

Mr Tony Schwartz
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28 February 2018

Dear Mr Schwartz

Application No.	APP - 0003164696
Application for	New Packaged Liquor Licence
Proposed Trading Hours	Monday to Wednesday 10:00am – 8:00pm Thursday to Saturday 10:00am – 9:00pm Sunday 10:00am – 8:00pm
Applicant	Kallin Pty Ltd
Licensed premises name	Chambers Cellars
Premises	261 Bondi Road, Bondi NSW 2026
Issue	Whether to grant or refuse an application for a new packaged liquor licence
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a new packaged liquor licence – Chambers Cellars, Bondi**

The Independent Liquor and Gaming Authority (“the Authority”) has considered application number APP - 0003164696 made by Kallin Pty Ltd for a new packaged liquor licence (“the Application”). Pursuant to section 45 of the *Liquor Act 2007*, the Authority has decided to **refuse** the Application.

If you have any questions about this letter, please email the case manager via andrew.whitehead@liquorandgaming.nsw.gov.au

Yours faithfully



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 14 July 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from Kallin Pty Ltd (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new packaged liquor licence (“Application”) in respect of premises located at 261 Bondi Road, Bondi (“the Premises”) to be known as “Chambers Cellars”.
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to refuse the Application.
3. In reaching this decision, the Authority has had regard to all the material before it, the legislative requirements under sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the Act, and relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

Background

4. On 14 December 2016 the Authority refused a previous application, made by the Applicant on 12 August 2016 (“Previous Application”) seeking a packaged liquor licence in respect of the same Premises for a liquor store of similar scale (according to the Authority’s previous decision letter dated 22 December 2016 (“Previous Decision”), approximately **72** square metres, compared to this current Application seeking to licence, according to the CIS material, approximately **85** square metres (excluding the rear storage area but including the cool room)) to the current Application, but involving licensed trading hours that would have extended from 10:00 am to 10:00 pm Monday through Sunday. The Authority published its reasons for that decision in a letter dated 22 December 2016.

Material considered by the Authority

5. The Authority has considered the Application, the accompanying Community Impact Statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. As foreshadowed in *Authority Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, NSW Department of Health data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by LGNSW staff from publicly available sources.
8. The material considered by the Authority is listed in the Schedule, briefly described where appropriate.

Legislative framework

9. The Authority has considered the Application in accordance with the following legislative provisions.

Objects of the Act

10. The objects of the Act, as set out in section 3(1), are 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, to facilitate the balanced development, in the public interest, of the liquor industry, and to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
11. In the pursuit of these objectives, section 3(2) requires the Authority to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour), the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Trading hours and 6-hour closure period

12. Section 12 of the Act prescribes the standard trading period for different types of liquor licences. Section 11A requires the cessation of the sale of liquor by retail on a licensed premises for a continuous period of 6-hours during each consecutive period of 24 hours.

Minimum procedural requirements

13. Section 40 of the Act and clauses 6-11A of the Regulation prescribe the minimum procedural requirements for the making of a valid application for a liquor licence to the Authority.

Fit and proper person, responsible service of alcohol, and development consent

14. Section 45(3) of the Act provides that the Authority may only grant a licence if it is satisfied that:
 - the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - if any applicable development consent is required to use the premises for the purpose of the business or activity to which the licence relates, such consent is in force.

Community impact statement

15. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS that is prepared in accordance with the relevant legislative requirements.
16. Section 48(5) provides that the Authority may only grant a relevant application for a licence, authorisation or approval if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter the Authority becomes aware of during the application process.

Provisions specific to a packaged liquor licence

17. Further legislative provisions specific to packaged liquor licences are set out in sections 29, 30 and 31 of the Act and in the Regulation.

Key findings

18. Having regard to the material before it and the relevant legislative requirements, the Authority makes the following findings.

Validity, procedural and trading requirements

19. The Authority finds that:
- (a) The Application has been validly made and meets the minimum procedural requirements under section 40 of the Act. The Authority is satisfied, on the basis of the Application form, CIS material and the Certificates of Advertising signed by the Applicant's consultant Mr Keith Apps of TN Consulting Pty Ltd dated 25 July 2017 and the Applicant's legal representative, Mr Tony Schwartz dated 17 July 2017.
 - (b) The Applicant's proposed licensed trading hours meet the requirements under sections 11A and 12 of the Act in respect of a 6-hour daily cessation of liquor sales and licensed hours that fall within the standard trading period for a packaged liquor licence. This finding is made on the basis of the Application and CIS material provided by the Applicant.

Fit and proper person, responsible service of alcohol and development consent

20. Pursuant to section 45 of the Act, the Authority is satisfied that:
- (a) for the purposes of section 45(3)(a), the Applicant is a fit and proper person to carry on the proposed business, on the basis that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies including NSW Police ("Police") and LGNSW,
 - (b) for the purposes of section 45(3)(b), practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication, having regard to the Applicant's *Plan of Management* last updated 11 July 2017 including the *House Policy*, and
 - (c) for the purposes of section 45(3)(c), the requisite development consent is in force for the proposed use of the Premises as a liquor store, on the basis of development consent DA-412/2015 dated 8 June 2016 issued by Waverley Council ("Council") which permits "change of use and fit-out for a retail liquor shop on ground floor" between the hours of 10:00am and 10:00pm Monday to Sunday.

Community impact statement

21. The Application has been refused by reason that the Authority is not satisfied that the requirements of section 48(5) have been met in respect of the local community of Bondi. The Authority has taken into account the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
22. For the purposes of this decision and consistent with *Authority Guideline 6* and longstanding practice, the Authority is satisfied that the relevant "local community" is

the community within the State suburb of Bondi, while the “broader community” comprises the local government area (“LGA”) of Waverley Council (“Waverley LGA”).

Positive social impacts

23. The Authority is satisfied, on the basis of the CIS material and additional submissions from the Applicant dated 27 September 2017, that granting the new licence will provide some additional community benefit, by way of a moderate increase in customer convenience and choice to those members of the local community in Bondi, tourists who visit Bondi and other residents in the Waverly LGA who wish to purchase liquor for consumption off the Premises at a liquor store in this part of Bondi.
24. 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 Authority must take into consideration the submissions received from the community.
25. The Authority is satisfied on the basis of the CIS material provided by the Applicant that the Applicant distributed notices to the 100-metre radius prescribed by the Regulation required for the preparation of a Category B CIS and that all stakeholders required to be consulted on this type of application were consulted.
26. The Authority notes that Council does not object to the Application and that there has been some community support, demonstrated by way of 17 submissions from a mix of local residents, employees of local businesses and the owners of businesses located in the local community of Bondi.
27. However, there is also evidence of local opposition, which takes the form of 14 submissions from local residents (1 of which is actually from a building owner who resides in Melbourne), with 4 submissions from the licensee of the Royal Hotel Bondi (a nearby commercial competitor), 1 employee of the Royal Hotel Bondi and most notably a four-page submission from the local Waverley Police Station, which is part of the Eastern Suburbs Local Area Command (“LAC”).
28. The Authority is satisfied, on the basis of LGNSW licensed premises information as at 28 August 2017 that there are currently **4** packaged liquor licensed premises within the State suburb of Bondi and **1** full hotel licensed premises which sells packaged liquor. They include:
 - *Kemeny’s Food and Liquor* at 137-147 Bondi Road, Bondi. The Authority notes, on the basis of Table 5.1 of a Report by Mr Gavin Duane of Location IQ dated 3 July 2017 provided on behalf of the Applicant (“Location IQ Report”), that this major liquor store is approximately 0.4 kilometres away from the Premises.
 - *Direct Cellars* located at 1/49 Imperial Avenue, Bondi. The Authority notes, on the basis of the Applicants document (forming part of the CIS material prepared by Back Schwartz Vaughan) detailing the licensed premises in the local and broader communities, that this licence is endorsed with conditions preventing walk in sales, and confining the licence to telephone, internet, fax or mail orders.
 - *Krinsky’s Kosher Supermarket* located at 175 Bondi Road, Bondi. The Authority notes, on the basis of Table 5.1 of the Location IQ Report, that this store is situated approximately 0.5 kilometres from the Premises. The Authority also notes, on the basis of a report prepared by Mr Patrick Paroz of Pat Paroz &

Associates Pty Ltd dated 20 September 2017 on behalf of the Applicant (“Paroz Report”), that this licence is subject to a condition that restricts the sale of liquor to the sale of Kosher wine, spirits or liqueurs as authorised by the NSW Kashrut Authority Incorporated. The licence is also subject to a condition that no beer shall be sold pursuant to this licence.

- *Premium Vins* located at 5/316 Birrell Street, Bondi. The Authority notes, on the basis of the Applicants document forming part of the CIS (prepared by Back Schwartz Vaughan) detailing licensed premises in the local and broader communities that this licence is also limited to sales by telephone, internet, fax or mail order.
 - *Royal Hotel* located at 283 Bondi Road, Bondi. The Authority notes, on the basis of Table 5.1 of the Location IQ Report, that this store is approximately 0.1 kilometres from the Premises. On the basis of the Applicant’s 22-page submission titled *The Applicant’s closing submissions* dated 27 September 2017, the Authority is satisfied that this hotel operates a devoted *Bottlemart* liquor store on its premises of approximately **60** sqm in scale. Referring to the information as to the facilities and services provided by existing licensed premises in the local community provided by the Applicant with the CIS material, the Authority notes that the trading hours of *Bottlemart* are 10:00 am to 11:00 pm Wednesday through Saturday 10:00 am to 10:00 pm Sunday to Tuesday, with the hotel also able to make packaged liquor sales over the counter until 11:00 pm each night.
29. Even though Direct Cellars and Premium Vins are not bricks and mortar liquor stores, the Authority finds them more likely than not to service the local and broader communities in which they are situated, in addition to patrons located in other locations. It is appropriate to take those online retailers into account when considering the prevailing packaged liquor availability and convenience for residents of the relevant communities, albeit that they do not provide the same level of convenience as a physical store providing immediate, over the counter sales.
30. The Authority further notes the information provided in the Paroz Report that Krinsky’s Kosher Supermarket has a licence condition requiring it to specialise in Kosher products. The Authority accepts that this reduces the scope for this business to serve the local and broader communities on the whole. It is a niche provider of liquor to that small but significant segment of the communities who require Kosher products.
31. On the basis of information about the incumbent liquor stores, the benefit of increased convenience for the local community that is offered by licensing the Premises is somewhat reduced by reason of the location of Kemeny’s Food and Liquor and the Bottlemart at the Royal Hotel. Nevertheless, some increased convenience is apparent for those who do not have access to a car or who wish to walk to do their shopping.
32. With respect to the *broader* community, LGNSW licensed premises information as at 28 August 2017 indicates that there are **26** packaged liquor licensed premises across the Waverley LGA, (with **7** of these licences located in the close neighbouring suburb of Bondi Junction and **5** in the close neighbouring suburb of Bondi Beach). These 12 licences are conveniently available within the local and broader communities only a short drive or bus trip away from the proposed Premises. While the Applicant’s consultant Mr Duane contends in the Location IQ Report that liquor stores elsewhere in

the LGA are somewhat separated from the suburb of Bondi by reason of geography, the Authority is satisfied, having regard to the geography of the area, that suburbs within the LGA that are close to Bondi, particularly Bondi Beach and Bondi Junction, are only a short drive or bus trip away and connected via Bondi Road.

