



Mr George Smith
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22 December 2016

Dear Mr Smith


APPLICATION NO: 1-4971365051
APPLICATION FOR: Packaged Liquor Licence
PROPOSED TRADING HOURS: Monday to Sunday 10:00AM – 10:00PM
APPLICANT: Kallin Pty Ltd
LICENCED PREMISES NAME: CHAMBERS CELLARS, BONDI
PREMISES LOCATION: 261 Bondi Road, Bondi (Premises)
ISSUE: Whether to grant or refuse an application for a packaged liquor licence.
LEGISLATION: Sections 3, 29, 30, 40, 45, 48 *Liquor Act 2007*

INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION FOR PACKAGED LIQUOR LICENCE – CHAMBERS CELLARS, BONDI

The Independent Liquor and Gaming Authority considered application number 1-4971365051 for a new packaged liquor licence at its meeting of 14 December 2016 and, pursuant to section 45 of the *Liquor Act 2007* (Act), decided to **refuse** the Application.

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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Philip Crawford

Chairperson

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

STATEMENT OF REASONS

Material before the Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high-volume jurisdiction.
2. In making this decision, the Authority has considered the Application for a packaged liquor licence filed on 12 August 2016 (Application), the accompanying community impact statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority *Guideline 6*, the Authority has also had regard to relevant liquor licensing records and licence density data maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) sociodemographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. That material is listed and in some cases briefly summarised in the Schedule.

Summary of Further Submissions

3. Submission of eight pages from Sergeant Peter Bolt of the Eastern Suburbs Local Area Command (LAC) of NSW Police (Police) dated 20 January 2016, objecting to the development application in respect of the Premises for the proposed “change of use and fit-out for a retail liquor shop on ground floor and additions to first floor level of shop top housing development”. Sergeant Bolt refers to a previous application made by the Applicant, Kallin Pty Ltd, for a new packaged liquor licence at premises at Shop 26, 310-330 Oxford Street, Bondi Junction NSW 2022, which was refused by the Authority in a decision letter dated 6 December 2015. A copy of this letter is attached to Sergeant Bolt’s submission.
4. Briefly, Police submit that the development application should be refused by reason that a new packaged liquor outlet in the location of the Premises will have an *adverse impact on local amenity* including drinking in public places, secondary supply of liquor to minors, “pre-fuelling” and alcohol related litter. The new liquor business in this location will contribute to increased alcohol related crime in the local and broader communities.
5. Police note that there is already a range and number of licensed businesses in the local and broader communities authorised to sell liquor for consumption off the licensed premises, including the Royal Hotel, Kemeny’s Food and Liquor Store and a further Kosher inspired packaged liquor outlet. Police submit that this reduces the extent to which the new business will offer benefit, such as increased convenience to the local community, while providing another means by which liquor will be accessible in a part of Bondi that is already problematic with respect to public drinking and alcohol related crime.
6. Police contend that there are two distinct crime “hotspots” in the Waverley local government area (LGA), being the central business districts of Bondi Beach and Bondi Junction. Bondi Road is known to local Police as a “crime corridor” by reason that it is the main link between these two centres.
7. Police refer to BOCSAR data from October 2014 to September 2015 and submit that the rate of *alcohol related assault* per 100,000 persons of population in the Waverley LGA is 172.8, higher than the corresponding State-wide rate of 144.3.

8. Police submit that domestic violence incidents occurring within the Waverley LGA are attributable to the abuse of packaged liquor, but the rate of domestic violence within this LGA is below the State-wide rate.
9. Police submits that according to BOCSAR data for the period from October 2014 to September 2015, the rate of disorderly conduct offences occurring within the Waverley LGA was 479.6 per 100,000 persons of population, substantially higher than the State wide rate of 295.7. Police contend that the high transient population that frequents Bondi during the warmer months is reflected in these higher crime rates.
10. Police submit that data sourced from the NSW Police Force Alcohol Related Crime Information Exchange (ARCIE) database for the “most recent 12-month report” [the Authority notes that the date range is not specified] indicates that in all incidents involving persons affected by alcohol where Police were engaged, the last place where alcohol had been consumed included licensed premises (28%), home or private residence (26%) and public places (26%). Police submit that liquor derived predominantly from packaged liquor sales represents “up to 52%” [*sic*, 54%] of those persons with whom Police have engaged and assessed as being affected by alcohol – that is, persons who consumed liquor off licensed premises.
11. With regard to the consumption of liquor by minors, Police contend that the unlawful possession and consumption of liquor by minors remains a “serious concern” in the Bondi Junction and Bondi Beach areas. Police contend that this problem “has not diminished over time”, and that presently “large numbers of youths” who are not from the local area travel to the precinct via public transport or on foot.
12. Police contend that this migration from Bondi Junction via Bondi Road to the area near the Premises is “commonplace” with packaged liquor outlets in the vicinity of those areas having been subject to previous enforcement action by Police, due to breaches identified with respect to alcohol use by minors and secondary supply to minors. Police submit that the Eastern Suburbs LAC applies “considerable resources” to this issue, especially on Thursday, Friday, Saturday and Sunday nights.
13. Police investigations have revealed that the “predominant source” of liquor supply to minors is via the unlawful acquisition of liquor directly from packaged liquor outlets or the secondary supply of liquor to minors by other persons. Police contend that they have prosecuted a number of packaged liquor licensees and hoteliers for liquor offences relating to minors, as well as persons involved in secondary supply [the Authority notes that Police do not provide any further detail with regard to the number of prosecutions or the packaged liquor outlets involved].
14. Police submit that the proposed new liquor store (Chambers Cellars) is a “franchised chain in which liquor products attractive to minors are on offer”. In addition, the liquor sold at this outlet will be refrigerated and this is attractive for persons wishing to immediately consume liquor products.
15. With regard to the issues of street drinking and pre-fuelling, Police contend that the Eastern Suburbs LAC currently experiences increased levels of liquor consumption within the Bondi Beach precincts. Police contend that both NSW Police and Council rangers apply “considerable efforts” to ensure that any Alcohol Prohibited Areas and Alcohol Free Zones are enforced.

