



Mr Jon Martin
JDK Legal
GPO Box 3758
SYDNEY NSW 2001

Dear Mr Martin

**Application for Packaged Liquor Licence
Liquorland Yamba**

I am writing to you regarding an application made by your client Ms Kristy Gemetzis on behalf of Liquorland (Australia) Pty Limited, which was received by the Independent Liquor and Gaming Authority (Authority) on 23 April 2015.

As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Licensing Co-ordinator (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.

The Delegate considered the Application on 14 September 2015 and has decided, pursuant to section 45 of the *Liquor Act 2007* to grant the Application.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008.

This letter attaches the Delegate's statement of reasons. It has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statement of reasons as soon as practicable.

A record of the licence from the OneGov database specifying all conditions to which the licence is subject has been provided to you in separate correspondence from Authority staff.

If you have any advice or enquiries about this letter please, contact the case manager, Ms Trudy Tafea, via email at trudy.tafea@ilga.nsw.gov.au.

Yours faithfully

Micheil Brodie
Chief Executive

17 FEB 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 23 April 2015 the Independent Liquor and Gaming Authority (Authority) received an application (Application) made on behalf of Liquorland (Australia) Pty Limited (Applicant) by Ms Kristy Gemetzis, Senior Licensing Officer for the Company. The Application was lodged by Mr Jon Martin of JDK Legal.
2. The Application seeks the grant of a new packaged liquor licence within the meaning of section 29 of the *Liquor Act 2007*. The Application is made in respect of premises located at Shop 112, Yamba Shopping Fair, 1-3 Treelands Drive, Yamba, NSW, 2464.
3. The proposed licensed trading hours of the licensed business to operate on the Premises are from 9:00am to 9:00pm Monday through Saturday and from 10:00am to 8:00pm on Sunday.
4. The trading hours were originally proposed as from 8:00am to 10:00pm Monday to Saturday and from 10:00am to 10:00pm on Sunday but the hours sought by the Applicant have been reduced in accordance with submissions from Coffs Clarence Local Area Command (LAC), Clarence Valley Council (Council) and Office of Liquor Gaming and Racing (OLGR)
5. The Application seeks that the 6-hour closure period required by section 11A of the Act be fixed at between 3:00am and 9:00am daily.
6. As described in the Authority's Regulatory Delegations Manual, the Authority has delegated to the Licensing Co-ordinator (Delegate) the power to grant certain packaged liquor licence applications that fall within a designated risk threshold. This Application falls within the relevant threshold enabling the matter to be determined under delegation.
7. The Delegate notes that the grant of this Application was determined on 14 September 2015 and informally notified at that time.

MATERIAL BEFORE THE DELEGATE

8. Application Form and Community Impact Statement (CIS) dated 2 April 2015. In the Application as initially filed the Applicant seeks to exercise licensed trading between 8:00am and 10:00pm Monday to Saturday and from 10:00am to 10:00pm on Sunday. The Applicant requests that the 6-hour daily closure period, for the purposes of section 11A of the Act, be fixed between 2:00am and 8:00am. (The Delegate notes that the 6-hour closure period as initially sought by the Applicant would be incompatible with the proposed licensed trading hours, but notes that the Application has been subsequently amended in response to submissions made by Coffs Clarence LAC, Council and OLGR discussed below).
9. The contentions and submissions made by the Applicant in the CIS document as to the overall social impact of granting the Application are discussed below.
10. Plan of the Premises. The Applicant has provided a diagram showing the Premises and the boundaries of the proposed licenced area.
11. Management Strategies document annexed to CIS. This document details the proposed strategies for managing the Premises. It addresses the following subject matters:

