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Dear Mr Cusack

**Application for the Grant of a New Packaged Liquor Licence
Bray's IGA Castlecrag**

I am writing to you about an application made by your client, Castlecrag Holdings Pty Limited to the Independent Liquor and Gaming Authority on 21 January 2015, in respect of a proposed new packaged liquor licence for premises to be located at Shops 25 and 26, Quadrangle Shopping Village Centre, the corner of Edinburgh Road and Eastern Valley Way, Castlecrag known as "Bray's IGA Castlecrag".

The Application was considered by the Authority at its meeting on 28 October 2015. After careful consideration of the Application and further submissions provided in relation to the Application, the Authority decided pursuant to section 45 of the *Liquor Act 2007* to grant the Application. This decision was advised to you informally in an email from Authority staff dated 2 November 2015.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008. This letter attaches a statement of reasons for the Authority's decision to grant the Application, prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

The detailed conditions subject to which the licence is granted will be set out in the OneGov record of the liquor licence, to be provided separately by staff assisting the Authority.

Please contact case manager via email to [e] santina.causa.ilga.nsw.gov.au if you have any enquires about this letter.

Yours faithfully

Micheil Brodie
Chief Executive

- 4 APR 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 21 January 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) lodged by Hatzis Cusack Lawyers on behalf of Castlecrag Holdings Pty Limited (Applicant). The Application seeks the grant of a new packaged liquor licence, within the meaning of section 29 of the *Liquor Act 2007* (Act), for premises located at Shops 25 and 26, Quadrangle Shopping Village Centre, the corner of Edinburgh Road and Eastern Valley Way, Castlecrag trading as "Bray's IGA Castlecrag" (Premises).
2. The Application discloses that the proposed licensed business will "adjoin an IGA Supermarket" with an internal entrance created between the existing IGA supermarket and the proposed licensed Premises so that the "packaged liquor facility will operate as the liquor department for the Supermarket".
3. The Applicant submits that the licensed area of the Premises "comprises a medium sized supermarket liquor development" with the "trading area and cool-room area" comprising "approximately 109sqm and there will be a dry-store area of approximately 22sqm".
4. The Application proposes that the new packaged liquor business be licensed to sell or supply liquor for consumption off the Premises during the trading hours of:

Monday to Wednesday	9:00am – 8:00pm
Thursday - Saturday	9:00am – 9:00pm
Sunday	10:00am – 8:00pm.
5. The Application is accompanied by a separate application seeking that the 6-hour daily closure period mandated by section 11A of the Act be fixed at between 3:00am and 9:00am.
6. The Authority notes that Authority Policy is for the 6-hour closure period to usually be fixed at between 4:00am and 10:00am unless an applicant provides a case that it is in the public interest for another period to be specified. The Authority acknowledges that the Premises is within a supermarket and is not a stand-alone liquor store. The Authority is satisfied, on the basis of the Applicant's submissions within the Community Impact Statement, that the licence be granted in accordance with the trading hours and 6-hour closure period sought by the Applicant.

MATERIAL BEFORE THE AUTHORITY

7. Application Form for a New Packaged Liquor Licence and Community Impact Statement (CIS) filed with the Authority on 21 January 2015: The Applicant has proposed that the proposed liquor business exercise the following licensed trading hours:

Monday to Wednesday	9:00am – 8:00pm
Thursday to Saturday	9:00am – 9:00pm
Sunday	10:00am – 8:00pm.
8. The various contentions and submissions made by the Applicant in the CIS document regarding the overall social impact of granting the Application are discussed in further detail below.
9. Notification Map: identifying the neighbouring premises that were provided with notification of the Application.

10. List of Stakeholders: identifying nearby stakeholders that were notified of the Application.
11. List of Special Interest Groups: that were notified of the Application.
12. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Willoughby City Council and a copy of the site notice displayed on the proposed Premises.
13. Plan of the Premises: This 1-page document provides a detailed plan of the general store layout, a demolition plan, an existing plan and a photograph depicting the street facade and entry to the Premises. The licensed area of the Premises has been clearly highlighted in yellow and shows, for the purposes of section 30 of the Act, how the licensed area is to be separated from the supermarket by a separate entry.
14. ASIC (Australian Securities and Investments Commission) Current Organisation Extracts: These documents provide company details as at 12 January 2015 in respect of "VERVEN PTY LIMITED" (the Premises Owner) and as at 24 December 2014 for "CASTLECRAG HOLDINGS PTY LIMITED" (the Applicant).
15. Bray's IGA Castlecrag House Policy: This 1-page business policy document states that it "sets out the practices to be implemented" by the Applicant at the Premises "so as to minimise the likelihood of negative impacts and ensure compliance with the liquor laws". The House Policy briefly discusses "prevention of sale to persons under 18", "preventing sale of liquor to intoxicated persons", "no consumption of liquor on the licensed premises", "responsible service of alcohol training", "mandatory signage" and "CCTV".
16. This document states *inter alia* that staff of the licensed business will comply with this policy and ensure that "persons under the age of 18 years do not purchase liquor"; that intoxicated persons will be refused service; that liquor is not to be consumed on the licensed Premises; that all required signage is displayed within the licensed area; that all staff involved in the sale and supply of liquor "receive training in the responsible service of alcohol"; and that "only persons over the age of 18 years sell or supply liquor".
17. The House Policy also states that any person who appears to be under the age of 25 will be asked to produce identification before being supplied with liquor; that a CCTV system will be installed; that staff will be trained "as to what features to check when presented with proof of age identification"; and that staff will be provided with any intoxication guidelines released by the Authority.
18. Management Plan for the operation of a packaged liquor facility to adjoin an existing IGA supermarket - prepared by Hatzis Cusack Lawyers dated January 2015: In this 6-page document the Applicant identifies the purpose of this management plan as to "control various aspects of the operation" to ensure that liquor is served responsibly, that the likelihood of minors gaining access to liquor including by way of secondary sales is minimised, the likelihood of customers consuming the purchased liquor in the immediate area is minimised and that "conditions of the liquor licence are complied with".
19. In this document the Applicant discusses such matters as the "location of Premises", "hours of trade", "behaviour of patrons", "practices to be implemented to prevent/minimise likelihood of patrons consuming liquor in surrounding vicinity", "security of premises/prevention of crime", "CCTV system", "alarm system", "design and layout", "responsible sale and supply of liquor", "staff", "cleaning", "complaint resolution", "Local Liquor Accord", "requirement to liaise with Licensing Police for area" and "monitoring the Management Plan".

20. The Applicant provides in this document that the licensed business will only trade within the hours endorsed on the licence; that management and staff "will take all reasonable steps to control the behaviour of patrons as they enter and leave the Premises"; that a CCTV system and back to base alarm will be installed; that "staff will receive adequate training"; and that the Premises will be "designed so as to minimise security risks, including theft".
21. Additional information about the Application and Community Impact Statement attached to the CIS dated 21 January 2015: In this 10-page document the Applicant provides information about the IGA chain, the completion of the Premises, the position with Council, the location of "nearby community buildings, facilities and places", the notification of stakeholders and "issues raised during consultation" and the contended "benefits" to the community of granting the Application.
22. The Applicant also makes submissions on the overall social impact of granting the Application, discussing such factors as "type of proposed licensed Premises", "scale of the proposed licensed Premises", "trading hours", "location of proposed licensed Premises", "density" and "measures to reduce the potential for alcohol-related harms".
23. Additional information about the proposed 6-hour closure period attached to the CIS dated 8 May 2015: In this 5-page document the Applicant discusses (relevantly) the proposed 6-hour closure period and factors such as the proposed "mode of operation of the liquor store", the Applicant's contentions on the "demonstrated or likely needs of patrons", the "interests of the local community towards the proposal", "the need to minimise harm associated with misuse and abuse of liquor", "the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor", "need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life" and "granting of previous similar applications by the Authority".
24. The Applicant makes submissions as to why variation of the usual daily 6-hour shutdown period is sought and why it is in the public interest to grant the licensed trading hours proposed. The Applicant contends that "the majority of customers will be "persons attending the IGA Supermarket"; that the Premises will provide IGA customers with the "added convenience of being able to purchase liquor when purchasing their grocery needs"; that the general public "expect" that the licenced Premises will "be open from the same time that the Supermarket opens"; that approving this proposed daily closure period "is not likely to result in any increase in alcohol-related violence prior to 10.00am"; that "many persons attend to do their grocery shopping early in the morning" and these hours will provide patrons with "the added convenience of being able to purchase their liquor needs" and that "adequate responsible service of alcohol and other security measures will be in place at the proposed licensed Premises" to mitigate harm arising during the additional morning hours sought.
25. Report to the Authority dated 30 April 2015 from a delegate of the (then) Secretary of the then NSW Trade and Investment (now the jurisdiction of the Department of Justice) via the Compliance and Enforcement Division of the Office of Liquor Gaming and Racing, now Liquor and Gaming NSW (LGNSW): In this report LGNSW note that the proposed trading hours are "Monday to Wednesday 9:00am to 8:00pm, Thursday to Saturday 9:00am to 9:00pm and Sunday 10:00am to 8:00pm".
26. LGNSW acknowledge that Police did not object to the Application but Council objected on the basis that "there is no Development Consent or Complying Development Consent".

27. LGNSW acknowledge the "extremely high level of public objection" in the form of "dozens of individual submissions" and "a petition that contained approximately 150 signatures".
28. The LGNSW Director Compliance & Enforcement advises that he does not object to the granting of this Application.
29. LGNSW assess the proposed type of licensed premises as a "moderate risk operation" after noting that the primary purpose of this licensed business will be "the sale of packaged liquor for consumption away from the licensed Premises".
30. LGNSW submit that the radial density of liquor licences in the suburb of Castlecrag "is on par with the State average".
31. LGNSW submit, on the basis of NSW Bureau of Crime Statistics and Research (BOCSAR) data for the period between January 2014 to December 2014 that:
 - a) the rate of reported alcohol related assaults (domestic and non-domestic) occurring in the suburb of Castlecrag was 32 per 100,000 persons of population compared to 311 for NSW as a whole
 - b) that the rate of reported alcohol related disorderly conduct in that suburb was 0 per 100,000 persons compared to the NSW state average of 100.
32. LGNSW submits that "this indicates that Castlecrag does not appear to have a high concentration of alcohol-related anti-social behaviour".
33. LGNSW contends that a review of LGNSW Compliance and Enforcement Division records "did not disclose any adverse information" in respect of the Applicant.
34. Submission from Detective Inspector Matt Nichols and Senior Constable Damian Norris of the North Shore Local Area Command (LAC) of NSW Police to Hatzis Cusack Lawyers dated 18 March 2015: Police submit that they have reviewed the Application and the previous two years alcohol related crime statistics within the Castlecrag area which "are low compared to other suburbs". Police note that the Premises is "currently approximately 150 metres away" from the existing licensed business "Castlecrag Cellars". Police submit that they have consulted with the licensee of Castlecrag Cellars during the review of this Application. Police advise that they have "no grounds for objection" by reason of "the low alcohol related crime statistics within the Castlecrag area over the past two years".
35. Modified Complying Development Certificate 150023 issued by Willoughby City Council (Council) dated 21 April 2015: showing that development consent has been granted for "change of use and shop fit-out for liquor store".
36. Email submission from Council)Development Planning Manager, Mr Ian Arnott dated 23 February 2015: Council advises that it does not support the Application by reason that they do not have a record of either a Development Consent or Complying Development Certificate (CDC) with respect to the proposed change of use of Shops 25 & 26 to permit use of the Premises as a bottle shop.
37. Council also quote an objecting submission received from a local resident of 15 years Mr A Hopper who contends *inter alia* that "cheap and unregulated alcohol sales" would "threaten the social morality of Castlecrag"; that Castlecrag has a "large number of public housing commission sites that are primarily inhabited by alcohol and mental illness cases"; that "any convenience store alcohol sale site, not only changes the whole viability of youth to purchase alcohol" but also "opens up the ability for alcohol and drug

dependant housing commission tenants to go on a free for all"; and that the Premises "would also inherently attract unwanted groups of youths".

