



Mr Tony Schwartz
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9 May 2017

Dear Mr Schwartz

APPLICATION NO: APP-0002413357
APPLICATION FOR: New Packaged Liquor Licence
APPLICANT: Mr Anthony Charles Smith
LICENSED PREMISES NAME: BWS – Beer Wine Spirits
PROPOSED PREMISES LOCATION: 12 Portman Lane
ZETLAND NSW 2017 (also to be known as
Ebsworth Street, Green Square when
development is complete)
ISSUE: Whether to grant or refuse an application for
a new packaged liquor licence
LEGISLATION Sections 3, 29, 40, 45, 48 *Liquor Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION – APPLICATION FOR
NEW PACKAGED LIQUOR LICENCE – BWS – BEER WINE SPIRITS, ZETLAND**

The Independent Liquor & Gaming Authority considered application number APP-0002413357 for a new packaged liquor licence (Application) at its meeting on 19 April 2017 and, pursuant to section 45 of the *Liquor Act 2007*, decided to **grant** the Application subject to the following licence conditions:

1. Trading Hours

Monday to Sunday 10:00AM – 10:00PM

- 2.** Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00AM and 10:00AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

3. Restricted trading & NYE (std)

Retail sales

Good Friday

December 24th

Not permitted

Normal trading Monday to Saturday

	8:00AM to 10:00PM Sunday
Christmas Day	Not permitted
December 31 st	Normal trading

4. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the community impact statement, application and other information submitted in the process of obtaining this licence.
5. The premises must be operated at all times in accordance with the Endeavour Drinks Group "Liquor Store House Policy" and "Best Practice Policies and Interventions" documents, as submitted to the Independent Liquor and Gaming Authority in support of the licence application, or as varied from time to time after consultation with the Commander of the Alcohol Licensing Enforcement Command of NSW Police Force.
6. The licensee or its representative must join and be an active participant in the local liquor accord.

The licence has been granted subject to a requirement pursuant to section 47(2) of the Act that it cannot be exercised unless and until the Authority has granted a transfer of the licence to a suitably qualified person. If you have any enquiries about this letter, please contact the case manager via email to santina.causa@justice.nsw.gov.au

Yours faithfully



Philip Crawford

Chairperson

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

STATEMENT OF REASONS

DECISION

1. The Independent Liquor & Gaming Authority (Authority) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the application lodged on 18 November 2016 for a new packaged liquor licence (Application), as all of those parties required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
2. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Application, the Authority is satisfied, for the purposes of section 48(5) of the *Liquor Act 2007* (Act), that the overall social impact of granting this licence would not be detrimental to the well-being of the local and broader communities. The Application is granted under section 45 of the Act.
3. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) of the Act.

MATERIAL CONSIDERED BY THE AUTHORITY

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

LEGISLATIVE FRAMEWORK

5. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the Act and relevant provisions in the *Liquor Regulation 2008* (“the Regulation”). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
6. An application for a new packaged liquor licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
7. Section 48(5) of the Act requires that the Authority must not grant an application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
8. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Zetland.

9. Consistent with the Authority's long standing policy to find that the broader community comprises the relevant local government area ("LGA"), the Authority is satisfied that the broader community is, at the time of this decision, the area of City of Sydney LGA.
10. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

KEY FINDINGS

11. The Authority is satisfied, on the basis of the Application and CIS material 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. The Authority has considered, but does not accept, the Police submission dated 16 February 2017 that community consultation cannot be complied with by reason that the suburb of Green Square is subject to development and yet to be populated with the majority of the expected 30,000 plus future residents. The Authority notes that the legislative requirement for community consultation does not include potential future residents and the Authority is satisfied that minimum statutory consultation requirements have been observed by the Applicant.
12. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licensed venue of the kind proposed in the Application material. The Authority notes that no probity issues were raised with regard to the Applicant following consultation with law enforcement agencies, including NSW Police ("Police") and LGNSW. The Applicant also provided a copy of a National Police Certificate issued on 20 February 2015 advising no "disclosable court outcomes" against the Applicant.
13. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the Endeavour Drinks Group Liquor Store House Policy, School Uniform Policy, Refusal of Service – Intoxication

Policy, ID 25 and Secondary Supply Policy supplied by the Applicant and lodged with the Application.

14. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act, that the use of the Premises falls within the scope of the development consent that is currently in force. This finding is made on the basis of Development Consent No. D/2016/887 issued by City of Sydney Council (Council) dated 29 September 2016.

Social Impact – Positive Benefits

15. The Authority accepts that the Applicant has demonstrated that granting this new licence will provide the local community with a significant benefit of increased convenience and choice from a well-appointed new retailer for those members of the local and broader community who wish to purchase packaged liquor from a liquor retailer in this newly developed part of Zetland, providing an opportunity for grocery customers of an adjacent Woolworths supermarket with “one-stop shopping”.
16. The extent of those additional convenience benefits is reduced by the presence of incumbent packaged retailers in the suburb. The Authority notes the Police contention that the “needs” of the local community are already being met by the existing licensed liquor outlets. However, the Authority is satisfied that the proposed new business will provide additional convenience and choice to a local community which is undergoing rapid residential and population growth since the last census. The Authority makes this finding on the basis of the information provided in the CIS by the Applicant as to the nature and scale of development in nearby Green Square and the scale of residential development in the local and broader community. While the Applicant has provided projections that the population of Green Square may reach 61,000 by 2030, that longer term projection is not of great assistance when discerning the present benefit of granting the licence. The Authority is nevertheless satisfied that by reason of its location, this new business will service increasing residential demand in Zetland and Green Square.
17. In this respect, and noting the absence of any submissions from the communities, (save for the submissions from local Police, discussed below) granting the Application will be consistent with the “expectations, needs and aspirations of the community” in respect of the local community of Zetland, being an object of section 3(1)(a).
18. The Authority accepts, on the basis of the document titled Product Range Benefits of Endeavour Drinks Group Stores attached to the CIS, that this newly appointed packaged liquor facility will provide a wide range of exclusive brands of wines, beers and spirits, including Sail & Anchor Amber Ale, Teeling Single Malt Irish Whiskey, Meukow VSOP Cognac, Marlborough Sounds Sauvignon Blanc and Franklin Tate Estate Shiraz. The Authority is satisfied on the information provided in the CIS that licensing the proposed new business will facilitate the balanced development of the liquor industry in the local community for the purposes of section 3(1)(b) of the Act. This benefit is reduced by reason of the number and variety of incumbent licensees in the broader community, but the benefit is established with respect to the local community.

19. The Authority makes the following findings on the Applicant's further contended benefits:
- (a) Improved amenity – the Authority is satisfied that the Premises will be presented as a “state of the art” retail outlet located adjacent to a supermarket. As noted above, the Authority accepts that a new and modern liquor business will provide increased choice and convenience, but it is not satisfied on the material before it that a new liquor store will necessarily “improve” local amenity.
 - (b) Improved product range – the Authority is satisfied on the basis of the product list supplied by the Applicant that BWS provides a large product range. The benefit of choice and convenience for the local community has been noted above.
 - (c) The brand – the Authority is satisfied, on the basis of the CIS, that the BWS brand is well-known but it is not clear how this benefits the community aside from providing a certain assurance that the Applicant is an established retailer of liquor.
 - (d) Improved access and one-stop shopping – the Authority accepts that local residents of the suburb of Zetland will be able to engage in “one stop” shopping which will reduce the need to travel outside of the local community to purchase their liquor needs. The positive benefit of increased convenience has been noted above.
 - (e) Customer service - the Authority is satisfied, on the basis of the policy material provided, that Woolworths “invests heavily” in training programs to educate its staff on customer service and provides a loyalty program, which is likely to contribute to the object in section 3(1)(b) of the Act. The positive contribution from this major new business with regard to the balanced development of the liquor industry has been noted above.
 - (f) Improved neighbourhood safety and security – the Authority is satisfied that the use of surveillance, security and access control may help to ensure a safe shopping environment for patrons of this liquor outlet. This factor is more relevant to reducing the negative impacts of the liquor business than establishing net positive benefits.
 - (g) Increased employment and career opportunities – the Authority is satisfied, on the basis of the Applicant's contention in the CIS, that staff will have opportunities to “progress throughout the wider Woolworths business”. The Authority notes that “where possible” Woolworths will source staff from within the local community but the Applicant has not made an unequivocal commitment to sourcing staff from the relevant local or broader communities, and limited weight can be given to this purported community benefit.
 - (h) Support for the local community – although the Applicant contends that Woolworths is to contribute the equivalent of at least 1% of pre-tax profits to the community in which it operates, little evidence has been provided to establish how and when this benefit will be distributed and directly benefit the

