



Mr Tony Schwartz
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Dear Mr Schwartz

**Application for the Grant of a new Packaged Liquor Licence
BWS – Beer Wine Spirits, Vincentia**

I am writing to you about an application made by your client Mr Anthony Smith on behalf of Woolworths Limited, to the Independent Liquor and Gaming Authority on 8 May 2015, in respect of a proposed new packaged liquor licence for premises to be located at Vincentia Marketplace, the corner of Jervis Bay Road and Moona Creek Road, Vincentia known as "BWS – Beer Wine Spirits".

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 approve the Application and grant a new packaged liquor licence. This decision was advised to you informally in an email from Authority staff dated 2 November 2015.

Section 36C of the *Gaming and Liquor Administration Act 2007* requires the Authority to publish statements of reasons for those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008. This letter attaches the Authority's statement of reasons for their decision 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 has been granted are set out in the OneGov record of the liquor licence, provided separately by staff assisting the Authority.

Please contact case manager Ms Santina Causa at santina.causa@ilga.nsw.gov.au if you have any enquires about this letter.

Yours faithfully

Micheil Brodie
Chief Executive

- 5 APR 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 8 May 2015, the Independent Liquor and Gaming Authority (Authority) received an application (Application) lodged by of Back Schwartz Vaughn Lawyers on behalf of Mr Anthony Smith 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), for premises located at Vincentia Marketplace, the corner of Jervis Bay Road and Moona Creek Road, Vincentia to trade as "BWS – Beer Wine Spirits" (Premises).
3. The Premises is proposed to occupy "approximately 198 square metres".
4. The Application proposes that the packaged liquor business be licensed to sell or supply liquor for consumption off the Premises during the trading hours of:
Monday to Saturday 8:00am – 10:00pm
Sunday 10:00am – 8:00pm.
5. The Application seeks that the 6-hour daily closure period required by section 11A of the Act be fixed at between 2:00am and 8:00am.
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 sufficient case that it is in the public interest for alternative period to be specified.

MATERIAL BEFORE THE AUTHORITY

7. Application Form for Packaged Liquor Licence filed with the Authority on 8 May 2015: In the Application form, the proposed licensed trading hours and daily closure period are specified. The Applicant submits that the grant of development application (DA) No 06_0025 MOD dated 20 December 2013 covers the proposed use of the Premises for planning purposes with respect to the proposed new licensed business.
8. In Attachment 1 to the Application the Applicant provides a submission as to why its proposed variation of the usual daily shut down period is in the public interest. The Applicant's reasons include that the proposed licensed trading hours have been approved by Council "through the issue of development consent"; that the local community "does not exhibit indicators of a heightened risk of alcohol related crime"; that Woolworths operates "a substantial number of other licensed premises in NSW with all stores commencing trade before 10.00am on Monday to Saturday"; that "there is no known evidence" showing that the proposed opening hours have "adversely impacted on the community"; that "passive and mechanical surveillance measures will be available" at the Premises during the proposed trading hours and they will be an "active deterrent for anti-social behaviour". The applicant contends that the opening of the Premises during the hours proposed will "satisfy the public interest by allowing customers to obtain all of their shopping requirements at a time and place of their own choosing, without having to wait for the New Store to open or return to the store at a later time".
9. The Applicant contends that approving the Application would also serve the public interest in respect of the "reasonable expectation and demand of the public to make liquor purchases during convenient trading hours which correspond to their attendances

in this location" rather than having to make "an additional trip to purchase their liquor requirements elsewhere".

10. Applicant further contends that the proposed 6-hour closure period is appropriate having regard to the objects of the Act. The Applicant submits that the demographics of the local area show "an over representation of older Australians" who the Applicant contends "generally complete their shopping requirements early in the morning and therefore is a greater than normal expectation by the public, in this location, that the New Store trade from 8:00am Monday to Saturday".
11. The Applicant submits that Woolworths has "taken steps to minimise harm associated with the misuse and abuse of liquor" which has "been considered and accepted by the Authority in other Liquor Applications by the same Applicant"; that Woolworths has taken "sufficient steps to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor"; and that proposed trading hours, it is contended are hours that "contributes to, and does not detract from, the amenity of community life".
12. Community Impact Statement (CIS) filed with the Authority on 8 May 2015: The various contentions and submissions made by the Applicant in the CIS document with regard to the overall social impact of granting the Application are discussed in further detail below.
13. The CIS material comprises *inter alia*:
 - a) the CIS form itself dated 17 April 2015
 - b) list of stakeholders and special interest groups consulted
 - c) geographical map depicting the location of the Premises in relation to the three alcohol prohibited areas in Vincentia
 - d) geographical map depicting the 100 metre radius in which notifications were distributed
 - e) Statement of Impact prepared by Mr Tony Schwartz dated 21 April 2015
 - f) Statement of Woolworths operating experience to date with its retail liquor stores associated with a Woolworth's Supermarket; operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS - Beer Wine Spirits stores in NSW
 - g) Public health statistics issued by the NSW Department of Health
 - h) Geographical maps of the site
 - i) A list of hotels and nearby packaged liquor licenced premises.
14. List of Stakeholders: The Applicant has provided a list of stakeholders notified of the Application and submits that the occupiers of every premises within a 100 metre radius of the Premises were also provided with the notice of intention to apply for a liquor licence or a licence authorisation. In addition to the general stakeholders outlined in this document, the Applicant identifies certain special interest groups and potentially sensitive facilities that the Applicant considers to be located "near" the Premises.
15. Geographical Map: identifying where the Premises is located and the 100 metre radius inside of which the Notice of Intention to make the Application was distributed.
16. Geographical Map: depicting the location of the Premises in relation to the three declared alcohol prohibited areas within Vincentia.
17. Statement of Impact prepared and lodged by Tony Schwartz of Back Schwartz Vaughan Lawyers on behalf of the Applicant dated 21 April 2015: This 43-page document

addresses the Applicant's submissions on the overall social impact of granting the licence. It outlines the analysis performed by the Applicant in order to conclude that "the overall social impact of the Application will not be detrimental to the wellbeing" of the relevant community and as such the "test to be satisfied by Section 48 of the Act has been satisfied".

