



Mr Grant Cusack
Hatzis Cusack Lawyers
gc@hatziscusack.com.au

16 July 2018

Dear Mr Cusack

Application No.	APP-0002415831
NCAT No.	2017/00255310
Applicant	Mr Mark David Power
Application for	Packaged Liquor Licence
Licence name	IGA Stockton
Trading hours	Monday to Saturday 8:00 AM – 7:00 PM Sunday 10:00 AM – 7:00 PM
Premises	53 Mitchell St STOCKTON NSW 2295

**Order by the NSW Civil & Administrative Tribunal in Mark David Power v ILGA
Application under *Liquor Act 2007* for a packaged liquor licence – IGA Stockton**

As you are aware, on 14 June 2017 the Independent Liquor and Gaming Authority refused application number APP-0002415831 for a packaged liquor licence for the premises at 53 Mitchell St, Stockton, to be operated as IGA Stockton (“Original Decision”).

On 27 June 2018, the NSW Civil & Administrative Tribunal (“NCAT”) made an order setting aside the Original Decision and granted the packaged liquor licence, subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 2:00 AM and 8:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. Restricted trading and NYE (std)
Retail Sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday
8:00 AM to 10:00 PM Sunday
Christmas Day Not permitted
December 31st Normal trading
3. The licensee or its representative must join and be an active participant in the local liquor accord.
4. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
5. The premises is to be operated at all times in accordance with the Plan of Management dated November 2016 and the IGA Stockton House Policy for the Responsible Service of Liquor, as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
6. The licensee will ensure the liquor sales area is adequately defined from the rest of the supermarket by means of fixed, solid and permanent barrier.

7. Closed-circuit television system

- 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the supermarket/general store is required to close,
 - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points to the supermarket/general store, and
 - (ii) all publicly accessible areas (other than toilets) within the licensed premises.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

A copy of the NCAT order is attached to this letter.

If you have any questions, please contact the case manager at charles.rivers@liquorandgaming.nsw.gov.au.

Yours faithfully



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor and Gaming Authority



NCAT
NSW Civil &
Administrative Tribunal
Administrative & Equal Opportunity Division

Quote the number below for all enquiries
Case number 2017/00255310

Independent Liquor & Gaming
c/- Emma Raynor
crownsol@csso.nsw.gov.au

ORDER

Case title Mark David Power v Independent Liquor & Gaming
Application under Liquor Act 2007

On 27 June 2018 the following orders (and/or directions) were made:

- 1 The Tribunal notes that the parties have reached an agreed settlement, the terms of which are in writing and have been signed by or on behalf of the parties and lodged with the Tribunal.
- 2 The Tribunal is satisfied that it would have the power to make the following orders which are in the terms of the agreed settlement:
 - (1) The decision of the Respondent dated 14 June 2017 is set aside.
 - (2) In substitution of that decision, the application for a packaged liquor licence is granted, subject to those conditions annexed marked "A".
 - (3) No order as to costs.

S H Montgomery, Senior Member

Issued: 27 June 2018



For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at www.ncat.nsw.gov.au.

Sensitive: Legal

"A"

6-hour closure period

Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 2:00AM and 8:00AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

Restricted trading & NYE (std)

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Retail Sales

Good Friday Not permitted

December 24th Normal trading Monday to Saturday
8:00 am to 10:00 pm Sunday

Christmas Day Not permitted

December 31st Normal trading

Local liquor accord

The licensee or its representative must join and be an active participant in the local liquor accord.

Social impact

The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, the application and other information submitted in the process of obtaining this licence.

Plan of management

The premises is to be operated at all times in accordance with the Plan of Management dated November 2016 and the IGA Stockton House Policy for the Responsible Service of Liquor, as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and

Sensitive: Legal

201703086 D2018/429435

Outcome Date: 27 Jun 2018

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Gaming Authority.

Liquor sales area

The licensee will ensure the liquor sales area is adequately defined from the rest of the supermarket by means of a fixed, solid and permanent barrier.

