



Mr Christopher Thompson  
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7 April 2017

Dear Mr Thompson,

**APPLICATION NO:** 1-4951201938  
**APPLICATION FOR:** Removal of a Packaged Liquor Licence  
**PROPOSED TRADING HOURS:** Monday to Saturday 8:00AM – 10:00PM  
Sunday 10:00AM – 10:00PM

**APPLICANT:** Michael Frost  
**LICENSED PREMISES NAME:** Australian Wine Centre

**CURRENT PREMISES:** Shop 3, Ground Floor,  
1 Alfred Street, Sydney 2000

**PROPOSED PREMISES:** Shop 1,  
42-44 Pitt Street, Sydney 2000

**ISSUE:** Whether to grant or refuse an application to  
remove a packaged liquor licence

**LEGISLATION** Sections 3, 29, 30, 31, 40, 45, 47F(3), 48 and  
59 *Liquor Act 2007*

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR  
REMOVAL OF A PACKAGED LIQUOR LICENCE – AUSTRALIAN WINE CENTRE**

The Independent Liquor and Gaming Authority considered application number 1-4951201938 (Application) on 3 February 2017 and, pursuant to section 59 of the *Liquor Act 2007* (Act), decided to **approve** the Application subject to the following conditions:

**1. Trading Hours**

Monday to Saturday 8:00AM – 10:00PM  
Sunday 10:00AM – 10:00PM

2. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6-hours between 2:00AM and 8:00AM during

each consecutive period of 24-hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

### **3. Retail Sales**

Good Friday	Not permitted
December 24 <sup>th</sup>	Normal trading Monday to Saturday 8:00AM to 10:00PM Sunday
Christmas Day	Not permitted
December 31 <sup>st</sup>	Normal trading

4. The business authorised by this licence must not operate with a greater overall level of social impact on the well being of the local and broader community than what could be reasonably expected from the information contained in the community impact statement, application and other information submitted in the process of removing this licence to premises at Shop 1, 42-44 Pitt Street SYDNEY 2000.
5. The premises are to be operated at all times in accordance with the Plan of Management dated October 2016 as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
6. The licensee or its representative must join and be an active participant in the local liquor accord.

### **7. CCTV footage on premises**

The licensee shall maintain a CCTV system that meets the following minimum requirements:

- (1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
  - a. the person represents not less than 100% of the screen height, and
  - b. there is an unobstructed view of the person's face.
- (2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
  - a. all other public entrances and exits, whether or not in use at the time,
  - b. staircases,
  - c. all portions of the floor area accessible to the public where entertainment is provided,
  - d. toilet external entrances,
  - e. all public accessible areas within the premise excluding toilets and accommodation rooms,
  - f. the footpath area directly adjacent to the premises, and
  - g. courtyard and smoking areas.
- (3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before when:
  - a. the person represents not less than 50% of screen height, and

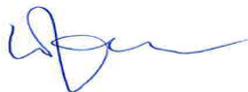
- b. there is an unobstructed view of the person's face.
- (4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- (5) Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
- (6) Recordings must:
  - a. be in digital format,
  - b. record at a minimum often (10) frames per second, and
  - c. commence one hour prior to opening, and operate continuously until at least one hour after closing.
- (7) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- (9) When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- (10) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, LGNSW Inspectors or other regulatory officers upon request.
- (11) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, LGNSW Inspectors or other regulatory officers.
- (12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

In the course of determining this matter the Authority had cause to consider two conditions numbered "200" and "210" on the licence record that had apparently been imposed pursuant to the former *Liquor Act 1982*. The conditions purported to confine any removal of the licence to a designated area within The Rocks, Darling Harbour, Walsh Bay or Pyrmont and required the licensee to give 14 days' notice to Liquorland Pty Ltd in the event of any removal application.

The Applicant's solicitors consulted Liquorland on the proposed revocation of this condition by letter dated 31 January 2017. On 20 March 2017 Liquorland's solicitors JDK Legal advised no objection to the proposed revocation of the conditions. The Authority is satisfied that there is no current public interest in retaining these conditions and has decided, pursuant to section 53(2)(b) of the Act, to *revoke* the conditions.

If you have any advice or enquiries about this letter, please contact the case manager via email to [santina.causa@justice.nsw.gov.au](mailto:santina.causa@justice.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized flourish at the end.