38. Email submission from Ms Candice Pon on behalf of Council dated 10 September 2015: This submission is in response to an email from the Applicant's Solicitor, dated 10 September 2015, which attached a search previously provided by Council. Council now advise that "no objection is raised" to the Application noting that "a CDC number 150023 for change of use and shop fitout for a liquor store was issued on the 21/04/2015".
39. Submission from NSW Roads and Maritime Services (RMS) dated 19 March 2015: This letter presents statistics for the Willoughby Local Government Area (LGA) indicating that during 2012 there were "eight alcohol-related crashes, resulting in five casualties". RMS suggest that during the approval process, measures preventing the "likelihood of alcohol involvement in road crashes in the Castlecrag area should be discussed". RMS recommend if the Application is approved that the Applicant "maintain awareness" of "local alcohol-related issues"; that the Applicant attend the LGA's Liquor Accord and that public education material, focusing on drink driving and pedestrian-alcohol issues, be "supported" and "displayed within the Premises".
40. RMS recommend that when there are customers who are "buying large quantities of alcohol for a party or social event" that bottle shop staff draw attention to the "safe party kit available on the police website" or suggest that the purchaser contacts the local police for guidance. RMS suggest that the Proposed Premises display "a list of tips for people hosting social events" containing suggestions that customers ensure that guests "have a transport option to get home safely" or access to details for taxi and public transport options; that non-drinking guests are encouraged "to provide lifts for those who are", that "low alcohol and soft drinks" are available as an alternative; that food is offered; and that guests are prevented from being "pressured into continuing to drink alcohol".
41. Submission from Dr P Stokes on behalf of the Castlecrag Progress Association (CPA) dated 20 December 2014: In this 1-page letter Dr Stokes submits that the CPA "supports the IGA Supermarket" but is concerned with "the large number of outlets for liquor in the vicinity of Castlecrag IGA" and the "impact of an expanded IGA operation on the other small businesses in the village". Dr Stokes is concerned that granting the Application will "lead to a situation in which IGA is the only supplier of food and wine left" and will "diminish the village atmosphere of Castlecrag shops".
42. Submission from local resident, Mr J H Knox, of the Tor Walk, Castlecrag dated 23 February 2015: In this 3-sentence submission Mr Knox "strongly" objects to the Application contending that "the existing bottleshop, Castlecrag Cellars, adjoins the IGA Supermarket and it serves the local community adequately". Mr Knox notes that "there are also bottle shops in Willoughby and Northbridge".
43. Email submission from local resident, Mr A Ground, of Edinburgh Road, Castlecrag dated 23 February 2015: In this 1-paragraph submission, Mr Ground strongly opposes the Application submitting that the local community "already has a very good bottle shop with excellent service and range of products".
44. Email submission from local resident, Ms D Temple, of Castlecrag dated 23 February 2015: In this 1-page submission, Ms Temple expresses concern with the prospect of having "two bottle shops in close vicinity in the Castlecrag Shopping area" and submits that the local community "don't need another bottle shop". Ms Temple contends that Castlecrag has "one small local bottle shop" and that granting the Application will "probably cause this small one to go out of business", resulting in "less

competition in the future as the supermarket chains will have a monopoly on all our services". Ms Temple also raises concerns for school children in the local community and contends that the Premises "will be readily accessible to underage drinkers as there is a bus stop close by where many school children gather". Ms Temple contends that the bottle shop has "been there for 16 years and knows the community" and as a result is able to give "personal service" and "stop inappropriate selling of alcohol".

45. Email submission from local resident, Ms R Browne, of Castlecrag dated 22 February 2015: In this 4-paragraph submission, Ms Browne contends that there is already "an established competitively priced bottle shop" and that granting this Application "will only create over servicing of liquor in the area". Ms Browne contends that the Premises "will not enhance the area" and may instead attract "unacceptable behaviour".
46. Email submission from local resident, Mr Ferdinando Barbara, of Eastern Valley Way, Willoughby East dated 23 February 2015: In this 1-paragraph submission, the writer objects to the Application and contends that the local community already has "a long well established liquor shop which adequately" services the area and that granting the Application "will probably increase the already traffic congested area".
47. Email submission from Mr Crispene Nathan dated 23 February 2015: In this 1-paragraph submission, the writer opposes the Application and contends that "there is already a good bottleshop run by experienced, local people" and that IGA "employs many casual, young people" making it likely that there could be "a less vigilant approach to selling alcohol". The writer notes that "there are many restaurants nearby that are licensed to serve alcohol" and contends that "there is no need for an extra venue to sell alcohol".
48. Email submission from Ms H Miller dated 23 February 2015: In this 2-page submission, Ms Miller opposes the Application on the basis that the pre-existing "small-business wine cellar in the area" would be "disadvantaged" and on the basis of the "less than 5-minute drive" for patrons to access "a large Woolworths Bottle-O in Northbridge".
49. Ms Miller further contends *inter alia* that the needs of the local community "are readily and easily met by the stores in Castlecrag and Northbridge", that "Castlecrag Cellars is reliable and of high quality" and that granting this Application may result in the small businesses in the area suffering.
50. Email submission from local resident, Mr G Bigg, of Edith Street, Castlecrag dated 23 February 2015: In this 6-paragraph submission, Mr Bigg opposes the Application and raises concerns about the Application and the CIS. Mr Bigg contends that if the Application is granted, the packaged liquor licence density will be "inappropriate" considering the suburb's "low density, family environment and limited medium density housing"; that the Application is a "cut and paste" of a "previous application from Byron Bay and is not a document tailored for this liquor license in this suburb"; and that the proposed premises will put "a national discount chain at the entry/exit of the grocery store where local families and children shop".
51. Email submission from Ms J Miller dated 23 February 2015: In this 5-sentence submission, Ms Miller opposes the Application and contends that "Castlecrag already has a bottle shop which services the local area", that "the shops in the village are all very small, unique and individually owned and operated" and that adding another liquor store "would not fit the ambient nature of this area".
52. Email submission from Mr R Barron of Middle Cove dated 8 March 2015: In this 2-paragraph submission, Mr Barron opposes the Application and contends that there are

already "seven bottle shops" located within "5 to 6 minutes driving time of our home". Mr Barron questions the "need" for another bottle shop and submits "Castlecrag Cellars is a long standing well established and respected bottle shop, so there is no need for another one".

53. Email submission from Ms K James dated 10 March 2015: In this 3-sentence submission the writer submits that there is a need to keep small business alive and not to destroy the village. The writer submits that "we only need one bottleshop in Castlecrag".
54. Email submission from Ms K Cargill dated 25 February 2015: In this 1-paragraph submission, Ms Cargill objects to the Application and contends that "there is already one wine cellar close by"; that one wine cellar is "entirely adequate for the number of local residents"; that the local community is a "quiet area" with a "relatively elderly population"; that local residents choose to live within this community for its "tranquillity and closeness to nature"; that the "intrusion of more alcohol into our community is unwanted, unnecessary and unhealthy" and that in "such a small village, diversity and originality should be encouraged" rather than "duplication of existing services".
55. Email submission from a local resident, Ms S Martin, of The Rampart, Castlecrag dated 23 February 2015: Ms Martin objects to the Application on six grounds, including that: "there is already a liquor shop in Castlecrag" which has been "operated responsibly by its owners for many years" and the "owner knows all the locals personally"; that there are "already 12 liquor shops" located within a "five kilometre radius" of the Premises; that the Shopping Village is "a family shopping centre" and the writer questions who will be responsible for supervising the "young casual" employees of the Premises.
56. Email submission from local resident, Ms K Deacon, of The Redoubt, Castlecrag dated 23 February 2015: In this 8-paragraph submission, Ms Deacon opposes the Application and contends inter alia that "Castlecrag is currently serviced by Castlecrag Cellars"; that "it would be a travesty to see the Castlecrag shopping village turn into an IGA super centre"; that granting this Application would "exacerbate this attempted monopolisation" and also "be dangerous" for the local community; that "Castlecrag is a village shopping precinct that does not need a supermarket style bottleshop"; that BWS already operates in Northbridge and there is a Dan Murphy's outlet in Willoughby and that granting the Application will lead to "the promotion of alcohol sales in the Castlecrag public domain" which the writer contends will 'degrade the ambiance of the village".
57. Email submission from local resident, Mrs B Ground, of Edinburgh Road, Castlecrag dated 23 February 2015: In this 1-paragraph submission, Mrs Ground "strongly objects" to the Application contending that the local community already has two outlets that are "close" to the proposed new business, located on Peshurst and Northbridge streets and that there already is "insufficient parking for our current shopping, dining and socialising customers".
58. Email submission from Ms D Slocombe dated 23 February 2015: In this 3-paragraph submission, Ms Slocombe opposes the Application and contends that Castlecrag "already has one bottle shop which has been servicing the community well for many years", that there are "numerous other larger bottleshops" that are "within close proximity to Castlecrag" including a BWS at Northbridge and a Dan Murphy's at Willoughby and that "there is no need for additional liquor availability in this small community".
59. Email submission from local residents, Mr and Mrs Field, of Edinburgh Road, Castlecrag dated 23 February 2015: In this 5-sentence submission Mr and Mrs Field oppose the Application and contend that the "area is well serviced by other liquor outlets and we do

not need another" and that the community "quality of this quadrangle" would be "limited" if a bottleshop is given a presence.