16. Police contend that the proposed Premises is situated in such a location as to be “highly attractive” to persons, especially transient tourists, who seek to acquire packaged liquor to consume unlawfully in beachfront areas.
17. Further, Police contend that Bondi Beach already hosts a large number of on-premises liquor licensed premises, including hotels and registered clubs. Police contend that they have observed an increase in “displaced persons”, being persons who are refused admittance to or excluded from licensed premises due to increased regulatory controls. According to Police, these persons often seek to consume more liquor and target nearby packaged liquor outlets to acquire this liquor.
18. With regard to the practice of “pre-fuelling” (which the Authority understands as conduct whereby mainly young adults consume packaged liquor in private or public places before attending licensed venues), Police contend that increased pricing measures applied by local venues, often as a harm minimisation measure, is another factor that encourages the procurement of packaged liquor.
19. Police contend that “significant pre-fuelling” takes place on the periphery of the “peak commercial precincts” (in Bondi Junction and Bondi Beach) and that packaged liquor outlets often supply this liquor, which can be purchased at “significantly reduced prices” compared to the local licensed venues that offer a “nightclub” style of entertainment. Police contend that the Premises is situated in such a location that a new liquor outlet will contribute to pre-fuelling.
20. Further, Police contend that street drinking is evident throughout the two precincts, and that Bondi Road is the predominant pathway utilised by people moving between the Bondi Beach precinct and Bondi Junction precinct. Police submit that the addition of another packaged liquor outlet at the location of the Premises can result in “increased levels of disorderly conduct” and “litter associated with alcohol packaging” in this area.
21. Police conclude that granting development consent for the proposed use of the Premises would not be in the public interest; that the operation of a new packaged liquor outlet from the location of the Premises will likely result in adverse social impact upon the local and broader community and it is “likely” that alcohol related crime and the associated harms to local amenity would be exacerbated by the operation of this type of licensed business, were the development application approved.
22. Submission from Mr David Jackson, a local Bondi resident, dated 14 October 2016. In this 3-page submission, the writer questions the “need” for another source of alcohol in the local community, especially given the recent impetus to reduce violence and alcohol related crime after the “one-punch” murder of Thomas Kelly in Kings Cross in 2012. The writer contends that he has twice been assaulted by two “alcohol affected ratbags” within the block in which the Premises is situated and that Police refer to Bondi Road as a “crime corridor”.
23. The writer also contends that the Premises is situated directly in front of a busy bus stop where every bus travelling up Bondi Road is required to stop and the placement of the Premises directly in front of this crowded bus stop is “so unsuitable, it is mind boggling”. The writer notes that Bondi Road is not designated as an Alcohol Free Zone and contends that the street infrastructure is “grossly inadequate” to accommodate brewery deliveries, while Boonara Avenue is “not wide enough to give uncomplicated access to the rear lane”.

24. The writer submits that he is “disappointed” by the number of empty alcohol containers that he says are littering the local area and that introducing another liquor outlet in this location will only increase this problem.
25. Submission from Mr David Micallef, a local Bondi resident, dated 5 September 2016. In this 1-page submission, the writer submits that he, his partner and their young daughter regularly catch public transport from the bus stop directly in front of the Premises. He contends that increased foot traffic at the proposed bottle shop entrance will impede their ability to manoeuvre their pram safely.
26. The writer further submits that the local surrounds are not designated as an Alcohol Free Zone, and contends that nearby licensed venues will potentially have to deal with patrons buying “cheap spirits” and “drinking them on the street” prior to entering those other venues. The writer submits that this is “unfair” for the staff of those venues, who will face the extra burden and possible fines when having to make quick decisions on the sobriety of these (pre-fuelled) individuals.
27. Submission from Mr Maxwell Hodges, a local Bondi resident, dated 8 September 2016. In this 1-page submission, the writer contends that granting the Application will result in a total of nine licensed premises operating on the “small stretch of road” between 283 and 249 Bondi Road, Bondi. The writer questions whether local residents “need” another liquor outlet, particularly one that is situated directly in front of a busy bus stop. He contends that if the Application is granted it would be “more trouble than it is worth”, especially with regard to minors attempting to obtain takeaway liquor from the Premises.
28. Mr Hodges submits that the Authority has refused applications for new packaged liquor licences at Bondi Junction and the beachfront on Campbell Parade in the past, and that this Application for a new packaged liquor licence on Bondi Road should also be refused.
29. Submission from Mr Geoff Moulding, licensee of the nearby Royal Hotel Bondi (a potential commercial competitor), dated 14 October 2016. In this 2-page submission, the writer contends that there is no need for another takeaway liquor store as Bondi Road is already “very well serviced” by two existing bottle shops which already provide “more than adequate” product diversity, competitive pricing and convenience.
30. The writer submits that Bondi Road is a “known crime corridor” and that granting the Application will “likely result in an overall detrimental social impact for the immediate and broader community”. The writer submits that the Authority would be “irresponsible” to grant the Application, especially given that the only public entrance to the Premises is located directly in front of a very busy main road bus stop.
31. The writer contends that granting the Application would have “detrimental” effects on the broader population – including minors, mothers and children – and would result in “flaunting” of all the current liquor harm minimisation measures that have been and are being put into practice by incumbent liquor licensees to reduce alcohol abuse.
32. Mr Moulding contends that only 100 metres away from the Premises is the “iconic” Royal Hotel Bondi, which has serviced the needs of the population for over 110 years. Mr Moulding submits that the current owners of the Royal Hotel have been “very responsible” in managing the venue, including its takeaway liquor sales, since 1978. The hotel spends over \$100,000 annually providing security guards, maintaining a CCTV surveillance system and cooperating with local Police. The owners of the Royal

Hotel have a combined total of over 80 years of experience in the successful running of hotel and bottle shops in NSW.