local community of Zetland. While the claim is a credible statement of corporate policy, the Authority gives this claim little weight in establishing benefits for the purposes of this decision.

Social Impact – Negative Impacts

- 20.** Having reviewed all of the material before it, the Authority considers that over time there is a risk that liquor sold from this new licensed business will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse packaged liquor.
- 21.** The Authority accepts that the licensed trading hours sought by the Applicant are somewhat extensive, trading until 10:00pm seven nights a week, which will increase the scope of this business to contribute to adverse alcohol related impacts over time. That said, the Premises will not open until 10:00 am which is later in the morning than many stand alone and supermarket based liquor stores.
- 22.** The Authority notes, on the basis of the plan/diagram of the Premises and the information in the email from licensing staff dated 7 April 2017, that the licensed area will occupy some 102 square metres. This is an area comparable to many other stand-alone packaged liquor licensed premises in New South Wales. Scale is a factor that moderately contributes to the capacity for *this* business to contribute, along with the incumbent licensees, to the prevailing social problems associated with the abuse of packaged liquor in the local community.
- 23.** The Authority has carefully considered the contentions made by local Police in their twelve-page objection to the Application dated 16 February 2017 (summarised below in the Schedule). The Authority acknowledges Police concerns relating to prevailing licence density in the broader community and is also satisfied on the basis of the LGNSW licensed premises data dated 12 March 2017, provided by licensing staff, that there is some cause for concern arising from the prevailing licence density in the local and broader community for packaged liquor licences.
- 24.** However, the Authority is satisfied, on the basis of the Applicant's CIS and additional submission dated 29 March 2017 that data for the City of Sydney LGA requires caution.
- 25.** The Sydney LGA is a substantial area and the Premises is located some distance away from the Sydney CBD. The Authority considers that the high licence density in this broader community reflects the City's concentration of licensed premises servicing a great many workers, residents and visitors to the City. The Authority further accepts the Applicant's arguments in the CIS and submission dated 29 March 2017 that the density data for the local community is somewhat skewed as a result of the small population recorded for Zetland (3,813 people) during the 2011 Census and the Premises is located in an area of rapid residential and population growth since the last census.
- 26.** There is insufficient data before the Authority to discern whether the addition of this new licence to the local or broader community 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. NSW 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 consider the relationship between increasing volumes of liquor sold in a local government area and assault rates.

27. The Authority further acknowledges the concerns raised by Police in relation to crime and last place of consumption. The Authority is satisfied from the research (including that listed in Authority Guideline 6 Livingston, M: "A longitudinal analysis of alcohol outlet density and domestic violence" – 19 – Addiction (2011) Society for the Study of Addiction) that there is an association between liquor outlet density and domestic violence.
28. Liquor sold from packaged liquor stores will tend to be of concern to the Authority as a driver of alcohol related domestic violence incidents as the liquor is by definition consumed in the home, where most domestic violence occurs.
29. The Authority notes that there is some cause for concern arising from the NSW BOCSAR Crime Statistics for October 2014 to September 2016 for both the broader and local communities.
30. As mentioned above, the broader community of City of Sydney LGA requires caution and in relation to the local community of Zetland, there may be some occasions when a local population is so small and rates vary considerably that caution should be taken with respect to crime rates.
31. Much of the data identified in the Police submission concerns crime at the level of the Local Area Command, including other more problematic areas closer to the Sydney CBD.
32. The local crime data for Zetland noted by Police and BOCSAR that is of particular concern when assessing a new packaged liquor licence is the rate of alcohol related domestic violence. These factors are adverse to the Applicant.
33. Police provided data for Incidents of Alcohol Related Assault (Domestic Assault) in the suburbs of Alexandria, Redfern, Rosebury, Waterloo and Zetland compared to NSW from April 2015 to March 2016. Police submit that the graph they provided depicts that, of the suburbs in "close proximity" to the proposed licensed business, only Rosebury has a lower level of domestic violence assaults attributed to alcohol per 100,000 populations than the state average. Police further submit that the state average for domestic assault is **120** per 100,000 persons of population whereas the average for these five suburbs is 205 per 100,000 which is **1.70** times the state average.
34. However, the Authority's focus is not the five nearest suburbs but the local community of Zetland and the broader community of the City of Sydney LGA – with greater weight given to the local community by reason that the impact of this licence will be more diffuse across the broader community given the expanse of that area and the great many existing liquor licences.