- a) Staffing. It is specified that the store will be staffed by five experienced personnel, comprising two full time, two part time, and one casual team members who will be trained in responsible service of alcohol (RSA) practices.
 - b) Security. It is specified that a CCTV system will be installed and the premises "has been designed having regard to Crime Prevention through Design Guidelines".
 - c) Operational practices. The contention is made that Coles Liquor operates over 800 outlets and has "detailed management practices which draw upon experiences in a variety of locations". Staff will be trained in RSA, trading restrictions, dealing with underage customers, secondary supply to minors, restrictions on drinking at the premises, signage and pricing policy.
 - d) Continual application of harm minimisation procedures. This part of the document includes the contention that store management will "adopt a proactive role in the minimising the risk of harm from the sale of alcohol".
 - e) Record and monitor incidents. This section includes the contention that store management will record any incidents of violent, threatening or offensive behaviour, as well as incidents of minors attempting to purchase alcohol, suspected secondary supply to minors and refused sale to intoxicated persons. Management will report any such incidents to the Police.
 - f) Establish a close working relationship with local Police. This part of the document includes the contention that the operator of the store will maintain a relationship between local Police and the Local Liquor accord.
 - g) Establish links within the local community. This section makes the contention that the management of the new business will maintain relations with key organisations and people in order to stay aware of community events and issues.
 - h) Active participation in the Local Liquor Accord. This part of the document includes the contention that management of the business will become a member of the Local Liquor Accord and will actively assist the Liquor Accord.
 - i) Display drink driving educational material. This part of the document makes the contention that educational materials aimed at drink driving will be supplied at the Premises.
12. Liquorland House Policy for the Responsible Service of Alcohol annexed to CIS. This document details strategies for the implementation of responsible service of alcohol (RSA) by the proposed licenced business. The business policy provides as follows:
- a) Staff will refuse to sell liquor to persons who are under the age of 18 and will request identification from anyone who appears to be under 25.
 - b) Staff will refuse to sell alcohol where there is reason to believe that they will supply it to a person under the age of 18 or a person who is intoxicated.
 - c) Staff will refuse to serve liquor to a person who exhibits signs of intoxication.
 - d) Staff will not permit the consumption of alcohol on the Premises.
 - e) Staff and customer will be educated in RSA and the House Policy.
 - f) House policies and practices will be updated and applied continually.
 - g) The Premises will provide low alcohol and non-alcoholic beverages.
 - h) The Premises will display all mandatory signage.
13. Australian Securities and Investment Commission (ASIC) database extract regarding Liquorland (Australia) Pty Limited dated 20 November 2014. This document provides company registration details for Liquorland (Australia) Pty Limited and records that its company directors are Mr John Patrick Durkan and Mr Robert Geoffrey Scott.
14. McCarthy Consulting Group Pty Limited Complying Development Certificate (CDC), dated 3 March 2015. This CDC approves internal fitout works for the proposed Liquorland store. It notes that the hours of operation are restricted (for planning purposes) to between 7:00am and 10:00pm Monday through Sunday. The CDC also

deals with, *inter alia*, the regulation of construction, fire safety, maintenance, and amenities.

15. Submission from OLGR dated 24 July 2015. In this report OLGR do not object to the Application *per se* but object to the proposed hours of licensed trading. In response to the proposed commencement of licensed trading OLGR submit that there is no "compelling evidence" to "support the sale of liquor prior to 10:00am" and contend that the sale of liquor prior to this time "may have an adverse impact".
16. The OLGR Report notes that NSW Bureau of Crime Statistics and Research (BOCSAR) for the period of April 2014 to March 2015 indicates that the town of Yamba had incidents of crime occurring above the NSW State average in the following crime categories:
 - a) *Alcohol related assaults* (domestic and non-domestic) 462 (per 100,000 persons) compared to NSW as a whole which had 301 (per 100,000 persons).
 - b) *Alcohol related disorderly conduct offences* 154 (per 100,000 persons) compared to NSW as a whole which had 128 (per 100,000 persons).
17. Submission from NSW Police, Coffs Clarence LAC, dated 16 June 2015. This submission advises that Police maintain no objection to the Application but requests a reduction in the proposed licensed trading hours to between 9:00am and 9:00pm Monday through Saturday and from 9:00am to 8:00pm on Sunday.
18. Police advise that a "major concern" for Police in Yamba is the supply of alcohol to minors - particularly during the December to January period when many families with children come to Yamba on holiday. Police contend that the "extended hours of trade will only exacerbate this occurring".
19. Submission from Clarence Valley Council, received via email on 9 June 2015. This submission does not object to the Application *per se* but requests that the licensed hours of operation be limited in accordance with the other packaged liquor providers in the area. Council seeks that the licensed trading hours be limited to:

Monday to Wednesday	9:00am to 8:00pm
Thursday to Saturday	9:00am to 9:00pm
Sunday	10:00am to 7:00pm.
20. Submission from Clarence Property Corporation, dated 10 May 2015. This submission is made in support of the Application. The Clarence Property Corporation is the manager of Westlawn Property Trust which is the property owner of Yamba Shopping Fair.
21. This submission contends that "Yamba Shopping Fair has not been able to offer the full shopping experience...due to the lack of retail liquor outlet" and that granting this Application would "complete the retail mix".
22. Submission from Aquarius Agencies Pty Limited trading as The Book Warehouse, dated 6 May 2015. This submission is made in support of the Application by the proprietor of The Book Warehouse. The writer contends that the Application would provide "a service the town is lacking" and submits that the proposed new business will not be "a bulk sale outlet". The writer contends that the store would provide "quality, knowledge and a more relaxed experience".
23. Submission from the Lower Clarence Liquor Accord received by the Authority on 27 May 2015. This submission objects to the Application. It contains the following contentions or submissions:

- a) Yamba has a small population of 6,032 which is "well serviced" by the seven existing outlets and that another outlet "directly opposite the exiting BWS Liquorstore is totally unnecessary".
 - b) Coles is not a "community based" organisation and does not "contribute profits back into the community".
 - c) Yamba has a "high percentage of unemployed youth" who resort to "home fuelled alcohol consumption".
 - d) Alcohol was a "prime contributor" in the "Yamba Riot" of 2010 which resulted in 15 arrests being made - most of which were juveniles.
 - e) Late night assaults in Yamba "are not rare" and are "normally alcohol influenced".
24. Email from Nicole Beath of JDK Legal, sent 19 August 2015. This email responds to the submissions of NSW Police, Clarence Valley Council, and OLGR in relation to proposed trading hours. It states that "the business has reviewed each of the proposed trading hours and has confirmed it will adopt police's position, Monday to Saturday 9:00am to 9:00pm and Sunday 10:00am to 8:00pm (Police did propose a start time of 9:00am on Sundays however we note this is not permissible".
25. Publicly available BOCSAR crime mapping data for April 2014 to March 2015. These crime maps indicate that the Premises are located near a low density hot-spot for the concentration of *domestic assault* and within a low density hot-spot for the concentration of *malicious damage to property* incidents.
26. Authority licensing records. These records, which are updated regularly and available for purchase from OLGR indicate that within four kilometres of the Premises there are:
- a) three club licenses
 - b) three full hotel licences and
 - c) four packaged liquor licences.
27. These records also indicate that within the Clarence Valley Local Government Area (LGA) there are some 14 club licenses, 32 full hotel licenses, and 18 packaged liquor licenses.
28. Authority license density data. This data records the liquor licence density in respect of the Clarence Valley LGA compared to the State of NSW as a whole. It indicates that within the Clarence Valley LGA there are:
- a) 10.06 club licences per 100,000 persons compared to the State of NSW as a whole which had 20.48 per 100,000 persons
 - b) 20.13 full hotel licences per 100,000 persons in the Clarence Valley LGA compared to 30.36 per 100,000 persons for NSW as a whole
 - c) 26.17 packaged liquor licences per 100,000 persons in the Clarence Valley LGA compared to 32.85 for NSW as a whole.
29. Crime data sourced from BOCSAR for calendar year 2013 detailing rates of offences for Clarence Valley LGA compared to NSW as a whole. This data details rates of *alcohol-related incidents*. It indicates that for the calendar year of 2013, the rate of *alcohol-related assault police* was 28 per 100,000 persons compared to NSW as a whole which had 24 per 100,000 persons. The rate of *domestic-violence assault* was 187 per 100,000 persons compared to NSW as a whole which had 145 per 100,000 persons. The rate of *malicious damage to property* was 201 per 100,000 person compared to NSW as a whole which had 122 per 100,000 persons. The rate of *alcohol related non-domestic violence assault* was 276 per 100,000 persons compared to NSW as a whole which had 191 per 100,000 persons.

30. Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS) in 2011, indicating that the state suburb of Yamba falls within the third decile on the Index of Relative Socio-economic Advantage and Disadvantage (IRSAD) for all suburbs in NSW while the Clarence Valley LGA falls within the first decile on the IRSAD for all LGAs in NSW (with a ranking of 10 being the most advantaged).

STATUTORY OBJECTS AND CONSIDERATIONS

31. The power to grant a new liquor licence is provided by section 45 of the Act, which states:

45 Decision of Authority in relation to licence applications

- (1) *The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.*
- (2) ...
- (3) *The Authority must not grant a licence unless the Authority is satisfied that:*
- (a) *the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and*
 - (b) *practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and*
 - (c) *if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.*

32. Under section 48(5) of the Act, the Authority *must not* grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted *will not be detrimental* to the local or broader community.

