

LICENSING COURT OF SOUTH AUSTRALIA

LIQUORLAND (AUSTRALIA) PTY LTD (PARK HOLME)

JURISDICTION: Referral

FILE NO: 33/2020

HEARING DATE: 2 September 2020

JUDGMENT OF: His Honour Judge BP Gilchrist

DELIVERED ON: 18 September 2020

CATCHWORDS:

*Referral of an application for a packaged liquor sales licence in respect of proposed premises at the Park Holme Shopping Centre, a neighbourhood shopping centre – The application is a designated application such that it cannot be granted unless the Court is satisfied that it is in the community’s interests to do so – factors relevant to this evaluation identified and they include the community impact assessment guidelines – The guidelines considered and discussed – Identifying the relevant locality remains that starting point – In this case it is appropriate to use the suggested two kilometre radius identified in the guidelines as identifying the relevant locality – The community interest test involves an evaluative exercise that weighs the positives and negatives that will come with the grant of a new licence and hence a new take away facility for the purchase of take away liquor in the relevant locality – The application involves the creation of a small, attractive, convenience style bottle shop, adjacent to a very popular supermarket in a growing neighbourhood centre in an unexceptional locality that has nearly 50,000 residents, and which has relatively few take away liquor facilities within it and many of the local community can be expected to take advantage of the proposed premises and will find it to be very convenient. It will be operated by an experienced and reputable licensee – No undue negative matters have been identified – **Held** that the Court is satisfied that it is in the community interest to grant the application – The requirements of s 57 concerning matters such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools; and whether the appropriate approvals, consents and the like, pertaining to the proposed premises have been granted considered – **Held** that none are of concern in this*

*case – General discretion considered – **Held** that it is in the public interest to grant the application – Liquor Licensing Act 1997.*

Liquorland (Aust) Pty Ltd [2012] SALC 42

Liquorland (Aust) Pty Ltd v Woolies Liquor Stores Pty Ltd and Anor [2014] SASCF 87

Saturno's Newton Cellars [1998] SALC 15

First Estate [2002] SALC 11

Regency Cellars [2004] SALC 9

Liquorland [2013] SALC 51

Woolworths Liquor BWS Arndale [2014] SALC 14

Liquorland (Australia) Pty Ltd v Woolworths Ltd and Ors [2018] SASCF 31

Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227

Liquorland (Australia) Pty Ltd – Parkholme Shopping Centre v Woolworths Limited and Hurley Hotels Pty Ltd [2017] SALC 2

Liquorland (Australia) Pty Ltd and Ors v Lindsey Cove Pty Ltd & Anor [2002] SASCF 17; (2002) 81 SASR 337

REPRESENTATION:

Counsel:

Applicant: Mr M Roder QC

Objector: N/A

Solicitors:

Applicant: Jones Hartley Toole

Objector: Duncan Basheer & Hannon

- 1 Liquorland (Australia) Pty Ltd has applied for a packaged liquor sales licence in respect of proposed premises at the Park Holme Shopping Centre (the Centre). The application was initially made to the Liquor and Gambling Commissioner. The Commissioner referred the application to the Court pursuant to s 80 of the *Liquor Licensing Act*.
- 2 The Centre is a neighbourhood shopping centre situated at Park Holme on the south western corner of the junction of Marion Road and Oaklands Road. Park Holme is a suburb located in the south west of the Adelaide metropolitan area, about eight kilometres from the centre of the city and is within the City of Marion council area (the Council).
- 3 The Centre is anchored by a Coles Supermarket. It is a modern full line supermarket that contains a full range of grocery products and fresh food products that is of some 3500 m² in area.
- 4 The Centre was originally developed in 1962. It has been a long-standing retail destination hub that has serviced the retail needs of the residents of the surrounding suburbs for many years. In addition to the Coles Supermarket there are a range of specialty shops within the Centre, comprising of a sushi outlet, a newsagency, a bakery/café, a hairdresser, a Post Office, a cheesecake shop, a Bakers Delight bread store, a butcher, a pharmacy, a Commonwealth Bank branch and an Asian take away store. One site is presently vacant.
- 5 The proposed premises is to be located adjacent to the front of the supermarket and would occupy some 160 m². The proposed premises will be a typical liquor store co-locating with a full line supermarket. It will trade under the 'Liquorland' badge. Like other Liquorland offerings, it will carry about 1,600 lines.¹
- 6 This is the first such application to come before this Court, following extensive amendments to the Act which have changed the range of licences available and the criteria by which applications for such licences are to be determined.
- 7 A packaged liquor sales licence was formerly known as a retail liquor merchant's licence. Prior to the amendments, this Court could not grant such a licence unless it was satisfied that the licensed premises in and about the locality of the proposed premises did 'not adequately cater for the public demand for liquor for consumption off licensed premises and the licence [wa]s necessary to satisfy that demand'.² Even if so satisfied, the Court also needed to be satisfied that it was in the public interest to grant the application.

