

NSW Independent Liquor & Gaming Authority

Our ref: DF24/010216

Mr Lindsay Cornish
Pyramid Liquor Licensing

26 June 2024

Dear Mr Cornish

Application No.	APP-0012849310
Applicant	MR LIQUOR HOLDINGS PTY LIMITED
Application for	Packaged liquor licence
Application date	29 February 2024
Decision date	15 May 2024
Proposed licence name	Mr Liquor (Cronulla Mall)
Proposed trading hours	Monday to Thursday 09:00 AM – 09:00 PM Friday and Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Proposed premises	72 Cronulla Street Cronulla NSW 2230
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Mr Liquor (Cronulla Mall)

We **refuse** the application above under section 45 of the *Liquor Act 2007*.

Statement of reasons

Overall, we are concerned that the social impact of approving the application may be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

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We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- sections 30 and 31 of the Act don't apply to this application

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates, as law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Sutherland Shire Council approved the complying development certificate BPB2376/2023-0030-0 for the premises on 31 January 2023.

Community impact

Local and broader communities

The local community for the purposes of this decision is Cronulla. The broader community is the Local Government Area (LGA) of Sutherland Shire.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Harm Minimisation and Community Impact Data Report for Cronulla shows:

- there are 71 authorised liquor licenses, of which 5 are authorised to sell packaged liquor. This includes 1 hotel licence and 4 packaged liquor licences
- saturation of packaged liquor licences in Cronulla is lower than the Sutherland Shire as well as all of NSW
- saturation of licences authorised to sell packaged liquor in Cronulla is lower than other suburbs in the Sutherland Shire and lower than in all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to June 2023:

- the proposed premises was located in hotspots for alcohol-related assault, domestic and non-domestic assault, and malicious damage to property
- alcohol-related assault (both domestic and non-domestic) and alcohol-related offensive conduct was higher in Cronulla than in the Sutherland Shire and in all of NSW
- malicious damage to property was higher in Cronulla than in the Sutherland Shire but lower than the rest of NSW.

Alcohol-related health data (per 100,000 residents)

HealthStats NSW data showed that:

- alcohol-related deaths in the Sutherland Shire were slightly lower than the NSW average

- alcohol-related hospitalisations in the Sutherland Shire were higher than the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Cronulla and the Sutherland Shire were ranked as relatively advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves operation of a standalone packaged liquor outlet from an address where another packaged liquor licence has been trading on a temporary basis.

Benefits proposed by applicant

The applicant proposes that there would be these benefits:

- Increased customer choice and convenience
- Independent, family owned and operated business
- The proposed premises is not large, meaning only a limited range of liquor will be stocked. The store proposes not to stock any pre-mixed/ RTD product with an ABV greater than 8% or which constitutes greater than 2 standard drinks in a single unit.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 4 January 2024 and 11 April 2024, which objected to the application raising concerns related to alcohol-related crime, youth crime, public place drinking and underage drinking in Cronulla, as well as the size of the proposed premises.
- Local Council, dated 11 April 2024, which raised no issues.
- Transport for NSW, dated 18 January 2024, which encouraged the applicant to view the measures around addressing alcohol related road trauma and preventing alcohol-related road crashes via the website.
- L&GNSW Compliance, dated 8 April 2024, which raised no issues.
- One member of the public (a competitor), objecting to the proposal and claiming that another permanent licence in this location would be detrimental to the community.
- 327 members of the public signed a petition in favour of keeping the store open at the present location (72 Cronulla Street) on a permanent basis.

We also considered the applicant's submission in response to these submissions, which notes:

- the applicant contends that while there are legitimate issues identified, the size of the premises, proposed trading hours, absence of discounting practices and the applicant's experience will allow the store to operate without detriment to the local or broader community.
- the applicant claims a commitment to providing additional training to staff around checking identification as well as putting up signage in the store to alert patrons to the alcohol-free zones surrounding the store.
- the applicant will be an active member of the local liquor accord and make educational material available to customers around the point of sale relating to drink driving prevention and alternate transport options.

- the applicant's claim that there is no evidence to support the statement that if the application is granted that the impact on the amenity of the community will be detrimental or that there will be alcohol-related problems due to the proximity of other licensed bottle shops.

Findings of concern

We note that there is a cluster of packaged liquor licences within the pedestrian mall with the proposed premises at 72 Cronulla Street, a Vintage Cellars at 78 Cronulla Street, and a BottleO'Briens at 38 Cronulla Street (on the opposite side of the pedestrian mall).

The previously temporary licence has now transferred to other premises and is permanent. Accordingly, if the application were approved it would result in increased outlet density in the suburb. While considering the risk factors and mitigating factors, we are concerned about the impact that an additional packaged liquor licence would have on an area already burdened by high rates of violent crime, as noted in the objection from Police.

Negative social impacts

The proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- high crime-density hotspots in the suburb across all categories we considered
- higher crime rate of alcohol-related domestic assault and alcohol-related non-domestic assault in the suburb than in NSW, and higher rate of alcohol related disorderly conduct in both the suburb and LGA than in NSW
- higher rate of alcohol-attributable hospitalisations in the Sutherland LGA than in other LGAs in NSW
- packaged liquor licences in the suburb being clustered within the pedestrian mall.

These risks may be reduced by the:

- lower rate of alcohol-related domestic assault and alcohol-related non-domestic assault in the LGA than in NSW generally, and lower rate of malicious damage to property in both the suburb and LGA than in NSW generally
- lower saturation of packaged liquor licences in both the suburb and LGA than in NSW generally
- lower rate of alcohol-attributable deaths in the LGA than in other LGAs in NSW
- indication of an above-average level of relative socio-economic advantage and disadvantage in both the suburb and LGA than in other communities in NSW
- the applicant being an experienced operator
- proposed premises being located in an alcohol-free zone
- harm-minimisation measures outlined in the plan of management.

However, on balance, we consider that the likelihood of adverse social impact from approving the application in this location outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application

- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them.

We also considered Guideline 6 to assess the likely social impact to the local and broader community.

This decision will be published on the ILGA website in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you disagree with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to NCAT for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the ILGA website. There is a fee to lodge the application.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact the case manager, Leonie Jennings, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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