33. Section 48(5) of the Act states:

48 Community impact

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
- (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions), that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.*

34. An application for a packaged liquor licence is a type of licence prescribed by section 48(2) requiring a CIS and satisfaction of the overall social impact test.

35. In determining the Application, the Delegate also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states:

3 Objects of Act

- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*

- (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

APPLICANT CASE ON OVERALL SOCIAL IMPACT

36. In the Applicant's CIS document dated 2 April 2015 the Applicant contends that Liquorland will establish close links with the local community through participation in the Local Liquor Accord which will "enable Liquorland to quickly resolve any issues".
37. The Applicant contends that the only other packaged liquor outlet within 1 klm of the Premises is the BWS Liquor Store located at 6 Treelands Drive, Yamba and the only other packaged liquor outlet within 3 klms of the Premises is Yamba Shores Tavern.
38. Furthermore, the Applicant contends that while the outlet density of Yamba is low, during the holiday period "Yamba can triple its population" in which case the outlet density is "very low".
39. With regard to the prevalence of alcohol related crime in the relevant communities the Applicant makes the following contentions or submissions:
- a) According to 2013 BOCSAR statistics for Yamba the overall rate of alcohol related assault (both domestic and non-domestic) is slightly higher than the state average. These statistics are based on a fixed population, however, the population of Yamba increases significantly during the holiday season and as such these crimes rates are distorted. "When the seasonal increase in population is factored into the statistics the rates of crimes are more likely to be consistent with or below the state average".
 - b) The Applicant submits that "the statistics do not suggest that there are any groups particularly susceptible to risk of harm associated with alcohol as a consequence of this application being approved and do not indicate that the rate of crime is likely to increase".
 - c) The Applicant contends that "the majority of assaults involving alcohol are attributable to consumption of alcohol at hotels".
 - d) The Applicant contends that the licensee's management practices "will minimise the likelihood of the Proposed Premises contributing to crimes and antisocial behaviour".
 - e) The Applicant submits that the Premises will close earlier than "any local hotels or nightclubs" and contends that for this reason it is "unlikely that the Proposed Premises will contribute to any late-night anti-social behaviour".
40. With regard to the advantages to the local and broader community from licensing the Premises, the Applicant makes the following contentions:
- a) There is currently no packaged liquor outlet in the Yamba Shopping Fair Shopping Centre.
 - b) Customers "expect a packaged liquor outlet to be co-located with a supermarket" and granting the Application will "meet the needs and in deed expectations of customers".

- c) The "close proximity of the Premises to the Coles Supermarket and other outlets within the Centre" will offer "greatly increased shopping convenience".
 - d) The public "will benefit from increased competition".
 - e) The operation of the new licensed business will "increase employment". The Applicant contends that the licensed business to operate on the Premises will "employ five team members on a regular basis with additional team members employed during peak periods".
41. With regard to the submissions made in objection to the Application the Applicant submitted the following response via email on 19 August 2015:
- a) The Applicant notes that the revision of trading hours requested in the Council, OLGR, and Police submissions is "acceptable".
 - b) The Applicant proposes new trading hours for the Premises which are 9am to 9pm Monday to Saturday and 10:00am to 8:00pm Sunday.
 - c) The Applicant contends that the Clarence Liquor Accord is a commercial competitor.
 - d) The Applicant submits that the objection raised by the Clarence Liquor Accord is primarily based on a lack of "need" for an additional packaged liquor retailer and the possibility of alcohol related crime. The Applicant submits that the Authority has "consistently held that the issue of need is no longer a relevant consideration in determination of applications" and that there is "no particular problem with alcohol related harm within this local community" as is indicated by the Police and OLGR submissions.

REASONS

42. The Delegate is satisfied, for the purposes of section 40 of the Act that the Application and CIS material establishes that the Application has been validly made and relevant consultation and advertising requirement of the legislation were observed.
43. The Delegate is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant company is a fit and proper corporate person from a probity perspective and that no probity concerns have been raised in submission from the other stakeholders, particularly NSW Police and OLGR, in this regard.
44. The Delegate is satisfied that the Applicant has provided a Management Strategies document that will be in place at the Premises that will also govern the sale of liquor from the Premises. There is no adverse information before the Delegate as to the Applicant Company's fitness in response to consultation on this Application with relevant law enforcement agencies including Police and OGLR.
45. The Delegate is satisfied, for the purposes of section 45(3)(b) of the Act, Responsible Service of Alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the Management Strategies document provided by the Applicant and noting the absence of any adverse submission from OLGR or from Police in this regard.
46. The Delegate is satisfied, for the purpose of section 45(3)(c) of the Act, that the required development consent is in place for conduct of a retail package liquor business on the Premises. This finding is made on the basis of the CDC dated 3 March 2015, issued by the McCarthy Consulting Group Pty Limited.

