

Decision Notification

Application Details

Licence No.	57709744
Licence Class	Packaged Liquor & Sales
LGO Reference	L09821
Application no.	205098
Premises Name	Hallett Country Store
Premises Address	681 Jessie Street Hallett SA 5419
Applicant	John Christopher McGloin, Susan Patricia McGloin
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	04 Feb 2021

Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained

People

Licensee

The following persons are approved to hold the licence and receive proceeds of the business conducted under the licence:

- John Christopher McGloin (164664)
- Susan Patricia McGloin (164665)

Premises

New Premises

The licensed area is outlined in red on the approved plan.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	-	8:00 am to 9:00 pm
Tuesday	-	8:00 am to 9:00 pm
Wednesday	-	8:00 am to 9:00 pm
Thursday	-	8:00 am to 9:00 pm
Friday	-	8:00 am to 9:00 pm
Saturday	-	8:00 am to 9:00 pm
Sunday	-	8:00 am to 9:00 pm

Reasons for Decision

Hallett Country Store

This application may only be granted if the licensing authority is satisfied that the grant of the application is in the community interest. In determining this application under section 53A(2) of the *Liquor Licensing Act 1997* (the Act), I must have regard to:

- 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; and
- the nature of the business conducted or to be conducted under the licence (as prescribed).

I must also apply the Community Impact Assessment Guidelines, which state: *"The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus."*

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

As part of the application the Applicant has submitted a completed Community Impact Assessment Form as their community impact submission. It is the content of this form and the application material provided by the Applicant to the licensing authority (the Authority) that my decision is based on.

Nature of the business

The proposed business is the Hallett Country Store, which is housed in a roadhouse that was built in 1970. The Applicant has advised that originally the block had been the site of the business premises and residence of James Tiver, an early storekeeper and wine and spirits' merchant, and that the store has been run continuously since 1970 under

different management.

The Hallett Country Store commenced business in May 2017 and is run as a partnership between John McGloin and his wife Susan McGloin who reside in Hallett. The business is open 7 days a week and is run as a general store with fuel located on the Barrier Highway in Hallett, in the Mid North of South Australia. The store currently sells Hot and Cold Food, Ice Creams, Hot and Cold Drinks, Snack Food, Confectionary, a small range of groceries, Newspapers, Elgas bottles, Diesel, Premium Petrol and Unleaded Petrol, and also has a large section selling locally made Art & Craft. The store does not sell cigarettes or tobacco and has no plans to do so.

The Applicant submits that they are the local agents for Cochranes Parcels, and that their customers are made up of locals, passing travelers, passing truck drivers and visitors to Hallett. They have parking outside our store for all vehicles and can accommodate B-Doubles and Road Trains.

The Applicant has provided some evidence of community support, by way of a signed petition in support of their application, with a high level of support from respondents, and states that they have had verbal and written support from truck drivers who advise they have limited parking options for their vehicles in surrounding towns, and consequently find it hard to access liquor outlets.

The Applicant seeks to add a Packaged Liquor Sales Licence (PLSL) to their business for the sale of take away liquor only; there will be no consumption of liquor on the premises.

The Applicant intends to stock the following range of liquor:

- Beer
- Red Wine
- White Wine
- Cider
- Mixed Drinks, e.g. Vodka Cruizer, Bundaberg and Coke

The Applicant does not intend to stock Spirits for sale.

The Applicant submits that the grant of a PLSL will add to their business model and will help to ensure the success and longevity of their business.

The Applicant submits that being located on the Barrier Highway, the main route between Adelaide and Broken Hill, the Hallett Country Store draws a variety of customers including locals, passing tourists, passing truck drivers, walkers on the Heysen Trail, cyclists on the Mawson Trail, people travelling around the Mid North, and also between Broken Hill

and Adelaide.

The nearest towns to Hallett are Jamestown 35 kilometers to the west and Burra 35 kilometers to the south.

The Locality

The Applicant provided area and location reports, and identified the 'locality' as comprising suburbs within the Goyder and Northern Areas Local Government Areas (LGAs).

The Applicant submits that: "*Hallett does not have any schools, the nearest being in Jamestown 35 kilometers to the west and Burra 35 kilometers to the south. The school bus does stop outside the Hallett Country Store to drop off children from the Burra Primary School Monday to Friday. The parents of these children are always waiting the arrival of this bus and children are collected promptly and not left waiting in our store. Alcohol for sale in our store would not be within reach of any child that attended our premises.*

Hallett has a community Hub which is used by the Bowls Club, Tennis Club and local Play Group. This Hub is located on the Hallett Oval which is on Braes Road approximately 500m from the Hallett Country Store. The Hub does have a secure bar which is only open when the Bowls or Tennis clubs are playing at home and is supervised by their respective Responsible Persons. Prior to COVID the Hub was also used for a community "family night" once a month which was attended by various age groups from the local community. The Bowls and Tennis Clubs play on a Saturday afternoon and have the bar open once their matches are completed. The Hallett Country Store closes at 2pm on a Saturday, so is not in direct competition with these sales. The family night at the Hub is on a Friday night from 6pm. The Hallett Country Store closes at 5.30pm on a Friday, so is not in direct competition with these sales.

