



Mr Melvin Kee Khing Gan
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18 April 2017

Dear Mr Gan,

APPLICATION NO: APP-0002296623
APPLICATION FOR: Packaged liquor licence and surrender of wholesaler licence
APPLICANT: BEERBARREL PTY LTD
LICENSED PREMISES NAME: BEER BARREL
PREMISES: 103 Regent St
CHIPPENDALE, NSW 2008
ISSUE: Whether to grant or refuse a new packaged liquor licence
LEGISLATION: Sections 3, 29, 30, 31, 40, 45 and 48 of the *Liquor Act 2007*

INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR PACKAGED LIQUOR LICENCE AND SURRENDER OF WHOLESALER LICENCE – BEERBARREL, CHIPPENDALE

The Independent Liquor and Gaming Authority considered application number APP-0002296623 (Application) on 22 March 2017 and, pursuant to section 45 of the *Liquor Act 2007* (Act), decided to **grant** the Application subject to the following conditions:

1. Trading Hours

Monday to Wednesday 11:00AM – 8:00PM

Thursday to Saturday 11:00AM – 9:00PM

Sunday 11:00AM – 8:00PM

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

3. Retail Sales

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

4. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
5. The licensee or its representative must join and be an active financial member of the local liquor accord.
6. The premises are to be operated at all times in accordance with the Plan of Management dated 16 December 2016 as may be varied from time to time after consultation with the Local Area Commander of NSW Police.
7. The licence is restricted to the sale of craft beer which is processed and dispensed on the premises only.
8. The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
 - a. the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - b. recordings must be in digital format and at a minimum of 15 frames per second,
 - c. any recorded image must specify the time and date of the recorded image,
 - d. the system's cameras must cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises,
 - iii. all publicly accessible areas (other than toilets) on the premises.

The licensee must:

- e. keep all recordings made by the CCTV system for at least 30 days, and
 - f. ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
9. No produce can be for sale or display which is labelled or found to contain more than 15% alcohol by volume.

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

Yours faithfully



Philip Crawford

Chairperson

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

STATEMENT OF REASONS

DECISION

1. The Independent Liquor and Gaming Authority (Authority) is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the application lodged on 18 October 2016 (Application) for a new packaged liquor licence and surrender of a wholesaler 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 are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the *Liquor Act 2007* (Act) that the overall social impact of granting this new packaged liquor licence would not be detrimental to the well-being of the local and broader communities.
3. The Application is approved pursuant to section 45 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) of the Act.

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 the Applicant previously held a wholesaler licence (LIQW880014785), but that an application to surrender that liquor licence was submitted on 7 March 2017.

LEGISLATIVE FRAMEWORK

7. The legal requirements for the making of a valid application for a new liquor licence are provided by section 40 of the Act and by the *Liquor Regulation 2008* (Regulation). The power to grant an application for a liquor licence is provided by section 45 of the Act.
8. 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”.

9. 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 suburb of Chippendale.
10. 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 City of Sydney LGA.
11. 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

12. The Authority is satisfied, on the basis of the Application and CIS material before the Authority, that, for the purposes of section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.
13. 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.
14. 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 comprehensive Plan of Management dated 16 December 2016.
15. The Authority is also satisfied, for the purposes of section 45(3)(c) of the Act that the proposed use of the Premises falls within the scope of the development

consent that is currently in force with regard to the Premises. This finding is made on the basis of the Notice of Determination No. D/2016/1110 issued by the City of Sydney Council (Council) dated 8 September 2016.