33. The information provided by the Applicant in its submission dated 27 September 2017 satisfies the Authority that the type of packaged liquor products that will be provided by the new business may diverge from the incumbent licensed premises in some respects.
34. The Applicant has provided (as part of the Applicant's submission dated 27 September 2017) an updated price comparison of "popular" or "mainstream" products on sale from Chambers Cellars Randwick, Bottle Mart Royal Hotel Bondi, Dan Murphy's Double Bay and Kemeny's Food and Liquor Bondi which lends *some* support for the Applicant's contention that Chambers Cellars tends to focus on products in the mid to upper price range. This comparison compares prices between 3 types of cask wine, 3 types of bottled white wine, 3 types of bottled red wine, 3 types of champagne and sparkling wine, 2 types of port, 2 types of beer (6 pack), 3 types of beer (24 pack), 2 types of cider, 3 types of mixed spirits and 11 types of spirits.
35. The Authority has also considered the Applicant's information, provided with its submission dated 27 September 2017, detailing the extent of exclusive local and imported products and products sourced from smaller wineries. On the basis of a sample of **185** product lines only, the Authority accepts the following contentions made by the Applicant:
 - there are **32** local and imported wine labels that are "exclusive" to Chambers Cellars and which are not routinely sold by Kemeny's Food and Liquor or Dan Murphy's stores.
 - from the sample of **185** wines from local smaller wineries, 22 are not stocked by Kemeny's Food and Liquor or Dan Murphy's but are available at Chambers Cellars. These include BiblioTheque, Flints, Gispsie Jack, Haselgrove, Chasing Clouds, Lisa Mcguigan, Hunters Reward, Fishers, Conegliano, Manoro Puglia, Noble Gold, Mount Lawson, Petersons, Zilzie, Pig in the House, Saint Maur, Southern Highlands Wines, Harewood Estate, Mareea Park, Lock and Key, Two Rivers, and Two Metre Tall.
 - from this sample, **51** were not available at Kemeny's Food and Liquor but are available at Dan Murphy's and Chambers Cellars.
 - from this sample, **11** were not available at Dan Murphy's but are available at Kemeny's Food and Liquor and Chambers Cellars.
36. Given the great many product lines sold by a typical standalone liquor retailer, the Authority finds that the Applicant has established a modest benefit by way of increased choice of exclusive liquor products at the level of the local or broader community.
37. Accepting that Chambers Cellars will provide some exclusive lines, the Authority notes, on the basis of LGNSW licensed premises information sourced by licensing staff on 28 August 2017, that the broader community already has access to a Chambers Cellars store at 50-54 Macpherson Street Bronte approximately 2.3 kms away from the Premises. So while some benefit of increased choice is established in respect of the

local community, even that benefit is diminished by an incumbent Chambers liquor store only a short drive away.

38. The Authority has considered the Applicant's contended community benefits by way of employment. While the Authority accepts that the new business will require several staff members to operate, the absence of any evidence by way of a hiring policy or a specific commitment that staff will be hired from within the local or broader community limits the weight that can be given to this factor as a community benefit.
39. The Applicant contends in its submission dated 27 September 2017 that packaged liquor and hotel licence density in the local and broader communities support the approval of this Application because outlet density is "low" compared to the State average. The Applicant further contends that the high use areas, such as the broader community where the residential population is outnumbered by the number of tourists and visitors, "requires" a higher level of outlet density to meet demand. Mr Duane in the Location IQ Report states that during 2015/16 Waverley LGA had around 641,000 visitors, including 342,000 domestic day trippers (53.4%), 213,000 domestic overnight visitors (33.2%) and 86,000 international visitors (13.4%).
40. The Authority does not accept that outlet density for packaged liquor licences is "low" in either of the relevant communities. It is moderately above New South Wales rates.
41. The Applicant submits that one of the benefits of granting this licence will be to reduce expenditure escaping stores in the local community. The Authority finds credible the contention made by the Applicant's consultant, Mr Duane in the Location IQ Report, that there may currently be some significant "retail leakage" of consumers within the local and broader communities preferring larger liquor outlets outside the LGA, in nearby premises just outside of the LGA like *Dan Murphys Double Bay*.
42. However, the extent to which such leakage will be remedied by this new Liquor store is unclear, given that the scale of the proposed Chambers outlet will not rival a "big box" outlet in product lines, when the number of exclusive lines offered by Chambers Cellars is not extensive, and such leakage is occurring notwithstanding the current availability of a Chambers liquor store in Bronte. For those reasons, it is difficult to give much weight to the purported community benefit of this licence serving demand that is currently being lost to such "big box" competitors outside of the communities.
43. The Applicant also contends that the permanent residential population of the local and broader communities is growing, creating a need to provide a range of new facilities and services to meet local level needs, and to contribute to the on-going development of the area in proportion to anticipated population growth. The Applicant refers to and provides a copy of NSW Department of Planning and Environment *2016 New South Wales State and Local Government Area Population Projections*, which estimates (according to the projected population main series data) that the broader community population will increase from 72,250 in 2016 to 77,300 by **2036** which is an annual percentage change of 0.5%.
44. The anticipated population growth is also discussed by Mr Duane in the Location IQ Report who submits that the local community's population is expected to increase at an average annual rate of **0.5%** by 2031 with the broader community expected to increase at an annual rate of **0.4%** by 2031. The location IQ Report estimates that the average annual change in population in the Sydney Metro is 1.6% between 2006 and 2011,

1.6% between 2011 and 2016, 1.6% between 2016 and 2019, 1.6% between 2019 and 2021, 1.5% between 2021 and 2026, 1.4% between 2026 and 2031. Data for the average annual change in population for the Australian Average is 1.8% between 2006 and 2011, 1.7% between 2011 and 2016, 1.7% between 2016 and 2019, 1.6% between 2019 and 2021, 1.5% between 2021 and 2026, 1.4% between 2026 and 2031. Although this data is available, the Location IQ Report does not provide a population count forecast or an annual average from 2016 to 2036 for the Sydney Metro area or Australia.

45. The Authority does not consider it particularly helpful, when assessing the likely social impact of granting a licence upon a relevant community to receive projections as to what may occur twenty years into the future. The Authority notes that Mr Duane has not provided population growth predictions for New South Wales (except for the percentage of average annual change between various time periods for Sydney Metro and the Australian Average). The Authority accepts that average growth is projected and notes, on the basis of the 2016 New South Wales State and Local Government Areas Population Projections provided by the Applicant as part of the CIS material, that estimates (in the projected population main series) that population in New South Wales will increase from 7,748,000 in 2016 to 9,925,550 in 2036 which is an average annual growth of 1.3%.
46. The Authority accepts the Applicant's contention that Bondi Beach is a major tourist attraction. In this respect, licensing the Premises will provide some relevant benefits by way of servicing local tourists and visitors to the area. However, the extent of those benefits are greatly diminished by the availability of other licensed premises authorised to sell takeaway liquor, including those more conveniently located in the neighbouring suburbs of Bondi Beach and Bondi Junction.
47. While the Authority finds it generally credible for the Applicant to contend that licensing the new Premises will increase the number of packaged liquor retailers and hence competition among those retailers at the level of the *local* community, in the absence of independent analysis or supporting evidence on likely pricing impacts it is difficult to give much weight to this contention. The analysis provided by Mr Duane in the Location IQ Report consulting for the Applicant contends that the new business would not look to compete directly on price, and that it is unlikely that the new business will have any discernible impact on pricing. Yet the Applicant makes clear that it will be offering competitive advantages by way of a focus on middle to higher end product range, quality of store layout and informed staff. It is difficult to discern the extent of likely pricing impacts at the level of the local community and given the number and location of numerous packaged liquor outlets across the Waverley LGA, any competitive impacts from this new business would be more diffuse when assessing the broader community.
48. As noted above, the Authority accepts some increase in local product choice by way of 32 exclusive product lines that the Applicant has established. The Authority is satisfied that granting this Application will, for the purpose of the statutory object in section 3(1)(a) of the Act, provide a modest contribution to advancing community expectations through the increased convenience of another outlet in this location. Granting the new licence will also make a limited contribution to the balanced development of the liquor industry within the local community, for the purposes of the statutory object in section

3(1)(b) of the Liquor Act, through increased choice and some emphasis on mid to higher priced liquor, with such benefits constrained by the availability of major retailers in the local and broader community servicing a broad range of liquor products.

Negative social impacts

49. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this packaged liquor licensed Premises (whose primary purpose is the sale or supply of liquor for consumption away from the licensed Premises) 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.
50. Having regard to the social impact risk factors identified in *Authority Guideline 6*, the Authority notes that the *licence type* that is the subject of the Application is a packaged liquor licence, with the primary purpose of the sale or supply of liquor for consumption *away from* the licensed Premises.
51. As for the *scale* of the Premises, at approximately 85 square metres (excluding the rear storage area but including the cool room) this is typical of many stand-alone packaged liquor stores in suburban “high street” locations.
52. Although this Application seeks more limited licensed trading hours than the Previous Application, the proposed licensed trading hours (10:00am to 8:00pm Monday through Wednesday, 10:00am to 9:00pm Thursday to Saturday and 10:00am to 8:00pm Sunday) are quite extensive across the course of the week. This factor increases the scope for this business to contribute to prevailing packaged liquor related social impacts in the local and broader communities over time.
53. The suitability of the *location* of the new licence is somewhat problematic from a social impact perspective. The Authority has considered the licence density calculations performed by the Authority Secretariat and licensing staff on the basis of ABS *Quickstats* data from the 2016 Census and LGNSW licensed premises information as at 28 August 2017 for the suburb of Bondi, Waverley LGA and the State of NSW. The Authority is satisfied that licence density for packaged liquor licences is moderately above State-wide rates for both the local and broader communities. Compared to a New South Wales wide rate of **33.1** licences per 100,000 persons of population, Bondi recorded a rate of **39.82** per 100,000 persons and Waverley LGA recorded a rate of **38.92** per 100,000 persons.
54. This data indicates that Waverley LGA has a slightly higher rate per 100,000 persons of population of registered club licences (**17.96**) compared to the NSW rate per 100,000 persons of population (**17.5**). However, Waverley LGA recorded a lower rate of hotel licences (**17.96**) compared to NSW as a whole (**28.3**). The Authority notes that Bondi had lower rates of club licences (**0**) and hotels (**9.96**).
55. That is, prevailing licence density poses a moderate risk factor for both communities and those rates are adverse to the Application, although the density rates are not at such high levels as to warrant substantial weight *per se*.
56. The Authority does not consider licence density data in isolation, but as one of several key risk factors when assessing the suitability of the proposed location of a new

licensed business when assessing the overall social impact of granting a licence in a relevant community.