There is only one church still holding services in Hallett, being the Hallett Uniting Church located on John Street Hallett, approximately 500m from the Hallett Country Store. The Church is only used once a month and has a small congregation of older members of the community.

There is a small campground located at the Hallett Oval, approximately 1km from the Hallett Country Store. This area has 2 powered sites and several unpowered sites. These are available for rental to passing tourists. They are administered by the local town committee, being the Hallett Community and Sports Association.

Potential Harm

In summary, the Applicant submits that:

- Hallett's population is comprised of mainly retired adults and farming families, and that here are very few children living within the immediate township, most being located on outlying farms;
- There are no 'at-risk' groups located within our township, and that the town has a community of responsible law-

abiding mature adults;

- Hallett does not have any schools, the nearest being in Jamestown 35 kilometers to the west and Burra 35 kilometers to the south. The school bus does stop outside the Hallett Country Store to drop off children from the Burra Primary School Monday to Friday. The parents of these children are always waiting the arrival of this bus and children are collected promptly and not left waiting in our store. Alcohol for sale in our store would not be within reach of any child that attended our premises;
- Hallett has a community Hub which is used by the Bowls Club, Tennis Club and local Play Group. This Hub is located on the Hallett Oval which is on Braes Road approximately 500m from the Hallett Country Store. The Hub does have a secure bar which is only open when the Bowls or Tennis clubs are playing at home and is supervised by their respective Responsible Persons. Prior to COVID the Hub was also used for a community "family night" once a month which was attended by various age groups from the local community. The Bowls and Tennis Clubs play on a Saturday afternoon and have the bar open once their matches are completed. The Hallett Country Store closes at 2pm on a Saturday, so is not in direct competition with these sales. The family night at the Hub is on a Friday night from 6pm. The Hallett Country Store closes at 5.30pm on a Friday, so is not in direct competition with these sales;
- There is only one church still holding services in Hallett, being the Hallett Uniting Church located on John Street Hallett, approximately 500m from the Hallett Country Store. The Church is only used once a month and has a small congregation of older members of the community.
- There is a small campground located at the Hallett Oval, approximately 1km from the Hallett Country Store. This area has 2 powered sites and several unpowered sites. These are available for rental to passing tourists. They are administered by the local town committee, being the Hallett Community and Sports Association;
- The Applicant will adhere to all applicable Liquor Licencing Laws and will not sell alcohol to anybody underage or under the influence of drugs or alcohol. There is a Police Station in Hallett located on the Barrier Highway approximately 500m from the Hallett Country Store and the Applicant will report anyone who is in breach of liquor licensing laws.
- The Applicant runs the business as a partnership, and does not have any staff, which means it will only be Mr and Mrs McGloin selling liquor. They know everyone who lives in Hallett and have a good report with them. Mr and Mrs McGloin are aged 69 and 52, and will be confident in dealing with any customers. They intend to display any provided posters warning of the dangers of alcohol in a prominent location adjacent to the liquor for sale.
- the Applicant will check ID's to ensure they are not selling to under age customers; will not allow customers to drink on the premises; will not sell to intoxicated customers; and will advise people not to drink and drive on the purchase of liquor.

Cultural, recreational, employment or tourism impacts

The Applicant submits that:

- the liquor licence will be of economic benefit to Hallett residents as those wishing to purchase alcohol will be saved a 70-kilometer round trip to either Jamestown or Burra, thus saving on time and petrol;
- they intend to stock a range of products that locals wish to buy;
- the Hallett Country Store is not just a general store - it also provides a friendly smile and support to the local community.
- having the liquor licence we wish to enhance the longevity of our business and be here for many years to come;
- the Hallett Country Store has already made donations to the Burra Community School to help under privileged children partake in school trips and obtain school uniforms. The added income received from liquor sales will help the store to engage in continued philanthropy; and
- Whilst there are currently no employees at the Hallett Country Store, there would be scope to employ a local to

collect stock if the application were successful. This would probably amount to 1 day of work each week.

I note that reducing the need to travel lengthy distances to obtain packaged liquor could result in more time for recreation for some members of the community.

Social impact and impact on the amenity of the locality

The Community Impact Assessment Guidelines provide a guide for applicants in relation to the locality applicable 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 Applicant has identified the locality as comprising suburbs within the Goyder and Northern Areas LGAs and submits that being located on the Barrier Highway, the main route between Adelaide and Broken Hill, the Hallett Country Store will draw a variety of customers including locals, passing tourists, passing truck drivers, walkers on the Heysen Trail, cyclists on the Mawson Trail, people travelling around the Mid North, and also between Broken Hill and Adelaide. Locality is not in dispute and I am satisfied that the Applicant has correctly identified the locality most likely to be affected by the granting of the application.