18. This document discusses what is proposed by the Application and is accompanied by a number of images including an aerial site plan showing the approximate location of the Woolworths supermarket and its proximity to the proposed ALDI premises, an internal layout plan of the proposed licensed Premises depicting entry and exit points, an artists impression of the outside streetscape of the shopping centre, and a site plan of the entire shopping complex and the location of the Premises.
19. The document also contains the Applicant's "assessment of the likely social change" that will occur as a result of granting the Application. This document refers to the NSW Bureau of Crime Statistics and Research (BOCSAR) data and "the demographic, socio economic status and density information relevant to this Application".
20. After analysing the data outlined using the Applicant's "Social Risk Matrix Tool", the Applicant contends that the "there was not one element that when carefully analysed returned a high or extreme risk", that the Application "meets every aspect of the objects of the Act", and that the Section 48 social impact test "has been satisfied".
21. Woolworths' operating experience to date with BWS-Beer Wine Spirits *packaged liquor* licences: This 15-page document provides a summary of what the Applicant describes as Woolworths' "many years" of experience operating "320 BWS-Beer Wine Spirits stores in NSW together with 58 Dan Murphy's Stores". This document includes the Applicant's submissions on the presence of any "at-risk indicators" (socio demographic traits of the relevant communities associated with adverse alcohol related impact), the "potential for adverse change to the character" of the local community, "noise", "litter and pollution related concerns", traffic and parking; "alcohol consumption by the population" of the community, "public interest benefits"; the "potential for increased levels of alcohol related anti-social behaviour"; "alcohol related hospital admissions and deaths"; and the "sale and consumption of alcohol".
22. Operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS stores in NSW: This 12-page document states that each BWS store "conducts the same harm minimisation and responsible service of alcohol strategies, policies and procedures" which ensures each store "operates to the high standards expected by Woolworths and its customers". The document includes sections detailing *inter alia* with such subject matters as "Woolworth's responsibility", "stocking of products", "design features", "policies and procedures", "neighbourhood safety", the exceptional trading record of Woolworth's and "liquor accords".
23. The following internal business policies and procedures are also outlined - the proposed new liquor store's "House Policy"; "Woolworths liquor group best practice policies and interventions", "Woolworths Liquor Group Responsibilities", the "School Uniform Policy", "Refusal of Service – Intoxication", the "ID 25" Policy and the "Secondary Supply Policy". These documents state *inter alia* that people appearing to be under the age of 25 they "must" get checked for identification; that liquor is "not sold or supplied" to intoxicated persons; that liquor is not sold to people wearing their school uniform even if they are over the age of 18; that liquor is not consumed on the Premises; and that all staff are to be "properly trained in responsible service of alcohol".

24. Health statistics issued by the NSW Department of Health: including data for "alcohol attributable deaths by Local Government Area, NSW 2011" and "alcohol attributable hospitalisations by Local Government Area, NSW 2011-12 to 2012-13" for all Local Government Area's (LGA) within NSW.
25. Geographical map: The Applicant has included five geographical maps that depict the following: the state suburb of Vincentia; the proposed site of the Premises; and the combined ABS Suburbs of Vincentia, Hyams Beach and Huskisson.
26. List of hotels and packaged liquor licences: The first page of the document provides details of all licenced premises in the local community. The Applicant contends that the local community encompasses the following eight state suburbs:
 - a) Sanctuary Point
 - b) St Georges Basin
 - c) Huskisson
 - d) Sussex Inlet
Basin View
 - e) Vincentia
 - f) Erowal Bay
 - g) Tomerong.
27. The second page of this document details all licensed premises in what the Applicant contends is the "broader community" encompassing the Shoalhaven LGA which includes Nowra, Ulladulla, Bomaderry, Culburra Beach, East Nowra, Sanctuary Point, Mollymook, Berry, Milton, St Georges Basin, Kangaroo Valley, Greenwell Point, Nowra North, Shoalhaven Heads, Basin View, Sussex Inlet, Bawley Point, Bendalong, Burril Lake, Callala Bay, Vincentia, Jaspers Brush, Currarong, East Lynne, Erowal Bay, Lake Conjola, Lake Tambourie, Termeil, Tomerong, Fishermans Paradise, South Nowra and Nowra Fair.
28. Copies of stakeholder notices: notifying the Application to various stakeholders as required by the liquor legislation - including Police, Council and the site notice placed on the Premises.
29. National Police Certificate (NPC) No. NCHRC-2015-15468 for Mr Anthony Smith: This National Police Certificate, issued 20 February 2015, records that Mr Smith has no disclosable court outcomes or outstanding matters within the records of police services in Australia.
30. Driver Licence, Medicare card and Visa bank card for Mr Anthony Smith: providing proof of identity.
31. Plan of the Premises: The Applicant has submitted two documents with the first depicting the proposed licenced area within the supermarket clearly defined in red and the second an aerial view of the internal layout of the Woolworths supermarket.
32. Submission from NSW Roads and Maritime Services (RMS) dated 26 February 2015: RMS states that it does not object to the Application but recommends that the Applicant join the appropriate Liquor Accord.
33. Submission from local resident, Mr R Thornton, of Anson Street, St Georges Basin dated 12 June 2015: In this submission made on the official Authority submission form, Mr Thornton makes a 5-page statement *objecting* to the Application. Mr Thornton contends that the Premises is located in close proximity to a major high school and leisure centre

and these are matters which have *not* been addressed by the Applicant. Mr Thornton raises concerns around the impact this liquor store and the associated advertising will have on youth in the local community.