33. Submission from Mr Albert John Moulding received by the Authority on 20 October 2016. In this 2-page submission, the writer objects to the Application, providing similar arguments to those agitated by Geoff Moulding. Briefly, that there is no need for another packaged liquor licensed outlet in the local community and that there are “no controls in place” to prevent people from opening and drinking alcohol purchased from the Premises if the Application is granted. The writer also notes the measures taken by the nearby Royal Hotel in monitoring alcohol related crime and questions whether granting this Application will require that Hotel to assist in any crime prevention work that may arise from the operation of the proposed new liquor store.
34. Submission from Mr Ankush Malhotra, a local resident, dated 17 October 2016. Briefly, the writer submits that the Application should be refused by reason that there are already enough stores and restaurants that stock and sell alcohol on this “strip” and that there are “many instances” of people being “overly drunk and noisy” on the streets, disrupting local residents’ sleep. The writer contends that parking will become a “nightmare” for local residents as there will be more delivery trucks or vans blocking laneways for longer periods of time and there have already been “too many lives” lost due to alcohol related issues and/or fights. The writer concludes this submission with the contention that granting the Application will increase alcohol related harm and rhetorically requests “Please don’t make this another ‘Kings Cross’”.
35. Submission from Ms Megan Hawley, a local Bondi resident, dated 31 August 2016. Briefly, the writer submits that the Application should be refused by reason that there is “no need” for another packaged liquor outlet in this location, contending that there are already a number of licensed outlets in the nearby vicinity of the Premises which have replaced several neighbourhood stores. The writer contends that the amenity of the neighbourhood of the Premises will be adversely affected by reason of the number of people in the area at night drinking or buying alcohol, and the new business may further attract problem drinkers to the area. The writer contends that parking issues already faced by local residents will be exacerbated if the Application is granted.
36. Email from Mr John Maunsell, Legal Administration Officer, Waverley Council (Council) dated 7 November 2016, advising that Council does not object to the issue of a new packaged liquor licence for the Premises on the proviso that the Applicant strictly adheres to the conditions of development approval DA-412/2015 dated 8 June 2016.
37. Email from the Applicant’s consultant, Mr George Smith of Design Collaborative Pty Ltd to licensing staff dated 28 November 2016. In this email, the Applicant consents to the standard licence conditions proposed by licensing staff and responds to each of the submissions received on the Application. The Applicant notes that each of the public submitters claim that there is “no need” for the proposed new bottle shop, but the Applicant submits that this (need) is *not* the relevant test.
38. Further, the Applicant submits that most of the public submitters raise issues such as parking and congestion, but as the Authority has observed at paragraphs 79 and 80 of its reasons for its decision on the recent *Dan Murphy’s* application in Mosman, these are matters for consideration under the *Environmental Planning and Assessment Act 1979* rather than under the *Liquor Act*.
39. In response to the submission from Mr Hodges, the Applicant submits that:

- There are a number of on-premises licensed premises along Bondi Road between Denham Street and Boonara Avenue, Bondi, but they do not provide the same type of service to the local community as a packaged liquor licence would.
- Chambers Cellars is not a “discount” liquor chain. Rather, it supplies lines in the “mid to upper price range”.
- The fact that the Premises is located near a bus stop would add to the level of *convenience* offered to the local community from granting the Application.
- While the minors in Bondi may *try* to obtain packaged liquor, Chambers Cellars – conducted in accordance with its *Plan of Management* and all statutory requirements – does not sell to minors or anyone suspected of supplying minors.

40. In response to the submission from Mr Micallef, the Applicant submits that:

- Mr Micallef is an employee of a commercial competitor [the Royal Hotel Bondi].
- His claim that the bottle shop would generate additional pedestrian traffic at the bus stop is “without foundation”. The packaged liquor outlet is unlikely to generate more pedestrian traffic than the newsagency that previously occupied the Premises or any other convenience store of the same size, such as the organic grocery next door to the Premises.
- Given that the Royal Hotel is only about 100 metres away from the Premises, the Applicant submits that the contention that the new bottle shop would generate more problems through additional pre-fuelling is “contrived” –particularly as Chambers Cellars is “likely to charge higher prices than those of the Hotel’s bottle department”.

41. In response to the submission from Mr Jackson, the Applicant submits that:

- While one can sympathise with Mr Jackson being assaulted, Chambers Cellars is not aware of any similar assaults involving its customers near any of its stores, based on its record of over 20 years of trading from multiple locations.
- While Mr Jackson believes that establishing the packaged liquor outlet would increase the amount of liquor consumed in public places, “experience suggests” that this is unlikely to be the case. The Applicant contends that “most of the sales of the proposed Premises will be won from existing outlets in the district” and the establishment of the new packaged liquor store is “unlikely to result in any appreciable increase in littering or alcohol consumption in public places”.

42. In response to the submission from Mr Geoff Moulding, the Applicant submits that:

- Mr Moulding is the licensee of the Royal Hotel, which has a takeaway liquor department located about 100 metres away from the Premises. He employs Mr Micallef.
- Mr Moulding considers that the bottle shop would harm users of the nearby bus stop, but few of them would not have been exposed to advertising and display of liquor elsewhere, including at the well signed Royal Hotel.
- Mr Moulding sets out measures which he employs to ensure his hotel does not disturb the quiet and good order of the neighbourhood, but the Applicant submits that he does not recognise that Chambers Cellars employs similar measures (such as comprehensive CCTV coverage) at its venues. The Applicant submits that a CCTV system will be required by Condition 53 of DA-412/2015.

43. In response to the submission from Mr Ankush Malhotra, the Applicant submits that:

- Mr Malhotra complains about public intoxication, but the Applicant submits that this is a consequence of the *existing* facilities. There is little or no evidence of this with the Environmental and Venue Assessment Tool (EVAT) Report prepared by LGNSW, which assessed the area as having a “low” rating for alcohol related offensive behaviour. The Applicant submits that there is “little or no evidence” that a “well-managed packaged liquor outlet” such as Chambers Cellars would “increase that problem appreciably”.
- Mr Malhotra infers that the establishment of the proposed bottle shop would create “another Kings Cross” but the Applicant submits that this comment is an exaggeration.

44. In response to the submission from Mr Albert Moulding, the Applicant submits that:

- Mr Moulding “appears to be connected with the Royal Hotel”, a commercial competitor.
- Mr Moulding objects to the on-premises licensed premises along Bondi Road and infers that the proposed liquor store will add to the number of people eating and drinking on the footpath, which is not the case.
- He is concerned about persons purchasing packaged liquor and boarding buses. The Applicant submits that there are many places in the metropolitan area where this could happen, but it does not appear to create problems anywhere else.
- The approved manager of the proposed liquor outlet would become a member of the Local Liquor Accord and the Premises will have a comprehensive CCTV system.