57. With regard to prevailing levels of *alcohol related crime* and other anti-social conduct in the communities, BOCSAR crime statistics for July 2015 to June 2017 satisfy the Authority that in the twelve months ending June 2017 the suburb of Bondi recorded the following data:
- A rate of **163.2** per 100,000 persons of population for incidents of *alcohol related domestic assault*, which is substantially higher than the NSW wide rate of **116.2**.
 - A rate of **134.3** per 100,000 persons of population for incidents of *alcohol related non-domestic assault*, which is on par with the NSW rate of **134.3**.
 - A rate of **598.5** per 100,000 persons of population for incidents of *malicious damage to property*, which is substantially below the NSW rate of **817.3**.
58. The suburb of Waverley LGA recorded the following data for the same period:
- A rate of **99.0** per 100,000 persons of population for incidents of *alcohol related domestic assault*, slightly below the NSW rate of **116.2**.
 - A rate of **228.3** per 100,000 persons of population for incidents of *alcohol related non-domestic assault*, substantially above the NSW rate of **134.3**.
 - A rate of **686.4** per 100,000 persons of population for incidents of *malicious damage to property*, moderately below the NSW rate of **817.3**.
59. On the basis of this data, the Authority finds that the local community is experiencing elevated results of *alcohol related domestic assault* while the broader community is experiencing elevated rates of *alcohol related non-domestic assault*. The heightened alcohol related domestic assault in the local community of Bondi is particularly troubling when the licence type under consideration is a packaged liquor licence, and BOCSAR crime data routinely considered by the Authority (such as the *Excel Report on Crime for New South Wales for 2016*) routinely demonstrates that the great bulk of domestic assaults recorded by Police across the State of NSW occur in private residences, where packaged liquor is usually consumed.
60. BOCSAR hotspot crime maps for the Bondi area, based upon data from July 2016 to June 2017 indicate that the Premises is situated:
- Within a low-density hotspot for the concentration of *alcohol related assault*, which connects two further hotspot areas within walking distance of the site. They include a medium density hotspot for *alcohol related assault* to the West of the Premises (encompassing Waverley Oval and Waverley Park) and a substantial medium to high-density hotspot to the North-East of the Premises, towards Bondi Beach.
 - Within a very large high-density hotspot for the occurrence of *domestic assault* extending from Waverley Oval/Waverley Park down the length of Bondi Road to Bondi Beach.
 - On the edge of a low-density hotspot for the concentration of *non-domestic assault*. There is a medium density hotspot to the West of the Premises and a significant high-density hotspot surrounding the Bondi Beach area.
 - Within a very large high-density hotspot for malicious damage to property (extending beyond Waverley Oval/Waverley Park down the length of Bondi Road to Bondi Beach).

61. Hotspot maps are useful in indicating locations that are already of relative concern, from a social impact perspective, particularly when assessing the suitability of the location of a proposed new liquor outlet and the community that it is likely to service. When weighing up the positive and negative factors presented by a new application, the contribution made by the liquor sold from a new business to social impacts in areas that are *already exposed to higher rates and concentrations of crime* will be given greater weight by the Authority than a contribution by a business of similar type and scale operating in areas with lower prevailing rates and concentrations of relevant crime. Put shortly, if a new business will contribute to what is already a “bad lot” in respect of alcohol related crime or misconduct, that will weigh heavily in the Authority’s overall assessment of the proposal.
62. The Applicant contends in respect of *alcohol related domestic violence* in the local community that the comparative rate per 100,000 persons is skewed due to the number of workers, tourists and visitors visiting the area. The Authority accepts that this area may be subject to the influx of tourists to the community and may vary from year to year but the Authority takes a community as it finds it. The recent data records an elevated rate of alcohol related domestic assault in the local community compared to New South Wales as a whole, which the Authority uses as the usual jurisdictional benchmark for local and broader communities. The Authority is satisfied that the local community that will be most directly serviced and impacted by liquor sales from this business is already over exposed to adverse levels of relevant crime (alcohol related domestic assault) that is of particular concern.
63. The Applicant provides information in its CIS material analysing alcohol related crime in other locations where Chambers Cellars stores trade, contending that this new licence will not increase the risk of crime occurring because sales of liquor from the new licence will only “cannibalise” sales from existing licensed premises both inside and outside the local and broader communities.
64. First, the Authority does not have before it persuasive evidence or analysis capable of establishing whether the operation of another licence will increase, decrease or make no difference to the overall level of liquor consumption at the level of the local or broader community as a whole. Second, it is not the Authority’s task to conclude whether or not granting a licence will produce an overall increase in liquor consumption across a community. While that is a relevant issue, that is no substitute for the overall social impact test.
65. The Authority must assess what it considers may be the scope for this business to contribute to adverse liquor related outcomes. A business that, by reason of its licence type, scale, location or other risk factors is likely to make a substantial contribution to a community that already has elevated rates of relevant alcohol related crime will weigh more heavily on the Authority’s assessment than a contribution made by a business in a community that is exposed to lower rates of alcohol related crime.
66. Accepting the Applicant’s contention, supported by analysis from Mr Duane in the Location IQ Report, that the business is likely to achieve sales of around \$1.2 million and that this will mostly cannibalise existing demand within the communities, the Authority is satisfied, that granting a licence in *this* location will *contribute* to what is *already a relatively challenging local community environment for alcohol related domestic violence*. The crime data, including the rates of alcohol related domestic

assault in the local community and the crime maps, establish that *this* is a sensitive area for a new bottle shop to operate. The crime data before the Authority militates against the grant of a new licence in this location.

67. The Applicant contends in the CIS material that most of the alcohol related crime in Waverley LGA is in fact occurring in Bondi Junction and Bondi Beach with the BOCSAR data for Bondi confirming that there is not a concern in Bondi.
68. According to the Paroz Report, whilst there have been no change to the packaged liquor options to the residents of Bondi for several decades, the BOCSAR data for 2008 to 2017 shows the rate of *alcohol related domestic assault* “fluctuating frequently”.
69. In Mr Paroz’s opinion, these fluctuations cannot be attributed to outlet density, but are more likely to be closely linked to the “high transient population” that frequents Bondi and the transient tourists. Mr Paroz contends that the trend in alcohol-related assault (domestic) in the suburb of Bondi, supports research conducted by Professor Tanya Chikritzhs and colleagues, which states “outlet density may not be the best way to predict levels of alcohol-related harm”.
70. Mr Paroz contends that from his experience as a Local Area Commander, it is “possible” that the increase in this crime in Bondi, against the wider downward trend in the Waverley LGA, can be attributed to “repeat domestic violence offenders” being appropriately and effectively targeted by Police which results in a number of incidents being recorded in a short period of time, but ultimately leads to the offender being incarcerated or otherwise changing the offending behaviour.
71. Mr Paroz contends that BOCSAR alcohol-related crime and liquor offence statistics for the local community of Bondi are under the State average in the categories of assault (non-domestic violence), assault police, disorderly conduct, and liquor offences and that BOCSAR alcohol-related crime statistics for the local community of Bondi are under the State average for all categories of alcohol-related assault combined.
72. Mr Paroz also states that despite the increase in population, and the limited options in terms of packaged liquor for sale offered by the existing venues, the local community of Bondi has not had any new unrestricted packaged liquor options approved in their area since 1960 (57 years ago – Kemeny’s Food and Liquor Pty Limited). Mr Paroz submits that the reducing number of alcohol-related assaults, despite an increasing residential population, would indicate that the permanent resident population of Bondi consume alcohol in a safe and responsible manner.
73. The Authority accepts that there has been no increase in liquor licences within the suburb of Bondi for quite some time, but notes that licences have recently been granted, or removed, in close neighbouring suburbs – particularly Bondi Junction (in association with supermarkets within the Westfield Shopping Centre -locations that offer relatively greater security, for businesses that provide specialised service and/or increased positive benefits by way of “one stop” shopping in association with major supermarkets). The increase in licences increases, in a practical sense, the availability and convenience of liquor for the residents of Bondi and the broader community of Waverley LGA who are drawn to shopping centres.
74. In support of his contention that concentrations of crime in Bondi are influenced by a transient population in the suburb, Mr Paroz refers to data extracted from the Destination NSW website, accessed on 19 February 2017 that the average number of

international visitors to Bondi (for an overnight stay or a daytrip) over the past three years was over 1.1 million per annum with an annual average of 2,223,400 visitors to Bondi during 2012 to 2014. Mr Paroz also refers to BOCSAR's note that rate calculations should be treated cautiously for local government areas that have high visitor numbers relative to their residential population because the rate calculations are based on estimated residential population with no adjustments having been made for the number of people visiting the local government area per year.

75. While the Authority accepts that Bondi is exposed to high numbers of visitors moving through the area as they visit neighbouring tourist areas like Bondi Beach, those arguments provide little comfort to the Authority when prevailing *alcohol related domestic violence* is elevated in relative terms. The Authority takes a community as it finds it.
76. With regard to Mr Paroz's submissions on licence density, the Authority has found that licence density in the communities is not at troubling levels. Rather, it is the *location* of a proposed new street facing liquor store, readily accessible to residents and transient persons alike, within a suburb that is over exposed to alcohol related domestic assault and on a site that is within local areas of concentrated alcohol related assault, domestic assault and malicious damage and nearby areas of concentrated non-domestic assault that elevates the scope for this new business to have an adverse impact upon the local community.
77. The Authority finds that the new liquor store will be well placed to contribute, along with the other local packaged liquor retailers, to what is already a challenging local community environment with respect to the management of alcohol related domestic violence. The location, scale and trading hours combine with the prevailing crime data to present adverse factors that the Authority has given considerable weight.
78. The Authority accepts the Applicant's contentions in the submission dated 27 September 2017 that there is significant social advantage displayed through the Socio-economic Indexes For Areas ("SEIFA") indices. The residents are very advantaged, although the picture is complicated by what the Applicant's evidence demonstrates are a great many transient visitors.
79. The Authority also finds some cause for concern in relation to the rate of alcohol related hospitalisations across the Waverley LGA. New South Wales Department of Health Healthstats data for the period between 2012 and 2013 indicates that the Waverley LGA recorded a standardised mortality ratio of **79.0** (with the NSW wide average fixed at **100**). Healthstats data for the period between 2013 and 2015 indicates that the Waverley LGA recorded a smoothed *alcohol related hospital separation ratio* of **121.50** compared to the NSW average of 100.
80. The Applicant contends, after referring to the *Location IQ Report* that the rate of alcohol related hospitalisations is not out of the ordinary for "coastal locations" in this region, providing a chart comparing alcohol related hospitalisations from 2001 to 2015 for Manly LGA, Randwick LGA, Waverley LGA and NSW. Accepting that this is the case for the limited sample provided, this provides little comfort to the Authority when assessing social impact for the local and broader communities in question. The alcohol related hospitalisation data for the broader community *is adverse* to the Applicant,

albeit that this decision has turned upon the impact of the licence upon the local community, not the broader community.