34. Mr Thornton also raises concerns as to prevailing liquor licence density and contends that the local area (which Mr Thornton considers to include the suburbs of Vincentia, Old Ewrol Bay, Ewrol Bay, Sanctuary Point, Huskisson, Jervis Bay and Wreck Bay) is over provisioned.
35. He submits that this area has a population of "11434 residents (807 Indigenous) being serviced by six off-licences as well as numerous clubs and on premises licence doing take away".
36. Mr Thornton further contends that the "Indigenous population for the Local Area is almost 7.1% in comparison to NSW at 2.5%".
37. Mr Thornton contends that granting this Application would increase licence density numbers in the suburb of Vincentia, making them "very similar numbers to the town of Young NSW where an ALDI licence was recently refused based on density".
38. Mr Thornton submits that "Vincentia and surrounds are adequately serviced by two bottle shops" with the closest being the "BWS at Sanctuary Point".
39. Mr Thornton contends that "there is a much higher than average indigenous population in the local area"; that "crime in the area has increased substantially"; that there have been armed holdups in the local area and at the Liquor Legends in Vincentia; that the suburbs of Vincentia, Old Ewrol Bay, Ewrol Bay, Sanctuary Point, Huskisson, Jervis Bay and Wreck Bay are "all low scoring suburbs with higher propensity for alcohol related issues"; that the large car parks allow for "undesirables to congregate, drink and potentially drive or race through" the car park and that the "jobs created will be far outweighed by the jobs lost due to alcohol related issues".
40. Mr Thornton contends that should the Application be granted liquor licence density "will be at two times the state average" as granting both the BWS and ALDI licences will "result in almost double the current NSW aggregated number (per 100,000 residents) of 85.05 eg 160.2" and that this is simply "not acceptable".
41. Submission from local resident, Ms T Broome, of Bess Street, Vincentia dated 20 May 2015: In this 2-sentence submission, Ms Broome strongly opposes the Application submitting that the Premises is "within a short distance to both a public and secondary school" and that there are already "7 liquor outlets in a 10km radius".
42. Back Schwartz Vaughan (BSV) CIS survey form submission from local resident M B Pullinger of Vincentia dated 19 March 2015: This 2-page survey form supports the Application. The writer states that "it will provide a one stop shop" and will "save me from driving to Nowra to take advantage of a competitive market".
43. Email submission from Senior Constable Garry Hayden, Licensing Co-Ordinator at Nowra Police Station, to the Applicant's representative dated 15 July 2015: In this email, Police submit that they "have no major issues to raise in relation to the matter" but express concern with the proposed daily shut down period and the trading hours submitting that licensed trading from 8:00am until 10:00pm in a primarily residential area "is irresponsible". Police also note that the "area is an outlining section of Vincentia" and for this reason would like to see "some type of security in relation to safety for staff, patrons and their products".

44. Report to the Authority dated 10 July 2015 from a delegate of the (then) Secretary of the 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 (OLGR): This document notes that the Application was assessed using the Automated Liquor Application Risk Matrix (ALARM) by reason that the Application was "categorised as lower risk". This means that OLGR have not performed a specific assessment of the Application and advise that OLGR "does not intend to carry out any further assessment".
45. DA – Determination of Modification Request for Vincentia Town Centre Project Application 06_0025 MOD 5 dated 18 November 2013: recording that the Planning Assessment Commission as delegate of the Minister for Planning and Infrastructure granted development consent for the construction of the Vincentia District Centre with stage 1 comprising the Woolworths Supermarket and associated liquor.
46. Email submission from Mr Tony Schwartz of Back Schwartz Vaughan Lawyers, on behalf of the Applicant dated 14 May 2015: The Applicant submits a copy of the Certificate of Advertising dated 14 May 2015.
47. Certification of Advertising signed and dated by the Applicant and their solicitor on 14 May 2015.
48. 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, OLGR, RMS and the public. Authority staff also invite the Applicant's consent to the proposed imposition of the following standard conditions for packaged liquor licences: that for the purpose of section 11A of the Act, the 6-hour closure period will be between 2:00am to 8:00am; that the Premises "must not operate with greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected"; that the Applicant "join and be an active participant in the local liquor accord"; and that the licence cannot be exercised until the Authority has been provided with "evidence that the Premises are complete and ready to trade".
49. Authority staff further informs the Applicant that a separate application has been lodged for a new packaged liquor licence to be known as ALDI Vincentia to be located within the same shopping centre and that this Application will be "considered and determined together with the BWS Application once responses have been provided".
50. Response to Submissions dated 24 August 2015: In this 29-page document the Applicant responds to the community and other submissions and agrees to the imposition of all the proposed standard conditions proposed by Authority staff in their email dated 3 August 2015.
51. The Applicant addresses crime data from the BOCSAR dated as at March 2015, submitting that with regard to *alcohol related domestic assault* the rates per 100,000 population was 169.5 for the suburb of Vincentia is "high" compared to the rate of 128.9 per 100,000 persons for NSW as a whole. The Applicant submits that this calculation is "misleading and skewed" as a result of the following:
 - a) The fact that the local area has a low permanent population of 3,828
 - b) That BOCSAR acknowledge that for low populated areas the comparison becomes skewed
 - c) That BOCSAR crime data "does not consider the actual number of persons in the area vs. the number of incidents".

