA.
31. Crime data on the Authority's records sourced from BOCSAR for calendar year 2013. This data reveals that for calendar year 2013, the rate of *alcohol related domestic assault* incidents within the North Sydney LGA was 91 per 100,000 persons, below the rate of 145 per 100,000 persons for NSW as a whole. The rate of *alcohol related non-domestic assault* incidents within the LGA was 135, below the NSW rate of 191. The rate of

*alcohol related assault police* incidents within the LGA was 22, below the NSW rate of 24. The rate of *alcohol related malicious damage to property* incidents within this LGA was 80 per 100,000 persons, compared with the rate of 122 per 100,000 persons for NSW as a whole.

32. This data also includes rates per 100,000 persons of recorded incidents of non-alcohol related crime within the North Sydney 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 North Sydney LGA in 2013 was 120 per 100,000 persons, below the NSW rate of 265. The rate of *non-alcohol related non-domestic assault* within the LGA was 172, below the NSW rate of 298. The rate of *non-alcohol related malicious damage to property* incidents in this LGA was 713 per 100,000 persons, compared with the NSW rate of 980 per 100,000 persons, and the rate of *non-alcohol related assault police* incidents in the LGA was 10, compared with 14 for NSW as a whole.
33. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS). Data before the delegate indicates that on the Index of Relative Socio-Economic Advantage and Disadvantage the suburb of North Sydney ranked in the tenth decile for suburbs within the State, postcode 2060 ranked in the tenth decile for postcodes and the North Sydney LGA ranked in the tenth decile for LGAs within the State (with a decile ranking of 10 being the most advantaged).

## STATUTORY OBJECTS AND CONSIDERATIONS

34. The power to grant a packaged liquor licence is provided by section 45 of the Act, which states:
  - 45 *Decision of Authority in relation to licence applications*
    - (1) *he Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.*
    - (2) ...
    - (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
      - (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
      - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
      - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*
35. 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.

36. 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:the community impact statement provided with the application, and*
- (a) *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.*

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

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

3 *Objects of Act*

- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
- (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
- (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
- (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
- (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

## **APPLICANT CASE ON SOCIAL IMPACT**

39. In the CIS document and attached material, the Applicant states that "...Liquorland will maintain open lines of communication with the Local Area Command, Council and the Local Liquor Accord to ensure it can quickly resolve any specific concerns".

40. The Applicant submits that the Premises will be located within the "...soon to be redeveloped mixed use development at 99 Walker Street, North Sydney" which it refers to as "the Centre". The Applicant submits that once completed the Centre will "...offer a greater range of 'food to go' experiences, focused on meeting the everyday needs of surrounding residents and local office workers". The Applicant submits that the Centre will offer "...very convenient, modern and pleasant shopping facilities".

41. The Applicant submits that the Premises will employ a total of five people, comprising "...one casual, two full-time and two part-time" staff members and that these numbers will "...increase during peak trading periods such as Christmas and holidays". The Applicant submits that all staff will undergo rigorous Responsible Service of Alcohol training.

42. The Applicant notes that Council have expressed concern at the cumulative impacts that may arise from the "...increased concentration of the availability of alcohol in the North Sydney CBD".

43. The Applicant argues that the isolated nature of the Council submission "...is borne out by the relevant statistics which do not suggest that this local community has any particular vulnerability to alcohol related harm" and is "...generally characterised by people with high income, high educational attainment, low unemployment and skilled occupations".
44. The Applicant submits that based upon data from BOCSAR published in September 2014, the North Sydney LGA is experiencing significantly lower rates of assault per 100,000 persons of population than the average rates for NSW and that assaults in this LGA "...have fallen 7.4 per cent over the last two years". The Applicant submits that this BOCSAR data further indicates that the rate of malicious damage to property offences is also significantly lower for this LGA than for NSW as a whole, and that these offences "...have fallen 17 per cent over the last two years".
45. The Applicant submits that "...although the density of licensed premises" in the LGA is significantly higher than the NSW average, "...only 9 per cent of those licensed premises are packaged liquor licences".
46. The Applicant contends that "...licensee management practices, including the responsible service of alcohol, will minimise the likelihood of the Proposed Premises contributing to crime and antisocial behaviour in the local community" and that there is "...no evidence to suggest that the Proposed Premises will adversely impact on rates of crime or antisocial behaviour in the local community". The Applicant submits that "no residences" will be affected by the Premises due to its location within a small mixed use shopping centre.
47. The Applicant acknowledges that "...there will always be some level of potential risk of social harm from any application for a liquor licence" but submits that the "...range of active mitigation measures" which it will implement at the Premises "...have been proposed to ensure that any social impacts" which may potentially arise from the Premises are eliminated or managed so that granting the Application "...will not involve an unreasonable risk of social detriment to the community".
48. The Applicant submits that the Premises will offer the following benefits to the local and broader community:
  - a) Meeting the need of the growing worker population – North Sydney CBD is the "...second largest office market in Sydney" and the "...state government's metropolitan plan sets an employment capacity target for the Inner North Region of 300,000 which represents a 26 per cent increase" and therefore the Premises will serve the public interest by "...meeting the needs of this expanding workforce", particularly as there is a "...relatively low supply of supermarket services in the local community"
  - b) Expectation of a packaged liquor outlet in the Centre – as there is "...currently no packaged liquor outlet" within the shopping complex at 99 Walker Street, the Premises will "...meet the needs and indeed expectations of customers of the Coles Supermarket and the Centre"
  - c) Convenience – the close proximity of the Premises to the Coles Supermarket and other outlets within the shopping centre will meet what customers reasonably expect in terms of access to liquor outlets in the same location as other goods and services