Social Impact – Positive Benefits

16. The Authority is satisfied, on the basis of the information provided in the Application and CIS that granting the Application will provide some reasonable increase in benefits by way of convenience and choice to members of the local and broader community.
17. While that benefit is diminished by the large number of alternative sources of packaged liquor in the local and broader communities, particularly packaged liquor licensed businesses and hotels, the Authority accepts that this proposal involves a degree of specialisation that increases the positive benefits associated with this proposal.
18. The Authority accepts, on the basis of the information provided in the Application and CIS, that this new packaged liquor business will have a specialist emphasis, targeting “beer enthusiasts and hobbyists”, a group mainly comprising persons aged from 25 to 50. The Applicant contends, and the Authority accepts, that the proposed business is of a kind that will attract and provides services to older visitors to this area.
19. The Applicant intends to supply “boutique beer” (commonly known as “craft” beer) that is processed and dispensed via speciality equipment onsite, into reusable containers owned by the customer. This boutique beer will be refined onsite, a process which results in a more pronounced taste. The Authority accepts the Applicant’s contention that this boutique beer and process is a growing trend in North America and Europe.
20. Having regard to the benefit of increased choice and convenience for those seeking a specialty craft beer retailer the Authority is satisfied, in light of the absence of community opposition (save for one commercial competitor, discussed below), that granting the Application is consistent with the “expectations, needs and aspirations of the community” in respect of the local and broader community advancing the object of section 3(1)(a) of the Act.
21. The Authority is further 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. This finding is made on the basis of the information in the CIS that the Premises will offer alternative and safe forms of entertainment to customers seeking to learn about the boutique beer and speciality equipment involved in the refinement process and that this type of licensed business will complement the other businesses in the area. The Applicant has referred to the location of the Premises near the major residential and commercial Central Park development and Central Station and the Authority accepts that the licence will service increased demand associated with

those areas of the City. The Applicant submits and the Authority accepts that the new business will contribute to generating more “social traffic” in the nearby vicinity of the Premises and notes that the Premises is within walking distance to Central Park and Central Station and the area is zoned in the SLEP (Sydney LEP 2005) “mixed use”.

Social Impact – Negative Impacts

22. Having reviewed all the material before it, the Authority considers that over time there is a risk that liquor sold from this new retail liquor 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.
23. However, there are a number of factors associated with this proposal that will reduce the scope for adverse impact by comparison to a mainstream liquor store. First, the Authority notes some degree of moderation in the licensed hours sought by the Applicant, extending from 11:00AM to 8:00PM Monday to Wednesday, 11:00AM to 9:00PM Thursday to Saturday and from 11:00AM to 8:00PM on Sunday. Reducing the potential licensed trading period reduces the scope for this business to generate adverse impact.
24. Second, the Authority notes the smaller scale of the Premises which is apparent from the diagram of the licensed area and the patron capacity specified in the enforceable Plan of Management (a maximum of 10 persons).
25. Third, the Authority is further reassured by the Plan of Management dated 16 December 2016, which sets out training and harm minimisation strategies that exceed the minimum requirements of legislation, including CCTV.
26. Fourth, the Authority is satisfied, on the basis of the licence surrender form dated 7 March 2017, that the producer wholesaler licence (LIQW880014785) held by the Applicant will be surrendered as a consequence of this licence being granted.
27. On the question of adverse community impact, the Authority received only one (late) submission objecting to the Application, this submission was made by Mr J Lidis, a consultant at Design Collaborative Pty Ltd engaged by Red Bottle, a retail liquor business located 450 metres from the Premises.
28. Without purporting to repeat all of the submissions, Mr Lidis submits that the Application “fails to meet the statutory test set of in s 48(5) and the objects of the Liquor Act”, contending that there is “significant risk in terms of the type and size of the container proposed to be utilised for the proposed business offering” and that “the Plan of Management demonstrates a lack of consideration of the likely impacts associated with the proposed operation”.
29. Mr Lidis submits that granting the Application will increase the potential for harm by “encouraging increased liquor consumption and public drinking”. Mr Lidis submits, however, that these impacts can be minimised through the imposition of

appropriate conditions and proposes that the licence, if granted, be subject to 11 conditions requiring that: that hours be limited to 11:00AM to 8:00PM Sunday to Wednesday and 11:00AM to 9:00PM Thursday to Saturday; that the Plan of Management be enforceable as a licence condition; that there be no functions or events held on the Premises; that no tastings be held on the Premises; that liquor not be sold or supplied other than by refillable containers no larger than 1.89L; that liquor sales be limited to only beer or cider; that liquor may only be sold or supplied in containers made from plastic; that light strength beer or cider is to be available for purchase at all times; that full strength beer or cider is not permitted to be discounted to a price less than the undiscounted price of low strength beer; that high strength beer or cider is not permitted to be discounted to a price less than the undiscounted price of full strength beer and that any alcoholic beverage sold with an alcohol by volume greater than 5% must not be sold in a container with a volume greater than 1.0L.

