

## Community Impact Statement

Application for the grant of a *packaged liquor licence* at 447-449 The Entrance Road, Long Jetty and to be known as BWS – Beer Wine Spirits



*A typical BWS – Beer Wine Spirits outlet*

Lodged By:

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Dated: 16 May 2011



December 2008

# Category B Community Impact Statement Form

for NSW liquor laws

Where a Category B CIS is required this CIS form must be prepared and lodged with the Authority when a liquor licence or licence-related authorisation application is made.

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1

PART 1 APPLICATION DETAILS

1.1 Applicant's name

Anthony Charles Leybourne Smith

1.2 Application for: (tick all boxes that apply)

- ☐ hotel licence      ☐ new licence   ☐ removal of existing licence   ☐ extended trading  
authorisation
- ☐ club licence      ☐ new licence   ☐ removal of existing licence   ☐ extended trading  
authorisation
- ☒ packaged liquor licence   ☒ new licence   ☐ removal of existing licence   ☐ extended trading  
authorisation
- ☐ on-premises licence for   ☐ new licence   ☐ removal of existing licence   ☐ extended trading  
a public entertainment   venue other than a   authorisation  
cinema or a theatre
- ☐ extended trading authorisation for a producer/wholesaler licence if the authorisation will allow  
the sale of alcohol by retail between midnight and 5am (not including sales to the residents of  
the licensed premises and their guests)
- ☐ other

1.3 Name and address of (proposed) licensed premises

BWS - Beer Wine Spirits  
447-449 The Entrance Road  
LONG JETTY NSW 2261

1.4 Name and address of existing licensed premises (if applicable)

Not Applicable



What does your  
local community  
look like?

To get a better understanding of the local community and whether special interest groups should be notified consider whether community buildings, facilities or places are located near the proposed licensed premises.

PART 2 NEARBY COMMUNITY BUILDINGS, FACILITIES & PLACES

2.1 Are any of the following community buildings, facilities or areas located near the proposed licensed premises? (tick all boxes that apply)

☒ hospitals or other health facilities (such as surgeries, health clinics, medical centres) – name and describe them (including their address):

Long Jetty Physiotherapy and Sport Injury Clinic is considered "near" the Proposed Premises. Please see Attachment "A" to this document and Section 4 of the Statement of Impact for further details.

☐ nursing homes – name and describe them (including their address):

☐ places of worship (of any faith) – name and describe them (including their address):

☒ schools, universities, TAFE colleges, other educational facilities – name and describe them (including their address):

Little Souls Early Learning Centre is considered "near" the Proposed Premises. Please see Attachment "A" to this document and Section 4 of the Statement of Impact for further details.

☐ facilities for people who are homeless – name and describe them (including their address):

☐ detoxification facilities for people with alcohol related problems – name and describe them (including their address):



- ☒ public parks and sporting grounds and other public facilities  
– name and describe them (including their address):

Whilst the Foreshore area is not considered "near" the Proposed Premises its use and location have been considered. Please see Section 4 of the Statement of Impact for further details.

- ☒ alcohol free zones – (describe the location):

Please see Attachment "B" to this document, paragraph 4.1 of the Statement of Impact for further details and the Applicant's response provided at paragraph 4.5 of that document.

- ☒ any area that has been identified by the police as being a problem area in relation to public drinking (describe):

See Part 4.2 of this document for further details.

- ☐ other:

3

PART 3 WHO DID YOU CONSULT WITH AND HOW?

**3.1 Identify the stakeholders who received the consultation notice:**  
(tick all boxes that apply)

- ☒ local council and/or other consent authority – write the name of the council and/or authority below:

Wyong Shire Council

- ☒ local police – write the name of the police station below:

There is no Police Station at Long Jetty. The Tuggerah Lakes Local Area Command were however provided with notification of this Application - see Attachment "A" to this document for further details.

- ☐ other stakeholders as determined by the Authority (applicant will be notified by the Authority if this is required):

- ☒ Department of Health local office – write the address below:

Population Health and Partnerships Drug and Alcohol Clinical Program, Mental Health and Drug and Alcohol, Locked Mail Bag 961, North Sydney. The Local Area Health Service was also provided with notification of this Application - see Attachment "A" to this document for further details.

- ☒ Department of Community Services – write the address below:

The Director-General  
Department of Community Services  
Locked Bag 4028  
ASHFIELD NSW 2131

- ☒ Roads and Traffic Authority – write the address below:

Roads and Traffic Authority  
Centennial Plaza  
260 Elizabeth Street  
SURRY HILLS NSW 2010



A neighbouring  
premise is:

- any building situated on land that is within 100 metres of the boundary of the premises to which the proposal relates or
- any building situated on land adjoining the boundary of the land on which the premises to which the proposal relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).

For strata title buildings  
notification will be to:

- the Owners Corporation
- subject to the agreement of the Owners Corporation a copy of the notice is to be placed in the foyer (or adjacent to the foyer) of the strata title building
- individual occupiers of any premises within the building where those premises immediately adjoin the proposed premises

- ☒ recognised leaders or representatives of the local Aboriginal community (if any) in the area – write the name of the community group below (do not include any person's name):

NSW Department of Aboriginal Affairs, Level 13, Tower B, Centennial Plaza, 280 Elizabeth Street, Surry Hills NSW 2010 (see also Attachment "A" to this document for additional organisations provided with notice of this Application).

- ☒ the occupier of any neighbouring premises – attach a map showing the location of neighbouring premises in relation to the (proposed) licensed premises:

See aerial photo to be filed with this Statement depicting neighbouring premises.

- ☒ special interest groups or individuals – write the name of the group below (do not include any person's name, instead use a general description):

Please see Attachment "A" to this document for details of the stakeholders and special interest groups provided with notice of this Application.

3.2 Were follow up discussions held? (for e.g. telephone or email) Yes ☒ No ☐

If yes, describe who discussions were held with (do not include any persons name, instead use a general description):

As described by this document and the Statement of Impact.

3.3 Were face to face and/or small group meetings held? Yes ☐ No ☒

If yes, describe who meetings were held with (do not include any person's name, instead use a general description):

If yes, what was the date and type of venue where each meeting was held (do not include private residential addresses)?

3.4 Were public meetings held? Yes ☐ No ☒

If yes, what were the date and venue address of the meetings (do not include private residential addresses)?

Describe the people who attended the meeting (do not include any person's name, instead use a general description):

3.5 Were other consultation techniques used? Yes ☒ No ☐

If yes, describe who was consulted and how:

Through the CIS Notice provided to stakeholders, each were invited to log onto the website "bsv.com.au", download additional information concerning the proposal and complete an on-line survey providing their community feedback on the proposal.



4

PART 4 STAKEHOLDER ISSUES

4.1 Were any issues raised by local councils or other consent authorities?

Yes ☐ No ☒

If yes, describe those issues below:

What issues were raised by stakeholders during consultation?

If you have received written comments from stakeholders, you can attach a copy of these comments to this statement, provided consent is obtained before identifying individual written comments.

Alternatively, you can use the space given to describe issues raised in written advice you have received.

Please note that there may be circumstances where no issues are raised by stakeholders. If so, make sure you tick the "No" boxes.

The "Notice of Intention to Apply for a Liquor Licence or Licence Authorisation" (the "CIS Notice") issued to Wyong Shire Council (the "Council") on 1 April 2011 with the invitation to take part in the community consultation process of this Application. A response was received dated 29 April 2011. Council raised outstanding matters with respect to the development application process and in doing so indicated that until such time as the information was submitted and the development application determined, it was unable to offer any detailed comment on the application for a liquor licence.

If insufficient space, please attach additional details

4.2 Were any issues raised by local police?

Yes ☒ No ☐

If yes, describe those issues below:

On 1 April 2011 the CIS Notice in respect of this Application was forwarded to the Tuggerah Local Area Command.

On 12 May 2011 the Applicant's solicitors contacted Senior Constable Dyer (Licensing Unit) of the Tuggerah Local Area Command by telephone and a conversation concerning the Application followed. S/C Dyer was aware of the Application, indicating their Crime Manager has prepared a report on the Application. It was confirmed to the Police, at that time, that the Applicant's solicitors have not received any response by the Police. S/C Dyer indicated the Police are opposed to the Application on the basis of the location of the Little Souls Early Learning Centre and that the Police believe there are enough licensed premises in the area.

The Police's view was sought as to whether or not the Proposed Premises would cause an adverse impact on existing rates or levels of alcohol related crime and harm in the community. S/C Dyer responded by indicating "from a statistical point of view it may not".

As to the requirement to identify any places of concern to the Police with respect to public drinking near the Proposed Premises, no such places were identified by the Police (see paragraph 8.2 of the Statement of Impact for further details).

If insufficient space, please attach additional details



4.3 Were any issues raised by other stakeholders as are determined by the Authority? (applicants will be notified by the Authority if this is required)

Yes ☐ No ☒

If yes, describe those issues below:

If insufficient space, please attach additional details

4.4 Were any issues raised by the Department of Health?

Yes ☒ No ☐

If yes, describe those issues below:

On 1 April 2011 the CIS Notice in respect of this Application was forwarded to both the Department of Health and the Central Coast Local Area Health Service. On 5 May 2011 a response was received from the Department of Health which has been detailed and responded to at Section 5 of the Applicant's Statement of Impact.

If insufficient space, please attach additional details



4.5 Were any issues raised by the Department of  
Community Services?

Yes ☐ No ☒

If yes, describe those issues below:

If insufficient space, please attach additional details

4.6 Were any issues raised by the Roads and Traffic Authority? Yes ☐ No ☒

If yes, describe those issues below:

On 1 April 2011 the CIS Notice in respect of this Application was forwarded to the Roads and Traffic Authority ("RTA").

The RTA responded by letter dated 18 April 2011. The RTA does not oppose the approval of the Application. The RTA is only concerned to ensure that the licensee of the Proposed Premises supports RTA initiatives such as educational material focused on drink drive and pedestrian-alcohol issues from either Council or the RTA at the Proposed Premises.

Woolworths supports these initiatives at its other licensed premises in NSW. It undertakes to support these initiatives at the Proposed Premises.

The RTA submission does not oppose the approval of the Application. There are no further unaddressed issues outstanding.

If insufficient space, please attach additional details



4.7 Were any issues raised by recognised leaders or representatives of the local Aboriginal community (if any) in the area? Yes ☐ No ☒

If yes, describe those issues below:

The "CIS Notice" issued to the Aboriginal organisations and groups identified by Attachment "A" to this document on 1 April 2011 with the invitation to take part in the community consultation process of this Application.

No response was received.

If insufficient space, please attach additional details

**4.8 Were any issues raised by the occupier of any neighbouring premises?**

Yes ☒ No ☐

If yes, describe those issues below:

Through the "CIS Notice" provided to the occupiers of neighbouring premises on 6 April 2011, the occupiers of neighbouring premises were invited to log onto the website "bsv.com.au", download additional information concerning the proposal and complete an on-line survey providing their community feedback on the proposal.

The Applicant's solicitors received 3 submissions from neighbouring premises together with a further 1 resident submission who resided some 180 metres from the Proposed Premises. The Applicant has considered and addressed all 4 submissions at Section 5 of the Applicant's Statement of Impact.

If insufficient space, please attach additional details



**4.9 Were any issues raised by any special interest groups or individuals?**

Yes ☒ No ☐

If yes, describe those issues below:

The Applicant refers to the special interest groups and stakeholders consulted with as part of this Application and as detailed at Attachment "A" to this document. The only additional submission received, which has not already been outlined by this document, was from "The Entrance Peninsula Community Precinct". The Applicant has considered and addressed this submissions at Section 5 of the Applicant's Statement of Impact.

If insufficient space, please attach additional details

5

PART 5 OUTCOME OF CONSULTATION

5.1 Were you able to resolve issues, concerns or objections that were raised during consultation?

Yes ☐ No ☒

If yes, describe how resolution was reached including any modifications to your proposed application as a result of consultation. If you have given undertakings, describe them, including the persons or organisations to whom they were given (do not include any person's name, instead use a general description):

The concerns or issues raised by submitters during the community consultation process of the Application are of a nature that the matters raised cannot be overcome to the satisfaction of all parties (see Section 5 of the Statement of Impact for the Applicants response).

If insufficient space, please attach additional details



If no, describe why you were not able to resolve issues, concerns and objections raised by stakeholders. Describe any undertakings, concessions or modifications to your proposed application that you offered to stakeholders that were not accepted:

See paragraph 5.1 above.

If insufficient space, please attach additional details

PART 6 FUTURE CONSULTATION

Do you intend to consult with stakeholders in the future?

6.1 Do you propose to consult with stakeholders in the future to ensure any concerns they have raised during the preparation of this CIS have been satisfactorily addressed?

Yes ☒ No ☐ Not applicable as no issues were raised ☐

If yes, describe the steps you will take in the future:

All stakeholders identified by Attachment "A" to this document, including neighbouring premises, will be notified of the lodgement of the Application with the Authority and will be invited to log onto the Office of Liquor, Gaming and Racing's website to view the Application and provide any further feedback regarding the proposal.

Further, Woolworths Limited (through its staff) confirms its commitment to work actively with the Local Police and the local Liquor Accord to address any real or perceived concerns directly attributable to alcohol related harm in the Local and Broader Community.

If insufficient space, please attach additional details



If no, describe why you do not believe ongoing consultation is necessary:

Not Applicable.

If insufficient space, please attach additional details

**6.2 Do you propose to consult with stakeholders in the future to address any future concerns that may arise?**

Yes ☒ No ☐

If yes, describe the steps you will take in the future:

As indicated in paragraph 6.1 above.

If insufficient space, please attach additional details



## PART 7 YOUR VIEW

Tell us about the impact you think your proposed liquor licence or a licence-related authorisation will have on the local community. Include any potential negative impacts as well as benefits for stakeholders. If you think your application will have no impact, include a statement with reasons why you think your application will have no impact:

Please see the document attached titled "Additional Information". This document is available for downloading via the website [www.bsv.com.au](http://www.bsv.com.au), by following the links under CIS to the pdf file labelled "Long Jetty". This document was drawn to the attention of all stakeholders at the commencement of the CIS engagement period. It provides additional information to the Authority & stakeholders concerning the proposal.

The Local Community ("LC") has been found to be the trade area of the Proposed Premises. A map relevant to the trade area or LC will be filed with the Authority. The Broader Community ("BC") is the local government area of Wyong - see Section 2 of Statement of Impact for further details.

The research conducted in relation to this Application identified a number of special interest groups to consult with as part of the community consultation process of the Application (see Attachment "A"). Each were provided with the CIS Notice and invited to comment on the Application. The CIS Notice was also provided to the occupier of neighbouring premises on 6 April 2011. Stakeholders were invited to log onto the website "bsv.com.au", download additional information concerning the proposal & complete, should they so wish, an on-line survey providing community feedback on the proposal. The submissions received are outlined at paragraph 4.8 and 4.9 of the CIS.

The Wyong Shire Council did not provide any specific comment on the Application but raised outstanding matters with respect to the development application process (see paragraph 4.1 of the CIS). The Licensing Police have provided comment and are opposed to the Application on the basis of the location of Little Souls Early Learning Centre and that there is no need for the Licence (see paragraph 4.2 of the CIS). The RTA is not opposed to the Application (see paragraph 4.6 of the CIS). The Department of Health provided comment on the Application (see paragraph 4.4 of the CIS and Section 5 of the Statement of Impact for details).

The Applicant's Statement of Impact to be filed with the Authority is a reasonable interpretation of the likely impacts of this Application. The assessment concludes that the overall social impact of the grant of a packaged liquor licence at the Proposed Premises will not be detrimental to the well-being of the LC and BC. This conclusion was reached after undertaking a balanced analysis of the various risk indicators and social impacts, from positive to adverse for this type of Application. The test to be satisfied in respect of this Application has been satisfied and in these circumstances the Authority is in a position to approve this Application

If insufficient space, please attach additional details

## PART 8 APPLICANT'S DECLARATION

I declare that the contents of this CIS including attachments are true, correct and complete.

I acknowledge that under section 34 of the *Casino, Liquor and Gaming Control Authority Act 2007* and section 307A of the *Crimes Act 1900* it is an offence to provide false or misleading information in this document.

Signature of applicant



Date

9/6/2011

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Ref: TS:21814

ADDITIONAL INFORMATION

If you do not have enough space to give the necessary information, attach a separate statement to this form with further details.



**Attachment A - Community Impact Statement - Application for the grant of a packaged liquor licence at 447-449 The Entrance Road, Long Jetty and to be known as BWS – Beer Wine Spirits.**

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**Stakeholders**

General:

The Commander  
Tuggerah Lakes Local Area Command  
Region: Northern Region  
14 Denning Street  
THE ENTRANCE 2261

The Shire Clerk  
Wyang Shire Council  
PO Box 20  
WYONG NSW 2259

The Manager  
Population Health and Partnerships Drug and Alcohol Clinical Program  
Mental Health and Drug and Alcohol  
Locked Mail Bag 961  
NORTH SYDNEY NSW 2059

The Chief Executive Officer  
Central Coast Local Health Network  
Locked Bag 2915  
Central Coast Business Centre NSW 2252

The Chief Executive  
Roads and Traffic Authority  
260 Elizabeth Street  
SURRY HILLS NSW 2010

The Director-General  
Department of Community Services  
4-6 Cavill Avenue  
ASHFIELD NSW 2131

NSW Department of Aboriginal Affairs  
Level 13, Tower B  
Centennial Plaza  
280 Elizabeth St  
SURRY HILLS NSW 2010

Local Special Interest Groups Identified:

**Aboriginal:**

The Secretary  
Ngaimpe Aboriginal Corporation - The Glen - Alcohol and Other Drug  
Rehabilitation Centre  
PO Box 5179  
CHITTAWAY Bay NSW 2261

The Secretary  
Bungree Aboriginal Assoc Inc  
PO Box 422  
TOUKLEY NSW 2263

The Chief Executive Officer  
Darkinjung Local Aboriginal Land Council  
PO Box 401  
WYONG NSW 2259

The Manager  
Eleanor Duncan Aboriginal Health Centre  
PO Box 466  
WYONG NSW 2259

The Chief Executive Officer  
Koompahtoo Local Aboriginal Land Council  
PO Box 1112  
TORONTO NSW 2283

The Secretary  
Darkinjung Aboriginal Youth Committee  
PO Box 401  
WYONG NSW 2259

**Older Australians:**

The Secretary  
Long Jetty & District Senior Citizens Club Inc  
6 Thompson Street  
LONG JETTY NSW 2261

**The Unemployed:**

The Manager  
Employment and Training (ET) Australia  
PO Box 9  
THE ENTRANCE NSW 2261



The Manager  
IPC Employment - The Entrance  
18 Fairview  
THE ENTRANCE NSW 2261

**One Parent Families:**

The Secretary  
Horizons Central Coast Family Services  
7 Sir Joseph Banks Drive  
BATEAU BAY NSW 2261

The Secretary  
Horizons Central Coast Family Services Inc  
51 Wyong Road  
TUMBI UMBI NSW 2261

Other:

The Secretary  
Wyong Action To Curb Highrise Committee for enviro care Inc (Watch Inc)  
PO Box 6052  
LONG JETTY NSW 2261

The Secretary  
The Entrance Peninsula Community Precinct Committee  
PO Box 349  
THE ENTRANCE NSW 2261

Services or Facilities "Near"  
*(as provided by Part 2 of the CIS Form)*

The Manager  
Long Jetty Physiotherapy & Sport Injury Clinic  
364 The Entrance Road  
LONG JETTY NSW 2261