45. In response to the Police submission to Council dated 20 January 2016, the Applicant submits that:

- In response to the reference by Police to the Authority’s refusal of two packaged liquor licences in Bondi Junction, the Applicant submits that those two locations are “quite different” to the present proposal and that a better comparison would be with the “small” Chambers Cellars outlets that were granted in the suburbs of Bronte, Clovelly and Randwick and which the Applicant contends are not sources of problems for the local communities that they serve.
- The Applicant submits that in paragraph 5.1 of his submission, Police raise a number of potential consequences which could arise from the granting of any packaged liquor licence (including an increase in public drinking, secondary supply, “pre-fuelling”, alcohol related litter and alcohol related assault); but Police do not specify *why* granting *this* Application would cause an *increase* in any of those consequences.
- The Applicant submits that BOCSAR data for Bondi and the Waverley LGA for the years ending in March 2016 indicate that Bondi does not exhibit crime statistics showing that that local community experiences any marked problems with alcohol related incidents. Rather, its rates of crime fall “well below” the NSW rates.
- The Applicant submits that the liquor legislation permits the granting of packaged liquor licences and the Authority grants such licences after considering their likely social impacts. In doing so, it recognises that they may contribute to alcohol related incidents but the Applicant contends that in communities where those incidents are infrequent, that contribution is “likely to be scarcely perceptible”.

- In response to the Police submission that the local community of Bondi is amply supplied with liquor outlets, which would reduce the benefits of convenience offered by the new business, yet be an additional source of packaged liquor “in an already problematic part of the suburb for public drinking and alcohol related crime”, the Applicant submits that the BOCSAR data does not support this contention.
- The Applicant contends that in the case where a local community is already well-supplied with liquor outlets, granting another liquor licence is unlikely to increase the volume of alcohol purchased in it. Rather, the new packaged liquor store operating on the Premises will “capture sales which are going to those existing outlets through better service, different products and keen pricing”.
- The Applicant notes that Police include a BOCSAR hotspot map “said to be of incidents of alcohol related assault from October 2014 to September 2015”. However the Applicant submits that BOCSAR “does not publish hotspot maps for such incidents”.
- In response to the Police reference to BOCSAR data at the level of the Waverley Local Government Area, the Applicant submits that the two sets of data (for the suburb of Bondi and the Waverley LGA) are “not comparable” because of the “distorting effects” of Bondi Beach and Bondi Junction. Despite this, the Applicant submits that the incidents of relevant crime in the Waverley LGA are generally below the State-wide levels.
- In response to Police submissions as to the demand upon Police resources the Applicant submits that given the number of licensed premises located close to the proposed Premises, it “seems obvious” that this is an area that Police would visit fairly frequently in any event. Consequently, granting the Application is “unlikely to result in an appreciable increase in demand on Police resources”.

46. Further email from the Applicant’s consultant to licensing staff dated 7 December 2016, in response to the submission from Ms Hawley dated 31 August 2016. Briefly, the Applicant submits that:

- In response to Ms Hawley’s concern that shops in the neighbourhood are being replaced by licensed premises, the Applicant acknowledges that the Premises was previously a newsagency, which closed before the Application was made, due to unrelated factors. The Applicant submits that the proposed new liquor store, which would be located in a “very small” premises, is another type of neighbourhood shop.
- With regard to Ms Hawley’s concern that the area currently has a drinking problem, the Applicant contends that this may be due to the Royal Hotel or possibly the local restaurant which enjoys the benefit of a primary service authorisation.
- The Applicant notes that the Royal Hotel claims that it has policies in place to prevent intoxication and submits that Kallin Pty Ltd (the Applicant) will not serve persons who appear intoxicated, as it does at all of its other outlets, and so granting the Application will not add to the current problems faced in the immediate area with regard to intoxicated persons gaining access to alcohol.

- The Applicant contends that the new packaged liquor store “will not result in any appreciable increase in total alcohol consumption in the local community” as it will, by providing competition, draw most of its sales from the existing liquor outlets. The Applicant’s experience at its other outlets is that very little, if any, of the alcohol that it sells is consumed near the actual stores – most of it is taken home and is not consumed on the street.
- The Applicant contends that Chambers Cellars outlets are “well-managed” and have “good records” in terms of their impacts on the many communities that they service. The Applicant submits that there is “no reason” to believe that this proposed new outlet would be conducted any differently or that its establishment would adversely impact the local community.
- The Applicant submits that the arguments advanced by Ms Hawley echo those of other resident submitters and express what the Applicant contends are “unreasonably heightened concerns” about what would be a “minor change in the composition of the residents’ local shopping centre”.

Legislative Framework

- 47.** The legal requirements for the making of a valid application for a packaged liquor licence are provided by section 40 of the *Liquor Act 2007* and the *Liquor Regulation 2008* (Liquor Regulations). The power to grant an application for a packaged liquor licence is provided by section 45 of the Act.
- 48.** Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*
- 49.** Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
- 50.** An application for a packaged liquor licence is a “relevant application” within the meaning of section 48(2) of the Act for which a Category B CIS is required.

51. Section 48(5) of the Act requires that the Authority must not grant an application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
52. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Bondi, while the “broader community” comprises the responsible local government area, the Waverley LGA.

Analysis of Relevant Facts

53. The Authority is satisfied, based on the Application and CIS material before it, that for the purposes of Section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
54. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a licensed venue of the kind proposed in the Application. The Authority notes that no probity issues were raised regarding the Applicant following consultation with law enforcement agencies, including Police and LGNSW.
55. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices are in place and will remain in place and that the licensed trading hours will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the Premises. This finding is made on the basis of the *Plan of Management* dated 11 September 2015 provided by the Applicant.
56. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent (DA-412/2015) is already in place and was approved by Waverley Council on 8 June 2016.