30. The Applicant did not consent to the conditions proposed by Mr Lidis on the basis that they would “severely and adversely impact on the business and uniqueness of the Applicant”, submitting that a requirement to store beer in plastic containers may affect taste. The Application has, however, accepted certain conditions proposed by licensing staff which accord with some of the proposals made by Red Bottle. These include licence conditions making the Plan of Management enforceable against the licensee, limiting the hours to 11:00AM to 8:00PM Sunday to Wednesday and from 11:00AM to 9:00PM Thursday to Saturday and requiring that liquor sales be restricted to craft beer products only.
31. When assessing the scope for negative social impact there is prima facie cause for concern arising from BOCSAR crime rates and crime data for the relevant communities. NSW Crime Statistics for October 2014 to September 2016 indicates that the suburb of Chippendale’s *Year to September 2016* rate for incidents of *alcohol related assault domestic assault* was **188.0**, higher than the NSW rate of **118.1**. The *Year to September 2016* rate for incidents of *alcohol related non domestic assault* was **334.2**, higher than the NSW rate of **137.9**. The year to September 2016 rate for incidents of *malicious damage to property* was **1524.6**, higher than the NSW rate of **838.1**.
32. The BOCSAR Report on *Crime by LGA and Alcohol Related Status* for July 2014-June 2015 indicates that the *alcohol related domestic violence related assault* rate for the Sydney LGA is **213.3** per 100,000 persons, compared to **122.6** per 100,000 persons for NSW as a whole.
33. Although non-domestic assault rates are very high in the Sydney LGA, alcohol related domestic violence rates are of particular concern when assessing a packaged liquor application in that BOCSAR data for the Sydney LGA and NSW as a whole typically discloses that most of those assaults occur in private residences where packaged liquor is expected to be consumed. However, the Authority notes that alcohol related crime rates in the Sydney LGA are not simply driven by the

residential population but the great many licensed premises and the great many city workers and visitors to the City serviced by those Premises. The Authority has made some allowance for this, while also making allowance for the rapid residential and commercial development in Chippendale.

34. There has been an increasing demand for packaged liquor licences in the suburb of Chippendale, as evidenced by the recent growth in the hospitality industry and liquor licences granted in the area. The Authority notes the Applicant's information about the proximity of the Premises to the Central Park development, being a substantial instance of recent commercial and residential development in this local community.
35. The Authority has also considered the NSW Department of Health *HealthStats* data prepared on the basis of the 2011 Census which indicated that the smoothed standardised separation ratio for *alcohol attributable deaths and hospitalisations* in the Sydney LGA was **130.1**, compared to the NSW average of **101.8**. Although this information is adverse to the Application, allowances have been made for the great many liquor licences serving residents, city workers and visitors alike.
36. The Authority is satisfied that while adverse impacts are likely to flow from the sale of liquor from this new business over time, scope for adverse impact will be reduced in this instance by the specialty nature of the business, some moderation in licensed trading hours and the smaller scale of the Premises. The impact at the level of the local or broader community will be more diffuse by reason of the numerous incumbent packaged liquor retailers in those communities, including mainstream liquor stores, licensed supermarkets and hotels, many of which will operate a larger range and longer hours than this business.
37. While the licence density and BOCSAR crime data in the Sydney LGA calls for careful scrutiny of the claimed positive benefits and the likely negative impacts of a new licence, the Authority is reassured, on the material before it, by the lack of objection by Police, Council or other public agencies consulted on the Application with regard to social impact concerns arising from this particular proposal.
38. While the Authority accepts the challenging adverse BOCSAR crime data identified by the competitor's consultant and accepts that adverse impacts pertaining to packaged liquor such as public drinking and alcohol related domestic violence are real, the Authority also considers, having regard to the proximity of the competitor and some of the conditions proposed by Red Bottle (such as the proposed requirement to store beer in plastic containers) that this competitor's conclusions on section 48(5) are at least in part driven by anti-competitive motives.
39. The Authority accepts that the local and broader communities are relatively sensitive areas in terms of prevailing alcohol related crime, anti-social conduct and hospitalisation, and this has shaped the scrutiny applied to the Application and the conditions imposed upon the licence. Notwithstanding this, it is notable that Police, LGNSW and Council (all of whom have law enforcement responsibilities) have not

identified site specific concerns pertaining to this area of Chippendale. This provides further reassurance when assessing the operation of the licence in respect of the local community and the suitability of the location selected by the Applicant.

