



Mr Tony Schwartz
Back Schwartz Vaughan Lawyers
Level 1
156 Edgecliff Road
WOOLAHRA NSW 2025

tschwartz@sdv.com.au

Dear Mr Schwartz

**Application for Packaged Liquor Licence
BWS Tuggerah**

I am writing to you regarding an application made by your client, Mr Anthony Smith, the Business Manger Licensing for Woolworths Limited, which was received by the Independent Liquor and Gaming Authority (Authority) on 10 February 2015.

As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Manager of Licencing (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.

The Delegate initially considered this Application on 2 July 2015. However, the Application was deferred to give the Applicant time to respond new information before the delegate. The Delegate considered the Application again on 21 August 2015 and has decided, pursuant to section 45 of the *Liquor Act 2007* to grant the Application.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those decisions prescribed by clause 6 of the *Gaming and Liquor Administration Regulation 2008*.

This letter attaches the Delegate's statement of reasons. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statement of reasons as soon as practicable.

A record of the licence from the OneGov database specifying all conditions to which the licence is subject has been provided to you in separate correspondence from Authority staff.

If you have any questions, please contact the case manager, Ms Trudy Tafea, via email at trudy.tafea@ilga.nsw.gov.au .

Yours faithfully

Micheil Brodie
Chief Executive

- 6 DEC 2015

STATEMENT OF REASONS

INTRODUCTION

1. On 10 February 2015 the Independent Liquor and Gaming Authority (Authority) received an application (Application) made by Mr Anthony Smith, Business Manager of Licensing on behalf of Woolworths Limited (Applicant).
2. The Application seeks the grant of a new packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007* (Act). The Application is made in respect of premises located at Shops 1 and 2, 2a Johnson Road, Tuggerah, 2259 (Premises). The Premises is located in a small shopping complex that contains a number of food stores and a Caltex service station.
3. The Application seeks the grant of licensed trading hours for the proposed new business from 9:00am to 10:00pm Monday to Saturday and 10:00am to 10:00pm Sunday.
4. The Application seeks that the 6 hour closure period required by section 11A of the Act be fixed at between 3:00am and 9:00am daily.
5. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Manager Licencing (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.

MATERIAL BEFORE THE AUTHORITY

6. Application Form and Community Impact Statement (CIS) dated 22 May 2015. The Application material discloses that the Applicant seeks to exercise licensed trading hours between 9:00am and 10:00pm Monday to Saturday and 10:00am to 10:00pm Sunday. The Applicant further seeks that the 6 hour daily closure period, for the purposes of section 11A of the Act, be fixed at between 3:00am and 9:00am.
7. The contentions and submissions made by the Applicant in the CIS document as to the overall social impact of granting the Application are discussed below.
8. Information relating to the Applicant including a National Police Certificate (NPC) dated 11 July 2008. This document indicates that Mr Smith has "no disclosable court outcomes or outstanding matters". Also provided is a copy of Mr Smith's Drivers Licence, Medicare Card, and Credit Union Visa card.
9. Plan of the Premises. A diagram detailing the Premises and the boundary of the proposed licensed area of the new business to be conducted on the Premises.
10. Bundle of business policy material from Applicant including "Woolworths Liquor Group Liquor Store House Policy", "Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW", "Woolworth' Best Practice Policies and Interventions", and "Woolworths Liquor Group: Responsibilities". These documents provided by the Applicant address internal policies and procedures maintained by the BWS business regarding the prevention of persons under the age of 18 from purchasing liquor or having liquor purchased for them - primarily by requiring the presentation of identification (ID) in the form of a current driver or rider licence, a current passport or NSW Photo ID Card from any person who appears to be under the age of 25. These business policies also require refusal of service to any

person who appears to be intoxicated; participation in self-exclusion arrangements; ensuring that liquor is not consumed on the Premises nor displayed outside the licensed area; ensuring that all staff involved in the sale and supply of liquor are RSA certified; ensuring that CCTV and other security measures are in place and requiring participation in local liquor accords.

11. Woolworths' "School Uniform Policy". This document sets out the business policy requirement that alcohol not be sold to young persons who are in school uniform even if they are over the age of 18.
12. Woolworths' "Refusal of Service - Intoxication" Policy. This document sets out the business policy requirement that intoxicated customers shall be refused service of alcohol and provides strategies for identifying intoxicated customers.
13. Woolworths' "ID25" Policy. This document sets out business policy requirement that Woolworths' staff ask for the presentation of ID if the customer appears to be under the age of 25. This document also provides strategies to help identify when to ask for ID.
14. Woolworths' "Secondary Supply Policy". This document sets out business policy requirements for Woolworths' staff to refuse the sale of alcohol to customers who they "have a reasonable suspicion" will supply the alcohol purchased to a minor. This document identifies strategies for preventing the secondary supply of alcohol to minors.
15. Submission from the Office of Liquor Gaming and Racing (OLGR), dated 20 April 2015. In this brief submission OLGR states that the Application type has been categorised as of "low risk" and that OLGR "does not intend to carry out any further assessment of this application".
16. Submission from the Tuggerah Lakes Local Area Command (LAC) of NSW Police, dated 10 March 2015. In this submission Police briefly state that they have "NIL objection to the application" but request that if the Application is granted that the licensee be an active participant in the Tuggerah Lakes Local Liquor Accord.
17. Submission from NSW Transport, Roads & Maritime Services (RMS), dated 18 December 2015. RMS express no objection to the Application but note that "alcohol was involved in 21.6 per cent of all fatal crashed in the *Hunter Region* within the last five years". RMS request that measures to prevent alcohol involvement in road crashes should be discussed in the approval process and that the licensee must attend the Local Liquor Accord meetings as well as provide education material focused on drink driving and pedestrian alcohol issues.
18. Wyong Shire Council (Council) Development Application (DA) number DA/21/2014, dated 16 October 2014. This DA records the grant of consent by Council for a "large scale retail fitout" of the Premises for use as a bottle shop. This DA notes that the hours of trade on the Premises are restricted (for planning purposes) to between the hours of 9:00am and 10:00pm Monday to Sunday. The DA also addresses, *inter alia*, requirements for the regulation of construction, fire safety, maintenance, and amenities.
19. Email from Authority staff to the Applicant's solicitor, Mr Tony Schwartz, Back Schwartz Vaughan. This email advised that the Application was considered by the Delegate on 2 July 2015, but consideration of the Application has been deferred to give the Applicant an opportunity to respond to recently published BOCSAR data. Authority staff further confirmed that the following research papers were before the Delegate and invited comment:

- a) The 2008 and 2011 reports by Livingston, M. "A Longitudinal Analysis of Alcohol Outlet Density and Assault"
 - b) The University of Sheffield review "Independent Review of the Effects of Alcohol Pricing and Promotion: part B"
 - c) The NSW Health report of the Chief Health Officer, 2014 "The Health of Children and Young People in NSW", pages 32-34
 - d) 2014 NSW Bureau of Crime Statistics and Research paper entitled, "The effect of liquor licence concentrations in local areas on rates of assault in New South Wales".
20. NSW Bureau of Crime Statistics and Research (BOCSAR) paper entitled, "The effect of liquor licence concentrations in local areas on rates of assault in New South Wales", dated December 2014 (BOCSAR Paper). The BOCSAR Paper, first published in December 2014 and published on the BOCSAR website in February 2015 investigates the relationship between liquor licence concentrations and assault rates within local government areas (LGAs) in NSW.
21. The research found that domestic assaults increase markedly when the number of hotels in a Local Government Area (LGA) exceeds two per 1,000 residents. The study also found that a sharp increase in domestic violence coincided with an increase in packaged liquor licenses but the relationship was "weaker" and the threshold was lower (0.75 per 1,000 residents).
22. BOCSAR conclude that:
- Regulatory authorities should be concerned about increases in liquor outlet density. In particular, increases in the density of hotels above 2 per 1000 residents are of greater concern than increases in the density of premises with other types of liquor licence.*
23. The Health of Children and Young People in NSW: Report of the Chief Health Officer 2014. Briefly, this Report discusses factors affecting the health of children and young people in New South Wales, including infant health; new born, infant and child screening; immunisation; overweight, obesity and underweight; healthy eating; active living; NSW *Healthy Children* initiative; oral health; smoking; alcohol consumption; substance misuse; and environmental exposures and assesses the health of children and young people in relation to health service utilisation; preventable and leading causes of hospitalisation; deaths; asthma; diabetes; cancer; communicable disease; injury; healthy development; disability; and mental health.
24. Relevantly, with regard to alcohol consumption and young people, this Report notes that rates of alcohol drinking among school students have declined over the period from 1987 to 2011; however rates of emergency department visits for alcohol problems remain high across the State at 203 per 100,000 persons aged between 15 and 17, and 327 per 100,000 people aged 18 to 24 years. Alcohol attributable hospitalisations are highest among young males, young Aboriginal people, and young people living in more remote areas and areas with lower socioeconomic status. Most of these hospitalisations were for injuries.
25. Livingston, M., "A longitudinal analysis of alcohol outlet density and domestic violence" (2011) *Addiction*, Society for the Study of Addiction. The aims, methodology and a summary of the findings and conclusions of this research are summarised in this academic journal article as follows:

A small number of studies have identified a positive relationship between alcohol outlet density and domestic violence. These studies have all been based on cross-sectional data and have been limited

to assess ecological correlations between outlet density and domestic violence rates. This study provides the first longitudinal examination of this relationship.

The study uses data for 186 postcodes from within the metropolitan area of Melbourne, Australia for the years 1996 to 2005. Alcohol outlet density measures for three different types of outlets (hotel/pub, packaged liquor, on-premises) were derived from liquor licensing records and domestic violence rates were calculated from Police recorded crime data, based on postcode of the victim. The relationships between these three types of alcohol outlet density and domestic violence were assessed over time using a fixed-effects model. Controls for the spatial autocorrelation of the data were included in the model.

Alcohol outlet density was significantly associated with rates of domestic violence, over time. In particular, the density of hotel (pub) licences and the density of packaged liquor licences were positively related to domestic violence rates and the density of on-premises licences was negatively related to domestic violence.

In Melbourne, changes in density of hotel (pub) licences and packaged liquor licences have been positively associated with changes in rates of domestic violence whereas the rates of on-site liquor licences have been negatively associated with domestic violence.

26. Livingston, M., "A Longitudinal Analysis of Alcohol Outlet Density and Assault" (2008) *Alcoholism: Clinical and Experimental Research*, 32(6) (June 2008). The background, methods, results and conclusions of this research are summarised in this academic journal article as follows:

The majority of studies that have examined the local-level relationship between alcohol outlet density and violence have utilised cross-sectional data. These studies have consistently demonstrated that there is a spatial link between outlets and violence, but because of their design they have not been able to determine whether changes in outlet density result in changes in rates of violence. The few studies that have examined this question over time have found that the violence rates are related to changes in outlet density. This study provides further evidence of this link and examines the characteristics of regions in which changes in outlet density are most strongly associated with changes in violence rates.

The study examined 9 years of data measuring alcohol outlet density (using liquor licensing records) and alcohol related violence (using Police recorded night time assaults) from 186 postcodes in the metropolitan area of Melbourne, Australia. The relationships between 3 types of alcohol outlet density and alcohol related violence were assessed using fixed-effects models. The postcodes were then grouped into 5 clusters based on their socio-demographic profile and separate fixed-effects models were fitted to assess whether the relationships between outlets and violence differed based on the type of region being examined.

The initial models found overall positive relationships between all 3 types of alcohol outlets and violence. When separate models were developed for postcode clusters, they demonstrated that the link between outlet density and violence was significant in all neighbourhood types, but the specific relationships varied substantially.

Changes in the number of alcohol outlets in a community are linked to changes in the amount of violence the community experiences. This relationship varies across the clusters of suburbs examined, with packaged liquor outlets consistently associated with violence in suburban areas and general (hotel) and on-premises (nightclubs, restaurants, and bars) licences associated with violence in inner-city and inner-suburban areas.

27. Booth, A. et al, "Independent Review of the Effects of Alcohol Pricing and Promotion" (2008) University of Sheffield Report for the Department of Health (UK), University of Sheffield. The aim of this research, funded by the Department of Health Policy Research Programme, was to quantify the potential impact of policies targeting pricing and promotion of alcohol on alcohol related harm in England. The aim of this research was to model the potential implications of changes to current policies, especially the population-based impact on health, crime and the wider economy for the wider population as a whole, but with a focus on young people under 18 who drink alcohol; 18 to 24 year old binge drinkers; and harmful drinkers whose patterns of drinking damage their physical and/or mental health or causes substantial harm to others. The questions that the study aimed to address are: What is the potential effect on alcohol related harm of introducing

(1) general price increases; (2) minimum prices per unit of alcohol; and (3) restrictions on the extent of discounted price-based promotion in the off-trade.