Social Impact – Positive Benefits

57. The Authority is satisfied, on the basis of the CIS and additional submissions from the Applicant, that the Applicant has demonstrated that granting the packaged liquor licence will provide some additional benefit, by way of a modest increase in convenience, to those members of the local community in Bondi and others in the Waverley LGA who wish to purchase liquor for consumption off the Premises at a liquor store in this part of the State suburb of Bondi.
58. When considering whether granting the Application is consistent with the “expectations, needs and aspirations of the community” being an object of section 3(1)(a) of the Act, the evidence and material does not include evidence of community support.
59. Council does not oppose the Application and has granted development consent for the use of the Premises. Local Police however, have made a strong and evidence based submission in opposition to the development application, which has been considered by the Authority in relation to this Application.
60. The Authority is satisfied, on the basis of the Application material and CIS, that the Applicant distributed notices to the 100-metre radius required with regard to a Category B CIS and that all stakeholders required to be consulted on this type of application were consulted.

61. The Authority is satisfied, on the basis of LGNSW liquor licensing records and Google maps for the suburb, that there are currently three (3) licensed premises authorised to sell packaged liquor in the State suburb of Bondi. One is a full hotel licence (Royal Hotel Bondi, LIQH400105185) located around 80 metres from the Premises, one is a kosher supermarket authorised to sell packaged liquor (Krinsky's Kosher Supermarket, LIQP724013376) located 300 metres from the Premises and one is a substantial producer/wholesaler licensed premises (Kemeny's Food and Liquor, LIQW824005026) located around 450 metres from the Premises that also retails packaged liquor direct to the public.
62. The Applicant contends in the Application and CIS that granting this licence will provide benefits to the community in the form of convenience; increased choice from a range of carefully selected lines, focusing on wines; and increased competition.
63. However, the benefit of increased convenience is in a practical sense reduced with respect to the *local* community by reason of the very close proximity of three other incumbent licensed premises authorised to sell packaged liquor within this small local community, one of which is only 80 metres away. The Authority notes however that one of the local retailers, Krinsky's is a specialist liquor provider. The Authority accepts that there will be some increase in convenience, and the Applicant's point that the bus stop is located outside the premises increases the convenience for persons using public transport.
64. As for the proposed benefit of increased choice, the Applicant has not demonstrated, on the evidence or material before the Authority, how the products it will supply will differ from those available within the local community from the incumbent liquor retailers.
65. While there is clearly potential for a new retail liquor entrant to provide additional competition and consumer benefits to the local community, the Authority is unable to give significant weight to these contended benefits on the material before it when only limited information, evidence or analysis has been provided to demonstrate how such benefits will manifest.
66. The Applicant has not sufficiently substantiated the claimed positive benefits of convenience and choice and for this reason the Authority gives only limited weight to those contended community benefits. It is unclear as to whether this new business will supply liquor products that are not readily available within the local community or readily available to the local community in nearby suburbs and if so whether and to what extent its pricing structure will bring competition benefits to the local or broader community. The Applicant contends makes the contention that this business will be selling products in the middle to upper range, yet there is little by way of evidence or information to substantiate this.

Social Impact – Negative Impacts

67. Seven objecting submissions were received for this Application from persons in the local community of Bondi, and in the neighbourhood of the Premises. These objections related to the potential that further alcohol purchased from this location will put more strain on a community that objectors claim is already dealing with the negative effects of alcohol-fuelled violence, public drinking and underage consumption. Residents also claim that the establishment of a new packaged liquor licensed facility in the location of the Premises would increase traffic congestion and exacerbate parking issues; and that

there are already three other licensed premises authorised to sell packaged liquor in the nearby vicinity of the Premises.

68. Three of these local submissions came from persons associated with the Royal Hotel which is located approximately 80 metres away from the Premises. The Authority takes considerable care when assessing the opinions of local commercial competitors, particularly when based upon arguments that there is a lack of “need” for a new licensed business by reason of the incumbent licensed premises.
69. The Authority notes that, aside from an automatically generated EVAT report for the area, no individual assessment or report has been provided by the Secretary through the compliance section of LGNSW in this case.
70. The Authority accepts the Applicant’s submission that a lack of “need”, whether advanced by residents or commercial competitors, is not the relevant test – although the current range and availability of packaged liquor outlets in a community can diminish the potential benefits offered by a new liquor store, depending on the nature of the proposal.
71. Local competitors, like local residents, may draw the Authority’s attention to any objective and independent evidence of prevailing social impact issues in a community.
72. The Authority finds it generally credible for the neighbourhood residents to assert that they are exposed from time to time to incidents of anti-social behaviour associated with the abuse of alcohol. The Authority accepts that such conduct, when it occurs, adversely impacts local amenity -whether that takes the form of offensive conduct or alcohol related litter.
73. There are limitations submissions provided by the residents as to the specific nature, frequency and extent of the problems that they complain of. The Authority has given little weight to what might be described as planning related concerns, and has focused on their contentions regarding alcohol related social impacts. Considered in isolation, those anecdotal submissions may not attract great weight, were they not supported by other data.
74. However, the resident concerns about prevailing alcohol related anti-social conduct are given support from the information provided in the Police submission dated 20 January 2016 from Sergeant Bolt of the Eastern Suburbs Police Local Area Command.
75. Police focus on what they claim are the prevailing alcohol related social impacts in Bondi associated with the abuse of packaged liquor, while placing those concerns in the context of alcohol related crime in the broader community - particularly the immediately neighbouring suburbs of Bondi Junction and Bondi Beach.
76. Of particular concern to the Authority is the local Police linking data, maintained by the Local Area Command, which records that **54%** of all recorded events of Police officers becoming engaged in events that were recorded as “alcohol related” involved persons who had been drinking in a location classified as “home/private residence” or “public place”. This strongly indicates the involvement of *packaged liquor* in those events.
77. The Authority gives weight to the local knowledge of Police and accepts the Police contention, derived from their experience in managing alcohol related anti-social conduct, that there are “large amounts of youths” who travel from Bondi Junction and

other areas to Bondi Road for the purpose of unlawfully acquiring liquor through secondary supply.