40. The Authority is satisfied, on the basis of ABS Socio-Economic Indexes For Areas (SEIFA) data that the suburb of Chippendale and the Sydney LGA are both relatively advantaged, by comparison to other state suburbs and local government areas in NSW according to the Index of Relative Socio-economic Advantage and Disadvantage. That is, the socio-economic status of the local and broader community does not provide a compounding factor of concern, particularly with regard to domestic violence (see for example Livingstone, M: "A longitudinal analysis of alcohol outlet density and domestic violence" *Addiction* (2011) *Society for the Study of Addiction*, on alcohol and domestic violence, as noted in Authority *Guideline 6*).
41. When making this decision, the Authority has had regard to all of the conditions to which the new licence will be subject and the reasonably detailed measures set out in the Applicant's Plan of Management dated 16 December 2016. The Authority is satisfied, by reason of the prevailing impacts identified in the crime and health data for the Sydney LGA, that compliance with the Plan of Management should be made enforceable through a condition imposed upon the liquor licence.

Conclusion

42. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include Police, the Applicant, Council, Roads and Maritime Services (RMS), neighbouring occupiers and all other parties required to be consulted under the legislation.
43. 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 granting this new packaged liquor licence would not be detrimental to the well-being of the local and broader communities.
44. The Application is granted pursuant to section 45 of the Act.
45. 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: 22 March 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. Notice of Determination Approval Application No. D/2016/1110 issued by Council dated 8 September 2016.
2. Plan of the Premises and surrounding area and diagram of the Premises approved by the City of Sydney City Planning Division dated 8 September 2016.
3. Application for packaged liquor licence lodged 18 October 2016.
 - (a) LGNSW Key liquor licence details recorded as at 5 September 2016.
 - (b) Australian Securities and Investments Commission (ASIC) Current Extract for Beerbarrel Pty Ltd dated 16 October 2016.
4. Category B CIS signed and dated 18 October 2016. Two maps of the area surrounding the Premises were attached to the CIS.
5. Council submission dated 21 October 2016 from Mr Nick Pitchuev, Licensed Premises Coordinator, Health and Building. Council has “no matters of concern with this Application” and confirmed that a valid development D/2016/1110 is in force, with operational conditions.
6. Certification of Advertising Application for APP-0002296623 dated 1 November 2016. All notification requirements were met in accordance with section 40(4)(c) of the Act.
7. Police submission dated 14 November 2016 from Leading Senior Constable Cory Lay, Redfern Local Area Command (LAC). Police “do not object to the granting of the liquor licence as they acknowledge the portrayed business model differs from the usual bottle shop”. Police submit, however, that “the overall social impact of the licence, may be detrimental to the well-being of the local or broader community without imposing licence conditions”. Police propose conditions regarding CCTV, that licensee or nominated person must attend all general meetings of the local liquor accord, be a financial member of the local liquor accord and that no produce can be for sale or display which is labelled or found to contain more than 15% alcohol by volume. Police also submit that, contrary to section 2.1 of the CIS, there is a facility for the homeless located on Regent Street and note that there are 63 licensed premises within Chippendale.
8. Comprehensive Plan of Management dated 16 December 2016 signed by Mr Roman Enin, Premises Manager. The Plan of Management aims to minimise the overall social impact of the licence by detailing practices regarding responsible service of alcohol, waste collection times, times when cleaning is carried out, functions and events, venue floor plan, managing patron behaviour, preventing underage drinking, capacity, opening hours, licensing, staff, noise management, deliveries, waste minimisation and management, patron education/awareness, closed circuit TV and staff training.