CCTV

1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:

- (a) the system must record continuously from opening time until one hour after the supermarket/general store is required to close,
- (b) recordings must be in digital format and at a minimum of six (6) frames per second,
- (c) any recorded image must specify the time and date of the recorded image,
- (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points to the supermarket/general store, and
 - (ii) all publicly accessible areas (other than toilets) within the licensed premises.

2) The licensee must also:

- (a) keep all recordings made by the CCTV system for at least 30 days,
- (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- (a) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.


21/6/18



Mr Grant Cusack
Hatzis Cusack Lawyers

gc@hatziscusack.com.au

26 July 2017

Dear Mr Cusack

APPLICATION NO: APP-0002415831
APPLICATION FOR: Packaged Liquor Licence
PROPOSED TRADING HOURS: Monday to Saturday 8:00am – 7:00pm
Sunday 10:00am – 7:00pm
APPLICANT: Mr Mark David Power
PROPOSED LICENCE NAME: IGA Stockton
PROPOSED LICENSED PREMISES: 53 Mitchell St
STOCKTON NSW 2295
ISSUE: Whether to grant or refuse an application for
a packaged liquor licence
LEGISLATION: Sections 3, 29, 30, 40, 45 and 48 of the
Liquor Act 2007

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION
APPLICATION FOR A PACKAGED LIQUOR LICENCE
IGA STOCKTON**

The Independent Liquor and Gaming Authority considered application number APP-0002415831 at its meeting on 14 June 2017 and, pursuant to section 45 of the *Liquor Act 2007*, decided to **refuse** the Application.

If you have any enquiries about this letter, please contact the case manager via email to charles.rivers@justice.nsw.gov.au.

Yours faithfully

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

STATEMENT OF REASONS

DECISION

1. On 18 November 2016 the Applicant lodged an application for a packaged liquor licence (“the Application”) with Liquor and Gaming NSW (“L&GNSW”) for determination by the Independent Liquor and Gaming Authority (“the Authority”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority decided to refuse the Application.
3. In making this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 29, 30, 31, 40, 45 and 48 of the Act, and the relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

MATERIAL CONSIDERED BY THE AUTHORITY

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with the Authority’s Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

LEGISLATIVE FRAMEWORK

8. The Authority has considered the Application in the context of the following legislative provisions.

Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

Trading hours

11. Section 12 of the Act sets out the standard trading period for different types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the

sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

12. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

Fit and proper person, responsible service of alcohol, and development consent

13. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:

- (a) the applicant is a fit and proper person to carry on the proposed business,
- (b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
- (c) the applicable development consent (“DC”) required for use of the premises for the proposed business is in force.

Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.

15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter brought to its attention.

Provisions specific to packaged liquor licence

16. Further legislative provisions specific to a packaged liquor licence are set out in sections 29, 30 and 31 of the Act.

17. Section 29 prescribes the period and manner in which a licensee can sell or supply liquor.

18. Section 30 requires a separate liquor sales area to be set up on the licensed premises if its primary business is not to sell liquor for consumption away from the premises.

19. Section 31 sets out certain restrictions on the granting of the licence to general stores, service stations and take-away food shops.

KEY FINDINGS

20. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading requirements

21. The Authority is satisfied that:

- (a) the Application has been validly made and meets the procedural requirements under section 40 of the Act,
- (b) the proposed trading hours for the Proposed Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods,
- (c) if the Application were to be granted, liquor would be sold and supplied in a separate liquor sales area at the Proposed Premises, and in accordance with the authorisation conferred by a packaged liquor licence, as required by sections 29 and 30 of the Act, and

- (d) section 31 of the Act does not apply to the Application, as the Proposed Premises is not intended to be used for any of the purposes specified in the section.

Fit and proper person, responsible service of alcohol, and development consent

22. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- (a) the Applicant is a fit and proper person to carry on the proposed business, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- (b) if the Application were to be granted, practices would be in place from the commencement of licensed trading at the Proposed Premises to ensure the responsible serving of alcohol, having regard to the Applicant's Plan of Management ("POM") and the conditions to be imposed on the licence, and
- (c) the requisite DC is in force, based on DC 46/83 issued by Newcastle City Council.