28. A summary of the main trends, themes and findings of this research are as follows:
- a) General price increases tend to exhibit relatively large reductions in mean consumption for the population. Increasing levels of minimum pricing show very steep increases in effectiveness.
 - b) Price increases are not matched by consumption reductions and overall spending on alcohol is estimated to increase. Changes in spending per drinker for each policy are broadly proportionate to the price increase.
 - c) The extent to which the on-trade or off-trade sectors benefit from significant gains in retail receipts varies according to policy. Policies targeting only off-trade prices, for example, sometimes cause switching behaviour to on-trade consumption. Effects on tax and duty are estimated to be relatively small and vary according to whether on- or off-trade is most affected.
 - d) As prices increase, alcohol attributable hospital admissions and deaths are estimated to reduce.
 - e) Crime harms are estimated to reduce as prices are increased, particularly for 11 to 18 year olds because they are disproportionately involved in alcohol related crime and are affected significantly by targeting price rises at low-priced products. Different policies emerge as effective when compared with health harms – discount bans, targeting cheap off-trade alcohol and low minimum pricing options, which effectively influence only the off-trade sector, are all less effective in reducing crime compared to health or employment.
 - f) Unemployment harm reduces proportionately more than health or crime harms. Generally, all policy options that target harmful and hazardous drinkers are effective in reducing alcohol related harm in the workplace.
 - g) The societal value of harm reduction for many of the potential policies can be substantial when accumulated over the ten year time horizon of the model. The financial value of harm reductions becomes larger as prices are increased.
 - h) Moderate drinkers are affected in only very small ways by the policy options examined, both in terms of their alcohol consumption and their spending. Harmful drinkers are expected to reduce their absolute consumption most, but in the more effective policy options, also spend significantly more on their purchases.
 - i) Health effects are shared across the priority groups – there are significant effects on harmful drinkers, but important health gains also occur in hazardous and moderate drinkers. In general across the policies, deaths avoided occur disproportionately in the harmful drinking group.
 - j) Patterns of crime reduction estimated by the model are very different across the priority groups from those for health. When estimating policy impacts, crime avoided comes more from the harmful and hazardous drinking groups than from the moderate group. However, there is some reduction in crime due to changes in moderate drinkers' consumption because even though they are by definition moderate, and therefore a lower risk in terms of their average weekly alcohol intake, they do occasionally binge and within the model used it is binge drinking behaviour that is related to risk of committing crime.
 - k) The results of sensitivity analysis and uncertainty (pricing policy results) reveal that each had some small or modest effect.
 - l) Exploratory analyses around the effects of advertising restrictions suggest that the effects of a total ban on advertising are estimated to range from an overall change in consumption ranging from -26.9% to +4.9% and a financial value of harm avoided over 10 years ranging from -£44.0 billion to +£9.5 billion.
29. Submission by the Applicant, "Review of Research Paper on the Effect of Liquor Licence Concentrations", produced by Data Analysis Australia Pty Limited, dated June 2015. The

Applicant engaged a consultant, Dr John Henstridge of Data Analysis Australia Pty Limited dated June 2015 who prepared a report on the BOCSAR Report. Without purporting to reproduce this paper in its entirety, the Executive Summary of Dr Henstridge's report notes the following:

This report provides an expert statistical review of the paper The effect of liquor licence concentrations in local areas on rates of assault in New South Wales authored by Neil Donnelly, Patricia Mendez and Nicole Mahoney of the NSW Bureau of Crime Statistics and Research (the Paper).

Like all studies of possible relationships between liquor outlet density and various forms of harm, the Paper is an observational study using statistical methods to examine how differing outlet densities may relate to differing levels of harm. The circumstances in the Paper are the Local Government Areas (LGAs) of NSW in 2011 and the harm is measured by rates of assault (broken down into domestic violence and other assaults) recorded by NSW Police.

To be useful, such studies must have appropriate data of sufficient quality and relevance, apply statistical analysis correctly and be able to argue that the relationships found are causal rather than having other explanations.

While the data itself is of reasonable quality, it is observational in nature. Outlet densities are not determined by the study, as would be the case in a clinical trial, and the reasons for the observed outlet densities being at the observed levels are either not known or not used in the analysis. It is therefore impossible to state with any certainty that the relationships found are causal. Since the data covers most of the state and hence widely varying conditions, it is not clear that all the factors that may affect assault rates may have been fully accounted for. This is particularly the problem in handling higher hotel densities, where the model is dependent upon the small number of LGAs that have higher hotel densities. The Paper acknowledges that since the data is cross-sectional, just considering a single year and acting if the outlet densities were constant throughout that year, it provides no direct evidence that changing outlet densities – up or down- will significantly change assault rates.

These issues are rendered moot by the failure of the Paper to carry out a correct statistical analysis. The Paper uses sophisticated spatial methods but in doing so makes fundamental mistakes regarding the count nature of assault data and in modelling spatial correlations.

Methods for properly weighting count data, or better still, directly modelling it through widely available generalised linear models should have been used.

The Paper misunderstood the impact of spatial correlation, making an unnecessary attempt to remove it through weighting when the software being used was already largely correcting for it.

Collectively, these errors led to the analysis giving most weight to the data from the sparsely populated western regions of NSW, and even there being inappropriately weighted. As a result of the findings of the analysis, particularly the claimed identification threshold effect, must be treated with great caution.

It is clear that the first step to remediating the paper is to carry out the correct statistical analysis. My preliminary re-analysis suggests that the apparent relationships between outlet densities and assaults may change substantially with a re-analysis, indicating that the effects are more complex than presented in the Paper and relationships are likely to vary significantly across different parts of the state.

In summary, the Paper uses data that is not ideal for verifying causal relationships and analyses that data inappropriately. The Paper does little to advance the knowledge of the effects of outlet density and is potentially misleading, particularly in its suggestion of a threshold effect.