81. The Authority notes that in a submission from Waverley Council to LGNSW dated 21 August 2017, Council advises that it does not object to the Application provided that the hours of use of the Premises are confined to Monday to Sunday 10:00am to 10:00 pm in accordance with the development consent DA-412/2015.
82. Sergeant Peter Bolt of the Eastern Suburbs LAC of Police has also provided a detailed 4-page submission dated 29 August 2017 objecting to the Application.
83. Briefly, Police contend that their submissions made in response to the 2016 Previous Application “remain contemporary” and “represent the challenges faced by the Command” in respect of alcohol related crime and the influence packaged liquor outlets have in this area. The Authority notes that Police concerns were summarised in the Authority’s reasons for the Previous Decision dated 22 December 2016.
84. Police refer to and provide an Alcohol Related Crime Information Exchange (“ARCIE”) *Last Place of Consumption* Report for the Bondi Sector of the Eastern Suburbs LAC for the period between July 2016 to June 2017. Police contend, and the Authority accepts that this local Police data records that 53% of all “policing interventions” in the Bondi Sector (where alcohol was recorded as a factor) recorded the place where alcohol was last consumed as either a “public place” or “private residence” - compared to 34% of events recording the alcohol last consumed on “licensed premises”. Police further contend and the Authority accepts that the “vast amount” of liquor consumed *outside* of licensed premises has been sold and/or supplied by packaged liquor outlets.
85. Police also refer to a table of data indicating the number of incidents of certain offence categories recorded by Police by reference to the premises type where those incidents occurred across the Waverley LGA, extracted from the BOCSAR Excel Report - Recorded Crime Statistics for 2016 for the Waverley LGA.
86. Police submit that Waverley LGA recorded a total of **357** incidents of *non-domestic violence related assault* in 2016 with around 50% of those events recorded as alcohol related. Of this total, **74** (or around 20%) were recorded to have occurred *on licensed premises*, **129** (around 37%) in outdoor/public places and **69** (around 19%) on residential premises. There were **198** incidents of non-domestic violence related assault events occurring in either “public places” or “private premises”, more than double the number recorded on licensed premises.
87. The Applicant’s consultant Mr Paroz submits in the Paroz Report that the table referred to in the Police submission does not refer to *alcohol-related* incidents but includes all incidents of assault recorded by Police. Mr Paroz notes that the BOCSAR data for the year ending June 2017 for *alcohol-related non-domestic assault* for the Waverley LGA indicates **59** events were recorded on licensed premises; **4** in recreational sites; **44** on a road/street/footpath; **10** in parks/bushland/garden; and **4** in other outdoor, public place. A total of **63** incidents were recorded in public places.
88. Mr Paroz describes ARCIE data (from the NSW Police database used by the LAC) as a “useful tool” but this data “cannot replace” BOCSAR data. Nevertheless, the Authority finds that the ARCIE data provided by Police at the Command and Sector level reinforces the relationship identified by local Police between the apparent abuse of

packaged liquor and alcohol related events requiring Police intervention within the local community.

89. Police submit that the Applicant's contentions regarding high numbers of transient persons in the suburb only support Police concerns about the scope for the new business to contribute to adverse social impact, in addition to Police concerns as to the convenience of this location and its proximity to transport options. Police submit that these are factors that would "further amplify" the challenges the LAC already experience in managing street drinking and alcohol related crime.
90. Police submit that the BOCSAR data is of little utility in discerning the prevalence of street drinking by reason that the offence category of consuming liquor in an alcohol free zone ("AFZ") has been removed. The remaining sanction for regulators is the power to "tip out" liquor detected as being consumed in contravention of an AFZ, but this "tip-out" power is not formally reported on the Computerised Operational Policing System ("COPS").
91. Nevertheless, local Police contend that tip out actions, especially over the weekends, can amount to "over 100 incidents" as Police enforce the legislation across the "Bondi Basin Area" including parks, roads and road related areas. Police further contend that at Community Precinct Meetings concerns continue to be raised about the public consumption of liquor in the Bondi Basin Area, with additional signage having been placed in key areas at key times advising the community that the consumption of liquor is not permitted in the relevant public precincts. Police contend that these efforts are supported by Council Rangers, with additional security staff contracted by Council on "hall mark" days to ensure that Bondi Beach and nearby parklands remain alcohol free.
92. Mr Paroz notes in the Paroz Report and the Authority accepts that the AFZs are located in both Bondi Junction and Bondi Beach. The Authority gives weight to the local knowledge of Police and accepts that regulatory action including tipping out of liquor is a frequent occurrence and that additional regulatory action is underway involving Council Rangers and private security with respect to public places in the Bondi Basin Area. This area includes, but extends beyond, the suburb of Bondi but includes areas that the new packaged liquor licence is likely to service, in combination with the existing licences.
93. The Authority has considered the Applicant's contentions in the submission dated 27 September 2017 that "Bondi Road acts as a transport thoroughfare for individuals going between Bondi Beach and Bondi Junction, however it is not used as a major pedestrian thoroughfare between those locations".
94. On the information before it the Authority is satisfied that a new licence, in this location, serving locals, visitors and transient persons alike, is more likely than not to contribute (along with the incumbent packaged liquor licensees) to the problem of drinking in public places to which local Police refer in these neighbouring suburbs within the broader community.
95. Mr Paroz expresses the opinion that it is highly unlikely, due to the limited parking, that people would purchase their alcohol from the Premises and move on to Bondi Beach or Bondi Junction. He contends (without supporting analysis or evidence of customer behaviour) that rather than carry bulky packaged liquor from the Premises, it is more likely that any person seeking to purchase alcohol for immediate consumption on the

street or in parks, would purchase the alcohol from one of the stores closer to the Beach.

96. On the information before it, including maps and the information about a bus stop close to the Premises, the Authority does not consider it unlikely that local residents (temporary or otherwise) and visitors may purchase liquor from the Premises on Bondi Road and take it via private or public transport only a short distance away to public locations of concern to Police.
97. The Premises will be close to a bus stop and is within walking distance of parks and beaches in any event. The Authority does not find it “highly unlikely” to suggest that visitors or transient persons, particularly young adults, walking down Bondi Road or patronising other businesses on Bondi Road may carry smaller amounts of liquor to public locations even if some other licensed premises are closer to the Beach.
98. The Authority has also taken into consideration the comments made by Mr Duane in the Location IQ Report, that a “high proportion of residents” within the local and broader communities “do not own a car” and for this reason “the community relies heavily on public transportation, walking or other methods of travel”. This information both establishes a measure of increased local convenience from licensing the Premises, but also underscores the amenability of public transport for many local residents.
99. With respect to the potential for liquor sales from the new business to adversely impact *local amenity* (as distinct from alcohol related crime per se) the Authority has considered two sets of opposing submissions. Seven (7) submissions were lodged between the dates of 8 May 2017 and 29 May 2017 from local residents of Bondi who are residing on Bondi Road, Boonara Avenue, Castlefield Street and Denham Street. These submissions were lodged in response to an on-line survey conducted by Back Schwartz Vaughan which posed fixed questions.
100. The 7 opposing submissions from Bondi residents, whose addresses indicate that they live in the neighbourhood of the Premises, may be summarised as follows:
 - Philip [last name not specified] of Bondi Road, Bondi made a four-sentence submission dated 8 May 2017 raising concerns that granting the Application would result in “Increased noise from late night purchasing of alcohol and partying and not providing a place to consume the alcohol”. The writer contends that “Our front garden is already a refuse for late night empty bottles, faeces and trash”. The writer is concerned that granting an additional “late night liquor licence would only add negatively to our existing problems”.
 - Ms Maier of Boonara Avenue, Bondi made a six-paragraph submission dated 10 May 2017. Referring to the existing licensed premises the writer contends that there is “no need” for the new licence due to the “proliferation of licensed establishments” in the area. The writer contends that Bondi Road is a “residential area”. The writer expresses concern as to the loss of “many shops” that provided “services appropriate to the local community”. The writer is concerned that a bottle shop “will add to the general attraction of the neighbourhood as a drinking destination” and contends that the “amenity of the neighbourhood is thereby affected, given the number of people in the area at night drinking or buying alcohol”. The writer contends that there are “a number of recognisable people in

the area” who have “serious drinking problems” and are “seen intoxicated and drinking on the streets”. The writer contends that this is “not only limited to the night time” and therefore limiting the hours of operation “will not ameliorate this impact”. The writer states her concern that the licence may “further attract problem drinkers to the area” and expresses concern that the new business will have an impact on the “major parking issue in the area”.

- Ms Shepherd of Castlefield Street, Bondi made a two-sentence submission dated 12 May 2017 contending that “street noise and nuisance behaviour” is “already present in the area around this small shopping spot” and submits that the “sale of alcohol means the drinking of alcohol”.
- Ms Everingham of Boonara Avenue, Bondi made a five-sentence submission dated 18 May 2017. The writer makes the general submission that the neighbourhood consists of many young families, that bottle shops are better suited to larger shopping strips and that the proposed business is offering a service that is not needed due to the existing bottle shops within walking distance. The writer raises specific concerns about the impact on “exceedingly scarce” parking and that she is already exposed to “groups of people drinking on the street late into the night, sitting on our front walls or in the nearby laneway”. The writer contends that “we do not wish to encourage this by easy and late access to alcohol”.
- Mr Mounjed of Boonara Avenue, Bondi made a three-sentence submission dated 18 May 2017 and states that he lives “around the corner” from the Premises. He identifies “drunk people” as the reason why licensing the Premises could adversely affect him. This writer makes the broad contentions that the new licence will “hurt other businesses in the area” and “many of these other businesses may increase their corkage for consumers coming to their restaurants”.
- Mr Musca of Boonara Avenue, Bondi made a two-paragraph submission dated 29 May 2017 contending that additional sales of retail liquor in the vicinity of his residence “can only exacerbate street drinking and broken glass issues, in this area, particularly around the laneway behind the said row of retail shops where the liquor store is proposed”. The writer is concerned that this new store “may also worsen already challenging street parking issues” and submits that there is “no community need” for further retail liquor in this area.
- Ms Sprothen of Denham Street, Bondi made a three-paragraph submission dated 23 May 2017. The writer makes the general submission that local small businesses have recently ceased operation, giving way to “bars and trendy eateries” which has led to a “substantial increase in noise and waste”. The writer specifically contends that “On weekends, especially in summer, this stretch of Bondi Road between Boonara Ave and Denham St, is crowded with partygoers, which frequently finish their party night right on the back lane between those venues and our house”. The writer specifically contends that “People pee into our front garden, throw empty beer bottles into our front yard, sing drunken songs at 3am in the morning or have loud Skype mobile phone conversations with friends overseas, right next to our bedroom window when we’re trying to sleep”. The writer submits that there is a lack of need for another

bottle shop in this location and contends that there will be “even more crazy drunk people on the road screaming, shouting, singing at night”, having “even more glass bottles trashed in our front garden” which will “increase the load of commercial recycling waste that is picked up at 5.30am every morning, waking up the neighbourhood with the sound of shattering, breaking glass” should the licence be granted.