The Coordinator  
Little Souls Day Care Centre  
443 - 445 The Entrance Road  
LONG JETTY NSW 2261

*In addition to the above identified stakeholders, the occupiers of neighbouring premises (that is every premises within 100 metres of the Proposed Premises) was provided with the "Notice of Intention to Apply for a Liquor Licence or Licence Authorisation" and invited to take part in the community consultation process of the Application.*

**Attachment B - Community Impact Statement - Application for the grant of a packaged liquor licence at 447-449 The Entrance Road, Long Jetty and to be known as BWS – Beer Wine Spirits.**

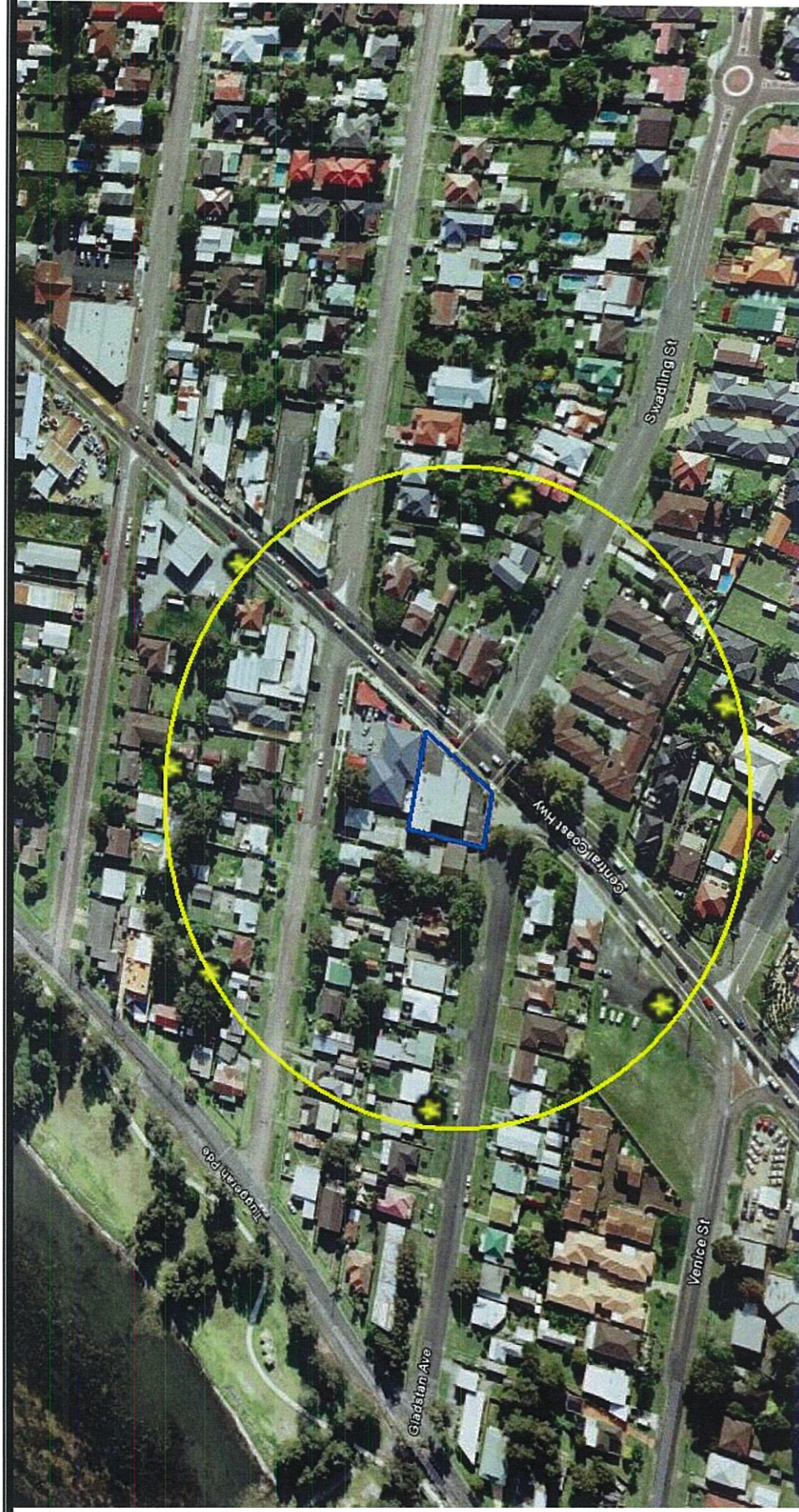
**Alcohol Free Zones**



Source: Wyong Shire Council – 12.5.11

TS:TP:W\21814\PO38.DOC





## Aerial Photo of site of Proposed Premises (477 The Entrance Road, Long Jetty)

The land upon which the Proposed Premises is to be constructed has been depicted by blue (the overall site). The licensed area of the Proposed Premises is part only of the overall site and is located along the western boundary of the overall site. The 100 metre zone has been depicted by yellow markers and has been calculated from the edge of the overall site. The yellow circle has been applied to better appreciate the notification area only.



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## Statement of Impact

Application for the grant of a *packaged liquor licence* at 447-449, The Entrance Road, Long Jetty and to be known as BWS – Beer Wine Spirits



*The site of the Proposed Premises*

Lodged By:

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Dated: 16 May 2011



# Contents

	Topic	Page Reference
1	Executive Summary	3
2	Background and Introduction	6
3	Local Community and Broader Community	11
4	Outlet Density	12
5	Sensitive facilities near the Proposed Premises	15
6	Community Consultation Process	17
7	At-Risk Indicators and Stakeholders	28
8	SEIFA	30
9	Alcohol Related Anti-Social Behaviour	31
10	Alcohol Related Hospital Admissions & Deaths	33
11	Sale and Consumption of Alcohol	33
12	Balancing Exercise Contemplated by Liquor Regulation 2008	33
13	Conclusion	35

	List of Attachments and Figures	Page Reference
	<b>Attachment 1</b> - Woolworths' operating experience to date with <i>BWS – Beer Wine Spirits</i> packaged liquor licences.	36
	<b>Attachment 2</b> - Operational considerations, the security, harm minimisation and responsible service of alcohol policies and procedures adopted by the <i>BWS – Beer Wine Spirits</i> Group, as well as their commitment to the local accords.	49
	<b>Attachment 3</b> – Crime Prevention Measures through Environmental Design Principals	55
	<b>Figure 1</b> – Site Map, showing the location of the Proposed Premises	7
	<b>Figure 2</b> – Layout Plan of the Proposed Premises	8
	<b>Figures 3 to 6</b> – Photographs of areas immediately surrounding the Proposed Premises	9 to 10
	<b>Figures 7 and 8</b> – Photographs of <i>Little Souls Child Care Centre</i>	26
	<b>Figure 9</b> – Site Map of Proposed Premises and neighbouring premises.	27

## Executive Summary

1. This document considers the likely social impact of the grant of a *packaged liquor licence* (the "Licence") at 447-449 The Entrance Road, Long Jetty (the "Proposed Premises") and matters of the public interest. The assessment aims to understand the potential positive or negative impacts of the proposed development, and how any potential negative impacts may be addressed. The cornerstone of the recognised assessment process is that the impact of any application is interpreted as the difference between the future with, and without, the approval of the application. Therefore the summary set out below (and expanded upon within this document) is a reasonable assessment of the likely future social change as a result of operating the Licence at the Proposed Premises.
2. The combined risk factors to be considered by this Application can be summarised as follows:-
  - (a) **Type of outlet** - whether an hotel or a *packaged liquor licence*; the trading hours proposed and the manner in which the business is to be operated (namely, the management of the Proposed Premises; the nature of the clientele; responsible serving practices; the layout of the Proposed Premises; unrestricted visual supervision by staff; and importantly the extent to which the proposed management practices can mitigate any potential for adverse impact).
  - (b) **Outlet density** - expressed in terms of the number of licensed premises in a given area compared with an average.
  - (c) **The presence of at-risk groups and sensitive facilities near the Proposed Premises** - such as socially disadvantaged and socially disconnected groups. The potential for the Proposed Premises to affect *at-risk groups* is considered higher where there are many *sensitive facilities* near the Proposed Premises that might be frequented by *at-risk groups*.
  - (d) **The incidence of alcohol related crime in the area** - including assault, domestic violence, drink driving, risk drinking behaviour etc.
  - (e) **The incidence of alcohol related health problems in the area** – including rates of alcohol-related hospital admissions and deaths.
3. The Local Community ("LC") and Broader Community ("BC")<sup>1</sup> of the Proposed Premises are considered *low risk* communities based on the potential for **increased** rates of alcohol related harm or adverse social impact from the operation of the Licence at the Proposed Premises, for the reasons summarised below and later expanded upon within this document:-
  - (a) *Liquor service* is already existing and available throughout the LC and BC. The Proposed Premises will not result in a change of existing consumer behaviour as to the type or quantity of alcohol to be consumed. The

<sup>1</sup> See paragraph 2 (of main report) for further details

Proposed Premises will not introduce "new drinkers" (see paragraph 8 of Attachment 1).

- (b) The Licence only permits the consumption of alcohol off the licensed premises and therefore it does not cause the same amenity type concerns as those that can arise potentially from licensed venues where the consumption of alcohol occurs on premises which trade late into the evening or early in the morning.
- (c) The Proposed Premises will form part of a new purpose design and built retail building to be constructed at Long Jetty. It will be entirely at ground level and will be associated with a drive-up or drive-through facility, replacing an existing petrol station. The Proposed Premises will deliver convenience, choice, range and value for shoppers, as well as jobs and investment for the LC. It follows that the Proposed Premises will simply form part of the ordinary life of Long Jetty but in doing so it will meet a reasonable public expectation that such a facility be available.
- (d) Features have been included in the design, layout and management of the Proposed Premises to minimise the potential for *risk* such as:-
  - proven harm minimisation and responsible service of alcohol policies and procedures;
  - the installation of a CCTV monitoring (internal and external, as well as a back to base security alarm) system;
  - bright lighting (inside and outside, with security lighting on the external areas of the building during non-trade hours);
  - a clear line of sight with exit points monitored by staff; and
  - more than one staff member on the shop floor during trading times.
- (e) As set out above, the Proposed Premises is to be part of a drive-up or drive through facility and as such it is expected that the majority of its customers will arrive and depart by motor vehicle, due to the heavy or "bulky" nature of products being purchased.
- (f) There is no evidence that any of the *at risk* groups, as determined by the characteristics of the LC could be impacted adversely by the grant of the Licence.
- (g) There is no potential to cause adverse impact to the *at-risk* indicators for the BC in circumstances where there are large numbers of people residing in the BC who will not be customers of the Proposed Premises.
- (h) There are no potentially *sensitive* facilities or services near the Proposed Premises which could otherwise place the identifiable *at-risk* groups present within the LC and BC at a heightened risk for alcohol related harm.
- (i) The levels of alcohol related crime in the BC are higher than the rates for NSW however there is no evidence that existing rates or levels of alcohol related crime will increase by the approval of this Application. This view is shared by the Police who responded to the question whether or not this Application would exacerbate existing levels of alcohol related crime and harm by stating "*from a statistical point of view it may not*" (see paragraph



8.2 below). This is because the Proposed Premises is unlikely to change existing consumer behaviour as to the type or quantity of alcohol consumed and therefore no additional impact on victims of alcohol related crime is expected.

- (j) The level of risk for alcohol related hospitalisations is higher in the BC when compared to NSW whilst the level of risk for alcohol related deaths is the same, however for the reasons set out at (i) above no additional impact on victims of alcohol related harm is expected.
  - (k) The Proposed Premises will not have an adverse impact upon, litter, noise, traffic (vehicular and pedestrian) or parking.
  - (l) The SEIFA statistics provides evidence of advantage in 3 out of the 4 indexes within the BC and this should be balanced against any disadvantage that could result by not approving this Application, including the employment opportunities it will offer.
  - (m) There are a significant number of public interest benefits which will flow from the approval of this Application.
4. The following analysis concludes that the overall social impact of the Application will not be detrimental to the well-being of the LC or BC. As such the Section 48 2007 Liquor Act "test" has been satisfied and in these circumstances the Authority is in a position to approve this Application.

## 1. Background and Introduction

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- 1.1 The following is an assessment of the likely social impact of the grant of a *packaged liquor licence* ("PLL") at the Proposed Premises. The assessment concludes, after undertaking a balanced analysis of the various risk indicators and social impacts, from positive to adverse, that the overall social impact of the grant of a PLL at the Proposed Premises (the "Application") will not be detrimental to the well-being of the LC or the BC.
- 1.2 **Attachment 1** provides details of the Applicant's experience in operating *BWS – Beer Wine Spirits* ("BWS") retail liquor stores in NSW. In considering the impact of the approval of this Application that document has been considered and cross-referenced herein. **Attachment 2** relates to operational considerations, such as the security, harm minimisation and responsible service of alcohol policies and procedures to be implemented at the Proposed Premises as well as confirming Woolworths' commitment to the Local Liquor Accord. **Attachment 3** provides details of *Crime Prevention through Environmental Design* ("CPTED") principles relevant to BWS stores.
- 1.3 Long Jetty is a suburb of the Central Coast region of New South Wales, located on a peninsula between Tuggerah Lake and the Pacific Ocean south of The Entrance. It is part of the Wyong Shire local government area. The Central Coast region is a significant tourist destination, where in 2009/10 there was:
- \$763 million spent by visitors in the region – 60% was by domestic overnight visitors;
  - A total of 4.5 million visitors went to the region – 74% were domestic day visitors;
  - 3.9 million nights were spent in the region – 83% were by domestic overnight visitors
  - In June 2007 there were more than 6,000 tourism related businesses in the region.
- source*<sup>2</sup>
- 1.4 As provided within the *Executive Summary*, the Proposed Premises will form part of a new purpose design and built retail building to be constructed at Long Jetty. The site location map is provided at **Figure 1** on the following page. The Proposed Premises will be entirely at ground level and will be associated with a drive-up or drive-through facility, replacing an existing petrol station at the site.
- 1.5 In addition to the drive-up or drive-through facility 7 car spaces for customers use will be provided. A photograph illustrating a similar design for the Proposed Premises has been provided on the coversheet to the Community Impact Statement ("CIS").
- 1.6 The Proposed Premises will be fitted out as a modern "BWS" store carrying a comprehensive range of beers, wines and spirits. The Proposed Premises will

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<sup>2</sup> Regional Tourism Profiles 2009/2010 – New South Wales Central Coast Region - Tourism Research Australia

occupy approximately 311 square metres, which includes on-site parking for 7 vehicles and a 2 lane drive-through facility.

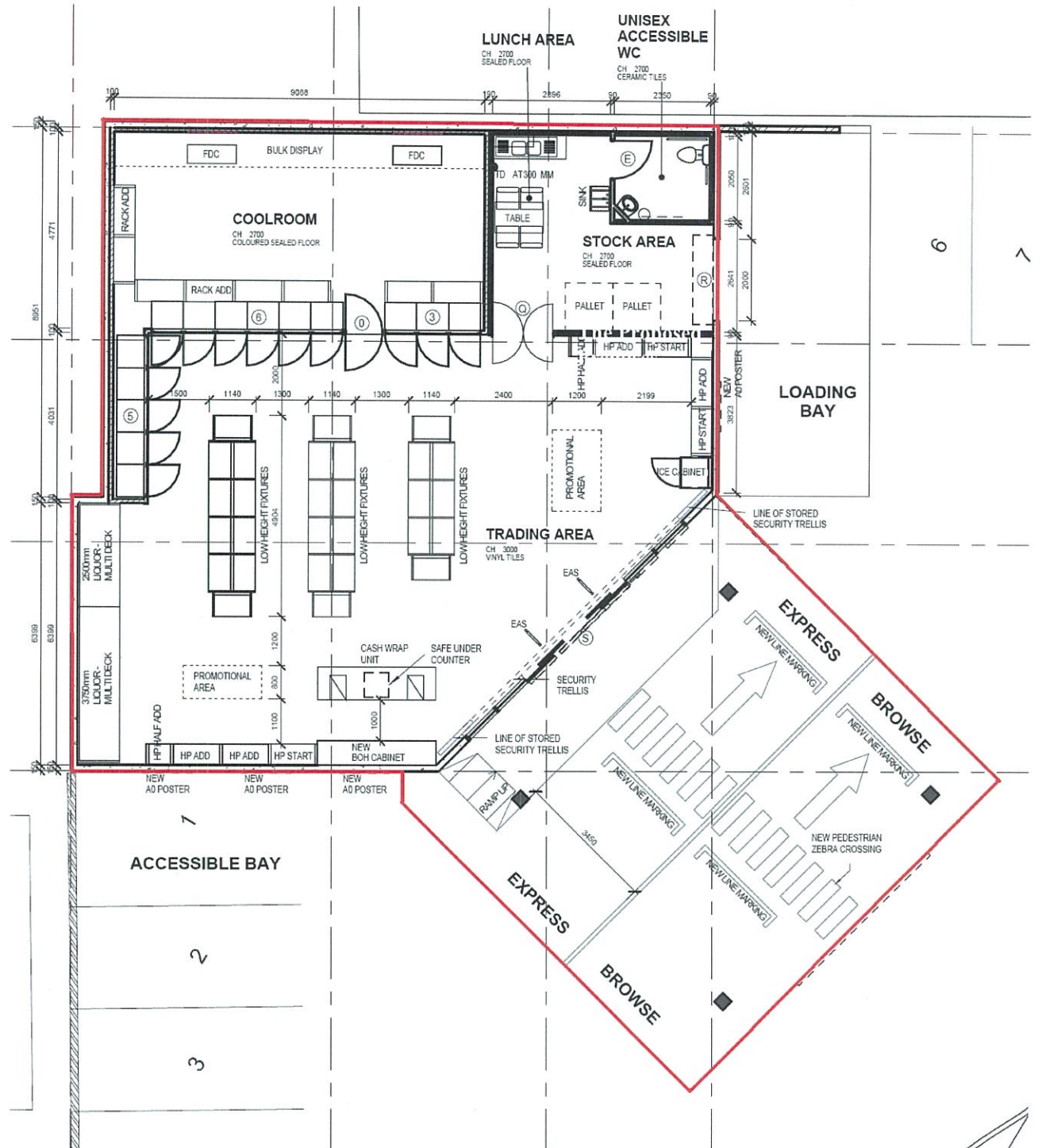
- 1.7 **Figure 1** (below) is a site layout plan. A layout plan of the Proposed Licensed Premises has been provided at **Figure 2** (page 8).

**Figure 1** – Site Layout Plan (the proposed licensed area has been identified in red)





**Figure 2 - Layout Plan of the Proposed Premises, with the proposed licensed area identified in red**



1.8 **Figures 3 to 6** (pages 9 and 10) provide an illustration of the immediate areas surrounding the Proposed Premises.



**Figure 3** – View of the site of the Proposed Premises (namely the Petrol Station site) looking north along The Entrance Road, Long Jetty. The slip lane vehicles travelling in a northerly direction will use to enter the site is shown.



**Figure 4** – View of the site of the Proposed Premises (namely the Petrol Station site) looking south along The Entrance Road, Long Jetty. The exit driveway from the site is shown.