52. The Applicant submits that the rate of *alcohol related domestic assault* events per 100,000 population for the Shoalhaven LGA was 146.5 which is "high" compared to the rate of 128.9 for NSW.
53. The Applicant submits that the rate of *alcohol related non-domestic assault* events per 100,000 persons of population was 33.8 for the suburb of Vincentia which is "low" compared to the rate of 153.2 per 100,000 persons for NSW as a whole.
54. The Applicant submits that the rate of *alcohol related non-domestic assault* events per 100,000 population was 177.5 for the Shoalhaven LGA which is "high" compared to the rate of 153.2 per 100,000 persons for NSW as a whole.
55. The Applicant submits that the rate of *alcohol related assault police*, in the suburb of Vincentia in the 12-month period ending March 2015, there was only one incident whereas the Shoalhaven LGA has a rate per 100,000 population of 34.0 which is "high" compared to the rate of 19.2 for NSW.
56. The Applicant submits that although the BOCSAR data shows high comparison rates for alcohol related assaults (domestic violence, non-domestic violence and Police) in the broader community "the number of incidents that occur in Vincentia (or the local area) are very low".
57. The Applicant contends that despite the fact that take away packaged liquor is already available in the local community "it is not causing any concerns to the local area".
58. The Applicant submits that OLGR is "not opposed" to the Application [The Authority notes that OLGR hasn't actually considered the Application].
59. The Applicant responds to the submission from Police by submitting *inter alia* that "the trading hours are appropriate"; that although the "maximum" licensed trading hours specified in the Application are sought by the Applicant "if there is no need for the New Store to trade those hours it will simply close early, as is the case at many other trading locations"; that the 6-hour closure period sought in this Application is "appropriate"; that harm minimisation and responsible service of alcohol policies and procedures will be in place on the Premises; that a CCTV monitoring system will be installed and that the Premises will provide "one-stop shopping to customers in the supermarket".
60. In response to the submissions received from members of the public, the Applicant submits *inter alia* that "it is not uncommon for schools to be located near shopping environments that contain a packaged liquor offering; that the Premises will be "professionally run and well managed"; that "it is highly unlikely that the Premises "could impact on the School or its students"; the local community has "demonstrated an ability to consume alcohol responsibly"; that there is "no evidence" that the Premises "could cause a social detriment to either the School or its students"; and that "this Application is not a contentious one".
61. The Applicant submits that the concerns raised by Ms Broome in her submission relate to "a need for the Licence" and the proposed Premises being "a short distance to both a public and secondary school". The Applicant submits that "the schools were not identified by name" and that it would have "assisted" Ms Broome's submission to provide "some greater sense of how this proposal could potentially cause an adverse impact to the school or its students".
62. In response to Ms Broome's submission, the Applicant submits that "it is not uncommon for schools to be located near shopping environments that contain a packaged liquor

offering", that there "will be no conflict in the operation of each facility" and that the nearest school is "Vincentia High School" which is "approximately 850 metres" walking distance from the proposed Premises". The Applicant submits that "it is highly unlikely" that the proposed Premises will impact on the school or its students for the following reasons: that "there are 324 BWS stores operating in NSW today and each have demonstrated an ability to sell liquor responsibly"; that "Woolworths would face significant penalties" if the Premises supplied liquor, either by way of first hand or through secondary supply, to minors; that "stringent policies and procedures will be in place".

63. In response to the submission from Mr Thornton, the Applicant separately addresses the concerns raised about "the Vincentia High School", "the Leisure Centre", "Youth and Advertising", "the Consultation process" and the information within the statement of impact. The Applicant contends *inter alia* that Vincentia High School "is not" within a stone's throw of the Premises; that "there is "no evidence that the New Store could cause a social detriment to either the School or its students"; that the Basin Leisure Centre is "not near the New Store" and that a review of "the literature on advertising" (contained in Attachment B) "does not support Mr Thornton's unsubstantiated view"; that the "on-line survey has been a successful tool used to gather community feedback since 2007".
64. In response to Mr Thornton's issues with the information contained in the statement of impact submitted by the Applicant the Applicant contends *inter alia* that "Mr Thornton relies on unverified demographic information to support his views"; that "internal sales records" provided by Woolworths to the Authority in the past "confirm that an increase in the density of packaged liquor licences does not result in increased alcohol consumption"; that "there is no evidence Indigenous persons could be adversely impacted by the Application"; that "there is no evidence that the community in this location are consuming alcohol irresponsibly"; that "the Centre is of sub-regional importance"; that "many new jobs will be created by this proposal" and that "the inclusion of the New Store will not be a 'doubling of density' as is alleged".
65. After addressing the submissions made by the Police, OLGR and the two local Residents, Mr Thornton and Ms Broome, the Applicant concludes that the "overall social impact arising from the approval of it will not be detrimental" to the well-being of the local or broader community.
66. Attached to this email are the following documents:
 - a) Three geographical maps showing the location of the Premises and the likely walking route to the Vincentia High School and the Basin Leisure Centre
 - b) A review of the findings in other jurisdictions and a review of the literature on liquor advertising. In this 12-page document the Applicant discusses *inter alia* other decisions made in NSW, Western Australia and Tasmania. The Applicant's literature review on advertising discussed the following:
 - i. *Wilcox GB; Kang EY; Chilek LA, 'Beer, wine or spirits? Advertising's impact on four decades of category sales', International Journal of Advertising, Published early online 17 March 2015.* The Applicant submits this study demonstrates that "alcohol advertising does not have an impact on overall beverage consumption"; that "advertising expenditure for beer, wine, and distilled beverages, increased by more than 400%" over the period of 1971 and 2001 "but per capita consumption remained relatively unchanged" and that "consumption changes are mediated by demography, taxation, and income levels , rather than advertising"

