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The Chairperson
Independent Liquor & Gaming Authority
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Dear Sir

LIQUORLAND HELENSBURGH - APPLICANT'S FINAL RESPONSE

Thank you for the opportunity to provide this response to the Final Round Submissions.

1. RELIANCE ON EXISTING EVIDENCE

The majority of the issues raised by objectors have already been addressed by the Applicant. The Applicant continues to rely on the following:

- (a) Category B Community Impact Statement;
- (b) the Ethos Urban Assessment;
- (c) the Ethos Urban Additional Response;
- (d) the Statement of [REDACTED];
- (e) the Summary of Application; and
- (f) the Applicant's Response to the Community Consultation.

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2. LOCALLY BASED SUPPORT

Despite submissions to the contrary, most notably on behalf of the [REDACTED], there is clear evidence of locally based support for the Application.

Further, there is also clear evidence that those who support the Application feel intimidated and reluctant to participate other than on condition of an anonymity. This is evidenced both by the submissions made and the evidence from Facebook posts provided to the Authority.

3. LOCALLY BASED OBJECTIONS

While the Applicant recognises and acknowledges the concerns expressed by sections of the local community, the majority of the further adverse submissions received continue to fall into the following categories:

- (a) concern with commercial impacts to local businesses due to increased competition;
- (b) have been generated by incumbent businesses;
- (c) question the need for another liquor licence; and
- (d) provide little consideration or relevant information.

4. NO OBJECTION BY STATUTORY AUTHORITIES

The fact that no objection or adverse submission has been made by any statutory authority is, in the Applicant's submission, critical to the evaluation of weight to be given to adverse submissions. In circumstances where the views expressed by members of the local community are polarised, the position of police, council and other independent statutory authorities (including a recent submission by NSW Ambulance) are an important, and neutral, indicator of the Application's true potential for causing detrimental harm in the local or broader community. In this instance, not a single statutory authority has raised concern with the Application. This should be given significant weight.

5. PREVIOUS APPLICATIONS

The Applicant submits that objectors, in particular the commercial objectors, have dismissed the recent packaged liquor licences applications in Helensburgh.

In 2012, two applications for packaged liquor licences were refused by the Authority (the “2012 applications”). These applications related to:

- (a) Chamber Cellars, situated at 37-39 Walker Street, Helensburgh.
- (b) Marley’s Liquor Store, situated at shop 2 and 3, 20-24 Walker Street, Helensburgh.

In 2013, an application was lodged for Helensburgh Premium Liquor LIQP770016690 (the “HPL application”), situated at 37 Walker Street, Helensburgh (the same premises as the unsuccessful Chamber Cellars application). The HPL application received a large number of objections, including from Police and Council. In summary, HPL stated that its application will provide the following benefits:

- (a) Economic benefits (growth of Helensburgh’s retail precinct and preventing locals from shopping in other towns).
- (b) Support for new business.
- (c) Poor service and uncompetitive pricing from existing liquor outlets.
- (d) Increased employment opportunities.

Ultimately, the Authority granted the HPL application despite the significant number of public objections and recent 2012 refusals. In doing so, the Authority weighed the abovementioned supporting considerations, many of which are relevant to this Application, above the concerns of public objectors. **Unlike the HPL application, police and council have not objected to the current Application.**

6. **BENEFITS**

Some adverse responses effectively dismiss the benefits identified in the Application. The Applicant maintains that there are tangible benefits likely to arise as a consequence of this Application being approved, as identified in the Application and its supporting documents. Without repeating that evidence, the Applicant does wish to emphasise the specific benefits which have become increasingly obvious since the Application was lodged:

- (a) Liquorland’s range and design

The Applicant maintains that the revamped Liquorland format provides a genuine point of difference. The Application and, in particular, the Statement of [REDACTED], provide specific and actual evidence of the benefits inherent in the revamped Liquorland format and range. For example, [REDACTED] identifies the following differences:

- At least 400 award winning product lines that are exclusive to Coles;
- Approximately 140 locally produced NSW wines and beers;
- A large range of no and low alcohol.

These products are not currently available to consumers within the local community.

