

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: LIQUORLAND (AUSTRALIA) PTY LTD

PREMISES: LIQUORLAND ORANA

PREMISES ADDRESS: 463-475 ALBANY HIGHWAY ORANA

APPLICATION ID: A000057328

NATURE OF APPLICATION: CONDITIONAL GRANT OF A LIQUOR STORE LICENCE

DATE OF DETERMINATION: 28 OCTOBER 2015

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 located at 463-475 Albany Highway, Orana and known as Liquorland Orana. The application is made pursuant to s 47 and s 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 33 objections to the grant of the application (refer Appendix A) together with a notice on intervention, pursuant to s 69 of the Act, from the Commissioner of Police (the Commissioner).
- 3 Pursuant to s 13 and s 16 of the Act, the application will be determined on the written material lodged. The evidence and submissions of the parties are briefly summarised as follows.

The applicant

- 4 Orana is an established suburb in the City of Albany. The proposed liquor store is to be located in the new LeGrande Shopping Centre (the Centre), which is part of the new Orana Neighbourhood Activity Centre, located at 463-475 Albany Highway, Orana. The Centre includes a Coles supermarket and other speciality stores. The Centre is serviced by a main car park with 314 bays.
- 5 The proposed liquor store, which will be located adjacent to the Coles supermarket, will have a total area of 181.5m² which includes a sales area of 130m² and 37m² cool room.
- 6 According to the applicant, the locality surrounding the proposed liquor store is characterised by well-established residential suburbs, as well as predominantly rural land in the north and the west, and industrial development in the south and east. The Centre is serviced by Albany Highway, which provides the main connection between the Albany City Centre and Perth. Albany Highway carries a significant volume of local, regional and inter-state traffic. The population in the locality rose from 10,054 in 2006

to 11,527 in 2011. It was submitted that incremental population growth resulting from planned medium density residential development and special rural lot development will add further to the level of demand for goods and services in the area, including packaged liquor.

- 7 The applicant lodged a Public Interest Assessment (PIA) to support its application, which included a report by MGA Town Planners (MGA report), the results of consumer surveys conducted by Data Analysis Australia (DAA report) and an audit of sensitive premises in the locality conducted by Bodhi Alliance (Bodhi report).
- 8 Some of the key information to emerge from the MGA report includes:
 - Albany is the major centre serving the Great Southern Region. People from other centres such as Denmark along the coast as well as wheat belt areas to the north rely on Albany for the provision of services, including shopping. For the most part, these services are dispensed from the Albany CBD; however, for communities and rural residents further north on Albany Highway, the Orana Neighbourhood Activity Centre (NAC) will offer the best range for weekly shopping purposes;
 - there are four packaged liquor outlets servicing the general public within a three kilometre radius of the proposed liquor store:-
 - the North Road Liquor Store is located in the North Road (NAC) which is anchored by a Supa IGA supermarket approximately 2 kilometres to the north-west of York Street near the Albany Centre;
 - the BWS liquor store is located in the Albany Centro NAC, which is a standalone centre anchored by a supermarket and specialty shops;
 - the Amity Tavern and its associated Thirsty Camel drive-through liquor store is located in isolation on the corner of South Coast Highway and Albany Highway, forming a small Local Activity Centre (LAC); and
 - the McKail LAC on the corner of Lancaster Road and Albany Highway includes a combined Liquor Barons liquor store/general store and petrol station;
 - there were slightly higher proportions of those aged 0-4 (7.8%) and 10-19 (14.3%) in the locality, compared to the proportions throughout all of Country WA (7.1% and 13% respectively);
 - the locality contained a lower proportion of people aged between 25-54 (37.4%) in comparison to all of Country WA (43.6%);
 - the proportion of indigenous persons in the locality as at 2011 was 4.4%, exceeding that of the State (3.1%) but approximately half that of all Country WA (8.3%);

- median individual, household and family incomes in the locality were lower than the Country WA area and the State as at 2011. A relatively high proportion of single parent families and elderly are considered to have contributed to this factor; and
- there are no significant concentrations of “at-risk” groups in the locality and the population featured an average measure of relative socio-economic advantage/disadvantage relative to the rest of Australia and the State.