35. NSW BOCSAR Crime Statistics for October 2014 to September 2016 indicate that in the year ending September 2016 the State suburb of Zetland recorded a rate of *alcohol related domestic assault* at **101.8** per 100,000 persons of population, below the rate for New South Wales as a whole at **118.1 per** 100,000 persons. This data also indicates that in the year ending September 2016 the State suburb of Zetland recorded a rate of *alcohol related non-domestic assault* at **122.1** per 100,000 persons of population, below the rate for New South Wales as a whole at **137.9** per 100,000 persons.
36. The Authority also notes that the concerns raised by Police in relation to crime, minors and pre-loading are in relation to the Redfern Local Area Command (LAC) but this incorporates a much larger area than Zetland. The Authority further notes that Police have not provided specific examples of incidents that have occurred in the local community of Zetland which may have provided greater insight into whether the local community is relatively problematic or over exposed to alcohol related crime. Police refer to having dealt with 26 alcohol related breach of court ordered apprehended domestic violence orders during 2016 but it is unclear as to which suburbs within the area covered by the Redfern LAC these incidents occurred.
37. The Authority is reassured by the ABS Socio-Economic Indexes For Areas (SEIFA) data that both the local and broader communities are advantaged with socio-economic disadvantage not a compounding factor of concern in these communities.
38. When assessing scope for negative impacts the Authority has also had regard to the reasonably detailed harm minimisation measures set out in the Endeavour Drinks Group Liquor Store “House Policy” and “Best Practice Policy and Interventions”, as annexed to the Applicant’s CIS. The Authority notes that the detailed measures contained within these documents, such as the “ID25 Policy” and the “School Uniform Policy”, are measures that go above and beyond minimum statutory requirements.
39. The Authority has considered the five licence conditions requested by Police. A proposed condition requiring membership of the liquor accord has been covered in a condition imposed on this licence (which the Applicant consented to in an email to licensing staff dated 29 March 2017). In relation to CCTV, the Authority is satisfied on the basis of the development consent dated 29 September 2016 that there is already a detailed CCTV requirement that is adequate for a BWS store of this scale and in this case the Authority is satisfied to leave this aspect of the proposal regulated by the development consent, noting that the Premises has not yet been built.
40. While Police proposed a condition that the licensee be prohibited from selling or supplying refrigerated alcohol, the Authority observes that this measure refers to a specific initiative proposed by ALDI supermarkets and implemented on a uniform basis. The Authority accepts the Applicant’s submission that BWS is designed differently for convenience as a full service conventional liquor store. In the absence

of a specific, location based concern warranting the imposition of this condition the Authority does not propose to require it in the absence of the Applicant's consent.

41. With regard to the Police submission regarding the requirements of section 30 of the Act, this requirement for an adequately defined liquor sales area does not apply in the present case as the business is adjacent to the associated supermarket and not located within the supermarket itself.
42. While Police have proposed that the licensed hours be reduced from those sought by the Applicant to between 10:00AM and 8:00PM the licensed trading hours are in accordance with those permitted by the development consent and insufficient evidence of localised alcohol related impacts is before the Authority to warrant reducing the hours granted in this case.
43. There are additional factors with this proposal that mitigate against localised alcohol related anti-social conduct arising from liquor sales at this business. The Authority is satisfied on the basis of the CIS, that the Premises will be located at ground level below a multi-storey residential complex forming part of the new town centre of Green Square that will provide increased scope for passive surveillance of patron behaviour as well as the active security measures imposed by the business itself.
44. The Authority is also satisfied, on the basis of the Applicant's email to licensing staff dated 29 March 2017, that the Applicant has consented to a condition being imposed upon the licence requiring operation of the business at all times in accordance with the Endeavour Drinks Group "Liquor Store House Policy" and "Best Practice Policy and Interventions" documents. This provides additional rigour to the regulation of this business over time.