30. The Applicant submits that these "methodological flaws" are "particularly disturbing" since they have led to "significant errors in analysis". The Applicant also submits that the BOCSAR Paper relies upon "unrealistic assumptions"; there is evidence of "outliers or heavily influential points" affecting the findings and that the model is "skewed to such a large degree" that it is more representative of western NSW rather than NSW as a whole.
31. Dr Henstridge's report contends that "the relationships between outlet densities and assaults may change substantially" upon re-analysis, indicating that the effects are more complex than presented in the Paper and relationships are "likely to vary significantly across different parts of the State".

32. In conclusion, Dr Henstridge's report submits that the BOCSAR Paper:

...uses data that is not ideal for verifying causal relationships and analyses that data inappropriately. The Paper does little to advance the knowledge of the effects of outlet density and is potentially misleading, particularly in its suggestion of a threshold effect.

33. The Applicant submits through its solicitor that the BOCSAR Paper is "irrelevant" by reasons that its findings are "erroneous". The Applicant argues that the BOCSAR research should have no adverse bearing on the decision making process in relation to this Application.

34. Publically available BOCSAR crime mapping data for January 2014 to December 2014. These crime maps indicate that the Premises are located outside but near high density hotspots (calculated on the basis of all crime data for the local government area) for the concentration of the following reported events:

- a) *malicious damage to property*
- b) *domestic assault*
- c) *non-domestic assault.*

35. Crime data sourced from BOCSAR for calendar year 2013 detailing rates of offences for Wyong LGA compared to NSW as a whole. This data details rates of *alcohol-related incidents*. It indicates that for the calendar year of 2013:

- a) the rate of *alcohol-related assault police* was 18 per 100,000 persons compared to NSW as a whole which had 24 per 100,000 persons
- b) the rate of *alcohol related domestic-violence assault* was 193 per 100,000 persons compared to NSW as a whole which had 145 per 100,000 persons
- c) the rate of *alcohol related malicious damage to property* was 156 per 100,000 person compared to NSW as a whole which had 122 per 100,000 persons
- d) the rate of *alcohol related non-domestic violence assault* was 203 per 100,000 persons compared to NSW as a whole which had 191 per 100,000 persons.

36. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) in 2011, indicating that the state suburb of Tuggerah falls within the third decile on the Index of Relative Socio-economic Advantage and Disadvantage (IRSAD) for all suburbs in NSW. Wyong LGA falls within the fourth decile on the IRSAD for all LGAs in NSW (with a ranking of 10 being the most advantaged).

37. Authority license density data. This data records the liquor licence density in respect of the Wyong LGA compared to the State of NSW as a whole. It indicates that within Wyong LGA there are:

- a) 3.34 club licences per 100,000 persons compared to NSW as a whole which has 20.48 per 100,000 persons
- b) 6.68 full hotel licenses per 100,000 persons compared to NSW as a whole which has 30.36 per 100,000 persons
- c) 8.68 packaged liquor licenses per 100,000 persons compared to NSW which has 32.85 per 100,000 persons.

38. Authority licensing records. These records, which are updated regularly and available for purchase from the Office of Liquor Gaming and Racing indicate that within the state suburb of Tuggerah [which the Authority notes, on the basis of ABS data before the Authority, has a population of only 1,019 persons] there are:

- a) three (3) existing packaged liquor licenced premises
- b) one (1) registered club licensed premises
- c) one (1) full hotel licenced premises located within the state suburb of Tuggerah.

LEGISLATION

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

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.*

40. 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.

41. 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.*

42. An application for a packaged liquor licence is a type of licence prescribed by section 48(2) requiring a CIS and satisfaction of the overall social impact test.

43. In determining the Application, the Delegate 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

44. In the Applicant's CIS statement dated 27 January 2015, the Applicant contends that "the overall social impact of the grant of the packaged liquor licence at the New Store will not be detrimental" to the suburb of Tuggerah and the Wyong LGA.
45. The Applicant contends that a number of "public interest benefits" have been identified. They are as follows:
- a) The licenced business will provide "improved choice and convenience".
 - b) The licenced business will provide "improved neighbourhood safety and security (through the policies, procedures and CCTV system to be installed)".
 - c) The licenced business will provide "a well-placed venue that meets the objectives of the CCRS and that will meet the requirements of the current and future population of Tuggerah".
 - d) The licenced business will provide "employment opportunities in the fit-out of the New Store and subsequently during its continued operation".
 - e) The licenced business will contribute to local groups and organisations.
 - f) The licenced business will "represent a well-stocked, state of the art, competitively priced bottle shop that is conveniently located".
46. The Applicant submits that the location of licensed premises within shopping environments is "neither unusual nor inappropriate and is in fact encouraged by established town planning principles and practices, and by Council zoning provisions". The Applicant contends that residents expect shopping centres to "offer a full range of services and facilities".
47. The Applicant submits a table of the following data extracted from 2011 ABS Census data indicating, by reference to all of the usual "at risk" groups within the Wyong LGA (that is, sociodemographic groups associated in the literature with a relatively greater exposure to adverse alcohol related social impacts):
- a) Indigenous persons (NSW 2.5%, Wyong LGA 3.6%, the suburb of Tuggerah 3.9%).
 - b) Young persons, 15-24 years of age (NSW 12.9%, Wyong LGA 14.4%, the suburb of Tuggerah 13.8%).
 - c) Older Australians, 65+ years of age (NSW 14.7%, Wyong LGA 18.9%, the suburb of Tuggerah 12.5%)
 - d) Persons with disabilities (NSW 4.89%, Wyong LGA 6.37%, the suburb of Tuggerah 3.94%)
 - e) Non English speaking background persons (NSW 72.5%, Wyong LGA 91.8%, the suburb of Tuggerah 88.1%). The Applicant contends with regard to this statistic that the percentage figure represents those in the area who only speak English. (The Authority notes that non-English speaking background is a *contra* indication of a population's relative vulnerability to alcohol related harm)
 - f) Unemployed persons (NSW 5.9%, Wyong LGA 7.8%, the suburb of Tuggerah 8.8%)
 - g) Labourers (NSW 8.7%, Wyong LGA 12.1%, the suburb of Tuggerah 12.1%)
 - h) One parent families (NSW 16.3%, Wyong LGA 21.3%, the suburb of Tuggerah 29.6%)
 - i) Renters (NSW 30.1%, Wyong LGA 28.2%, the suburb of Tuggerah 34.2%).