60. Email submission from the Fletcher Family of Willoughby East dated 23 February 2015: In this 3-paragraph submission the writer objects to the Application contending that it is "unnecessary" on the basis that the surrounding suburbs have enough large outlets catering for sales of liquor.
61. Email submission from local resident, Ms M Rudder dated 23 February 2015: In this 1-paragraph submission, Ms Rudder opposes the Application submitting that Castlecrag Cellars have been "operating their store for 20+ years" and that licensing an IGA outlet in this location that "employs school students" would be "inappropriate" considering that there is already a bottle shop in Northbridge and a Dan Murphy's outlet in Willoughby.
62. Email submission from local resident, Ms D Pope, of The Scarp, Castlecrag dated 24 February 2015: In this 2-paragraph submission Ms Pope raises concern as to the Premises being located in "such close proximity to an already existing" liquor store (Castlecrag Cellars) that the writer contends provides "more than sufficient as well as personal service to the residents of Castlecrag". Ms Pope also opposes the Application on the basis that it is "not appropriate for such a small shopping centre".
63. Email submission from Jivan Park dated 23 February 2015: In this 4-line submission the writer opposes the Application and contends that the suburb of Castlecrag is a "very small community of 1200 people" that does not "need another bottle shop in the area" and that the local community is already serviced by a "nice small bottle shop" and close by suburbs contain a "few huge big company chain".
64. Email submission from local resident, Ms J Hansen, of The Rampart, Castlecrag dated 20 February 2015: In this 7-paragraph submission, Ms Hansen opposes the Application and contends that the "existing liquor shop at 122 Edinburgh Rd has served the community well"; that there is "no demand" for the proposed new business to operate on the Premises; that the new business would "attract a group of people hanging around the shopping centre" and "make it very unattractive for local citizens"; that nearby to the location of the Premises there is a Woolworths liquor outlet in Northbridge and a Dan Murphy's outlet in Willoughby; that the IGA "is run and managed by very young staff"; that there is a halfway house for people with intellectual and mental disability located "nearby in Warner Street Willoughby".
65. Email submission from local resident, Mr P Bennett, of Edinburgh Road, Castlecrag dated 22 February 2015: In this 3-paragraph submission, Mr Bennett strongly opposes the Application and contends that "there is already a bottle shop in the local shops which is more than sufficient for the needs of what is a very small suburb"; that there are "numerous other liquor shops in Northbridge, Willoughby and Willoughby North"; and that granting the Application will provide "no merit or benefit to the community".
66. Submission from local residents, Mr T Houghton and Ms M Sheehan, of Raeburn Avenue, Castlecrag dated 23 February 2015: In this 1-page letter, the writers express concern that there is "no need" for another liquor selling outlet within a small precinct; that there is already "an existing licence only 50 metres away"; that there may be potential increases in noise and people loitering on the streets; that the "high proportion" of people under 18 years of age in the suburb of Castlecrag "would be easily attracted by cheap products and attractive packaging"; and that the Premises would "encourage the practice of pre-loading".

67. Email submission from local residents, Mr and Mrs Graham, of The Parapet, Castlecrag dated 22 February 2015: In this 2-paragraph submission, Mr and Mrs Graham "object to the Application" on the bases that Castlecrag is "one of the smallest suburbs in Sydney"; that there is "already an existing bottle shop which attracts only modest trade"; and that granting the Application would "be excessive" and "almost certainly lead to the closure of the existing bottle shop".
68. Email submission from local residents, Mr and Mrs McClenaughan, of Charles Street, Castlecrag dated 22 February 2015: In this 3-paragraph submission, Mr and Mrs McClenaughan oppose the Application and contend that "Castlecrag is a small village" which already has a "very good bottle shop"; that Castlecrag does "not need two bottle shops"; that there is a Dan Murphy's outlet and a Porters liquor outlet in the suburb of Willoughby, a BWS outlet in Northbridge and a Vintage Cellars outlet in Cammeray.
69. Email submission from local resident, Ms Gillian Jones, of Eastern Valley Way, Willoughby East dated 22 February 2015: In this 1-paragraph submission, Ms Jones opposes the Application, acknowledges the existing bottle shop and contends that the Application "will bring more traffic to an already troublesome crossing" for local residents.
70. Email submission from Ms V Craig of Castlecrag dated 23 February 2015: In this 1-paragraph submission, Ms Craig expresses concern for "a second liquor outlet" and contends that the "community is well served already with a quality wine shop and several cheaper alternatives available nearby at Northbridge and Willoughby". Ms Craig contends that the IGA is a "wonderful community asset" but the business "employs many young people from the neighbourhood" which could lead to "issues".
71. Email submission from the CEO of Globecast Australia, Mr S Farnsworth, dated 23 February 2015: In this 5-sentence submission Mr Farnsworth objects to the Application and contends that "adding another bottle shop in this family orientated area will simply encourage more young people to drink" and that there are "other bottle shops within three kilometres".
72. Email submission from Ms C Bellamy dated 25 February 2015: In this 1-page submission, Ms Bellamy objects to the Application and raises concerns: that granting the Application will "undermine the already difficult business of an independent store"; that the new business will "do nothing to enhance" the "ambience" of the Castlecrag shopping strip and that "alcohol is already available" for the community.
73. Email submission from local resident, Mr L Smith, of The Rampart, Castlecrag dated 23 February 2015: In this 9-paragraph submission, Mr Smith objects to the Application and contends that granting the Application will provide "no benefit to the community"; that the suburb is "adequately serviced by the existing liquor outlet"; that there is "no demand for a supermarket liquor outlet"; that there are a number of "specialised residential facilities" nearby with residents who have issues that would be "compounded by increased access to alcohol"; that the Premises would attract people that will hang around the shopping centre "and make it very unattractive for local citizens"; that nearby there is a Woolworths liquor located in Northbridge and a Dan Murphy's store in Willoughby; and that the IGA business in question "is run and managed by very young staff".
74. Submission from local resident, Mrs J Peach, of Robert Street, Willoughby East: This 1-page submission was submitted to the Authority on the official ILGA submission form. Mrs Peach objects to the Application and contends inter alia "there is an existing outlet" whose business would "undoubtedly be adversely impacted" and that there "is no

requirement for further liquor outlets". Mrs Peach submits that "there are already outlets very close by at the Northbridge Shopping Centre" and at "the Harris Farm shops" in Willoughby.

75. Submission from local resident, Ms J Newton, of The Bulwark, Castlecrag dated 23 February 2015: This 1-page submission was submitted to the Authority on the official ILGA submission form. Ms Newton submits that the Application is "inappropriate" and that granting it "will have a detrimental effect on the well-being of the Castlecrag community" by reason that "there is already too many bottle shops nearby"; that the existing bottle shop, Castlecrag Cellars, "greatly assist our community"; that the Quadrangle Shopping Centre is a "large open area" where "families often gather and children play"; that young staff are employed by the IGA Supermarket and could potentially be "left to serve in the bottle shop in place of qualified staff"; that the licensed business could "attract younger drinkers" which could "lead to disturbances"; and that there is "insufficient parking and traffic congestion" at the Premises.
76. Submission from local resident, Mr D Williams, c/o Whitehead Cooper Williams Solicitors dated 5 March 2015: In this 2-page letter Mr Williams strongly opposes the Application and contends that "another bottleshop is not what this community needs", that within the "immediate vicinity" of the proposed Premises there is Castlecrag Cellars and "cut price" liquor outlets located nearby in Northbridge and Willoughby.
77. Mr Williams submits that the Castlecrag shopping area is "relatively trouble free" due to the "lack of easy liquor" and contends that the existing IGA store "has already brought about the demise" of local shops.
78. Mr Williams discusses the cut price market of the IGA Supermarket and its negative effect on the neighbouring shops. Mr Williams contends that young adults and teenagers may use the "Quadrangle at Castlecrag as the latest hangout" and that Castlecrag does not need "to lose yet another of its otherwise successful small – and valued – businesses" as a result of granting this Application.
79. Email submission from Mr S Hickman, managing director of Market Matters, dated 26 February 2015: The writer, whose business address does not appear connected to the relevant community but may be a local resident opposes the Application in a single sentence that contends that the new business "will add nothing to the community" and will "potentially cause problems having seen IGA sell cigarettes to very young looking teenagers".
80. Submission from local resident, Ms M Gunderson-Briggs, of Kameruka Road, Northbridge dated 3 March 2015: In this 3-paragraph submission, Ms Gunderson-Briggs strongly objects to the Application and contends that there is "already a bottle shop in Castlecrag that has served the community for years; that there "is no need for any other bottle shop in the area"; and contends that the IGA Supermarket has "already shown some incredible unfortunate behaviour" [The Authority notes that the writer provides no further details about the contended unfortunate behaviour].
81. Submission from Ms Frances Kevans dated 3 March 2015: In this 3-paragraph submission, the writer objects to the Application and raises concerns about the IGA Supermarket undercutting and driving out smaller businesses.
82. Submission from local resident, Mr G Newton, of The Bulwark, Castlecrag: This 1-page submission was submitted to the Authority on the official ILGA submission form. Mr Newton states that the Premises is located "close to an existing outlet" and contends that the local community is "well served with liquor sales outlets". Mr Newton raises concerns

as to the "young, part time, casual shift working staff" employed by the Applicant business and is concerned about the "possibility of untrained staff having to assist at times". Mr Newton contends that the "age and inexperience of the current staff may lead to the possibility of sales to under age patrons" and that granting the Application "could well be at a social cost to our community".

83. Email submission from local resident, Ms P Starch, of The Rampart, Castlecrag dated 18 March 2015: In this 4-paragraph submission, Ms Starch opposes the Application and contends that "Castlecrag already has a licensed bottle shop which takes care of the needs of the small Castlecrag population"; that Castlecrag is "only about 1 to 2 kms" from two additional bottle shops; and that it is "totally inappropriate" to have another bottle shop in this small residential and family area.
84. Email submission from local resident, Mr G Morrow, of Parapet, Castlecrag dated 12 March 2015: In this 5-paragraph submission, Mr Morrow opposes the Application and contends that overconsumption of alcohol is already visible evidenced by "empty drink bottles" as well as "very noisy yelling at night". Mr Morrow contends that granting the Application would "add significantly to what is already a problem, especially for our youths in this small community".
85. Email submission from Ms C Wilkinson from Wilkinson Group dated 11 March 2015: In this 5-paragraph submission, Ms Wilkinson strongly objects to the Application and contends that "retail is already in a delicate state" and large supermarket chains "can destroy small business"; that the owners of Castlecrag Cellars "have developed over the years a strong relationship with their locals"; that granting this Application will "alter the ability" of premises such as Castlecrag Cellars to remain viable; and that "another alcohol licence within a block of an existing one" is not needed.
86. Email submission from Ms J Slliker dated 23 February 2015: In this 2-sentence submission, Ms Slliker objects to the Application submitting "we certainly do not need two bottle shops" by reason that the incumbent Castlecrag Cellars "is a well-run and friendly service that fits with the Castlecrag atmosphere of our village".
87. Email submission from local residents, Mrs L and Mr P Crawford, of Rutland Avenue, Castlecrag dated 23 February 2015: In this 5-paragraph submission, the Crawford's oppose the Application contending that the existing liquor outlet in Castlecrag is "very responsible"; that Castlecrag is a small suburb; there are already other liquor outlets that provide competition, and "there is absolutely no call to have a second liquor outlet".
88. Submission from local resident, Ms Taylor Tsieng, of Edinburgh Road, Willoughby dated 26 February 2015: In this 1-page submission, the writer objects to the Application and raises concern with having a bottle shop located where "children and families doing their shopping are exposed to advertised and displayed alcoholic drinks". The writer contends that there is already a "bottle shop within 50m of the supermarket" and contends that the "additional retail capacity will disadvantage the existing bottle shop". The writer also contends that the IGA Supermarket in question "recently objected to additional supermarket competition from a major supermarket chain placing a new supermarket in the Willoughby area as undesirable competition" (the Authority notes that the writer does not expand further on this point).
89. Objection Petition: This document contends:

Another bottleshop is not what this community needs. There is already an existing bottleshop on Edinburgh Rd in the immediate vicinity of the proposed IGA Bottleshop (i.e. Castlecrag Cellars). Two bottleshops, within such a close proximity to the other, is likely to cause a price war leading to

increased loitering, drinking, vandalism, domestic violence, violence on our streets and crime in general. We are already adequately served by existing outlets and I am concerned that if this bottleshop goes ahead that it will send the wrong message. Other matters of particular concern to me include.