Conclusion

45. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include Police, the Applicant, Council, NSW Roads and Maritime Services ("RMS"), Aboriginal Affairs, neighbouring occupiers, and all other parties required to be consulted under the legislation.
46. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from granting the Application, the Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
47. The Application is granted pursuant to section 45 of the Act.
48. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour); (b) the need to encourage responsible attitudes

and practices towards the promotion, sale, supply, service and consumption of liquor; and (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: 19 April 2017



Philip Crawford
Chairperson

Important Information:

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

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

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

SCHEDULE

Material before the Authority

1. ABS SEIFA data sourced from the 2011 Census indicates that the Zetland suburb is ranked in the **10th** decile on the Index of Relative Socio-economic Advantage and Disadvantage (with a score of 10 being the most advantaged) compared to other suburbs in NSW. City of Sydney LGA is ranked in the **9th** decile.
2. NSW BOCSAR Crime Statistics for October 2014 to September 2016 indicate that:
 - (a) The rate of incidents of *alcohol related domestic assault* for NSW as a whole was **121.5** per 100,000 persons in the year ending September 2015 and **118.1** per 100,000 persons in the year ending September 2016, decreasing **2.8% per year**. The rate for the City of Sydney LGA was **222.9** per 100,000 persons in the year ending September 2015 and **204.2** per 100,000 persons in the year ending September 2016, remaining stable. The rate recorded in the State suburb of Zetland was **325.7** per 100,000 persons in the year ending September 2015 and **101.8** per 100,000 persons in the year ending September 2016.
 - (b) The rate of incidents of *alcohol related non-domestic assault* across NSW as a whole was **141.2** per 100,000 persons in the year ending September 2015 and **137.9** per 100,000 persons in the year ending September 2016, decreasing **2.4% per year**. The rate in the City of Sydney LGA was **806.2** per 100,000 persons in the year ending September 2015 and **770.4** per 100,000 persons in the year ending September 2016, remaining stable. The rate in the suburb of Zetland was **101.8** per 100,000 persons in the year ending September 2015 and **122.1** per 100,000 persons in the year ending September 2016.
 - (c) The rate of incidents of *malicious damage to property* in NSW as a whole was **859.0** per 100,000 persons in the year ending September 2015 and **838.1** per 100,000 persons in the year ending September 2016, down **2.4% per year**. The rate in the City of Sydney LGA was **1351.3** per 100,000 persons in the year ending September 2015 and **1383.5** per 100,000 persons in the year ending September 2016, remaining stable. The rate in the suburb of Zetland was **1526.6** per 100,000 persons in the year ending September 2016, substantially above the State average.
3. Publicly available BOSCAR Crime Maps based upon data from October 2015 to September 2016, indicate that the Premises is:
 - (a) not located within any hotspot for incidents of *alcohol related assault*;
 - (b) located within a *low-density* hotspot for incidents of *domestic assault*;
 - (c) not located within any hotspot for incidents of *non-domestic assault*;
 - (d) is located on the border of a *low* and *medium* density hotspot for incidents of *malicious damage to property*.
4. Back Schwartz Vaughan Survey Submission by Mr James Mitchell of Portman Street Zetland dated 7 August 2016 supporting the Application contending that it will improve lifestyle and be a “huge convenience”.
5. Submission from Ms Kerry Ryan, Road User Safety Officer, NSW RMS dated 9 August 2016. In their submission, RMS notes that there were 24 alcohol-related crashes, resulting in 13 casualties during 2014 in the City of Sydney LGA. RMS requests that the Applicant join the local Liquor Accord, that public education material focused on drink driving and pedestrian-alcohol issues be supported and, where relevant, displayed within the Premises and that, for customers who are

buying large quantities of alcohol, bottle shop staff draw attention to safe party strategies available on the Police website or the licensee consider displaying a list of tips for people hosting social events.

