

Ms Nicole Beath & Mr Jon Martin

JDK Legal

By email to: [n.beath@jdklegal.com.au](mailto:n.beath@jdklegal.com.au) & [j.martin@jdklegal.com.au](mailto:j.martin@jdklegal.com.au)

6 February 2024

Dear Ms Beath & Mr Martin

<b>Application No.</b>	APP - 0011166338
<b>Applicant</b>	Liquorland (Australia) Pty Ltd
<b>Application for</b>	New – packaged liquor licence (PLL)
<b>Decision Date</b>	18 October 2023
<b>Licence name</b>	Liquorland
<b>Trading hours</b>	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
<b>Premises</b>	Tenancy 3-5 82-88 Bold Street Laurieton NSW 2443
<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 (PLL) – Liquorland**

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 may be detrimental to the well-being of the local or broader community.

We note that the applicants are seeking to operate a ‘standalone’ packaged liquor store in the suburb of Laurieton. In conjunction with an objection from police, the applicant received numerous public objections, including a petition (with over 400 signatures) stating dissatisfaction with the licence being approved in the proposed location.

**Our findings**

**Community impact**

*Local and broader communities*

The relevant ‘local community’ is the suburb of Laurieton, and the relevant ‘broader community’ comprises the Local Government Area (LGA) of Port Macquarie Hastings.

*Diversity and density of licensed outlets*

L&GNSW Liquor & Gaming LiveData Report showed:

- there are 6 authorised liquor licenses in Laurieton, comprised of 1 packaged liquor licence and 5 on-premises licences. There are however, 179 authorised liquor licenses in the Port Macquarie Hastings LGA, including 26 packaged liquor licences, 14 registered club licences, 17 hotel (full) licences, 1 hotel (general bar) licence, 17 producer/wholesaler licences, 102 on-premises licences and 2 small bar licences.
- saturation of packaged liquor licences and on-premises licences for Laurieton are high compared to both the LGA and all of NSW.

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

BOCSAR data showed, for the year to March 2023 that:

- although the premises were not located in hotspots for any of the alcohol-related crimes normally considered by the Authority, incidents of alcohol-related non-domestic assault, malicious damage to property and disorderly (offensive) conduct were all higher in Laurieton compared to the LGA and all of NSW
- incidents of alcohol-related domestic assault were lower in Laurieton compared to the LGA and all of NSW, with incidents in the LGA being higher than all of NSW.

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

HealthStats NSW data showed:

- alcohol-related deaths in Port Macquarie Hastings LGA were higher compared to all of NSW
- alcohol-related hospitalisations in Port Macquarie Hastings LGA were lower compared to the NSW average.

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

The suburb of Laurieton was ranked as a disadvantaged community with a below average level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to all of NSW. The Port Macquarie Hastings LGA was considered to have an average level of relative socio-economic advantage.

### *Business model*

We note that the proposed business model involves a 'standalone' packaged liquor store in the suburb of Laurieton, within an established shopping centre and near an existing Coles supermarket, the only supermarket in Laurieton.

### *Benefits proposed by applicant*

The applicant proposes that an alternative standalone packaged liquor licence in Laurieton would promote competition and choice, with the added benefit of convenience. The applicant is an experienced operator in the packaged liquor industry and would implement a detailed plan of management.

### *Stakeholder submissions*

We considered the submissions from:

- NSW Police Force dated 21 and 25 July 2023, who objected to the application. Concerns included: alcohol related crime in the suburb; alcohol consumption in public places; and underage drinking in the community. Police resourcing is low in the areas with no 24-hour station and few police officers and also noted that Laurieton does not have the same availability of support or health services as the Port Macquarie Hastings LGA
- Local Council dated 27 July 2023 and 21 September 2023, objecting to the application, noting a 'great deal' of community concern (via a petition with over 400 signatures) for an additional liquor outlet in the area, particularly in the suburb of Laurieton
- L&GNSW Compliance dated 3 August 2023, no objection
- Transport for NSW (TfNSW) dated 17 July 2023, raised no objection to the application, but noted 75 alcohol-related casualty crashes (in the LGA) in the 5 years to 2022
- General public, March 2023: 23 objections noting concerns including: the high saturation of liquor stores in the local and broader community; the lack of benefit to the community by

adding another bottle shop; the impact on car-parking space; and, the closure of small, family-run local businesses due to the monopoly of a large corporation.

We also considered the applicant's submission in response which contends;

- the Liquorland premises would promote competition, choice and convenience as there is only one other packaged liquor licence in the suburb
- the crime statistics are skewed by Laurieton's low population
- any matters relating to the provisioning of parking at the centre are a matter for council.

### **Findings of concern**

We are concerned with the alcohol related crime statistics, and high saturation of liquor outlets in a vulnerable, small-town community with limited Police resourcing. There could be an increase in associated harms if the application were granted given the concerns raised by Police, local Council and public.

The risks may in part be mitigated by the following:

- the premises not being located in a crime hotspot for domestic, non-domestic, or alcohol-related assault
- the potential skewing of crime statistics in Laurieton due to the small population
- the premises being located within a shopping centre with no direct access to the street.

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 dated 21 June 2023
- Category B Community Impact Statement (CIS) dated 20 June 2023
- certifications of advertising dated 16 August 2023
- plan of management documents for the premises, titled Management Strategies NSW and dated June 2023
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated November 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 25 July 2023 to 13 September 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.

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, Leonie Jennings, at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

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