



Our ref: DF22/003957

Mr Grant Cusack
Hatzis Cusack Lawyers
By email to: gc@hatziscusack.com.au

7 June 2023

Dear Mr Cusack

Application No.	APP-0009478942
Applicant	Wolfpack Trading Pty Limited
Application for	Packaged liquor licence
Licence name	The Heights General Store & Bottleshop
Trading hours	Monday to Thursday 10:00 AM – 9:00 PM Friday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Premises	426 Ballina Road Lismore Heights NSW 2480
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, and 48 of the <i>Liquor Act 2007</i>
Trading hours	Monday to Thursday 10:00 AM – 9:00 PM Friday to Saturday 10:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM

**Decision of the Independent Liquor & Gaming Authority
Application for packaged liquor licence – The Heights General Store & Bottleshop**

The Independent Liquor & Gaming Authority (Authority) first considered the application above at its meeting on 16 March 2022 and, following the receipt and consideration of further information, decided on 13 April 2022 to **approve** the application under sections 45 of the *Liquor Act 2007* with the conditions set out in Schedule 1.

Trading on a Sunday that falls on 24 December

If a Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8:00 am. Under the 6-hour closure period for the current licence, the premises must not trade earlier than 10:00 am.

Approved manager or individual licensee

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

- of the appointment of an approved manager to the licence, or
- the licence has been transferred to an individual licensee.

Statement of reasons

A statement of reasons for this decision is attached at the end of this letter.

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**

STATEMENT OF REASONS

Our decision

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

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

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- the proposed premises meets the definition of a general store under s31 of the Act.

The Community Impact Statement (CIS) meets the relevant requirements.

'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. Lismore City Council approved the development application DA5.2021.132.1 for the premises on 12 November 2021.

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Lismore Heights, and the relevant 'broader community' comprises the Local Government Area of Lismore.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Lismore Heights (generated 4 January 2022) shows:

- there is 1 authorised liquor licence (1 registered club) authorised to sell packaged liquor
- saturation of packaged liquor licences in Lismore Heights (**0**) is **lower** compared to Lismore LGA (**37.1**), and **lower** compared to NSW (**30.7**)
- saturation of licences authorised to sell packaged liquor in Lismore Heights (**45.6**) is lower than Lismore LGA (**97.4**) and lower compared to NSW (**76.3**)
- clustering of packaged liquor licences in Lismore Heights (**0**) is **lower** compared to Lismore LGA (**2.1**), and **lower** compared to NSW (**3.1**)
- clustering of licences authorised to sell packaged liquor in Lismore Heights (**0**) is **lower** compared to Lismore LGA (**3.3**), and **lower** compared to NSW (**7.2**).

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that, in the year to September 2021:

- the premises is located in a high-density hotspot for incidents of alcohol-related domestic

assault

- alcohol-related domestic assault rates in Lismore Heights (**45.8**) were lower compared to the Lismore LGA (**240.3**), and lower compared to all NSW (**227.8**)
- alcohol-related non-domestic assault rates in Lismore Heights (**0**) were lower compared to the Lismore LGA (**185.4**), and lower compared to all NSW (**176.5**)
- alcohol-related offensive conduct rates in Lismore Heights (**0**) were lower compared to the Lismore LGA (**29.8**), and lower compared to all NSW (**45.7**)
- the premises is located in a medium density hotspot for incidents of malicious damage to property
- malicious damage to property rates in Lismore Heights (**274.6**) were lower compared to the Lismore LGA (**1105.5**), and lower compared to all NSW (**1247.8**).

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

The most recent HealthStats NSW data available show that between 2018-2019:

- alcohol-related deaths in the Lismore LGA (**23.2**) were higher compared to the NSW average (**19.7**)
- alcohol-related hospitalisations in the Lismore LGA (**635.1**) were higher compared to the NSW average (**513.2**).

SEIFA

ABS Socio-Economic Index for Areas (SEIFA) data as at 2016 shows that Lismore Heights and the Lismore LGA were disadvantaged and disadvantaged respectively ((**Bottom 29%** and **Bottom 34%** of NSW households, 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 the sales of alcohol for consumption away from the premises via a small liquor sales area to be located within a general store. The liquor sales area will be separated within the premises with liquor being sold from a separate dedicated POS register. The premises is a general store with the sale of supermarket items as the primary business purpose.

Proposed benefits

The applicant proposes that there would be these benefits:

- the development consent granted by Lismore City Council now permits use as a 'neighbourhood shop' that sells packaged liquor from a small liquor sales area within the store
- the business will benefit consumers who wish to purchase packaged liquor while shopping at the general store for grocery items, and
- the convenient location of the premises will add to community amenity for residents and local businesses in adjoining suburbs such as Lagoon Grass, Howards Grass, North Lismore, Goonellabah, and Lismore.