Philip Crawford

**Chairperson**

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

## STATEMENT OF REASONS

### DECISION

1. The Independent Liquor and Gaming Authority (Authority) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to approve the application lodged on 7 September 2016 (Application) for grant of a removal of a packaged liquor licence, as all of those parties required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
2. Having considered together the positive benefits and negative impacts that the Authority is satisfied are likely to flow from approving the Application, the Authority is satisfied for the purposes of section 48(5) of the *Liquor Act 2007* (Act) that the overall social impact of approving this licence removal would not be detrimental to the well-being of the local and broader communities.
3. The Application is approved pursuant to section 59 of the Act.
4. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2).

### MATERIAL CONSIDERED BY THE AUTHORITY

5. In making this decision, the Authority has considered the Application, Community Impact Statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority *Guideline 6*, the Authority has also had regard to relevant liquor licensing records maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) socio-demographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. The material before the Authority that was considered when making this decision is listed and, in some cases, briefly summarised in the Schedule.
6. The Authority notes that on 21 October 2016 an Authority delegate granted a Temporary Liquor Licence, permitting the relevant licensed business to trade at the Proposed Premises on a temporary basis (by reason of the Current Premises being subject to demolition and renovation). That Temporary Licence was granted on the basis that it would remain in effect while the Authority considers this removal Application.

### LEGISLATIVE FRAMEWORK

7. The legal requirements regarding the removal of a licence to another premises are provided by section 59 of the Act and the *Liquor Regulation 2008* (Regulation).
8. Section 48 of the Act and clause 10 of the Regulation requires a Category B CIS to be lodged with an application under section 59 to remove a packaged liquor

licence to other premises and that the Authority, in making its decision, consider the CIS (as well as any other matter the Authority is made aware of during the application process) in order to determine the overall social impact of the removal.

9. Section 48(5) of the Act requires that the Authority must not grant an application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
10. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Sydney.
11. Consistent with the Authority’s long standing policy to find that the broader community comprises the relevant local government area (LGA), the Authority is satisfied that the broader community is, at the time of this decision, the area of Sydney LGA.
12. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
  - (1) *The objects of this Act are as follows:*
    - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
    - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
    - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
  - (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
    - (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
    - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
    - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

## **KEY FINDINGS**

13. The Authority is satisfied, on the basis of the Application and CIS material before the Authority that, for the purposes of section 59(2) of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
14. Section 59(3) of the Act provides that when determining an application for approval to remove a licence to other premises, the Authority is to deal with the application as if it were an application for the granting of a licence in respect of those other premises. The Authority has the same powers in relation to the Application as the Authority has in relation to an application for a licence.

15. To that end, the Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a licensed venue of the kind proposed in the Application. No probity issues were raised with regard to the Applicant following consultation with law enforcement agencies, including NSW Police (Police) and LGNSW.
16. The Authority is further satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the Applicant's *Plan of Management* dated October 2016.
17. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act that the proposed use of the Proposed Premises disclosed in this Application falls within the scope of the development consent that is currently in force with regard to the Proposed Premises. This finding is made on the basis of the determination of Development Application D/2012/395A issued by City of Sydney Council (Council) on 21 October 2016 (DA) modifying development consent D/2012/395 that was issued on 4 April 2012.
18. Noting that both the Current Premises and Proposed Premises are located within the same Sydney CBD Entertainment Precinct the Authority has considered the restriction provided by section 47F(3) of the Act. On the information provided in the Application and CIS regarding the nature and scale of the business to be conducted on the Proposed Premises, the Authority is satisfied that the grant of this Application is not likely to result in an increase in the number of people who enter the freeze precinct for the purpose of consuming liquor and that the patron capacity of the Proposed Premises will not be more than the capacity of the Current Premises.