90. The Petition has been signed and submitted by the following persons, some of whose names are either not disclosed or difficult to read from the document. They briefly note the following additional concerns:
- a) P Finlay of The Bulwark, Castlecrag dated 10 February 2015: contending that the proposed Premises "does not fit with the heritage character of the Castlecrag Griffin Conservation Area".
 - b) C Sinac of Sunnyside Crescent, Castlecrag dated 9 February 2015: contending that the proprietor of the already existing Castlecrag Cellars "provides a valuable community service by keeping an eye on customer" and not serving people he knows that have mental instabilities; that a community release facility is located 300 metres from Castlecrag shops; and granting the Application will result in "increased public disturbances in our area".
 - c) S Phillips of The Battlement, Castlecrag dated 12 February 2015: raising concerns about underage drinking as a result of IGA staff being too "young to be around the sales of alcohol".
 - d) G Rathmanner of The Battlement, Castlecrag dated 10 February 2015: raising concerns about the shopping village being frequented as an after school stop.
 - e) J Rathmanner of The Battlement, Castlecrag dated 11 February 2015: raising concerns about the "anti-social behaviour related to adolescents being able to obtain cheap alcohol late in the evening".
 - f) G and J Moore of Cheyne Walk, Castlecrag dated 12 February 2015: contending that there is "no reason for another outlet".
 - g) H Ghoukassian of Linden Way, Castlecrag: raising concerns with "alcohol-related social issues and adverse impact", "school zone area and safety" and the fact that there is "no need" to have two liquor stores "so close to each other".
 - h) S Lucas of Linden Way, Castlecrag: contending that two liquor stores so close is "inappropriate", that there is the potential for increased misbehaviour and crime, and that the area is already served well.
 - i) Dr I Francis, of The Parapet, Castlecrag dated 1 February 2015: contending that there is "no better" off-premises licensed shop than Castlecrag Cellars.
 - j) Dr A N of Castlecrag: raising concerns with traffic and parking.
 - k) I R of Castlecrag.
 - l) P Tzannes of Post Office Lane, Chatswood.
 - m) A Stanton of Remuera Street, Willoughby: contending that a variety of shops are needed that don't take profits away from already established businesses; that loitering is a concern; and that two bottle shops in such a small area "is the wrong message".
 - n) B Hall of Edinburgh Rd, Castlecrag: contending that the proposed Premises "is not needed" as Castlecrag Cellars "has a extensive range of products that more meets the needs of the community".
 - o) S Hurst of Fourth Avenue, Willoughby: contending, "young barely trained staff will not replace responsible experienced staff".
 - p) T Brooker of The Tor Walk, Castlecrag: contending, "we do not need another liquor outlet".
 - q) M R of Eastern Valley Way, Middle Cove: contending that granting the Application would "impact on the safety of this great community".

- r) D Turner of Central Street, Narremburn: contending that "our boutique bottleshop has well priced wines and beers with knowledgeable staff".
- s) Dr G G of the Tor Walk, Castlecrag: contending that "we do not need a supermarket selling alcohol to kids".
- t) M Bognar of Edinburgh Road, Castlecrag: contending that the business to operate on the Premises will "encourage under age drinking, violence".
- u) N Bailey of The Citidel, Castlecrag: contending that "we are already well serviced with alcohol in this area".
- v) A C of Fourth Avenue, Willoughby: concerned that the staff at the proposed Premises "will not take enough care or action in regards to the serving of under age drinks" which may lead to the "increase of petty crime and vandalism".
- w) Local shop owner Min He: contending that the business operating on the Premises "will not able to manage a liquor store following the legal rules".
- x) K Keighery of The Rampart, Castlecrag: contending that the Premises will "contribute to the normalisation of alcohol" and that there are already five bottle shops within an "easy walk" from the Premises.
- y) M Wilkinson of Edinburgh Street, Castlecrag dated 30 January 2015: contending that there are enough outlets in the local community and that the proposed Premises cheaper alcohol will "lead to crime and alcohol abuse".
- z) R Slocombe of Sunnyside Crescent, Castlecrag dated 31 January 2015: contending that it is important to "support small business and encourage diversity and competition".
- aa) M Flattery of Willoughby dated 31 January 2015.
- bb) Dr R Wright of The Bastion, Castlecrag dated 31 January 2015: contending that adding another liquor outlet "can only cause issues within the community".
- cc) Local resident of Willoughby dated 31 January 2015: questioning why another liquor store is needed when there is Castlecrag Cellars and a Dan Murphy's in Willoughby.
- dd) A Fenwick of Willoughby dated 1 February 2015.
- ee) J Sawyer of Edinburgh Street, Castlecrag dated 1 February 2015: submitting, "we don't need our kids getting access to cheap packaged liquor".
- ff) D Howell of The Bulwark, Castlecrag dated 1 February 2015: raising concerns about increased crime.
- gg) P Burns of Edinburgh Road, Castlecrag dated 1 February 2015.
- hh) V Caskey of The Bulwark, Castlecrag dated 1 February 2015: showing support for Castlecrag Cellars.
- ii) D M of Edinburgh Road, Castlecrag dated 1 February 2015.
- jj) A Charody of The Tor Walk, Castlecrag dated 1 February 2015.
- kk) A Cooper of Fourth Avenue, Willoughby dated 2 February 2015: concerned about the people in the local community with alcohol issues gravitating to the proposed Premises and increasing the chances of "vandalism, crime and violence".
- ll) K Ferguson of Edinburgh Road, Castlecrag dated 2 February 2015: contending that "one is enough, anymore is asking for trouble".
- mm) A C of the Barquette, Castlecrag dated 2 February 2015: expressing shock "that this could even be proposed".
- nn) L Robertson of Sortte Port, Castlecrag dated 3 February 2015: concerned about "increased access to cheap alcohol to underage youths" resulting in "graffiti, violence" and "unacceptable behaviour".

- oo) S Clark of Devonshire Street, Surry Hills dated 3 February 2015: contending that the village atmosphere "would be spoilt by a second liquor store" and that Castlecrag provides "personal service second to none".
- pp) M Wachnik of Edinburgh Road, Castlecrag dated 3 February 2015: expressing concern for children being exposed to liquor/alcohol in a supermarket.
- qq) M Wachnik of Edinburgh Road, Castlecrag dated 3 February 2015: noting that there are already "10 bottle shops within a five minute drive".
- rr) D Wachnik of Edinburgh Road, Castlecrag dated 3 February 2015.
- ss) M Edwards of Dorset Road, Northbridge dated 4 February 2015.
- tt) S Edwards of Dorset Road, Northbridge dated 4 February 2015.
- uu) J B of Raeburn Avenue, Castlecrag dated 4 February 2015: expressing concern for the "supervision of the sale of alcohol", the survival of Castlecrag's small shopping centre and that there are already "five liquor stores" within a "2-3 kms radius of Castlecrag".
- vv) R Boothby of Castlecrag dated 5 February 2015: expressing concern that the "staff employed at IGA are minors" and will not match Castlecrag Cellars responsibly managed sale of alcohol.
- ww) U Clarkson of Sortte Port, Castlecrag dated 6 February 2015.
- xx) C Keogh of Eastern Valley Way, Castlecrag dated 6 February 2015: contending that "one bottle shop is enough".
- yy) M Keogh of Eastern Valley Way, Castlecrag dated 6 February 2015: contending that "one bottle shop is enough in small village".
- zz) G Tzannes of Pourton Parade, Frenchs Forest dated 7 February 2015: submitting that "I travel to Castlecrag because it has a great atmosphere".
- aaa) G Hunter of Cremorne dated 7 February 2015: expressing concern about "access for underage minors" to cheap alcohol, traffic and parking issues, and increases in anti-social behaviour and noise.
- bbb) C Fabiansson of Charles Street, Castlecrag dated 7 February 2015: expressing concern about the effect of discount alcohol advertising on young people.
- ccc) C Tzannes of Poulton Parade, Frenchs Forest dated 7 February 2015: expressing support for Castlecrag Cellars.
- ddd) B Craig of Parapet, Castlecrag dated 8 February 2015: contending that the local area is already "well serviced".
- eee) J Tzannes of Victoria Avenue, Chatswood dated 9 February 2015: contending that there are already "too many liquor shops in the area".
- fff) S Harper of Eastern Valley Way, Castlecrag dated 9 February 2015: contending that Castlecrag and its surrounds are adequately served by Castlecrag Cellars; that IGA staff "leave me in a lot of doubt as to the responsible service of alcohol in their store"; and that last year there were incidents regarding "the theft of tobacco products at the store".
- ggg) Local resident of Edinburgh Road dated 9 February 2015: contending, "Castlecrag is already a small community, two bottleshops is overkill".
- hhh) Local resident of the Tor Walk, Castlecrag dated 10 February 2015.
- iii) I Graham of Edinburgh Road, Castlecrag dated 12 February 2015: submitting that there is "no need for another store".
- jjj) C L of Castlecrag dated 13 February 2015.
- kkk) M K of The Rampart, castlecrag dated 13 February 2015: submitting that "Castlecrag is already served by a local family owned business" that are "community minded".

- lll) S Graham of Edinburgh Road, Castlecrag dated 13 February 2015: expressing concern for the "large population of problem drinkers living in nearby public housing" and the screening of underage drinkers.
 - mmm) K Cargill of The Parapet, Castlecrag dated 16 February 2015.
 - nnn) J Kloiser-Jones of Sugarloaf Crescent, Castlecrag dated 17 February 2015: contending that Castlecrag Cellars has a sufficient range of products; that "bulk buy" stores exist nearby already and that there is no need for "another outlet that could encourage underage drinking".
 - ooo) T Yiasemides of Bayswater Road, Lindfield dated 19 February 2015: contending that Castlecrag would "benefit from a greater diversity of retail establishments not from duplication" and that the owners of Castlecrag Cellars are "professional, credible and responsible".
 - ppp) M Yiasemides of Bayswater Road, Lindfield dated 19 February 2015: submitting that "I visit Castlecrag Cellars regularly, even though it is not the closest bottle shop in our area" and contending, "there is no need for another bottleshop in the area".
 - qqq) J Stanton of Willoughby dated 20 February 2015: raising concerns about the degradation of the "community atmosphere" and "litter".
 - rrr) J Houstone of Rockley Street, Castlecrag dated 22 February 2015: submitting that Castlecrag is "well served by the existing bottleshop" and raising concern about the young staff at the IGA Supermarket.
 - sss) T Houstone of Rockley Street, Castlecrag dated 22 February 2015: contending that "Castlecrag doesn't need a second bottle shop".
 - ttt) D Wilkinson of Edinburgh Road, Castlecrag dated 22 February 2015: expressing concern over competition with the existing shop and contending that the proposed new business is "inappropriate and unwanted" and that "malicious damage to property and cars in the main street of Castlecrag is well documented".
 - uuu) A Grover of Knight Place, Castlecrag dated 21 February 2015: contending that Castlecrag, Willoughby and Northbridge are "well served by existing liquor retail outlets".
91. Submission from local resident, Ms M Clifton-Bassett dated 4 April 2015: In this 1-page submission, Ms Clifton-Bassett opposes the Application by reason that another liquor outlet has been "part of Castlecrag shopping precinct for many years"; that the Quadrangle Shopping Centre "is a hub for mothers and children"; that granting the Application will "likely result in a price war" that will be "detrimental to the present outlet"; that traffic and parking is an issue around the proposed Premises and that "two liquor shops would be excessive for such a small shopping centre".
 92. Submission from Mr I Francis dated 12 March 2015: In this 1-page submission, Mr Francis opposes the Application and contends that "Castlecrag does not need a second bottleshop"; that granting the Application would "not contribute to the sense of community engendered by living in Castlecrag"; that there is the potential that customers of the Premises will park outside, leave their car running, "race inside, buy a slab" and speed off; and that the "kind of competition" associated with granting this Application is likely to be "destructive" to the "social fabric of Castlecrag".
 93. Email submission from local resident, Mr J O'Donoghue, of The Parapet, Castlecrag dated 23 February 2015: In this 2-paragraph submission the writer opposes the Application and contends that the proposed new licensed business is "unnecessary" due to the existing bottle shop in the griffin Centre, that there are bottle shops within close proximity at Northbridge and Willoughby and that "it seems unlikely that two competing establishments could both survive".