Stakeholder submissions

We considered the submissions from:

- a) **NSW Health** dated 22 December 2021, which noted objections on the basis the applicant did not demonstrate the overall impact of the licence would not be detrimental to the

wellbeing of the community. Also noted in the submission was liquor licence saturation, the current rates of alcohol-related hospitalisations and the low-socio economic demographic of the Lismore LGA.

- b) **NSW Police Force** dated 4 January 2022, which noted no objections to the grant of the liquor licence and recommended the standard suite of conditions be imposed in relation to this licence type. Police also noted there may be increased patronage for packaged liquor due to the location of the premises on the main road.
- c) **L&G Compliance** dated 7 January 2022, which did not provide a formal submission noting the application did not present any adverse findings.
- d) **Four members of the public**, (across 6 and 9 January 2022) lodging separate objections as nearby residents citing issues with liquor licence saturation and the potential for alcohol-related incidents due to the socio-economic disadvantage in the local community.
- e) **Lismore City Council** dated 11 January 2022, which noted no objections to the grant of the liquor licence subject to compliance with the current development consent for the premises.
- f) **One member of the public**, dated 2 January 2022, offering a submission of support for the application saying the updated business model would provide additional convenience for residents who are patrons of the general store and to residents in the broader community who pass through the suburb.

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

- submissions from Police, Council and L&G Compliance who did not raise objections
- the local registered club has operated in the suburb for many years and there is no evidence that this has had a negative effect on residents
- residents will have the added convenience of a one-stop-shopping destination
- the proposed general store is not likely to generate any more traffic than was the case with the previous use (a service station) and
- risks will be mitigated by the comprehensive plan of management.

Findings of concern

The Authority notes that there may be a risk that if the Licence were to be granted, liquor sold from the Premises will, over time, contribute to an increase in alcohol-related crime, health, and other social and amenity issues in the local and broader communities, and in other areas of the State.

The Authority further noted that remediation from a service station may take some years and considered the objections and other stakeholder submissions including the proposed hours, which may not be ordinary "general store" hours.

Factors that may reduce this risk

However, we are satisfied that the risk is reduced by:

- the small size of the area in which liquor will be sold (32m²)
- the moderate proposed trading hours compared to standard trading hours
- Police and Lismore City Council not raising any objections to the proposal
- the premises not located in a crime hotspot for alcohol-related non-domestic assault or alcohol-related offensive conduct
- all crime categories the Authority normally considers are lower in Lismore Heights compared to the Lismore LGA and NSW rates
- lower saturation and clustering rates of liquor licences in Lismore Heights compared to the

Lismore LGA and NSW rates

- the harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

The material we considered

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

- floor plan for the premises, dated September 2020, indicating the proposed liquor sales area that will apply
- plan of management documents for the premises, titled 'For the operation of a proposed packaged liquor department to be located within a neighbourhood shop/general store' dated August 2021
- ASIC business records dated 8 December 2021, in relation to the Applicant and Wolfpack Trading Pty Limited
- completed Category B Community Impact Statement dated 9 December 2021
- completed application generated on 10 December 2021
- completed certification of advertising dated 15 February 2022.

The law that applies

These sections of the *Liquor Act 2007* and clauses of the Liquor Regulation 2018 apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 29–31: Specific provisions about a packaged liquor licence.
- Section 40: Minimum requirements to apply for a liquor licence.
- Section 44: Submissions about licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements to apply for a Community Impact Statement (CIS), including making sure that it will not harm the local or wider community's well-being.

We also considered [Guideline 6](#) to assess the social impact to the local and broader community if we approved the application.

Yours sincerely



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
The Heights General Store & Bottleshop**

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 04:00 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.	Restricted trading & NYE	Retail sales Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
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 obtaining this licence on 13 April 2022.
4.	Plan of management - default	The premises is to be operated at all times in accordance with the Plan of Management dated August 2021 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system at the general store in accordance with the following requirements: (a) the system must record continuously from opening time until one hour after the general store is required to close, (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following

		<p>areas:</p> <ul style="list-style-type: none"> (i) all entry and exit points to the general store, and (ii) all publicly accessible areas (other than toilets) within the liquor sales area. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7.	Adequate separation	The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 13 April 2022 or any premises plan subsequently approved by the Authority.
8.	New Applicants with no Licensee or Advanced Licensee Training	Licensee training must be completed no later than 6 months from the date of grant of the liquor licence.