#### **Social Impact – Positive Benefits**

19. The Authority is satisfied, on the basis of the information provided about the proposed relocated business in the Application and CIS that removing the licence to the Proposed Premises will provide some modest benefit of convenience and choice to members of the local and broader community. The Authority accepts the Applicant's contention that the licensed business has been trading from the Current Premises for the past 25 years and that the Applicant is seeking to remove the licence as a consequence of the Current Premises being demolished. Noting the absence of any objections from residents or public agencies consulted on the Application, the Authority is satisfied that removing the licence to new premises 250 metres away within the same suburb will be consistent with the "expectations, needs and aspirations of the community" in respect of the local community of Sydney, being an object of section 3(1)(a) of the Act.
20. The Authority is satisfied, on the basis of the CIS and additional material supplied by the Applicant, that the removal of this packaged liquor facility will permit the business to continue to serve patrons, residents and visitors frequenting the

Sydney CBD and seeking the services of a wine retailer that has experience in providing quality product and the ability to export or deliver outside and or within Australia. Facilitating the removal will enable the commercial development of a longstanding business that is currently operating from temporary premises. On this basis, the Authority is satisfied that granting the Application will reasonably develop, in the public interest, the liquor industry in respect of the local community in furtherance of the statutory object in section 3(1)(b) of the Act – albeit to a modest extent in light of the number and variety of incumbent licences in the local and broader community.

### **Social Impact – Negative Impacts**

21. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this licensed business will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse packaged liquor.
22. However, noting that this Application concerns the *removal* of an *existing* active licence 250 metres from the Current Premises within the same suburb, the Authority is satisfied that granting this removal Application will not increase the density of packaged liquor licensed premises in the local or broader community.
23. The Authority notes that the licensed trading hours sought by the Application are reasonably extensive across the course of the week, with trading until 10:00PM on Mondays through Sundays. However, the Authority notes, on the basis of its licensing records, that the licensed hours sought to be exercised on the Proposed Premises are *less extensive* than those approved with respect to the Current Premises, providing a modest reduction in the scope for harm generated by this licence at its new location. The Authority is further reassured that Police, LGNSW and Council have not raised any concerns with regard to the compliance history of the licensee.
24. The Authority is satisfied, on the basis of the Application, CIS and Applicant's diagram of the licensed area, that the scale of the licensed area of the Proposed Premises is 112 square metres, similar to the Current Premises and approximately similar in scale to many stand alone packaged liquor licensed premises across New South Wales.
25. The Authority considers, on the basis of the BOCSAR Crime Maps and Rates for the State suburb of Sydney between October 2015 and September 2016 that there is some cause for concern arising from the high concentrations of alcohol related offences recorded at the level of the local and broader community.
26. The prevailing crime data for the broader community, as evidenced by the BOCSAR report on *Crime by LGA and Alcohol Related Status* for July 2014 to June 2015, is of concern to the Authority as a prevailing negative social impact (particularly with regard to alcohol related domestic violence). While the crime data

calls for careful consideration of the proposal, the Authority is satisfied, on the data before it, that the Application does not propose moving the licence to an area of significantly greater sensitivity with regard to the prevailing exposure to alcohol related crime. Both locations are problematic from this perspective.

27. However, there is no evidence or information provided by Police or other agencies with a law enforcement capacity (such as LGNSW and Council) indicating any localised adverse impact involving the abuse of packaged liquor associated with this business or in the particular area in which the licence will operate, or that the Proposed Premises are less suitable from a social impact perspective than the Current Premises.
28. The Authority is further satisfied, on the basis of ABS Socio-Economic Indexes For Areas (SEIFA) data that the suburb of Sydney and the Sydney LGA are both relatively advantaged, by comparison to other state suburbs and LGA's in New South Wales on the Index of Relative Socio-economic Advantage and Disadvantage.
29. When making this decision, the Authority has had regard to the conditions to which the licence will be subject and the reasonably detailed measures set out in the *Plan of Management* dated October 2016.

## **Conclusion**

30. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include NSW Police, the Applicant, Council, Roads and Maritime Services (RMS), neighbouring occupiers and all other parties required to be consulted under the legislation.
31. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of removing this licence would not be detrimental to the well-being of the local and broader communities.
32. Removal of the licence is approved pursuant to section 59 of the Act.
33. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Decision Date: 3 February 2017