**Figure 5** – View of the slip lane into the site of the Proposed Premises that vehicles travelling in a northerly direction will use to gain access to the site



**Figure 6** –View along The Entrance Road, Long Jetty looking south. The Little Souls Early Learning Centre is to the front, far right in this photograph behind the substantial hedge





- 1.9 The Proposed Premises will be assessed as to its suitability for retail purposes through a number of independent stages and processes. The first assessment process will be with Wyong Shire Council (the "Council"), where the Council will consider matters such as the suitability and likely impacts of the proposed future use of the site. These impacts include environmental, social and economic impacts in the locality. Together they represent the issues that constitute *neighbourhood amenity*. Accordingly, there is an analysis of the potential for any parking, traffic, noise or the removal of waste type issues, amongst others. Importantly, this process also involves an assessment of the public interest and takes into account any submissions received.
- 1.10 As part of the above process for obtaining Development Consent, a *Statement of Environment Effects* ("SEE") Report together with supporting documentation, such as a Waste management Plan was prepared by land development company *Trehy Ingold Neate* dated January 2011.
- 1.11 The second assessment process relates to the specific requirements of the NSW Casino, Liquor and Gaming Control Authority (the Authority), which includes the preparation of a *Community Impact Statement* to permit the Authority to assess the appropriateness of the Licence at the Proposed Premises. It is reasonable for the Authority to rely on the issue of development consent in addressing *neighbourhood amenity* because in the issuing of Development Consent the Council must have found those issues to be satisfactory or manageable through the above-mentioned process and the imposition of any applicable conditions within the development consent itself.
- 1.12 A number of *public interest* benefits flow from the proposal such as:-
- attracting new patronage to the precinct;
  - improved neighbourhood safety and security;
  - Employment opportunities in the construction and fit-out of the Proposed Premises and subsequently during its continuing operation;
  - Outdoor security provisions and lighting; and
  - Parking and landscaping provisions.
- (see also paragraph 9 of Attachment 1).

## **2. Local Community and Broader Community**

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- 2.1 In this Application, the LC has been found to be the trade area of the Proposed Premises, which *includes people who will use the services and facilities that will be provided on the licensed premises as well as people who are likely to be affected by the application and may derive social benefit or suffer social harm as a result of the application*<sup>3</sup>. The trade area includes the suburbs of Long Jetty, Shelly Beach, Toowoona Bay, Blue Bay, The Entrance and parts only of the suburbs Killarney Vale and Bateau Bay. A map relevant to the trade area or LC will be filed with the Authority. The Broader Community ("BC") is the local government area of Wyong.

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<sup>3</sup> Page 3 of the document titled *How to prepare a Category B Community Impact Statement*.

### 3. Outlet Density

- 3.1 It has been concluded, based on the information available to the Applicant, that the Application has no potential for impact by increasing outlet density. As part of the preparation of this Application, the NSW Office of Liquor Gaming and Racing's *Social Profile Report* for the BC was reviewed in respect of outlet density (the "OLGR SPR"). The number of *liquor licences per 100,000 population*, as provided for at Table 3.3 (page 9) has been reproduced below.

Table 3.3 Number of Liquor Licences per 100,000 Population

	Wyang	NSW
All Licences		
No of Licences	172	14,400
Population	139,801	6,549,177
Rate (no of liquor licences per 100,000 population)	123	220

Source: NSW Office of Liquor Gaming and Racing 2008

- 3.2 Figure 3.1 (page 10) of the OLGR SPR for the BC regarding the *Location of Licensed Premises* was also reviewed together with the *Population Outlook* provided at Table 1.3 (page 5). The *Population Outlook* table has been reproduced below:-

Table 1.3 Estimated Population 2006-2031

	2006	2011	2016	2021	2026	2031
Wyang						
Population	149,115	162,118	175,593	188,095	200,311	212,003
Annual Growth		2,601	2,695	2,500	2,443	2,338
Annual Growth Rate		1.7%	1.7%	1.4%	1.3%	1.2%
NSW						
Population	6,843,837	7,145,148	7,437,275	7,725,189	8,002,495	8,259,150
Annual Growth		60,262	58,425	57,583	55,461	51,331
Annual Growth Rate		0.9%	0.8%	0.8%	0.7%	0.6%

- 3.3 In response to sub-paragraphs 3.1 to 3.2 above:-

- There is an under-provision of licensed premises within the BC, and Figure 3.1 *Location of Licensed Premises* (page 10) of the OLGR SPR indicates that the majority of the licensed premises within the BC are located at The Entrance, some 2kms (straight line distance) from the Proposed Premises.
- A comparison of PLL density for the BC with the NSW average however indicates outlet density for PLLs is 17.4% of all liquor licences in the BC compared with 11.49% for the State. Little can be drawn from this data, because the LC is not the same geographical area as the BC. There are large geographical parts of the BC that are outside the geographical boundaries of the LC (see paragraph 6.1 below for further details).
- A review of the August 2010 *Index of Licensed Premises* issued by the OLGR indicates there is 1 hotel and 1 PLL within Long Jetty<sup>4</sup>. The Long Jetty Hotel is approximately 500 metres from the Proposed Premises and it does **not** have a separate bottle shop facility. Across the road from the Hotel in

<sup>4</sup> LIQH400109970 Hotelier's Licence - The Long Jetty Hotel, 405 The Entrance Rd, Long Jetty and LIQP724013282 Packaged liquor licence - Liquorland Long Jetty, 13A Pacific Street, Long Jetty



Pacific Street is *Liquorland*, which is the subject of a drive-in facility. The next closest outlet is *Toowoona Bay Cellars* approximately 1.3 kms away (as the crow flies) from the Proposed Premises. It appears Long Jetty can comfortably accommodate an additional PLL in the circumstances proposed by this Application.

- (d) The Proposed Premises will deliver convenience, choice, range and value for shoppers. It is generally accepted and recognised that the concentration of licensed premises in any shopping CBD environment is neither unusual nor inappropriate. The current number of licensed premises within Long Jetty is not significant in the assessment process of this Application for the reasons outlined at (e) to (f) below.
- (e) The population growth rate for the BC is higher than NSW and therefore the under-provision of licensed premises within the BC will deteriorate further unless new licensed premises are approved. Further, for the population in any area to increase there is a corresponding requirement within that community to have greater or improved access to a variety of goods within the locality of that community. The Proposed Premises would provide a service to the population of Long Jetty and contribute to its attraction as a residential destination offering a varied range of facilities which are consistent with planning policy objectives in general. The introduction of the Proposed Premises will also provide employment opportunities both short term (as to construction and fit-out) and long term (as to the on-going operation of the business). In a global sense, this contributes to the attractiveness and future expansion of the residential population of the LC.
- (f) The BC and LC are significant tourist destinations, being part of the Central Coast region (see paragraph 1.3 above). The density calculations at paragraph 3.1 above are based on the resident population base of the BC only. The population of the LC and BC are numerically greater than the residential population base used for this calculation. In these circumstances, the relatively large number of visitors within Long Jetty and the LC at any one time should be considered and the reasonable expectation that there will be a higher and therefore sufficient number of licensed premises to satisfy the demand generated by tourists and visitors on a regular basis.
- (g) The Proposed Premises is unlikely to have any impact on existing levels of alcohol consumption in the LC or BC (see Attachment 1 – paragraph 8).
- (h) The Proposed Premises is not an entertainment venue and does not have the potential to attract persons to the Proposed Premises for entertainment purposes (see paragraph 10 of Attachment 1 regarding the potential for increased levels of risk of alcohol related harm with entertainment venues/precincts).

- (i) Dr Chikritzhs<sup>5</sup> research<sup>6</sup> (at page 563) suggests small changes in density are unlikely to affect alcohol consumption levels or rates of alcohol-related chronic health problems in circumstances where prices are not reduced. With respect to the combined affect of density and pricing:-
- There is no evidence that any *BWS retail liquor store* has resulted in any unreasonable price reductions across a LC or BC, although it is true that they have resulted in increased competition.
  - The “standard NSW prices” at BWS retail liquor stores are the same. No matter where the BWS retail liquor store is located within the State, the customer will find the majority, if not all, of its liquor products sold at the same price. However, depending on the location of the BWS store, an individual store will match (or perhaps beat but only slightly) local prices, where its “standard NSW price” is above that of the local competition.
  - Competition amongst liquor retailers is clearly a requirement pursuant to Federal Government Legislation. This position has been adopted and endorsed by the NSW Government both under the 1982 Liquor Act and the 2007 Liquor Act and evidenced by the removal of what was previously known as the “needs test”.

Further, it should be pointed out that there is no significant financial disadvantage to the community by approving this Application. Whilst it is true that individual liquor retailers within Long Jetty may suffer from competition this is not a reason to restrict trade and growth on the level proposed. It is of more relevance to view the overall outcome and in turn the net benefit<sup>7</sup>. The inclusion of competitive choice in the liquor industry at Long Jetty will have the overall benefit of providing both an economic and public benefit to Long Jetty.

- (j) There is evidence (see paragraph 10 of Attachment 1) that the majority of alcohol anti-social behaviour occurs between the hours of 9.00pm and 3.00am Friday and Saturday nights, with most of the anti-social behaviour occurring around areas where there are numerous licensed premises; late night trading premises such as hotels & entertainment venues (see paragraph 10 of Attachment 1). The Proposed Premises is not an entertainment venue and will not be open at all when the majority of alcohol related anti-social behaviour has shown to occur, with its latest closing time at 9.00pm (Thursday to Saturday).
- (k) The report noted at paragraph 3.3(i) provides support for the view provided in paragraph 3.3 (j) above, where it states (page 562) in respect of amenity type issues, “*at a certain point, a growing bunch of outlets, particularly on-premises outlets such as hotels and bars, becomes fixed in people’s mental*

<sup>5</sup> Dr Tanya Chikritzhs is an Associate Professor and Statistical Advisor at the National Drug Research Institute (NDRI), Curtin University of Technology. She has over ten years of experience in alcohol research.

<sup>6</sup> Research paper: Michael Livingston, Tanya Chikritzhs & Robin Room (2007) – Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug and Alcohol Review*, 26, (5), pp 557-566 [R]546]

<sup>7</sup> the net benefit to the community in this case has been outlined at paragraph 9 of Attachment 1 to the Statement of Impact



*maps as an entertainment district, and thus starts attracting crowds above and beyond what would be attracted by the same number of outlets on their own. In this situation, there are likely to be large numbers of people circulating from outlet to outlet, creating the potential for additional alcohol-related problems. Thus, it is possible that the amenity effect of outlet density on alcohol-related problems has a critical point – the point at which an area is seen as an entertainment district - after which alcohol-related trouble increases more sharply with extra outlets”.*

- (l) This must in turn mean the potential risk factors for an increase in anti-social behaviour occurring around the Proposed Premises are logically unlikely to have the same impact as those premises which are located within entertainment precincts, trade late into the night, and which are the subject matter of an adverse social impact.
- (m) Past experience and research undertaken by Woolworths has confirmed that 84% of customers at BWS stores are within the 25 plus age group<sup>8</sup>. The evidence is that the majority of customers of the Proposed Premises will not be the more problematic age group of 18 to 24 years of age.

3.4 In summary, the Proposed Premises will provide increased choice and convenience to residents of the LC where:-

- (a) There is an under-provision of licensed premises in the BC and only 1 hotel and 1 PLL within Long Jetty;
- (b) the BC and Long Jetty is a significant tourist destination and where there is an expectation that there would be a higher number of licensed premises to meet the reasonable expectations and demands of visitors and tourists, but where there is a clear under-provision of licensed premises in the BC (and presumably also within the LC);
- (c) the Proposed Premises will provide a public interest benefit by providing increased access to goods and services at Long Jetty that will provide a service to the current and future population of Long Jetty in circumstances where no adverse impact is foreseen;
- (d) customers of BWS retail liquor stores are predominately **not** within the higher at risk age for alcohol related harm; and where
- (e) this Application otherwise shows very little to no potential for adverse impact to the well-being of the population of the LC or BC (as shown above and by the remaining sections of this document).

#### **4. Sensitive facilities near the Proposed Premises**

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4.1 There are two (2) potentially *sensitive facilities*, as provided by Part 2 of the CIS Form, near the Proposed Premises, which are:-

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<sup>8</sup> Liquor Segmentation Study: Summary Findings, dated 19 October 2007

- Long Jetty Physiotherapy & Sport Injury Clinic, 364 The Entrance Road, Long Jetty, approximately 30 metres (straight line distance) from Proposed Premises; and
- *Little Souls Early Learning Centre*, 443–445, The Entrance Road, Long Jetty, which shares a common boundary with the site of the Proposed Premises (see **Figures 6, 7, 8 and 9** for further details).
- Existing alcohol free zones – see Attachment B to the Community Impact Statement for further details.

- 4.2 The services or facilities identified by the first two dot points above were provided with the *“Notice of Intention to Apply for a Liquor Licence or Licence Authorisation”* (the “CIS Notice”) and invited to take part in the community consultation process of this Application. No response was received from the Long Jetty Physiotherapy & Sport Injury Clinic however the Little Souls Early Learning Centre responded to the invitation to take part in the community consultation process of this Application (see Section 5 below for details and Applicant’s response at paragraph 5.3, Item D below). The Applicant notes there are many bottleshops located near day care centres and general medical facilities in NSW and there is little concern to be had when the retail liquor store will be properly managed and operated, as will be the case at this location.
- 4.3 The nearest park is the Foreshore approximately 230 metres (straight line distance) from the Proposed Premises. There are no existing concerns within this location with public drinking at present (see paragraph 8.2 below). The Proposed Premises is unlikely to impact upon this area in the future because of the current availability of liquor service within Long Jetty; that there are no current concerns in this area at present; and the approval of this Application is unlikely to change existing consumer behaviour as to the type or quantity of alcohol to be consumed.
- 4.4 None of the above mentioned identified facilities or services are “sensitive” to this Application. There is no known reason why the presence of the Proposed Premises, or its permitted use, could be objectionable. The Proposed Premises will be modern, well illuminated, subject to a sophisticated surveillance system, with harm minimisation and responsible service of alcohol policies and procedures in place that have been proven to work at all other 108 BWS outlets in NSW (see **Attachment 2**).
- 4.5 Whilst the Proposed Premises is situated near an existing alcohol free zone, the Applicant believes that this is beneficial to proposed business operations of the Proposed Premises, bearing in mind that those premises will only be permitted to sell and or supply liquor for consumption off the licensed premises. As there are numerous other licensed premises such as the Long Jetty Hotel, Liquorland and numerous licensed restaurants located within or near existing alcohol free zones in Long Jetty, it is unlikely that the Proposed Premises would have any additional impact on the operation or enforcement of the zone.

- 4.6 The Proposed Premises will comprise another retail business within a mix of other existing businesses at Long Jetty. The Proposed Premises will not introduce *liquor service* to the population of the LC, BC or Long Jetty for the first time. It will however provide a conveniently placed retail liquor store for existing and future residents of Long Jetty, including its tourist population. The Proposed Premises will provide a public interest benefit by providing increased access to goods and services at Long Jetty that will provide a service to the population of Long Jetty in circumstances where no adverse impact is foreseen.

## 5. Community Consultation Process

- 5.1 The CIS Notice was provided to neighbouring premises within 100 metres of the Proposed Premises on 6 April 2011. 3 submissions were received from *neighbouring premises* with one additional resident submitter who resides approximately 180 metres (straight line distance) from the Proposed Premises (the "Resident Submissions").
- 5.2 The submissions received in respect of the community consultation process of this Application are as follows:-
- (a) The Resident Submissions (4 in total) as outlined at paragraph 5.1 above;
  - (b) The Entrance Peninsula Community Precinct ("TEPCP");
  - (c) Wyong Shire Council who indicated that until such time as the development application was determined, it was unable to offer any detailed comment on the application for a liquor licence (see 4.1 of the CIS Form); therefore no response is required to this correspondence;
  - (d) The Roads and Traffic Authority, however it has not raised any objection to the Application (see 4.6 of the CIS Form for details).
  - (e) The Department of Health (the "Health Submission"); and
  - (f) The Local Licensing Police (see 4.2 of the CIS Form and paragraphs 8.1 and 8.2 below for details).
- 5.3 The Resident, TEPCP and Health Submissions have raised concern with respect to the Application. Those submissions have therefore been carefully reviewed with the common concerns grouped together, with the Applicant responding to each concern as outlined below:-

Concerns raised:		Applicant's comments:
A	<b>No need for the Licence</b> , noting existing licensed premises in the area and that the demographics of the area do not support increasing density at this location.	<p>Increasing outlet density at this location has been considered and addressed at Section 3 above. Further, the characteristics of the LC and BC have been considered at Section 6 below and elsewhere throughout this document. As provided by this document, it is a <b>combination of indicators</b> and <b>complex situations</b> that determine whether or not the approval of a new <i>packaged liquor licence</i> in a given location could detrimentally impact upon the well-being of a local and broader community.</p> <p>In respect of comments such as "no need for the Licence", these types of concerns (being the former "needs" test") were removed</p>



Concerns raised:	Applicant's comments:
	<p>from the 1982 Liquor Act and were not included as part of the 2007 Liquor Act. They therefore do not form any basis for the assessment of this Application. Further, these types of comments are anti-competitive comments, which are in opposition to State and Federal policy which encourages and requires a competitive market place. They also contradict a purpose of the 2007 Liquor Act which contemplates increasing the density of licensed premises. Competition is expected by the public and is encouraged by State and Federal policy makers.</p> <p>The comments are made without a complete analysis of the statistical data and evidence relevant to this Application and therefore they should not carry any weight in the assessment process of this Application. The assessment within this document concludes (on balance) that density can be safely increased without causing social detriment to the well-being of the LC and BC.</p>
<p><b>B Alcohol Related Crime and Harm.</b> Although not stated how, it has been suggested the Proposed Premises has the potential:- (a) to exacerbate existing levels of anti-social behaviour and alcohol related crime, including property damage, vandalism, domestic violence, drink driving, drinking walking and waste (with the later relating to concerns of increased potential for broken bottles, litter and the like in the streets and left on neighbouring premises properties and other pollution associated with the operation of the Proposed Premises; (b) for persons to consume alcohol in public places near the Proposed Premises; (c) contribute to further alcohol-related harm and negative health outcomes; and (d) add to the overall health burden and detract from the health system's overall ability to provide care and treatment to the entire community.</p> <p>The TEPCP submission made reference to two research documents by the National Drug Research Institute (NDRI) at Curtin University in Perth as follows:- (a) a 2007 report indicating a link between increased density</p>	<p>Whilst these types of concerns have been raised it was not stated how in fact the Proposed Premises could contribute to alcohol related crime and harm in the future. The Applicant refers to Section 8 (and paragraph 10 of Attachment 1) of this document, where the Applicant has considered and addressed existing levels of alcohol related crime and harm in the BC and the potential for the Proposed Premises to exacerbate existing conditions.</p> <p>Woolworths accepts the sale of alcoholic beverages brings with it considerable responsibilities with many of these obligations defined by Legislation. Some liquor operators choose to implement measures over and above their Legislative requirements and Woolworths is one such company that has taken this approach. Alcohol consumption is ultimately an issue of individual responsibility. However, as a responsible retailer of alcoholic beverages, Woolworths goes beyond regulatory compliance and abides by a strict buying charter that governs all aspects of liquor operations. Products that appeal to minors, encourage inappropriate drinking practices or make inappropriate associations are avoided at all of its licensed venues and will not be stocked at the Proposed Premises. These practices are intended to send a strong message to the community and manufacturers that products that target minors and encourage irresponsible drinking are not welcome.</p> <p>There is no evidence that the Proposed Premises cannot and will not operate in a similar responsible manner to every other licensed venue within the Woolworths inventory of licensed premises (total of 307 premises) and for that matter any other retail business in Long Jetty. Whilst it is accepted the BC exhibits signs of alcohol related harm, there is no evidence at all that the Proposed Premises will contribute to that activity in the future (a view that is shared by the Police through reference to the statistical data – see paragraph 8.2 below).</p> <p>Whilst popular but unsubstantiated assumptions might be held that increasing outlet density automatically means a greater likelihood for alcohol related crime and harm of the type indicated, the simple fact is that the relationship between outlet density and alcohol consumption is far from clear. Logic dictates that if a person has a predisposition to be cause harm to either himself, herself or others when they consume alcohol, that pre-</p>