¹ See, for example *Liquorland (Aust) Pty Ltd* [2012] SALC 42 at [86].

² Section 58(2) of the Act prior to the amendments.

- 8 Under the Act in its present form, an applicant for a packaged liquor sales licence must meet a different test. An application for this type of licence is defined in the Act as a ‘designated application’.³ Pursuant to s 53A of the Act, a ‘licensing authority may only grant a designated application if ... satisfied that granting the designated application is in the community interest.’ In deciding that question, the authority must have regard to-
- ...
- (i) 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
 - (ii) the cultural, recreational, employment or tourism impacts; and
 - (iii) the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
 - (iv) any other prescribed matter; and
- (b) must apply the community impact assessment guidelines.
- 9 The community impact assessment guidelines (the guidelines) stipulate that at the time of lodgement, a designated application must be accompanied by a submission addressing how the application is in the community interest. The guidelines contemplate that the submission will be made after the applicant has liaised with the relevant key stakeholders and interest groups in the community. The guidelines provide that ‘applicants are required to show, as part of their application, that they have engaged with members of the community and any relevant stakeholders.’ They provided that ‘[e]vidence of this may include petitions, survey results and/or letters of support.’
- 10 The guidelines generally impose an obligation upon an applicant to include with the application a community impact submission that if relevant is expected to address matters such as: ‘the applicants products/services in terms of key features and potential customers; business/professional experience, in particular relevant knowledge, experience and competency in relation to the service of liquor; general description of facilities and services; construction details (e.g. materials, finishes, acoustic treatment, etc.); details of any food, including menu; liquor services (e.g. bar) and range of liquor; types of entertainment; types of accommodation; a statement as to whether the community supports the proposed business, including providing evidence of such support; and a statement as to why the granting of the application is in the community interest. Applicants are also required to provide, where applicable: a map

³ Section 4 of the Act.

and report regarding the locality generated through the Community Impact Portal; a business plan/plan of management; and a site or property plan, floor plan and/or photographs/artists impressions of site/building.’

- 11 Some additional matters must also be considered.
- 12 Pursuant to s 3(2) of the Act, in deciding this matter the Court must have regard to the objects set out in the Act.
- 13 Section 3(1) sets out what those objects are:
 - (1) The object of this Act is to regulate and control the promotion, sale, supply and consumption of liquor-
 - (a) to ensure that 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; and
 - (b) to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor; and
 - (c) to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and
 - (d) to facilitate the responsible development of the licensed liquor industry and associated industries, including the live music industry, tourism and the hospitality industry, in a manner consistent with the other objects of this Act.
 - (1a) For the purposes of subsection (1)(a), harm caused by the excessive or inappropriate consumption of liquor includes-
 - (a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and
 - (b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and
 - (c) the adverse effects on a person’s health; and (d) alcohol abuse or misuse; and
 - (e) domestic violence or anti-social behaviour, including causing personal injury and property damage.