Philip Crawford  
**Chairperson**

**Important Information:**

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

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

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

## SCHEDULE

### Material Before The Authority

1. Application Form lodged on 7 September 2016, attaching notices of the Application to Council Police and the Site of the Premises and a letter from BBC Consulting Planners to the Applicant dated 24 August 2016 attaching a decision on Development Application D/2012/395 issued by Council on 4 April 2012.
2. Category B CIS lodged on 7 September 2016.
3. Applicant submission entitled "Overall View of Impact of the Proposed Liquor Licence" attached to the CIS filed on 7 September 2016. In this 13-page document, the Applicant provides information and submissions about the statutory process, legislative prohibition on removal within the Sydney CBD Entertainment Precinct, proposing removal of certain outdated licence conditions, the proposal for the removal of the licence, the new store, staffing and harm mitigation measures, the setting of the Proposed Premises, other licensed premises in the communities, description of Sydney CBD, demographic and crime data for City of Sydney Council and Sydney CBD populations sourced from ABS and BOCSAR, information about the proposed local and broader community, consultation on the Application and essential matters to be considered when considering the Application.
4. Applicant list of nearby community buildings, facilities and places attached to the CIS lodged on 7 September 2016.
5. Geographical map depicting the alcohol-free zones in the Sydney LGA attached to the CIS lodged on 7 September 2016.
6. Applicant's Google earth map depicting the 100-metre radius in which notification of the Application was distributed to neighbouring premises (attached to the CIS lodged on 7 September 2016).
7. Applicant's list of special interest groups attached to the CIS lodged on 7 September 2016.
8. Letter from RMS to Mr Christopher Thompson, the Applicant's solicitor, dated 17 June 2016 recommending that customers purchasing large quantities of alcohol are advised of the *Safe Party Strategies* available on the Police website and that a list of tips for customers be displayed (provided by the Applicant as part of the Application material lodged on 7 September 2016).
9. Letter from Council to LGNSW dated 22 June 2016, attached to the CIS lodged on 7 September 2016 and supplied as part of the pre-application process. Council does not support the Application in part and advises that a section 96 application may be lodged to extend the hours of trade to be consistent with the approved hours of the current liquor licence. [The Authority notes however that DA D/2012/395A indicates that Council *granted* the section 96 modification application on 21 October 2016].

10. Australian Securities and Investments Commission (ASIC) Current Company Extract for the Proposed Premises owner BARANA PROPERTIES (NO.5) PTY LTD dated 5 July 2016 and business owner FOTOPAK PTY. LIMITED dated 16 August 2016 (attached to the CIS lodged on 7 September 2016).
11. Letter from Constable D. Marshall, Sydney City Licensing Unit of Police to LGNSW dated 14 July 2016 attached to the CIS lodged on 7 September 2016 and supplied as part of the pre-application process. Police do not object to the Application.
12. Applicant's diagram of the licensed area of the Proposed Premises.
13. Geographical map depicting the location of the Proposed Premises in relation to the Current Premises.
14. Liquor licensing records from LGNSW as of 1 November 2016 indicate that the suburb of Sydney already has **35** packaged liquor licensed premises, **146** full hotel licences and **20** club licences all of which are authorised to sell takeaway liquor.
15. Data prepared by licensing staff based on the ABS 2011 Census data and LGNSW licensing data as of 1 November 2016, indicating that the State suburb of Sydney has a rate of **244.61 packaged liquor licences** per 100,000 persons, while the City of Sydney LGA has a rate of **98.52** the New South Wales rate is **35.18**.
16. BOCSAR Crime Maps based upon data from October 2015 to September 2016 detailing hotspots for the concentration of offences near the location indicating that the Proposed Premises:
  - (a) Is located within a *high-density hotspot* for incidents of *alcohol related assault*;
  - (b) Is located within a *high-density hotspot* for incidents of *assault (domestic assault)*;
  - (c) Is located within a *high-density hotspot* for incidents of *assault (non-domestic assault)*;
  - (d) Is located within a *high-density hotspot* for incidents of *malicious damage to property*.
17. BOCSAR Crime Maps and Rates for the State suburb of Sydney based upon data from October 2015 to September 2016 (published on the BOCSAR website). This data indicates that:
  - (a) alcohol related assault incidents in Sydney are *stable* over the last 2 years and that the rate per 100,000 persons is **352.9** compared to the NSW rate of **272.1**
  - (b) alcohol related non-domestic assault in Sydney is *stable* over the last 2 years and that the rate per 100,000 persons is **2943.6** compared to the NSW wide rate of **137.9**
  - (c) alcohol related domestic assault incidents in Sydney are *stable* over the last 2 years and that the rate per 100,000 persons is **323.8** compared to the NSW rate of **118.1**
18. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for July 2014-June 2015. This data indicates that:
  - (a) The rate of *assault police* incidents flagged by reporting Police as alcohol related across the Sydney LGA was **85.2**, higher than the rate of **18.2** per 100,000 for New South Wales as a whole.