101. The Authority has also considered 7 opposing submissions made directly to LGNSW by residents of the neighbourhood with the exception of one Melbourne based local property owner. In summary, these submitters make the following contentions:

- Mr Hodges of Bondi Road, Bondi makes a one-page submission dated 31 July 2017 noting the nearby licensed premises, submitting that there is “no shortage of Alcohol outlets in this area” and a lack of need for this new licence that will sell discounted alcohol. The writer specifically contends that the Premises is located “directly in front of a Bus Stop”, and “the footpath is already congested with footpath seating for all of the other Licensed premises”. Mr Hodges is concerned that granting this licence would “encourage” people to buy takeaway alcohol from this site and “sit outside this area [on a bus stop] and drink on the streets”.
- Ms Zwartz of Castlefield Street, Bondi makes a ten sentence submission dated 11 August 2017 contending that the proximity of the Premises to the “extremely well used” bus stop is “clearly going to pose a risk to these prospective passengers and others on this busy stretch of Bondi Rd to sell alcohol to people quite likely to be inebriated or planning to become so”. After noting that alcohol is already available at the nearby Royal Hotel, the writer contends that even with security guards at that venue “there have been many incidents of violence at the Royal arising from people being drunk”. The writer contends that there is “no reason to think such issues wouldn’t occur” at this new liquor store where the “risk to bystanders and passers by is much greater”. The writer makes the broader submissions that there is “no lack of availability” of liquor in the community and urges that the Application be rejected on the “grounds of public safety”, contending that, by reason of the demographic of the Bondi drinking population: “if you sell alcohol, drunk people will come”.
- Mr Dawson of Imperial Avenue, Bondi makes a three-sentence submission dated 11 August 2017 contending that that there is a lack of need for a new bottle shop on the Premises and that local residents want to retain the local character of the shopping strip and “reduce the amount of noise” that is likely to be generated by this licence.
- Ms Matthews of Castlefield Street, Bondi makes an eight-sentence submission dated 11 August 2017 that another liquor outlet is “totally unnecessary and detrimental to the local community” as there are “many places that serve alcohol with food in this shopping strip” before making more specific contentions that the Premises is located at a bus stop, which is also a high foot traffic area. The writer contends that a new liquor outlet here “would attract addicted drinkers to linger in the vicinity both day and night” making it “worrying for families who want their children walking in the vicinity – to shop and/or catch the bus – without adult supervision”. The writer contends that there is already a lot of foot traffic in the

streets surrounding Bondi Road and a lot of late night drinking in this area and that granting this licence “will only increase the occurrence”.

- Mr Edwards of Castlefield Street, Bondi Beach makes a three-sentence submission dated 14 August 2017 referring to the other licences in the area and contending that “consumption of alcohol on the streets and poor behaviour from alcohol affected people, particularly during the summer months is already a constant problem” and another retailer on the Premises would “only exacerbate the issue”.
- Mr Pellow of Castlefield Street, Bondi makes a three-sentence submission dated 12 August 2017 making the broad contention that there are “enough avenues for alcohol to be purchased in this area” and another licence in the area is not needed. The writer makes the more specific contention that another chain store in this local shopping strip would “ruin the unique identity of the place”.
- Mr Kurzer, a Melbourne resident submits that he owns a building in Castlefield Street, Bondi. In this two-sentence submission dated 12 August 2017 the writer makes the general submission that there is no need for another bottle shop in this immediate area by reason that there are already “sufficient alternatives”.

102. The Application is not without community support, as demonstrated by 17 submissions (comprising letters to Back Schwartz Vaughan) from a mix of local residents, employees or owners of businesses located in Bondi. Without purporting to repeat these submissions they make the following contentions:

- In a one-page letter from Ms Kelly, local resident of Dudley Street, Bondi dated 26 May 2017, the writer refers to the “good reputation” of Chambers Cellars stores contending that they offer a “good range of products” that are “good quality and good value”. This writer prefers the layout of Chambers Cellars stores and finds that staff are “very helpful”. The writer contends that this store will be “much more conveniently located” preventing separate trips to purchase alcohol. The writer states that “parking and traffic are not a concern for me”. This writer is “not concerned” that this new store will have “any impact on crime, litter or other anti-social behaviour”.
- In a one-page letter from Ms McPherson, owner of the clothing shop Place of Little Birds located at 284 Bondi Road, Bondi dated 26 May 2017, the writer contends that the store will be an “asset” to the community providing “healthy competition” and “convenience” whilst reducing the need to make a separate trip elsewhere to purchase alcohol. The writer prefers Chambers Cellars stores due to their “great range of wines”, their stores being “safe” and their “knowledgeable staff”. This writer states that “I understand that the store will have security measures in place so that I don’t have any concerns that a Chambers Cellars store will change the amount of crime in the area at all”.
- In a one-page letter from Mr Zedek, this proprietor of a licensed restaurant located at 288 Bondi Road, Bondi and resident of Birrell Street, Bronte dated 30 May 2017, contends that residents and visitors should have far greater choice of packaged liquor products in this urban hub, that Bondi is a “safe area” and the new store should have “minimal bearing on crime levels or anti-social behaviour within Bondi”. This writer states that he has “little concern” about these issues

now and can't see how opening this business will change the situation when packaged liquor is already available in the area. The writer contends that this business will be "convenient and competitive" broadening the range of products available. The writer also expects the new store will provide employment and this is a factor behind his support.

- In a one-page letter from Mr Cudmore, local resident of Boonara Avenue, Bondi dated 30 May 2017, the writer states that the neighbourhood is safe, "we don't have issues with littering or public drinking at the moment" and "I don't believe that the Chambers Cellars store will change that or lead to any increase in crime, public drinking or littering in the area". The writer further claims that there is no "full range liquor store" on this stretch of Bondi Road and the new store will be easy to access for residents on foot as well as commuters using buses along Bondi Road. The writer contends that the new store will be more convenient for purchasing liquor alongside grocery shopping, reducing the need to travel further from home to purchase alcohol. The writer contends that Chambers Cellars stores have a "very practical and accessible layout in a safe environment" with the proposed store being "good for local employment".
- In a one-page undated letter submitted with the Application from Mr Strugar, a business owner/worker at The Health Emporium located at 263-265 Bondi Road, Bondi the writer refers to the convenient location of the Premises which will remove the need for him to travel to Chambers Cellars in Randwick or Bronte. The writer contends that the area will benefit from a Chambers Cellars store that is informative and supports small local producers and that choice and competition should be encouraged. The writer states that he has "no concern about the grant of this application leading to any increase in crime, vandalism or other negative impacts".
- In a one-page letter from Ms Johnson, a resident of Roscoe Street, Bondi Beach dated 30 May 2017, the writer contends that Bondi is "under-serviced" by bottle shops with only one full stocked shop to use and two with a "very limited range" and the (unspecified) fully stocked shop is "very expensive", leading the writer to look at buying online. The writer likes the range of wines at the Chambers Cellars stores and finds them to be of good quality and value with the Chambers Cellars staff being very helpful. The writer's preferred grocery shop is The Health Emporium and contends that the location of the new store will be more convenient to buy wine at the same time as doing her grocery shopping, eliminating the need for separate trips elsewhere. The writer contends that the store will be easy to access without having concerns regarding parking or traffic. The writer states, "I haven't noticed any particular issues with people drinking in public, littering or any other kind of crime in the area" and "I don't think there's any reason why a Chambers Cellars store in this location will have any effect on crime in the area in the future".
- In a one-page letter from Ms Sharkey of Lamrock Avenue, Bondi Beach dated 1 June 2017, the writer states that she feels safe when doing her grocery and other household shopping on Bondi Road and she "can't see any reason why that would change when the Chambers Cellars store opens". The writer contends that Chambers Cellars products are "good quality and not overpriced" offering a broad

range of products with “great display areas”. The writer also contends that the shops in this area are easy to access without having to worry about parking and traffic, with the Premises conveniently located for people using the buses along Bondi Road to travel to and from Bondi Junction and the City. The writer submits that this store would be a “welcome addition” and will prevent additional out of the way trips to purchase alcohol.

- In a one-page letter from Ms Costa, a local resident of Boonara Avenue, Bondi dated 5 June 2017, the writer states that “We don’t have very much crime or bad behaviour happening now so I have no concern that the Chambers Cellars store will have any negative impacts on the community in the future”. The writer prefers to purchase wine from a liquor store than a pub. The writer contends that Chambers Cellars stores are “safe” and offer “good quality products at good prices”. The writer contends that “more competition is a good thing” which should be encouraged. The writer contends that this new store would be “convenient” with the writer not having to worry about parking, traffic or to travel any further to find a liquor store.
- In a one-page letter from Mr Matthews, a local resident of Denham Street, Bondi dated 8 June 2017, the writer states that he has always felt safe in the area and “while there is crime in any area I do not see any obvious evidence of it in this part of Bondi”. The writer contends that he is “not aware” of any criminal activity or people that appear to drink alcohol irresponsibly in this area and cannot see why this would change if this new store opens. The writer contends that the new store will “provide a few more jobs for locals” and will offer a “wide variety of quality liquor products at good prices”. The writer refers to the “convenient” location of the store making it easier to purchase alcohol alongside grocery and other household shopping on this stretch of Bondi Road without having to enter a pub or travel further to another liquor store. This writer doubts that he would buy more alcohol than usual; instead he contends that it would “replace” what he currently purchases with Chambers Cellars products.
- In a one-page letter from Mr Proctor, a local resident of Wellington Street, Bondi dated 9 June 2017, the writer contends that the new store will provide convenience to him by enabling him to purchase alcohol within walking distance of his work place. The writer further contends that Chambers Cellars stores offer a “decent product range” that are “good quality and value” with a “simple and easy to navigate layout” and “friendly” and “helpful” staff. The writer also contends that the new store will be good for the local economy, boosting employment, increasing competition and choice and helping local businesses close by (making it “handy” to call in to pick up a bottle of wine to take to a local restaurant). The writer states “I don’t believe there is any issue with local crime and vandalism”, contending the he has “never observed people drinking in the streets or any significant amount of graffiti on buildings or litter in the streets”. The writer regularly uses buses and has “always felt safe” using public transport. The writer states that he has “never witnessed” anti-social behaviour towards bus drivers or others using the buses in this location. The writer states that “I do not believe” that this new store could have any adverse social impact on his existing way of life or on Bondi in general.

- In a one-page letter from Mr Sanders, resident of Old South Head Road, Bondi Junction dated 13 June 2017, the writer discusses the benefit of convenience, being able to purchase alcohol at the same time as purchasing other goods, saving him from an “inconvenient trip” to another liquor store. The writer contends that there is “adequate public transport and parking” on Bondi Road and surrounding streets with the new store being walking distance to his home. The writer contends that the new store will bring “increased customers” to all the other stores contributing to a “healthy village atmosphere”. The writer is impressed with Chambers Cellars “range, specials and pricing” and contends that increased competition will be beneficial to customers, will help the local economy and will create more jobs. The writer contends that the management expertise of a chain like Chambers Cellars will ensure there are “no irresponsible or illegal sales of alcohol” and that there is “no crime, vagrancy or littering outside the store”. The writer contends that other Chambers Cellars stores have been clean and felt safe.
- In a one-page letter from Mr Ronen, owner of Bondi Boxing Gym at 284 Bondi Road, Bondi dated 9 June 2017, the writer refers to Chambers Cellars stores reputation for “great product range and not being too expensive” contending that the new store would permit him to purchase liquor within walking distance from work, providing the benefit of “extra convenience”. The writer further contends that Chambers Cellars stores are “clean and tidy in appearance” with “reputable customer service” being a benefit to the overall Bondi Road shopping area. The writer submits that the location needs to attract new customers for business growth to compete with the busier areas of Bondi Beach and Bondi Junction. The writer also contends that the store will “help employment” and “bring more people into the area, who before or after shifts could spend their money at other businesses (including the writer’s own business) which would assist the local economy. The writer states that he is “not concerned” about traffic, crime or vandalism in the area, as he does not experience that now. The writer submits that the new store would be an asset not a burden on the local community.
- In a one-page undated letter filed with the Application from Mr Tsigaropoulos, an employee of The Little Gourmet Pizza Shop at 278 Bondi Road, Bondi the writer contends that he is aware of Chambers Cellars good reputation, wide range of products and knowledgeable staff and believes that the new store will provide a benefit to the Bondi community of “much needed competition” and will attract more shoppers to the area (which will benefit all other stores). The writer states that “I do not believe” that the store will increase the level of crime in Bondi, contending that Bondi Road is a “safe area” and the number of visitors, workers and residents mean that anyone who wants to commit a crime will likely be scared off for fear of being caught. The writer further contends this new store would be a convenient place to purchase liquor after work, replacing the unspecified liquor store he currently shops at on weekdays. The writer submits that he does not believe that the new store will contribute to traffic or parking problems contending that there is plenty of public transport and parking available.
- In a half-page letter from Mr Nuberg of Campbell Parade, Bondi Beach dated 27 June 2017 the writer contends that he regularly visits Bondi Road to do his shopping and plans to make his alcohol purchases at the new store if it opens.