- 14 The applicant also needs to satisfy the Court that the pre-requisites of s 57 of the Act have been met. Section 57 concerns matters such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools; and whether the appropriate approvals, consents and the like, pertaining to the proposed premises have been granted.
- 15 Finally, the Court must be satisfied that it is in the public interest to grant the application and the Court has a wide discretion to refuse it even if the other stipulated criteria have been met.⁴

Locality

- 16 It can be seen that as was the case under the previous test, the starting point is the identification of the relevant locality.
- 17 Under the former test, which focussed upon the adequacy of the existing facilities in the relevant locality to cater for the public demand for liquor, the issue of locality was very much directed towards identifying the relevant trade area. As such, locality was held to be a much broader than the area that might be described as the local community,⁵ and it included not just the primary trade catchment areas, but also the secondary catchment areas.⁶
- 18 In contrast to this, under the Act in its current form, it speaks of ‘members of the community and any relevant stakeholders’ and how they might be impacted by the grant of the application.
- 19 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 granting of the application.’ They provide that as part of the accompanying submission an applicant is ‘required to identify the geographic area from which they expect to draw customers.’ It is also instructive that the guidelines suggest as a guide that the locality of licensed premises in the Adelaide Metropolitan Area is the area within a two kilometre radius of the site of the relevant premises. They also provide that applicants can be expected to make applications for a new

⁴ Section 53 of the Act gives the Court as a licensing authority ‘an unqualified discretion to grant or refuse an application under this Act on any ground, or for any reason, the licensing authority considers sufficient (but is not to take into account an economic effect on other licensees in the locality affected by the application)’. Section 53(1a) provides that it must refuse an application if satisfied that to grant the application would be contrary to the public interest. Section 53(1b) provides that it must refuse an application if satisfied that to grant the application would be inconsistent with the objects of the Act.

⁵ *Liquorland (Aust) Pty Ltd v Woolies Liquor Stores Pty Ltd and Anor* [2014] SASFC 87 at [29] per Parker J.

⁶ *Ibid* at [69].

licence without necessarily having to engage the services of a lawyer to do so.

- 20 I think it follows that the ‘locality’ is now focussed upon the local community and is much more focussed on primary trade catchment areas, as opposed to the secondary catchment areas. The accumulated experience of this Court is that in most parts of metropolitan Adelaide, leaving aside large discount liquor stores, a two kilometre radius from existing or proposed take away liquor facilities is a fair estimate of where the vast majority of the patrons of those facilities will reside. As a result, prior to the more expansive approach adopted by the Supreme Court in *Liquorland (Aust) Pty Ltd v Woolies Liquor Stores Pty Ltd and Anor*,⁷ this Court often used that measurement or something similar in determining the relevant locality in connection with retail liquor merchant’s licences.⁸
- 21 In this case, Liquorland put forward evidence from two experts as to the relevant locality: Ekistics Planning and Design, a firm of consultant urban social planners and Ethos Urban a firm of consultant and retail shopping analysts.
- 22 The Ekistics report identified that the area comprising of a two kilometre radius from the proposed premises, captures the suburbs of Park Holme, Ascot Park, Clovelly Park, Edwardstown, Glengowrie, Marion, Mitchell Park, Oaklands Park, Plympton Park and Warradale and that these suburbs comprise of at least 48,000 residents.
- 23 Ethos based its locality on the anticipated trading area of the Centre, which it considered would extend beyond the 2km radius, especially to the south and the west of the proposed premises. I think those areas are likely to be regarded as the secondary trade catchment areas that were spoken of under the former test.
- 24 The suburbs under consideration here are typical metropolitan suburbs. They are not especially affluent, nor are they especially disadvantaged. They are criss-crossed by some major roads that carry significant traffic. But that is a common feature of metropolitan Adelaide. What does emerge from the Ekistics report is that the age profile, the unemployment rate, the income profile, and the ethnic profile of the people who live in the locality are not significantly different to the greater Adelaide area.
- 25 Thus, there is nothing unusual about the area under consideration in this case. The expert evidence indicates that the majority of those who use the Centre live in close proximity to it. That accords with the accumulated experience of this Court. Those patrons are likely to be the predominant

⁷ Ibid.

⁸ See, for example: *Saturno’s Newton Cellars* [1998] SALC 15, *First Estate* [2002] SALC 11, *Regency Cellars* [2004] SALC 9, *Liquorland* [2013] SALC 51 and *Woolworths Liquor BWS Arndale* [2014] SALC 14.

users of the proposed premises. Based on the accumulated experience of this Court, I think it is likely that they reside within about a two kilometre radius of the Centre. Accordingly, I think it is appropriate to use the suggested two kilometre radius identified in the guidelines as identifying the relevant locality in this case. I would not regard the people living in the additional areas identified in the Ethos report in which those in the second catchment area reside, as being part of the relevant community such that they need not be taken into account. That said, I think nothing turns on it.