Community impact statement

23. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Proposed Premises on the local and broader communities.
24. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Stockton, and the relevant "broader community" comprises Newcastle Local Government Area ("the LGA").

Positive social impacts

25. The Authority accepts, based on the information available, the Applicant's contention that some population growth is proposed for Stockton in the coming years. The Authority also accepts that the anticipated population growth will create further demand for packaged liquor.
26. Further to this, the Authority acknowledges that Stockton is a popular tourist destination, and as such has a fluctuating population that is at its highest during the summer months. As a consequence of this, the demand for packaged liquor in Stockton is subject to change depending on the time of year.
27. There is currently only one conventional packaged liquor facility operating in Stockton. However, the Authority interprets this in the context of the very small population of Stockton – it was 4,195 at the 2011 Census, and decreased to 4,160 at the 2016 Census (as noted by the Authority subsequent to its decision to refuse the Application).
28. The Authority accepts the Applicant's claim that the granting of the licence would provide an additional measure of convenience to customers of the existing IGA Supermarket who wish to purchase liquor items along with their grocery items. The benefit of increased convenience to customers of the IGA Supermarket is also raised by the numerous local persons who submitted letters in support of the Application. This additional expediency can only be considered a modest benefit in these circumstances however, given the very close proximity of the incumbent packaged liquor facility to the IGA Supermarket.
29. The benefit of increased convenience is further reduced on the basis of the small size of the Proposed Premises. A smaller packaged liquor facility is less likely to carry a comprehensive range of liquor products, meaning that customers of the IGA Supermarket

might still prefer to shop at the incumbent packaged liquor facility, or at an even larger bottle shop located further afield.

30. The Authority accepts the Applicant's submission that the Proposed Premises would alleviate some of the parking problems experienced by customers of the incumbent liquor store, as a carpark is provided for use by customers of the IGA Supermarket and the shopping arcade within which the Supermarket is located.
31. There has been no opposition to the Application from NSW Police, Newcastle City Council, NSW Health, or any of the other stakeholder organisations required to be notified of the proposal.
32. The Authority acknowledges that there is some degree of local support for the Proposed Premises. This is evident in the petition signed by 252 signatories, most of whom appear to reside in Stockton, as well as the various letters of support provided to the Applicant.

Negative social impacts

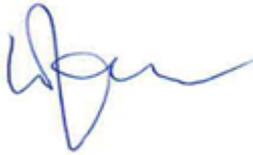
33. The Authority notes that Stockton is geographically isolated. Given that it is a peninsula, drivers travelling outside of Stockton are not required to pass through it. The population is small, and actually decreased (very slightly) between the 2011 and 2016 Censuses (as noted by the Authority subsequent to its decision to refuse the Application). This small population is already serviced by the incumbent packaged liquor facility located in the immediate vicinity of the Proposed Premises.
34. The Authority notes from the BOCSAR data that:
 - (a) Stockton has consistently recorded significantly higher than average rates of malicious damage to property and alcohol-related domestic and non-domestic assault for a number of years,
 - (b) for the year ending December 2016, the rates of relevant offence categories were well above the corresponding NSW figures,
 - (c) for the year ending December 2016, the Proposed Premises was located in a high density hotspot for incidents of malicious damage to property, and low density hotspots for incidents of alcohol-related assault, domestic assault and non-domestic assault,
 - (d) however, given that the Application is for a packaged liquor licence permitting the sale and supply of liquor for consumption away from the premises, the location of hotspots in the local community is sufficient to cause concern, and there are two substantial high density hotspots for incidents of domestic assault in Stockton suburb,
 - (e) for the year ending December 2016, the LGA recorded:
 - i) higher rates of malicious damage to property and alcohol-related domestic and non-domestic assault than the corresponding NSW figures,
 - ii) rates of alcohol-related non-domestic assault and malicious damage to property that were higher than those recorded for Stockton,
 - iii) a rate of alcohol-related domestic assault that was lower than that recorded for Stockton,
 - iv) a stable two year trend for incidents of alcohol-related domestic and non-domestic assault, and an increase of 16.9% per year since 2015 for incidents of malicious damage to property.
35. Further to the concerning crime rates extracted above, including the consistently higher than average rates of alcohol-related domestic assault in Stockton, the Authority took into consideration the very recent research findings presented on behalf of the licensee of the

incumbent liquor store, which indicated that, in NSW, supermarket liquor stores are the most likely places of purchase for alcohol involved in “intimate partner violence incidents”.