48. The Applicant makes the following contentions with regard to the ABS data above:
- a) *Indigenous persons*. The Applicant acknowledges that "generally speaking there is a greater risk of alcohol related harm to Indigenous person" but contends that BOCSAR data indicates that there were 27 *assault domestic violence related* incidents and 17 *assault non-domestic related* incidents where the offender was indigenous occurring in the Wyong LGA in the 12 month period ending in December 2013. The Applicant contends that given that there are 5,465 Indigenous persons in the Wyong LGA the Indigenous crime rate can be considered low, "which demonstrates that the Indigenous population are consuming alcohol responsibly". Furthermore, the Applicant contends that none of the five (5) organisations representing local Aboriginal people responded to the Application despite being invited to provide feedback, which indicates that they do not have significant concerns about alcohol consumption in the Indigenous community.
 - b) *Older Australians*. The Applicant contends that while there is a higher representation of Older Australians in the Wyong LGA than in NSW as a whole they are not necessarily at risk of alcohol related harm. The Applicant contends that the *Household Survey Report* indicates that the age group most likely to drink is those aged 70 or older "they were the least likely to consume alcohol in risky quantities". (The Delegate notes that the Applicant has not provided a copy of the *Household Survey Report* but is referring to the Australian Institute of Health and Welfare, *National Drug Strategy Household Survey Report (2010)*, with which the Delegate is familiar).
 - c) *Persons with disabilities*. The Applicant contends that with regard to persons with disabilities they "are not aware of any evidence that suggests persons with disabilities should be considered any differently to the remaining population in this location".
 - d) *The unemployed*. The Applicant contends that with regard to the unemployed population in the suburb of Tuggerah and the Wyong LGA that this has not translated into concern as a "pressing social issue"; rather it should be considered a "lifestyle choice" for those taking an "early retirement" which is "found in many coastal locations".
 - e) *Labourers*. The Applicant submits that while there is an overrepresentation of labourers in the Wyong LGA and the Suburb of Tuggerah it is nevertheless "a small segment of the workforce".
 - f) *One parent families*. The Applicant submits that evidence that a "low" risk of alcohol related harm applies to single parent families is found in the *2010 National Drug Strategy Household Survey Report* and in the supplementary tables of the *2013 AIHW Household Survey Report*. The Applicant has provided the supplementary table from the 2013 Household Survey Report which the Applicant contends indicates that single persons with dependent children are higher abstainers or ex-drinkers than couples with dependent children (3.1% difference), and at "lower lifetime risk" than couples with dependent children.
 - g) *Renters*. The Applicant contends that the higher number of renters in the Suburb of Tuggerah is "not unusual for coastal locations as many people choose to rent in desirable locations rather than buy a home". The Applicant contends that this, combined with the fact that there are no public housing rental properties in the Suburb of Tuggerah, indicates that "the number of persons in rental accommodation in this location does not appear to be a pressing social issue".
49. Furthermore, the Applicant contends that the risk of adverse social impact posed by granting this Application are mitigated by the following factors:
- a) There are existing licenced premises in the suburb of Tuggerah and in the Wyong LGA.
 - b) The proposed New Store "does not introduce an ability for residents of those areas to purchase packaged liquor for the first time".

- c) This Application presents "less risk" than a hotel Application where consumption of alcohol can occur both on and off the premises.
 - d) The Premises is not located near any *sensitive* facilities.
 - e) The frequency at which alcohol related crime occurs in this location is "very low".
 - f) The Applicant contends that for any of the *at-risk* groups identified in the communities that may be adversely impacted by the grant of this Application, their level of alcohol consumption would have to increase as a result of the operation of the new store. The Applicant submits that there is "no evidence that would occur".
50. With regard to liquor licence density, the Applicant contends that "there is an under-provision of licensed premises" in the Wyong LGA and a "higher representation" in the suburb of Tuggerah. The Applicant notes that there are 254 persons to each full-hotel and packaged liquor licence in the suburb of Tuggerah, 2,627 persons to each full-hotel and packaged liquor licence in the Wyong LGA, and 1,512 persons to each full-hotel and packaged liquor licence in NSW as a whole.
51. The Applicant contends that while there is an overrepresentation of packaged liquor and hotel licences in the suburb of Tuggerah compared to NSW as a whole, Tuggerah is a "major industrial and commercial area for the Central Coast", in addition to being a popular location for tourists.
52. The Applicant contends that while there is a significant overrepresentation of packaged liquor distributors relative to the permanent population of the suburb of Tuggerah consideration must also be given to the number of tourists and visiting shoppers from the Wyong LGA.
53. With regard to the ABS SEIFA data for the communities the Applicant acknowledges that the scores for both the Wyong LGA and the Suburb of Tuggerah are low (with the Suburb of Tuggerah having an IRSAD score of 3 and the Wyong LGA having a score of 4), however the Applicant contends "a low score does not necessarily reflect a higher propensity for alcohol related harm".
54. The Applicant contends on the basis of an ABS article entitled "Alcohol Consumption in Australia: A Snapshot, 2004-2005" that ABS found that 11 per cent of respondents in the most disadvantaged areas were classified as drinking alcohol at risky/high risk levels, compared to 16 per cent in the least disadvantaged areas. The Applicant contends on the basis of the data that "there is less risk of persons consuming alcohol at risk/high risk levels in Tuggerah when compared with more advantaged areas".
55. With regard to the issue of licence density in the relevant communities, the Applicant contends that while there is a "higher representation" of licensed premises in the suburb of Tuggerah compared to the Wyong LGA the following contentions should be taken into consideration:
- a) Tuggerah is a "significant growth area with it to receive 4,000 new homes, resulting in a large influx of people".
 - b) Tuggerah is a "major industrial and commercial area for the Central Coast and receives a significant influx of persons each day for shopping and other related purposes".
 - c) The Wyong LGA is a "significant tourist destination" with 11,000 international visitors, 486 thousand domestic overnight visitors and 1.3 million domestic day-trip visitors annually according to Destination NSW.
 - d) All three of the existing packaged liquor licences in Tuggerah "...are associated with Westfield Tuggerah" and for this reason "do not cater to shoppers who have no interest in attending the vicinity of that Centre".