The additional submissions supporting the Application provide evidence that members of the local community value Liquorland's additional offering and support the grant of the Application.

(b) "Click & Collect"

The submission on behalf of [REDACTED] suggests consumers already have the convenience of a click and collect service. Whilst this individual store may offer a *home delivery service*, this is quite different to and cannot possibly equate to the level of convenience associated with a click & collect offering from a major supermarket brand which combines the shopping experience from both the supermarket and liquor store. The consumer demand for click & collect delivery offerings have dramatically increased over the course of the COVID-19 pandemic and comprise in the range of 10% of all sales.

(c) Convenience and one-stop shopping

The Applicant reiterates that residents who seek to shop at a top two liquor retail brand immediately adjacent to a Coles supermarket, are required to shop outside the local community. Evidenced by the supporting submissions, residents are currently combining their grocery shopping and liquor purchases outside of the local community in order to achieve this one-stop shopping experience. If granted, the Applicant will result in a genuine one-stop shopping experience within the local community.

(d) Economic benefits

The following economic benefits to the local community will arise:

- i. *Expenditure in the local community* – more residents will be attracted to combine their shopping experience in the local community (as referred to at 5(c) above). This will prevent economic leakage from the local community.

- ii. *Increased competition* – The Liquorland will undoubtedly place itself in a situation where it can compete with established retail outlets. This benefit has been emphasised by supporting submissions who note the largely monopolised retail liquor market in the local community.
- iii. *Increased employment* – The Liquorland will directly lead to 6 – 8 local employment opportunities (not including the additional construction and fit-out work to be undertaken).
- iv. *Contribution to local community groups* – The Applicant emphasises that despite it not being acknowledged by competitors, the Coles Supermarket continues to donate to several community groups and with the introduction of a Liquorland will increase that exposure.

7. **OUTLET DENSITY AND HARM**

It is important to consider the context in which the above benefits are expected to arise, namely where:

- (a) no direct evidence (including submissions from police, council or members of the community) concludes that the Application will increase alcohol related harm in the local or broader community;
- (b) the outlet density of packaged liquor licences in the local and broader communities will remain well below levels generally considered to be potentially associated with social harm. The rate of 0.75 licences per 1,000 persons is the rate most identified as correlating with a change in adverse social impacts.¹ Based on Liquor and Gaming's "Live Data Tool", the local community's rate of packaged liquor licences per 1,000 persons in the local community would be 0.47, should the Application be approved.
- (c) the local community's alcohol related assault (domestic and non-domestic) is below the NSW average (for the year ending December 2021) and has remained below the NSW average for at least 10 years.
- (d) the proposed Liquorland is not situated in a hotspot for domestic or non-domestic assault.

¹ Donnelly D, Menendez P, Mahoney N, BOCSAR, "The effect of liquor licence concentrations in local areas on rates of assault in New South Wales", Crime and Justice Bulletin, no. 181, December 2014.

8. **OFFER OF LICENCE CONDITIONS**

Despite neither police or council objecting, the Applicant has sought to address resident concerns by implementing the following mitigating measures. The Applicant emphasises that these measures are specifically tailored to this Application so that specific and unique concerns are addressed.

1. The Applicant proposes to offer **significantly reduced trading hours from the original trading hours sought.** The reduced trading hours are:
 - (a) Monday to Saturday: 10:00am to 10:00pm.
 - (b) Sunday: 10:00am to 09:00pm.
2. The Applicant is to employ a security guard from 5:00pm until close on Friday and Saturday nights. The security guard will regularly patrol the nearby Coles car park.
3. The Applicant will join and be an active participant in the local liquor accord. Despite submissions made at the public meeting, Coles Liquor has 12 stores which are members of the Wollongong Accord.
4. The Applicant agrees to comply with its extensive Coles Liquor "NSW Management Strategies" and "House Policy for the Responsible Service of Alcohol" documents as a licence condition.
5. The Applicant agrees to the Authority's social impact condition.
6. The Applicant agrees to implement and maintain an incident register to record the details of any relevant incident and action taken in response to any such incident.
7. The Applicant agrees to the Authority's CCTV Condition.

Yours faithfully
JDK Legal



Jon Martin