36. In addition to the above, the Authority accepts the evidence presented by an independent consultant on behalf of the Applicant, which indicated that he was unable to uncover evidence of public drinking, underage drinking, or alcohol-related anti-social behaviour occurring in the vicinity of the Proposed Premises in the small window of time during which he monitored the area, however notes that this investigation was undertaken outside of Stockton’s peak tourist period, and over the course of a single evening and a single morning in March 2017.
37. The Authority has had regard to the ABS data indicating that, as at 2011, Stockton was relatively disadvantaged in comparison with other suburbs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage, ranking in the 3rd decile.
38. The Authority notes the concerns raised in the submission lodged on behalf of St Paul’s Anglican Church and the numerous public submissions that claim that Stockton is already well-served by the numerous venues licensed to sell packaged liquor located in Stockton, including the incumbent bottle shop located on the same block as the Proposed Premises, and has come to the same conclusion.
39. The Authority takes considerable care when assessing the opinions of local commercial competitors, and accepts the Applicant’s submission that persons involved with such licensed businesses are likely driven by anti-competitive motives, which diminishes the weight that the Authority should give to matters of their opinion. Nevertheless, local competitors, like local residents, may draw the Authority’s attention to any objective evidence of prevailing social impact issues, and the licensee of the incumbent liquor store has successfully done so in this case.
40. The Authority acknowledges that it is likely that any liquor that were to be sold or supplied at the Proposed Premises would contribute to the prevailing concerning levels of alcohol-related crime, particularly alcohol-related domestic assault, in the local community.
41. The Authority is not satisfied that this risk would be adequately mitigated by the imposition of special licence conditions or by the Applicant’s adherence to the POM lodged with the Application.

Overall social impact

42. The Authority notes that this was a finely balanced decision, with numerous anticipated positive and negative impacts on the local and broader communities having been identified by a variety of parties interested in the outcome of the Application.
43. Having considered the positive and negative impacts that are likely to flow from granting the licence, the Authority is not satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.
44. Furthermore, the Authority is not satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.
45. Accordingly, the Authority has decided to refuse the Application.



Philip Crawford
Chairperson

Important Information:

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

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

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

SCHEDULE

1. DA 46/83 approving the erection of a food barn, eight specialty shops and car parking for 39 vehicles, issued by Newcastle City Council on 21 June 1983.
2. ABS SEIFA data based on the 2011 Census indicating that Stockton suburb ranked in the 3rd decile compared to other suburbs in NSW, and Newcastle LGA ranked in the 8th decile compared to other local government areas in NSW, on the Index of Relative Socio-Economic Advantage and Disadvantage.
3. HealthStats NSW data relating to alcohol attributable deaths by local government area, Newcastle LGA, NSW 2001-2002 to 2012-2013, indicating that the Smoothed Estimate of Standardised Mortality Ratio was 116.8 for the period 2012-2013.
4. HealthStats NSW data relating to alcohol attributable hospitalisations by local government area, Newcastle LGA, NSW 2001-2003 to 2013-2015 indicating that the Smoothed Estimate of Standardised Separation Ratio was 97.5 for the period 2013-2015.
5. An email from a neighbouring occupier to Mr Grant Cusack dated 14 September 2016, advising that she opposes the Application on the following grounds:
 - the IGA Supermarket dominates the local grocery market, charging “ridiculous prices for groceries”, and will do the same with liquor;
 - the incumbent liquor store will be forced to close down as a result;
 - the IGA Supermarket’s staff are mostly underage; and
 - there are four pubs and a small liquor store in the area, which already has an “alcohol problem”.
6. An email from Aboriginal Affairs to Mr Grant Cusack advising that it has “no objection to the Application on the basis that the applicant has also notified the New South Wales Aboriginal Land Council and the Local Aboriginal Land Council of the proposal and objection process, dated 16 September 2016.
7. The POM for the Proposed Premises, dated November 2016.
8. ASIC Current Organisation Extracts for Stockton Supermarkets Pty Ltd ACN 611 056 369 and Beta Investment Co Pty Ltd ACN 000 285 923, dated 8 November 2016.
9. CIS Category B dated 17 November 2016, with accompanying document titled “Additional Information – Application and Community Impact Statement”, advising as follows:
 - the proposal is for a small packaged liquor facility within an existing IGA Supermarket;
 - a 300 unit residential development is proposed for Defence Housing Australia’s Fort Wallace and Fern Bay sites, located in Stockton; and
 - only two adverse submissions (from members of the public) were received during the CIS consultation process.