The community interest test

- 26 Having identified the relevant locality, I now turn to consider whether the grant of this application is in the relevant community interest.
- 27 This involves an evaluative exercise that weighs the positives and negatives that will come with the grant of a new licence and hence a new take away facility for the purchase of take away liquor in the relevant locality.
- 28 Through its lawyers, Liquorland wrote to the Department of Aboriginal Services, the Department of Human Services, the Department for Health and Wellbeing, the Department for Education, the Sturt Police Station, and the Council, inviting comment upon the application. The Council has the statutory responsibility and function under section 6 of the *Local Government Act 1999* of representing this 'community'.
- 29 The Council expressly advised that it had no objection to the proposal and that it considered that it will not have impacts beyond its site.
- 30 None of the other entities expressed any objection to the proposed premises.
- 31 The Ekistics report recorded that within the locality there were only three retail liquor facilities, such as that the ratio of such facilities to the number of residents was relatively low. It reported that based on New South Wales data, it was significantly lower than what was regarded as a level that might contribute to harmful drinking.
- 32 It identified that the population profile of the locality was typical of metropolitan Adelaide and that no particular vulnerable group that would warrant special consideration had been identified.
- 33 It stated that the proposed premises site is located within a neighbourhood centre zone and that the zone provisions provided by the Council have been recently amended to significantly increase the floor space of the centre from 4,500 to 7,000 square metres.

- 34 Liquorland placed before the Court a report detailing the results of a survey conducted by Data Analysis Australia Pty Ltd regarding the level of support of local residents for the proposed premises. Of those expressing any opinion, 73% supported the store and 84% of those who purchase takeaway liquor supported the proposal.
- 35 I now turn to conduct the evaluative exercise that the Act requires.
- 36 On the positive side, it can be taken as a given that many members of the relevant community will take advantage of the proposed premises and will be very appreciative of the opportunity to purchase liquor in combination with their other use of the facilities on offer at the Centre.
- 37 I say this because this Court has already received evidence about the popularity of the Coles Supermarket in the Centre. In *Liquorland (Australia) Pty Ltd v Woolworths Ltd and Ors*,⁹ based on the evidence given in this Court just a few years ago, Kourakis CJ described the Coles Supermarket at the Centre as being within the top third of all South Australian supermarkets in term of its business. Up to 30,000 shoppers visit the Supermarket every week. The evidence given at trial in this hearing confirms this. It can be safely assumed that the majority of the visitors to the Supermarket live in the relevant locality. They are the relevant community and it can be taken that many of its members share the values of many contemporary Australians for whom the ability to undertake ‘one-stop shopping’ is very important.¹⁰
- 38 Liquorland is part of the Coles Group, which is an experienced liquor retailer. It has sound policies in respect of the responsible service of alcohol. It has established training programs for its retail liquor staff that re-inforce the need for compliance with those policies. Liquorland stores use sound anti-theft measures. It can be assumed that the proposed premises will be an attractive, well stocked and well managed convenience type liquor store and that its staff will be alert to the need not to serve minors or intoxicated persons.
- 39 The evidence establishes that the Council supports an expansion of the Centre. The addition of a popular new facility within the Centre will not only have positive trade implications for other traders in the Centre, it will fortify the future viability of the Centre in conformity with the Council’s expectations, which in turn can be taken to reflect the relevant community’s expectations.
- 40 The only stakeholder that opposes the application is the Australian Hotels Association (the AHA). I will come to its submissions shortly. What can be gained by the absence of any other objections is the positive that the

⁹ [2018] SASFC 31.

¹⁰ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 at [78] per Buss JA.

Council, the Police and the various Government Departments that Liquorland wrote to, have no issue with the application.