- d) Increased competition – the Premises will "...compete with established retail outlets in the broader community" which will benefit the public by offering more competitively priced packaged liquor products
- e) Increased employment – through providing jobs and training to five staff members, which will "...make a small but positive contribution to the skill base of the local community"
- f) Economic benefits – through attracting more people to North Sydney and increased expenditure in the area
- g) Potential contributions to local community groups and sports – the Premises "...may respond to community needs" by contributing as a successfully-run business when local organisations approach Liquorland for support.

## **REASONS FOR GRANT**

- 49. The Delegate is satisfied, for the purposes of section 40 of the Act, that the Application material establishes that the Application has been validly made and relevant consultation and advertising requirements of the legislation were observed.
- 50. The Delegate is satisfied, for the purposes of section 45(3)(a), that the Applicant is a fit and proper person. The Delegate notes that the Applicant is a repeat corporate applicant in respect of numerous other licensed Liquorland stores in New South Wales and that Police have raised no concerns with the probity of the Application. The Delegate is satisfied that the Applicant is experienced in the kind of service of liquor authorised by the grant of a packaged liquor licence, and that the Applicant's *House Policy* and *Management Strategies* disclose that a comprehensive risk mitigation regime has been devised by the Applicant and will be in place at the Premises. The Delegate further notes the Applicant's consent conditions that the licence will not be operated "...unless an application has been lodged to transfer the licence to a suitably qualified person".
- 51. The Delegate is satisfied, for the purposes of section 45(3)(b), that responsible service of alcohol practices will be in place with the commencement of licensed trading and will remain in place with the operation of the new licensed business. This satisfaction is reached on the basis of the Applicant's *House Policy* and *Management Strategies* documents and submissions provided by the Applicant and noting an absence of adverse submissions from OLGR or Police in this regard.
- 52. The Delegate is satisfied, for the purposes of section 45(3)(c), that the required development consent has been granted for use of a packaged liquor licence within the retail supermarket on the Premises. This satisfaction is reached on the basis of the DA provided by Council in respect of the Premises that has been furnished by the Applicant.

## **Overall Social Impact**

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

## Positive Benefits

55. The Applicant has provided detailed submissions on the positive benefits that it contends will flow to the local and broader community from granting the Application for a new packaged liquor licence at the Premises, which will be located within a new mixed-use development at 99 Walker Street, North Sydney.
56. The Delegate is satisfied, on the basis of the Applicant's submissions and CIS Document, that the shopping centre in which the Premises is situated is being redeveloped will provide an expanded range of facilities and services. The Delegate accepts the Applicant's submission that the shopping centre will be "...focused on meeting the everyday needs of surrounding residents and local office workers". The Delegate accepts the Applicant's submission that the local and broader community is experiencing a growth in its workforce population. The Delegate accepts the Applicant's submission that there is a "...relatively low supply of supermarket services in the local community", noting that this community is a predominantly commercial precinct, and is satisfied on this basis that the Application if approved will to some extent "...serve the public interest" by "...meeting the needs of this expanding workforce".
57. The Delegate accepts the Applicant's submission that there is currently no packaged liquor outlet within the Shopping Centre. The Delegate notes the relatively high density of all types of liquor licences within the North Sydney LGA. However, the Delegate is satisfied that the density of packaged liquor licences in this LGA and in the postcode 2060 is not of concern by comparison to State wide rates. On this basis, the Delegate is satisfied that granting the Application will advance the statutory object of section 3(1)(a) of the Act to meet the expectations, needs and aspirations of the local and broader community by increasing the convenience for residents and workers in those communities who wish to purchase liquor with their supermarket shopping. This finding is supported by the expanding worker population of the communities that has been demonstrated by the Applicant's submissions.
58. In terms of increased competition, the Delegate accepts the Applicant's submission that the Premises will "...compete with established retail outlets in the broader community". The Delegate is satisfied on the basis of the Authority's licensing records that there are four existing packaged liquor licences within the local community and that granting the Application may to some extent increase competition between these existing outlets and the Premises, resulting in some benefit to members of the local and broader community who shop at these premises. In this sense granting the Application may be said to advance the statutory object of section 3(1)(b) in that it "...facilitates the balanced development" of the liquor industry in respect of packaged liquor in the relevant communities.
59. The Delegate accepts the Applicant's submission that granting the Application will make a small positive contribution to employment and lead to some degree, albeit small, of increased expenditure in the local community.
60. The Applicant has not specified or committed to sourcing staff of the business from the local or broader community and in those circumstances the proposed benefit is not accepted as having been established.