56. With regard to the prevalence of alcohol related crime in the relevant communities, the Applicant makes the following submissions on the BOCSAR data:
- a) The rate per 100,000 population comparison of *alcohol related domestic violence assault* incidents (for the 12 month period ending September 2014) is higher than the NSW average at 159.2 compared with NSW at 135.3.
 - b) The rate per 100,000 population comparison of *alcohol related non-domestic violence assault* incidents (for the 12 month period ending September 2014) is higher than the NSW average at 194.5 compared with NSW at 164.6.
 - c) "The rate per 100,000 population comparison of *alcohol related disorderly conduct* incidents (for the 12 month period ending September 2014) is lower than the NSW average at 42.4 compared with NSW at 104.7.
 - d) The rate per 100,000 population comparison of *alcohol related Assault Police* incidents (for the 12 month period ending September 2014) is higher than the NSW average at 14.8 compared with NSW at 21.2".
57. The Applicant contends with regard to the crime data for Wyong LGA that there is a significant transient tourist population and:
- ...due to the social activities (i.e. dinning out) that tourists and visitors undertake...they perhaps have a higher probability (ie, compared with locals) of participating in alcohol related crime. In addition to this there is a "higher probability that a crime may occur where there are large numbers of people in the town".*
58. The Applicant has provided a graph which the Applicant submits depicts a general trend across the Wyong LGA of declining *alcohol related crime* compared to the steady increase in the number of liquor licences from 2005 to 2014.
59. The Applicant contends that BOCSAR data for Suburb of Tuggerah indicates that there were no incidents of *alcohol related domestic violence* in the 12 month period ending in September 2014. ‘
60. The Applicant also notes that there were:
- a) eight (8) incidents of *alcohol related non-domestic assault*
 - b) one (1) incident of *alcohol related assault police*
 - c) one (1) incident of *alcohol related disorderly conduct*.
61. The Applicant submits that these statistics are low relative to NSW as a whole.
[Although, the Delegate notes that rates per 100,000 persons has not been provided for the State suburb].
62. With regard to prevailing alcohol related health impacts, the Applicant has supplied data from the NSW Department of Health for the broader community of Wyong LGA indicating that rate of alcohol-related hospitalisation and death rates are "not statistically different" than the average rate for NSW as a whole. The data indicates that in the calendar year of 2011 there were 32 alcohol related deaths, and 1,133 alcohol related injuries in the Wyong LGA. This data indicates that neither of these statistics is significantly higher or lower than NSW as a whole.
63. In an email dated 28 July 2015, the Applicants solicitor responds to the latest BOCSAR data and research papers sent to him by Authority staff on 6 July 2015.
64. With regard to the data on *alcohol related domestic violence assault* the Applicant submits that while the rate of *alcohol related domestic violence assault* is higher in the Wyong LGA than for NSW as a whole based on BOCSAR data from March 2011 to

March 2015 the rate of *alcohol related domestic violence assault* has decreased 7.4 per cent in the Wyong LGA over that period.

65. The Applicant contends that while the rate of *alcohol related domestic assault* in the Wyong LGA is high this "has no consequences regarding the circumstances relevant to Tuggerah" because the crime rates in Tuggerah are lower than for NSW as a whole.
66. With regard *alcohol related non-domestic violence assault* the Applicant contends that while the rate of *alcohol related non-domestic violence assault* is higher in the Wyong LGA than in NSW as a whole based on BOCSAR data from March 2011 to March 2015 *alcohol related domestic violence assault* has decreased 6.3% in the Wyong LGA.
67. With regard to the rate of *alcohol related assault police* the Applicant submits that the BOCSAR data indicates that from March 2011 to March 2015 rates for this category have been lower than or comparable to NSW wide rates in all years except for 2011.
68. The Applicant contends that in relation to alcohol related crime overall that the overall trend for the Wyong LGA is a downward trend, by contrast to the increase in the total number of liquor licenses in the Wyong LGA.
69. In response to the BOCSAR Paper, the Applicant refers to the review produced by Data Analysis Australia which (in the Applicant's words) concludes that the methodologies employed by the BOCSAR Paper are "flawed on many levels" and "should not be taken as serious evidence in the decision-making process".
70. (The Delegate notes that the findings made by Data Analysis are more nuanced than the description provided in the submissions made by the Applicant's solicitor. Furthermore, the Data Analysis report is only a preliminary review of the BOCSAR Paper).
71. In response to the 2011 Livingston study the Applicant's solicitor characterises the hypothesis provided by this research as one whereby increasing outlet density causes persons to consume more alcohol, which consequently leads to more frequent episodes of intoxication, which in turn causes a higher number of domestic violence offences.
72. The Applicant's solicitor submits that the author's findings are "unsubstantiated by any real evidence" and "subject to variability" and "underlying bias" in that this research paper does not "adequately account" for all of the variables that might influence the reliability of the results.
73. The Applicant submits that this research is "not robust and is flawed" by reason that "there are far too many other variables which could influence rates of domestic violence" and that "correlation is not necessarily causation".
74. The Applicant further submits that this study has "minimal application" to Tuggerah and therefore no relevance to this Application at all.
75. [The Delegate notes that Livingston has not had the opportunity to respond to the criticisms levelled at the methodology by the Applicant in this matter, but notes that the Livingston research examined data from the Melbourne metropolitan area and did not purport to make findings on any data for the local or broader community in this case].
76. With regard to the 2008 Livingston Paper the Applicant submits that the results of this study are "not reliable" by reason that the statistical model used is not robust against errors and that the Authority should not allocate any weight to its application to Tuggerah or elsewhere.

77. With regard to the 2008 University of Sheffield report, the Applicant submits that this report concludes that the most effective mechanism for reducing total alcohol consumption is to raise "floor prices". The Applicant submits that "this does not appear to be a sound or acceptable conclusion" on the basis that the range of studies analysed by this paper have not provided a definitive price elasticity for alcohol.
78. Further, the Applicant submits that the failure to provide comparisons with control states where changes have not been implemented and the fact that most studies examining the impacts of alcohol pricing policies have been conducted in North America limits the reliability of many of the studies about the relationship between alcohol pricing and harm. The Applicant submits that the Authority should be extremely cautious when considering this literature as it is based upon "studies that have been conducted in foreign jurisdictions with foreign drinking cultures and foreign licensing conditions".
79. With regard to the 2014 report of the NSW Chief Health Officer the Applicant submits that the data analysed in this report indicates a decline in alcohol misuse and resulting hospital visits in young people in circumstances where [the Applicant submits that] outlet density has "substantially increased" in Australia.
80. The Applicant contends that population health initiatives, education programs and advertising campaigns appeared to have been particularly effective" in bringing about the "promising trends" in relation to alcohol consumption by young people in New South Wales.