Concerns raised:	Applicant's comments:
<p>and domestic violence, and stated that that regardless of the type of new liquor outlet, most of this increased violence occurs in private homes rather than at licensed premises; and (b) a model that can predict the likely affect on alcohol-related assaults, hospitalisations, deaths and road crashes, of granting a new liquor licence anywhere in Australia and in doing so made reference to a 2008 report by Dr Chikritzhs which states "the model developed in this study allows us, for the first time, to predict the social impacts of any new liquor outlet anywhere in Australia. Liquor licensing authorities should be obliged to consider these impacts when deciding whether to grant a new licence". It was suggested that the Applicant pay for a NDRI study to justify their proposal at this location.</p>	<p>disposition will always exist until that individual is educated otherwise and makes changes within his or her life to curb their alcohol consumption. These are individual characteristics, which cannot be controlled or manipulated by bottleshop proprietors. Alcohol consumption is ultimately an issue of individual responsibility. Any responsible retailer of alcoholic beverages will confirm that if an individual has an objective of purchasing, for example only, a bottle of whisky, that they will purchase that item notwithstanding the number of packaged liquor licences in a given area.</p> <p>There is no evidence that the Proposed Premises will result in individuals consuming greater quantities of alcohol. If there is no greater consumption of alcohol in the community following the approval of this Application then there is no potential at all for increased rates of any alcohol related crime or harm as a result of operating the Licence at this location. Consequently, there is no potential for the Proposed Premises to adversely impact upon the health system of the LC and BC.</p> <p>The Donnelly research (see paragraph 10.2.14 of Attachment 1) confirms that there does not appear to be any positive relationship between outlet density and the percentage of respondents reporting neighbourhood property damage. Similarly, there is no evidence the Proposed Premises would contribute to noise or disturbance related matters (see paragraph 5 of Attachment 1) or litter related matters. Packaged liquor licences are not typically the subject of noise or litter related matters (see paragraphs 5 and 6 of Attachment 1). The Proposed Premises will however operate in accordance with its Waste Management Plan and conditions of consent which will address the satisfactory removal of waste from the site.</p> <p>No evidence (independent or otherwise) has been provided to support the contention that there will be increased property damage or other anti-social behaviour at this location because of the Proposed Premises. As part of the internal design of the Proposed Premises consideration was given to <i>Crime Prevention Through Environment Design Assessment</i> matters (see Attachment 3). These measures outlined by Attachment 3 are a deterrent for any type of anti-social behaviour.</p> <p>Further, research (see paragraph 10 of Attachment 1) shows there are different social implications arising from alcohol consumption, as to whether it is consumed on the licensed premises or consumed off the premises at an entirely different location. It follows there are more observable social impacts of people moving about within a hotel, drinking in various locations within the hotel, being entertained on those premises over an extended period of time and then later leaving those premises and possibly coming into contact with other residents of the community in the process, thereby causing concerns to those residents. This type of activity cannot be compared with a person attending the Proposed Premises by car, purchasing their packaged liquor supplies and then departing the premises by car a short time afterwards, without consuming any alcohol in that process. Therefore it is highly unlikely that the Proposed Premises would result in any increased neighbourhood amenity concerns such as public drinking, litter or disturbance related matters. Significant to this</p>

Concerns raised:	Applicant's comments:
	<p>Application is that the Police have confirmed there are no places of concern with respect to public drinking near the Proposed Premises (see paragraph 8.2 below).</p> <p>With respect to domestic violence and the comment by TEPCP that the rates of domestic violence are high within the Tuggerah Local Area Command, the Applicant refers to Table 1 (page 26) which confirms that the rates of domestic violence within the BC have been stable for the last 5 years, despite liquor service within the BC. In response to such matters the Applicant refers to paragraph 10.2.13 of Attachment 1.</p> <p>As to the two specific reports relied upon by TEPCP, unfortunately the submitter did not provide any referencing to the actual research relied upon, so that a proper assessment of the findings, limitations and context in which the studies were carried out could be made. Dr Chikritzhs has released well over 100 individual and co-authored reports on alcohol related matters and without being able to determine the actual reports the submitter relies upon to support their concerns it is difficult for the submission to be given the weight the submitter desires. Notwithstanding, the Applicant notes, in respect of Dr Chikritzhs:-</p> <ul style="list-style-type: none"> <li>(a) She is typically opposed to increasing outlet density. Many papers have been published with findings based on substantial limitations or contradictory to previously documented outcomes.</li> <li>(b) She is of the view<sup>9</sup> that the measurement of density should <b>not</b> be by the number of licensed premises in a given area measured to the norm (ie NSW) at all but rather it should be based on consumption data (and in particular full volume beer sales). Within this research her view is <i>"that not all communities are the same and not all licensed premises are equal; and ..... the impact of changes to alcohol outlet density may be different across time and place such that indicators which exhibit strong associations with outlet density in one area may fail to be significant in another"</i>.</li> <li>(c) There are many examples where a Court has considered and acknowledged her evidence<sup>10</sup> but notwithstanding made it abundantly clear that individual applications are to be determined on their own merits, with all those applications subsequently granted. Further, management practices to address the potential for harm have been deemed significant in the assessment process<sup>11</sup>. In the case cited, the State Administrative Tribunal expressed (at paragraph 83) in its decision <i>"even taking the evidence of Dr Chikritzhs into account in respect of the various academic studies on the matter, there is no empirical evidence before this Tribunal to satisfy it that the proposed development will impact in the way submitted by the respondent, particularly when the management proposals outlined by the Applicant [the Applicant in this case was Woolworths] are taken into account"</i>.</li> <li>(d) She tendered to the Liquor Licensing Panel Victoria in 2007,</li> </ul>

<sup>9</sup> NDLERF – Predicting Alcohol-Related Harms from Licensed Outlet Density: A feasibility study, Monograph Series No 28, Authors: Tanya Chikritzhs, Paul Catalano, Richard Pascal.

<sup>10</sup> (1) *Wongan Liquor vs. Kingsway Holdings Pty Limited and Ors* 2007 WALLC 2, which followed *Subi CleanSkins*; (2) *Doinwell Investments P/L vs. Executive Director Public Health* [2005] WALLC 15; and (3) *The Executive Director, Public Health and Ors vs. Woolworths Limited and Ors* 2002 WASC 108

<sup>11</sup> *State Administration Tribunal – Woolworths Ltd (the Applicant) and City of Joondalup (the Respondent)* [2009] WASAT 41



Concerns raised:	Applicant's comments:
	<p>a Statement regarding the relationship between the availability of alcohol, alcohol consumption and related harms<sup>12</sup>. In that matter the State Licensing Authority did not rely on Dr. Chikritzhs' evidence but commented on the literature referred to (by Dr. Chikritzhs) and stated that it was "equivocal as to the optimal density of licensed premises". Further, it was in the Panel's view, that "there is nothing in the materials which in the public interest requires the application to be refused". The Panel relied on a decision of His Honour Judge Bowman in the Nardi case<sup>13</sup> (paragraph 31) that "whilst I agree a policy of harm minimisation should be anticipatory, and not merely reactive, there is nothing in the literature that persuades me that the opening of this particular outlet in this particular location will create a density of outlets which will have a deleterious affect. Put another way, there is nothing in the granting of a licence to a licensee possessing the qualifications of Woolworths in this particular shopping centre, in this particular area, which causes the ringing of alarm bells to which (n.b the witness referred to by the Judge was not Dr. Chikritzhs) referred".</p> <p>(e) Reference is made to her 2007 research paper relied upon by the Applicant at paragraph 3.3(i) and (k) above. This research was inconclusive as to the effect of increasing outlet density as to any difference on alcohol consumption and alcohol related harm but the research does suggest small changes in density are unlikely to affect alcohol consumption levels or rates of alcohol-related chronic health problems in circumstances where prices are not reduced.</p> <p>(f) Additional research by Dr Chikritzhs<sup>14</sup> (which may well be one of the reports relied upon by TEPCP) in its findings did <b>not</b> explore whether sales from existing retail liquor stores in the study area would simply decrease when a new retail liquor store opened – what was measured was the volume of alcohol sales from existing outlets (at a static point in time) compared with assaults in that area. The study was therefore flawed. This study clearly acknowledged the "limitations" of the study (page 21) but it significantly also acknowledged (at page 15) that "when controlled for volume of alcohol sales, numbers of off-site outlets did not significantly predict risk of assault (even for private residences)". That is to say Dr. Chikritzhs makes a remarkable statement by alleging it <b>does not matter how many off-site outlets there are in a given area as there is no strong correlation between the number of off-site outlets and the level of violence</b>, but there is a strong correlation between the volume of alcohol sold from off-site premises and violence. She cannot accurately determine this by her research at all for the simple fact that Dr. Chikritzhs did not consider the factors outlined at (g) below in this study.</p>

<sup>12</sup> Statement by Tanya Chikritzhs, Senior Research Fellow at the National Drug Research Institute, Curtin University of Technology – "statement submitted to the Liquor Licensing Panel, Victoria in relation to a packaged liquor licence application at 147-153 Bell Street, Preston.

<sup>13</sup> Nardi v. Director of Liquor Licensing (Occupational Business Regulation) [2005] VCAT 323 (25 February 2005)

<sup>14</sup> Western Australia Research: Liang, Wenbin and Chikritzhs, Tanya; National Drug Research Institute, Curtin University - Revealing the link between licensed outlets and violence: counting venues versus measuring alcohol availability

<sup>15</sup> Loxley, W., Toumbourou, J.W., Stockwell, T., Haines, B., Scott, K., Godfrey, C., Waters, E., Patton, G., Fordham, R., Gray, D., Marshall, J., Ryder, D., Siggers, S., Sanci, L., and Williams, J., with Carruthers, S., Chikritzhs, T., Lenton, S., Midford, R., Snow, P., and Spooner, C. (2004). The Prevention of Substance Use, Risk and Harm in Australia: a review of the evidence. National Drug Research Centre (NDRC) and Centre for Adolescent Health for the Ministerial Council on Drug Strategy, Commonwealth of Australia, Canberra.

Concerns raised:	Applicant's comments:
	<p>(g) The Applicant is not aware of any research papers which Dr. Chikritzhs has participated in where either she, or any of her co-authors, have considered what impact there would be on existing retail liquor outlets by the introduction of new retail liquor stores in the same location or within the same trade area of those existing outlets. The models that Dr. Chikritzhs relies upon in her research implicitly assume that an additional liquor outlet does not affect the sales from other outlets – that is the result of competition. She assumes that each outlet generates additional sales on a par with existing outlets leaving the sales at existing outlets at the same level. No evidence is presented by Dr Chikritzhs to support this presumption.</p> <p>(h) A report to which Dr Chikritzhs was a co-author<sup>15</sup> indicated that community based harm minimisation and risk avoidance strategies such as peer education programs, school based drug education and health promotion programs are most successful in reducing alcohol-related health problems for both young people and adults. Therefore the most effective way to minimise alcohol-related health problems is a combination of community-based harm minimisation strategies and responsible service of alcohol practices, like those to be adopted at this location by the Proposed Premises.</p> <p>The simple fact is that research into alcohol related matters is not an exact science. It is clear to the author of this document, who has reviewed many social impact assessments, research and literature from 2004 to date, that not one indicator (such as density, crime, social harm, social characteristics etc) should be viewed in isolation of other indicators at a particular location to determine the likely "risk" of approving an application. It is a <b>combination of indicators and complex situations</b> that determine whether or not the approval of a new <i>packaged liquor licence</i> in a given location could detrimentally impact upon the well-being of a local and broader community. This document clearly provides that analysis.</p> <p>Through the development application process, consideration will also be given to the design and layout of the Proposed Premises to address safety and security related concerns. The CPTED measures to be put in place (see Attachment 3) consider and address matters of this nature. The measures to be put in place such as CCTV, fencing (where not presently provided), low lying landscaping to maintain visual surveillance etc will act as a deterrent for anti-social behaviour.</p> <p>If there was any potential (and this is not accepted by the Applicant to be true) for the Proposed Premises to contribute to the types of concerns raised by submitters in the future it will take steps (such as banning orders) to prevent any reoccurrence of such behaviour.</p> <p>Therefore and in summary, whilst claims that increasing PLL density leads to increased alcohol related crime and harm in an area might be a popular view shared by the general public it is, in the majority of cases, incorrect as this view does not take into account the complex set of variables that result in individuals firstly consuming alcohol, and secondly consuming more alcohol</p>

Concerns raised:		Applicant's comments:
		<p>than would normally be the case. Further, the views generally do not take into account the differences between premises selling liquor for consumption on or off the premises. When one considers the available evidence (including that provided at paragraph 10 of Attachment 1), it is clear that there is unlikely to be any increased concerns as a result of the Proposed Premises trading from this location.</p> <p>Therefore these types of concerns raised by submitters have not been found to be relevant to the Proposed Premises and therefore they should not carry any significant weight in the assessment process of this Application.</p>
C	<p><b>Public Interest benefits.</b> It has been suggested that there will be no employment benefits of the proposal, as the staff currently employed at the petrol station are equivalent to the staff to be employed by the Proposed Premises. It was also suggested that the petrol station offers a greater range of shopping convenience and choice when compared to the Proposed Premises.</p>	<p>The public interest benefits of this Application are clear (see paragraph 1.12 above and paragraph 9 of Attachment 1). The Applicant confirms 3 full and part time staff will be employed who will be assisted by 5 permanent part time casual staff. This is a net gain for the LC. The Applicant cannot comment upon the staff engaged at the petrol station at present. It is however very common for only one person to operate a petrol station during a particular shift. It could also be the case that the operators will retire and staff would find work at other nearby stations. This is however irrelevant to the assessment process of this Application.</p> <p>The Proposed Premises will provide increased choice to the public as to a retail liquor store. Any convenience style items that previously could be purchased from the petrol station, will be able to be purchased in a similar petrol station environments within the LC. These types of concerns do not assist the assessment process of this Application</p> <p>It is also significant that Woolworths has a long record of making significant contributions to local communities (see 9.1.7 of Attachment 1). Woolworths values the communities that have supported it for over 80 years and as such seek to constantly improve their business and environment performance and look for more just and effective ways to support the communities they serve. Woolworths' supported programs are diverse. It has established a <i>Woolworths Limited Australia Communities Foundation</i> ("WACF") specifically to focus on contributions and support networks. Requests for LC support are received through the WACF's <b>Grassroots giving program</b>. Requests will be made through the Proposed Premises, which are thereafter sent to a central office for processing. Each store also supports good causes within their LC through the <b>Woolworths in the community</b> program (further details can be provided if required).</p>
D	<p><b>Appropriateness of the Site.</b> Although not stated how, it has been suggested the site is inappropriate for the use as a retail liquor store because:- (a) of its location on a main road and the access/egress to/from the site is poor; (b) it will cause an adverse impact upon pedestrian and motor traffic movements; (c) it is located near an existing alcohol free zone; and (d) it will be located near an</p>	<p>It is significant that significant consideration has been given to the overall use of the site for drive through traffic (as opposed to pedestrian traffic) as part of the development application process, along with the past use of the site as a busy petrol station. The Proposed Premises is attractive to motorist as opposed to pedestrians due to the Proposed Premises being a <i>destination</i> style outlet. There are many BWS retail liquor stores located on busy roads operating in similar environments to the Proposed Premises. The access/egress to the site has worked satisfactorily in the past by customers of the petrol station. The slip through lane (see Figure 5) above has the affect of ensuring movements into the site do not adversely impact upon the general traffic flow in this location. The SEE (see paragraph 1.10 above) concluded that traffic surrounding the use of the site in the future will decrease.</p>



Concerns raised:	Applicant's comments:
<p>existing child care centre catering to children aged 0 to 5 years; with there being said to be an increased potential for intoxicated persons coming into contact with its children and staff.</p> <p>Consequently it has also been suggested that: (a) families may look elsewhere for their child care requirements; thus the Proposed Premises may cause an adverse impact to the business of the child care centre; and (b) the exposure of more alcohol to children is inappropriate and that the Application has the potential to expose children to more intoxicated persons.</p>	<p>This is because the petrol station has a much more intensive use when compared to the Proposed Premises at specific times of the day and night.</p> <p>For instance, the petrol station trades very long hours, 7 days a week, whilst the Proposed Premises will trade between 9.00am and 8.00pm Monday to Wednesday; 9.00am and 9.00pm Thursday to Saturday and between 10.00am and 7.00pm Sunday. The trading hours are appropriate for the type of use and are consistent with all other 108 BWS stores operating in NSW. Large tankers deliver fuel to the site at present along with other delivery trucks delivering the convenience style items sold from the station. In contrast, the Proposed Premises is likely to only utilise delivery trucks no more than 12.5 metres in length with delivery times only being during standard business hours (with only three scheduled deliveries per week). Based on movements at other BWS stores (with a drive-through facility), the Applicant estimates approximately 160 vehicle movements per day only. The petrol station is likely to receive significantly more traffic movements than this at present.</p> <p>The concerns by submitters, with respect to traffic related matters or the appropriateness of the site for a retail liquor store, have not been found by the independent expert opinion and study carried out during the development application process (see paragraph 1.10 above). The Proposed Premises will be operated in the manner outlined by this document and the conditions of its Development Consent. The Proposed Premises should not be able to be differentiated from the operation of any other retail or commercial premises. Customers will enter the site, make their purchase and drive away. For these reasons, the site is not considered inappropriate; the Proposed premises will not adversely impact upon traffic movements (vehicle or pedestrian); and the access/egress points are satisfactory, having been found to work well in the past under a more intense use. As to concerns the Proposed Premises will adversely impact on the existing alcohol free zones at Long Jetty, the Applicant refers to paragraph 4.5 above where this has already been addressed.</p> <p>Although the Proposed Premises will share a common boundary with <i>Little Souls Early Learning Centre</i> (the "Centre"), each facility is separated by boundary fencing (see <b>Figures 3 and 7</b>). The Centre caters to children 0 to 5 and their grounds are fully fenced and hedged (with mature bushes) with the nearest direct route between each facility along the existing pathway network system (see <b>Figures 6 and 9</b>). The main entrance to the Centre is on Surf Street away from the Proposed Premises (approximately 53 metres walking distance from the edge of the overall site of the Proposed Premises to the nearest access point to the Centre). The Centre's facilities, whilst built to the rear boundary line near the site of the Proposed Premises, have an outlook to Surf Street away from the Proposed Premises. Further the Proposed Premises, whilst again built to the rear boundary line, has an outlook towards <i>The Entrance Road</i>, away from the Centre (see <b>Figures 1, 2, 7 and 9</b>). The Centre's off street car park faces Surf Street too and therefore there can be no conflict with "drop offs" and "pick ups" at the Centre and any traffic movements surrounding the use of the Proposed Premises. Significantly morning "drop offs" will be made before the Proposed Premises is open for trade (namely at</p>