- 41 The proposed premises will offer a point of difference to the other take away liquor facilities in the locality which has the potential to enhance competition, which in turn has to potential to improve the range, service and price of the take away liquor offerings in the locality.
- 42 The proposed premises will provide some employment opportunities. This Court is entitled to know that many employed in such take away liquor facilities are casual employees that live close to the facility. It is likely that at least some of the employment opportunities that will come from the grant of this application will be for the benefit of members of the relevant community.
- 43 On the negative side, common experience informs us that for many in the community, alcohol is a problem. Excessive consumption of alcohol carries with it serious health risks. It can fuel domestic violence. It can shatter relationships and cause families to become dysfunctional. It can cause social problems and result in violent and anti-social behaviour. It can cause financial problems and result in people making risky and poor decisions.
- 44 It can be assumed that some of the relevant community will be afflicted by these issues. It can be assumed that some will be alcohol dependent and that some of these will be attempting to abstain from drinking or reduce their consumption. The addition of another take away liquor facility will increase the opportunities for such persons to obtain alcohol. Passing an attractive liquor outlet when walking in and out of a supermarket increases the risk for those for whom alcohol is a problem, to succumb to the temptation to buy it. If there was evidence that there were a greater number of such vulnerable persons in this community as opposed to the general population or that this locality was already awash with take away liquor facilities, such matters might tip the balance in determining that it is not in the community's interest to grant the application.
- 45 The AHA relies upon the expert evidence that it says indicates that those who reside within the locality are generally less well off in terms of income than the average in the Greater Adelaide area, and that there are more single person households and those who rent. I am not sure what can be made of this. The income test is based on the household such that the lower average income might simply reflect the higher number of single households in the locality. I suppose it might be inferred that many in a community that had a generally low average income have less income available for discretionary spending and if alcohol is a problem for some of them it might result in some of them spending money on alcohol to the detriment of them and others. But what is telling in this case, is that if this

was an issue of concern, I would have expected one or other of the agencies that Liquorland wrote to, to have said so, and they did not.

- 46 The AHA points to the fact that within the locality are three take away liquor facilities: a BWS store about five hundred metres north of the proposed store, on the opposite side of Marion Road, and bottle shops attached to the Marion Hotel and the Morphett Arms Hotel. They add that immediately outside the two kilometre radius are take away liquor facilities attached to the Castle Tavern, the Tonsley Hotel and the Warradale Hotel and beyond that there are eight take away liquor facilities that are not that distant. If this application had to meet the needs test, these facts would have been highly relevant. Indeed, they were to a large extent relied upon by this Court¹¹ and the majority in the Full Court in rejecting a previous application by Liquorland at this site under the former test. Collectively those facilities are probably still adequately catering for the liquor needs of the residents of the locality as that locality was understood to be in that case.¹² But this is not the test that must now be applied. It must be firmly understood that the issue in this case is not whether the grant of this application in respect of the proposed premises is necessary to service the public's needs. That is no longer the test that the Court must apply and to continue to apply that test, or something like it, would be to ignore the clear directive of the Parliament to apply a new test, and would lead to error.¹³
- 47 What is significant is that in South Australia, with a population of just over 1.6 million, the Hon TR Anderson QC, in his Review of the South Australian Liquor Licensing Act 1997, noted that in 2016 there were over 600 hotel licences and just over 200 retail liquor merchant licences.¹⁴ There were other licences that also permitted the sale of take away liquor, but what this indicates is that at that time there were over 800 facilities that could or were selling take away liquor. It follows that the State average was then potentially one take away liquor facility for every 2,000 residents. I accept that these figures are rubbery. Many hotels do not have bottle departments or drive throughs. The take away facilities at hotels can vary from a rudimentary offering from behind the bar to bottle shops of warehouse dimensions, such as the Dan Murphys attached to the Norwood Hotel and the First Choice attached to the Hampstead Hotel. But what is important about these figures is the contrast they create relative to the figures relevant to this locality. In this locality there are approximately 48,000 residents, but only three take away liquor facilities. It follows that currently, the ratio is one facility for every 16,000 residents. If the

¹¹ *Liquorland (Australia) Pty Ltd – Parkholme Shopping Centre v Woolworths Limited and Hurley Hotels Pty Ltd* [2017] SALC 2.

¹² *Ibid.*

¹³ See, for example: *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227.