REASONS

81. The Delegate is satisfied, for the purposes of section 40 of the Act that the Application and CIS material provided by the Applicant establishes that the Application has been validly made and relevant consultation and advertising requirement of the legislation were observed.
82. The Delegate is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person from a probity perspective and the Delegate notes that no probity concerns have been raised in submission form the other stakeholders, particularly NSW Police and OLGR, in this regard.
83. The Delegate is satisfied that that the Applicant is experienced in operating a retail packaged liquor business and that the Applicant's policy and planning documents "Woolworths Liquor Group Liquor Store House Policy", and "Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW" disclose that detailed policies and a comprehensive risk mitigation regime has been devised by the Applicant and will be in place when the licensed business commences operation on the Premises. The Delegate notes that there is no adverse information before the Delegate as to the Applicant's company's fitness in response to consultation on this Application with relevant law enforcement agencies including Police and OLGR.
84. The Delegate is satisfied, for the purposes of section 45(3)(b), that responsible service practices will be in place with the commencement of licensed trading, on the basis of the detailed business planning material provided with the Application including the "Woolworths Liquor Group Liquor Store House Policy", and "Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW" submissions provided by the Applicant and noting an absence of adverse submission from OLGR or from Police with regard to the Applicant in this regard.

85. The Delegate is satisfied, for the purpose of section 45(3)(c) of the Act, that the required development consent is in place for conduct of a retail package liquor business on the Premises. This finding is made on the basis of the DA issued by the Wyong Shire Council (DA/21/2014) dated 16 October 2014.

Local and Broader Community

86. With regard to the overall social impact test proscribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the state suburb of Tuggerah and the broader community comprises the Wyong LGA.
87. The Authority notes that the Applicant has posited that the local community comprises the "trade area" of the proposed new packaged liquor business to operate on the Premises.
88. The Act does not define what "local community" means. Consistent with the Authority's *Guideline 6* and its long established practice, the Authority is satisfied that the local community comprises the State suburb or town in which the proposed licensed premises is to be located.
89. While the Authority accepts that the Applicant has provided evidence identifying its (broader) expected catchment area for patronage of the business, the Authority considers that to define the local community in such a manner would lose any "local" focus when assessing social impact. For the sake of consistency and certainty, the Authority prefers the state suburb of Tuggerah as the local community, while the broader community comprises the Wyong LGA.

Overall Social Impact

90. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.

Positive Benefits

91. The Delegate accepts the Applicant's contention that granting the Application will provide some additional measure of convenience to those members of the local and broader community who wish to purchase liquor for consumption off the Premises in this part of Tuggerah, including those picking up takeaway food from one of the nearby restaurants.
92. The Delegate also accepts as credible the contention made in the Application material and submissions that the Application would meet the expectations and provide some additional measure of convenience and choice to those consumers seeking the convenience of a street front packaged liquor store located in a small strip of shops but away from the Westfield Tuggerah shopping centre complex. Convenience may also be provided to those patrons walking to the site, which may be of some assistance to those in the community who do not drive in this part of the suburb.
93. The Delegate is satisfied that granting the Application in the circumstances proposed by the Applicant will advance, albeit to only a modest extent (given the several incumbent retailers), the "needs desires and expectations" of the local and broader community who are likely to shop at this shopping site which is an object of section 3(1)(a) of the Act. The absence of any negative submissions from the community provides further reinforcement for the proposition that this proposal is not inconsistent with the needs desires and expectations of the community.

94. The Delegate is satisfied that granting the Application will also facilitate, albeit to a modest extent (given the incumbent retailers), the balanced development in the public interest of the liquor industry which is an object of section 3(1)(b) of the Act.
95. The Delegate also notes the Applicant's submission that granting the Application will allow the proposed new business to contribute to local groups and organisations. However, the Authority notes that the nature and extent of community support has not been substantiated nor specified with any great deal of certainty and so little weight can be given to these purported community benefits on the material before the Authority.
96. The Delegate accepts as generally credible the Applicant's submission that granting the Application will, to some extent, provide employment opportunities within the Premises. However, no commitment has been made as to the number of staff that will be employed and the communities from which staff of this business will actually be recruited, which diminishes the weight that can be given to his particular community benefit.

Negative Impacts

97. The Delegate accepts that over time there will likely be some contribution from the liquor sold at this new licensed business to alcohol related crime, disturbance or other adverse impacts on amenity in the local or broader community from a minority of customers who abuse packaged liquor purchased from the Premises.
98. A minority of patrons of the new business may also potentially contribute to a variety of other likely adverse impacts upon local amenity associated with the abuse of packaged liquor, such as including drinking in public, and underage drinking before attending licensed premises or alcohol related litter.
99. However, on the material before the Delegate, the scope for concern as to the contribution that this business may make to such impacts is not considered to be pronounced. The Delegate notes in particular the absence of any submissions specifying prevailing sensitivities as to localised alcohol related crime or amenity impacts from local residents, local business owners, Police, OLGR, or Council, particularly concerning the site of the Premises or the areas in which it is located.
100. The Delegate notes that the suburb of Tuggerah is ranked in the third decile on the IRSAD for all suburbs in NSW and the Wyong LGA is ranked in the fourth decile on the IRSAD for all LGAs in NSW (with a ranking of 10 being the most socioeconomically advantaged. These communities are moderately socio economically disadvantaged compared to the rest of the State, but not particularly so.
101. The Delegate notes that BOCSAR crime data for calendar year 2014 and the latest available crime maps indicating that the rate of *alcohol related domestic violence assault* incidents across the Wyong LGA as a whole was 193 per 100,000 persons, above the rate for NSW as a whole which was 145 per 100,000 persons and there is some concentration of domestic violence assault (albeit this includes both alcohol related and non-alcohol related events) in the local community.
102. Furthermore, the rate of malicious damage incidents at the level of the broader community was 156 per 100,000 persons, which is above the NSW rate of 122 per 100,000 persons with some concentration of these events in the local community. Again, malicious damage events may or may not be alcohol related. The data indicates that only a small minority of events are recorded as alcohol related, but BOCSAR warn that it is difficult to identify the involvement of alcohol in property crime when no perpetrator is identifiable.