The writer contends that there aren't many liquor stores close to his residence and the new store will add convenience and choice in that Chambers Cellars provide "good-value for money" offering a "large product range". The writer further contends that the liquor store will create jobs and improve competition which will hopefully encourage other liquor stores in the area to provide better service and product range for customers.

- In a one-page letter from Mr Molnar, resident of Edward Street, Bondi Beach dated 21 June 2017 the writer submits that the new store will be an asset to the local community, stating that he does not like the hotel and the Kemeny's store is too far to walk and difficult to park. The writer contends that this new store will be "much more conveniently located" for local residents without having to worry about traffic and parking. The writer makes the broader submission that choice and competition in the area should be encouraged, more specifically contending that the new store will be good for local employment, and provide a "practicable and accessible" layout in a safe environment. The writer contends that he feels safe in the local area and has "no concerns" about crime, vandalism or littering in the area. The writer states "I don't think" that the new store will lead to any increase in the amount of crime in the area, contending that the liquor store will offer a "more convenient and practical option" preventing the need for separate trips elsewhere to purchase liquor.
- A one-page letter from Ms Leidl, a local resident of Bondi Road, Bondi who also works at Kaleidoscope Tattoo located at 255 Bondi Road, Bondi dated 13 June 2017, the writer contends that the location of the new liquor store will be a "beneficial addition" to the shops located near that section of Bondi Road, as it will create "even more customer draw-power for the selection of other stores in Bondi". The writer contends that the new store will contribute to Bondi's atmosphere whilst also creating more jobs and encouraging local employment. The writer also contends that the store is conveniently located for the purchase of alcohol on the way home from work or within a short walk from home. The writer submits that parking and traffic is not a concern as most customers will be able to "conveniently and safely" access the store without the need to drive. The writer states that she does not expect this liquor store to create any increased parking problems, as most customers will be residents and workers who are on foot and other shoppers who have come to Bondi to do their shopping at the convenient selection of other stores as well as the liquor store. The writer states that the new store will not affect her personal drinking behaviour but it will allow her to purchase liquor more conveniently without a special trip.
- In a one-page letter from Ms Glasson, owner of the Bondi Colour Hair Salon located at 280 Bondi Road, Bondi dated 31 May 2017 the writer contends that the new store will be a "welcome addition" to the local shopping precinct and contends that it will help to attract more "upmarket" customers. The writer contends that the store will be conveniently located to pick up a bottle of wine alongside groceries on her way to and from work without having to make a separate outing. The writer contends that parking and traffic issues are not a concern with the store being easily and safely accessible. The writer states "I haven't experienced" any issues with crime or other bad behaviour in the area and "don't see" any reason why this new store would change that, especially

given that there are other bottle shops in the area. The writer contends that this new store will not increase the amount of alcohol that she consumes but allow her to purchase liquor in a more convenient location.

103. On the whole, it is apparent that those *resident* submitters who oppose the Application tend to reside closer to the Premises than those resident submitters who support the proposal. While workers and business owners may be impacted positively or negatively by a new liquor business, residents have to live with the operation of a business to a greater extent than employees or business owners - particularly on weekends and evenings outside of business hours.
104. The Authority is mindful that liquor related adverse social impacts may potentially flow from the operation of off-premises or on premises liquor licensees, but several neighbourhood submitters have provided specific and credible information about the localised liquor impacts that they are experiencing and that may reasonably be attributed to the abuse of packaged liquor – particularly public drinking and alcohol related litter.
105. The Authority finds it credible for neighbourhood residents to claim that they are currently exposed, from time to time, to incidents of anti-social behaviour associated with the abuse of packaged liquor and that the operation of a new liquor store in this location will provide another source of takeaway liquor that will contribute to those impacts. The Authority accepts that such conduct may significantly impact local amenity, whether or not it rises to the level of criminality. That is, alcohol related litter and drinking liquor in public, even if it does not occur within an AFZ, adversely impacts local amenity.
106. While several supporters of the Application state that they aren't concerned with liquor related crime or misconduct, the concerns raised by opposing residents are lent some support by BOCSAR data regarding the rate and concentration of alcohol related crime and anti-social conduct taking the form of malicious damage (noting BOCSAR's caution as to the difficulties in identifying alcohol as a factor in property crimes when no perpetrator is identified). The BOCSAR hotspot crime maps and the information provided by local Police lends credibility to the resident concerns about prevailing alcohol related anti-social conduct, particularly when considered in combination with the information provided in the Applicant submission dated 27 September 2017 that a large number of tourists and visitors travel through this local community each day.
107. The Applicant's consultant Mr Paroz expresses the view in his submission dated 20 September 2017 that the fluctuations in alcohol related crime may be a product of "the high transient population that frequents Bondi". The Authority finds credible, on the basis of the evidence of the influx of tourists and visitors provided by Mr Duane in the Location IQ Report and by the Applicant in the CIS material dated 13 July 2017, the proposition that the transient nature of some in the local population may play a role. However, the fact that persons participating in anti-social conduct involving liquor may be visitors and not residents provides little comfort to the Authority when considering the impact of a street facing liquor store in a somewhat sensitive location in respect of prevailing social impacts that is convenient to residents and visitors alike.
108. The Geographical Map 2.1 provided with the Location IQ Report on behalf of the Applicant indicates that the Premises is located in close proximity to a number of

residential properties. The Authority is satisfied that away from Bondi Road, the suburb of Bondi is predominantly residential.

109. The Authority has considered resident concerns as to increased traffic, parking, loading zones and congested footpaths. It finds that concerns of this nature have more of a town planning focus than an alcohol related social impact per se. Those claims, while credible, have been given little weight by the Authority, noting that the Applicant does have planning permission to operate this type of business at this location.
110. The Authority has also considered four submissions from Mr Moulding, the licensee of the Royal Hotel Bondi (a commercial competitor) to LGNSW dated 16 May 2017, 29 May 2017, 28 July 2017 and 31 July 2017, objecting to the Application. The Hotel's key contentions centre around: the lack of any "need" or requirement for a new licence; the local community already being well serviced by existing liquor outlets; a decline in purchasing and sales of packaged liquor at the Royal Hotel Bondi; Bondi Road being a "crime corridor" and a "well-known trouble spot"; the proximity of the Premises to other licensed premises; the entrance to the Premises being on a main road at a major bus stop; the consumption of alcohol on public transport; existing incidents of "violence and bashing" in the community and many cases of "aggressive and violent behaviour" directed towards bus drivers; the prospect that licensing the Premises will turn this section of village shops into a "de-facto pub"; a lack of parking and loading zones; increased traffic impacts and the prospect that granting this Application would set a precedent for the making of "many more" packaged liquor outlet applications in the area.
111. A submission was also made by Mr Micallef, an employee at the Royal Hotel Bondi (a commercial competitor), dated 31 July 2017 in which Mr Micallef raises concerns about the proximity of the bus stop in front of the Premises, the entrance to the Premises increasing foot traffic and impeding the ability to manoeuvre a pram safely, the additional burden of local law enforcement as a result of the local surrounds not being an AFZ and the impact of street drinking and pre-fuelling on nearby venues.
112. The Authority treats submissions and opinions from local competitors with a degree of caution, as they are likely to be motivated by anti-competitive concerns. Nevertheless, community businesses and residents alike are entitled to draw the Authority's attention to any objective evidence or information pertaining to local alcohol related social impacts. Of the concerns raised by the Hotel, references to prevailing localised crime and anti-social conduct in the locality are most credible, by reason that they are supported by the independent information provided in BOCSAR crime maps and the information provided by local Police regarding anti-social conduct. The Hotel's assertions about the current availability of other licensed premises is supported by LGNSW licensed premises information.
113. The Authority does not accept the Hotel's submission that there is no "need" for another licence, but it does accept that liquor is readily available to residents in the local and broader community and this somewhat diminishes the scope for benefits from another licence in this location.
114. The Hotel's concerns about the risk of offences and anti-social conduct being committed on public transport are less persuasive. The Authority has had regard to the analysis provided by the Applicant's consultant Mr Paroz, who notes in the Paroz

Report that in the year ending June 2017 across the suburbs of Bondi Junction, Bondi and Bondi Beach there were 4 incidents of alcohol-related assault (all categories) on public transport locations, all of which were recorded in the Bondi Junction precinct where the main bus and train interchange is located; 4 incidents of alcohol-related disorderly conduct (all in Bondi Junction) on public transport with no liquor legislation offences recorded among those offences. The Authority accepts the Applicant's submission dated 27 September 2017 that BOCSAR data disclosing the occurrence of alcohol related assault by premises type recorded no alcohol related assaults on public transport in the *local community* and 3 offences of alcohol related assault occurring on public transport bus premises (1.2%) across the broader community.

115. The Authority further notes that Mr Paroz attended the location of the Premises on Saturday 11 February 2017 (between 6:30pm and 10:00pm), Monday 13 February 2017 (between shortly before 6:00am and shortly after 7:30am), Saturday 27 May 2017 and Saturday 16 September 2017 and concluded *inter alia* in the Paroz Report that there was no evidence of persons drinking in public, any person carrying packaged liquor along Bondi Road towards the beach, minors loitering around the general location and drinking, or any evidence of anti-social activities in the local parks/oval. While accepting those observations, they were conducted over three different Saturdays in 2017 and one Monday morning and are insufficient to displace the credible concerns raised by local residents who actually reside in the neighbourhood and have to live with alcohol related amenity impacts and acts of anti-social behaviour.
116. The Applicant's submission dated 27 September 2017 contends that the new store will not result in a change in existing consumer behaviour as to the type or quantity of alcohol to be consumed; that the new store will not introduce "new drinkers" to the market; but will cannibalise sales made at existing bottle shops, resulting in a redistribution of the market share for packaged liquor products amongst the existing bottle shops only. Referring to the Location IQ Report, the Applicant contends that a projected \$1.2 million (calculated on the information provided by Kallin Pty Ltd and projections undertaken by Location IQ) in sales for the new store will be derived from the following sources:
- Redirection of sales from existing liquor outlets in this local community - \$0.8 million.
 - Redirection of spending from outlets in this broader community - \$0.31 million.
 - Redirection of sales from existing liquor outlets beyond the broader community (i.e. outside the LGA) - \$0.09 million.