- ii. *"Alcohol and Young Adults" by Professor Adrian Furnham, University College of London.* The Applicant submits that the author is of the view that "early exposure to any forms of advertising is vital to protect young minds against the seductive powers of capitalism". The Applicant submits that the author discusses a number of studies and concludes that the "evidence is quite clearly in favour of the educationist position" and that "values, beliefs and behaviour of parents are quiet simply the most powerful predictors of a young person's knowledge of, and interaction with the commercial world"
- iii. *Nelson, Jon P; Alcohol Advertising and Advertising Bans: A Survey of Research Methods, Results, and Policy Implications; no year of publication; Department of Economics Pennsylvania State University.* The Applicant submits that this survey concludes that "advertising bans do not reduce alcohol consumption or abuse"; that "advertising expenditures do not have a market wide expenditure"; that "survey research studies of youth behaviour are seriously incomplete as a basis for public policy" and that "alcohol advertising has not been shown to increase total alcohol (or beverage) consumption regardless of the level of aggregation or time period"
- iv. *Nelson, Jon P, Alcohol Marketing, Adolescent Drinking, and Publication Bias in longitudinal studies: A Critical Survey Using Meta-Analysis; no year of publication; Department of Economics Pennsylvania State University.* The Applicant submits that this paper "concludes that the effect of alcohol marketing on adolescent drinking is modest, but the evidence indicates that it may not exist at all for mass media and other exposures"
- v. *NREPP (US Department of Health and Human Services) Substance Abuse and Mental Health Services Administration; Roxanne Stendrg, Project Northland; Date of review 2007.* The Applicant submits that that this research concluded that "there were statistically significant effects on youth adolescents tendency to use alcohol, where young adolescents communicated with both parents about such matters"
- vi. *2009 GfK Rope Youth Report; GfK Custom Research; North America.* The Applicant submits that this report "found that parents are the number one reported influence for 8-17 years for whether they decide to drink"
- vii. *"Alcohol and Advertising", George Mason University (Understanding Alcohol Abuse), December 2010.* The Applicant submits that "whilst this paper attempts to link increased alcohol advertising to more underage drinking, these trends were not observed at all"
- viii. *A paper titled "Early Developmental Processes and the continuity of risk for underage drinking and problem drinking" by Robert A Zucker & others, published in Pediatrics.* The Applicant submits that the report discusses underage drinking that becomes evident during early school years regarding the age group of 10-15 years of age and early alcohol use onset as risk factor for later problems
- ix. *Drinkwise Australia.* The Applicant submits that this "not-for profit, evidence-based organisation" has a philosophy that "young people's alcohol consumption is a complex field and a variety of cultural drivers have an impact on consumption patterns"
- x. *"The effects of advertising, social influences, and self-efficacy on adolescent tobacco use and alcohol consumption", authors Kinard, BR and Webster, C, date of publication: 22 March 201, Journal of Consumer Affairs.* The Applicant submits that this paper reviews to studies "focused on the relative effects of advertising, parental and peer influence and self-efficacy on adolescent tobacco use and alcohol consumption" with the results suggesting that "advertising affects are largely neutralised by parental and peer influence".

The Applicant submits that "the results of this study challenge the efficacy of advertising in the media as a significant predictor of adolescent tobacco use and alcohol consumption when factoring in other sources of influence"

- xi. (A Bandura 1986) *Social Foundations of Thought [sic] and action- a social cognitive theory*; Publisher: Prentice-Hall, 1986. The Applicant submits that the "author's findings suggest the environmental media is a secondary source of influence and such influences are likely to be neutralised by interactive interpersonal communication with parents".
- c) A report entitled "*Trends & Issues in Crime and Criminal Justice*", No. 396 July 2010 issued by the Australian Institute of Criminology. This report discusses the misperceptions of crime in Australia. The Applicant relies on this research in response to Mr Thornton's submission that crime in the area has increased. The Applicant submits that "there is often a disjunction between how people perceive the risk of crime in their community and the actual level of crime that occurs".
- d) An "updated graph illustrating outlet density vs. apparent alcohol consumption in this country" provided by the Australian Bureau of Statistics in regards to Australia as a whole from 1997 to 2014. The Applicant contends that this data "confirms consumption levels have remained relatively stable" between 9.71 and 10.76 litres of alcohol per person over the same period of time and "significantly have decreased every year since 2007".
- e) Data illustrating the trend in crime when a Dan Murphy's store opens in NSW from 2005 to 2014. There are five graphs depicting the statistics for incidents of *alcohol related domestic assault, alcohol related non-domestic assault, liquor offences, alcohol related offensive conduct, alcohol related offensive language* per 100,000 persons in New South Wales, Burwood LGA, Campbelltown LGA, Liverpool LGA, Ryde LGA and Warringah LGA.
- f) A letter dated 12 December 2011 which is a copy of correspondence from a consultant engaged by Woolworths, (Duane Location) addressed to Mr Shane Tremble, National Liquor Licensing and Acquisitions Manager, of Woolworths presenting an assessment of liquor pricing and consumption in Australia.
 - i. In this letter Duane Location discusses the issues of "alcohol pricing", "large format liquor stores", the catchment area of large format liquor stores, "Australian liquor consumption" and "alcohol price inflation"
 - ii. The Consultant submits that "the average sized store is around 1,000-1,200 sq.m in size"; that "since the introduction of large format liquor stores operated by the chain supermarkets (1998 for Woolworths and 2005 for Coles), per capita liquor consumption has not changed in any significant terms from 10.10 litres per person in 1998 to 10.25 litres per person in 2010"; that "large format liquor stores have not resulted in substantial further consumption of Alcohol"; and that "the opening of large format liquor stores has not resulted in discounting of liquor prices in key categories such as beer and spirits"
 - iii. Duane Location has attached to this letter five geographical maps detailing the trade main trade areas of different Dan Murphy stores, and two tables of data obtained from the Australian Bureau of Statistics detailing within Australia statistics for pure alcohol consumption per capita from 1960 to 2010 and alcohol price inflation from 1991 to 2011
- g) A list of statistics from the training organisation Drinks Academy indicating the number of training modules completed by Dan Murphy's teams
- h) Australian Bureau of Statistics (ABS) Census data for the suburbs of Vincentia, Hyams Beach and Huskisson. This data deals with the population, of the local suburb compared to NSW and Australia whilst also depicting the proportion of Aboriginal and Torres Strait Islander people

