

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: ROBINSONSTAR PTY LTD

PREMISES: LIQUOR BARONS AT NAVAL BASE

PREMISES ADDRESS: 27 WESTON STREET, NAVAL BASE

APPLICATION ID: A548258372

MATTER: APPLICATION FOR CONDITIONAL GRANT OF A LIQUOR STORE LICENCE

DECISION OF: PETER MINCHIN
DIRECTOR LIQUOR CONTROL AND ARBITRATION

DATE OF DETERMINATION: 21 JUNE 2018

Introduction

- 1 Robinsonstar Pty Ltd (the applicant) has lodged an application for the conditional grant of a liquor store licence for premises to be located at 27 Weston Street, Naval Base and to be known as Liquor Barons at Naval Base. 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. 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.¹
- 3 The application will be determined on the written submissions of the applicant as permitted under ss 13 and 16 of the Act. Further, this decision has been prepared, and should be read, in the context of high-volume liquor jurisdiction which is to act as speedily and with as little formality and technicality as is practicable.²

Determination

- 4 The proposed liquor store is to be located in the Kwinana Industrial Area and is primarily designed to cater to consumers who work in or pass through the locality. The store will be moderate in size, having a total licensed area of 294m². The premises will operate as part of the Liquor Barons group and provide a wide variety of packaged liquor, including a range of Australian fine wines. Clients will have the option of parking and browsing, or purchasing from their vehicle through a two-way lane drive-through facility.

¹ Refer s 38(2) of the Act.

² Refer s 16(7) of the Act.

- 5 The applicant lodged a Public Interest Assessment (PIA) to support its application. The PIA provided details on the proposed manner of trade; services and facilities to be provided; likely impact on the amenity of the area and the existing profile of the local community. The PIA also included the following reports:
- Planning and Amenity Analysis report prepared by Planning Solutions;
 - Social Impact report prepared by Bodhi Alliance; and
 - Survey 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 premises;
 - (c) all work being completed within 12 months in accordance with the plans and specifications dated 13 April 2018.
 - (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 **20 June 2019** 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. 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.

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:

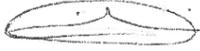
- (a) Tastings must be conducted under the full responsibility and supervision of the licensee or approved manager at all times.
- (b) Tastings cannot be supplied to juveniles.
- (c) Glasses to be used for tastings are to be washed in accordance with the provisions of the Standards of Licensed Premises 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—50mls
 - (ii) Beer—100mls
 - (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