94. Email submission from Mr T Jardine dated 26 February 2015: In this 5-paragraph submission, the writer objects to the Application and contends *inter alia* that "our very small village community does not need a second licence" as this will "devalue the area" and more importantly "encourage young people to purchase cheaper more accessible alcohol" creating greater social problems.
95. Email submission from Ms A Nilsson dated 27 February 2015: In this 2-sentence submission the writer opposes the Application and raises concern about the current local bottle shop not being able to compete with the Applicant's business.
96. Submission from local resident, Mr T Hearder, of Harbour Lane, Middle Cove dated 26 February 2015: In this 5-sentence submission the writer opposes the Application and contends that "Castlecrag Cellars has been servicing this area very well for many years with excellent service of quality wines and other drinks", that another bottle shop in such close proximity is not needed and that the IGA is "destroying the village atmosphere".
97. Submission from local resident, Ms E Bennett, of Edinburgh Road, Castlecrag dated 4 February 2015: In this 2-page letter, Ms Bennett strongly opposes the Application and raises concern about the "the potential for an increase in alcohol related crime", submitting that the new business wont "have restrictions on selling mixer drinks" and raised concerns about "loitering" "theft" and increases in "traffic and parking" at the Premises.
98. Email submission from local residents, Mr J and Mrs J Davis, of The Parapet, Castlecrag dated 23 February 2015: In this 5-paragraph submission, the writers "urge" the Authority consider the following factors: that the suburb "continues to be a haven for children with a village atmosphere unique in Sydney"; that "alcohol is already available in the area" in a location that does not cause "safety/behaviour issues"; that residents already have access to "an extensive and cheaper" Dan Murphy's in Northbridge meaning that "competition is available"; and that the proposed Premises "would inevitably lead to on-site alcohol consumption and rubbish and the risk of anti-social behaviour disturbing to children and dangerous for continuation of the Griffin village tradition".
99. Submission from local resident, Mr R Ryko, of Mannerim Place, Castlecrag dated 27 May 2015: This 2-page letter was submitted to the Authority attached to the official ILGA submission form. Mr Ryko objects to the Application on bases that *inter alia*: that there is already a bottle shop located "within 60 metres" of the proposed Premises; that there is "a restricted population with no through traffic"; that there are "many" other liquor outlets located within "a reasonable driving distance" to the Premises and that people already consume "alcohol within the confines of the Quadrangle carpark" and engage in "antisocial behaviour" at the nearby bus stop (the writer expands upon this point by stating that "a new street light has been installed overlooking the carpark behind the bus stop "to try and discourage drinking in the carpark while waiting for a bus" and that "often people can be observed relieving themselves against the shop wall").
100. Mr Ryko contends that the "trading time of the supermarket would need to be increased if the proposed opening times as suggested in the Application are agreed to", that competition from major operators already exists nearby and that the suburb of Castlecrag has "numerous green spaces" that are hidden away and "difficult to patrol or supervise".
101. Mr Ryko is concerned about the reference in the Application to the nearby "Castlecrag Hospital", "Tresillian Nursing Home" and the public housing located in "Warners Avenue". Mr Ryko contends that the local community is already well served, that the inclusion of alcohol will impact the products available from the supermarket shelves by

reason that no additional floor space has been leased and that the proposed Premises will probably have a "nil net effect to employment".

102. Submission from local resident, Mrs J Alais, of The Battlement, Castlecrag dated 24 February 2015: This 3-paragraph submission was submitted to the Authority on the official ILGA submission form. Mrs Alais opposes the Application and contends that the area is already well serviced for liquor; that previously there were "issues with teenagers and residents from the local housing commission estate getting cheap alcohol and loitering around the local Castlecrag shops and school at night". The Applicant contends that the proposed business to operate on the Premises is not going to be "particular on who they sell alcohol to" and this will likely result in "an increase in vandalism and petty crime in the area".
103. Submission from local resident, Mr S Alais, of The Battlement, Castlecrag 24 February 2015: This 3-paragraph submission was submitted to the Authority on the official ILGA submission form. Mr Alais contends that there is already one bottle shop located in Castlecrag and that there are "many others" in neighbouring suburbs; that there were previous issues concerning residents from the local public housing estate in Willoughby "hanging around" the existing shops in Castlecrag who behaved in a "drunken and unruly manner"; and that granting the Application "will only increase the chances of increased loitering, drinking and public, vandalism and violence".
104. Email submission from local residents, Mr A and Mrs J Kerr, of The Tor Walk, Castlecrag dated 26 February 2015: In this 2-sentence submission the Kerr's raise concerns with granting this Application and contend that "another liquor outlet in such a small shopping precinct is not necessary" and that there are also other outlets located nearby.
105. Email submission from local resident, Mr R Oser, of Linden Way, Castlecrag dated 28 February 2015: In this 1-page submission, Mr Oser opposes the Application and contends that the CIS document submitted by the Applicant: fails to mention that the IGA supermarket is "staffed by minors"; that the small population in Castlecrag is "adequately catered for"; and that there is "no evidence" that "liquor purchases will be made mainly by supermarket customers for convenience".
106. Submission from local resident, Mr P Bennett, of Edinburgh Road, Castlecrag dated 11 February 2015: This is the second submission made by Mr Bennett. In this letter, Mr Bennett opposes the Application and raises concerns about increases in alcohol related crime; the lack of restrictions upon the sale of "mixer type drinks"; the potential for people loitering near the Premises while consuming alcohol, and the potential for increased traffic and parking issues.
107. Email submission from local resident, Mr J Evans, of The Postern, Castlecrag dated 22 February 2015: In this 6-sentence submission, Mr Evans objects to the Application and contends that the proposed Premises is located "in close proximity to a rehabilitation centre"; that the sale of "cheap alcohol will encourage teenagers and vagrants to congregate in the Quadrangle shopping area"; that staff might not be adequately "experienced" to identify and decline inappropriate alcohol sales; that the location is close to schools and young children; and that the proposed new business on the Premises "will result in noise and mess in an otherwise peaceful residential area".
108. Submission from local resident, Ms M Anderson, of Edinburgh Road, Castlecrag dated 26 February 2015: In this 2-page submission, Ms Anderson objects to the Application and contends that the Castlecrag community "is already well serviced" for the supply of liquor; that "there is no obvious driver for increased alcohol consumption within the area to justify a second bottle shop business"; that the bottle shops "particularly ones offering

low prices" tend to "increase the frequency of groups of youths, alcohol abusers and undesirables loitering around a shopping centre"; that the current bottle shop in Castlecrag would "struggle and potentially fail" leading to an IGA "monopoly"; that the "community feel" of Castlecrag would likely be destroyed and that there is "insufficient parking" and already a "problem with traffic flow" at the Premises.

109. Submission from Tony Schwartz of Back Schwartz Vaughan on behalf of the Licensee of Castlecrag Cellars, Mr G Doukas dated 23 February 2015: This 20-page submission was submitted to the Authority attached to the official ILGA submission form. Mr Doukas opposes the Application and contends *inter alia* that Castlecrag Cellars and the proposed Premises are "only 20 metres apart" while the walking distance between entry points to the two stores "will be 53 metres"; that there are "16 tenancies" within the Quadrangle Shopping Village; that the Applicant has "avoided informing the Authority how near Castlecrag Cellars is to the IGA Liquor Store"; that the Applicant has incorrectly labelled the Quadrangle as a "substantial neighbourhood shopping centre" in that 16 shops is "hardly substantial"; and that the Applicant has failed to supply supporting evidence "that the reasonable expectations, aspirations and needs of the community require a second packaged liquor licence". Mr Doukas also submits that granting the Application is "likely to create tension between two competing stores".
110. Mr Doukas refers to past decisions made by the Authority and contends that the proposed new business will bring competitive pressure that "has the potential to increase alcohol related harm" and that competitive priced liquor stores are available as there are "many licensed premises in this Broader Community".
111. Mr Doukas provides an aerial photograph depicting the Quadrangle shopping village, Castlecrag Cellars and the distance to the proposed Premises has been inserted into this submission.
112. Mr Doukas acknowledges that he is a "commercial competitor" but contends that his concerns "are not primarily based on commercial self-interest".
113. Mr Doukas contends on the basis of his submissions and the actual information provided in the Applicant's CIS that the Applicant has not satisfied the test that the overall social impact of granting the licence not be detrimental to the well-being of the local and broader communities.
114. Mr Doukas also discusses the Quadrangle Shopping Village "and the neighbourhood shopping precinct", issues pertaining to "young persons", "potentially sensitive facilities located nearby", "the local community", "public housing", "density", Socio Economic Index for Areas (SEIFA) data, the "purported benefits of the Application", "product range and pricing", "home delivery service" and evidence on "bunching" of licensed premises, "development consent", and "entrance/egress to the IGA Liquor Store/IGA Supermarket from Edinburgh Road".
115. Mr Doukas submits that the Authority must have regard to the Objects of the Act and that the CIS provided by the Applicant "does not give meaningful consideration to the objects".
116. With regard to the statutory object in section 3(1)(a), Mr Doukas submits that "the existing packaged liquor licences in the Broader Community already meet the expectations, needs and aspirations of the local and broader community".

117. Mr Doukas submits that the Application fails to serve the object of section 3(1)(b) by reason that having two bottleshops located so close to each other is "hardly a balanced development, in the public interest, of the liquor industry".
118. Mr Doukas submits that the Application should be refused by reason that the "CIS fails to satisfy the intent of the legislation in that it does not properly address the potential for adverse social impact by locating two bottle shops located so close to each other"; that there is a "real potential for an increase in sales to minors and secondary sales" should the Application be granted; that the Applicant has failed to examine "the risks of the public housing residents nearby who have known mental health issues"; that evidence also shows that "there is more alcohol related risk in highly advantaged areas compared to disadvantaged areas"; that "there are potentially sensitive facilities nearby" which include "Castlecrag Medical Centre", "Glenaeon Rudolf Seiner School", "Corteille Reserve", "Castlecrag Community Centre", "Castlecrag Private Hospital" and "Castlecrag Uniting Church"; that the Applicant has incorrectly defined the local community due to the fact that "residents located 25 metres" from the Quadrangle Shopping Village "are not considered part of the Applicant's Local Community", yet residents of Castlecrag located "up to 1.6 kms" in an easterly direction are included ; that "council has not considered any social or amenity type impacts as part of this proposal at all"; that the CIS document "failed to properly identify, consider and address all relevant social impacts of this Application"; and that there are "no benefits" arising from this proposal.
119. Attached to Mr Doukas submission are the following documents:
- a) Photographs: This document contains four photographs of the Premises of the proposed IGA Liquor store, 10 photographs depicting how near the Premises is to the incumbent Castlecrag Cellars, 10 photographs of the area immediately surrounding the proposed IGA Liquor Store, and 14 photographs of Castlecrag Cellars
 - b) Price Comparison: This 7-page document contains price comparisons between IGA liquor prices and Castlecrag Cellars
 - c) Plans: This 2-page document contains plans forming part of the Castlecrag Village Public Domain Upgrade depicting the neighbourhood shopping precinct
 - d) List of the existing licensed Premises: in the broader community together with a link to an interactive Google map showing their respective location. This document contains five pages.
120. Email submission from local resident, Mr R Boyle, dated 23 February 2015: In this 3-paragraph submission Mr Boyle provides a submission in support of the Application. He contends that the new liquor business will be "a small operation" that provides "more convenient access to those wishing to by BYO to take to the nearby restaurants, particularly for the elderly people" with mobility issues.
121. Mr Boyle submits that "there is nothing wrong" with competition seeing as Castlecrag Cellars "carries a very extensive range of more 'up market' wines and beer" which "serves a very different corner of the market". Mr Boyle describes IGA's arrival as "a breath of fresh air" that is "very much supported and encouraged by the local community".
122. Email submission from local resident, Mr R McDonald, of Edinburgh Road, Castlecrag dated 22 February 2015: In this 2-paragraph submission, Mr McDonald supports the Application and contends that the proposed Premises will operate "in a different market" to the existing liquor shop. The writer submits that the "extended hours" of the proposed new business is also an important factor.

