

Mr Satbinder Singh Gill

By email to: [REDACTED]

22 January 2024

Dear Mr Gill

<b>Application No.</b>	APP-0010925003
<b>Applicant</b>	Australian Regional Group Pty Ltd
<b>Application for</b>	New packaged liquor licence
<b>Decision Date</b>	15 March 2023
<b>Licence name</b>	Gills Liquor Store
<b>Proposed trading hours</b>	Monday to Saturday 9:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	20 Alice Street Moree NSW 2400
<b>Legislation</b>	Sections 3, 11A, 12, 29, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a new packaged liquor licence – Gills Liquor Store**

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

**Statement of reasons**

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

**Our findings**

Procedural and trading hour requirements

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.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates.

Responsible service of alcohol

Procedures for the responsible service of alcohol would 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

Moree Plains Shire Council confirmed that a development consent is not required as a 'Change of Use' to operate a shop (from the premises 20 Alice St, Moree) is exempt under clause 2.20A of *State Environmental Planning Policy* providing it meets the standards specified in clause 2.20B.

Community impact

*Local and broader communities*

The relevant 'local community' is the suburb of Moree, and the relevant 'broader community' comprises the Local Government Area (LGA) of Moree Plains.

#### *Diversity and density of licensed outlets*

L&GNSW Liquor & Gaming LiveData Report for Moree shows:

- there are 26 authorised liquor licenses, of which 12 are authorised to sell packaged liquor. This includes 2 packaged liquor licences, 3 registered club licences, 6 hotel licences and 1 Producer/Wholesaler.
- saturation of packaged liquor licences in Moree is higher compared to the LGA of Moree Plains and lower compared to all of NSW.

Accordingly, there is no evidence that an additional liquor outlet is required to meet unmet needs in the community.

#### *Crime data (annual rate per 100,000 residents)*

BOCSAR data shows that, in the year to June 2022, the incident rates for all offence categories were higher in Moree compared to the LGA of Moree Plains and significantly higher compared to all of NSW.

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

HealthStats NSW data showed that:

- alcohol-related deaths in the Moree Plains LGA were higher compared to NSW average.
- alcohol-related hospitalisations in the LGA were lower compared to the NSW average.

#### *ABS Socio-Economic Index for Areas (SEIFA)*

Moree and the Moree Plains LGA show below average levels of socio-economic advantage 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 a 'standalone' package liquor store providing a standard range of alcohol products.

#### *Benefits proposed by applicant*

The applicant proposes that there would be these benefits:

- increased convenience and choice by selling quality products at competitive rates
- local and family-owned business with excellent customer service

We considered one submission from a neighbouring business in support of the proposal, stating that the premises would attract new business. However, we believe that the lack of general community support and the potential for community harm based on the identified risk factors outweigh the claimed benefits.

#### *Stakeholder submissions*

We considered the submissions from:

- NSW Police Force, dated 21 December 2022, which recommends the imposition of additional conditions, no objection
- L&GNSW Compliance, dated 25 January 2023 and 4 January 2023, which notes nil adverse holdings against the proposed licensee, no objection

- Local Council, dated 10 January 2023 and 3 January 2023, which notes concerns around social issues experienced in Moree and the need to implement additional security arrangements, the provision of a comprehensive Social Impact Assessment to Liquor & Gaming's satisfaction.
- One submission made by a member of the public, dated 3 January 2023, which notes concerns about the potential increase in noise disturbances to the local community and that an additional packaged liquor outlet in the area may result in an increase of alcohol-related harm in the community.
- One submission made by a member of the public, dated 20 December 2022, which supports the application stating that it will bring more customers to the area and therefore their business will also benefit.

We also considered the Applicant's submission in response, to these submissions, which notes their view that there is need and demand for a new packaged liquor licence in the area and their consent to proposed conditions.

### **Findings of concern**

The premises is located in high density hotspots in the suburb for all offence categories usually considered by us and we are concerned that the crime rates in both the suburb and LGA are significantly higher than the NSW average. We note Council's request that social issues be taken into account in considering this application.

If the licence is granted, there is a risk that liquor sold from the premises would lead to an increase in alcohol-related crime, health, and other social and amenity issues, worsening these problems.

The risks might be somewhat mitigated by the proposed plan of management.

However, on balance, we are concerned that the likelihood of adverse social impact from approving the application 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 all the material we received about the application, including:

#### Application Material

- completed application dated 17 December 2022
- completed Category B Community Impact Statement (CIS) dated 17 December 2022
- completed certification of advertising dated 19 December 2022
- proposed plan of management documents for the premises, titled Gills Liquor Store, Moree Liquor Plan of Management and dated 1 February 2023
- letter from Moree Plains Shire Council regarding exemption from development application dated 1 December 2022
- floor plan for the premises, dated 19 October 2022, indicating the proposed licensed area

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

#### Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 21 December 2022 and 10 February 2023 in relation to the assessment of the Application

- Google map images extracted from the Google website showing the location and photos of the Premises in map view.
- Distance and trading hours comparison

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **If you're not happy 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 being notified that the decision is published on the [Liquor & Gaming NSW 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, Max Costa, at [Max.Costa@liquorandgaming.nsw.gov.au](mailto:Max.Costa@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

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