78. The Authority further accepts the information provided by Police that Bondi Road, on which the Premises is located, is a “known crime corridor” for Police located between the two main commercial precincts of Bondi Beach and Bondi Junction. That is, within the Eastern Suburbs LAC, Bondi Road is known to Police as problematic for the occurrence of alcohol related anti-social conduct.
79. The Applicant notes that BOCSAR data for the State suburb of Bondi for the period from April 2015 to March 2016 recorded a rate for *alcohol related non-domestic assault* of 137.5 per 100,000 persons of population compared to the State-wide rate of 137.4 and a rate for *alcohol related domestic assault* of 100.8 per 100,000 persons of population compared to the State-wide rate of 120.8. The Applicant further notes that BOCSAR data for the 5 years from April 2012 to March 2016 indicated that the rates of alcohol related assault in the Waverley LGA were close to the corresponding State-wide rates, while the rates for the suburb of Bondi were lower each year than either of the other areas, with the exception of 2015.
80. On the Authority’s analysis, at the level of the broader community (and placing the Police submissions in context), the BOCSAR Report “NSW Recorded Crime Statistics July 2010 to June 2015” which concerns crime by local government area and alcohol status records that during the 2014/2015 financial year:
- Alcohol related assault police events occurred at a rate of **23.7** per 100,000 persons of population in Waverly LGA compared to **18.2** for New South Wales
 - Alcohol related non-domestic assault occurred at a rate of **178.3** per 100,000 persons compared to **144** for New South Wales
 - Alcohol related domestic assault occurred at a rate of **111.5** per 100,00 persons compared to **122.6** for New South Wales
 - Alcohol related offensive behaviour occurred at a rate of **220.2** per 100,000 persons compared to **88.2** for New South Wales.
81. The Authority notes with some concern that the recorded rates of incidents involving alcohol related non-domestic assault, alcohol related assault Police and alcohol related offensive behaviour were all higher in the Waverley LGA than for NSW as a whole. The Authority accepts the Applicant’s submission that data for the LGA is influenced by crime in Bondi Junction and Bondi Beach, but that is the point raised by Police – that those areas form either end of an alcohol crime and disturbance crime corridor, which runs through the suburb of Bondi.
82. Turning to the local community within the suburb of Bondi, the Authority notes that published BOCSAR Crime Maps, based upon data from October 2015 to September 2016 (available on the BOCSAR website utilising the “Crime Tool” for the State Suburb of Bondi) indicates that there is an expansive area exposed to medium to high concentrations of alcohol related assault recorded in the Bondi Junction CBD with another expansive area at Bondi Beach.
83. Between those two hotpots is a smaller yet substantial area of low, medium and high concentrations of alcohol related assaults in Bondi. These maps substantiate the contention made by local Police that there is a “corridor” of alcohol related crime running down Bondi Road between these two larger CBD areas. Other, residential areas in the Bondi suburb are less exposed to alcohol related crime.

84. These crime hotspots are all the more troubling when assessing alcohol related crime because they represent concentrations of crime derived from data at the Local Government Area level. That is, crime is occurring in high concentrations by reference to LGA data disclosing that crime rates that are *significantly above* State wide rates for assault Police and non-domestic assault and *substantially above* State wide rates for alcohol related offensive behaviour. Offensive conduct by its nature denotes misconduct in public places, adversely impacting local amenity.
85. As for the State suburb of Bondi, published BOCSAR data for October 2015 to September 2016 (available using the Crime Tool) indicates that the rate of *alcohol related assault* across the suburb as a whole is **275** per 100,000 persons of population, which is on par with the corresponding State-wide rate of **272.1**.
86. However, within Bondi the highest concentration of alcohol related assault events is recorded on the Crime Map in an area running along Bondi Road bound by Park Parade and Wellington Street. There is a substantial medium density concentration of alcohol related assault extending the length of Bondi Road between Bondi Junction and Bondi Beach.
87. The Authority acknowledges that alcohol related assault may involve the abuse of liquor on licensed premises or off licensed premises, but the Local Area Command data regarding “last place of alcohol consumption” satisfies the Authority that packaged liquor is playing a substantial role in events involving Police intervention across this Local Area Command.
88. The ARCIE data from Police and the BOCSAR data for the local and broader communities support the Police position as to the resource demands placed upon the Command in managing or responding to alcohol related crime and anti-social behaviour. That data also lends credence to local resident concerns about the practical impacts of alcohol related misconduct on local amenity.
89. As for prevailing liquor licence density, the Authority notes that LGNSW liquor licensing records disclose that the State suburb of Bondi already has 1 full hotel licence, 1 producer/wholesaler licence and 1 packaged liquor licence. The Authority is satisfied that granting this Application will increase licence density within the local community, but licence density *per se* within the suburb of Bondi is not problematic.
90. While the Authority is under no illusion that packaged liquor is readily available to the local and broader community (as demonstrated by the LGNSW licensing data for Bondi and the Waverley LGA, which indicates that there are 16 other premises licensed to sell liquor for consumption off the premises in the suburbs of Bondi Beach and Bondi Junction alone), the Authority is nevertheless satisfied that the operation of a new liquor outlet in this problematic location will, in a practical sense, provide one more outlet and opportunity for those in the local and broader community, including the many visitors to the area disclosed by Police, to abuse the packaged liquor purchased from this new business.
91. Whether this abuse takes the form of public drinking, pre-fuelling or the secondary supply of liquor to minors, the Authority accepts (on the basis of the data and submissions provided by Police) that these adverse impacts are occurring, are discernible and pose an ongoing challenge for the Local Area Command with significant and adverse impacts on local amenity, as claimed by local residents.