117. The Location IQ Report notes:

"Based on information provided by Kallin Pty Ltd and projections undertaken by this office, the proposed Chambers Cellars liquor outlet of some 85 sq.m in Bondi is projected to achieve sales in the order of \$1.2 million (including GST). This would equate to around \$14,118 per sq.m."

118. This consultant provides the following caveat:

It is important to note that given the metropolitan location and number of stores within close proximity of the proposed site, the Chambers Cellars at Bondi would not result in supply induced growth in packaged liquor spending. Rather, any increase in packaged liquor spending within the Local and Broader Community would come exclusively from

the redirection of spending previously to packaged liquor stores beyond these communities.

It is important to note that we cannot speculate on the impact on consumption patterns that this change in expenditure may or may not have. In any event, in a larger urban area, a new liquor outlet would not result in supply induced growth due to the provision and access to existing packaged liquor outlets.

119. While recognising it is the only expert evidence of this kind before the Authority, the analysis of expected revenue provided by Location IQ is an estimate and the consultant notes that it cannot speculate on overall consumption patterns that may occur across the local or broader community. The Authority is unable to project, on the information before it, whether local or broader community level consumption of liquor will increase, decrease or remain constant as a consequence of the addition of another licence.
120. Nevertheless, accepting that a substantial part of the sales to be made by the new store will likely come at the expense of other liquor stores in the communities, the Authority must nevertheless assess the suitability of *this proposal* and particularly the suitability of this *location* as a site for a new liquor store when assessing overall social impact.
121. Implicit in the Location IQ analysis is that this new business will be selling *large quantities of liquor from this location*. It is reasonable to assume that this local community of Bondi is the most immediate community and hence most likely to be serviced and impacted by the operation of the new liquor store.
122. Section 48(5) does not call for an assessment of *overall liquor sales* across the local or broader community should a new licence be granted, but rather the overall social impact – a consideration of the likely net benefits - of licensing the type of business in question. This calls for a degree of speculation, albeit informed by the nature of the proposal and any prevailing circumstances or sensitivities with respect to alcohol related social impacts in the communities in question.
123. The Authority is satisfied that a new liquor store of this scale and trading hours will be well placed to *contribute to* the prevailing higher than State average of alcohol related domestic assault in the local community and the concentrations of crime as seen from the BOCSAR crime maps in Bondi. The new business will operate from a street front location that is close to residential areas and areas of prevailing alcohol offences and anti-social conduct. That is, the new business is well situated to contribute to what are, at the local level, an already challenging environment for the management of alcohol related crime and anti-social conduct.
124. In assessing the scope for this new business to contribute to adverse social impacts the Authority has taken into account the additional harm minimisation measures proposed by the Applicant, including a requirement for membership of the local liquor accord and a proposed licence condition that would make enforceable a requirement to operate the Premises in accordance with the Applicant's Plan of Management, last updated on 11 July 2017. This Plan and the associated *House Policy* provide for a number of key management policies and procedures concerning the appropriate identification of customers, the responsible service of alcohol and use of CCTV on the Premises.

125. The Authority does not consider it likely that the Applicant or its staff would knowingly supply liquor in contravention of the Act or responsible service of alcohol requirements, but in light of the transient elements in the local community and its prevailing exposure to visitors and public drinking, staff will not realistically be in a position to monitor or respond to the abuse of packaged liquor away from the vicinity of the Premises.
126. Having considered the Authority's findings on the moderate positive benefits and the significant negative impacts that may flow to the communities over time from the operation of another packaged liquor business in this location, the Authority is *not* satisfied that the overall social impact of granting the Application will *not* be detrimental to the local community of Bondi.
127. The Authority notes the Applicant has provided a substantial comprehensive Application with expert material and public submissions in support. However, the numerous concerns raised by local objectors and the local Police persuade the Authority in this instance that there is cause for concern about adverse local social impact.

Overall social impact

128. Having considered the positive and negative impacts that are likely to flow from granting a new packaged liquor licence, the Authority is ***not*** satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting this Application would not be detrimental to the well-being of the local community or broader communities - specifically, the local community of Bondi.
129. The Authority has had regard to all of the statutory objects and considerations in section 3 of the Act, but has given weight to sections 3(1)(a) and 3(1)(c).
130. The Application is refused pursuant to section 45 of the Act.



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 <http://www.liquorandgaming.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. NSW Department of Health *Healthstats* data sourced by licensing staff for the Waverley LGA for alcohol attributable deaths (between 2001 and 2013) and alcohol related hospitalisations (between 2001 and 2015).
2. ABS SEIFA data based on the 2011 Census for the Waverley LGA and suburb of Bondi.
3. BOCSAR crime statistics for July 2015 to June 2017 comparing crime rates in the suburb of Bondi, Waverley LGA and across New South Wales for incidents of *alcohol related domestic assault*, *alcohol related non-domestic assault* and *malicious damage to property*.
4. BOCSAR hotspot crime maps for the Bondi area between July 2016 and June 2017 indicating areas of localised concentrations of *alcohol related assault*, *domestic assault*, *non-domestic assault* and *malicious damage to property*.
5. Published Independent Liquor and Gaming Authority Decision with Reasons dated 22 December 2016 refusing the Previous Application.
6. Back Schwartz Vaughan online survey submission completed by a local resident "Philip" [last name not specified] of Bondi Road, Bondi (located around 50 metres from the Premises – according to the writer) dated 8 May 2017. In this one-page submission, the writer raises concerns about the Application.
7. Submission from NSW Roads and Maritime Services ("RMS") to Back Schwartz Vaughan dated 9 May 2017 including road crash statistics for Waverley LGA and Sydney and recommendations for the operation of the Premises.
8. Back Schwartz Vaughan online survey submission from local resident Ms Maier of Boonara Avenue, Bondi (within 100 metres of the Premises – according to the writer) dated 10 May 2017. In this two-page submission, the writer raises concerns about the Application.
9. Back Schwartz Vaughan online survey submission from local resident Ms Shepherd of Bondi Road, Bondi (100 metres from the Premises – according to the writer) dated 12 May 2017. In this one-page submission, the writer raises concerns about the Application.
10. Submission from the Department of Family and Community Services ("FACS") to Back Schwartz Vaughan dated 12 May 2017 advising that FACS does not have a response and will not be providing input into this matter.
11. First submission (comprising two pages) dated 16 May 2017 from Mr Moulding, licensee of the Royal Hotel Bondi (commercial competitor) to LGNSW objecting to the Application.
12. Back Schwartz Vaughan online survey submission from local resident Ms Everingham of Boonara Avenue, Bondi (100 metres from the Premises – according to the writer) dated 18 May 2017. In this one-page submission, the writer raises concerns about the Application.

13. Back Schwartz Vaughan online survey submission from local resident Mr Mounjed of Boonara Avenue, Bondi (distance from the Premises not specified) dated 18 May 2017. In this one-page submission, the writer raises concerns about the Application.
14. Back Schwartz Vaughan online survey submission from local resident Ms Sprothen of Denham Street, Bondi (10 metres from the Premises – according to the writer) dated 23 May 2017. In this two-page submission the writer raises concerns about the Application.
15. Submission from Ms Kelly, local resident of Dudley Street, Bondi to Back Schwartz Vaughan dated 26 May 2017. In this one-page submission the writer supports the Application.
16. Submission from Ms McPherson, owner of the clothing shop *Place of Little Birds* located on Bondi Road, Bondi to Back Schwartz Vaughan dated 26 May 2017. In this one-page submission the writer supports the Application.
17. Second submission dated 29 May 2017 (comprising three pages) from Mr Moulding, licensee of the Royal Hotel Bondi to LGNSW, objecting to the Application.
18. Back Schwartz Vaughan online survey submission from local resident Mr Musca of Boonara Avenue, Bondi (approximately 50 metres from the Premises – according to the writer) dated 29 May 2017. In this one-page submission the writer raises concerns about the Application.
19. Submission from Mr Zedek, proprietor of a licensed restaurant on Bondi Road, Bondi to Back Schwartz Vaughan dated 30 May 2017. In this one-page submission the writer supports the Application.
20. Submission from Mr Cudmore, local resident of Boonara Avenue, Bondi to Back Schwartz Vaughan dated 30 May 2017. In this one-page submission the writer supports the Application.
21. Submission from Ms Johnson, local resident of Roscoe Street, Bondi Beach to Back Schwartz Vaughan dated 30 May 2017. In this one-page submission the writer supports the Application.
22. Submission from Ms Sharkey, local resident of Lamrock Avenue, Bondi Beach to Back Schwartz Vaughan dated 1 June 2017. In this one-page submission the writer supports the Application.
23. Submission from Ms Costa, local resident of Boonara Avenue, Bondi to Back Schwartz Vaughan dated 5 June 2017. In this one-page submission the writer supports the Application.
24. Submission from Mr Matthews, local resident of Denham Street, Bondi to Back Schwartz Vaughan dated 8 June 2017. In this one-page submission the writer supports the Application.
25. Development consent DA-412/2015 dated 8 June 2016 issued by Waverley Council which permits “change of use and fit-out for a retail liquor shop on ground floor” between the hours of 10:00am and 10:00pm Monday to Sunday.
26. Submission from Mr Proctor, local resident of Wellington Street, Bondi to Back Schwartz Vaughan dated 9 June 2017. In this one-page submission, the writer supports the Application.