	Concerns raised:	Applicant's comments:
		<p>9.00am). There are many schools, early childhood centres and day care centres located near retail liquor stores in NSW and there is no concern to be had, with each facility functioning satisfactorily with the other, when the retail liquor store will be properly managed and operated, as will be the case at this location.</p> <p>As provided at paragraph 5.3B above, there are different social implications as to whether alcohol is consumed on the licensed venue (such as at hotels, pubs, restaurants and nightclubs) or off the licensed premises (such as at bottleshops). The social implications of the Proposed Premises cannot be compared to those of a hotel, restaurant or nightclub. The site of the Proposed Premises has a more intensive use now than what will exist with the Proposed Premises. In these circumstances there is likely to be a decrease in noise, traffic movements and other disturbance related issues associated with operating the Proposed Premises at this location when compared to what is occurring at this location at present by the use of the site as a busy petrol station. Further, there is unlikely to be any increased concern with intoxicated persons as a result of the sale of liquor from the Proposed Premises (with such persons coming into contact with the Centre's staff and children), as the Proposed Premises has strict policies and procedures in place to address matters of this nature (see Attachment 2). Further, this type of behaviour is, in any event, more likely to occur as a result of a person consuming alcohol on a licensed premises (such as a hotel) and afterwards walking home and in doing so coming into contact with members of the public. As provided earlier within this document, these types of concerns are very unlikely to be a real concern at this location at all.</p> <p>There is no evidence whatsoever the Proposed Premises will adversely affect (financial or otherwise) the Centre. It is clear the Centre is very separate to the petrol station site (as to the placement of each building on their respective site and the outlook which each building enjoys), which will remain the case with the Proposed Premises. The types of concerns raised by submitters cannot be applied to the Proposed Premises and therefore should carry no to very little weight in the assessment process of this Application.</p>
E	<p><b>Neighbourhood Amenity.</b> Although not stated how, it has been suggested the Proposed Premises has the potential to: (a) cause disruption to the neighbourhood amenity; (b) cause undue disturbance to the neighbourhood by the operation of the Licence and by the conduct of its patrons; and (c) to increase noise and disturbances from customers approaching and departing the site.</p>	<p>These types of concerns have already been considered and addressed above. Any additional impact must be considered over and above that already existing as a result of the petrol station operating from the site. The type of customer to the Proposed Premises is unlikely to have been drinking at the time of their arrival at the Proposed Premises. The vast majority of customers will enter the site by motor vehicle, purchase their supplies and depart the location by vehicle. They are not the type of customer that can be compared to "patrons" of hotels (as provided above, where they may walk home from the local pub intoxicated and in doing so come into contact with a member of the public; thereby causing concern). Notwithstanding, it is highly likely that conditions of Development Consent will address noise related matters (ie: the potential for mechanical noise). With the operating policies and procedures in place (see Attachment 2) along with conditions of Development Consent, it is highly unlikely that there will be any undue disturbance to the neighbourhood as a result of the Proposed Premises trading from this location.</p>

	Concerns raised:	Applicant's comments:
		None of the submitters have provided any report or opinion by any individual, organisation or group who is an expert in neighbourhood matters to support their conclusions. The claims should therefore not carry any significant weight in the assessment process of the Application.

**Table 1 - Recorded incidents of selected offences in the Wyong Local Government Area. Annual totals and 60 month trend from January 2006 to December 2010**

The data provided below is stable for the last 5 years (see paragraph 5.3 B above (page 20)).

Offence	Jan 2006 to Dec 2006	Jan 2007 to Dec 2007	Jan 2008 to Dec 2008	Jan 2009 to Dec 2009	Jan 2010 to Dec 2010	60 month trend
Assault - domestic violence related	755	810	770	753	700	Stable

\* No annual percentage change is given if the trend is stable or if a trend has not been calculated.

**Figure 7 - View of the Centre and carpark from Surf Street. The principal pedestrian access to the Centre is further right of the carpark entranceway.**

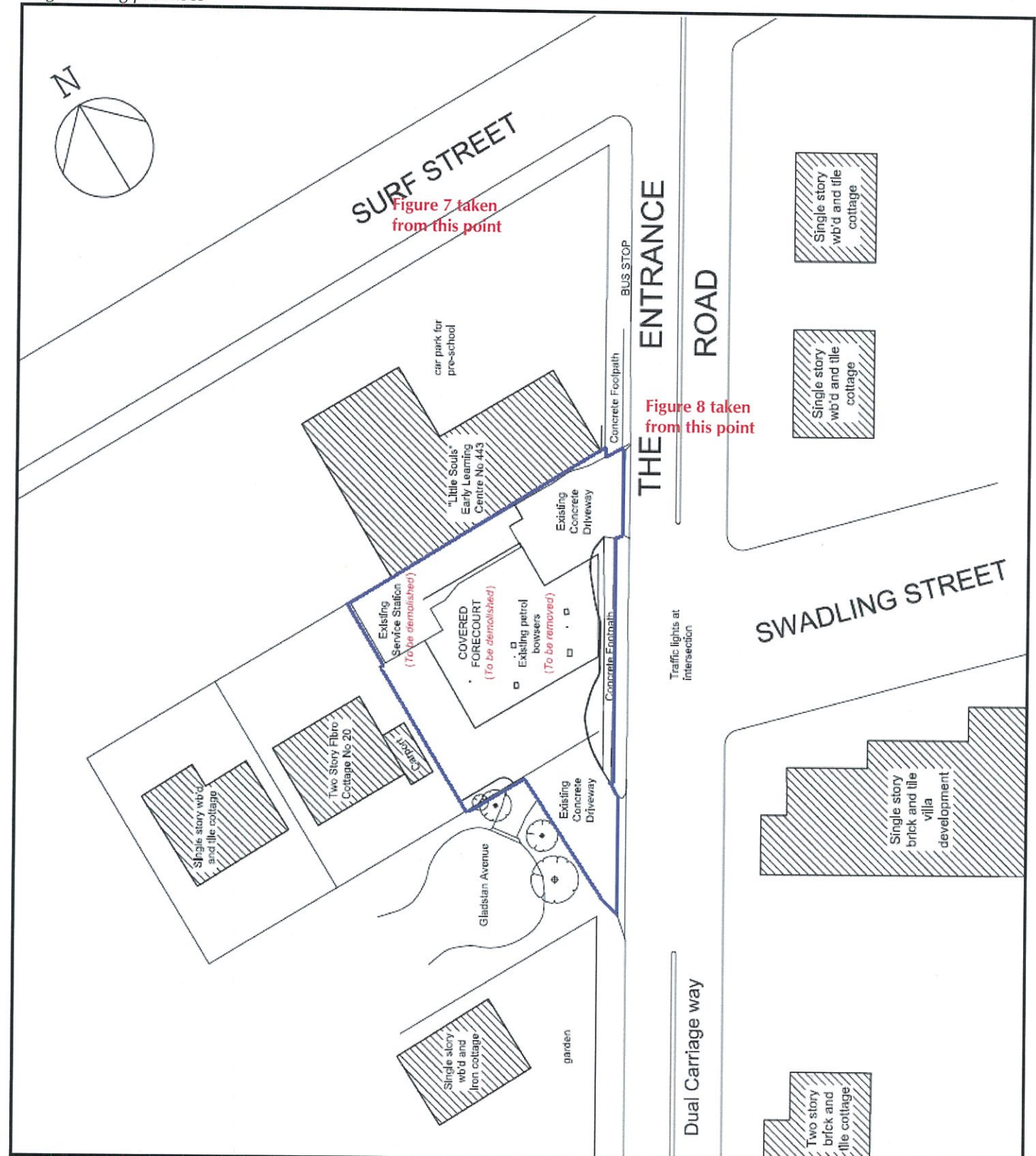


**Figure 8 - View of the Centre from The Entrance Road. The back of the Centre (ie: cream brick wall) is the boundary line with the site of the Proposed Premises. This photograph provides evidence that the Centre's outlook is away from the Proposed Premises towards Surf Street and therefore the Centre is highly unlikely to be affected by this Application at all.**





**Figure 9** – Site plan show the relationship of the site of the Proposed Premises (outlined in blue) with neighbouring premises



5.4 Liquor is not permitted to be consumed on the premises of the Proposed Premises except when supervised tastings are held. The licensee of the Proposed Premises will ensure, through regular patrols and monitoring systems, that liquor is not



consumed on the site of the Proposed Premises (including carpark areas) and that persons do not linger in those areas. Significantly, conditions of Development Consent will be in place to protect *community amenity*. It is therefore unlikely that the amenity and security of properties in the neighbourhood of the Proposed Premises would be affected by customers of the Proposed Premises, or by those customers entering other properties or making physical contact with the occupiers of those properties.

6. At-Risk Indicators and Stakeholders

6.1 Reference is made to paragraph 2 of Attachment 1. As part of the preparation of this Application the OLGR SPR was further reviewed as to any over-represented *at-risk indicators* present within the BC. As indicated at paragraph 2 of Attachment 1, it has been recognised the *at-risk indicators* for the LC are more relevant to this Application than the *at-risk indicators* for the BC. This is because the geographical area of the BC differs to the geographical area of the LC. It is those residents of the trade area or LC that will attend the Proposed Premises and therefore the demographics for the LC are more significant in the assessment process of this Application.

6.2 The characteristics set out below are present in respect of the LC:

Characteristic	Representation within the Local Community	Representation within NSW
Indigenous persons	2.27%	2.1%
young persons	10.61%	13.3%
older Australians	28.77%	13.8%
persons with disabilities	7.27%	4.24%
Unemployed	9.84%	5.9%
Labourers	13.13%	9.5%
One parent families	22.19%	16.1%

Green print indicates an under-presentation or similar representation when compared with NSW  
Red print indicates an over-representation when compared with NSW.

6.3 Whilst the Applicant has been unable to obtain data specifically to the LC as to the number of renters and NESB persons, the Applicant notes there is a lower representation of renters in the BC, when compared with NSW, and a significantly lower number of NESB persons in the BC when compared with NSW (see page 5 of the OLGR SPR). As there are low numbers of NESB persons and renters in the BC it is likely that there would be low numbers within the LC as well.

6.4 As to the representation of older Australians within the LC, there is no known evidence that older Australians, at this location, are at any more risk of alcohol related harm when compared to any group of persons. The higher number of older Australians could be present purely because of the idyllic location for persons to retire. As to the representation of persons with disabilities, the Applicant’s solicitors experience is that generally when there is a higher older population in an area that there is also a higher proportion of persons with disabilities. Again there is no evidence that persons with disabilities are at risk of adverse social impact by the approval of this Application.

- 6.5 Further, there is no definition of what constitutes either a high or low risk community in the 2007 Liquor Act or 2008 Liquor Regulation or in any material issued by the Casino, Liquor and Gaming Control Authority. It is therefore not known why older Australians, labourers, persons with disabilities, or single parent families alone could be categorised as "*risk indicators*" for alcohol related harm in any event. There are no sensitive facilities near the Proposed Premises (see paragraph 4.1 above) which may be frequented by *at-risk indicators* and which are susceptible to adverse impact by the approval of this Application. Therefore the *at-risk indicators* present within the LC are not placed, at face value, at an above average risk of alcohol related harm in this instance (see paragraph 2 of Attachment 1) with none of the *at-risk indicators* having any obvious or readily identifiable alcohol-related problems or issues at this location.
- 6.6 Further, for there to be a requirement of absolute zero risk as a result of any *liquor application* is an impossible requirement to achieve. Every suburb or community in Australia has elements which are likely to abuse alcohol whether it be through monetary or other forms of stress, low income, youth problems or the like. That is to say, there are elements in all parts of Australian society, no matter which suburb or locality you choose, which include a combination of *at-risk* groups. If you accept every single local community in Australia has at least some *at-risk* groups and that an absolute zero risk was required for a *liquor application* to be approved, then in those circumstances no *liquor application* would ever be approved. This is not the aim of the 2007 Liquor Act which contemplates increasing density.
- 6.7 Pre-packaged liquor is readily available within the LC at present and near the Proposed Premises. For any of the *at-risk indicators* to be adversely impacted their levels of alcohol consumption would presumably have to increase as a result of the approval of this Application, but there is no evidence that would occur (see paragraph 8 of Attachment 1). There is no evidence the PLL at this location would have any adverse impact on the population of the LC or BC or any of the over-represented *at-risk indicators* identified. It is also relevant that the Police have confirmed that they are of the belief that this Application will not make any significant difference to existing rates of alcohol related crime and harm within the LC and BC and at Long Jetty (see paragraph 8.2 below).
- 6.8 Organisations or groups that could be representative of the over-represented *at-risk* groups outlined above were identified, where able to do so, and they were provided with the CIS Notice and given the opportunity to provide community feedback with respect to the proposal (see Attachment "A" of CIS). No response was received. The assessment that there would be no adverse impact to such groups or organisations, by the approval of this Application, has therefore been confirmed.



## 7. SEIFA

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- 7.1 Socio-Economic Index for Areas (SEIFA) are a set of measures that summarise different aspects of socio-economic conditions in an area. There are four measures which show how relatively disadvantaged an area is, compared with other areas in Australia. The four measures are:
- Index of relative socio-economic disadvantage (IRSD);
  - Index of relative socio-economic advantage and disadvantage (IRSAD);
  - Index of economic resources (IER); and
  - Index of education and occupation (IEO).
- 7.2 In some circumstances it is appropriate to review the SEIFA indicators for particular areas to ascertain if there is any higher degree of disadvantage in a particular area. There is some suggestion in available research that disadvantaged areas might be more prone to alcohol related harm compared with more advantaged areas.
- 7.3 The indexes are rated between 1 and 10 with 1 being the most disadvantaged, and 10 being the least disadvantaged. The SEIFA indexes for the BC (set out below) demonstrate that the residents of the BC are advantaged, in 3 out of 4 indexes, when compared with other parts of Australia.
- IRSD – 7;
  - IRSAD – 5;
  - IER – 5; and
  - IEO – 3.
- 7.4 It is significant that SEIFA scores fail to take into account lifestyle choices by many. For instance, a low IEO score indicates relatively lower education and occupation status of people with (a) many people with few qualifications, or unemployed or in low skilled occupations; and (b) few people with a high level of qualifications or in highly skilled occupations. This can be possibly explained by lifestyle choices of many who are attracted to the area rather than typical or earnest work endeavours. Anecdotal evidence suggests the “sea change” effect results in higher statistical levels of unemployment but high levels of “quality of life” aspects. Thus whilst the BC might be classified as being more disadvantaged, in the IEO index, when compared with other parts of the State, this must also be seen through the prism of both the lifestyle and cultural characteristics of the area which can encourage early retirees to the area.
- 7.5 As the LC is made up of some 38 local census districts, the Applicant has been unable to obtain an overall SEIFA score for the LC.

- 7.6 The SEIFA data should also be viewed in the light of possible further disadvantage that could occur to the residents of the LC by not approving the Proposed Premises at this location and the extra employment opportunities and economic benefit<sup>16</sup> that will result upon the approval of the Application. The SEIFA indices are therefore to be balanced against the public interest benefits of the proposal (see paragraph 1.12 above and paragraph 9 of Attachment 1).

## **8. Alcohol Related Anti-Social Behaviour**

- 8.1 On 1 April 2011 the CIS Notice in respect of this Application was forwarded to the Tuggerah Lakes Local Area Command. On 12 May 2011 the Applicant's solicitors contacted Senior Constable Dyer (Licensing Unit) of the Tuggerah Local Area Command by telephone and a conversation concerning the Application followed. S/C Dyer was aware of the Application, indicating their Crime Manager had prepared a report on the Application (*no written report has been received by the Police, which was confirmed to the Police at the time*). Notwithstanding, S/C Dyer indicated the Police are opposed to the Application on the basis of the location of the *Little Souls Early Learning Centre* and that the Police believe there are enough licensed premises in the area. These types of concerns have been considered and addressed by Section 3 above and at Section 5, paragraph 5.3 Item D above, where it has been concluded that there will no adverse impact by increasing density at this location.
- 8.2 The view of the Police was sought as to whether or not the Proposed Premises would cause an adverse impact on existing rates or levels of alcohol related crime and harm in the community. S/C Dyer responded by indicating *"from a statistical point of view it may not"*. As to the requirement to identify any places of concern to the Police with respect to public drinking "near" the Proposed Premises, no such places were identified by the Police although the Police confirmed existing concerns at *The Entrance* itself, well over 2kms away from the Proposed Premises and the potential for concern at the Foreshore area some 230 metres (straight line distance) from the Proposed Premises, although there is no concern at this location at present.
- 8.3 A review of the alcohol-related crime statistics provided by the OLGR's SPR provide evidence of a heightened level of *alcohol related assaults, weekend alcohol attributed incidents of assault, alcohol related assault occurring on licensed premises, driving under the influence of alcohol, risk drink behaviour of students (aged 16 and over) and risk drinking behaviour (aged 12 to 17)* in the BC when compared with NSW. Figures 4.1 to 4.3 indicate the primary "hot-spot" area for assault is at *The Entrance*, over 2kms from the Proposed Premises. With respect to the risk drinking behaviour in general it is noted that the data relates to 13 different local government areas and as such it cannot be directly applied to

<sup>16</sup> "economic benefit" includes (a) the shareholders and workforce of Woolworths Ltd who will benefit from the addition of another PLL to the Company's inventory; (b) owners/shareholders and the workforce of most companies/businesses involved in the operation of (or who supply stock to) the Proposed Premises; (c) the flow on effect to other local businesses (and their employees) by a destination store present at this location. It is inevitable that some customers of the Proposed Premises might patronise other businesses when attending to their shopping requirements; and (d) local community organisations and charities who will benefit from sponsorships and contributions from Woolworths Ltd as a result of approval of the Application.

the BC at all. Its relevance to this Application and the LC is simply unknown and as such little weight should be given to this data for present purposes.

- 8.4 In response the Applicant notes it is not unusual for CBD locations to experience higher levels of alcohol related crime when compared with other parts of an LGA. This is because residents residing in outer regions travel to CBD locations for social, work and entertainment purposes and this is where the majority of all offences occur.
- 8.5 The Proposed Premises is unlikely to increase the rates (ie: the number of occurrences) of alcohol related harm or crime within the LC or result in a displacement of existing levels of crime or harm to areas surrounding the Proposed Premises for the following reasons:-
- (a) Liquor service is available within the LC and BC (see paragraph 3.3 (c) above).
  - (b) The Proposed Premises will be the subject of CCTV and security systems (see Attachment 2), which are a shown deterrent for anti-social behaviour.
  - (c) The NSW liquor market is mature and therefore once the Proposed Premises commences to trade it will not increase overall sales but make liquor sales which would otherwise have been made at other liquor outlets (see paragraph 8 of Attachment 1).
  - (d) The Proposed Premises is not a late night trading venue described by paragraphs 10.2 and 10.2.5 of Attachment 1. The incidence of alcohol-related assaults is more usually associated with alcohol consumption at on-licence premises such as pubs and nightclubs.
  - (e) The nature of the business of the Proposed Premises described by this document, its trading hours, likely customers and operational considerations to be adopted (see Attachments 2 and 3), have the potential to minimise alcohol related anti-social behaviour in any event.
  - (f) The Proposed Premises cannot contribute to established cultural factors at this location (see paragraph 10.2 of Attachment 1). There is no evidence the Proposed Premises will result in any change to the established drinking patterns of the population of the LC and BC. The public may make a choice to shop at the Proposed Premises instead of at their existing liquor supplier or they may choose to shop at all outlets at Long Jetty. It follows that the Applicant expects many members of the LC will find the Proposed Premises more desirable to purchase their packaged liquor requirements from when compared to their present source but this does not mean more liquor will be consumed by the population of the LC and BC.
  - (g) The Police have confirmed in response to the question whether or not the Proposed Premises would cause an adverse impact on existing rates or levels of alcohol related crime and harm in the community that *"from a statistical point of view it may not"*.



