

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

**APPLICANT:** ALKIMOS LIQUOR STORE PTY LTD

**PREMISES:** ALKIMOS LIQUOR STORE

**PREMISES ADDRESS:** SHOP 2, THE GATEWAY SHOPPING CENTRE, 2 GRACEFUL BOULEVARD, ALKIMOS

**APPLICATION ID:** A000209193

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

**DATE OF DETERMINATION:** 07 OCTOBER 2016

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### **Introduction**

- 1 Alkimos Liquor Store Pty Ltd seeks the conditional grant of a liquor store licence for premises to be known as Alkimos Liquor Store and located at Shop 2, Gateway Alkimos Beach Shopping Centre, 1 Graceful Boulevard, Alkimos. The application is made pursuant to ss 47 and 62 of the *Liquor Control Act 1988* (the Act).
- 2 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.
- 3 The application will be determined on the papers as permitted under ss 13 and 16 of the Act.

### **The applicant's evidence and submissions**

- 4 The Gateway Alkimos Beach Shopping Centre (the Centre) is currently under construction at 1 Graceful Boulevard, Alkimos. The Centre will serve as a day-to-day local shopping and social hub for residents of, and visitors to, Alkimos and the surrounding locality. It was submitted by the applicant that the Centre will provide much-needed and important services for the growing community in a centralised location which is conveniently accessible to residents and visitors.
- 5 The Alkimos Liquor Store will be one of a large range of retail shops in the new Centre. The availability of packaged liquor at the Centre will increase the range of retail services available to residents of the locality and thereby increase the amenity of Alkimos and the locality in general. The proposed liquor store will be a modern browse-style store comprising an area of approximately 185m<sup>2</sup>, which will include a walk-in cool room, storage, easy browse facilities and other amenities. The store will operate under the 'Cellarbrations' brand, featuring a wide range of products.
- 6 According to the applicant, Alkimos is one of Perth's newest master-planned communities and one of the most significant urban developments in the Perth

Metropolitan Area. Alkimos lies within the north-west coastal corridor of the metropolitan area and is central to the development of the proposed Alkimos – Eglinton Satellite City regional town centre. This regional “satellite city” will be home to over 50,000 people, and will contain a full range of services to meet the requirements of residents of Alkimos – Eglinton and the surrounding suburbs.

- 7 The applicant submitted a detailed Public Interest Assessment (PIA) to support its application. The PIA provided information on:
  - the nature and character of the locality;
  - demographic profile of the local community;
  - existing licensed premises in the area;
  - proposed style and manner of operation;
  - health indicators for the locality;
  - sensitive premises in the locality; and
  - likely impact on the amenity of the surrounding area.
- 8 The applicant also submitted a survey of consumers within the locality to gauge support for the application. The survey, conducted by Patterson Research Group, indicated that:
  - the great majority of takeaway liquor purchasing is done at outlets outside of the locality, a significant distance from the proposed liquor store;
  - a high proportion of respondents were interested in the prospect of a liquor store being established at the Centre and would use the store;
  - a large percentage of respondents indicated that the location of the proposed liquor store would be convenient for them to use; and
  - a large percentage of respondents reported that they are likely, or very likely, to purchase some of their packaged liquor at the proposed store.
- 9 Consequently, it was submitted that the grant of the application will positively improve and increase the amenity of the locality for residents of Alkimos, the surrounding suburbs and visitors to the locality. It was also submitted that the grant of the application is unlikely to negatively impact on the amenity of the area or contribute to alcohol-related harm or ill-health to any person or groups within the locality.

### **Reasons for determination**

- 10 This is an uncontested application for the grant of a liquor store licence for premises to be located within the new Gateway Alkimos Beach Shopping Centre. The proposed liquor store will be a moderately sized, browse-style outlet operating under the “Cellarbrations” banner. Alkimos is a developing urban area and the Centre will provide for the daily and weekly shopping needs of residents in the locality.

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- 11 The statutory and legal framework relating to the grant of a liquor store licence is well established and need not be repeated in any great detail here. Suffice to say, an applicant for the grant of a licence must satisfy the licensing authority that the grant of the application is in the public interest: s 38(2).
- 12 The factual matters which I am bound to take into account when determining whether the grant of an application is 'in the public interest' are those relevant to the primary and secondary objects of the Act as set out in s 5 (refer *Woolworths v Director of Liquor Licensing* [2013] WASCA 227).
- 13 The primary objects of the Act are:
- to regulate the sale, supply and consumption of liquor;
  - to minimise harm caused to people, or any group of people, due to the use of liquor; and
  - to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.
- 14 The secondary objects of the Act are:
- to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State;
  - to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
  - to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.
- 15 There is currently no significant licensed outlet density in the locality, with the only existing packaged liquor facility in the locality being a BWS Liquor Store located approximately 2.4 kilometres from the applicant's premises. Consequently, a large proportion of residents in the southern half of Alkimos are required to travel quite some distance, and past the site of the applicant's premises, in order to obtain their packaged liquor requirements. There is a relative lack of proximity between the bulk of the population of the locality and the existing BWS Liquor Store. Also, the BWS store is located in a small row of neighbourhood shops, unlike the applicant's premises where consumers would be able to purchase packaged liquor together with their other household consumer requirements at the Gateway Alkimos Beach Shopping Centre.
- 16 I have considered the applicant's evidence and submissions, including the survey data, and I find that the proposed liquor store will cater to the packaged liquor requirements of the existing, and future population of Alkimos and the surrounding

locality, as contemplated under object 5(1)(c) of the Act. I also find that the grant of the application would be consistent with the proper development of the liquor industry.

- 17 In terms of the harm minimisation object of the Act, there is nothing in the evidence before me to indicate that the grant of the application would cause undue harm or ill-health to people, or any group of people, in the locality. Neither is there any evidence that the grant of the application will negatively impact on the amenity of the area.
- 18 Therefore, in weighing and balancing the evidence presented by the applicant, I am satisfied the applicant has discharged its onus under s 38(2) and the grant of the application is in the public interest.
- 19 I am satisfied the applicant has complied with all of the statutory requirements and conditions precedent to the application being granted, and 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 premises;
  - (c) all work being completed within 12 months in accordance with the plans and specifications dated 25 July 2016.
  - (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 **6 October 2017** 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.

##### 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.

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.
- 20 Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the operation of the licence.
- 21 The applicant is reminded that trading **may not** commence without the prior written approval of the licensing authority.
- 22 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