123. Email submission from local resident, Mr M Sinclair, of Fourth Avenue, Willoughby East dated 4 March 2015: In this 1-sentence submission Mr Sinclair supports the Application.
124. Petition opposing the Application: This Petition raises the following concerns:
- a) "there is plenty of liquor already available in our community; this bottleshop is not needed and in any event is inappropriately located in close proximity to an existing bottteshop known as Castlecrag Cellars at 122 Edinburgh Road, Castlecrag"
 - b) "I fear the Proposal will start a price war resulting in cheaper liquor and more consumption of liquor in this location"
 - c) "Consequently, there is a real fear that this Proposal will attract more crime to the area. The safety of residents of Castlecrag is a concern. The Proposal may increase littering, loitering, drinking, vandalism, the risk of violence on our streets; the risk of violence in the home and crime in general"
 - d) "This Proposal increases the convenient access of liquor (at cheaper prices) to young persons and to the more vulnerable members of our community. The risk of underage drinking in our community is real. It is already too easy to get alcohol. This Proposal sends the wrong message"
 - e) "The Proposal undermines the efforts of the Government to curb the problems with excessive consumption of alcohol"
 - f) "Enough is Enough. We say no to another bottleshop at Castlecrag".
125. This petition contains 45 pages listing names, addresses and signatures of people opposing the Application.
126. Submission from Dr Geoffrey Nash of Castlecrag Medical Practice dated 23 February 2015: In this 2-page submission, Dr Nash expresses concern around the potential of two liquor stores being in close proximity in an area "with known alcohol related harms". Dr Nash contends that the Castlecrag Medical Practice regularly treats "people in this location that are suffering from mental illness, domestic violence and alcohol related harms" and "injury associated with alcohol consumption".
127. Dr Nash contends that "minors will be exposed to overt and subliminal advertising" which "has been proven to increase at risk alcohol consumption in young males and females" [The Authority notes that no independent evidence as to these impacts was referred to in this submission]; that "underage drinking is bad enough here already"; and that there is "no benefit to the public by approving this Application".
128. Email submission from local resident, Mr A Hopper, dated 19 February 2015: In this 1-page submission, the writer contends inter alia that "cheap and unregulated alcohol sales" would "threaten the social morality of Castlecrag"; that Castlecrag has a "large number of public housing commission sites that are primarily inhabited by alcohol and mental illness cases"; that "any convenience store alcohol sale site, not only changes the whole viability of youth to purchase alcohol" but also "opens up the ability for alcohol and drug dependant housing commission tenants to go on a free for all"; and that the Premises "would also inherently attract unwanted groups of youths".
129. Submission from Mr M Richards of North Shore Plastic Surgery, Castlecrag dated 10 February 2015: In this 2-page submission, Mr Richards strongly opposes the Application and contends that Castlecrag Cellars has "adequately" supported the local residents; that "it is highly likely that a number of patrons may well" consume their alcohol purchases in the "underground car park" or even at "the rear of my property"; that granting this Application will bring "no benefit to the local community".

130. Submission from Ms M Heard of the Glenaeon Rudolf Steiner School, Castlecrag dated 11 February 2015: In this 1-page submission, Ms Heard raises concerns about the children who often go "unattended, to IGA after school to buy drinks and sweets". Ms Heard contends that children "should not be exposed to alcohol and the marketing and advertising that inevitably goes with it" and that granting the Application would "degrade the wholesome atmosphere of a beautiful suburb and family shopping centre".
131. Submission from local resident, Mr C Burrows, of Raeburn Avenue, Castlecrag dated 15 February 2015: In this 2-page submission Mr Burrows opposes the Application and raises concerns about the following "supervision of the sale of alcohol", "alcohol related impact on the local community", "Castlecrag bottle shop", and the proposed location of the bottle shop.
132. Mr Burrows contends that the training and supervision of IGA's staff "is well below an acceptable standard"; that "young inexperienced staff" will likely "result in the sale of alcohol to under age individuals"; that "Castlecrag Village has a very relaxed environment with an influence on a safe suburb and very friendly community"; that there are "plenty of alternative opportunities to purchase alcohol within the local area"; that the proposed Premises will "only invite people to use Castlecrag Village as a hang out" encouraging "anti-social behaviour" whilst also presenting "young people with another opportunity, or reason to purchase alcohol".
133. Submission from Mr G Cusack of Hatzis Cusack Lawyers, on behalf of the Applicant dated 22 April 2015: The Applicant responds to a request from Authority staff by providing a signed copy of the Certificate of Advertising dated 21 and 22 April 2015 and a copy of the Modified CDC 150023 issued 21 April 2015.
134. CDC 150023 issued 21 April 2015: showing that development consent has been granted for the "change of use and shop fitout for liquor store".
135. List of Conditions the Applicant has consented to being endorsed on the Licence: As part of the submission dated 22 April 2015 the Applicant provides a 1-page list of enforceable conditions that the Applicant consents be imposed upon the licence. They include the following requirements:
 - a) 6-hour closure period be between 3:00am and 9:00am
 - b) the business 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 CIS, Application and other submitted information
 - c) the "licensee or its representative must join and be an active participant in the local liquor accord"
 - d) the licence cannot be exercised unless and until the Authority "has approved an application for transfer to an individual licensee or been notified of the appointment of a manager to the licence"
 - e) the licence cannot be exercised until the Authority "has been provided with evidence that the Premises are complete and ready to trade"
 - f) the Premises must "at all times be operated in accordance with the Plan of Management dated January 2015".
136. Certification of Advertising: signed by Mr Andrew Bray on the 21 April 2015 and the Applicants representative Mr G Cusack (Hatzis Cusack Lawyers) on 22 April 2015.

137. Email from Authority Staff dated 3 August 2015 at 10:06am: Authority staff invited the Applicant to make comment on submissions received by the Authority from NSW Police, LGNSW, RMS and the public.
138. Response to Assessment of Application prepared by Hatzis Cusack Lawyers dated 21 September 2015: In this 39-page document the Applicant responds to the community submissions.
139. This submission addresses a range of subject matters, including the location of the Premises; the Castlecrag CBD and Quadrangle Village Shopping Centre; the Bray's IGA Supermarket, IGA's experience in operating licensed IGA Supermarkets in NSW; the manner of operation of proposed IGA liquor department; proposed licensed trading hours; the Plan of Management (which is proposed to be enforceable through a licence condition); proposed measures to reduce the potential for alcohol-related harms; the conditions consented to by the Applicant; licence density and existing packaged liquor facilities for the community; the presence of Castlecrag Cellars; crime data for the communities; health data for the communities; ABS (Australian Bureau of Statistics) Socio Economic Index for Areas (SEIFA) and demographic profile for the communities; the report by consultant Adam Purcell of A & M Consultants Pty Limited dated 23 August 2015; the CIS process; the policy positions of various stakeholders including Police, NSW Health, RMS, Community Services, LGNSW, Willoughby Council, neighbouring occupiers and the submissions from local residents and other persons.
140. The Applicant submits that the following positive community benefits will flow to the community from granting this Application. Briefly, they are:
 - a) Convenience/one-stop shop
 - b) Choice/introduction of liquor at competitive prices in suburb of Castlecrag
 - c) Product lines presently not available in the suburb
 - d) Avoidance of special trips/other packaged liquor facilities inconveniently located for customer of IGA Supermarket
 - e) Reduce "escaped expenditure"
 - f) Public safety
 - g) Supporting a local independent supermarket business
 - h) Increasing custom at the local Shopping Centre
 - i) Increasing support for local community and local organisations
 - j) Strengthening the viability of other nearby businesses
 - k) Increasing employment including for locals.
141. Hatzis Cusack provide the following attachments to this submission:
 - a) IGA Advertising: this 3-page document depicts an IGA Catalogue
 - b) Petition in support of the Application: this 17-page petition contains over 180 customer signatures
 - c) Letters of support: this document contains 21 letters supporting the granting of the Application
 - d) Geographical Map: depicting the location of IGA Castlecrag in relation to Castlecrag Cellars, Northbridge Cellars, BWS Northbridge, Cellarbrations Willoughby and Dan Murphy's Willoughby
 - e) Updated Plan of Management: dated September 2015
 - f) Modified Complying Development Certificate 150023: issued by Willoughby Council dated 21 April 2015
 - g) Copy of the email submission from Candice Pon on behalf of Council dated 10 September 2015: stating that Council raises "no objections" to the Application