The Applicant submits that granting the application will provide the following benefits to the community:

The benefit of having a liquor outlet at the Hallett Country Store is that we would be providing a service the local and broader community by:

Locals -

- *Reduction in time travelled to nearest local towns (70-kilometer round trip)*
- *Savings in fuel costs and vehicle maintenance*
- *Ability to purchase liquor 7 days a week*
- *Ability to purchase at short notice*
- *More funding to donate to projects in the local community*

Travelers -

- *Ability to restock in a rural area and not have to travel to a larger township*
- *Ability to try some items from the local region (we will endeavor to sell South Australian where possible)*
- *Might encourage them to stay at the campground thereby gaining income for the town*
- *Travelers who stop at our store are encouraged to go across the road to Hallett Coffee & Collectables, thereby providing another business with potential income.*
- *Travelers are the best publicity and if they think favorably of our town, they will tell others which will result in increased tourism and therefore increase the potential for advancement in our town*

Visitors -

- *Negates having to bring liquor with them – especially beneficial to those on the Mawson (cycling) and Heysen (walking) Trails*
- *Ability to purchase those items they forgot or for quickly organized social occasions*
- *Enables people who have Weekend Properties to support the local economy*

Truck Drivers -

- *Ability to park directly outside the Hallett Country Store*
- *Enables drivers to get to their destination (often in the middle of nowhere) and not have to try and find a liquor outlet*

Broader Community -

- *By keeping our store open we provide a place for support and companionship within the community*
- *We also keep valuable services e.g. fuel, gas, parcel delivery, newspapers available*
- *There is potential for us to be an outlet for liquor sales to the bar at the Hub, enabling the associated clubs to keep their costs travelling times down*
- *We have advised the local Hallett Community and Sports Association of our application and we have their full support.*

Decision

The Applicant seeks a PLSL to provide a limited range of packaged liquor products for local residents in and around, and to people passing through the regional town of Hallett and surrounds.

The locality does not have any other packaged liquor outlets, and residents of the community currently need to drive a significant distance to purchase packaged liquor, requiring inconvenient and lengthy roundtrips.

Locality is not in dispute, and I am satisfied that the locality has been correctly identified by the Applicant.

In terms of identifying and addressing potential harms, the Applicant has not identified any potential at-risk groups, but has stated that liquor would not be sold to minors or to any adults affected by drugs or alcohol.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: "*to ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.*"

I note that SAPOL has not objected to the application, and the Regional council of Goyder has advised the licensing authority that it has no objections to the application.

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining this application.

I have considered 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, and I am satisfied on the material before me that the risk of harm posed by the proposed licence is very low.

I have considered and am mindful of the requirement in section 38(3) of the Act that a packaged liquor sales licence is subject to the condition that the licensed premises must be devoted entirely to the business conducted under the licence, and must be physically separate from premises used for other commercial purposes.

The packaged liquor will be stored in a separate room from the food and groceries in the store.

Section 38(6) of the Act provides the licensing authority with the discretion to grant an exemption from the condition in section 38(3) of the Act if the licensing authority is of the opinion that it is in the public interest to do so, and notes an example: "*a general store in a regional location might satisfy the licensing authority that it is in the public interest that an exemption from the condition in subsection (3) be granted*".

Granting the application is likely to result in a significant increase in convenience for those residing in the locality, by reducing their need to drive lengthy distances to obtain packaged liquor, saving them time and money, and perhaps also reducing the risk of motor vehicle accidents given the lengthy roundtrips currently being undertaken by members of the community to obtain packaged liquor from other towns further away (i.e.- Jamestown or Burra).

I am of the opinion that it is in the public interest to grant the Applicant an exemption under section 38(6) from the condition in section 38(3) of the Act.

Regulation 7AB of the *Liquor Licensing (General) Regulations 2012* prescribes various premises for the purposes of s 38(7) of the Act, including 7AB(b) "*premises ordinarily known as or advertised as a supermarket, convenience store or delicatessen*". It is unclear whether the Hallet Country Store is 'caught' by this definition, as it operates as a general store in a regional location, but in case it is I have turned my mind to the requirements of s 38(7) of the Act and am of the view that there is a proper reason to grant a PLSL in respect of the premises the subject of this application.

I am satisfied that the proposed business will add to the amenity of the locality, and note the community support for the proposed business as evidenced by those who signed a petition in support of the application.

The onus is on the Applicant to satisfy the licensing authority that the grant of the application is in the community interest. On the basis of the application and information provided, I am satisfied that the grant of this application is in the community interest.

Accordingly, pursuant to section 53A(1) of the Act, the application is granted.

Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

04 Feb 2021