¹⁴ Review at 48.

proposed premises is added, the ratio reduces to one facility for every 12,000 residents. If the take away liquor facilities attached to the Castle Tavern, the Tonsley Hotel and the Warradale Hotel are included, the ratio becomes one facility for every 7,000 or so residents. What all of this indicates, is that relative to other parts of the State, and contrary to the AHA's submission, this locality is not awash with take away liquor facilities.

- 48 I think it is unlikely that the grant of this application will result in a worrying level of increased harm due to the excessive or inappropriate consumption of liquor, either to the relevant community as a whole, or to any group within that community.
- 49 In my opinion it will not cause any adverse cultural, recreational or tourism impacts and it is likely to have a small positive impact upon employment within the relevant community.
- 50 I think it is unlikely to have an adverse social impact or impact on the amenity of the locality of the proposed premises. To the contrary, it is likely to add to the popularity of the Centre and its viability.
- 51 Through the letters sent to the various entities, Liquorland has liaised with the relevant key stakeholders and interest groups in the community.
- 52 There are no issues regarding Liquorland's products and services or its relevant knowledge, experience and competency in relation to the service of liquor.
- 53 There are no issues regarding the plans for the proposed premises.
- 54 Having made the evaluative judgment that the Act requires, I am satisfied that it is in the community interest to grant this application.

Section 57

- 55 The AHA makes the point that in connection with s 57, there are several places of worship within the relevant locality and that there is no evidence that any were consulted by Liquorland in respect of the application.
- 56 Pursuant to s 52 of the Act, Liquorland advertised the fact of this application including at the proposed premises. It can be inferred that many of the parishioners of the places of worship identified by the AHA would frequent the Centre and the Coles Supermarket. It can be inferred that many of them would have been made aware of this application. It can be inferred that if those associated with those places of worship took issue with this application there would have been some complaint from them. There were none.

57 In my view none of the matters raised by s 57 of the Act are of concern here. I find that the premises will be suitable. I find that there is negligible potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity or that they will prejudice the safety or welfare of children attending nearby kindergartens and schools. I find that the appropriate approvals, consents and the like, pertaining to the proposed premises have been granted.

The Court's discretion

58 I now turn to the final matter that I must consider, that is whether it is in the public interest to grant the application.

59 There is obviously a strong correlation between the community interest and the public interest. I think that in most cases if there was a conclusion that it was in the community interest to grant an application there would also be a finding that it was in the public interest to do so. There will be occasions when the two interests will not coincide. Sometimes it might be thought necessary in the public interest, to refuse an application to protect the integrity of the liquor licensing regime.¹⁵ Sometimes it might be in the interests of the local community to grant the application, but it might be thought that the interests of the wider community who live outside of the relevant locality might be so adversely affected by the grant of the application that it should be refused. Neither are relevant here. I can accept that there might be other reasons why it would be appropriate to refuse an application in the exercise of the Court's discretion notwithstanding that the community interest test has been met. But in the context of this case, none readily spring to mind.

60 To borrow the words of Liquorland's counsel, Mr Roder QC, this is a modest application. It involves no more than a request for a packaged liquor sales licence to enable the creation of a small, attractive, convenience style bottle shop, adjacent to a very popular supermarket in a growing neighbourhood centre. That Centre is in an unexceptional, non-descript locality that has nearly 50,000 residents, and which has relatively few take away liquor facilities within it. The grant of the application will make the Centre even more popular than it already is. If successful it is likely to add some jobs to the local community. Apart from the concerns expressed by the AHA, who presumably is protecting the interests of some local hotels, the application has met with no resistance from any other stakeholders, which include the police and the Council. Many of the local community can be expected to take advantage of the proposed premises and many will find it to be very convenient. It will be operated by an experienced and reputable licensee.

¹⁵ See, for example: *Liquorland (Australia) Pty Ltd and Ors v Lindsey Cove Pty Ltd & Anor* [2002] SAS 17; (2002) 81 SASR 337.

61 I cannot discern any grounds that would warrant finding that it is not in the public interest to grant this application. To the contrary, I make a specific finding that it is in the public interest to grant it.

Conclusion

62 The application is granted. Counsel is to forward to the Clerk of the Court draft minutes of orders for the Court's consideration.