- (h) There is unlikely to result in any "shift" of anti-social behaviour to areas near the Proposed Premises because of the nature of the business proposed at this location (as outlined by this document) and the existing ability to purchase pre-packaged take-away liquor at Long Jetty). There is simply no evidence surrounding the existing 108 BWS stores trading in NSW that business operations have resulted in a shift of any type of anti-social behaviour to areas surrounding each premises. The available evidence confirms it is very unlikely this could occur at this location.

- 8.6 In summary, the evidence provided is that the Proposed Premises does not, in itself, have the ability to change existing consumer behaviour as the type or quantity of alcohol to be consumed by the population of the LC or BC. The Proposed Premises is unlikely to create additional consumers of alcohol or result in existing consumers of alcohol consuming more. Correspondingly the Proposed Premises is unlikely to contribute to existing levels of anti-social behaviour by increasing the likelihood of such offences occurring in the future or result in any shift of such behaviour to areas immediately surrounding the Proposed Premises. In these circumstances the approval of the Application is unlikely to exacerbate any existing concerns within Long Jetty or within the LC. The Application cannot have any adverse impact on the BC at all in circumstances where there are geographical parts of the BC outside the LC and where those persons, residing in parts of the BC outside the LC, are unlikely to be patrons of the Proposed Premises at all.

## **9. Alcohol Related Hospital Admissions and Deaths**

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- 9.1 The OLGR SPR for the BC was further reviewed in relation to rates of alcohol related hospital admissions and deaths as part of this Application. As shown by Tables 5.4 and 5.5 (page 15) of that Report, the BC is at a higher level of risk for alcohol related hospitalisation per year and the same level of risk alcohol related deaths per year as NSW State average. Little can be drawn from this data however the Applicant refers to paragraph 12 of Attachment 1 in response.

## **10. Sale and Consumption of Alcohol**

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- 10.1 No identifiable adverse social impacts have been identified however the Applicant acknowledges those matters raised at paragraph 13 of Attachment 1.

## **11. Balancing Exercise contemplated by Liquor Regulation 2008**

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- 11.1 This report and Attachment 1 have addressed topics which are considered relevant to the grant of a PLL at the Proposed Premises. Those topics have been summarised on the following page and an assessment made of the likely impact potential by the approval of this Application.

## TOPICS CORRESPONDING WITHIN THIS REPORT

## IMPACT POTENTIAL

1. Type of Licence (see paragraph 3 of Attachment 1)	Minor
2. Potential for Adverse Change to the Character of the LC (see paragraph 4 of Attachment 1)	Nil
3. Noise (see paragraph 5 of Attachment 1 and paragraph 5.3 above)	Nil
4. Outlet Density (see paragraph 3 above)	No potential for adverse impact by increasing density at this location
5. Public Interest Benefits (see paragraph 9 of Attachment 1 and paragraph 1.12 above)	Positive social impact
6. Sensitive facilities near the Proposed Premises (see paragraph 4.1 above)	No potential for any additional Impact
7. Neighbouring Premises (see paragraph 5 above)	No adverse impact anticipated
8. Litter and Pollution Related Concerns (see paragraph 6 of Attachment 1 and paragraph 5.3 above)	Nil
9. Traffic (both vehicular & pedestrian) & Parking (see paragraph 7 of Attachment 1 and paragraph 5.3 above)	Nil
10. At-Risk Indicators and Stakeholders (see paragraph 6 above and paragraph 2 of Attachment 1)	No potential for any additional impact
11. SEIFA (see paragraph 7 above)	The SIEFA indexes show the BC is disadvantaged but this should be measured against the public interest benefits that will result by approving this Application
12. Alcohol Related Anti-Social Behaviour (see paragraphs 8 and 5.3 above and paragraphs 8 and 10 of Attachment 1)	No potential for any additional Impact
13. Alcohol Related Hospital Admissions & Deaths (see paragraphs 9 and 5.3 above and paragraph 11 of Attachment 1)	No potential for any additional Impact

**14. Sale and Consumption of Alcohol in Today's Society***(see paragraph 10 above and paragraph 12 of Attachment*

1)

No observable adverse impact

**12. Conclusion**

12.1 As evident by this document, the LC and BC of the Proposed Premises are considered low risk communities based on the potential for increased rates of alcohol related harm or adverse social impact from the operation of the Licence at the Proposed Premises. The concerns of the opposing submitters should not carry any weight in the assessment process of the Application as there must be a direct link that clearly shows existing conditions would be exacerbated by operating the Licence at the Proposed Premises for the concerns to hold weight in the assessment process. This link cannot be found.

12.2 The impacts relevant to this proposal have been *balanced* as shown by paragraph 11 above. This balancing of identifiable impacts relevant to this Application confirms the **overall social impact of the Application will not be detrimental to the well-being of the LC or BC**. As such the test to be satisfied by Section 48 of the 2007 Liquor Act has been satisfied and in these circumstances the Authority is in a position to approve this Application.

Dated: 16 May 2011



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## **Attachment 1 to the *Statement of Impact* – Woolworth’s operating experience to date with BWS – Beer Wine Spirits *packaged liquor licences***

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This document provides a summary of the Applicant’s experience in operating licensed premises in New South Wales over many years. **The Applicant operates 163 Woolworths Liquor stores, 108 BWS – Beer Wine Spirit stores and 35 Dan Murphy’s stores in New South Wales.**

The Applicant’s experience is not just based on its operating experience but also incorporates the input and expert evidence of its own experienced staff and several external professional consultants engaged throughout the entire process of having a *packaged liquor licence* granted at a specific location. The process of licensing a site starts at the conception stage of identifying a need or demand for a BWS – Beer Wine Spirits style outlet at a specific location and identifying an appropriate site and having that site assessed. Having a site assessed involves discussions with Council regarding the site and its proposed use, arranging plans to be prepared (that are eventually approved by Council) together with the preparation of all the necessary supporting information and documents such as the reports prepared by external consultants (eg: Trade Area Analysis Report, Statement of Environmental Effects, Social Impact Study (if required), Traffic Report, Waste Management Report etc), obtaining development consent from Council and then finally undertaking the steps required by the Casino, Liquor and Gaming Control Authority (the Authority) relevant to having the *packaged liquor licence* granted at that site. The final step in the process is the construction and fit-out of the premises and then overseeing the opening and responsible on-going management of the new store.

The knowledge of the Applicant is therefore based on both its operational experience and expert opinions obtained from appropriately qualified consultants engaged during the process of finding, locating and developing a site. An analysis of the social and economic conditions at a new location are carried out at the conception stage of the project. Sites that are not appropriate to be developed or licensed are abandoned and do not proceed. Only those sites where it is appropriate to proceed do so.

The Applicant has a solid foundation for making a thorough and accurate assessment of the likely impact of granting an additional *packaged liquor licence* (“PLL”) at a specific location based on the foregoing processes undertaken by the Applicant as well as from its extensive operating experience with *packaged liquor licences* in NSW and throughout Australia.

### **1. Background Information Regarding the Assessment Process**

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- 1.1 The assessment provided within the *Statement of Impact* incorporates an analysis of the potential for social change as a result of the approval of a PLL at a particular location in certain surroundings. The *Statement of Impact* addresses matters specific to the

application which is supported by this document identifying matters relevant to all PLL applications where Woolworths Limited is the Applicant.

- 1.2 The cornerstone of the recognised assessment process is that the impact of any application must be interpreted as the difference between the future with, and without, the approval of the application. The Applicant is qualified to address the likely impact of the matters referred to in this document and which will be relied upon in the *Statement of Impact* because it operates 306 licensed premises in NSW and as such it is a significant participant in the liquor industry in NSW.
- 1.3 The object of Section 48 of the Liquor Act 2007 is to facilitate the consideration by the Authority of the impact the granting of certain licences, authorisations or approvals will have on the Local Community ("LC"). 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 LC or Broader Community ("BC") - *Section 48(5) of the Liquor Act 2007*.
- 1.4 It is recognised that the potential for community impact of any application can range from significant to no impact. Page 5 of the *Introduction to the Community Impact Statement Process – December 2008* acknowledges benefits or positive impacts that might arise. As such, the potential for impact of any application can range from positive to adverse.

## 2. At-Risk Indicators<sup>1</sup>

- 2.1 Whilst the demographics for the LC and BC as outlined by the *Statement of Impact* might show an over-representation of a particular socio-economically disadvantaged group or "at-risk indicator"<sup>2</sup> when compared to NSW, that does not necessarily mean a significant impact is present where it is reasonable to expect that no social harm will result by the approval of the application.
- 2.2 Individual characteristics, and the environment in which those individuals live, are important factors that do not function independently from each other but rather affect and

<sup>1</sup> At-risk indicators is the terminology commonly applied to groups of persons that have been identified by their particular socio-economic or demographic circumstances. Applied to this Application, at-risk indicators are specific groups that have been placed by (so far) unknown research at a higher than an acceptable or average risk of alcohol related harm. Research in general suggests groups categorised in this way may display certain behaviours (and applied to this case we mean drinking habits) that may compromise their present or future health and well-being. The focus on at-risk indicators can lead to unjust stigmatisation in the community and what becomes attached to those individuals who fall within a particular group. For example, there is no known evidence published by the Office of Liquor, Gaming and Racing that indicates "labourers" are at a higher level of alcohol related harm than any other demographic group, however the Office has identified the number of "labourers" when compared to the rest of the State in a given BC as an at-risk indicator meaning they are a group of individuals that may suffer social harm by the approval of a licensing application. Where the numbers are higher than the State average this potentially means that occurrence is an adverse social impact.

<sup>2</sup> Page 3 of the document titled *How to prepare a Category B Community Impact Statement*.

change each other. For example, if there were many potentially “sensitive facilities” as provided by Part 2 of the CIS Form “near” the Proposed Premises, such as a hospital dealing with alcohol dependency patients, facilities for people who are homeless, detoxification facilities for people with alcohol related problems etc, it may be such that *at-risk indicators* at that location are potentially placed at a higher than acceptable or average of risk for alcohol related harm. Sensitive facilities “near” the Proposed Premises are addressed within the *Statement of Impact*. It is recognised that if it is found or considered that no harm or adverse impact would result, by the approval of the application to a group that constitutes an *at-risk indicator*, then logically its approval cannot amount to or cause a negative impact to that person or group.

- 2.3 The *Statement of Impact* recognises the *at-risk indicators* for the LC are more relevant than the *at-risk indicators* for the BC. This is because the LC constitutes the likely trade area of the Proposed Premises and as such it is persons who are residents of the LC that are more likely than not to patronise the Proposed Premises. An analysis of the *at-risk indicators* for the LC therefore carries more significant weight in the assessment process than the *at-risk indicators* for the BC.
- 2.4 The impacts once identified, are assessed and balanced within the *Statement of Impact* so that a conclusion, based on the likely social change resulting from the approval of the application, can be made to satisfy the test of Section 48 of the 2007 Liquor Act. The Application may be granted in circumstances where the **overall** social impact of the Application will not be detrimental to the well-being of the LC or BC.

### **3. Packaged Liquor Licences v. Other Types of Liquor Licences**

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- 3.1 Different considerations apply in respect of licensed premises, which are in a particular category by virtue of the nature and extent of the business permitted to be conducted pursuant to the licence.
- 3.2 Despite popular perception of the relationship between alcohol availability, consumption and harm, the relationship is complex and one set of principles cannot simply be applied across all categories of licensed premises. Alcohol-related harm, which can be observed at and from some types of hotels or on-premises licences (such as nightclubs), if poorly managed, do not occur on or from the premises of a PLL. PLL’s typically have a significantly lower social impact potential when compared with other licences that permit the consumption of liquor on the premises.
- 3.3 These circumstances promote an expectation that the observable social implications of a PLL are likely to be far less significant than an application where the consumption of liquor occurs on the licensed premises. It therefore follows that the grant of a PLL should have less impact on the amenity of the neighbourhood when compared with other types of licences that permit the consumption of alcohol on the licensed premises.



#### 4. Potential for Adverse Change to the Character of the LC

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- 4.1 Woolworths secures sites that are located within predominately commercial and retail precincts and as such the inclusion of a PLL in that area will merely result in the PLL being another retail business in the context of many others in the neighbourhood. As the Proposed Premises will therefore represent a continuation of established commercial and retail uses, it is unlikely to change the character of the LC in land use terms. The Proposed Premises will not introduce pre-packaged liquor products to the population of the LC and BC, with the population of the BC and LC already having access to such services or facilities. In these circumstances, the Proposed Premises does not have the potential to adversely change the character of the LC or BC.

#### 5 Noise

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- 5.1 Whilst amenity type issues are typically addressed through the development application process and conditions of consent, the potential for increased levels of noise as a result of the approval of a PLL is limited. PLLs are rarely the subject of any undue disturbance issues primarily because the consumption of liquor does not occur on the licensed premises. To the extent that it is necessary to address the potential for increased levels of noise by the approval of a PLL, the following must be considered:-
- 5.1.1 The Proposed Premises will be operated by a major retail organisation with a long standing history of operating all of its licensed premises with the minimum of harm and little or no disturbance to the quiet and good order of the neighbourhood in the communities in which they operate.
  - 5.1.2 No alcohol will be consumed on the premises, with the consumption of the alcohol occurring at an entirely different time to the sale - sometimes days, weeks or months later. People might attend the Proposed Premises to obtain their pre-packaged take-away liquor requirements, but they are unlikely to remain in the vicinity of those premises for any great length of time thereafter.
  - 5.1.3 The Proposed Premises will include specific design features to minimise noise and will meet the requirements of the environment noise emission criteria including minimising any noise surrounding use of mechanical service areas.
  - 5.1.4 The Proposed Premises will not introduce take-away pre-packaged liquor products to the population of the LC and BC, with the population of the BC and LC already having access to such services or facilities. All of Woolworths' bottle shops in NSW appear to operate without any adverse impact to the amenity of the neighbourhood in which they operate. There is no reason to believe the Proposed Premises would not operate in a similar responsible manner.
  - 5.1.5 The Proposed Premises are unlikely to result in additional drinkers, or existing consumers of alcohol consuming more (see paragraph 8 below).
  - 5.1.6 The BWS – Beer Wine Spirits store will have the benefit of a sophisticated CCTV security and surveillance system (see paragraph 10.2.1 below).

- 5.1.7 The Proposed Premises will adopt and operate to the high standards expected by Woolworths Limited including adopting harm minimisation and responsible service of alcohol policies and procedures together with the Woolworths' Best Practice policies and procedures (see Attachment 2 to Statement of Impact).

## **6. Litter and Pollution Related Concerns**

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- 6.1 PLL are generally not associated with increased levels of littering or other pollution related issues. Woolworths is unaware of any litter or pollution related concerns specific to any of its licensed premises in NSW. Woolworths will ensure, as it does at every other location where it trades in NSW, that appropriate policies and procedures are put in place at the Proposed Premises to ensure the immediate environs of the store are well maintained, clean, and devoid of litter.
- 6.2 Furthermore, it is reasonable to believe that upon the issue of consent for the Proposed Premises it will be endorsed with appropriate conditions concerning the satisfactory removal of waste from the Proposed Premises.

## **7 Traffic (both vehicular and pedestrian) and parking**

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- 7.1 It is unlikely the Proposed Premises will adversely impact on existing levels of traffic (both vehicular and pedestrian) and parking for the same reasons outlined at paragraph 5 above.
- 7.2 Matters such as traffic and amenity type issues are considered by the local Council as part of the development application process. It is reasonable to conclude that as a result of the issuing of consent that Council believed such issues were addressed satisfactory or were able to be managed through conditions of consent, such that no adverse impact will result.

## **8. Alcohol Consumption by the Population of the LC and BC**

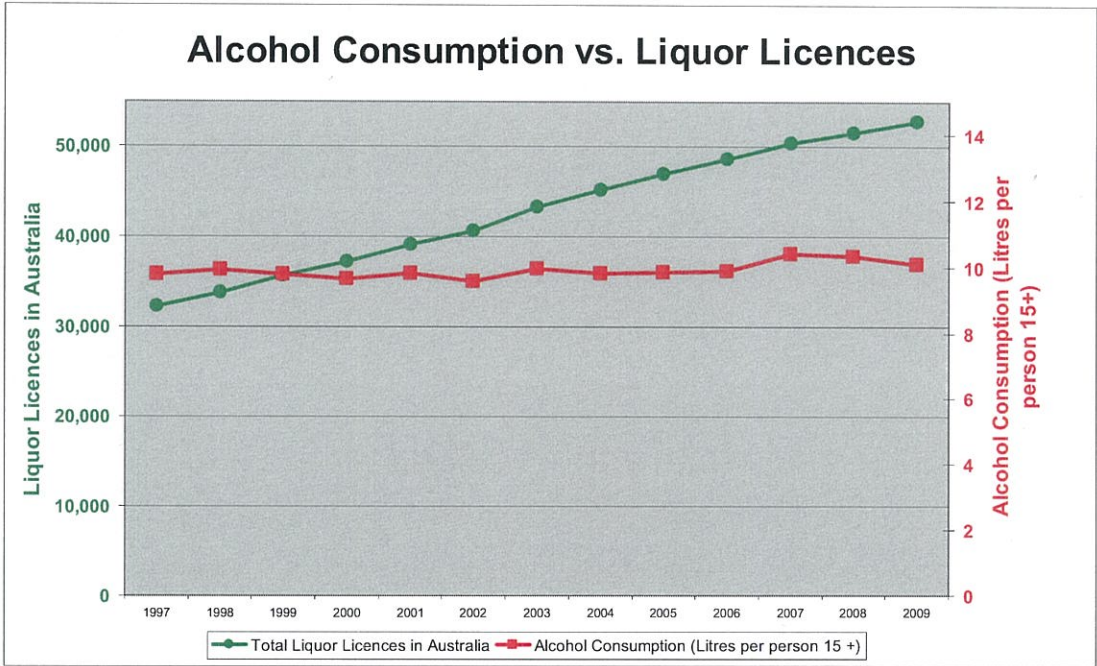
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- 8.1 It is recognised that the overall sale of pre-packaged take-away liquor in any community is largely governed by market forces in that community, which cannot be manipulated or controlled by individual licensees or bottleshop operators. That is to say there is a *pre-determined demand*<sup>3</sup> for pre-packaged take-away liquor products in any community which remains relatively stable despite a new bottle shop opening.
- 8.2 Evidence has been provided to the former Liquor Administration Board and Authority in the past that an increase in density of PLLs would not necessarily result in an increase in

<sup>3</sup> It is acknowledged pre-determined demand can vary from one location to the next and factors such as the characteristics of the population of a community can influence the same. Whilst a pre-determined demand can vary with special occasions such as Christmas, holidays and the like, this variance is still part of the overall pre-determined demand and is not something manipulated or controlled by individual licensees. The pre-determined demand for pre-packaged liquor products is divided into segments (ie market share) and existing liquor outlets merely compete for market share within the pre-determined demand. The pre-determined demand for packaged liquor products remains relatively steady (as evident by paragraph 8.2).

alcohol consumption, unless there are particular circumstances or conditions associated with an application that would cause that to occur<sup>4</sup>. Whilst the number of liquor licences in Australia has increased dramatically for the period 1997 to 2009 (32,269 liquor licences to 52,784 – an increase of about 61%), apparent alcohol consumption data provided by the Australian Bureau of Statistics (“ABS”) has remained relatively steady (ie between 9.59 and 10.40 litres of alcohol per person) over the same period of time, providing strong evidence that the liquor market in Australia is mature with the density of licensed premises increasing year after year but alcohol consumption actually remaining steady. The graph provided below illustrates the position.