- i) A geographical map depicting the trade area of the local community and a list of licenced premises in the Local Community (which the Applicant defines as including the suburbs of Vincentia, Erowal Bay, Huskisson, Sanctuary Point, St Georges Basin, Tomerong, Basin View and Sussex Inlet.
67. 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, indicates the immediate location and areas surrounding the Premises, at the corner of The Wool Road and Jervis Bay Road, Vincentia, is not located within any hotspots for incidents of *domestic assault*, *non-domestic assault* and *malicious damage to property*.
68. Authority licensing records indicating the addresses of other liquor licenced premises located within the suburb of Vincentia and in neighbouring suburbs of Callala Beach, Huskisson, Sanctuary Point, Sussex Inlet, Currarong, Greenwell Point, Worrigee, St Georges Basin, Pyree, Hyams Beach, Orient Point, Erowal Bay, Culburra Beach, Callala Bay, Basin View, Nowra and Tomerong.
69. Authority liquor license density data: This data indicates that the Shoalhaven Local Government Area (LGA) as a whole recorded a rate of 14.01 *packaged liquor licences* per 100,000 persons which is comfortably below the NSW state wide rate of 32.85.
70. Authority licensing data indicates that the Shoalhaven LGA also has significantly lower rates of *full hotel licences*, *club licences*, *general licences*, *limited licences*, *on premises licences* and *producer and wholesaler licences* per 100,000 people compared to rates for NSW as a whole.
71. Data on Crime by LGA and Alcohol Related Status obtained from published BOCSAR sources for calendar year 2013. This document indicates that the rate of *domestic violence related assault* incidents that were also recorded by reporting Police as *alcohol related* and occurring across the Shoalhaven LGA, was 182 per 100,000 persons, higher the New South Wales rate of 145 per 100,000 persons.
72. The rate of *non-domestic violence related assault* incidents flagged by reporting Police, as *alcohol related* in the Shoalhaven LGA for 2013 was 179, below the State wide rate of 191.
73. The rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across this LGA only 43 per 100,000 persons, well below the State wide rate of 83.
74. The rate of *assault police* incidents flagged by reporting Police as alcohol related across the Shoalhaven LGA was 39, above the 24 per 100,000 persons rate for New South Wales as a whole.
75. This data also indicates that the rate of alcohol related *malicious damage to property* across the Shoalhaven LGA is 169, above the State wide rate of 122.
76. Socio Economic Index for Areas (SEIFA) data published by the ABS: ABS data, prepared on the basis of the 2011 census, indicates that the Shoalhaven LGA as whole ranked in the fifth decile, compared to other local government areas in the state in IRSAD (with a decile ranking of 10 being the most advantaged).

LEGISLATION

77. Division 5 of the Act addresses concerns 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).

78. 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.*

79. 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.

80. 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.*

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

82. 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 SOCIAL IMPACT

83. The Applicant contends that the Premises will "form part of an entire new village and district town centre" with the licensed Premises occupying "approximately 198 square metres" and providing off street parking for "approximately 552" vehicles.
84. The Applicant further contends that the Premises had been "designed to provide both convenient access to the liquor products and stock by customers, as well as providing the availability of quality service and supervision by staff to customers".
85. The Applicant also contends that the local community is a "high growth area for new residents" and a "significant tourist destination" that has an "under-provision of licensed premises". The Applicant submits that granting this Application would provide "a convenient and well-appointed retail liquor store that will meet the one-stop supermarket shopping requirements of shoppers".
86. The Applicant contends that the Premises "would meet an identified need for improved access to consumer goods and retail services in Vincentia" and "deliver convenience, choice, range and value" to shoppers whilst providing a "modern facility with employment opportunities".
87. The Applicant contends that licensing the Premises will not "introduce new drinkers to the market" or "change existing consumer behaviour as to the type or quantity of alcohol to be consumed" but instead the new business will "cannibalise sales made at existing bottle shops" resulting in a "redistribution of the market share for packaged liquor products amongst the existing bottle shops only".
88. The Applicant contends that the new business operating on the Premises will not be "a late night trading venue as it will not trade beyond 10:00(pm) on any night".
89. The Applicant also contends that due to the licence being limited to only selling liquor for the consumption off the Premises, it is "unlikely to cause the same amenity type concerns in the neighbourhood" as those that may arise from licensed premises where the consumption of liquor occurs on the premises.
90. The Applicant contends that the Premises will be subject to the "prices that apply to the existing BWS stores" in the broader community and therefore will "not result in the lowering of the price of alcohol" within the local or broader community.
91. The Applicant also contends that "the majority of customers" will be "already present in this Centre and Supermarket attending to their daily or weekly shopping requirements" and therefore the operation of the new business on the Premises is "unlikely to generate any additional levels of parking and traffic movements that this Supermarket and Centre cannot comfortably manage".

92. The Applicant further contends that the features of the "design, layout and management" of the business to be conducted on the Premises have been included to "minimise the potential for crime to occur".
93. The Applicant submits that "there is no evidence" that the "at-risk groups" in the communities will be "adversely impacted" by the operation of this business.
94. The Applicant contends that there are "no potentially sensitive facilities or services near the" Premises and submits that the available data confirms that there are "very low levels of alcohol related crime" occurring within the local area.
95. The Applicant submits that "there is no evidence" that the Premises will "exacerbate existing levels of alcohol related crime or the frequency in which it might occur".
96. The Applicant submits that "through the planning process" matters relating to parking, traffic, litter and noise "were found to be satisfactorily manageable" through the imposition of conditions on the development consent.
97. The Applicant acknowledges the operation of the nearest packaged liquor outlets, Vincentia Cellars and Cellarbrations in Vincentia, but argues that it is "unreasonable in 2015 for a customer of this Supermarket to have to get into and out of their car twice to complete their basic household shopping requirements" and that these incumbent stores "cannot reasonably cater to the requirements of shoppers to this Supermarket"
98. The Applicant contends that the Application will "meet the reasonable requirements of customers" by providing a "full-line service" and offering a "one-stop" shop.
99. The Applicant contends that the following public interest benefits will flow to the communities from granting this Application:
 - a) Improved choice and convenience
 - b) Improved shopping experience
 - c) Meeting the "one-stop" supermarket requirements of "locals, visitors and tourists"
 - d) Less traffic
 - e) A Strengthened shopping precinct in the immediate vicinity
 - f) Improved neighbourhood safety and security
 - g) Employment opportunities in the fit-out of the Premises and during continuing operation
 - h) Contribution to local groups and organisations.
100. The Applicant further contends that the positive benefits associated with this Application include "the benefit of security arrangements; harm mitigation measures; the extensive experience of Woolworths; and its policies and procedures that have been developed over decades of trading in this Country".
101. The Applicant argues that Woolworth's is committed to ensuring "its staff are properly trained and receive on-going support".
102. The Applicant concludes that the "overall social impact of the Application will not be detrimental to the well-being of the" local or broader community and therefore the "test to be satisfied by section 48 of the Act has been satisfied".