- h) Blank Copy of the Objection Petition form that people signed and added comments.
142. Report from A & M Consultants on behalf of the Applicant dated 23 August 2015. The Hatzis Cusack submission of 21 September 2015 also attaches this 6-page report from Mr Purcell, a compliance consultant and former Police detective superintendent engaged by the Applicant. The report is accompanied by Mr Purcell's curriculum vitae and 10 photographs of areas surrounding the Premises.
143. Mr Purcell makes provides an opinion addressing *inter alia* the proposed liquor outlet in Quadrangle Village Shopping Centre; parking areas in relation to the Premises; Castlecrag Cellars; the current alternate options to purchase liquor - the Dan Murphy's outlet in Willoughby; the Cellarbrations outlet in Willoughby; the BWS outlet at Northbridge Plaza; Northbridge Cellars in Northbridge and the risk of underage drinking or anti-social behaviour posed by granting this Application.
144. The consultant submits that "it is generally accepted that members of our community prefer to undertake one-stop shopping while on their regular shopping journeys rather than having to undertake special trips for items such as liquor".
145. The consultant further submits that Castlecrag Cellars "does not offer a wide choice or reasonably priced alcohol" and instead "specialises in boutique and expensive wines". He submits that the three listed alternative more reasonably priced bottle shops involve a car trip and that is "not convenient to Bray's IGA customers".
146. The consultant contends that granting the Application will "decrease traffic and parking congestion" by reason that the underground carpark "currently comfortably copes with current demands". He contends that the proposed control measures to be put in place by the Applicant will "address and eliminate the objections outlined by local residents and businesses".
147. NSW BOCSAR Maps based upon data from July 2014 to June 2015 detailing hotspots of offences for the location of the Premises: This data, obtained by the Authority from published BOCSAR sources, shows the immediate location surrounding the Premises at Shops 25 and 26, Quadrangle Shopping Village Centre, the corner of Edinburgh Road and Eastern Valley Way, Castlecrag is not within any hotspots for incidents of domestic assault, non-domestic assault and malicious damage to property.
148. Authority licensing records indicating the addresses of other liquor licenced premises within the nearby suburbs of Willoughby, North Willoughby, Castlecrag, Crows Nest and Northbridge. With regard to those licence types that may potentially sell liquor for consumption off the premises, Authority records disclose that there are currently:
- a) 1 packaged liquor licensed premises in Castlecrag
 - b) 0 hotel licensed premises in Castlecrag
 - c) 0 registered club licensed premises in Castlecrag.
149. Authority liquor license density data: This data indicates that the Willoughby LGA as a whole recorded a rate of 19.29 packaged liquor licences per 100,000 persons and that postcode 2068 (which includes Castlecrag, Middle Cove, Willoughby and Willoughby North) had a rate of 25.15. The Authority notes that the rate of packaged liquor licences within postcode 2068 and the Willoughby LGA are both comfortably below the NSW state average of 32.85.
150. Authority licensing statistics indicate that postcode 2068 (which includes Castlecrag, Middle Cove, Willoughby and Willoughby North) also has lower rates of full hotel

licences, club licences, general licences, limited licences, and producer and wholesaler licences per 100,000 people compared to rates for NSW as a whole. However, postcode 2068 (which includes Castlecrag, Middle Cove, Willoughby and Willoughby North) has a higher rate of on premises licences per 100,000 people compared to all of NSW.

151. Authority licensing data indicates that the Willoughby LGA has significantly lower rates of full hotel licences, club licences, general licences, limited licences and on premises licences per 100,000 people compared to rates for NSW as a whole. However, Willoughby LGA has a higher rate of producer and wholesaler licences per 100,000 people compared to all of NSW.
152. Data on Crime by LGA and Alcohol Related Status obtained from published BOCSAR sources for calendar year 2013. This document indicates that:
- a) the rate of domestic violence related assault incidents that were recorded by reporting Police as alcohol related occurring across the Willoughby LGA, was 39 per 100,000 persons, which is well below the New South Wales average of 145 per 100,000 persons
 - b) the rate of non-domestic violence related assault incidents recorded by reporting Police as alcohol related in the Willoughby LGA for 2013 was 58, well below the State wide rate of 191
 - c) the rate of offensive conduct offences recorded by reporting Police as alcohol related in the Willoughby LGA was only 4 per 100,000 persons, which is dramatically below the State wide rate of 83
 - d) the rate of assault police incidents recording by reporting Police as alcohol related in the Willoughby LGA was 13, which is below the rate of NSW of 24
 - e) the rate of alcohol related malicious damage to property in the Willoughby LGA is 36 per 100,000 persons which is substantially below the State wide rate of 122.
153. SEIFA data published by the ABS: ABS data prepared on the basis of the 2011 census indicates that the both the suburb of Castlecrag, postcode 2068 (which includes Castlecrag, Middle Cove, Willoughby and Willoughby North) and Willoughby LGA ranked in the tenth decile compared to other suburbs in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (IRSAD) – with a decile ranking of 10 being the most advantaged.

LEGISLATION

154. Division 5 of the Act addresses packaged liquor licences and includes the following provisions:

29 Authorisation conferred by packaged liquor licence

- (1) *Retail sales* A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:
 - (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
 - (b) in the case of any Sunday that falls on 24 December-from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.
- (2) *No retail trading on restricted trading days* Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.
- (3) *Selling liquor by wholesale or to employees* A packaged liquor licence also authorises the licensee:
 - (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and

- (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.
- (3A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.
- (4) Tastings A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises ("the liquor sales area") that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:
 - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
 - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section:
 - "**general store**" means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.
 - "**service station**" means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.
 - "**take-away food shop**" means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

155. The power to grant a new liquor licence is provided by section 45 of the Act, which states, relevantly:

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) ...
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
 - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
 - (c) if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.
- (4) ...
- (5) ...
- (5A) Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:

- (a) *is of good repute, having regard to character, honesty and integrity, and*
- (b) *is competent to carry on that business or activity.*

156. Under section 48(5) of the Act, the Authority must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.

157. Section 48(5) of the Act states:

48 Community impact

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
 - (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),**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.*

158. An application for a packaged liquor licence is a type of licence prescribed by section 48(2).

159. In determining the Application, the Authority has also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

3 Objects of Act

- (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.*

APPLICANT CASE ON OVERALL SOCIAL IMPACT

160. The Applicant contends that the licensed Premises will "adjoin an IGA Supermarket" and have a "trading area and cool-room area" comprising "approximately 109sqm and there will be a dry-store area of approximately 22sqm".

161. As for positive impacts, the Applicant submits that the Premises will sell a "variety of types of liquor" including "beers, wines and spirits" and will "comprise a modern facility with various display shelving, a counter, and separate cash register, walk-in cool room and refrigeration units".

162. The Applicant contends that the trading hours proposed in this Application are "less than the standard trading hours permitted by the Liquor Act", that the Premises will "only be open for trade during those hours that the supermarket is also trading" and that no customers will be able to enter the licensed area outside of the hours specified in the licence.
163. The Applicant contends that granting this Application will provide customers of the Supermarket with "the added convenience of being able to purchase liquor when purchasing their grocery needs".
164. With regard to negative social impact, the Applicant contends that any negative impacts that granting the Application may have through crime or other anti-social behaviour will be mitigated through the Applicant operating the Premises in accordance with the detailed Plan of Management, the Responsible Service of Alcohol practices as detailed in the House Policy which include checking identification of all patrons who appear to be under the age of 25, as well as additional security measures such as CCTV surveillance.
165. The Applicant submits that a "well-managed liquor store forming part of or adjoining a supermarket, where adequately responsible service of alcohol and other practices will be in place, is less likely to result in any adverse/negative social impacts".
166. The Applicant contends that the majority of customers purchasing liquor will be customers from the Supermarket who "will have the added convenience of also being able to purchase liquor".
167. The Applicant contends that these customers will arrive and depart by car and will park in the Shopping Centre car park making "it unlikely that the granting of the licence will result in any adverse impact on the amenity of the area such as by way of noise, litter, traffic congestion".
168. The Applicant contends that there are 36 packaged liquor licences located within the Willoughby LGA but there is "only one dedicated packaged liquor facility in the suburb of Castlecrag". The Applicant submits that licence density within the suburb of Castlecrag is "below state averages".
169. The Applicant contends that granting the Application will provide substantial public interest community benefits relating to:
- a) *convenience*
 - b) *avoidance of special trips*
 - c) *choice*
 - d) *facilitating social/recreational opportunities*
 - e) *strengthening the viability of other nearby businesses*
 - f) *economic spin-offs*
 - g) *outlet for local producers.*
170. With regard to the proposed opening hours the Applicant submits that it "IGA is an iconic grocery brand which has been operating since 1998" and the Authority has granted "numerous packaged liquor licences for IGA Supermarkets in New South Wales" that have a shutdown period that permits the liquor sales area to commence prior to 10:00am.
171. The Applicant contends that "members of the general public attending the Supermarket would expect, particularly on Mondays to Saturdays" that the licensed Premises will be open "from the same time that the Supermarket opens".

172. The Applicant contends that it is "common" for mothers "to do their grocery shopping early in the morning after dropping their children off at school". The Applicant contends, as a result of these reasons, that the proposed 6-hour closure period between 3:00am and 9:00am is sought in order to provide customers with "the added convenience of being able to purchase their liquor needs" whilst grocery shopping. The Applicant contends that granting the Application and the proposed licensed trading hours "is not likely to result in any increase in alcohol-related violence prior to 10.00am".
173. The Applicant concludes with a submission that "the Authority can be satisfied that the overall social impact in granting the Application will not be detrimental to the well-being of the local community and broader community and that the Application meets all the other requirements of the Act".

REASONS

174. The Authority is satisfied, on the basis of the Application material before it and the absence of any submissions to the contrary 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. This finding is made on the basis of the Application and CIS material and certification of advertising provided by the Applicant and its solicitors.
175. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. The Authority notes the Applicant's ASIC Current Extract and is satisfied on the basis that no issues of concern were raised with regard to the Applicant company or its directors' probity following consultation with relevant law enforcement agencies including Police and LGNSW.
176. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service practices will be in place with the commencement of licensed trading, on the basis of the House Policy, the Plan of Management and submissions provided by the Applicant. The Authority also noted an absence of any adverse submission in this regard from LGNSW or Police. The Authority further notes that the Plan of Management will not simply be a voluntary or internal planning document but with respect to which compliance will be mandated, for the purposes of the Act, by way of an enforceable licence condition.
177. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in place for use of a packaged liquor licence at the Premises, on the basis of the Modification CDC 150023 issued 21 April 2015 that has been provided by the Applicant.

Overall Social Impact Test

178. The Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the Application will not be detrimental to the well-being of the local or broader community.
179. Applying the social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local or broader community.
180. For the purposes of the overall social impact test prescribed by section 48(5) of the Act, the Authority is satisfied that the local community comprises the state suburb of Castlecrag while the relevant broader community comprises the Willoughby LGA.

Positive benefits

181. The Authority is satisfied, on the basis of the Application, CIS and submissions from the Applicant, that granting the licence will add a modest additional measure of convenience to members of the local and broader community who wish to conveniently purchase packaged liquor whilst grocery shopping at IGA.
182. The Applicant has contended that considerable weight should be given to the "public expectation to be able to buy liquor in conjunction with grocery shopping" as the "availability of liquor in supermarkets is commonplace in New South Wales". The Applicant also contended that "customers of the IGA Supermarket will no longer be required, in many cases, to make a 'special trip' to acquire liquor".
183. The extent of that convenience benefit is objectively constrained by the nearby packaged liquor store, Castlecrag Cellars which is around 50 or 60 metres walk away from the Premises, albeit not part of the same collection of shops comprising the Quadrangle Shopping Village Centre.
184. The Authority is satisfied, on the basis of the community submissions, that there is a significant amount of local opposition to the Application, including some 74 submissions opposing the Application and a petition provided by Castlecrag Cellars with several hundred signatories, a substantial proportion of who reside in the suburb of Castlecrag which is most likely to be impacted by the operation of this new business.
185. The Authority is also satisfied, on the basis of the material provided by the Applicant's solicitor, including the petition with around 180 signatories and 21 letters of support that there is also a significant measure of local support for the proposed licensing of the IGA supermarket. The Authority notes that around 52 of those signatories and 4 of the writers of the letters reside in Castlecrag.
186. The Authority is satisfied that there is evidence for and against the proposition that granting the Application is consistent with the "needs, desires and expectations" of the local and broader community, being an object of section 3(1)(a) of the Act.
187. The local residents and others in the broader community objectors have taken the time to articulate the nature of their concerns to varying extents. However, many of these local objectors focus on planning related concerns (traffic congestion, parking and whether another liquor store of this kind is consistent with the "village" ambience of Castlecrag) rather liquor related impacts per se. The Authority notes that the Premises has development consent to operate as a supermarket and this extends to selling liquor by retail.
188. When assessing social impact for the purposes of the Liquor Act, the Authority is more concerned with assessing relevant positive and negative impacts, particularly the relevant public interest in respect of this Act, informed by the statutory objects and considerations provided by section 3 of the Act.
189. Although the Applicant relies upon a CDC and not a decision of Council as evidence that licensing the supermarket is a permitted use of the Premises, the Authority notes that Council has assessed this proposal for planning purposes and advises that it does not oppose the Application now before the Authority.
190. The Authority further notes that local Police have been consulted and do not object to the Application. LGNSW have also considered the Application and do not object, albeit after noting the degree of local opposition to the proposal.

