

## **DECISION OF DIRECTOR OF LIQUOR LICENSING**

**APPLICANT:** LIQUORLAND (AUSTRALIA) PTY LTD

**PREMISES:** LIQUORLAND TRINITY

**PREMISES ADDRESS:** 12K LONGSTAFF AVENUE, ALKIMOS

**APPLICATION ID:** A000229914

**NATURE OF APPLICATION:** CONDITIONAL GRANT OF A LIQUOR STORE LICENCE

**DATE OF DETERMINATION:** 23 JUNE 2017

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### **Introduction**

- 1 This is an application by Liquorland (Australia) Pty Ltd (the applicant) for the conditional grant of a liquor store licence for premises to be known as Liquorland Trinity and located at 12K, Longstaff Avenue, Alkimos. The application is made pursuant to ss 47 and 62 of the *Liquor Control Act 1988* (the Act).
- 2 The applicant seeks to establish a convenience style package liquor outlet within the proposed Trinity Village Shopping Centre (the Centre), which will be in the new Trinity Estate in Alkimos. It was submitted that there are several residential developments being constructed within the locality, including Trinity Estate, which is expected to result in a large increase in population.
- 3 According to the applicant, the Centre will be a new \$17.5 million shopping centre precinct designed to cater for the daily and weekly needs of the residents of Trinity Estate, and of Alkimos more generally.
- 4 The application was advertised for public comment in accordance with instructions issued by the Director of Liquor Licensing. There were no objections or interventions to the grant of the application. Notwithstanding, there is no presumption in favour of the grant of the application. An applicant for the grant of a licence must adduce sufficient probative evidence to satisfy the licensing authority that the grant of the application is in the public interest: s 38(2).

### **Determination**

- 5 To discharge its burden under s 38(2), the applicant submitted a Public Interest Assessment (PIA) which included:
  - a report from MGA Town Planners which considered the key features of the locality, including retail structures and purchasing patterns, traffic flows and key catchment areas, demographic profile of the locality and groups potentially at-risk of alcohol-related harm;

- a report from Bodhi Alliance, who were engaged as an expert to undertake an amenity and social audit of the locality; and
  - the results of a survey of residents undertaken by Data analysis Australia Pty Ltd.
- 6 I have carefully considered the applicant's evidence and submissions in the context of the statutory requirements of the Act and the decisions of Buss J in *Woolworths v Director of Liquor Licensing* [2013] WASCA 227 and Allanson J in *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208.
- 7 Based upon the evidence submitted, I am satisfied that the applicant has discharged its burden under s 38(2) of the Act and the grant of the application is in the public interest. Accordingly, a liquor store licence is conditionally granted to the applicant subject to the following:
- (a) a Certificate under s 39 of the Act being lodged before the operation of the licence;
  - (b) compliance with the *Local Government Act 1960*, *Health Act 1911* and any written law relating to the sewerage and drainage of these premise;
  - (c) all work being completed within 12 months in accordance with the plans and specifications dated 16 March 2017.
  - (d) the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements being satisfactorily completed and the Director of Liquor Licensing being notified in writing at least 21 days prior to applicant wishing to trade under the licence;
  - (e) a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed; and
  - (f) the applicant seeking confirmation of the grant on or before **22 June 2018** pursuant to s 62(4)(c) of the Act.

### **Conditions to be imposed on the issue of the licence**

#### Trading hours

The permitted trading hours are those prescribed in s 98D of the Act. In this respect, only liquor stores located in the metropolitan area are permitted to trade on Sundays.

#### Trading

The licensee is authorised to sell and supply packaged liquor in accordance with the provisions of s 47 of the Act.

#### CCTV

The licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing. Images recorded via the video surveillance system

must be retained for 28 days (or such period as the Director of Liquor Licensing specifies) and must be made available for viewing or removal by the police or other persons authorised by the Director;

Approval under s 104

Pursuant to s 104 of the Act, the profit sharing arrangements in accordance with the application dated 8 May 2017 is approved.

Tasting condition

Pursuant to s 47(2) of the Act, the licensee is authorised to supply liquor, by way of free sample, for consumption within the licensed premises, subject to the following conditions:

- (a) Tastings must be conducted under the full responsibility and supervision of the licensee or approved manager at all times.
- (b) Tastings cannot be supplied to juveniles.
- (c) Glasses to be used for tastings are to be washed in accordance with the provisions of the Standards of Licensed Premises Policy of the Director of Liquor Licensing unless single use disposable containers are used.
- (d) Compliance with the Food Act 2008 at all times.
- (e) Tastings per sample must not exceed the following measures:
  - (i) Wine – 50 mls
  - (ii) Beer – 100 mls
  - (iii) Spirits – 15 mls.
- (f) Free drinking water must be made available at all times that samples of liquor are available for tasting.

Compliance with harm minimisation policy

The licensee is to have a House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.

- 8 Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the operation of the licence.

- 9 The applicant is reminded that trading ***may not*** commence without the prior written approval of the licensing authority.
- 10 This matter has been determined by me under delegation pursuant to s 15 of the Act.



Peter Minchin  
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING