



Mr Jon Martin
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26 July 2022

Dear Mr Martin

Application No.	APP-0008817690
Applicant	Liquorland (Australia) Pty Ltd
Application for	Packaged liquor licence
Proposed licence name	Liquorland
Proposed licensed premises	19-33 Walker Street Helensburgh NSW 2508
Trading hours applied for	Monday to Saturday 10 am – 10 pm Sunday 10 am – 9 pm
Legislation	Sections 3, 11A, 12, 29 - 31, 40, 44, 45, and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a packaged liquor licence – Liquorland, Helensburgh**

The Independent Liquor & Gaming Authority considered the application above, and decided on 30 May 2022 to **refuse** the application under section 45 of the *Liquor Act 2007*.

Statement of reasons

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

If you have any questions, please contact the case manager, Leonie Jennings, at leonie.jennings@liquorandgaming.nsw.gov.au.

Yours faithfully

Murray Smith
Deputy Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. On 10 June 2021, Liquorland (Australia) Pty Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence for the premises at 19-33 Walker Street, Helensburgh (“Premises”).
2. The Authority first considered the Application at its meeting on 19 January 2022 and, following a public meeting on 4 April 2022, decided on 30 May 2022 to refuse to grant the packaged liquor licence under section 45 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.

MATERIAL CONSIDERED BY THE AUTHORITY

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all verbal and written submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with its *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
7. A list of the material considered by the Authority is set out in Schedule 1.

LEGISLATIVE FRAMEWORK

8. The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
 - c) Sections 29-31: Specific provisions in respect of a packaged liquor licence.
 - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - e) Section 44: Submissions to Authority in relation to licence applications.
 - f) Section 45: Criteria for granting a liquor licence.
 - g) Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
9. An extract of these sections is set out in Schedule 2.
10. The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

KEY FINDINGS

11. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading hour requirements

12. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 40 of the Act,
 - b) if the Licence were to be granted, liquor would be sold in accordance with the authorisation conferred by the Licence as required by section 29 of the Act, and
 - c) sections 30 and 31 of the Act do not apply to the Application, as the Premises is not intended to operate as is contemplated by the sections.
13. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements.

Fit and proper person, responsible service of alcohol, and development consent requirements

14. Pursuant to section 45 of the Act, the Authority is also satisfied that:
- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
 - b) practices would be in place from the commencement of licensed trading at the Premises to facilitate the responsible serving of alcohol, having regard to the plan of management documentation for the Premises and the conditions to be imposed on the licence, and
 - c) the requisite development consent is in force, based on the Notice of Determination of Development Application No. DA-2021/822 in respect of the Premises, issued by Wollongong City Council on 26 October 2021.

Community impact

Local and broader communities

15. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Helensburgh, and the relevant "broader community" comprises the Local Government Area ("LGA") of Wollongong.

Licence density

16. The Authority notes that, compared to the NSW state average:
- a) Helensburgh has a **higher** saturation of packaged liquor licences
 - b) Wollongong LGA has a **lower** saturation of packaged liquor licences
 - c) Helensburgh and Wollongong LGA have **lower** saturation and clustering of licences authorised to sell packaged liquor (this includes packaged liquor, hotel and club licences).

Crime data

17. The relevant BOCSAR data indicates that, in the year to June 2021:
- a) the Premises was **not** located within or near hotspots for incidents of alcohol-related assault, domestic and non-domestic assault, or malicious damage to property.
 - b) Helensburgh recorded **lower** rates of alcohol-related domestic and non-domestic assault, alcohol-related non-domestic serious assault, alcohol-related offensive conduct and malicious damage to property, compared to the NSW state average.
 - c) Wollongong LGA recorded **higher** rates of alcohol-related non-domestic assault, alcohol-related non-domestic serious assault and malicious damage to property, and **lower** rates of alcohol-related domestic assault and alcohol-related offensive conduct, compared to the NSW state average.

Alcohol-related health data

18. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Wollongong LGA recorded a **lower** than average level of alcohol-attributable hospitalisations for the period 2017/2018-2018/2019, and a **higher** than average level of alcohol-attributable deaths for the period 2017/2018.

SEIFA

19. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Helensburgh and Wollongong LGA were relatively **advantaged** compared to other suburbs and LGAs in NSW.

Business model

20. The Authority notes that the Applicant proposes to operate a new standalone 172m² Liquorland bottle shop that will be located adjacent to an existing Coles supermarket.

Purported benefits

21. The Authority has had regard to the Applicant's purported benefits, including:

- a) that the revamped Liquorland format provides a genuine point of difference compared to other liquor retailers in Helensburgh, including through the provision of the following products and services not currently available to consumers within the local community:
 - i. approximately 400 award winning product lines that are exclusive to Coles
 - ii. approximately 140 locally produced NSW wines and beers
 - iii. a large range of no and low alcohol products
 - iv. a click and collect service
- b) convenience and one-stop shopping
- c) increased expenditure in the local community
- d) increased competition
- e) increased employment
- f) contribution to local community groups.

Stakeholder submissions

Initial submission period

22. The Authority has had regard to the following submissions received during the initial submission period:

- a) **NSW Police Force**, which raises no objection to the Application.
- b) **Cr Gordon Bradley AM, Lord Mayor, Wollongong City Council**, which draws the Authority's attention to "a level of concern in the Helensburgh community over the application" and urges the Authority "to exercise caution in approving any further liquor outlets in Walker Street."
- c) **Wollongong City Council**, which has no objections in principle, however, notes the following:
 - i. local businesses predominately service the local community rather than visitors and tourists and there are currently three outlets where packaged liquor can be purchased in Walker Street

- ii. consideration should be given to the car park area and customer access late at night as these areas pose some community safety risks. Council recommends that the applicant installs adequate lighting and CCTV
 - iii. incidences of antisocial behaviour and public drinking have been reported in Walker Street
 - iv. the applicant should consider aligning the proposed trading hours to the other businesses in the area
 - v. Walker Street is located in an alcohol-free zone.
- d) **L&GNSW Compliance**, which raises no objections or concerns.
- e) **NSW Ambulance**, which notes *“Helensburgh is a station that has a 24hr coverage through an on-duty dayshift crew, with the nights covered by paramedics being on-call. In addition, our teams from the Illawarra North command may be fluidly deployed into the area 24hrs when demand increases. Helensburgh does not have a high [a]lcohol-related incidence, which concerns NSW Ambulance.”*
- f) **Transport for NSW**, which does not object to the Application in principle, however, recommends that the Applicant joins the local liquor accord.
- g) **Members of the public**. The Authority received 264 submissions in objection to the Application, and 29 submissions in support of the Application.

Submissions in **objection** to the application raised a number of concerns, including that:

- i. the local community is overserved by packaged liquor outlets and there is no ‘need’ for another liquor outlet
- ii. the community would be better serviced by another grocery store, deli or other retail offering presently in limited supply in the local community
- iii. the Liquorland store would compete with locally owned liquor outlets that support the local community through sponsorship of local sporting teams, events and organisations, and these businesses may not survive
- iv. the position of the Premises may encourage the sale or secondary supply of alcohol to teenagers and younger persons due to its proximity to Helensburgh Plaza carpark which is not patrolled at night
- v. there is an increased possibility of alcohol related crime and violence in the local community, which is of particular concern as there is no dedicated police station in Helensburgh.

Submissions in **support** of the Application contend that the proposed Liquorland store would offer:

- vi. convenience: locals would no longer have to travel outside of Helensburgh to the neighbouring local government area for lower prices and a wider variety of products
- vii. a more competitive retail environment which would in turn benefit consumers through lower prices and would retain revenue in the local community
- viii. increased employment opportunities.

Public consultation meeting

23. On 4 April 2022 a public consultation meeting was held in Helensburgh. The meeting was attended by approximately 78 members of the public. All those who spoke at the meeting were opposed to the Application. The following concerns were raised:

- a) That the suburb of Helensburgh has a unique village-like amenity and this would be eroded by the inclusion of a major commercial chain retailer in its shopping precinct
- b) That the amenity of the local area will be adversely impacted by the inclusion of a fourth liquor outlet on the basis that the prevalence of signage and availability of liquor would disturb the balance of the commercial centre of the village. Specifically, this would be the fourth packaged liquor licence in a small village shopping precinct
- c) Research undertaken by a local General Practitioner, Dr Kemper, was to the effect that there is already a significant burden of adverse health effects on members of the Helensburgh community that are correlated to higher than recommended levels of alcohol consumption within the male and female population. Dr Kemper and his medical practice colleagues have been responding to this health issue through primary health measures and expressed concern that an additional liquor outlet may aggravate the existing issue. He identified that increased number of liquor outlets is likely to generate more obvious and aggressive marketing by each venue as they compete for market share, leading to increased awareness of the availability of liquor products and desire to consume them. This may serve as an interference with the primary health care and other measures that he and his colleagues have identified and are working to alleviate within the local community, contrary to the health and wellbeing of the community
- d) There is no immediate police presence in Helensburgh, with such services now based in Wollongong, which is 30 minutes away. There is a concern that increased availability of liquor may lead to increased rates of domestic violence and non-domestic violence, thus exposing the community to added harm without the protection of a close-to-hand police response
- e) The operation of the existing Coles supermarket, including litter and inadequate parking has adversely impacted the village like amenity of the local area and shopping precinct, such that the inclusion of a further Coles-owned facility is likely to further impact the amenity
- f) Coles does not respond to the needs and expectations of the community for example, by ensuring that there is a delicatessen in its existing supermarket
- g) Coles does not engage in a positive way in the local community by, for example, not sponsoring any local sporting teams
- h) There were some misrepresentations in the Application, including that the proposed licensed premises is situated in a "plaza" and in terms of the distance between Coles and the proposed Liquorland
- i) Existing issues with graffiti and antisocial behaviour; limited entertainment options for young people.

Persons unwilling to attend the public meeting

24. Three emails were received from persons who did not feel comfortable attending the public meeting to speak in support of the application in front of a crowd of objectors due to fear of being "*criticised and ridiculed*".

Further submission period

25. At the public meeting, the Authority received several requests to publish all submissions received in respect of the application on the Liquor & Gaming NSW website in the interest of transparency and to facilitate a more fulsome discussion around the social impacts of approving the application, given the unusually significant amount of interest this application has generated. The Authority agreed to this request and a further submission period was opened from 22 April 2022 to 9 May 2022.
26. Submissions were received from 38 members of the public (with some submitters lodging multiple submissions).
27. Those **objecting** to the application raised the following concerns:
- a) Lack of police and emergency services presence in Helensburgh
 - b) The applicant has misled the public by stating that the premises is situated in "Helensburgh Plaza." While the proposed licensed premises adjoins the Plaza, the Plaza is "*just a high street facing supermarket with a ramp connected to a rear carpark, it is not by any stretch of the imagination a shopping centre*", and the applicant's claim that the premises would offer a "one-stop shopping" experience is inaccurate
 - c) High density of outlets authorised to sell packaged liquor in Helensburgh, noting that there are three existing bottle shops (one of which trades under a hotel licence)
 - d) Antisocial behaviour including noise, vandalism, "car hoons" and rubbish, particularly in the Coles carpark and in the vicinity of the proposed Liquorland store
 - e) Normalisation of alcohol and underage drinking
 - f) The late trading hours applied for (until 10 pm Monday to Saturday, and 9 pm Sunday)
 - g) Operation of the Liquorland store will result in issues with traffic and parking, pedestrian access and safety, and security
 - h) Lack of variety in the retail offerings in Helensburgh – there is greater need for offerings such as a greengrocer, bank or deli than a fourth bottle shop
 - i) Impact on local independent family run bottle shops who offer sponsorship to local sporting teams and donate to the local community
 - j) The applicant has provided a lack of evidence with regards to any significant positive impact on the local community
 - k) Research evidence has found a correlation between alcohol outlet density and adverse health and crime impacts
 - l) The Coles supermarket in Helensburgh is not proactive in addressing concerns raised by local residents, and does not support the local community through sponsorship or donations.
28. Those **in support** of the application made the following observations:
- a) The new Liquorland would offer benefits in terms of price, range and convenience
 - b) The existing bottle shops either offer a small range of products or do not offer competitive pricing
 - c) The Liquorland store will occupy a vacant shop
 - d) Welcoming of increased competition to keep the community shopping locally
 - e) Claims that the local community does not experience alcohol-related issues, and that the reason there is not a staffed police station is because of the "low incidence of crime"

- f) Tenants that lease the respective premises in Helensburgh Plaza have expressed the desire to be in that location due to the proximity to Coles, and the one stop shopping benefits associated with its position and abundant parking at the rear
- g) Approval of the application would result in the creation of employment opportunities
- h) One anonymous submitter describes an alleged campaign by a few interested parties to incite opposition against the Application
- i) Helensburgh has grown into a large coastal town and competition from a larger retailer would be beneficial to the community and other businesses in the Helensburgh shopping area.

Applicant's submissions in response

29. The Authority has also had regard to the Applicant's submissions in response, including that:

- a) there is evidence of locally based support for the Application
- b) there is evidence that those who support the Application feel intimidated and reluctant to participate other than on condition of anonymity
- c) no objection or adverse submission has been made by any statutory authority
- d) the Application has been subject to a campaign by incumbent businesses to generate opposition to the Application, with the Applicant contending that the submissions in support may provide a more genuine indication of the potential social impact of the Application.

Overall social impact

30. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that:

- a) there are some benefits to the Application, including convenience, more competitive pricing and greater choice
- b) Helensburgh has a density of packaged liquor licences that is above the state average
- c) there is substantial community opposition to the application, with a much smaller contingent supportive of the Application
- d) there is some localised evidence from a local GP underpinned by patient surveys of the local community that shows a significant burden of injury and health compromise related to alcohol intake and a high rate of alcohol intake above Australian guideline recommendations
- e) approval of the Application may detract from the amenity of the local community, which has been described by local members as having a unique village-like atmosphere.

31. 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.

32. The Authority notes that the Applicant has sought to address the concerns of the local community by implementing a range of mitigation measures specifically tailored to the Application, including:

- a) reduced trading hours
- b) the employment of a security guard on Friday and Saturday nights

- c) the operation of CCTV at the premises
 - d) participation in the local liquor accord
 - e) adherence to the Coles Liquor management strategies and house policy
 - f) the maintenance of an incident register at the premises
 - g) consent to a range of licence conditions typically imposed on packaged liquor licences.
33. The Authority considers that the complaints about Coles not offering a delicatessen at its supermarket or not supporting local sports teams are not relevant matters for the purpose of determining this application. As such, these matters have not been taken into account.

CONCLUSION

34. Having considered the positive and negative social impacts that are likely to flow from granting the licence, as well as the Applicant's efforts to mitigate the potential risks associated with the Premises, the Authority is **not** satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.
35. Additionally, given the overwhelming and unprecedented scope of community objection to the Application, the Authority does not consider that a decision to grant the licence would be "consistent with the expectations, needs and aspirations of the community", pursuant to the objects of the Act as outlined in section 3. While the Authority understands that there may have been members of the community who support the application but did not wish to make a submission in its favour, the Authority must base its decision on the available evidence. The evidence from the community members who did make submissions was overwhelmingly opposed to the application.
36. Accordingly, the Authority has decided to **refuse** to grant the packaged liquor licence under section 45 of the Act.



Murray Smith
Deputy Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the [Liquor & Gaming NSW website](#) and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The [NCAT website](#).

Schedule 1 – Material considered by the Authority Liquorland, Helensburgh

Application material

1. Completed application form, dated 10 June 2021.
2. Completed application notices, dated 10 June 2021.
3. Completed Category B Community Impact Statement, dated 9 June 2021, attaching:
 - a. List of stakeholders and special interest groups
 - b. 100 metre radius map
 - c. Completed notice of intention to apply for a liquor licence
 - d. Social and economic review by Ethos Urban, dated 3 June 2021
 - e. Additional statement in support of the Community Impact Statement
 - f. Floor plan for the Premises indicating the proposed licensed area
 - g. Development consent for the Premises
 - h. Submissions received by the Applicant in response to the notice of intention
 - i. Coles Liquor Management Strategies and House Policy for the Responsible Service of Alcohol.
4. Completed certification of advertising dated 29 June 2021.
5. ASIC business records in relation to the Applicant and financially interested parties.

Development consent

6. Notice of determination issued by Wollongong City Council on 26 October 2021, approving Development Application No. DA-2021/822 for the Premises.

Liquor & Gaming LiveData Report (see Schedule 3)

7. L&GNSW Liquor & Gaming LiveData Report for the suburb of Helensburgh, generated on 5 December 2021. Refer to Schedule 3 for a summary of key data extracted from the LiveData Report.

Stakeholder submissions

8. 40 public submissions received by JDK Legal, in response to the notice of intention, between 17 January 2021 to 15 February 2021.
9. Submission from Transport for NSW, dated 25 January 2021.
10. Submissions from Wollongong City Council, dated 5 February 2021 and 23 June 2021.
11. 99 public submissions received via the L&GNSW submissions inbox, between 7 June 2021 to 24 August 2021.
12. 82 public submissions received through the Liquor & Gaming Applications Noticeboard, between 11 June 2021 to 10 August 2021.
13. Submission from NSW Police Force, dated 15 June 2021.
14. 72 public submissions received via the Planning Alert Portal, between 17 June 2021 to 15 July 2021.
15. Submission from Cr Gordon Bradbery AM, Lord Mayor, Wollongong City Council, dated 23 June 2021.
16. Submission from L&GNSW Compliance, dated 18 August 2021.
17. Submission in response prepared by Ethos Urban on behalf of the Applicant, dated 8 September 2021.
18. Statement of the State Operations Manager at Coles Liquor, dated 11 September 2021.

19. Submissions from 38 members of the public received between 16 March 2022 and 6 May 2022.
20. 22 verbal submissions made during the public consultation meeting in Helensburgh on 4 April 2022.
21. Information from Dr Trevor Kemper regarding patient surveys undertaken by Equilibrium Healthcare, dated 8 April 2022.
22. Submission from NSW Ambulance, dated 19 April 2022.
23. Applicant's submission in response to the matters raised at the public meeting, dated 27 April 2022.
24. Applicant's final submission, dated 20 May 2022.

Other relevant information

25. Email from Neighbourhood Forum 1 to the Authority, dated 16 December 2021.
26. Correspondence between L&GNSW staff and the Applicant between 18 June 2021 and 20 May 2022 in relation to the assessment of the Application.
27. Post on the 'Helensburgh help and 2508 suburbs' Facebook page, as provided by the Applicant on 28 March 2022.
28. Post on the Illawarra Mercury Facebook page, as provided by the Applicant on 6 May 2022
29. Google map images extracted from the Google website showing the location and photos of the Premises in map, satellite and street view.
30. Google map images showing the location of the Premises to Helensburgh Premium Liquor, the location of current liquor licences in Helensburgh, including the distance to the Premises.

Schedule 2 – Relevant extracts from the *Liquor Act 2007*

Liquorland, Helensburgh

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, and the operation of licensed premises, contributes to, and does not detract from, the amenity of community life,
- (d) the need to support employment and other opportunities in the—
 - (i) live music industry, and
 - (ii) arts, tourism, community and cultural sectors.

11A Special licence condition—6-hour closure period for licensed premises

(1) This section applies in relation to—

- (a) any licence granted on or after 30 October 2008, and
- (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.

(2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).

(3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.

(4) In the case of a licence—

- (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the [Liquor Legislation Amendment Act 2008](#)) commenced, or
- (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,

the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.

(5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than—

- (a) the period as last approved by the Authority, or
- (b) the period specified in subsection (4).

(6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.

(7) To avoid doubt, during the 6-hour closure period for any licensed premises—

- (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
- (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.

(8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).

(9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.

(10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

(1) For the purposes of this Act, the ***standard trading period*** means—

- (a) for any day of the week other than a Sunday—
 - (i) the period from 5 am to midnight, or

- (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
- (b) for a Sunday—
 - (i) the period from 10 am to 10 pm, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

Note—

Small bars are subject to the 6-hour closure period under section 11A.

(1B) Despite subsection (1)(b), the **standard trading period** for premises to which this subsection applies ends at midnight on a Sunday that falls on 24 or 31 December.

(1C) Subsection (1B) applies to the following premises or part of premises—

(a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,

(b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,

(c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.

(2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may—

(a) apply to a specified class of licensed premises, and

(b) apply in relation to a specified day or days, and

(c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.

(3) Without limiting subsection (2)(a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

29 Authorisation conferred by packaged liquor licence

(1) **Retail sales** A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only—

(a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or

(b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to midnight on that day.

(2) **No retail trading on restricted trading days** Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.

(3) **Selling liquor by wholesale or to employees** A packaged liquor licence also authorises the licensee—

(a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and

(b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.

(3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

(a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and

(b) on any other day—after midnight.

(4) **Tastings** A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

(1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.

(2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

(1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that—

- (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
- (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.

(2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.

(3) In this section—

general store means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

service station means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

take-away food shop means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

40 Licence applications

(1) Licence applications are to be made to the Authority.

(2) An application for a licence may be made by—

- (a) an individual, or
- (b) a corporation, or
- (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10(1) of the [Registered Clubs Act 1976](#).

(3) An application for a licence may not be made by—

- (a) an individual who is under the age of 18 years, or
- (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
- (c) an individual who is a controlled member of a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

Note—

Controlled members are prohibited from applying for licences—see section 27 of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

(4) An application for a licence must—

- (a) be in the form and manner approved by the Authority, and
- (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
- (c) be advertised in accordance with the regulations, and
- (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note—

See also section 48 which requires a community impact statement to be provided with certain licence applications.

(5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

44 Submissions to Authority in relation to licence applications

(1) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for a licence.

(2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the licence.

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) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.

(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.

Note—

Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

(4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.

(5) Without limiting subsection (3)(a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person—

(a) that the person—

(i) is a member of, or

(ii) is a close associate of, or

(iii) regularly associates with one or more members of,

a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#), and

(b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.

(5A) Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant—

(a) is of good repute, having regard to character, honesty and integrity, and

(b) is competent to carry on that business or activity.

(6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

(7) In deciding whether or not to grant a licence, the Authority must consider whether, if the licence were granted, it would provide employment in, or other opportunities for, any of the following—

(a) the live music industry,

(b) the arts sector,

(c) the tourism sector,

(d) the community or cultural sector.

48 Community impact

(1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of—

(a) the views of the local community, and

(b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application, and

(c) whether the granting of the application would provide employment in, or other opportunities for, any of the following—

(i) the live music industry,

(ii) the arts sector,

(iii) the tourism sector,

(iv) community or cultural sector.

(2) In this section—

relevant application means any of the following—

(a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,

(b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,

(c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,

(d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),

(e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),

(e1) an application for an extended trading authorisation in relation to a small bar licence (but only if the authorisation will result in trading on a regular basis at any time between 2 am and 5 am),

(f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,

(g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49(5)(b) or (5A) or 49A(3)(b)).

(3) A relevant application must be accompanied by a community impact statement.

(3A) However, a small bar application is not required to be accompanied by a community impact statement if—

(a) development consent is required under the [Environmental Planning and Assessment Act 1979](#) to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and

(b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.

(3B) For the purposes of subsection (3A), a **small bar application** means any of the following—

(a) an application for a small bar licence,

(b) an application for approval to remove a small bar licence to other premises,

(c) an application for an extended trading authorisation for a small bar, other than if the authorisation would result in trading on a regular basis at any time between 2 am and 5 am,

(d) an application to vary an extended trading authorisation for a small bar, other than if the variation would result in trading on a regular basis at any time between 2 am and 5 am.

(3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if—

(a) the application relates to the same premises as the premises to which a general bar licence relates, and

(b) development consent has been obtained under the [Environmental Planning and Assessment Act 1979](#) to sell liquor during the times to which the application relates and those times are specified in the development consent.

(3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if—

(a) an extended trading authorisation of the kind referred to in section 49(5)(a) is in force in respect of the licensed premises concerned, or

(b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the [Registered Clubs Act 1976](#).

(4) The community impact statement must—

(a) be prepared in accordance with the regulations and any requirements of the Authority, and

(b) be in the form approved by the Authority.

(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

(a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, 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.

(6) The regulations may make provision for or with respect to the following—

(a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),

(b) the matters to be addressed by a community impact statement,

(c) the information to be provided in a community impact statement,

(d) the criteria for determining the local and broader community for the purposes of a relevant application,

(e) any other matter relating to the preparation and content of a community impact statement.

(7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

Schedule 3 – Extract from the Liquor & Gaming LiveData report for Helensburgh, dated 5 December 2021

Outlet Density Data

Table 1: Outlet saturation (annual rate per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Helensburgh	Wollongong LGA	Major Cities of Australia (NSW)	All of NSW
Dec 2021	Overall	109.7	183.7	186.6	208.1
	Packaged liquor store	31.3	26	28.1	30.7
	Authorised to supply packaged liquor	62.7	63.8	59.5	76.3
	Hotel	15.7	19.2	19.9	28.5
	General bar	0	2.9	1.5	1.4
	Club	15.7	18.7	11.5	17.1
	Late-trading outlets	15.7	25.5	33.7	35.1

Table 2: Outlet clustering in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Helensburgh	Wollongong LGA	Major Cities of Australia (NSW)	All of NSW
Dec 2021	Overall	4.6	52.7	134.6	95.8
	Packaged liquor store	1	2.3	4	3.1
	Authorised to supply packaged liquor	0.5	2.3	11.2	7.2
	Hotel	0	3.4	27.1	15.4
	General bar	0	10.2	45.3	37.6
	Club	0	1.3	1.3	1
	Late-trading outlets	0	24.9	99.2	73.6

Licensed Premises Data

Table 3: Number of liquor licences in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Helensburgh	Wollongong LGA	Major Cities of Australia (NSW)	All of NSW
Dec 2021	Producer/wholesalers (with on-premises authorisation)	0	9	94	303
	On-premises (with no Primary Service Authorisation)	3	182	5606	7614
	On-premises (with Primary Service Authorisation)	0	42	1308	1731
	Small bar	0	11	169	206
	Club	1	38	651	1280
	Hotel	1	33	1037	2024
	General bar	0	6	87	107
	Packaged liquor store	2	53	1585	2299

	Total authorised to supply packaged liquor	4	124	3273	5603
	Total not authorised to supply packaged liquor	3	250	7264	9961
	Total all licensed premises	7	374	10537	15564

Demographic Data

Table 4: SEIFA Index of Relative Economic Advantage & Disadvantage (Percentile), Helensburgh and Wollongong LGA (2016, 2011, 2006)

Year	Helensburgh	Wollongong LGA
2016	Top 17%	Top 29%
2011	Top 19%	Top 36%
2006	Top 19%	Top 30%

Table 5: Aboriginal & Torres Strait Islander (ATSI) composition of Helensburgh and Wollongong LGA (2016, 2011, 2006)

Year	Helensburgh	Wollongong LGA
2016	2.7%	3.1%
2011	1.8%	2.3%
2006	1.4%	1.8%

Health Data

Table 6: Alcohol-attributable hospitalisation (per 100,000 residents) in Wollongong LGA, Major Cities of Australia (NSW) and NSW (2017 to 2019)

Year	Wollongong LGA	Major Cities of Australia (Average)	NSW (Average)
2017/2018 – 2018/2019	524.6	580.3	542.1
2016/2017 – 2017/2018	480	544.1	518.2
2015/2016 – 2016/2017	445.1	517.3	498.3

Table 7: Alcohol-attributable death (per 100,000 residents) in Wollongong LGA, Major Cities of Australia (NSW) and NSW (2016 to 2018)

Year	Wollongong LGA	Major Cities of Australia (Average)	NSW (Average)
2017/2018	21.3	18.8	20
2016/2017	20.2	19	20.4
2015/2016	22.1	19.5	20.9

Offence Data

Table 8: Alcohol-related domestic assault (rate per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	4	59.3	204	93.5	93	115.7
2020	6	89	194	88.9	3.6	112
2019	3	44.5	222	101.8	194.6	114

Table 9: Alcohol-related non-domestic assault (rate per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	1	14.8	223	102.2	81	98.3
2020	2	29.7	193	88.5	3.9	96.3
2019	5	74.2	281	128.8	213	116.3

Table 10: Late-night alcohol-related non-domestic assault (per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	0	0	67	30.7	23.6	28.6
2020	0	0	63	28.9	1.1	29.6
2019	2	29.7	104	47.7	73.2	39.7

Table 11: Alcohol-related non-domestic serious assault (per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	0	0	88	40.4	28.1	36.2
2020	1	14.8	80	36.7	1.2	36
2019	1	14.8	106	48.6	77.2	44.1

Table 12: Alcohol-related offensive conduct (per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	0	0	51	23.4	21.6	24.9
2020	0	0	78	35.8	0.8	28.3
2019	1	14.8	75	34.4	59.2	36.2

Table 13: Malicious damage to property (per 100,000 residents) in Helensburgh, Wollongong LGA, Major Cities of Australia (NSW) and NSW (June 2019 to June 2021)

Year	Helensburgh		Wollongong LGA		Major Cities of Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	24	356	1457	668	581.9	658.3
2020	21	311.5	1483	679.9	27.4	674.6
2019	21	311.5	1614	740	1326.4	712