Local and Broader Community

47. With regard to the overall social impact test proscribed by section 48(5) of the Act, the Delegate is satisfied that the local community comprises the town of Yamba while the broader community comprises the Clarence Valley LGA.

Overall Social Impact

48. Applying the overall social impact test requires a degree of speculation, albeit speculation informed by the particular proposal and the prevailing circumstances in the relevant local and broader community.

Positive Benefits

49. The Delegate accepts the Applicant's contention that granting the Application will provide some additional measure of convenience to those members of the local and broader community who wish to purchase liquor for consumption off the Premises at the same time as buying their groceries, and other items from the Yamba Shopping Fair shopping centre. The Delegate notes that this is the only liquor outlet located in the Shopping Centre, and in this respect there is an apparent further convenience benefit of "one stop" shopping.
50. A very small measure of community support for the Application has been demonstrated by the Applicant through the provision of two letters of support, albeit one from the company that manages the Yamba Shopping Fair shopping centre and one from another business located within the shopping centre. Both submissions contend that it would be beneficial to the community for there to be a Liquorland store within the shopping centre. The weight of these submissions is somewhat lessened by the commercial interest that both of these parties have in the grant of this Application.
51. The Delegate accepts as generally credible the Applicant's submission that granting this Application will, to some extent, provide employment opportunities within the Premises. However, no clear or unequivocal commitment has been made as to the whether staff will be employed from within the local or broader community, as distinct from other areas, and this diminishes the weight that can be given to his particular form of community benefit.
52. The Delegate accepts as credible that the Application would meet the expectations of consumers for a packaged liquor store within a shopping centre and that the presence of this liquor store would strengthen the viability of the shopping centre as patrons of the shopping centre would have the convenience of being able to purchase liquor in addition to their regular groceries without having to make an additional trip.
53. The Delegate is satisfied that by granting the Application, the enhanced convenience, will be consistent with promoting the "expectation, needs and aspirations" of the local and broader community, which is a statutory object of section 3(1)(a) of the Act.
54. The Delegate accepts that there may also be some benefits by way of increased competition for the local supply of retail packaged liquor, particularly given that according to Authority Licencing records, the density of packaged liquor licences (26.17 per 100,000 persons), club licences (10.06 per 100,000 persons) and full hotel licences (20.13 per 100,000 persons) licenses in the suburb of Clarence Valley LGA is below the licence density for NSW as a whole which has 32.85 packaged liquor licences per 100,000 persons, 20.48 club licenses per 100,000 persons, and 30.36 full hotel licenses per 100,000 persons.

Negative Impacts

55. The Delegate accepts that over time there will likely be some contribution from the liquor sold at the Premises to the abuse of packaged liquor in the local and broader community and to alcohol related crime, disturbance or other impacts on local amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
56. The Delegate has considered the factors outlined in Authority Guideline 6 that the Authority will usually apply when assessing the relative social impact posed by the new liquor business in question.
57. The size of the proposed licensed area, at 105 square meters, is not inconsiderable but is comparable to many standalone liquor stores associated with supermarkets located within shopping centres.
58. The trading hours sought by the Applicant are quite extensive. In the Application, as now amended, the Applicant seeks licensed trading from between 9:00am and 9:00pm Monday through Saturday and from 10:00am to 8:00pm on Sunday, noting that licensed premises may potentially only sell takeaway liquor until 10:00pm at latest across NSW. This is a factor that objectively expands the capacity of the proposed new business to contribute, along with the incumbent licensed businesses, to local alcohol related crime and disturbance.
59. The location of the Premises is of some concern given the capacity for liquor sold from this business to contribute to social problems linked to the abuse of packaged liquor, which the Delegate accepts will likely occur off premises with a packaged liquor licence.
60. The BOCSAR crime statistics for the broader community of the Clarence Valley LGA satisfy the Delegate that there is a moderately higher rate of alcohol-related domestic assault occurring at the level of the broader community - at 187 per 100,000 persons by comparison to the rate of 145 per 100,000 persons for the State as a whole. This Delegate further notes that the Premises are located near an existing low density hotspot for the concentration of domestic assault. The Delegate accepts that liquor purchased from this premises may contribute over time to instances of domestic assault in the local and broader community.
61. The BOCSAR crime statistics for the local community provided by OLGR indicate that the level of the local community *Alcohol related assaults* (domestic and non-domestic) 462 (per 100,000 persons) compared to NSW as a whole which had 301 (per 100,000 persons).
62. However, this figure incorporates both domestic and non-domestic alcohol related assault and the Delegate accepts the Applicant's submission that liquor consumed at on licensed premises (such as hotels) are likely to provide a substantial source of the alcohol related non-domestic assaults.
63. The Delegate notes that while submissions have been made by Police that the consumption of liquor by minors is a matter of concern to local police, and this submission is generally credible the Police submissions do not provide much by way of detail as to the frequency or place of occurrence where under aged drinking is detected by Police. The Delegate note that Police, OLGR and Council have not provided any information suggesting that Premises is located within an area that is already sensitive to the abuse of packaged liquor.