92. The Plan or diagram of the licensed area of the Premises provided by the Applicant indicates that the Premises is approximately 72 square metres, smaller in scale to many standalone packaged liquor stores in New South Wales. It is not a “very small” liquor outlet as submitted by the Applicant’s consultant, but its moderate scale has been taken into account.
93. However, the licensed trading hours sought by the Applicant are extensive, seeking to trade until 10:00pm on 7 nights per week, which if granted (in light of recent provisions announced by the NSW Government on 8 December 2016 in response to the Callinan Report) would effectively permit trading until 11:00pm were the licensee so disposed.
94. The licensed hours sought pose a substantial risk factor when assessing likely special impact. The Authority is aware, through frequent recourse to BOCSAR crime data (including the latest *New South Wales Recorded Crime Statistics 2015: Proportion of Incidents By Offence Type, Time of Week and Time of Day*) that weekend evenings between 18:00 and midnight are times of the week when a considerably higher proportion of *alcohol related assault* occurs. The hours sought by the Applicant, in a practical sense, increase the opportunity for the store to be targeted by patrons seeking to engage in secondary supply, or public drinking, or moving along the local crime corridor and pre-fuelling before attending on licensed premises in Bondi, Bondi Junction or Bondi Beach.
95. The Authority notes, based on the ABS SEIFA data, that the State suburb of Bondi ranked in the 8th decile on the Index of Relative Socio-Economic Advantage and Disadvantage while the Waverley LGA ranked in the 10th decile (with a decile ranking of 10 being the most advantaged). That is, the local and broader (resident) communities are relatively advantaged.
96. The Authority has had regard to the Applicant’s harm minimisation measures set out in the *Plan of Management* dated 11 September 2015, the proposed licence conditions to which the Applicant has consented and the conditions on DA-412/2015 for the Premises. The DA includes, notably, requirements pertaining to recycling and waste management, noise emission control, signage, the sale of liquor, neighbourhood amenity and the installation of a CCTV surveillance system. All of these measures may mitigate impacts on local amenity that may otherwise arise from the operation of the business.
97. The *Plan* states, notably, that Chambers Cellars will adhere to the “fundamental tenets of the *Liquor Act 2007* not to serve underage or intoxicated patrons” and that the CCTV surveillance system will be maintained. The Authority is satisfied that the measures outlined in the *Plan* will provide a means by which staff will be trained to minimise those risks and the Applicant has consented to the *Plan* becoming enforceable by way of a licence condition.
98. The Authority accepts the Applicant’s uncontested submission that the business owner has a good compliance record and the Authority accepts, on the basis of the Applicant’s *Plan* and submissions, that the licensee and staff are not likely to deliberately contravene liquor legislation with regard to the supply or liquor to intoxicated persons or minors.
99. Nevertheless, the Authority considers that the licensee and staff will only be in a meaningful position to monitor what occurs on the Premises or in the immediate vicinity, not in nearby streets or other sensitive locations in the local or broader community.

100. There is a debate among the submissions from Police and the Applicant's consultant as to whether this new business will make any appreciable difference to alcohol related adverse social impacts in the local or broader community.
101. While the Authority will consider whether granting one more licence in the relevant communities will lead to an overall increase in the total liquor consumed, or an increase in the overall level of alcohol related crime or misconduct, that is not the end of the enquiry.
102. A decision maker must assess the positive and negative impacts of granting *this particular* licence, in the context of the particular business model proposed, informed by what is known about the prevailing circumstances in the local or broader communities in question. Considering together the decision maker's findings on likely positive benefits and negative impacts, a decision maker must be satisfied, on the material before it, that the "overall" impact of granting the Application will not be detrimental to either the local or broader community.
103. There is insufficient data or analysis before the Authority in this case to discern whether the addition of one more packaged liquor licence in Bondi will mean an overall increase, decrease or no change to the overall consumption of liquor or the incidents of alcohol related crime across the relevant local or broader community. New South Wales does not mandate the collection of wholesale liquor sales data that has enabled researchers in other jurisdictions (see for example, as noted Authority *Guideline 6*, Liang W and Chikritzhs T: "Revealing the link between licensed outlets and violence: Counting venues versus measuring alcohol availability" (2011) *Drug and Alcohol Review* (September 2011)) to measure the effect of increased volumes of liquor sold in a local government area on assault rates.
104. However, the scope for *this* business to *contribute* to prevailing negative social impacts in *these* local and broader communities is considerable, by reason of the location of the Premises, its proposed extensive trading hours and the prevailing circumstances with regard to alcohol related crime in the local community and immediately neighbouring suburbs within the broader community.
105. The Authority is satisfied, on the basis of the crime data and analysis from Police and BOCSAR and the complaints made by local residents, that this part of the State suburb of Bondi is objectively sensitive to alcohol related anti-social conduct – including problematic levels of public drinking, pre-fuelling, alcohol related litter and underage drinking facilitated through secondary supply.
106. The Authority accepts the information provided by Police that an influx of "transient" persons, including backpackers, poses an additional risk factor for on-premises and off premises licensed liquor outlets, especially during the summer months. The Authority is satisfied, in light of the Police submission and the maps before the Authority illustrating the location of the Premises, that the new business will likely be very convenient and attractive to a problematic minority of patrons seeking to abuse liquor in public places, whether the beach or in nearby parks or streets and those seeking to pre-fuel and/or engage in alcohol related litter before attending licensed premises within the local community or at nearby venues in the broader community, particularly Bondi Junction and Bondi Beach.
107. Whether or not there is an increase in total liquor consumption or crime at the level of each community, the Authority is satisfied that this business will more likely than not contribute to the pronounced localised problems that are currently impacting Police and

the amenity of local residents. This is a negative incident of the new business to which the Authority must have regard and has given weight, on the information before it.

108. The Authority is aware that those licensed premises authorised to sell packaged liquor in Bondi are also positively servicing the community and tourists, in addition to local residents, but in light of the crime data and information from Police before the Authority in this case, the Authority has given weight to the considerations in section 3(2)(a) and 3(2)(c) of the Act and is not satisfied that the overall social impact of granting *this* Application would not be detrimental to *this* local community.

Conclusion

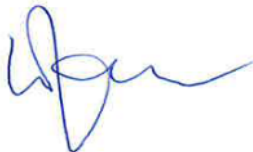
109. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include NSW Police, the Applicant, Council, RMS, neighbouring occupiers, the NSW Department of Family and Community Services and all other parties required to be consulted under the legislation.

110. In conclusion, having considered together the positive benefits and negative impacts that the Authority has found to be likely to flow from granting this Application, the Authority is *not* satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application would not be detrimental to the well-being of this *local* community.

111. The Application is *refused* pursuant to section 45 of the Act.

112. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including subsection 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), subsection 3(2)(b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor; and subsection 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.