REASONS

103. The Authority is satisfied, on the basis of the Application material before the Authority that, for the purposes of Section 40 of the Act, the Application has been validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied. This finding is made on the basis of the Application and CIS material and certification of advertising provided by the Applicant and its solicitors.
104. The Authority is satisfied, on the basis of the Application material, plans and conditions consented to by the Applicant in further submissions, those additional requirements as to packaged liquor businesses required by section 30 and 31 of the Act have also been satisfied.
105. 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. This finding is made on the basis of the NPC provided by the Applicant and the fact that no issues of concern were raised with regard to the Applicant's probity by Police, who have apparently considered the Application.
106. The Authority acknowledges that the Applicant is a repeat applicant for the Woolworths company and that since 2008 numerous applications have been made on behalf of Woolworths and no concerns have been raised by law enforcement as to the probity of the Applicant or the company with respect to those applications.
107. 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. This finding is made on the basis of the Woolworths planning material provided by the Applicant addressing *operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS, Woolworths Liquor Group "Liquor store house policy"* and the further submissions provided by the Applicant.
108. 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 the Premises as packaged liquor licence at the Premises, on the basis of the Determination of Modification Request for Vincentia Town Centre Project Application dated 18 November 2013 which records that the Planning Assessment Commission as delegate of the Minister for Planning and Infrastructure granted development consent for the construction of the Vincentia District Centre with stage 1 comprising the Woolworths Supermarket and associated liquor provided by the Applicant

Overall Social Impact Test

109. 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 wellbeing of the local or broader community.
110. 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.
111. 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 Vincentia while the relevant broader community comprises the Shoalhaven LGA.

112. The Authority notes that the Applicant has posited that the local community comprises the "geographical area of the Centre and the main populated areas surrounding it".
113. The Act does not define what "local community" means. Consistent with the Authority's *Guideline 6* and its long established practice communicated through many published decisions, the Authority is satisfied that the local community comprises the state suburb in which the proposed licensed premises is to be located.
114. While the Authority accepts that the Applicant has provided evidence identifying its (much broader) expected catchment area for patronage of the new business, noting that the Premises is located in a shopping centre, the Authority nevertheless takes the view that to define a local community in such a manner proposed by the Applicant would tend to lose any "local" focus for the purpose of assessing social impact. For the sake of administrative consistency and regulatory certainty, the Authority prefers to identify the State suburb of Vincentia as the relevant local community, while the broader community comprises the Shoalhaven LGA.

Positive benefits

115. The Authority is satisfied the Applicant has demonstrated that granting the licence will provide a modest benefit of convenience and choice from a well-appointed new retailer for those members of the local and broader community who wish to purchase packaged liquor from this shopping centre in this part of Vincentia.
116. The extent of those additional convenience benefits are reduced by the presence of incumbent packaged retailers in the suburb. The Authority does not accept the Applicant's proposition that it is "unreasonable" for patrons of this local community to rely upon the incumbent retailers, but accepts that some further measure of convenience will flow from the grant of the Application to local residents and other shoppers patronising this part of Vincentia. The Authority notes the material provided by the Applicant as the nature and scale of the new Shopping Centre and the scale of residential development in the local and broader community that it will serve.
117. The Authority accepts that the Applicant distributed notices to the surrounding community and received no objections from Council and RMS, three objections to the Application from local residents and some concerns were raised by Police. However, the Authority is satisfied on the basis of the CIS and the nature of responses and limited local opposition received in response to that consultation that the Applicant has established that granting the Application will be consistent with the "expectations, needs and aspirations of the community" in respect of the local community of Vincentia, being an object of section 3(1)(a).
118. The Authority is satisfied that licensing the proposed business may also contribute to the development of the liquor industry in the local and broader community for the purposes of section 3(1)(b) of the Act – albeit to a modest extent only, in light of the number and variety of incumbent licensees in the local and broader community and noting the Applicants submissions to the effect that BWS pricing policies are consistent across BWS stores.
119. The Applicant has not identified how the business will supply product lines that are not otherwise available from incumbent retailers, but the business will provide a new facility and serve the development of the local industry in that respect.
120. The Authority notes the Applicant's contention that granting the Application will provide employment opportunities for the local or broader community. 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 business and a clear commitment that persons will actually be hired from the local or broader community this submissions is given little weight.

Negative impacts

121. The Authority accepts that over time there will more likely than not be some contribution from the liquor sold at the Premises to alcohol related crime, disturbances or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
122. The extensive trading hours sought by the Premises and its substantial scale (198 metres in size) are factors that objectively increase the scope of this business to contribute, along with other licensed premises, to prevailing adverse social impacts.
123. The Applicant submits that there is no evidence that this new business will increase social problems in the local or broader community and that liquor sold from this business may only cannibalise sales from incumbent businesses.
124. There is insufficient data before the Authority to discern whether the addition of this new licence to the local or broader community will mean an overall increase, decrease or no change to the overall consumption of liquor or the incidents of alcohol related crime across the relevant local or broader community. NSW does not mandate the collection of wholesale liquor sales data that has enabled researchers in other jurisdictions (see for example, as noted Authority Guideline 6 Liang W and Chikritzhs T: "Revealing the link between licensed outlets and violence: Counting venues versus measuring alcohol availability" (2011) *Drug and Alcohol Review* (September 2011)) the relationship between increasing volumes of liquor sold in a local government area and assault rates.
125. Accepting for the purposes of this decision the Applicant's contention that the new business will do no more than compete for existing market share, the Authority is entitled to assess the contribution that this new liquor business will make, along with the incumbent licensees, to prevailing alcohol related adverse social impacts as a negative incident of granting this Application.
126. The Authority acknowledges that the BOCSAR data from July 2014 to June 2015 indicates that the Premises is *not* located within a high-density area for incidents of *domestic assault*, *non-domestic assault* and *malicious damage to property*.
127. The Authority notes that rate of recorded *domestic violence related assault* incidents that were recorded by reporting Police as *alcohol related* occurring across the Shoalhaven LGA, was 182 per 100,000 persons, which is moderately above the NSW average of 145 per 100,000 persons.
128. The rate of *assault police* incidents flagged by reporting Police as alcohol related in this LGA was 39, which is higher than the NSW rate of 24. The statistics also indicate that the rate of alcohol related *malicious damage to property* in the Shoalhaven LGA is 169, which is above the state wide rate of 122.
129. The Authority notes that the rate of *non-domestic violence related assault* incidents flagged by reporting Police as alcohol related in the Shoalhaven LGA for 2013 was 179, lower than the rate for NSW of 191. The rate of *offensive conduct* offences flagged by reporting Police as alcohol related in this LGA was 43 per 100,000 persons, which is well below the NSW rate of 83.
130. The Authority is satisfied from the research (including that listed in Authority *Guideline 6* Livingston, M: "A longitudinal analysis of alcohol outlet density and domestic violence"