191. Many of the objecting submissions from local residents object on the basis that the local community "does not need" retail liquor supplier by reason of the existing liquor store, Castlecrag Cellars, and the other liquor stores available elsewhere in the broader community in neighbouring suburbs.
192. The needs test that was previously a part of liquor legislation in NSW and was a basis upon which local residents and commercial competitors could object to the grant of a new licence.
193. The needs basis of an objection was removed from the former *Liquor Act 1982* in 2004 in response to developments in National Competition Policy agreed between the Commonwealth and the States in 1995.
194. The *Liquor Act 2007* requires the Authority, when assessing an application of this kind, to focus upon likely overall social impact (assessing together the positive benefits and negative impacts on the relevant communities), informed by the public interest informed by the objects and considerations provided by section 3 of the Act.
195. The extent to which a community is already serviced by a range and number of liquor operators is relevant to an assessment of overall social impact in that the number and range of incumbent suppliers in a community may diminish or increase the scope for a new business of the type proposed to provide additional positive community benefits by way of (for example) increased convenience or choice. An applicant's purported community benefits (usually expressed in the form of additional consumer choice or geographical convenience) may be objectively reduced if there is already a number and range of licensed businesses providing similar products or services to the community to that proposed by an applicant.
196. If licence density is already high, this may provide an additional cause for concern when assessing negative social impact, particularly if that community is already vulnerable or over exposed to adverse alcohol related social impacts.
197. On the other hand, if prevailing licence density and variety is limited, this may assist an applicant to establish that it will genuinely offer additional benefits by way of increased convenience or choice or increased competition and development of the industry or related industries.
198. Some negative submissions were made by established local commercial competitors. The Authority will usually give little weight to the opinions of such submitters who are likely to be motivated by anti-competitive purposes. The Authority is mindful that incumbent licensees may engage in the artificial generation of community opposition to a proposal, although in this case the range and variety of submissions satisfies the Authority that local opposition is genuine.
199. Nevertheless, local competitors, like other residents, may legitimately draw the Authority's attention to any prevailing social impact issues in a community - particularly if the data they cite is from a source that is independent from the competitor.
200. The Authority is satisfied on the material before it that the Applicant has established that granting the Application will be broadly consistent with the "expectations, needs and aspirations of the community" being an object of section 3(1)(a).
201. The Applicant has contended that it will provide greater choice and competition for the local community and that the "grant of the licence will provide producers with an alternative outlet to sell their liquor products".

202. However, the Applicant has not specified which product lines the incumbent retailer does not stock that the Applicant will stock. While it is generally credible for the Applicant to submit that it will target a different market segment to the incumbent, in the absence of specification as to how this will occur this purported positive benefit is given limited weight.
203. The Authority is satisfied that the addition of a licence would more likely than not bring with it some benefits by way of competition. This is particularly the case in light of the fact that there is only one packaged liquor licensee within the local community (and no hotel or registered club capable of selling packaged liquor either). In those circumstances the Authority is satisfied that the proposed new business will more likely than not develop the local liquor industry that serves the local and broader community, which is an object of section 3(1)(b) of the Act.
204. The Authority notes the Applicant's submission that granting the Application will provide employment opportunities for locals. While the new store may well do this, in the absence of a clear commitment from the Applicant as to the hiring policy of the Premises and a clear commitment that persons will actually be hired from the local or broader community, it is difficult to give this submission much weight. Staff may well be recruited from any part of Sydney.
205. The Authority further notes the Applicant's submission that granting the licence will provide support for community groups. However, in the absence of a clear commitment as to how the local or broader community will be assisted by the new business and the nature and timing of such benefit, the Authority gives little weight to that submission.
206. The Applicant submitted that "taking away the need for customers to make a 'special trip' for liquor will encourage customers to undertake other shopping in the vicinity of the IGA Supermarket, thus strengthening the viability of nearby local businesses". The Authority accepts that this benefit will be provided and this benefit is relevant to the object of the Act under section 3(1)(a) noted above.
207. However, the extent of additional convenience flowing from licensing a new business in this particular location is somewhat reduced by the presence of another packaged liquor licensed premises very close by.
208. The Applicant submitted that "legitimate community demands for alcohol in conjunction with social and recreational opportunities will be serviced by the grant of the Application". That submission is broadly credible, but the Applicant has provided little to substantiate or specify this somewhat broad claim and for this reason this purported benefit is given little weight.

Negative impacts

209. The Authority is satisfied that over time there will likely be some contribution from the liquor sold at the Premises to alcohol related crime, disturbance or adverse impact upon amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
210. The scale of the business and its moderately extensive trading hours, from between 9:00am to 8:00pm Monday through Wednesday, 9:00am to 9:00pm Thursday through Saturday, and 10:00am to 8:00pm Sunday are adverse factors which tend to objectively increase the scope for this business to contribute to alcohol related adverse social impacts in the communities over time.

211. The Authority is satisfied, on the basis of the SEIFA data from ABS, that the local community of Castlecrag is on the whole very advantaged in socio economic terms, ranking in the tenth decile by comparison to other state suburbs in NSW in IRSAD. It is one of the most socio economically advantaged areas in nsw.
212. The broader community in the Willoughby LGA is also relatively advantaged, ranking in the tenth decile by comparison to other local government areas in NSW in IRSAD. That is, socio economic disadvantage is not a compounding risk factor in this case.
213. The Authority notes from the research (identified in Authority *Guideline 6*) that there is an association between higher liquor outlet density and domestic violence. The Authority accepts, as generally credible, the submission from a local medical practitioner that he treats people in the local community for the abuse of alcohol and that harms such as domestic violence.
214. However, in this case outlet density is not high at the level of the local or broader community. Other demographic risk factors associated with poor health outcomes are not demonstrated in this instance from the ABS data or the crime data. No adverse submission has been made by the NSW Department of Health.
215. Liquor sold from packaged liquor stores will tend to be of concern as a driver of alcohol related domestic violence as the liquor is by definition consumed in the home, where most domestic violence occurs.
216. While the Authority finds these submissions from a local medical practitioner to be credible, it would have assisted the Authority for any expert to have provided a greater sense of specificity as to nature and frequency with which persons in the local or broader community present to this practice with alcohol related impacts, as this would have enabled the Authority to give greater weight to any concerns at the local level. The health data for the broader community is discussed below and does not indicate a particular concern at the level of that community with alcohol related health problems.
217. In this case, the Authority is considerably reassured by the absence of adverse submissions from local law enforcement about the site of the proposed liquor business or alcohol related misconduct in the local area.
218. Moreover, the BOCSAR crime data that indicates that the Premises is not located within any hotspots for incidents of domestic assault, non-domestic assault and malicious damage to property.
219. The Authority is satisfied that the BOCSAR report on Crime by LGA and Alcohol Related Status obtained from published BOCSAR sources for calendar year 2013 indicates that the broader community served by the Premises exhibits relatively low rates of reported alcohol related crime.
220. The Authority is satisfied on the basis of this data that:
 - a) the rate of recorded domestic violence related assault incidents that were recorded by reporting Police as alcohol related occurring across the Willoughby LGA, was 39 per 100,000 persons, which is well below the NSW average of 145 per 100,000 persons
 - b) the rate of assault police incidents flagged by reporting Police as alcohol related in this LGA was 13, which is lower than the NSW rate of 24
 - c) the rate of alcohol related malicious damage to property in the Willoughby LGA is 36, which is well below the State wide rate of 122.

221. The Authority is satisfied that the rate of non-domestic violence related assault incidents flagged by reporting Police as alcohol related in the Willoughby LGA for 2013 was 58, substantially below the rate for NSW of 191. The rate of offensive conduct offences flagged by reporting Police as alcohol related in this LGA was 4 per 100,000 persons, which is very low compared to the NSW rate of 83.
222. The Authority is further satisfied, on the basis of the BOCSAR data cited in the LGNSW submission noted above that reported rates of alcohol related assault (domestic and non-domestic) for the suburb of Castlecrag is relatively very low compared to state wide rates while the rate of reported alcohol related offensive conduct in the suburb was zero.
223. The crime data and the licensing data before the Authority satisfies the Authority that the local and broader community are not exposed to prevailing problematic levels of crime, alcohol related crime or high density of licenced premises.
224. The Authority accepts that numerous local residents have genuine concerns to the effect that Castlecrag does not need another packaged liquor licence facility. The Authority accepts that numerous local residents do not favour the prospect of a supermarket chain impacting small business or the village nature of the community. The Authority notes however, that planning concerns (that do not also involve an alcohol related impact) are the responsibility of the local consent authority and the potential abuse of market power are matters for the Australian Competition and Consumer Commission.
225. The Authority also accepts that some residents have concerns as to areas of public housing and some disadvantaged persons in the local community and that some community members fear the scope for this new licensed business to supply liquor to persons in the community who will engage in anti-social conduct such as public drinking, or the secondary supply of liquor to minors.
226. Those submissions have not been substantiated, let alone specified to an extent that would enable the Authority to give much weight to those submissions. At the level of the local and broader community as a whole, the ABS data demonstrates that these are an economically robust and very advantaged communities.
227. The Authority is further satisfied, on the basis of the submissions from the Applicant's solicitor, that NSW Health raised no concerns with the Application. The Authority accepts the Applicant's submissions that the reported health data for the broader community indicates that the rate of alcohol related hospitalisation for the broader community was below the state wide rate for eight of the 12 recent reporting periods, and at or slightly above the state wide rate for four of those periods.
228. No concerns have been raised by Council in response to the Application, noting that Council also have jurisdiction with respect to noise and litter impacts upon local amenity.
229. While the Authority accepts that some abuse of liquor sold from this new business is inevitable, in relative terms the very low crime data for the broader community, low licence density, absence of adverse evidence from Police or Council or BOCSAR crime mapping data indicating a concentration of localised problems arising from the consumption of liquor in the local community or that area in which the Premises (and the incumbent liquor provider) means that the Authority is unable to give much weight to concerns expressed by local submitters as to extent of adverse impact granting this Application will have upon these communities.

230. The Authority is further satisfied, on the basis of the documents submitted by the Applicant entitled *House Policy* and the *Management Plan* that the Applicant has implemented provide comprehensive and well developed harm minimisation measures.

231. The responsible service of alcohol and responsible practices outlined in these documents satisfy the Authority that staff members will be adequately trained, that the staff of this business will not knowingly serve alcohol to intoxicated or underage persons and that the Premises will engage in steps that ensure the extent of adverse impact arising from the abuse of liquor sold at the proposed Premises is constrained.

CONCLUSION

232. Considering together the found modest positive community benefits and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts likely to arise from the operation of this business upon these local communities, the Authority is satisfied that the overall social impact of granting this Application for a packaged liquor licence will not be detrimental to the well-being of the local or broader community.



Micheil Brodie

Chief Executive

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

DATED - 4 APR 2016