9. Letter dated 21 December 2016 from Mr J Lidis, Director of Design Collaborative Pty Ltd, who was retained by JDK Legal on behalf of Red Bottle, a business located 450 metres from the Premises. This was a late submission as the submission period closed on 24 November 2016. In this submission, Mr Lidis raises several concerns including: that the local and surrounding area has pockets of disadvantage (supported by SEIFA data) and high levels of issues associated with alcohol-related disorderly conduct (supported by BOCSAR crime data); that if conditions are not imposed to protect packaging from breakage and to discourage public drinking then increased harm to the community will result; that “growlers” will be for sale and hold approximately seven standard drinks; and that the Applicant did not comply with the requirements of section 45(3)(c) of the Act. Mr Lidis, having regard to the concerns above and the SEIFA data that indicates the Premises is located within “a pocket of disadvantage and high levels of adverse impacts generally associated with off-premises sales”, submits that the new licence “will contribute – and more readily than a standard packaged liquor business – to the existing high levels of adverse alcohol related impact in the surrounding area due to this mix of characteristics”. Eleven conditions are proposed by Mr Lidis which relate to hours of operation, requiring compliance with a Plan of Management, no tastings, functions or events, restricting sale to beer and cider and placing restrictions on containers used for purchases and on promotional sales.
10. Mr Lidis submits that, “in particular, there is considered to be significant risk in terms of the type and size of the container proposed to be utilised for the proposed business offering”, that “the Plan of Management demonstrates a lack of consideration of the likely impacts associated with the proposed operation” and that “it increased the potential for harm arising by encouraging increased liquor consumption and public drinking”.
11. Email from licensing staff to the Applicant’s solicitor Mr Melvin Gan, dated 14 February 2017 inviting the Applicant to respond to submissions and asking the Applicant to consent to conditions regarding the 6-hour closure period, the local liquor accord, that the business must not operate with a greater overall level of social impact on the wellbeing of the local and broader community, that the Premises are to be operated in accordance with the Plan of Management dated 18 October 2016 and that the licence is restricted to the sale of craft beer which is processed and dispensed on the Premises only.
12. Email from Mr Gan to licensing staff dated 27 February 2017 responding to submissions from Police and Red Bottle. The Applicant accepts the conditions proposed by Police should the Authority deem them necessary. The Applicant does not accept the conditions proposed by Red Bottle, a competing packaged liquor licensee, which will affect the price and packaging of the alcohol (e.g. conditions limiting the size of reusable containers and using plastic containers). The Applicant contends that Red Bottle’s conditions would “severely and adversely impact on the business and uniqueness of the Applicant” (e.g. storing beer in

plastic containers may affect taste). The Applicant consents to conditions proposed by licensing staff in their email dated 14 February 2017.

13. Email from licensing staff to Mr Gan dated 2 March 2017 requesting the Plan of Management be amended to reflect the conditions provided in the development consent that “no function tastings are to be undertaken”.
14. Email correspondence between licensing staff inviting a submission from the Secretary and a reply advising that the LGNSW Environmental Venue Assessment Tool (EVAT) “has been put on hold” and will “not assess any more applications until further notice” (3 March 2017).
15. Email from Mr Gan to licensing staff dated 7 March 2017. Mr Gan advises that the Plan of Management will be amended so that the current reference to taste testing will be removed . The Applicant attached a licence surrender form for the proposed surrender of its wholesale licence should the Application be granted.
16. Application to surrender liquor licence dated 7 March 2017.
17. Two google maps of the Premises and surrounding area.
18. Liquor licensing records from LGNSW indicate that, as of 23 February 2017, the State suburb of Chippendale already has **4** packaged liquor licensed premises and the Sydney LGA has **171** packaged liquor licensed premises. Chippendale has a rate of **98.59** licences per 100,000 persons of population, while the Sydney LGA has a rate of **100.88** per 100,000 persons.
19. 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 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*.
20. BOCSAR NSW Crime Statistics for October 2014 to September 2016 indicate that the two year trend for the Sydney LGA shows that the LGA has remained **stable** for incidents of *alcohol related assault (domestic assault)*, *alcohol related assault (non-domestic assault)* and for incidents of *malicious damage to property*.
21. BOCSAR NSW Crime Statistics for October 2014 to September 2016 indicates that the suburb of Chippendale’s *Year to September 2016* rate for incidents of *alcohol related domestic assault* was **188.0**, higher than the NSW rate of **118.1**. The rate for *alcohol related non-domestic assault* was **334.2**, higher than the NSW rate of **137.9**. The rate for incidents of *malicious damage to property* was **1524.6**, higher than the NSW rate of **838.1**.
22. 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 NSW rate of **18.2** per 100,000.
 - (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 NSW rate of **144.0**.
 - (c) The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* in the Sydney LGA was **213.3** per 100,000 persons, higher than the NSW rate of **122.6**.
 - (d) The rate of *offensive behaviour* offences flagged by reporting Police as *alcohol related* in the Sydney LGA was **525.4** per 100,000 persons, significantly higher than the NSW rate of **88.2**.
23. ABS SEIFA data prepared on the basis of the 2011 census indicating that the Sydney LGA ranked in the 9th decile and the suburb of Chippendale ranked in the 8th decile on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
24. NSW Department of Health *HealthStats* data prepared on the basis of the 2011 Census indicating that the smoothed standardised separation ratio for *alcohol attributable deaths and hospitalisations* in the Sydney LGA was **130.1**, compared to the NSW average of **101.8**.