## Negative Impacts

61. The Delegate accepts that over time there will be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.

62. The Delegate notes that there is some cause for concern arising from the location of the Premises within a high density hotspot for the concentration of malicious damage to property incidents for the North Sydney LGA, and within a medium density hotspot for the concentration of domestic and non-domestic assault incidents for the LGA.
63. The hours proposed by the Applicant are extensive, trading up to the 10:00pm limit for packaged liquor licensed businesses across New South Wales, seven days per week. The trading hours and medium scale of the proposed packaged liquor business invites close scrutiny of the overall social impact of granting Application.
64. However, the Delegate notes the relatively favourable BOCSAR data indicating the *rates* of these offences which occurred in the North Sydney LGA compared to rates across NSW as a whole.
65. In terms of the rate per 100,000 persons of population of *domestic and non-domestic assault, malicious damage to property* and *assault police* offences, North Sydney LGA performs general considerably better than NSW as a whole. The Delegate notes that BOCSAR crime maps provide an indication of relative concentration of all offences *within* a given LGA, rather than the concentration of those offences relative to their incidence across NSW as a whole.
66. While the hotspot data gives rise to some concern when assessing the contribution that liquor sold from the Premises at this location is likely to make over time to the local and broader community, the crime data for the North Sydney LGA indicates that the LGA as a whole performs relatively well compared to rates for NSW as a whole. That is, those concentrations of crime evident from the crime maps are occurring in the context of relatively lower rates as a whole.
67. The Delegate also accepts the Applicant's submissions that based on BOCSAR data for 2014, assaults in this LGA "...have fallen 7.4 per cent over the last two years" and malicious damage to property offences "...have fallen 17 per cent over the last two years".
68. The Delegate is satisfied that the relatively moderate rates of crime in the LGA objectively constrain the extent of negative impacts likely to flow from the abuse of packaged liquor purchased from the Premises, noting in particular the relatively low rate of *alcohol related domestic violence*, much of which occurs in the home.
69. The Delegate notes the concern briefly identified by Council in relation to the "...cumulative impacts that may arise from the increased concentration of the availability of alcohol in the North Sydney CBD". Council has not identified particular concerns with alcohol related social impacts upon local amenity or the broader community, but has raised the issue for the Authority's consideration.
70. Licence density is an appropriate concern for Council to identify and it is a matter that requires vigilance. There are correlations in the research (noted in Authority Guideline 6) between areas of higher packaged liquor density and domestic violence rates, the Delegate is not satisfied in this case that there are particular concerns arising from packaged liquor density in the local or broader community or that such rates have yet translated into particular problems of crime and disturbance associated with the abuse of packaged liquor.
71. The Delegate notes that there have been no adverse submissions from law enforcement or local residents or businesses as to localised issues associated with the abuse of packaged liquor – such as alcohol related domestic violence, public drinking, under-age

drinking, pre-fuelling by young adults before attending licensed premises or alcohol related litter.

72. Further, the Delegate is satisfied that SEIFA statistics for the local and broader community indicate that these communities, as contended by the Applicant, are characterised by high income, high education and high employment in skilled occupations, which is generally associated with lower vulnerability to alcohol related adverse social impacts. The very favourable SEIFA data combined with an absence of adverse submissions and relatively favourable overall crime rates objectively reduce the extent of concern that may otherwise arise from the operation of a packaged liquor licence with lengthy trading hours in this location.
73. Finally, the Delegate notes the conditions consented to by the Applicant, the comprehensive harm mitigation measures outlined in the submissions provided as part of the Application material, and the Applicant's intention to install a CCTV surveillance system at the Premises. The location of the liquor store within a shopping centre provides further assurance in terms of the increased scope for surveillance as to alcohol related crime or anti-social conduct in the vicinity of the Premises.

## CONCLUSION

74. Considering together the positive benefits of increased convenience and choice for a local residential and expanding worker population, and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in these communities, the Delegate is satisfied that the overall social impact of granting this Application will not be detrimental to the well-being of the local or broader community.
75. In making this decision, the Delegate has also determined that the 6-hour closure period required by section 11A of the Act will be fixed at 4:00am to 10:00am.

If you have any queries, contact the case manager, Ms Trudy Tafea, via email at [trudy.tafea@ilga.nsw.gov.au](mailto:trudy.tafea@ilga.nsw.gov.au) .



**Micheil Brodie**  
Chief Executive  
for an on behalf of the **Independent Liquor and Gaming Authority**

DATED 7 / 8 / 2015