- (b) The rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the Sydney LGA was **796.6**, significantly higher than the State-wide rate of **144.0**.
  - (c) The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* across the Sydney LGA was **213.3** per 100,000 persons, higher than the New South Wales rate of **122.6** per 100,000 persons.
  - (d) The rate of *offensive behaviour* offences flagged by reporting Police as *alcohol related* across this LGA was **525.4** per 100,000 persons, significantly higher than the State-wide rate of **88.2**.
19. ABS SEIFA data prepared on the basis of the 2011 census indicating that the suburb of Sydney ranked in the 7<sup>th</sup> decile and the Sydney LGA ranked in the 9<sup>th</sup> decile compared to other state suburbs and local government areas in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
  20. NSW Department of Health *HealthStats* data prepared on the basis of the 2011 Census indicating that the smoothed estimate of standardised separation ratios for *alcohol attributable hospitalisations* for 2013-2015 for the Sydney LGA was **130.1** (with the New South Wales wide rate being **100**), and that the smoothed estimate of standardised mortality ratios for alcohol attributable deaths for 2012-2013 for the Sydney LGA was **101.8**.
  21. Email correspondence from the compliance branch of LGNSW between 8 September 2016 and 23 December 2016 advising that LGNSW records did not disclose any adverse information regarding the licensed business and the Application does not warrant a full submission, noting also the absence of any concerns raised by Police, Council and the Policy and Legislation section of LGNSW and that the Applicant does not object to the proposed conditions.
  34. Letter from Council to LGNSW dated 13 September 2016 advising that Council has no matters of concern with the Application. Council notes that the removal of the licence will occur within the same Sydney CBD “freeze precinct” and that a section 96 *Environmental Planning and Assessment Act 1979* modification application has been lodged with Council on 31 August 2016 to extend the hours permitting for use of the Proposed Premises for planning purposes to cover the licensed hours sought in this Application.
  22. Email correspondence from LGNSW Policy Section dated 16 September 2016 advising no concerns with the Application. With regard to the operation of the licence freeze provisions in section 47F of the Act, LGNSW Policy contend that it is “unlikely” that removing the licence within the Sydney CBD Entertainment Precinct would result in an increase in the number of people entering that precinct, noting that the Application indicates that the patron capacity at the Proposed Premises will remain the same as the Current Premises, while the licensed hours will be reduced by comparison to the Current Premises.

23. LGNSW Policy further note the pre-application submissions made by Council and Police, and that the location of the Proposed Premises is within the Sydney CBD Precinct. The agency considers that there are no issues arising from the liquor freeze guidelines and note that LGNSW Compliance, Police and Council do not have any concerns with the Application either.
24. Letter from Senior Constable David Marshall and Leading Senior Constable Juan Maruri of the Sydney City Local Area Command (LAC) of Police to LGNSW dated 19 October 2016. In this two-page letter, Police advise that they do not object to the Application but request that four conditions be imposed upon the licence, if removed, requiring membership of the local liquor accord, operating the licensed business in accordance with a plan of management and operating the business with that level of social impact that is disclosed in the Application and CIS. Police also propose a condition regarding CCTV coverage.
25. Email from Mr Christopher Thompson, the Applicant's solicitor, to licensing staff dated 19 October 2016 advising that the Applicant does not object to the conditions proposed by Police or licensing staff and noting that a Plan of Management has been submitted. The Applicant advises that there is already CCTV at the Proposed Premises.
26. Email from Mr Christopher Thompson, the Applicant's solicitor, to licensing staff dated 20 October 2016 advising that the Applicant agrees to the three conditions posed by licensing staff.
27. Applicant *Plan of Management* for the business dated October 2016.
35. DA number D/2012/395/A issued by Council on 21 October 2016 modifying development consent to permit the hours of operation to between 8:00AM and 10:00PM Monday to Saturday (inclusive) and between 10:00AM and 10:00PM Sunday.
28. Key liquor licence details for the licence at the temporary premises recorded as at 16 December 2016 provided by licensing staff.
29. Certificate of Advertising signed by Mark Lockwood on behalf of the business owner Fotopal Pty Ltd on 22 December 2016.
30. Email from JDK Legal dated 20 March 2017 advising no objection to Applicant proposal to revoke conditions 200 and 210 from the licence.