10. Application form for a packaged liquor licence, lodged 18 November 2016, with accompanying document titled “Additional Information – 6-Hour Closure Period”, seeking a 6-hour closure period of 2:00am – 8:00am on the basis that customers of the IGA Supermarket would prefer to be able to purchase liquor items at the same time as purchasing grocery items, including between the hours of 8:00am (when the IGA Supermarket opens for business) and 10:00am.
11. Plan of the proposed licensed area lodged with the Application on 18 November 2016.
12. An email from a member of the public to L&GNSW on 21 November 2016, advising that he is “not in favour” of the granting of the licence on the basis of there being two hotels and a further liquor outlet located within 100-200 metres of the IGA Supermarket, and another hotel and two registered clubs located within a kilometre.
13. BOCSAR Crime Maps for the year ending December 2016 detailing hotspots for the concentration of offences in the vicinity of the location, indicating that the Proposed Premises is located within:
 - low density hotspots for alcohol-related assault, non-domestic assault and domestic assault; and
 - high density hotspots for malicious damage to property.
14. NSW crime statistics for the year ending December 2016, published by BOCSAR. This data indicates that:
 - (a) the rate of *alcohol-related domestic assault* incidents recorded by NSW Police for Stockton suburb was **192.8** per 100,000 persons, and Newcastle LGA, **140.0** per 100,000 persons, well above the State-wide rate of **116.9** per 100,000 persons.
 - (b) the rate of *alcohol-related non-domestic assault* incidents recorded by NSW Police for Stockton suburb was **171.4** per 100,000 persons, and Newcastle LGA, **283.1** per 100,000 persons, well above the State-wide rate of **136.5** per 100,000 persons; and
 - (c) the rate of *malicious damage to property* incidents recorded by NSW Police for Stockton suburb was **1264.2** per 100,000 persons, and Newcastle LGA, **1337.9** per 100,000 persons, significantly above the State-wide rate of **834.0** per 100,000 persons.
15. A submission prepared by BBC Consulting Planners on behalf of Fostif Pty Ltd, the licensee of the incumbent packaged liquor licence, sent to L&GNSW under cover of a letter from Kingston Swift Solicitors dated 13 December 2016, raising a number of concerns in respect of the Application, including the following:
 - Stockton has an overrepresentation of a number of vulnerable groups, including indigenous persons, those living in public housing and labourers;
 - The density of packaged liquor licences in Stockton will be significantly higher than the NSW average should the licence be granted;
 - Stockton’s long standing high rate of alcohol-related assault and alcohol-related domestic violence assault; and
 - any reduction in traffic or increase in safety or convenience for customers would be minimal given that the incumbent liquor store is located within 50 metres of the IGA Supermarket.