6. Submission from Aboriginal Affairs NSW dated 9 August 2016 advising that they had “no objection” to the Application on the basis that the Applicant has also notified the NSW Aboriginal Land Council and the Local Aboriginal Land Council of the proposal and objection process.
7. Submission from Compliance Officer, Health and Building Unit of Council dated 17 August 2016 advising that Council does not support the Application as a development application has been lodged relating to the proposed use of the Premises and is currently being assessed. (The Authority notes that development approval was granted on 29 September 2016).
8. Email from the Applicant’s solicitor to licensing staff dated 18 November 2016 attaching all documents that could not be uploaded (due to file size) on the OneGov website at the time of lodging the Application.
9. Letter from the Applicant’s solicitor to the Authority dated 18 November 2016 lodging the Application and all relevant Application material. The Applicant has attached a copy of correspondence to the Authority from Back Schwartz Vaughan dated 25 May 2012 in the liquor application 1-1245465660 for the removal of an existing packaged liquor licence from 231 Anzac Parade, Kensington to Shops 11-20, 108 Jonson Street, Byron Bay where the licence will be known as Dan Murphy’s. Attached to this is a letter from Back Schwartz Vaughan to the Authority dated 15 December 2011. Attached to this letter is a letter from Back Schwartz Vaughan to Mr Dominic Herschel dated 2 March 2011 and the Authority’s response of 7 October 2011 and a letter from Gavin Duane, Director of Duane Location dated 12 December 2011.
10. Application form (including the physical and online version of the form) lodged on 18 November 2016 attaching the following documents:
 - (a) Public consultation site notice, Police notice and local consent authority notice all signed by the Applicant and dated 9 November 2016.
 - (b) Document titled “Application in support of a 6-hour closure period between 2.00am and 8.00am, 7 days a week (this Application) being imposed on the packaged liquor licence sought at Green Square Town Centre, Ebsworth Street, Green Square (the New Store)” dated 8 November 2016.
 - (c) Competency Card CCH10020338 for the Applicant to expire on 17 November 2021.
 - (d) National Police Certificate No. NCHRC-2015-15468 issued 20 February 2015 advising that there are no “disclosable court outcomes” recorded against the Applicant.
 - (e) Identification document for the Applicant including a New South Wales drivers licence, Medicare card and Visa card.
11. CIS lodged by Back Schwartz Vaughan Lawyers on 18 November 2016. The following documents were attached:
 - (a) List of Stakeholders provided with the Notice of Intention to apply for a liquor licence.

- (b) Document titled "Statement of Impact" dated 8 November 2016 prepared by the Applicant's legal representative.
 - (c) Operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS – Beer Wine Spirits stores in NSW.
 - (d) Liquor Store "House Policy" – NSW.
 - (e) Woolworths *Best Practice* Policy and Interventions.
 - (f) Responsibilities.
 - (g) School Uniform Policy.
 - (h) Refusal of service – Intoxication Policy.
 - (i) ID 25 Policy.
 - (j) Secondary Supply Policy.
 - (k) Health statistics from the NSW Department of Health for Alcohol Attributable Deaths by LGA, NSW 2012 – 2013 and for Alcohol Attributable Hospitalisations by LGA, NSW 2012-13 to 2013-14.
 - (l) List of details of the licensed premises in the local community of Zetland and additional information and photographs focussing on the Zetland Hotel, Prince Wine Store, Vintage Cellars Zetland and Victoria Park Cellars.
 - (m) List of details of the licensed premises in the broader community of Sydney LGA.
 - (n) Document titled "The operating experience of BWS Stores – alcohol related crime" dated 2 November 2015.
 - (o) Document listing the product range exclusive to Woolworths' retail liquor stores dated May 2016.
 - (p) Notice of Determination for application number D/2016/887 issued by Council on 29 September 2016 for "Fitout, use and shopfront design of the ground floor tenancies on Ebsworth Street as a supermarket with a café and liquor store".
 - (q) Plan or diagrams of the proposed licensed area of the Premises.
 - (r) Plan or diagram highlighting the location of the licensed area of the Premises adjacent to the Woolworths supermarket.
 - (s) Site Plan of the Centre highlighting the location of the Premises.
 - (t) Nine varying plans or diagrams of the liquor store, adjacent supermarket and external finishes to the building.
- 12.** Submission from David Smith, Licensed Premises, Health and Building Unit of Council dated 23 November 2016 not supporting the Application in part. Council advise that the approved hours of operation for the liquor store are from 10am – 10pm Monday to Saturday. Should the Applicant amend the hours of operation initially sought by the Application to be consistent with the notice of determination Council would have no further objection [the Authority notes that the initial hours sought were 8:00AM to 10:00PM Monday through Saturday and 10:00AM to 10:00PM Sunday].
- 13.** Email from the Applicant's solicitor to licensing staff dated 23 November 2016 advising that due to the inability to access the land on which the Premises is to be constructed or the site of the Premises due to construction, the Applicant displayed