Decision Date: 14 December 2016



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

SCHEDULE

Material before the Authority

- 113.** Notice from Waverley Council (Council) dated 8 June 2016, advising determination on development approval number DA-412/2015 (DA) for “change of use and fit-out for a retail liquor shop on ground floor and additions to first floor level of shop top housing development”. Conditions of consent include that the hours of operation are restricted to Monday to Sunday 10:00am to 10:00pm and that the operation and management of the Premises is at all times to be in accordance with a Council approved *Plan of Management*.
- 114.** Application Form lodged on 12 August 2016.
- 115.** The Application material also includes the following:
- Australian Securities and Investment Commission (ASIC) *Current Organisation Extract* for Kallin Pty Ltd dated 22 October 2015.
 - Certificate of Advertising Application dated 25 November 2016 affixed to the Premises in accordance with the *Liquor Regulation 2008*.
 - Public Consultation Site Notices dated 12 August 2016.
- 116.** Community Impact Statement (CIS) Form dated 12 August 2016. The Applicant provides additional material in support of the Application prepared by Design Collaborative Pty Ltd, which notes that approval of the DA-412/2015 was granted by Waverley Council on 8 June 2016; that Sergeant Bolt of the Eastern Suburbs Local Area Command (LAC) of NSW Police had made a submission opposing the establishment of a packaged liquor store in relation to that development application; and providing crime data and sociodemographic data for the local community of Bondi and the broader community of the local government area (LGA) of Waverley.
- 117.** In the CIS, the Applicant advises that the proposed licensed trading hours are from 10:00am to 10:00pm on Monday through Sunday. The Applicant contends that the Premises is situated directly adjacent to a busy bus stop on Bondi Road and that granting the Application will provide public interest benefits to the community by way of convenience for local residents and customers of the businesses around the Premises who will be able to purchase “competitively priced packaged liquor from a range of carefully selected lines (predominantly, wines) in a small premises with a friendly ambience”.
- 118.** The Applicant contends that Chambers Cellars outlets are well-managed in accordance with their respective *Plans of Management*; that packaged liquor is already available from outlets in the relevant local and broader communities; and that Chambers Cellars outlets do not contribute to any problems presently arising from packaged liquor consumption in the local and broader communities of Bondi and the Waverley LGA respectively.
- 119.** The CIS material also includes the following:
- Development application number DA-412/2015 issued by Waverley Council dated 8 June 2016.

- *Plan of Management* for the management and operation of the Premises dated 11 September 2015.
 - Submission from Eastern Suburbs LAC Police on the development application dated 20 January 2016.
 - Submission from Roads and Maritime Services (RMS) in relation to the Application received on 23 November 2015.
 - Submission from the NSW Department of Family and Community Services (FACS) making no comment on the Application, received on 11 December 2015.
- 120.** Council approved plans of the licensed areas of the Premises dated 4 December 2015.
 - 121.** Submission of eight pages from Sergeant Peter Bolt of Eastern Suburbs LAC dated 20 January 2016, objecting to the development application.
 - 122.** Submission of three pages to the Authority from Mr David JC Jackson, local resident, dated 14 October 2016 objecting to the Application.
 - 123.** Submission of one page to the Authority from Mr David Micallef, local resident, dated 5 September 2016 objecting to the Application.
 - 124.** Submission of one page to the Authority from Mr Maxwell Hodges, local resident, dated 8 September 2016 objecting to the Application.
 - 125.** Submission of two pages to the Authority from Mr Geoff Moulding, licensee of the nearby Royal Hotel Bondi, dated 14 October 2016 objecting to the Application.
 - 126.** Submission of two pages to the Authority from Mr Albert John Moulding (undated) objecting to the Application.
 - 127.** Submission of one page to the Authority from Mr Ankush Malhotra, local resident, dated 17 October 2016 objecting to the Application.
 - 128.** Submission of two pages to the Authority from Ms Megan Hawley, local resident, dated 31 August 2016 objecting to the Application.
 - 129.** Report on the Application from LGNSW Compliance Branch dated 27 October 2016.
 - 130.** Email to LGNSW from Mr John Maunsell of Waverley Council dated 7 November 2016, advising that Council does not object to the Application on the proviso that there is strict compliance with the conditions set out in the DA-412/2015 issued on 8 June 2016 in respect of the Premises.
 - 131.** Email from LGNSW staff to the Applicant's consultant at Design Collaborative Pty Ltd dated 11 November 2016, seeking the Applicant's consent to the imposition of a number of conditions on the licence and attaching six submissions received on the Application.
 - 132.** Email from the Applicant's consultant to LGNSW dated 28 November 2016, consenting to the conditions proposed by LGNSW and providing the Applicant's response to the submissions received on the Application.

133. Further email from LGNSW staff to the Applicant's consultant dated 7 December 2016, attaching a further submission received on the Application.
134. Further email from the Applicant's consultant to LGNSW dated 7 December 2016, providing the Applicant's response to that further submission.
135. Authority decision dated 6 December 2015, refusing a previous application made by Kallin Pty Ltd for a new packaged liquor licence at premises at Shop 26, 310-330 Oxford Street, Bondi Junction NSW 2022.
136. BOCSAR Crime Maps based upon data from October 2015 to September 2016 detailing hotspots for the concentration of certain offences in the local and broader community and indicating that the Premises:
 - (a) is located within a *high density hotspot* for incidents of *domestic assault*
 - (b) is located within a *high density hotspot* for incidents of *non-domestic assault*
 - (c) Is located within a *high density hotspot* for incidents of *malicious damage to property*.
137. Liquor licensing records from LGNSW indicating that the State suburb of Bondi has **1** full hotel licensed premises and **4** packaged liquor licensed premises.
138. BOCSAR Report on *NSW Recorded Crime Statistics* for January to December 2015 (excel report) published on the BOCSAR website.
139. BOCSAR Crime Data for the Suburb of Bondi from the BOCSAR website (October 2015 to September 2016).
140. ABS SEIFA data based on the 2011 Census indicating that the State suburb of Bondi ranked in the 8th decile and the Waverley LGA ranked in the 10th decile compared to other local government areas and state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).