16. An email from St Paul's Anglican Church to L&GNSW on 15 December 2016 advising that the Parish Council of St Paul's Anglican Church does not support the Application on the following grounds:
 - there are "enough places to buy alcohol in Stockton", including three hotels, two clubs and "the existing bottle shop which is in the same block as the IGA" Supermarket;
 - an extra bottle shop is not "required", nor would it be in the interest of the local community; and
 - the addition of a packaged liquor facility to the existing IGA Supermarket would reduce the space allotted to grocery items and thereby reduce the range of such items available to residents and visitors to Stockton (the IGA Supermarket being the only supermarket in Stockton).
17. A letter from NSW Police emailed to L&GNSW on 21 December 2016, noting that there are two club licences, three hotel licences, two packaged liquor licences and one producer wholesaler licence in Stockton suburb.
18. An email from L&GNSW Compliance Operations advising that the Director Compliance Operations "has not identified any compliance concerns relating to this application", and noting the eight licensed premises in the suburb of Stockton that are licensed to sell packaged liquor, dated 10 January 2017.
19. An addendum to the 13 December 2016 submission prepared by BBC Consulting Planners on behalf of Fostif Pty Ltd, sent to L&GNSW under cover of a letter from Kingston Swift Solicitors dated 23 January 2017, referring to the recently published report titled *Alcohol/Drug-Involved Family Violence in Australia* (funded by the National Drug Law Enforcement Research Fund) and raising concerns in respect of the heightened crime-related risks associated with "supermarket liquor stores", particularly in socioeconomically disadvantaged areas with high rates of domestic violence.
20. A report commissioned by the Applicant and prepared by A&M Consultants dated 2 April 2017, offering various observations and assessments, including the following:
 - shoppers have a preference for one-stop shopping;
 - there is only one existing packaged liquor outlet in Stockton that offers reasonable pricing and a large range of liquor items;
 - there is an 80 metre distance between the IGA Supermarket and the incumbent liquor store which is inconveniently required to be traversed on foot; and
 - the independent consultant did not uncover any evidence to suggest any ongoing issues with public drinking, underage drinking, alcohol-related crime or anti-social behaviour in the local community.
21. Certifications of Advertising Application signed by Mr Mark Power, dated 19 April 2017 and Mr Grant Cusack, dated 21 April 2017.
22. A letter from Grant Cusack to L&GNSW dated 27 April 2017, attaching the report by A&M Consultants and 18 letters in support of the Application (which welcome the additional convenience that would be afforded to local residents if the Application

were to be granted) and including the following responses to concerns raised by submitters:

- Fostif Pty Ltd is a commercial competitor who has a vested interest in protecting its “near-monopoly position in Stockton”;
- no concerns about demographics or crime were raised by NSW Police, the local consent authority, NSW Health or any local stakeholders or special interest groups;
- Stockton has some favourable demographic markers, including lower than average unemployment at the 2011 Census and income levels close to the NSW average;
- Across NSW, rates of alcohol-related assault have declined 2008, whilst the number of packaged liquor licences has increased;
- the existing bottle shop facilities in Stockton are insufficient to “cater for contemporary public expectations”; and
- the addition of a liquor department would not result in any reduction to the number of product lines currently offered by the IGA Supermarket.

23. Liquor licensing records from L&GNSW as at 2 May 2017 indicating:

- Stockton suburb had two packaged liquor licences, equivalent to 47 packaged liquor licences per 100,000 of population;
- Newcastle LGA had 56 packaged liquor licences, equivalent to 37 packaged liquor licences per 100,000 of population; and
- NSW had 2,477 packaged liquor licences, equivalent to 35 packaged liquor licences per 100,000 of population.

24. Google maps indicating the location of the Proposed Premises, extracted on 2 May 2017.

25. 2016 Census Quickstats for Stockton, released 27 June 2017.

26. An undated House Policy for the responsible service of liquor at the Proposed Premises.

27. An undated petition in support of the Application, featuring 252 signatures.

28. An undated submission from an unidentified author noting that the granting of the licence would amount to a better selection and favourable pricing for persons who choose to consume liquor, along with a number of concerns, including the following:

- questions as to the age and qualifications of staff employed to sell liquor;
- the fact that children attending the store will be exposed to a wide selection of liquor products;
- the elevated risk of harm to disabled persons, persons with substance abuse problems, welfare recipients and minorities;
- potential increase in alcohol-related crime and disturbances;
- the need for CCTV surveillance, including inside the cool rooms, as a means of preventing theft;
- the location of the IGA Supermarket “no more than 25 metres” from a local primary school; and
- there are a number of existing packaged liquor outlets in Stockton.