



Independent Liquor & Gaming Authority

A statutory board established under the Gaming and Liquor Administration Act 2007

Our ref: DF23/001074

Mr Tony Schwartz
Back Schwartz Vaughan

By email to: tschwartz@bsv.com.au

18 December 2023

Dear Mr Schwartz

Application No.	1-8448483791
Applicant	Panorama Plaza Pharmacy No.2 Pty Ltd
Application for	Removal – (standalone) packaged liquor licence
Decision Date	18 January 2023
Licence name	Good Spirits, Food & Wine
Proposed trading hours	Monday – Sunday 10:00 AM – 8:00 PM
Current trading hours	Monday – Saturday 10:00 AM – 12:00 midnight Sunday 10:00AM – 10:00 PM
Premises	Proposed address Part of 220 Kennedy Drive Tweed Heads West NSW 2485 Current address 3 Piggabeen Road Tweed Heads West NSW 2485
Legislation	Sections 3, 11A, 12, 29,30, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application for a removal – packaged liquor licence –
Good Spirits, Food & Wine, Tweed Heads West

We **approve** the application under section 45 of the Liquor Act 2007, with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 9 March 2023.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not 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
- sections 30 and 31 of the Act do not 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.

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

We note that the proposed premises is due to be redeveloped however has existing consent for a packaged liquor licence. Tweed Shire Council approved the development application DA21/0835 on 1 September 2022 for the '*use of existing commercial building as a bottle shop including external and internal alterations.*' The proposed hours are within the permitted hours listed in the consent.

We further note that the applicant intends to obtain a new consent from the Tweed Shire Council at the time of redevelopment and confirmed, that when the licence is reactivated in the future, a change of boundary application would be lodged.

Community impact

Local and broader communities

The relevant local community is the suburb Tweed Heads West, and the relevant broader community comprises the Local Government Area (LGA) of Tweed Shire.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming Live Data Report for Tweed Heads West shows:

- there are 7 authorised liquor licenses, of which 3 are authorised to sell packaged liquor. This includes 2 packaged liquor licences and 1 registered club licence
- saturation of packaged liquor is lower compared to both the Tweed Shire LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to June 2022:

- the premises, whilst in a low-density hotspot for incidents of malicious damage to property, is not located in a hotspot for any of the remaining crime categories usually considered by the Authority
- the incident rate for alcohol-related domestic assault in Tweed Heads West was higher compared to both the Tweed Shire LGA and all of NSW
- alcohol-related non-domestic assault in Tweed Heads West was lower compared to both the Tweed Shire LGA and all of NSW
- malicious damage to property in Tweed Heads West was higher compared to the LGA, but lower compared to all of NSW
- alcohol-related offensive conduct in Tweed Shire LGA was lower compared to all of NSW

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

HealthStats NSW data showed that:

- alcohol-related deaths were higher compared to all of NSW
- alcohol-related hospitalisations were lower compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

Tweed Heads West was ranked below average and Tweed Shire LGA was ranked as average for levels of relative social-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note the proposed business model involves moving the packaged liquor licence from the existing premises to a new premises in Tweed Heads West where it would remain dormant during the redevelopment phase. The existing premises are being sold and the licence transferred to the new premises.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 13 July 2022, raised no concerns and no objections
- Local Council, dated 3 November 2022, noted that the application was consistent with the consent approval and raised no objections
- L&GNSW Compliance, dated 18 November 2022, raised no objections
- NSW Health, dated 24 June 2020, raised no objections
- Transport for NSW, dated 25 November 2022, reported high numbers of alcohol-related casualties in the Tweed Shire LGA and recommended additional measure be put in place. They raised no objections
- General public, two members of the public objected to the proposal, raising safety and noise disturbances in the neighbourhood as concerns. The need for an additional bottle shop in the area was also questioned.

We considered the Applicant's submission in response, to these submissions. They confirmed, that the licence will not trade and will remain dormant during the redevelopment of the premises.

Findings of concern

Tweed Heads West and the Tweed Shire LGA show higher crime rates for incidents of alcohol-related domestic assault compared to the NSW average. Alcohol-attributable death rates are higher in the LGA compared to all of NSW.

However, we note that the licence will remain dormant and the applicant will be required to submit a change of boundaries application when seeking to reactivate the licence in the future. Reactivating the licence would provide community protection through the Community Impact Statement process and the imposition of a Plan of Management condition.

We are satisfied that risks are further mitigated by the following factors:

- the premises are not located in crime hotspots for incidents of non-domestic assault, malicious damage to property and alcohol related disorderly conduct
- the rate of alcohol-attributable hospitalisations in the LGA is lower compared to NSW
- the licence is being moved within the same LGA with a distance between the existing and proposed premises of approximately 600 meters
- harm minimisation measures outlined in the licence conditions set out in Schedule 1.

Material considered

We considered all the material received about the application, including:

Application material

- application dated 26 October 2022
- Category B Community Impact Statement (CIS) 27 dated September 2022
- certifications of advertising dated 18 October 2022
- plan of management documents for the premises – not provided as the licence will be dormant for a period of time
- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 5 July 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 14 October 2022 and 30 November 2022 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 are 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 if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson

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

Schedule 1 – Licence conditions to be imposed

Good Spirits, Food & Wine

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Retail Sales	<p>Good Friday Not permitted</p> <p>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>December 31st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday</p>
3.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing the licence to part of 220 Kennedy Drive, Tweed Heads West.
4.	Exercise of licence	<p>The licence must not be exercised within the approved licensed area that forms part of 220 Kennedy Drive, Tweed Heads West.</p> <p>As part of the reactivation of the licence at part of 220 Kennedy Drive, Tweed Heads the applicant will submit to the Authority a change of boundaries Application that is accompanied by a Category B Community Impact Statement.</p>