**Apparent Consumption of Alcohol (Litres per person) compared to the Total Number of Liquor Licences in Australia from 1997 to 2009**



The graph shows that despite the total number of licences in Australia increasing from 32,269 in 1997 to some 52,784 in 2009 (green line), apparent alcohol consumption (red line) has remained relatively steady over the same period

8.3 Whilst the Applicant is aware of research<sup>5</sup> making claims that the *per capita consumption* (PCC) of alcohol provided by the ABS is incorrect and there is an upward trend in the PCC in Australia; those claims are false along with the inaccurate claims that “the new information is consistent with evidence of increasing alcohol related harm”. The research relies upon a change it describes as “a gradual increase” in the alcohol content and market share of wine in Australia to support its findings but the research ignores the characteristics of Australia’s “wine” consumers and it is clear that the conclusions within the research have not taken into account the practical consequences of its findings. Significantly the views within the research are not supported by the ABS who have

<sup>4</sup> The Applicant has obtained the number of licensed premises in every State and Territory of Australia for the years 1997 to 2009 from the respective liquor licensing authorities in each State and Territory of Australia. In addition, the Applicant has obtained the Apparent Consumption of Alcohol data from the Australian Bureau of Statistics for the years 1997 to 2009. The raw data obtain can be provided to the Authority upon request.  
<sup>5</sup> Chikritzhs, Tanya N; Allsop, Steve J; Moodie, A Rob; and Hall, Wayne D “Per capita alcohol consumption in Australia: will the real trend please step forward”, eMJA Rapid Online Publication – 1 November 2010.



confirmed subsequent to the research that the PCC (based on its latest release of data) in Australia remains relatively stable.

- 8.4 “Young persons”<sup>6</sup> are not “by far” the predominate consumers of “wine” in Australia with their consumption of wine significantly decreasing for the period 2001 to 2007 (see *The Senate Report*<sup>7</sup>). This has been confirmed by Dr Chikritzhs within The Senate Report<sup>8</sup> where she has pointed out “*that young people’s drinking preferences ..... have shifted markedly from wine to premixed drinks*”. Within the same Report (page 49) the Winemakers’ Federation of Australia and Wine Grape Growers’ Australia confirm “*wine was not attractive to younger drinkers and therefore not the product of choice for most underage drinkers*”. Therefore the authors of the research referred to in paragraph 8.3 above have erred in their findings by failing to make a connection between the gradual increase in “*pure alcohol content*” of wine with the types of alcohol related crime and harm that are so readily reported in the media today, and giving the impression that such crime and harm is being committed by *young persons* where in fact *young persons* are not the predominate consumers of wine.
- 8.5 The Applicant has the benefit of internal sales records confirming the PCC in Australia is relatively stable. For example, the Applicant observed a notable decrease in liquor sales at its Woolworths Liquor Kotara liquor store, which was subsequently reflected in their sales figures. The decrease corresponds to the opening of a 1<sup>st</sup> Choice Liquor Store at Kotara. That is to say, when the 1<sup>st</sup> Choice Liquor Store at Kotara opened the existing requirements of the population of that community for pre-packaged liquor products did not increase but the *pre-determined demand* (see paragraph 8.1 above) was merely redistributed amongst existing outlets. This is a common experience throughout Australia where a new packaged liquor licence opens in an area where *liquor service* is available.
- 8.6 There is no evidence that the liquor market will expand in the LC or BC by the opening of the BWS – Beer Wine store as described in the *Statement of Impact*. The circumstances of the Application are such that there is unlikely to be any appreciable increase in alcohol consumption by the population of the LC and BC. What is more likely to occur, which is supported by the findings outlined above is that the *pre-determined demand* for packaged takeaway liquor products in the LC and BC will merely be re-adjusted amongst existing outlets which will in turn compete for market share.

## 9. Public Interest Benefits

- 9.1 The Proposed Premises (being a BWS – Beer Wine Spirits outlet) has positive social impacts in terms of the number of *public interest* benefits that it provides as follows:-

- 9.1.1 It should be recognised that responsible consumption of alcohol is a lawful, socially acceptable, recreational activity which provides considerable social

<sup>6</sup> “young persons” for the purpose of this finding are the age group 12 to 29 because the findings within the “Report to the Senate” (see below footnote) used certain age categories for their assessment. “Young persons” are generally described by this Applicant as persons between 15 and 24 years of age.

<sup>7</sup> Report to the Senate, Parliament House, Canberra ACT; “Standing Committee on Community Affairs “Ready-to-Drink Alcohol Beverages June 2008” – pages 23 and 24

<sup>8</sup> Page 20

benefit to large numbers of people in the community. Outlets for the sale of alcohol therefore have the potential for significant positive social impact in the way that they serve this legitimate community demand. This positive social impact is perhaps best expressed as a public interest benefit for the LC and BC.

- 9.1.2 The Proposed Premises is likely to represent an improvement to the character of the area in terms of visual presentation. The Proposed Premises will also assist in enhancing the economic viability of the neighbourhood of the Proposed Premises by attracting patronage to the precinct. It is the Applicant's belief that it is inevitable that some of the customers of the Proposed Premises would also patronise other businesses in this location, thereby enhancing the economic viability of the precinct as a whole.
- 9.1.3 The Proposed Premises will promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a modern development within the Site. The Proposed Premises will contribute to that safety and security through a sophisticated CCTV monitoring and security system to be installed within the Proposed Premises.
- 9.1.4 The Proposed Premises will yield a significant social and economic benefit for the LC by introducing competition in the sale of packaged liquor from liquor stores (be they bottleshops or hotels) operated by other companies.
- 9.1.5 Shareholders and the workforce of companies involved in, or affected by, the operation of the Proposed Premises, including those to be employed in the construction and fit-out phases of the Proposed Premises will derive some socio-economic benefit if the Application is granted. In this respect the proposal will contribute to the overall social and economic 'health' of the wider community.
- 9.1.6 The Proposed Premises will provide significant long term employment opportunities and growth for residents, including increasing employment stability in the region.
- 9.1.7 The fit-out stage of the Proposed Premises will provide short term opportunities for employment and growth in the region.
- 9.1.8 The Proposed Premises by providing improvements to streetscape appearance, character, amenity and access to retail services will enhance the resident quality of life and satisfaction for the public in the LC.
- 9.1.9 The Proposed Premises will have the ability to directly contribute to LC and BC organisations and charities. Woolworths has established a "Woolworths Limited Australia Communities Foundation" to focus on contributions and support networks within the communities they serve. A summary of Woolworths' commitment to the community was provided to the former Liquor Administration Board in the past and can now be provided to the Authority in the future if of assistance to it in considering this issue.
- 9.1.10 The Proposed Premises does not, of itself, provide social and recreational opportunities however contributes to those activities by selling pre-packaged

takeaway liquor which might be consumed as part of that entertainment activity. Therefore the Proposed Premises will provide a community benefit by satisfying its need for a PLL in a well stocked, state of the art, retail facility which is competitively priced and conveniently located and which has the potential to enhance social entertainment prospects by permitting residents and visitors to the LC and BC to purchase their pre-packaged takeaway liquor requirements for socialising or entertaining purposes throughout the LC and BC.

## **10. Potential for Increased Levels of Alcohol Related Anti-Social Behaviour**

- 10.1 Whilst the *Statement of Impact* has addressed the existing levels of alcohol related crime or harm in the BC of the Proposed Premises, this paragraph provides a response to broad alcohol related crime or harm issues in any community and why there is no evidence that a properly managed and operated BWS – Beer Wine Spirits store would contribute to any existing levels of alcohol related crime in the community.
- 10.2 The experience in NSW<sup>9</sup> in applying for new licences since 1 August 2004, and resulting from the associated and very complex social impact assessment process, is that a significant amount of research has been reviewed on patron behaviour. The research indicates the majority of alcohol anti-social behaviour occurs between the hours of 9.00pm and 3.00am Friday and Saturday nights, with most of the anti-social behaviour occurring around areas where there are numerous licensed premises; late night trading premises such as hotels & entertainment venues. As indicated within the *Statement of Impact*, Dr Chikritzhs' research notes "*there is good evidence to suggest that some types of liquor licences contribute disproportionately to alcohol-related harms*". The Proposed Premises has little potential to result in any increased levels of alcohol-related anti-social behaviour for the reasons set out below:-
- 10.2.1 The Proposed Premises is to be situated within a commercial and retail shopping precinct in a well illuminated shopping environment with the benefit of security arrangements and CCTV monitoring systems minimising the potential for alcohol related crime (see paragraph 9.1.3 above). The BWS – Beer Wine Spirits store will promote enhanced neighbourhood safety and security through casual and CCTV surveillance generated by the presence of a permanent activity that is well patronised at this location.
- 10.2.2 Whilst it is true that the Proposed Premises has little influence over where the alcohol is consumed after it is purchased, this is not restricted to the proposed BWS – Beer Wine Spirits store but every hotel and packaged liquor licence in the LC and BC (including club licensed premises, where take-away liquor sales are permitted in addition to on-premises consumption).

<sup>9</sup> Applicant's own observations, supported by the documented view of the NSW Bureau of Crime Statistics and Research when releasing alcohol related crime statistics in the past together with research completed by others in the area of alcohol related matters



- 10.2.3 It is unlikely the Proposed Premises will create additional consumers of alcohol, or even lead to existing consumers consuming more, such there is unlikely to be any increase in alcohol related harm as a result of the approval of this Application (see paragraph 8 above). The national trend data on alcohol consumption as well as internal records by Woolworths indicate that when a new PLL opens within a given area that liquor sales are redistributed amongst existing outlets. That is to say a new PLL does not, in itself, change consumer behaviour as to the type or quantity of alcohol to be consumed in the community.
- 10.2.4 The Proposed Premises will permit pre-packaged take away liquor sales only which, as shown at paragraph 3 above, has significantly less impact on the amenity of the neighbourhood when compared with say a Hotel licensed premises, where the consumption of alcohol occurs both on and off the licensed premises.
- 10.2.5 Dr Chikritzhs' documented view<sup>10</sup> (see also comments within the Statement of Impact) is that *"at a certain point, a growing bunch of outlets, particularly on-premises outlets such as hotels and bars, becomes fixed in people's mental maps as an entertainment district, and thus starts attracting crowds above and beyond what would be attracted by the same number of outlets on their own. In this situation, there are likely to be large numbers of people circulating from outlet to outlet, creating the potential for additional alcohol-related problems. Thus, it is possible that the amenity effect of outlet density on alcohol-related problems has a critical point – the point at which an area is seen as an entertainment district - after which alcohol-related trouble increases more sharply with extra outlets"*. The findings of Dr Chikritzhs relate to the potential for increased alcohol-related harm in a community where outlet density is being increased for a particularly type of licensed premises only, being that associated with entertainment venues, such as hotels, restaurants and bars. These findings do not and cannot apply to a PLL which does not have the potential to attract persons as noted within the research at all. The Proposed Premises will not result in the locale being classified as an entertainment district.
- 10.2.6 The Proposed Premises will not be open the majority of the times when the peak period for alcohol related harm has shown to occur, thereby limiting the potential for any alcohol related harm – see Statement of Impact for further details.
- 10.2.7 The Proposed Premises will operate with harm minimisation and responsible service of alcohol policies and procedures firmly in place and will also operate to the *Best Practice* policies and procedures adopted by Woolworths Limited (see **Attachment 2 to Statement of Impact**) thereby playing its part in reducing alcohol related harm in the LC and BC.

<sup>10</sup> Michael Livingston, Tanya Chikritzhs & Robin Room – Changing the density of alcohol outlets to reduce alcohol-related problems (2007 paper)

- 10.2.8 Research<sup>11</sup> indicates there is no direct causal relationship between alcohol and violence. The probability of aggression is increased when the effects of alcohol-induced cognitive impairment are amplified or exacerbated by both the characteristics of the immediate situation and cultural expectations that drinking causes aggression. Where the immediate social context is non-aggressive and where cultural beliefs and norms inhibit aggression, drinkers are highly unlikely to become aggressive.
- 10.2.9 It has been suggested that drinking habits of our youth are established by the drinking habits of their peers. Therefore to break the cycle of established drinking norms amongst some cultures requires a change of attitude towards alcohol, which can only be achieved through educating individuals of the affects of drinking alcohol at harmful levels. A properly managed PLL in the manner proposed by this Application cannot contribute to established cultural factors.
- 10.2.10 Further it has been suggested<sup>12</sup> that to change an established pattern of behaviour, you need to examine the circumstances giving rise to it. Behaviour changes only when its context changes. Acknowledging there is a general public health and safety alcohol related problem in Australia does not solve any concerns. Cultures, like individuals, do not usually change from within. Nothing changes until we modify the circumstances that encourage the problem.
- 10.2.11 Attempts to therefore restrict consumption of alcohol (through availability of PLL outlets) are likely to be unsuccessful in preventing or reducing problems of disorder and violence. A more effective approach would involve measures designed to improve the management of drinking environments and, even more importantly, educational measures designed to preserve and promote more positive beliefs about the behavioural effects of alcohol.
- 10.2.12 Research<sup>13</sup> indicates community based harm minimisation and risk avoidance strategies such as peer education programs, school based drug education and health promotion programs are most successful in reducing alcohol-related health problems for both young people and adults. Therefore the most effective way to minimise alcohol-related health problems at this location is a combination of community-based harm minimisation strategies and responsible service of alcohol practices, including those to be implemented at the Proposed Premises (see Attachment 2).

<sup>11</sup> Analysis Of KPMG's Evaluation Of Melbourne's 2am Lockout Trial - A paper prepared by David Butten for Peter Iwaniuk, Entertainment Management Services Pty Ltd (EMS) on behalf of Melbourne's Late Night Entertainment Industry - 18<sup>th</sup> November 2008

<sup>12</sup> Hugh Mackay, April 10, 2010 article titled "Close bars early to stop alcohol-fuelled violence"

<sup>13</sup> Loxley, W., Toumbourou, J.W., Stockwell, T., Haines, B., Scott, K., Godfrey, C., Waters, E., Patton, G., Fordham, R., Gray, D., Marshall, J., Ryder, D., Siggers, S., Sanci, L., and Williams, J., with Carruthers, S., Chikritzhs, T., Lenton, S., Midford, R., Snow, P., and Spooner, C. (2004). *The Prevention of Substance Use, Risk and Harm in Australia: a review of the evidence*. National Drug Research Centre (NDRC) and Centre for Adolescent Health for the Ministerial Council on Drug Strategy, Commonwealth of Australia, Canberra.

- 10.2.13 To the extent that alcohol and domestic violence is to be considered by this Application, several reports<sup>14</sup> suggest that alcohol of itself cannot be considered as a cause of domestic violence. While each author concedes that alcohol misuse may on occasion exacerbate domestic violence incidents, the motivating forces behind domestic assault are primarily the attitudes of perpetrators with respect to domestic violence and the use of violence in order to establish or maintain power within relationships. It is the attitudes or dispositions of domestic violence perpetrators that are the advent of violence, rather than alcohol intake of itself. The approval of the PLL in the LC and BC, where access to alcohol is already available, is unlikely to result in further problems to victims of alcohol related domestic violence or increase the number or proportion of persons with a disposition toward domestic violence.
- 10.2.14 To the extent that alcohol and property damage is to be considered by this Application, Donnelly<sup>15</sup> notes that *'there does not appear to be any positive relationship between outlet density and the percentage of respondents reporting neighbourhood property damage'*. Similarly no clear pattern can be discerned in terms of density and assault victimisation in the home. It is important to note one of the key limitations of the study, which is described as outlet density analyses was that this research was not able to isolate the impact of different licence types. It is therefore unlikely that the approval of the PLL would have any affect on current rates of property damage or have any potential to be a security risk on neighbouring properties.

## **11. Alcohol Related Hospital Admissions and Deaths**

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- 11.1 As shown by the *Statement of Impact*, the NSW OLGR's *Social Profile Report* for the BC was reviewed in relation to rates of alcohol related hospital admissions and deaths. To the extent that it is necessary for the Applicant to address the same, the Applicant confirms the most effective way to minimise alcohol-related health problems, in any community, is a combination of community-based education, harm minimisation strategies and responsible service of alcohol practices and policies, such as those to be implemented at the Proposed Premises. By rigorous application of the harm minimisation and responsible service of alcohol practices and policies at the Proposed Premises, the Proposed Premises will play its part in minimising the incidence of alcohol-related health problems in the LC and BC.

<sup>14</sup> Chan, Carrie (2005) 'Alcohol Issues in Domestic Violence', Australian Domestic and Family Violence Clearing house, [http://www.austdvclearinghouse.unsw.edu.au/topics/topics\\_pdf\\_files/Alcohol\\_Issues.pdf](http://www.austdvclearinghouse.unsw.edu.au/topics/topics_pdf_files/Alcohol_Issues.pdf) as at 10 July 2006; McGregor, Heather (1990): *Domestic Violence: Alcohol and Other Distractions – a Grassroots Perspective*, AIC conference proceedings no. 1, (pp59-66) Alcohol and Crime, Julia Vernon (ed) Australian Institute of Criminology, Canberra 1990; and Bennet, L.W. (1998). *Substance Abuse and Woman Abuse by Male Partners*. Applied Research Forum of the National Electronic Network on Violence Against Women, Harrisburg.

<sup>15</sup> Liquor outlet concentrations and alcohol-related neighbourhood problems - 2006 (Neil Donnelly, Suzanne Poynton, Don Weatherburn, Errol Bamford & Justin Nottage)



## **12. Sale and Consumption of Alcohol**

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- 12.1 It is acknowledged that the mere sale of and consumption of alcohol could pose an unidentifiable adverse social impact (at some level) however there is limited likelihood for social harm as a result of the approval of this Application as shown by this document and the *Statement of Impact* (primarily because of the steps undertaken by the Applicant and detailed in the introduction to this document and because of the existing ability of the population of the LC and BC to purchase pre-packaged take away liquor products), such that this otherwise potentially adverse impact has no application in this instance.

**Attachment 2 to the *Statement of Impact* – operational matters, security and the specific harm minimisation and responsible service of alcohol practices adopted at BWS – Beer Wine Spirit stores in NSW**

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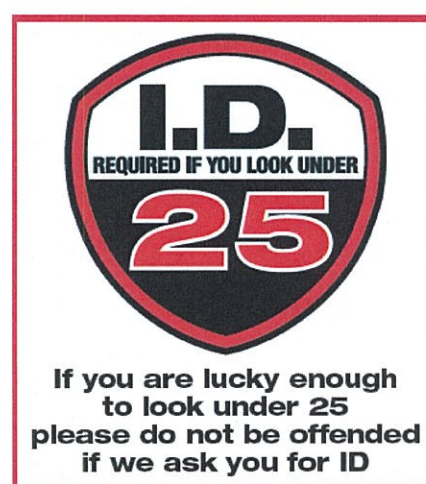
There are 108 BWS – Beer Wine Spirits (BWS) retail liquor stores operating in NSW. Each store is fitted-out and branded in a similar manner to all other BWS stores making each store instantly recognisable and familiar to customers. The identification of each store is however just the beginning. Each store abides by the same harm minimisation and responsible service of alcohol strategies, policies and procedures which ensure that each store operates to the high standards expected by Woolworths.