103. The crime data provides a moderate cause for concern as to the contribution that liquor sold from this new business will make, along with the incumbent licensed premises, to prevailing crime rates and concentrations in the local and broader community over time.
104. Nevertheless, some comfort on the prevailing sensitivity of the location to crime and anti-social conduct arises from the fact that Police, OLGR or Council have not raised any particular concerns in this regard, suggesting that law enforcement are sanguine about the extent to which alcohol related crime in the local community and whether the location of this Premises is likely to contribute to public amenity impacts in this part of the local or broader community. There are no adverse submissions from residents or other business owners from the local community.
105. The Delegate notes that the Premises is not located within any hotspots for the concentration of crime. However, it is located near high density hotspots for the concentration of *malicious damage to property, domestic assault and non-domestic assault* events. These hotspots identify areas of relative concentrations of crime in those categories, based on data at the level of the broader community. As noted above, the incorporate both alcohol related and non-alcohol related events in those categories.
106. Furthermore, the Delegate notes the Applicant's submission that there were no incidents of *alcohol related domestic violence*, eight (8) incidents of *alcohol related non-domestic assault*, one (1) incident of *alcohol related assault Police* in the 12 month period ending in September 2014. This low count of events for the local community provides some explanation as to why the Application has not proved problematic from the perspective of law enforcement.
107. As identified by the Applicant's CIS document, the scale of the Premises is 202 square metres. This is a substantial licensed premises exceeding many other stand-alone packaged liquor licensed premises in New South Wales. This is a factor that objectively increases the capacity for *this* business to contribute, along with the incumbent licensees, to the prevailing social problems associated with the abuse of packaged liquor in the local community.
108. Furthermore, the proposed licensed trading hours are quite extensive - opening early trading to the limit of night time trading hours that are permissible in New South Wales on six nights per week - from 9:00am to 10:00pm Monday through Saturday, and from 10:00am to 10:00pm on Sunday. This is another factor that increases the scope for which this proposed licensed business may contribute to community wide alcohol related impacts over time.
109. The Delegate notes that there is some moderate increased overrepresentation of a number of different "at risk" groups present in both the local and broader community across the following categories and the Delegate notes the following data provided by the Applicant from ABS:
 - a) Indigenous persons (NSW 2.5%, Wyong LGA 3.6%, the suburb of Tuggerah 3.9%)
 - b) Young persons, 15-24 years of age (NSW 12.9%, Wyong LGA 14.4%, the suburb of Tuggerah 13.8%)
 - c) Unemployed persons (NSW 5.9%, Wyong LGA 7.8%, the suburb of Tuggerah 8.8%)
 - d) Labourers (NSW 8.7%, Wyong LGA 12.1%, the suburb of Tuggerah 12.1%).
110. However, the Authority notes that there have been no submissions from any community interest groups, public agencies or law enforcement (OLGR and Police) to suggest that these socio demographic factors have translated into pronounced localised alcohol related issues that warrant intervention in this Application.

111. In conclusion, the Delegate is satisfied that there is some moderate cause for concern arising from the rates of crime within the Wyong LGA when compared with NSW State averages.
112. However, the Delegate accepts the Applicants contention that crime is not as significant an issue within the local community of Tuggerah as it is in the broader community of Wyong LGA. The Delegate considers that the local community is likely to be the focus of patronage for the store- although patrons may be sourced from elsewhere in the broader community given the location of the Premises near a service station. The supply of liquor to persons in the locality and local community is likely to be the most direct source of patronage for the new business, with patronage and hence adverse impacts becoming more diffuse in other suburbs further afield in the LGA.
113. The Delegate has considered the Applicant's submissions with regard to the BOCSAR Report and other research but In circumstances when the Applicant's consultant has only provided observations on the basis of a *preliminary* and not a complete re-analysis, the BOCSAR Report, prepared by the State's pre-eminent crime statistics research body, (which has no interest in the outcome of this Application) is preferred on the material available.
114. Given the public interest in finalising the Application and the absence of community objections the Delegate has not given BOCSAR an opportunity to reply to the various methodological concerns raised by Dr Henstridge, who the Delegate notes does not dismiss the value of the BOCSAR Report but questions whether the licence density threshold identified in the BOCSAR Report will necessarily hold across the State upon re-analysis (which has yet to be performed).
115. The Delegate notes that the Australian and overseas public health and criminological research noted in *Authority Guideline 6* was not conducted in the local and broader community that is presently under consideration. However, as licence density rates are not at particularly elevated level in *this* broader community, and domestic violence incidents are low in the local community despite higher licence density in *this* local community (skewed by a small population), the identification of a threshold at which an association between licence density and social harms is generally said to arise in the BOCSAR research has not been decisive in this instance. The Delegate considers that the published BOCSAR Report and other research (that have been the subject of criticism by the Applicant) nevertheless provides a general cause for concern as to the adverse social impact of increasing licence density.
116. The research provides a general cause for concern and a basis for scrutinising the relationship between increased licence density and domestic violence or other social harms. It continues to be of use to the Authority in identifying risk factors in a given community. However this general research is not considered in isolation. The Delegate notes the relatively benign domestic violence data identified by the Applicant at the level of *this* local community and the absence of any adverse submissions from law enforcement, Council, residents or special interest groups in the local or broader community.
117. The Delegate has taken into account the location of the Premises near a service station and a strip of other shops may provide some element of passive surveillance for this well-lit, modern facility. The comprehensive harm minimisation measures outlined in the documents "Woolworths Liquor Group Liquor Store House Policy", and "Operational matters; security, harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW" provided by the Applicant as part of the Application, including the installation of CCTV surveillance and security measures.

118. These are further factors that assist the Delegate in reaching satisfaction that abuse of liquor sold from this Premises will be constrained and managed and that the location is not particularly sensitive or problematic for prevailing anti- social conduct.

CONCLUSION

119. Considering together the modest positive benefits found in this case and those factors which objectively constrain or reduce the extent of likely negative impacts that may otherwise arise from the sale of liquor from this proposed new business, the Delegate is satisfied (on the material before it) 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.

120. In making this decision the Delegate has had regard to all of the statutory objects of section 3(1) and has taken into account all of the considerations prescribed by section 3(2).

121. The Delegate has had regard to the need to minimise harm associated with the misuse and abuse of liquor within the meaning of section 3(2)(a) and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from the amenity of community life within the meaning of section 3(2)(c).

122. In making this decision, the Delegate has determined the 6-hour closure period under section 11A(3) of the Act as the period from 3:00am to 9:00am



Michell Brodie
Chief Executive

DATED 6 / 12 / 2015