64. The Delegate notes the relative social disadvantage within the local community (which has an IRSAD score of 3, indicating relative disadvantage) and the broader community (which has an IRSAD score of 1, indicating significant disadvantage) but while socio-economic disadvantage presents as a compounding cause for concern when assessing impact, this has not translated into any concerns expressed by local organisations or law enforcement.
65. The Delegate notes the submission from the Lower Clarence Liquor Accord and recognised that the Unemployed Youth demographic in Yamba may be experiencing some difficulty with the responsible consumption of alcohol. The weight of this submission, however, is limited by the absence of any information in the submission regarding the location of sensitive areas in the local community for youth drinking and whether the Premises is located in or near such an area.
66. Furthermore, submissions as to a lack of "need" are not, *per se* of assistance in determining social impact. The incumbent availability of liquor outlet may potentially reduce the extent of convenience or other consumer benefits from granting the proposed Application – in this case the Delegate accepts that licensing an outlet within the Yamba Fair shopping centre will provide some additional convenience by way of one stop shopping by those purchasing groceries and other items from this shopping centre.
67. The harm minimisation measures outlined in the Management Strategies and House Policy documents provided by the Applicant, including the installation of CCTV surveillance, also satisfy the Delegate that step will be taken by the Applicant and staff to ensure that the extent of adverse impact arising from the abuse of liquor sold from the Premises is constrained. That is another factor that will assist in minimising the social impact that the operation of this packaged business may otherwise have over time in the local or broader community.

CONCLUSION

68. Considering together the positive benefits found in this case and the factors which objectively constrain or reduce the extent of likely negative impacts that may otherwise arise from the sale of liquor from this proposed new business, the Delegate is satisfied that the overall social impact of granting this Application for a packaged liquor licence will not be detrimental to the well-being of the local or broader community.
69. In making this decision the Delegate has had regard to all of the statutory objects of section 3(1) and has taken into account all of the considerations prescribed by section 3(2).
70. The Delegate is satisfied that granting the Application in the circumstances proposed by the Applicant will advance, to some modest extent, the "needs desires and expectations" of the local and broader community who are likely to shop at this shopping centre which is an object of section 3(1)(a) of the Act. The Delegate is satisfied that granting the Application will also facilitate, to a modest extent, the balanced development in the public interest of the liquor industry which is an object of section 3(1)(b) of the Act.
71. While the Delegate considers that there is some cause for concern arising from the crime data as to the scope for *this* business to contribute to adverse local community liquor related social impacts, on the material before the Delegate (and having regard to the business type, scale, location, trading hours and those aspects of the business that will serve to minimise harm, particularly its location within a shopping centre that is not identified as in a problematic area), the Delegate is not satisfied that the evidence as to

potential negative impacts is of such concern to find that the overall impact of granting this Application will be detrimental to this local or broader community.

72. The Delegate has had regard to the need to minimise harm associated with the misuse and abuse of liquor within the meaning of section 3(2)(a) and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from the amenity of community life within the meaning of section 3(2)(c).
73. In making this decision, the Delegate has determined the 6-hour closure period under section 11A(3) of the Act as the period from 3:00am to 9:00am.



Micheil Brodie
Chief Executive

DATED 17 FEB 2016