The following specific measures are relevant to all BWS stores:-

1. Woolworths accepts the sale of alcoholic beverages brings with it considerable responsibilities with many of these obligations defined by Legislation. Some liquor operators choose to implement measures over and above their Legislative requirements and Woolworths is one such company that has taken this approach. Alcohol consumption is ultimately an issue of individual responsibility. However, as a responsible retailer of alcoholic beverages, Woolworths goes beyond standard harm minimisation regulatory compliance and abides by a strict set of management practices and policies that govern the way it deals with alcohol products. Woolworths' aim is to ensure that it is recognised as the clear industry leader in the responsible sale and supply of alcohol products. In this way Woolworths attempts to ensure that the businesses that it operates do not have a negative impact on the health and amenity of the communities that they serve.
2. Woolworths takes significant steps to ensure that all its licensed premises throughout NSW (and Australia) operate with a harm reduction approach. Any alcoholic or alcohol branded product submitted for potential sale by any buyer within the Woolworths Liquor Group must first be benchmarked against a checklist. Any product failing to meet these guidelines will not be considered for inclusion in the Groups product range. The charter includes ten principles that aim to avoid the sale of any products that appeal to minors, encourage inappropriate drinking practices or make inappropriate associations. These practices are intended to send a strong message to the community and manufacturers that products that target minors and encourage irresponsible drinking are not welcome in Woolworths' licensed outlets.
3. Woolworths is a willing participant in any self exclusion arrangements to assist individuals deal with their alcohol dependency problems. Despite this, the BWS liquor store can have no direct influence on existing consumer behaviour as to the type or quantity of alcohol to be consumed.



4. Woolworths has specific measures in place at each BWS store to ensure that the Licence, when exercised, does not result in any adverse impact. Apart from infrequent and controlled tastings, liquor will not be permitted to be consumed on the premises and the *House Policy* of Woolworths (copy **attached**) will ensure that every possible step is taken by its staff to ensure that persons under the age of 18 years are not sold or supplied with alcohol. Each BWS liquor store adopts and operates to the “*best practice*” policies and procedures of Woolworths Limited (copy **attached**), ensuring each premises operates to the high expectations and standards of Woolworths.
5. A number of management processes have been implemented at each BWS store, such as the ID 25 & “*Don't buy it for them*” programmes to further strengthen the responsible service of alcohol practices adopted at each location. These processes will help staff make the right decisions. The ID 25 policy requires employees to ask for identification when customers appear to be aged 25 or younger. This helps to reduce the guesswork and potential stress for staff while helping to ensure Woolworths only sells to customers of legal age. This policy has been incorporated into Woolworths’ Responsible Service of Alcohol training for all staff. Prominent in-store signage at the BWS liquor store will support this program (see below).



6. The signage required pursuant to the 2007 Liquor Act and 2008 Liquor Regulation (provided below) will be prominently displayed at each servery counter or cash register within the BWS store.





7. Another campaign implemented at each store is the, 'Don't buy it for them,' campaign, the purpose of which is to raise community awareness of the danger of secondary supply of alcohol to minors.



8. Other policies and practices adopted by Woolworths include a "school uniform" policy, regular "RSA updates" particularly at peak trading periods, a joint initiative with *Crimestoppers* focussed on "Schoolies" celebrations, and point of sale campaigns encouraging responsible consumption.
9. Each BWS store is designed and operated in such a way that they are unattractive to minors who might seek to purchase packaged alcohol. This is achieved through CCTV but also by staff interacting with customers, making it difficult for someone under age to acquire liquor and be undetected. The BWS store will be well lit and busy enhancing surveillance of customers.
10. Woolworths is a willing and conscientious participant in efforts by state and territory police, local councils and community groups to tackle problem drinking. Woolworths have voluntarily introduced a range of measures (over and above licence requirements) to assist local communities to better manage alcohol related issues at many of its licensed premises. These measures have included voluntary reductions in trading hours, removal from range of products or classes of products that are prone to abuse, and petitioning of local councils for the establishment of "alcohol free zones".
11. Woolworths voluntarily supports and participates in any relevant programs designed to deter alcohol related crime or harm in the local communities in which it operates and will consider all reasonable requests to not stock items that are prone to abuse. Woolworths has in the past and will again in the future remove any items from their product lines that are subject to abuse at a particular location. For instance Woolworths has in the past removed 'long-neck' beer, wine casks and fortified wines from the range of products offered in some areas in which these products were prone to abuse.
12. The licensee of each store is an active member of any local Liquor Accord and promotes the 'Responsible Service of Alcohol Policy' adopted by the Accord. This way the BWS liquor store takes a proactive approach to addressing any real or perceived concerns directly attributable to alcohol related anti-social behaviour in the community. In addition, Woolworths Limited is also a member of the *Retail Liquor Stores Association* and adopts relevant policies and procedures recommended by that Association at all BWS stores.

13. Woolworths undertakes to support the Roads and Traffic Authority's (RTA) initiatives at each BWS store and which draw attention to the RTA brochure *Drinking and Driving: The Facts* which outlines drink driving penalties, blood alcohol limits and how alcohol affects your driving. It also undertakes to have the *Safe Party Kits* available when a customer is purchasing larger quantities of alcohol for a party or social event, and that a copy of the Safe Party Checklist be displayed. In addition, the website for BWS provides a party guide to assist customers with making the right choices. In the event that tastings occur the licensee will ensure free drinking water is available to customers at such times.
14. The BWS liquor store will promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent development and activity at each location. The BWS liquor store will also contribute to that safety and security through the CCTV security system monitoring customer movements. The security system will be monitored 24 hours a day, 7 days a week whilst the closed circuit television system will be monitored in store. The digital recordings from the closed circuit television system will be retained at the BWS liquor store for 30 days before being re-utilised within the system. Staff at the BWS liquor store will have access to the footage in-store whilst the head office of Woolworths Limited will also be in a position to dial in and view the same. These measures are a deterrent for any anti-social alcohol related behaviour.
15. External lighting will be available and designed to light up the BWS liquor store during the trading hours with security lighting outside of trading areas. Liquor is not permitted to be consumed on the premises of the BWS liquor store except when supervised tasting are held. The licensee of the BWS liquor store will ensure, through regular patrols and monitoring systems, that liquor is not consumed on the site of the BWS liquor store (including any carpark area) and that persons do not linger in those areas.
16. Woolworths does everything within its power to avoid underage or secondary sales at all of its licensed venues and this is reflected in its very good record with the former Licensing Court of New South Wales/Liquor Administration Board and now the NSW Casino, Liquor and Gaming Control Authority. Woolworths operates some 306 licensed venues in NSW and taking into account the significant number of licensed venues that it operates (and millions of transactions that occur) it is rare for a licensed venue to be the subject of any complaint related matter. There is no evidence that the BWS liquor store cannot and will not operate in a similar responsible manner to every other licensed venue within the Woolworths inventory of licensed premises and for that matter any other retail business in a specific location.
17. BWS stores are particularly well suited to the type of harm reduction strategies outlined above because they are part of a major retail organisation with the resources, management expertise and operating experience to ensure that the policies and strategies are adopted and rigorously enforced.

## **Attachment 1**

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### **LIQUOR STORE “HOUSE POLICY”**

**THE LIQUOR STORE “HOUSE POLICY” IS A REFLECTION OF THE COMMITMENT BY ALL STAFF TO PROVIDE RESPONSIBLE SERVICE OF ALCOHOL AND TO ENSURE THAT OUR LICENSED STORES ARE OPERATED IN A WAY THAT DOES NOT RESULT IN A NEGATIVE IMPACT ON THE COMMUNITIES THAT WE SERVE**

**THE POLICY SHOULD BE A CONSTANT REMINDER TO ALL STAFF OF THEIR OBLIGATIONS AND THEY MUST ALWAYS:**

- Ensure that persons under 18 years of age do not purchase liquor or have liquor purchased on their behalf.
- Assess all customer's ages by taking account of their height, weight, demeanour, confidence, facial hair, clothes, makeup, voice, wrinkles, hairstyle.
- Be aware of the “ID 25” policy. Always ask yourself before serving: “Could this person be under 25 years of age? – if yes ask for I.D.!!
- Ensure that liquor is not consumed on licensed premises except during an authorised and supervised tasting.
- Ensure that liquor is not sold or displayed outside the licensed premises.
- Ensure that a range of low alcohol and non-alcoholic products are available for purchase.
- Ensure that the required regulatory signage are prominently displayed at all times.
- Ensure that all staff who work in the Liquor Store are properly trained in responsible service of alcohol, with particular regard to
  - Holding their RSA certificates in the Training register on the premises
  - Knowing when and how to ask for Proof of Age identification
  - Knowing what approved forms of identification are acceptable (ie Current Photo Driver's Licence, NSW Photo Card, and Passport).
  - Knowing what features to check when presented with Proof of Age identification to ensure the person is 18 years of age or over and that it is genuine and has not been tampered with.
  - Knowing that if upon request a person cannot produce an approved form of Proof of Age identification then the sale must not be made;
  - REMEMBER: NO PROOF NO PURCHASE!!!
- Ensure that only persons 18 years of age or over sell or supply liquor.
- Be conscious of Secondary Purchase situations and be alert to groups of young persons both inside and (where possible) outside the licensed premises, for the purpose of preventing the supply of liquor to underage persons by older persons.
- Ensure that liquor is not sold or supplied to a person who is in a state of intoxication. In assessing whether a person may be intoxicated, as a guideline the following should be considered;
  - whether their speech is slurred or slow
  - whether their breath smells of alcohol
  - whether they have difficulty walking, standing, with their co-ordination or moving
  - whether they have difficulty understanding you, answering questions or asking for their intended purchase.
  - Ensure that potential problems are identified and steps taken to avoid serious situations.
  - Ensure that the store's RSA incident register is maintained



## Attachment 2

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### Woolworths' *Best Practice* Policies and Interventions.

Woolworths Limited ("Woolworths") chooses to implement a *best practice* set of interventions at all its licensed premises to reduce any alcohol related harms in the local communities in which it operates. Woolworths' *best practice* policies and interventions have the following objectives:-

- to promote proper and efficient management practices in all of its licensed premises.
- to ensure each licensed premises implements and rigorously enforces our *House Policy*.
- to ensure each licensed premises implements a *RSA Incident Register*.
- to ensure all employees involved in the sale and/or supply of liquor receive proper training, support and guidance of the harmful effects of alcohol such as:-
  - a. anti-social behaviour
  - b. intoxication
  - c. underage drinking
  - d. alcohol related crime
  - e. harm to oneself or others
- to reduce negative consumer behaviour associated with the sale or supply of alcohol.
- to prevent promotions that encourage misuse or abuse of liquor.
- to ensure staff are able to detect intoxication using the *Intoxication Guidelines* issued by the Office of Liquor Gaming and Racing.
- to provide a clear set of criteria for detecting underage persons in its licensed premises and ways of identifying fake or tampered *proof of age* identification.
- to provide a clear set of warning signs where there is possibly a risk of secondary sales such as:-
  - a. Minors accompanying an adult when the purchase is made
  - b. Minors suggesting the purchase of liquor to the adult
  - c. Minors congregating outside or adjacent to the premises
  - d. Possible evidence of pooling of money by minors and handing the money to an adult before the liquor is purchased
  - e. Minors refused service and within a short time an adult enters the premises to buy the same type of liquor that the minor attempted to purchase

All employees working within its licensed premises are required to hold a current responsible service of alcohol certificate. Additionally, Woolworths provides every new employee, to be engaged within its licensed premises, with an intense induction session. This provides the staff member with an overview of our current policies and procedures and what is expected of them when they serve or supply alcohol within our licensed premises.

Woolworths has developed internal policies and procedures to ensure compliance with its *best practice* policies and interventions. It has implemented a *liquor store checklist audit* system where the licensees are continually reminded of their obligations, as well as the expectations of Woolworths. Additionally, Woolworths is committed to ensuring all of its liquor serving staff receiving on-going training. For instance, in all *Woolworths Liquor* stores a program called "**Training Focus**" is provided where common concerns are addressed through additional training. A similar program operates for *BWS – Beer Wine Spirits* and *Dan Murphy's* stores called "**Liquor Basics**". Woolworths expects all staff within its licensed premises to participate in this on-going training.

The level of success of Woolworths' *best practice* policies and interventions is evident by its good record with the former Licensing Court of NSW, the former Board and now the Authority. Taking into account the significant number of licensed venues that Woolworths operates (and millions of transactions that occur) it is rare for a licensed venue to be the subject of any breach of the licensing laws.



*Crime Prevention through Environmental Design* (CPTED) focuses on the planning and design of developments to reduce opportunities for crime by using design and management principles to reduce the likelihood of crime. CPTED principles aim to create the reality (or perception) that the costs of committing crime are greater than the likely benefits.

*BWS - Beer Wine Spirits* stores achieve this by creating environmental and social conditions that:-

1. Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
2. Maximise the effort required to commit crime (increasing the time, energy and resources required to commit a crime);
3. Minimise the actual and perceived benefits of a crime (removing, minimising or concealing crime attractors and rewards); and
4. Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisations of inappropriate behaviour).

CPTED principles employ four key strategies (**surveillance and lighting, territorial re-enforcement, space/activity management and access control**). Each are discussed below:-

Surveillance and Lighting	
<p><b>Natural surveillance</b> is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design, landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space.</p>	<p>Careful consideration is given to the design and/or internal layout of <i>BWS - Beer Wine Spirits</i> stores to foster natural surveillance. It is recognised that by maximising surveillance there is an increase sense of safety which can deter criminal activity. Design features of <i>BWS - Beer Wine Spirits</i> stores include:-</p> <ul style="list-style-type: none"><li>• Clear sightlines are maintained through the sensitive location of the entranceway to the store relative to its position to the check-out counter and the remaining internal layout of the store;</li><li>• Where possible, pathways to the <i>BWS - Beer Wine Spirits</i> store are designed to minimise sudden changes of grade and blind corners. Car parks and stairwells ensure pedestrian corridors and destination points are easily identifiable with generous sightlines and lighting.</li><li>• Entry points to all <i>BWS – Beer Wine Spirits</i> stores are well defined.</li><li>• Aisles are wide allowing customers to move about easily</li></ul>

	<p>and staff to effectively monitor customer movements.</p> <ul style="list-style-type: none"> <li>• Landscaping is discrete and does not interfere with clear lines of sight. Further, it will not provide concealment or entrapment areas.</li> <li>• Natural surveillance of each store is high. The checkout area is always located to the front of the store and staff are trained and instructed to interact with customers.</li> </ul>
<p><b>Technical/mechanical surveillance</b> is achieved through mechanical/ electronic measures such as a closed circuit television (“CCTV”) help points and mirrored building panels. Technical/mechanical surveillance is commonly used as a “patch” to supervise isolated, higher risk locations.</p>	<p>Each <i>BWS - Beer Wine Spirits</i> store has a high level of technical mechanical surveillance, with each store fitted with a sophisticated security system that provides for a minimum of 2 cameras and at least 1 monitor in-store. In addition, each store is fitted with a back to base security alarm system. Opportunities for unlawful access to liquor products are limited. Each <i>BWS - Beer Wine Spirits</i> Store is fitted with an electronic article surveillance (“EAS”) system, which permits specific electronic bottle caps to be affixed to identified higher priced and (attractive to thief type products). When these products are presented at the counter the <i>BWS - Beer Wine Spirits</i> staff use a unique tool to remove the bottle cap. The product is then scanned through the cash register. Any product that has not had the bottle cap removed will trigger the alarm as the customer crosses the exit “checking” point.</p>
<p><b>Formal (or organised) surveillance</b> is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors or security guards at higher risk locations.</p>	<p>All <i>BWS - Beer Wine Spirits</i> stores are branded through signage and colour, making each store instantly recognisable. Entranceways are clearly defined with staff checkout areas located to the front of the store. Each store provides for a high level of formal (or organised) surveillance through its trained staff (who wear a uniform making them clearly recognisable) on the shop floor.</p>
<p><b>Lighting.</b> There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity. Good lighting can assist in increasing the usage of an area.</p>	<p>Internally each <i>BWS - Beer Wine Spirits</i> store is brightly lit. Security lighting is available on external areas during non-trade hours. Light fixtures are high mounted, vandal resistant and deflect light downwards. Where possible, pathways and potential entrapment spaces are lit rather than windows and roads, with the lighting identifying ‘safe routes’. The external lighting to all <i>BWS- Beer Wine Spirits</i> stores is positioned so that it will not be blocked by mature vegetation.</p>
<p><b>Territorial Re-enforcement</b></p>	
<p><b>Territorial Re-enforcement.</b> Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship of areas are more likely to provide effective supervision and intervene in crime than passing strangers and communicate to people where they should not be and inappropriate activities.</p>	<p><i>BWS - Beer Wine Spirits</i> stores are the subject of corporate signage (subject to Council approval) on the external facade, as well as throughout the site, clearly identify the building and its use. <i>BWS - Beer Wine Spirits</i> stores provide for a high level of territorial re-enforcement measures through its trained staff who are instructed to interact with customers on the shop floor (as provided above). All staff wear a uniform which distinguishes staff from customers and therefore it is clear to any observer who has guardianship of the store.</p>



Space/Activity Management	
<p><b>Environmental Maintenance.</b> All space, even well planned and well-design areas need to be effectively used and maintained to maximise community safety. Places infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.</p>	<p>All internal areas of the <i>BWS - Beer Wine Spirits</i> store are effectively used and maintained. Effective internal design features limit opportunities for concealment.</p>
<p><b>Space/Activity management.</b> Space/activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused</p>	<p>This has, to some extent, been addressed above. With respect to external areas, Woolworths Ltd ensures such areas are maintained and are clean and devoid of litter. The building frontage of all <i>BWS- Beer Wine Spirits</i> stores provides a sense of activity and by trading they increase activity on the site; thereby adding a sense of management of the overall site.</p> <p><i>BWS - Beer Wine Spirits</i> stores increase activity and natural surveillance of the area, thereby providing increased safety to users.</p>
Access Control	
<p><b>Access Control.</b> Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire lines and formal/informal routes are important crime prevention considerations. Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Technical/mechanical access control includes the employment of security hardware and formal (or organised) access control includes on-site guardians such as employed security officers.</p>	<p>Careful consideration is given to <i>Access Control</i> measures at each site. For instance:-</p> <ul style="list-style-type: none"> <li>• There are clear routes for the use of vehicles and pedestrians in of and out of the site, which do not conflict which each other;</li> <li>• Vehicles enter and exit the site in a forward direction;</li> <li>• Consideration or special arrangements are made for deliveries;</li> <li>• Lighting is provided in the carpark and pedestrian areas (as above);</li> <li>• landscaping is low lying and does not provide screened areas or concealment sections (as above);</li> <li>• The entrance to the <i>BWS - Beer Wine Spirits</i> store is clearly defined (as above);</li> <li>• CCTV is extended to external areas (where necessary).</li> <li>• Each stores is fitted with additional security such as the EAS system (as set out above);</li> <li>• Highly trained staff on duty at each <i>BWS - Beer Wine Spirits</i> store ensures customers have a sense of safety.</li> </ul>