Addiction (2011) Society for the Study of Addiction) that there is an association between liquor outlet density and domestic violence. Liquor sold from packaged liquor stores will tend to be of concern to the Authority as a driver of alcohol related domestic violence incidents as the liquor is by definition consumed in the home, where most domestic violence occurs.

131. However, the Authority is reassured by the BOCSAR 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*.
132. The Authority notes that SEIFA data from ABS indicates that the state suburb of Vincentia ranks in the sixth decile by comparison to other state suburbs in NSW in the IRSAD.
133. The broader community in the Shoalhaven LGA is similar, ranking in the fifth decile compared to other local government areas in the state in the IRSAD (with a decile ranking of 10 being the most advantaged). The local and broader community are not exposed to the potentially compounding effects of socio economic disadvantage.
134. The Authority notes the Authority's licensing records indicate the addresses of other liquor licenced premises located within the suburb of Vincentia and in neighbouring suburbs of Callala Beach, Huskisson, Sanctuary Point, Sussex Inlet, Currarong, Greenwell Point, Worrigea, St Georges Basin, Pyree, Hyams Beach, Orient Point, Erowal Bay, Culburra Beach, Callala Bay, Basin View, Nowra and Tomerong.
135. The Authority is satisfied on the basis of licensing information before it that the Shoalhaven LGA has 14.01 *packaged liquor licences* per 100,000 people compared to a rate of 32.85 for NSW as a whole.
136. The LGA also has significantly lower rates of *full hotel licences, club licences, general licences, limited licences, on premises licences and producer and wholesaler licences* per 100,000 people compared to rates for NSW as a whole.
137. The Authority notes that the Shoalhaven LGA has 10.78 *full hotel licences* per 100,000 people compared to a rate of 30.36 for NSW as a whole.
138. The Authority notes that the Shoalhaven LGA has 5.39 *club licences* per 100,000 people compared to a rate of 20.48 for NSW as a whole.
139. The Authority is satisfied, on the basis of Authority licensing records that the suburb of Vincentia currently has two *packaged liquor licences*, Vincentia Cellars and Cellarbrations at Vincentia. The Authority licensing data indicates that the suburb of Vincentia has one *club licence* for Vincentia Golf Club Limited and one *on-premises licence* for Vincentia Chinese restaurant.
140. The Authority acknowledges the concerns raised by three local residents, which relate to the proximity of the Premises to schools and a leisure centre, that the local community is over provisioned, that licence density will be increased and that there is a significant Indigenous population within the local community.
141. The Authority accepts that local concerns regarding the proximity of the Premises to sites such as schools and genuine and credible but there is insufficient data or analysis, let alone localised evidence before the Authority, to find that the presence of this business is likely to provide a particular risk to the local school.

142. The Authority is satisfied that the following aspects of the proposal will objectively operate to constrain the extent of adverse social impact arising from the abuse of packaged liquor in the circumstances of the Application. The Authority does not consider it likely that the Applicant's staff would knowingly supply liquor to minors, but cannot rule out secondary supply as a potential hazard from the operation of this business.
143. The Authority notes that the Applicant has identified the alcohol prohibited areas in Vincentia as being Plantation Point Reserve, Blenheim Beach Reserve and Greenfields Beach reserve. The Authority is satisfied that the location of the Premises is not adjacent to any of these alcohol prohibited areas.
144. However there is no persuasive evidence or material expressing concern from submitters such as Police, Council or welfare agencies, that indicate that the location of this Shopping Centre is particularly vulnerable or previously exposed to alcohol related anti-social conduct, whether involving young persons or otherwise.
145. The Authority is satisfied on the basis of the document submitted by the Applicant titled "operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS-Beer Wine Spirits stores in NSW" that the Applicant has implemented comprehensive and well developed harm minimisation measures that work effectively at other locations.
146. The Authority also notes that the Premises will have a quality CCTV system installed and that Applicant has also agreed to join and be an active participant in the local liquor accord. These measures will further reduce the scope of the Premises to give rise to adverse social impacts. There will be scope for passive surveillance by reason that the proposed liquor store will be located within a Shopping Centre.
147. The Authority is satisfied on the basis of the processes outlined in these documents that the Applicant is well placed to ensure that staff members will be adequately trained and will engage in steps that ensure staff can adequately constrain the extent of adverse impact arising from the abuse of liquor sold at the Premises.

CONCLUSION

148. Considering together the found positive benefits and taking into account the factors which are likely to objectively constrain or minimise the extent of negative impacts arising from the operation of this business in this community, the Authority 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. In making this decision the Authority has considered all of the statutory objects in section 3(1) of the Act and all of the statutory considerations in section 3(2) of the Act.
149. On the basis of the Applicant's submissions as to the proposed six hour closure period, the Authority is satisfied that it is consistent with the public interest informed by the statutory objects and considerations provided by section 3 of the Act for the closure period should be varied, in this case to between 2:00am and 8:00am daily.



Micheil Brodie
Chief Executive

for and on behalf of the Independent Liquor and Gaming Authority

DATED

- 5 APR 2016