27. Submission from Mr Ronen, owner of the Bondi Boxing Gym located on Bondi Road, Bondi to Back Schwartz Vaughan dated 9 June 2017. In this one-page submission the writer supports the Application.
28. Submission from Mr Sanders, local resident of Old South Head Road, Bondi Junction to Back Schwartz Vaughan dated 13 June 2017. In this one-page submission, the writer supports the Application.
29. Submission from Mr Molnar, local resident of Edward Street, Bondi Beach to Back Schwartz Vaughan dated 21 June 2017. In this one-page submission, the writer supports the Application.
30. Submission from Mr Nuberg, local resident of Campbell Parade, Bondi Beach to Back Schwartz Vaughan dated 27 June 2017. In this half-page submission, the writer supports the Application.
31. Application form lodged by the Applicant on 14 July 2017 accompanied by the Site Notice, Notice to Police, Notice to the Consent Authority and a power of attorney from the Applicant to Mario Scognamiglio dated 11 June 2009.
32. CIS dated 13 July 2017 attaching the following material:
 - (a) A list of stakeholders and special interest groups consulted with as part of the preparation of the Application prepared by Back Schwartz Vaughan.
 - (b) A 55-page document, prepared by Back Schwartz Vaughan, titled “The Applicant’s Assessment of this Application” dated 13 July 2017 in which the Applicant discusses *inter alia* the refusal of the Previous Application, the proposal, evidence of consultant Gavin Duane of Location IQ, the primary purpose of the licence, licence conditions, harm minimisation, responsible service of alcohol, the local community versus the broader community, Australia’s drinking culture, at-risk groups, outlet density, SEIFA indices, sensitive facilities, neighbourhood amenity, the community consultation process, alcohol related crime, alcohol related harm and purported public interest benefits.
 - (c) A 10-page document, prepared by Back Schwartz Vaughan, providing details of Chambers Cellars, their likely customers and their product range. This document includes a geographical map depicting the location of the Premises, 3 photographs of the Chambers Cellars Randwick store, 1 photograph of the Chambers Cellars Bronte store, 3 photographs of the Chambers Cellars Clovelly store, Plan 150604/3 prepared by Design Collaborative highlighting the locations of packaged liquor outlets and a list of locations, addresses and liquor licence numbers for other Chambers Cellars stores.
 - (d) Applicant’s *Plan of Management* last updated 11 July 2017 and *House Policy* prepared by Back Schwartz Vaughan.
 - (e) Report by Gavin Duane of Location IQ (an economist and independent expert in the field of market analysis and strategic research) dated 3 July 2017. In this 47-page report, Mr Duane discusses *inter alia* the regional and local context, the Application, the community assessment (including the defined Liquor Act community and visitor segment), the competitive environment (including local competition), the projected sales and impacts of the proposed business and socio-economic factors (including alcohol consumption patterns, SEIFA data,

unemployment, alcohol related crime, alcohol related hospitalisations and price impact competition on alcohol consumption). The curriculum vitae of Gavin Duane were attached to this report.

- (f) A 25-page document, prepared by Back Schwartz Vaughan, containing comments in reply to the Authority's refusal of the Previous Decision and the original report of Sergeant Bolt of NSW Police in respect of the refused application. Attached to this document is a report titled "*Trends & Issues in Crime and Criminal Justice*", No. 396 July 2010 issued by the Australian Government, Australian Institute of Criminology.
- (g) A 4-page document titled "Evidence that Bondi is not a crime corridor", prepared by Back Schwartz Vaughan.
- (h) An 11-page document titled "An analysis of alcohol related crime in other locations where a Chambers Store trades", prepared by Back Schwartz Vaughan.
- (i) A 5-page document titled "A review of the Livingston research: "*A longitudinal analysis of alcohol outlet density and domestic violence*", prepared by Back Schwartz Vaughan.
- (j) Two geographical maps highlighting the Alcohol-Free Zones in Bondi Beach and Bondi Junction. The Premises is not within the scope of either of these maps.
- (k) NSW Department of Health *Healthstats* data for alcohol attributable hospitalisations by local government area, NSW 2013-14 to 2014-15 and alcohol attributable deaths by local government area, NSW 2012-2013.
- (l) A 5-page document detailing how the Application satisfies the relevant objects of the Act, prepared by Back Schwartz Vaughan.
- (m) Information on the licensed premises (including the licence type, licence number, licence name, address, suburb, postcode and LGA) in the suburb of Bondi and the Waverley LGA. Back Schwartz Vaughan have also provided a document detailing information on hotel and packaged liquor licences that are "relevant" to the density calculations and that are "irrelevant" to density calculations due to them being internet or restricted packaged liquor licences or having been cancelled).
- (n) A document providing a summary of the facilities and services offered at the existing packaged liquor licensed premises in the local community (*Krinsky's Kosher Supermarket, Kemeny's Food and Liquor and Bottlemart (The Royal Hotel)*) prepared by Back Schwartz Vaughan.
- (o) A document providing a comparison of various types of liquor available at Chambers Cellars, Bottle Mart, Dan Murphy's and Kemeny's, prepared by Back Schwartz Vaughan.
- (p) Page 1 of the Environmental Venue Assessment Tool Assessment Report issued by LGNSW on 27 October 2016.
- (q) New South Wales State and Local Government Area Population Projections relevant to the broader community of Waverley LGA issued by the Department of NSW Planning and Environment for 2016.

33. Certificates of Advertising signed by Mr Keith Apps (TN Consulting Pty Ltd) for and on behalf of the Applicant dated 25 July 2017 and the Applicant's legal representative, Tony Schwartz, dated 17 July 2017.
34. Third submission (comprising two pages) to LGNSW dated 28 July 2017 from Mr Moulding, licensee of the Royal Hotel Bondi objecting to the Application.
35. Fourth submission (comprising three pages) to LGNSW dated 31 July 2017 from Mr Moulding, licensee of the Royal Hotel Bondi objecting to the Application.
36. Submission from Mr Micallef, employee at the Royal Hotel Bondi to LGNSW dated 31 July 2017 comprising two-paragraphs and raising concerns about the Application.
37. Submission from Mr Hodges, local resident of Bondi Road, Bondi to LGNSW dated 31 July 2017. In this one-page submission the writer raises concerns about the Application.
38. Submission from Ms Zwartz, local resident of Castlefield Street, Bondi (located within 100 metres of the Premises – according to the writer) to LGNSW dated 11 August 2017. In this ten-sentence submission the writer raises concerns about the Application.
39. Submission from Mr Dawson, local resident of Imperial Avenue, Bondi (located more than 100 metres of the Premises – according to the writer) to LGNSW dated 11 August 2017. In this three-sentence submission the writer opposes the Application.
40. Submission from Ms Matthews, local resident of Castlefield Street, Bondi (located within 110 metres of the Premises – according to the writer) to LGNSW dated 11 August 2017. In this eight-sentence submission the writer raises concerns about the Application.
41. Submission from Mr Edwards, local resident of Castlefield Street, Bondi Beach (located within 100 metres of the Premises – according to the writer) to LGNSW dated 14 August 2017. In this three-sentence submission the writer raises concerns about the Application.
42. Submission from Mr Pellow, local resident of Castlefield Street, Bondi (located within 50 metres of the Premises – according to the writer) to LGNSW dated 16 August 2017. In this three-sentence submission the writer raises concerns about the Application.
43. Submission from Mr Kurzer, owner of a building on Castlefield Street, Bondi (located more than 100 metres of the Premises – according to the writer) to LGNSW dated 16 August 2017. In this two-sentence submission the writer raises concerns about the Application.
44. Submission from Council to LGNSW dated 21 August 2017 advising that Council does not object to the Application.
45. LGNSW licensed premises information as at 28 August 2017 for packaged liquor licences and all other licenced premises in the suburb of Bondi and Waverley LGA.
46. Licence density calculations performed by the Authority Secretariat on the basis of the populations recorded in the ABS Quickstats 2016 Census data and LGNSW licensed premises information as at 28 August 2017 for the suburb of Bondi, Waverley LGA and the State of NSW.

47. Submission from Sergeant Peter Bolt of the Eastern Suburbs LAC of Police to LGNSW dated 29 August 2017. In this four-page email, Police raise concerns and object to the Application.
48. Submission from the Applicant, via Back Schwartz Vaughan Lawyers, to LGNSW dated 27 September 2017. In this four-page submission, the Applicant responds to an email from licensing staff dated 14 August 2017, provides consent to conditions and attaches a 16-page document, prepared by Back Schwartz Vaughan, in which the Applicant responds to the submissions received. The following documents are attached to this document:
- (a) A 6-page document prepared by Back Schwartz Vaughan, titled *Updated statistical evidence* in which the Applicant discusses alcohol related crime data, the local community and the broader community. The screen prints of the BOCSAR data relied upon by the Applicant in relation to incidents of *alcohol related assault, alcohol related domestic assault, alcohol related non-domestic assault, alcohol related assault police, alcohol related disorderly conduct, liquor offences and malicious damage to property* for the suburbs of Bondi, Bondi Beach and Bondi Junction and the Waverley LGA for July 2014 to June 2017 are attached.
- (b) A 29-page report prepared by a consultant, Mr Patrick Paroz of Pat Paroz & Associates Pty Ltd provided on behalf of the Applicant dated 20 September 2017. In this document, Mr Paroz discusses *inter alia* BOCSAR alcohol-related crime data, street drinking, pre-fuelling and liquor offences, Bondi Road as a transport corridor, different precincts attracting different crowds, existing packaged liquor licence options in Bondi and population growth, ARCIE, prosecution of existing packaged liquor store and the Police submission dated 29 August 2017. Mr Paroz has attached the following documents to this submission:
- a copy of Mr Paroz's curriculum Vitae;
 - BOCSAR alcohol-related crime statistics for 2 years to June 2017 comparing the rates per 100,000 persons for New South Wales as a whole against the rates for the suburbs of Bondi, Bondi Beach and Bondi Junction for several alcohol related crime categories;
 - Maps indicating the location of Alcohol Free Zones in Bondi Beach and Bondi Junction as published on Council's website;
 - 6 photographs of Bondi Road and surrounds taken between 6am and 7am 13 February 2017;
 - List of licensed venues in the suburbs of Bondi Beach, Bondi and Bondi Junction indicating trading time and whether the licence has an extended trading authorisation and/or primary service authorisation;
 - A booklet titled Kemeny's *Windominion Summer 2017* advertising the wine products sold at this liquor store;
 - Figure 1b from BOCSAR Crime and Justice Bulletin, Number 201 – *'The effect of lockout and last drinks laws on non-domestic assaults in Sydney:*

An update to September 2016' highlighting the distal displacement areas in orange, including Bondi Beach, Coogee, Double Bay and Newtown.

- (c) Two additional letters of support sent to Back Schwartz Vaughan from Ms April Leidl (an employee of Kaleidoscope Tattoo located on Bondi Road, Bondi and a local resident of Bondi Road, Bondi) dated 13 June 2017 and Ms Amanda Glasson (the owner of a hair salon across the road from the Premises located on Bondi Road, Bondi) dated 31 May 2017.
 - (d) Email from NSW Aboriginal Affairs to Back Schwartz Vaughan dated 4 August 2017 advising no objection to the Application provided that New South Wales Aboriginal Land Council and the Local Aboriginal Land Council have been notified.
 - (e) A 5-page document updating price comparisons of various products from Chambers Cellars Randwick, Bottle Mart Royal Hotel Bondi, Dan Murphy's Double Bay and Kemeny's Bondi, prepared by Back Schwartz Vaughan.
 - (f) An updated index of submissions received in relation to this Application.
 - (g) A 22-page document titled *the Applicant's closing submissions*, prepared by Back Schwartz Vaughan. The Applicant has attached the following documents to this submission:
 - A 25-page document, prepared by Back Schwartz Vaughan, in which the Applicant provides a comparison of the Authority's findings in the Previous Decision with the current Application.
 - Details of the "exclusive" local and imported products and the products sourced from smaller wineries which Chambers Cellars stores stock, prepared by Back Schwartz Vaughan.
49. Plan/diagram of the Premises highlighting the proposed licensed area of the site in red.
50. Submission from Mr Strugar, employee of The Health Emporium at Bondi Road, Bondi to Back Schwartz Vaughan (undated but provided with the Application). In this one-page submission, Mr Strugar provides support for the Application.
51. Submission from Mr Tsigaropoulos, employee of Little Gourmet Pizza Shop located on Bondi Road, Bondi to Back Schwartz Vaughan (undated but provided with the Application). In this one-page submission, Mr Tsigaropoulos provides support for the Application.