

Decision Notification

Application Details

Application no.	204218
Licence No.	57709516
Licence Class	Packaged Liquor & Sales
Premises Name	BWS - Beer Wine Spirits
Premises Address	Murray Bridge Marketplace, 23-51 South Terrace Murray Bridge SA 5253
Applicant	ENDEAVOUR GROUP LIMITED
Application Type	Application for a Liquor Licence

Outcome

Decision	Refused
Effective Date	14 Feb 2023

Reasons for Decision

Application for Packaged Liquor Sales Licence – BWS Murray Bridge

The Applicant Endeavour Group Limited has applied for a packaged liquor sales licence for a new Beer Wine Spirits BWS store to be located within the existing Woolworths supermarket in the Murray Bridge Marketplace Shopping Centre on South Terrace, Murray Bridge.

I make some general observations about Murray Bridge, the existing packaged liquor stores and the area where this BWS store is proposed to be situated.

The licensee operates two existing BWS packaged liquor stores in the town of Murray Bridge and has done so since it took over those licences in 2004 (as Woolworths Limited). One store is on the corner of Adelaide Road, the main road into Murray Bridge, and McHenry Street. It is a reasonably sized standalone store, with a separated entry and exit and 13 dedicated car parks with easy access from the main road.

The other BWS store is located on Swanport Road, about 1.4km south from the central township, situated next to a post office. It is slightly smaller in size, with a single entry and dedicated off-street car parking.

Murray Bridge has two other packaged liquor facilities: a Liquorland immediately adjacent to the large Coles supermarket in the Murray Bridge Green Shopping Mall and a Liquor Legends bottle shop (operated under the General and Hotel licence of the Bridgeport Hotel) opposite the Murray Bridge Marketplace Shopping Centre. The Liquor Legends store is substantial in size and offers a drive-through with three lanes including a browsing lane. The location provides easy access for patrons approaching on foot or parked on South Terrace.

The proposed BWS store is to be located within the existing footprint of the Woolworths supermarket, so in essence a part of the supermarket would be taken over by the BWS, with an entrance facing the shopping mall.

As a delegate of the Liquor and Gambling Commissioner, I may only grant this application if I am satisfied that granting the application is in the community interest. In determining whether the application is in the community interest, I must have regard to:

- the nature of the business conducted or to be conducted under the licence (as prescribed);
- the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor.
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises.

The Applicant submitted a Community Impact Assessment report (**CIR**) prepared by expert town planner Mr Graham Burns of Masterplan. Courtney Bay Pty Ltd (**the Objector**) made a submission objecting to the application, and provided a Community Impact Analysis prepared by Caro Mader, Associate Director of Urban and Regional Planning Solutions in support of its objection (**Mader Report**). The Objector and Applicant each submit that evidence of their expert ought to be preferred. Given their respective qualifications, I am inclined to accept Mr Burn's opinion on matters pertaining to town planning, and Mr Mader's opinion in relation to social welfare issues, social risk factors, and harm considerations.

I have read all the submissions and evidence submitted by the parties and turn to consider the same by reference to the factors I must have regard to in determining whether the application is in the community interest.

Before doing so, I must consider the locality.

Locality

The Community Interest Guidelines provide a guide for applicants in relation to the 'locality' relevant to their application, and states that applicants are required to identify the geographic area from which they expect to draw customers having regard to the intended nature of the business of the licensed premises.

The Guidelines speak of the locality as referring "to the area surrounding the licensed premises / proposed licensed premises and is the area most likely to be affected by the grant of the application".

MasterPlan consider that the locality is defined by a 5km radius from the proposed offering, consistent with the Guidelines, but note that those residing in the surrounding region will also frequent the outlet, as Murray Bridge is a service centre for the Murraylands, and describe the locality as follows:

The locality comprises the Rural City of Murray Bridge, which is located approximately 65 kilometres east-southeast of the Adelaide CBD. The area primarily comprises residential, rural-residential and primary production uses; in addition to a cluster of industry in the northeast, and some commercial land uses adjacent to Adelaide Road and the Murray Bridge town centre.

Despite its regional location, the locality does incorporate public transport routes; particularly routes connecting Murray Bridge and Adelaide, as well as local routes within the urban area.

The locality contains the major corridor and freight route of the South Eastern Freeway, which connects Adelaide to Melbourne. Other corridors in the locality include Adelaide Road (Karoonda Highway), Swanport Road, Mannum Road, Reedy Creek Road, Jervois Road and Old Princes Highway (Karoonda Highway). (9.1 – 9.3, CIR).

MasterPlan note that the population of the locality as determined by using Consumer and Business Services' portal is 21,836 persons, but advise that they have calculated a more refined and accurate population using smaller SA1 districts which produces a figure of 16,789 persons in the locality (9.5, CIR).

I am satisfied that the Applicant has correctly identified the locality.

The nature of the business conducted or to be conducted under the licence

The Woolworths Supermarket in the Marketplace Shopping Centre, Murray Bridge has been in operation since 2012.

The Marketplace Shopping Centre is a major shopping facility for the region, which offers a variety of large format stores (i.e. Woolworths and Big W), along with Mini Majors (i.e. Best and Less, The Reject Shop and Priceline), 41 specialty stores and a new public library. A large restaurant, café and alfresco area are also incorporated. There is presently no liquor store within the centre, however I note there is a large Liquor Legends bottle shop directly opposite the Shopping Centre.

Masterplan submit that the proposed BWS store, which is to be built within the footprint of the Supermarket will provide customers with a one-stop-shopping experience.

The Supermarket contains a total floor area of 4,147 square metres in size, and a trading area of 3,104 square metres. If constructed as proposed the BWS Store will be approximately 201 square metres in size within the existing footprint of the Supermarket.

Masterplan advise that the store will be separated from the existing Supermarket by a partition wall, and customer access will be obtained via a separate access point that is outside of the supermarket trading area. The Packaged Liquor Sales Licence outlet will have one single entrance and exit point. The new entrance will be located outside of the supermarket trading area. The outlet will have separate checkouts from those of the supermarket (5.4 – 5.5, CIR).

The Applicant has provided an indicative stock list and notes that BWS Stores have an average of approximately 1800 lines of liquor, with customers having access to standardised products in addition to imported and local brands. However, it is not suggested this store will offer anything different to what is already available at the two BWS stores in Murray Bridge.

It is relevant to note with respect to the nature of the business, if this application were granted, the Applicant would hold a 60% market share of the existing bottle shops in Murray Bridge. This is cause for potential competition concerns with respect to pricing and availability of packaged liquor in a regional town; a factor which in my view weighs negatively in considering whether the application is in the community interest.

The harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor

Masterplan have provided a SAPOL offences table setting out the offences committed in the locality in March 2020 per 100,000 people for a variety of offence categories vis-à-vis the offences committed across South Australia per 100,000 people. The locality has a higher overall crime rate than the South Australian State average and 'theft from shop' is a particularly prevalent offence that occurs at a significantly higher rate than average (152.8 incidents per 100,000 persons vs a State average of 64.6 incidents per 100,000 persons). The locality also has a much higher rate of offending for a number of categories of 'offences against the person' than the State average, including:

- 'Serious assault resulting in injury' (17.0 vs 12.8)
- 'Serious assault not resulting in injury' (147.2 vs 58.1)
- 'Common assault' (73.6 vs 13.1)
- 'Assault police' (5.7 vs 1.8)
- 'Threatening behaviour' (17.0 vs 3.8)
- 'Abduction, harassment & other offences' (5.7 vs 2.2)

(Table 5, CIR)

MasterPlan note that Endeavour Group utilises Crime Prevention Through Environmental Design to reduce opportunities for crime by using design management principles, which given the higher number of 'theft from shop' offences in the locality will be particularly relevant for the proposed outlet. MasterPlan advise that each BWS store is fitted with an electronic article surveillance system and new stores are issued with 1,550 re-usable bottle caps which must be removed at the checkout prior to being scanned. Any product that has not had the bottle cap removed will trigger an alarm as the customer crosses the exit 'checking' point (10.3.4, CIR).

MasterPlan are of the view that there is no evidence that that the proposed outlet will result in increased crime levels in the locality:

While theft in the locality is higher than the State average, there is no evidence that identifies what proportion of crime, if any, is related to the consumption of alcohol. Furthermore, there is no evidence to suggest that the addition of a new Packaged Liquor Sales Licence outlet in the locality would result in increased crime levels, noting Endeavour Group's crime prevention policies and strategies as detailed above (10.3.5, CIR).

MasterPlan provide some analysis and commentary in relation to the SEIFA indexes for the locality. Socio-Economic Indexes for Areas (SEIFA) is a product developed by the Australian Bureau of Statistics (ABS) that ranks geographic areas in Australia according to relative socio-economic advantage and disadvantage. The indexes are based on information from the five-yearly Census. The locality records lower indexes across all measurable criteria in relation to SEIFA category indexes such as 'relative socio-economic disadvantage', 'index of relative socio-economic advantage and disadvantage', 'economic resources' and 'education and occupation' when compared to either the national average or to South Australia.

MasterPlan observe that all SEIFA indexes in the locality score lower compared to those of Greater Adelaide, which indicates that the locality, on average, has a lower socio-economic profile compared to the adjacent metropolitan area, but provide some statistics and analysis to demonstrate that all regional cities within the State score lower than Greater Adelaide, across all measurable criteria and contend that *"this indicates that although the locality has a low SEIFA ranking, it is consistent with other regional cities in terms of socio-economic profile"* (10.3.11, CIR).

MasterPlan have compared unemployment in the locality to unemployment in Greater Adelaide for the September quarter 2018 and observe that the locality's unemployment rate of 7 percent is marginally higher than the Greater Adelaide average of 6.5 percent in the same quarter, but consider that this discrepancy does not represent a disproportional social risk factor for the unemployed within the locality.

MasterPlan acknowledge that the locality has a low SEIFA index for the 'Index of Economic Resources' (2.77 out of a possible 10), but observe that this is the index with the smallest disparity to the equivalent score of Greater Adelaide, and further note that the locality benefits from lower living costs: rent is 15% lower than the State average and mortgage repayments are 22% lower than the State average (10.3.8, CIR).

MasterPlan advise that caution must be exercised when assessing statistics, and in particular SAPOL crime statistics:

No set of statistics can or should be viewed in isolation, and in this regard, it is unlikely that those statistics, for example, would be relevant where the operator acts diligently and responsibly to address any number of social impacts that may eventuate (10.3.15, CIR).

MasterPlan have considered harm minimisation and 'at risk' groups in the locality and state the following opinions in relation to same. MasterPlan are of the view that the site of the proposed PLSL outlet will not be a congregation area for children and will not represent a risk to minors in terms of exposure to liquor products.

MasterPlan note the places of worship in the locality and the distances to the proposed outlet and are of the view that the outlet does not pose a cultural risk and *"would in fact provide a convenient one stop shop location for worshippers"* (10.2.6, CIR).

There are a number of aged care facilities in the locality, but MasterPlan note that they are not in close proximity to the proposed PLSL outlet and as such the proposal is not considered to represent a risk to aged care residents and is *"anticipated to in fact assist aged care residents"*

in providing a convenient one stop shop option for customers who are less mobile" (10.2.9, CIR).

MasterPlan acknowledge that Drug and Alcohol Services South Australia (**DASSA**) operate from the Soldier Memorial Hospital which is approximately 1 km to the south southwest of the proposed outlet and advise that a consultation letter was sent to DASSA in relation to the proposed outlet. DASSA responded on behalf of SA Health, with a letter that MasterPlan describe as generally advisory in nature and requesting clarification about Endeavour Groups policies and procedures. MasterPlan note that DASSA did not raise any concerns about the proximity of the proposed outlet to the hospital and are of the view that the outlet does not pose a risk to clients at the hospital (10.2.11, CIR). The Objector takes issue with this and considers that it "is somewhat of a gloss on what DASSA" said in its letter:

DASSA refers to evidence re physical availability of alcohol and the risk of violence including domestic violence. Recent Australian research has found a strong association between increased proximity to off-premises licensed outlets and alcohol consumption at levels associated with risk.

Quite apart from misreading the DASSA letter, Mr Burns has abdicated responsibility for giving genuine consideration to the harm that might be caused, by simply saying that DASSA aren't complaining, so there is no problem. It should be noted that in this case DASSA went much further than it did in Liquorland McLaren Vale, where it "...did no more than make a general statement of the Government's commitment to reducing the impact of alcohol and drugs and its general observation of evidence linking the physical availability of alcohol to the risk of violence and a strong association between increased proximity of off-premises outlets and alcohol consumption at levels associated with risks of short term harm (68.8 – 68.9, Submission of the Objector dated 12/8/22).

MasterPlan acknowledge that there is a declared Dry Area in the locality and that the proposed outlet site is within that area, but are of the view that *"this arrangement will assist in minimising the risk of alcoholic consumption in public areas by persons who purchase liquor from this outlet"* (10.2.12, CIR).

MasterPlan state that the absence of buildings, facilities and areas within the locality that might otherwise support at-risk groups will help to ensure that there is no over-representation of vulnerable people frequenting the proposed BWS store.

MasterPlan state that Endeavour Group is committed to being an industry leader in terms of its responsible service of alcohol (RSA), and list the group's various harm minimisation policies and procedures including ID25; 'Secondary Supply'; 'Responsible Buying Charter'; 'Intoxication' and 'School Uniform Policy', along with the fact that each BWS store is designed utilising Crime Prevention through Environmental Design principles to aid harm minimisation. The store will be fitted with a sophisticated CCTV system and back-to-base security alarm system. Footage of any incidents can be provided to either SAPOL or the CBS' licensing inspectors. There are internal reporting systems in place to ensure that corrective action can be taken in the event of any incidents and Woolworths conducts regular internal security and safety audits to ensure adherence to the policies and procedures. The Applicant notes its significant experience as a licensee, its policies, procedures, and processes, strong history of compliance with the laws of South Australia, and the fact it has never been prosecuted in this State for selling alcohol to a minor.

MasterPlan contend that the grant of the application is in the community interest:

I am of the opinion that the proposed Packaged Liquor Sales Licence outlet inside the Murray Bridge Marketplace Shopping Centre, and within the footprint of the existing Woolworths

supermarket, will be in the community interest given the anticipated benefits outlined in this CIA Report. I believe that those benefits will be delivered without attracting a negative social or amenity impact (12, CIR).

UPRS has provided expert analysis and commentary in relation to the proposed offering on behalf of the Objector and arrives at a different conclusion than MasterPlan in relation to the impact the application is likely to have on the locality if granted.

UPRS has calculated that there are 16,804 persons residing within the locality. It is clear from the analysis by UPRS that the locality under consideration is very different from a 'typical' metropolitan suburb. There are a higher proportion of people residing in the locality on low incomes (i.e. less than \$650 gross weekly income) than the State average (27.1% vs 21.6%) and a lower proportion of people on high incomes (i.e. greater than \$3000 gross weekly income) than the State average (3.4% vs 9.7%).

UPRS observe that a quarter of households in the locality are living below the poverty line and they are of the view that this level of socioeconomic disadvantage makes the locality more vulnerable to alcohol-related harm:

In the September 2016 financial quarter (July- September 2016), the Australian poverty line was calculated at \$688.86 for a couple with no children through to \$1,245 for a household with a couple and 4 children after tax where an adult was employed. Despite high levels of paid employment, the quarter of households in the Murray Bridge locality with a before tax weekly income of less than \$650 are living well below this poverty line benchmark.

On this basis, income indicators in this community can be seen to show the presence of significant socioeconomic disadvantage in comparison to the broader South Australian community. This relatively high level of disadvantage indicates that the community is much more vulnerable to alcohol-related harm than other South Australian communities (5.2.5, Mader Report).

The age cohorts of people residing in the locality broadly align with State averages and are unremarkable.

The SEIFA ranking for the locality highlights the high level of disadvantage that is experienced by residents in the locality as it ranks Murray Bridge as the 10th most disadvantaged Local Government Area in South Australia out of 71 jurisdictions and UPRS observe that:

The community within a 2km radius of the application site would rank between areas 69 and 70 of inserted into a list that ranked the 71 Local Government Areas in South Australia if it were a distinct Local Government entity. Thus, in the most accurate comparison available, this community is more disadvantaged than all but three Local Government Areas in South Australia according to the 2016 ABS Census.

This relatively low SEIFA ranking indicates that the community is more vulnerable to alcohol-related harm than most South Australian communities. In fact, the Murray Bridge community, defined as within either 2km or 5km radius of the application site, is in the top four most disadvantaged communities in South Australia according to ABS Census 2016 definitions (pg16, Mader Report).

There is a much higher proportion of Aboriginal and Torres Strait Islander Peoples residing in the locality than the State average (5.1% vs 2%).

UPRS consider the impact that the grant of the application may have in relation to Aboriginal and Torres Strait Islander Peoples residing in the locality and observe that the Australian Department of Health notes that:

Aboriginal and Torres Strait Islander peoples are less likely to drink alcohol than other Australians, but those who do drink are more likely than other Australians to:

- drink at dangerous levels — both over a lifetime and on a single occasion
- go to hospital for alcohol-related conditions such as liver disease

Factors that underline this behaviour may include:

- Trauma that extends across generations
 - Family separation
 - Insecure housing
 - Negative experiences early in life
 - Racism
 - Difficulty finding work
 - Stress
- (Department of Health 2019 Alcohol and Aboriginal and Torres Strait Islander Peoples Commonwealth of Australia, Canberra), (5.2.3, Mader Report).

UPRS are of the view that this experience of Aboriginal and Torres Strait Islander Peoples suggests the potential for increased vulnerability in relation to the availability of alcohol and have therefore given due consideration of this as an element of community impact in relation to this application and proffer the opinion that:

The risk of negative impact on members of Aboriginal or Torres Strait Islander communities is considered high because there is a relatively high number of people who identify themselves as Aboriginal or Torres Strait Islander in this community (5.2.3, Mader Report).

UPRS also consider it problematic that a number of government services for vulnerable community members are located in close proximity to the proposed offering:

Mobilong House is located directly across the road from the southern entrance to the shopping centre. The Mobilong House accommodates State Government organisations Housing SA, Disability SA, the Department of Communities and Social Inclusion and Families SA services.

These government services are designed to address a variety of needs of vulnerable community members related to insecure housing, experience of disability, mental illness, caring for family members and protection of children and young people. It is considered that there is a high risk of negative community impact of this application located less than 50 metres directly across the road from agencies regularly attended by vulnerable community members accessing government support of this kind (5.3.2, Mader Report).

UPRS make a number of observations in respect of the schools and educational facilities in the locality and outline factors that may militate against the grant of the application causing harm to young people, as well as reasons why the application could be seen to increase the risk of harm to young people in the locality.

UPRS note that the presence of the Murray Bridge High School Independent Learning Centre 450 metres from the proposed outlet and consider that this may present a risk:

The Murray Bridge High School Independent Learning Centre (ILC) is the closest school to the application site, located approximately 450 m walking distance away. This separate campus of the Murray Bridge High School provides "a flexible enrolment option for identified students... to keep young people aged 16- 19 engaged in schooling or on a learning pathway"

(Murray Bridge High School 2020 Independent Learning Centre). This campus of the Murray Bridge High School caters for students who have been identified as at risk of disengagement from school. As 'academic failure' is an indicator of susceptibility to overuse of alcohol the proximity of this campus is considered a community risk of this application.

The ILC does not require students to wear school uniform therefore the applicant's risk mitigation policies in relation to responsible liquor supply may not be effectively applied to this cohort of students (5.3.3, Mader Report).

Additionally, UPRS cite a 2020 study that was carried out by Planet Youth as part of a federally funded intervention program targeting young people in Murray Bridge, which surveyed students from Murray Bridge High School, Unity College and Tyndale Christian School and "*found that over one quarter of the 131 Year 10 students surveyed reported being drunk within the previous month*", and note that these schools are all within the locality, along with program partners Headspace and members of the Murray Mallee General Practice Network.

UPRS raises a number of concerns in relation to alcohol-related harm and young people in Murray Bridge and consider that there is a high risk that the grant of this application will negatively impact the local community:

The Murray Bridge Drug Action Team comprises representatives from local government, mental health services and community members working on early intervention and prevention of drug and alcohol misuse in the Murray Bridge community. The presence of this team indicates community concern in relation to alcohol-related harm and young people in Murray Bridge.

Students with the vulnerabilities of those attending the Murray Bridge High School ILC are at increased risk of alcohol-related harm than other young people. Risk mitigation strategies of the applicant may be useful to a degree and may minimise harm to other young people, but do not and to a large degree cannot reduce harm due to the specific vulnerabilities of this cohort.

More generally, over a quarter of Year 10 students in Murray Bridge have indicated that they are already engaging in alcohol-related behaviour resulting in harm. The consequences of risky alcohol-related behaviour in young people can be dire and, on this basis, the negative impact of this application on the local community is considered high (5.3.3, Mader Report).

UPRS note the presence of 4 mental health services within a 2km radius of the site and whilst acknowledging that there are some mitigating factors, consider that the application poses a high level of risk to the community, and provide the following analysis with reference to various studies in support (references omitted):

the fact that there are four organisations providing services to people experiencing mental illness within 2 km of the application site indicates a significant number of vulnerable people present, heightening the risk of harm to the local community from this application. People experiencing mental illness experience high levels of disadvantage and vulnerability.

There is community concern in Murray Bridge based on recent evidence in relation to alcohol misuse among young people. The presence of so many services for young people experiencing mental illness compounds this concern. The interaction of alcohol misuse and mental illness in young people is clear.

Poor mental health can lead to increased alcohol use in adults and young people. Conversely young people who use alcohol are at an increased risk of suicide. This is because alcohol may be used by a young person to ease the trauma of the act of suicide or the physical effects of alcohol on their mood might predispose a young person experiencing mental ill health to harm themselves.

The volume of combined and separate alcohol and mental health treatment for adults and young people within 2km of the application site is comparatively high and reflects community demand. The 2016 South Australian Health Atlas recorded Murray Bridge as having the third highest percentage of mental and behavioural conditions in regional South Australia. The prevalence of mental illness and alcohol misuse amongst young people and adults in the Murray Bridge locality indicates a high level of risk to the community of this application (5.3.4, Mader Report).

UPRS express concern in relation to how the grant of the application may impact on disability services in the locality and are of the view that the proximity of the application site to 2 services for people with a disability *"is considered a potentially harmful community impact"* (5.3.4, Mader Report).

UPRS consider that those living in full time aged care are unlikely to be impacted either positively or negatively by the grant of the application, and further note that there is no accommodation or refuges for young people and those experiencing disadvantage in the locality and the application poses no risk of harm in that regard (5.3.4, Mader Report).

UPRS note the various parks, reserves, recreational areas in the locality and their proximity to the proposed outlet. They note that the Wharf Precinct is a permanent Dry Zone but suggest that given the frequency of underage drinking in Murray Bridge such legal restrictions are not a barrier to young people engaging in risk alcohol-related behaviour likely to lead to harm.

UPRS state that there is a high prevalence of drinking in young people in Murray Bridge and are of the opinion that *"there is a very high risk that the availability of packaged liquor sales at a closer proximity to these parks will increase the chances of anti-social behaviour due to excessive use of alcohol"* (5.3.6, Mader Report).

The expert evidence and SAPOL statistics indicate that the population profile of the locality has a higher level of crime when compared to South Australia as a whole, and in particular a much higher rate of 'theft from shop' crime compared to the State average, and significantly higher rates of crime for a number of 'offences against the person' categories of crime.

Given the SEIFA scores and crime statistics for the locality, I accept Ms Mader's view that the locality has a relatively high level of disadvantage and the community is much more vulnerable to alcohol-related harm than many other South Australian communities.

The rapid population growth relative to the low socio-economic area and higher proportion of Aboriginal and Torres Strait Islander Peoples residing in the locality, highlights the need for the Licensing Authority to carefully consider any increase to takeaway facilities in the locality as well as the proposed location of any takeaway liquor outlets within the township.

While the Applicant is an experienced and reputable licensee who operates an established business, with well trained staff and a comprehensive range of policies and procedures, which may serve to reduce or mitigate the risk of harm to vulnerable members of the community, I cannot overlook that the locality is particularly disadvantaged and vulnerable.

In that context, I consider there are particular aspects of the proposed location for this BWS store that are relevant to whether the application is in the community interest. In particular, the store's immediate proximity to the Seventh Street entrance is concerning with respect to shop theft. Anyone minded to steal liquor from the store has an easy exit from the Shopping Centre complex down the stairs and across the street to the park.

I have carefully considered the policies which the Applicant has submitted in support of its application, and in particular the Crime Prevention through Environmental Design discussed at 10.3.4 of the CIR. I accept that some higher priced products may trigger an alert if stolen or removed from the store, however that would be too late in terms of the harm that may be caused by the theft of the alcohol itself.

Based on the policies provided, if a person was to fill a shopping bag full of liquor and walk out of the store, they would not be physically prevented from doing so. This is not intended to be a criticism of the Applicant's policies, however it is a factor which I need to weigh in the balance when considering theft from shop incidents are 152.8 incidents per 100,000 persons vs a State average of 64.6 incidents per 100,000 persons. It is relevant to the potential harm which may arise from this application in the socio-economic area and location where the proposed store will be situated.

The cultural, recreational, employment or tourism impacts

MasterPlan and the Applicant assert a number of benefits that will arise in the event that the application is granted, including employment and convenience, and note that a BWS store typically employs 1 to 2 full-time and 3 part-time or casual employees. Additionally, in the short term there will be some employment opportunities associated with the internal building works and store fit out required to establish the outlet.

MasterPlan note that the Murray Bridge Visitor Information Centre is directly adjacent to the Shopping Centre and that the proposed outlet would provide a "*conveniently located one stop shopping opportunity for tourists*" (10.4.7, CIR).

MasterPlan state that the store will feature the latest in design and layout to ensure that the customer shopping experience is as pleasant and convenient as possible and consider that the co-location of the outlet with the Woolworths Supermarket, and within the Shopping Centre more broadly, "*will provide greater convenience to those persons in the locality who prefer to do all of their grocery and liquor shopping in one location, under the same roof*" (10.4.9, CIR). In addition it is noted that the Shopping Centre has plentiful on-site undercover parking, excellent pedestrian and vehicle access, and that the centre is located in the Core Retail Precinct.

MasterPlan observe that the locality has a high population growth rate, which they consider indicates further demand for an outlet within the shopping centre:

Murray Bridge has the highest population growth rate of a regional city within South Australia; which is external to the Greater Adelaide region (of which Victor Harbor/Goolwa and Murray Bridge form a part). The population growth of Murray Bridge is larger than that of Port Lincoln and Whyalla, Port Augusta and Port Pirie, the latter of which have remained stagnant during the decade reviewed. The sustained and anticipated population growth in Murray Bridge lends support to the further demand for an outlet within the Murray Bridge Marketplace shopping centre (9.9, CIR).

I have considered whether the BWS store would provide employment opportunities which would be of benefit to the local community, however there is some force to the Objector's submission that it is unclear whether 'hiving' off part of the Woolworths supermarket to create the BWS store may have the effect of reducing the number of people employed by Woolworths, or whether casuals employed at other take away liquor outlets will have their hours of employment reduced, which could reduce the community benefit asserted by the

Applicant. In light of those matters, I am of the view that any employment benefits will be marginal and consequently I place little weight on this asserted benefit.

I have considered the submissions and evidence regarding the convenience this BWS store would offer and make the following observations. The Woolworths supermarket is at one end of the Marketplace Shopping mall which runs about 280m between Seventh Street and East Terrace. The entrance to the mall from the underground car park via a travelator is about halfway along the mall. It is a considerable walk from the travelator to the Woolworths (about 140m), and access from Seventh Street to Mall at the Woolworths end is via two sets of stairs (12 in total) with no disability access. I also note there is no street parking available on Seventh Street near that entrance.

The effect is that groceries shoppers cannot use the Seventh Street entrance with a trolley and must walk about 140m to access the underground car parking via the travelator. In my view, the Woolworths itself is not conveniently located which makes it difficult to conclude that a BWS store inside the Woolworths would provide a convenient one stop shopping experience. I accept that it might provide some convenience to people who regularly shop at Woolworths or work in the Marketplace Shopping Mall, but that is the extent of convenience it would offer.

In relation to benefits to tourism, I note the multi storey Bridgeport Hotel located on Bridge Street overlooking the River Murray has undergone a \$45 million development and now offers 4.5 star accommodation. It is an attractive destination for tourists to experience the Murray River and surrounding region. Given the location of the Liquor Legends store at the rear of the Bridgeport Hotel, I find it would be more convenient for tourists staying at the Bridgeport Hotel exploring the town on foot to purchase their liquor from the Liquor Legends bottle shop than walk a further distance to the BWS located within the Woolworths store. I disagree with Mr Burns' observation that the Liquor Legends provides an uninviting pedestrian experience (10.3.22) and while I note that the redevelopment of the Bridgeport Hotel was still under construction at the time of his report, the Liquor Legends bottle shop was established, yet Mr Burns appears to have overlooked or understated its size, location and offering in terms of convenience, particularly in his discussion about the development of Sixth Street as a safer place for pedestrians.

The Applicant's submission that the location of the proposed store would be convenient to those visiting the tourist information centre is not compelling, as the tourist information centre is located in the next block and tourists are more likely to visit in the morning to plan their day and unlikely to want to purchase liquor only to then have to carry liquor with them.

I also note there is already one stop shopping available at Liquorland located within the Murray Bridge Green shopping centre which also offers a Kmart, large Coles supermarket, and chemist, as well as a Drakes Foodland connected by a pedestrian walkway and other shops. For those who prefer the convenience of a drive through, the Liquor Legends is an attractive offering in a convenient and central location which also caters for pedestrian traffic with ease of parking on South Terrace. Alternatively, for commuters from Mount Barker or Adelaide, the BWS on Adelaide Road is a convenient and attractive offering with ample parking.

In summary, I find that the proposed BWS store would offer convenience to people who regularly shop at Woolworths or work in the Marketplace mall, but not the broader community, and I am unable to conclude that the BWS store would offer any cultural, recreational or

tourism benefits. It is not suggested this is a different offering from what already exists in Murray Bridge in relation to the liquor available at the two existing BWS stores.

The social impact in, and the impact on the amenity of, the locality of the premises or proposed premises

There are a number of recreational areas, sporting clubs and a gym in the locality, but UPRS consider the impact of the application to be neutral in this regard on the basis that there will likely be little interaction between the facilities and the proposed offering.

UPRS outline the four Aboriginal social service organisations within the locality and consider that the risk the application will have a negative impact on members of the Aboriginal or Torres Strait Islander communities is considered high due to the fact that there are a relatively high number of people who identify as such within the community and for the reasons noted above (re section 5.2.3 of the Mader Report).

UPRS draw attention to the fact that there is a Permanent Dry Zone in the locality that extends over the main town shopping precinct and across to the Murray River adjacent to the site of the proposed offering. UPRS are of the view that the proposed PLSL outlet *"will impact the efficacy of this Dry Zone in a negative way"* (5.3.10, Mader Report).

UPRS note that there is a large volume of research that asserts a relationship between outlet density and violence (domestic or public), but observes that the conclusions of such studies are contended and benefit from nuanced application, and concede that the degree to which alcohol consumption or sales play a part in increased levels of violence it is not clear, but qualify this by emphasising that the locality is vulnerable:

Consequently, the assertion of this assessment of community impact is that there is no conclusive evidence to indicate either negative or positive community impact due to alcohol outlet density.

However, regardless of whether increased alcohol outlet density creates harm, this Community Impact Assessment observes that there are many indicators of community vulnerability in the Murray Bridge locality that create the conditions for negative community impacts from alcohol misuse (5.3.11, Mader Report).

UPRS consider that the application is neutral in terms of its potential impact on Mobilong Prison staff, inmates and visitors, and will have neither a positive or negative impact on the local religious community or places of worship.

UPRS note that the Murray Bridge Alcoholics Anonymous meeting is held each Wednesday evening at 7pm at the Salvation Army Church in Fourth Street, and whilst conceding that there are 2 licensed premises for onsite drinking and a takeaway PLSL outlet between the meeting location and the application site, state that *"this assessment notes that this population group is particularly susceptible to alcohol misuse and therefore more likely to experience negative impacts of this application due to the nature of their vulnerability"* (5.3.13, Mader Report).

I have considered these submissions and make the following observations and findings. The existing packaged liquor outlets, with the exception of BWS on Swanport Road, are also located in the Dry Zone. I therefore do not consider the Dry Zone itself is a factor weighing against the grant of the application.

Is the application in the community interest?

Determining whether or not the grant of the application is in the community interest is an evaluative exercise that involves weighing the benefits and positive aspects that can be

expected to flow from the grant of the application against any negative or harmful impacts that may be expected to arise from the grant of the application.

The factors weighing in favour of this application being granted is the limited convenience it would offer to those who regularly shop at Woolworths, or who work in the Marketplace Shopping mall. However, the town already has an attractive one stop shopping convenience with respect to liquor, offering greater convenience and accessibility than the proposed store, as well as an attractive drive through offering central to the town and located conveniently opposite the Woolworths for those who are on foot.

It is difficult to identify other factors weighing in favour of the community interest, given it proposes nothing different to the existing two BWS stores already located in Murray Bridge and employment opportunities are unlikely to result, and if they do, will likely be marginal at best, as it will consume a portion of the existing Woolworths store. On the contrary, any sales diverted from existing stores could result in employment being impacted in existing offerings.

I cannot overlook that the town of Murray Bridge is a community more vulnerable to alcohol-related harm than most South Australian communities and I therefore proceed with caution with respect to any application for an additional package liquor sales outlet.

I have particular concerns with respect to the location of this proposed BWS store as I have outlined above, which has the potential to make it a target for theft due to its particular location.

I cannot accept that the Applicant having a 60% market share in packaged liquor in a regional town with a population of approximately 16,000 people is in the community interest. On the contrary, it will diminish competition and potentially create a barrier to any further entrants to the market.

On balance, I cannot be satisfied that the application is in the community interest. In light of that finding, I do not need to consider whether the application is in the public interest.

Section 38

For completeness however, I note my concerns with respect to section 38.

The revised plan submitted by the Applicant retains a roller door in the rear corner of the store which opens on to the Woolworths supermarket which the Applicant submits will be used only by staff for the purpose of stock. However, I note that as proposed, the roller door would not constitute a permanent barrier as required by s 38(4), even taking into account the proposed usage.

I am also concerned as to whether the proposed entry can only be accessed from a common area within the shopping centre (such as a mall or thoroughfare) as required by s 38(5). While the plan provided on 11 January 2021 purports to do so, if I had found the application was in the community interest, I note for completeness I would have required the Applicant to demonstrate on site precisely where the supermarket ends and the mall starts, in proximity to the proposed entrance so as to clarify this issue. In view of my conclusion above, I do not consider it necessary to do so.

The application is refused.

Under Delegation from the Liquor and Gambling Commissioner



Zoe Thomas
Assistant Director, Licensing
14 Feb 2023