the site notice at two prominent locations near the site. Attached is an aerial geographical map depicting the notice posting locations in relation to the Premises and two photographs of the site notices being displayed.

14. Email from the Applicant's solicitor to licensing staff dated 30 November 2016 attaching the Certificate of Advertising signed by the Applicant on 21 November 2016 and the Applicant's solicitor, Mr Tony Schwartz, on 19 November 2016.
15. Police submission from Senior Constable Philip Tucker of Redfern Police Licensing Office dated 16 February 2017. Without purporting to recount all of the contentions and evidence provided by Police in this 12-page submission, Police submit that it is premature for the Authority to assess the overall social impact of granting this Application when the majority of the expected 30,000 residents of the nearby Green Square residential developments are not yet established. Police describe a number of potential adverse social impacts should the Application be granted, including underage drinking, public drinking and minors drinking that the new licence may contribute to in the proposed Green Square Plaza development. Police refer to a range of crime data recorded by the Redfern Local Area Command for five suburbs in that area (Zetland, Alexandria, Rosebury and Redfern) and specify licence numbers for hotels and packaged liquor stores. Police also refer to research on the relationship between higher licence density and adverse social outcomes and conclude that relevant communities are already served by the existing licences and it is not in the public interest to grant another licence in this location. In the alternative, Police propose a number of conditions should the licence be granted.
16. Email from the Applicant's solicitor to licensing staff dated 29 March 2017 in response to an email from licensing staff dated 16 February 2017. The Applicant agrees to conditions relating to the 6-hour daily closure period, requiring that the overall social impact from the business not exceed the proposal in the Application and CIS, mandating operation of the Premises in accordance with the House Policy and Best Practice policies and requiring licensee membership of the local liquor accord. The Applicant attaches a 26-page response to submissions, particularly the Police submission. In this document the Applicant also responds to Council's letter dated 23 November 2016 by amending the Application to seek trading hours between 10:00am and 10:00pm Monday to Sunday.
17. LGNSW licensed premises information sourced by licensing staff dated 12 March 2017 indicating that there are currently **3** packaged liquor licenced premises in the Zetland suburb and **172** in the City of Sydney LGA. There are **78.70** packaged liquor licences per 100,000 persons of population in Zetland and **101.47** per 100,000 persons in the City of Sydney LGA compared with a State-wide rate of **35.69** per 100,000 persons.
18. Google Maps of the Premises and surrounding area extracted on 30 March 2017.
19. Email from the Applicant's solicitor to licensing staff dated 30 March 2017 in response to an email from licensing staff of the same date consenting to a proposed condition relating to the 6-hour closure period being between 4:00am and 10:00am.

20. Email from licensing staff to the Applicant's solicitor dated 7 April 2017 confirming the size of the Premises is **102** square metres.
21. NSW Department of Health Alcohol Attributable Deaths and Hospitalisation data for the City of Sydney LGA for *alcohol attributable deaths and hospitalisations* indicates a smoothed standardised mortality ratio of **101.80**, and a smoothed standardised separation ratio of **130.10** compared to the NSW average of **100**.