9 Data Analysis Australia was engaged by the applicant to conduct a telephone survey to gauge the level of public support for the proposed liquor store. There were 351 valid responses to the survey, which was conducted in April 2014. The survey results indicated that:

- the locations where residents do their supermarket shopping and the dominant position of the Dan Murphy’s outlet on York Street in the town centre of Albany were major factors highlighted by the survey as being relevant to residents’ attitudes to, support for, and possible use of, the proposed liquor store. In addition, it was clear that the eastern part of the locality (to the east of Chester Pass Road and Hanrahan road) is not so relevant to the application, with residents unlikely to significantly use the new shopping Centre in Orana, and therefore less likely to use the proposed liquor store. In contrast, the adjacent part of the locality, particularly the north west region, between Albany highway and South Coast Highway, appears to be highly relevant;
- the most used takeaway liquor outlet was Dan Murphy’s, used by 59% of respondents who purchase packaged liquor, and for 51% it is their main store, despite being well outside the locality. The next most popular store was the BWS store followed by the Liquor Barons store associated with McKail’s General Store and Liquorland Albany (in the Albany Plaza Centre). The choice of liquor outlets naturally divides between Dan Murphy’s, as a destination outlet, and convenience stores associated with supermarkets;
- the two main reasons given by respondents for why they choose their outlet for purchasing packaged liquor are price and value for money, closely followed by convenient location.
- 43% of respondents indicated that they support the proposed application, rising to 49% across the locality when only respondents who purchase packaged liquor are considered;
- overall, 25% of respondents (32% of purchasers of takeaway liquor) thought they would use the proposed liquor store at least monthly, with this rising to 29% if only the north west of the locality is considered (39% of purchasers); and

- the level of support for the application is at the lower end of the range previously observed in telephone surveys of this type, however the substantial effect of the Dan Murphy's outlet must be considered.
- 10 In June 2015 the Centre opened, so DAA undertook an intercept survey of shoppers at the Centre. According to DAA, the intercept survey results provide strong evidence of support for the proposed liquor store. More than one and a half times as many respondents were in favour than against the proposal, and more than two to one were in favour when only purchasers of takeaway liquor were considered, however they did state that the overall level of support is slightly below what is often observed in intercept surveys of this type. DAA concluded that the increased levels of support in the intercept survey reflect that it is naturally targeting people who use the shopping centre and therefore for whom it is most convenient.
- 11 The Bodhi report identified 44 sensitive use premises in, or on the periphery of, the locality. According to the Bodhi report, the internalised design of the Centre will separate the Centre from abutting uses and the land buffer around the site will provide protection to nearby residents from potential noise and light spill impacts. The Bodhi report concluded that the location of the proposed liquor store within the Centre will result in the store having very little or no impact on identified sensitive use premises as the majority of premises are distant from the proposed store and are in closer proximity to existing liquor outlets. Albany Highway is a main access route and any additional traffic generated by the proposed liquor store will result in minimal traffic impact on nearby sensitive uses or residents.
- 12 In respect of existing alcohol-related harm in the area, the applicant submitted that police statistics for the period June 2013 to August 2014 indicate that there were 144 assaults, however this data is not specific to the locality surrounding the proposed liquor store and incorporates a larger area and the statistics do not identify which of the assaults are alcohol-related. Data from the Office of Crime Prevention indicates that in 2009-2010, 42.3% of assaults in the City of Albany were classed as alcohol-related, which is less than the State rate (45.2%), while data from the Drug and Alcohol Office indicates that alcohol-related hospitalisations in the Great southern Region was not significantly different to the corresponding State rate. However, alcohol-related hospitalisations in the City of Albany were higher than the corresponding State rate for the period 2005-2009.
- 13 According to the applicant, the benefits for the community to flow from the grant of the application include:
- one-stop-shopping convenience;
 - the store will complement other existing and proposed uses within the Centre, and provide additional local employment opportunities; and

- the store will have comprehensive security measures in place to minimise and deter crime and anti-social behaviour.

The objectors

- 14 The majority of the objectors were local residents or business operators who expressed the general opinion that there were already enough liquor outlets in the area and were concerned that the proposed liquor store will be located in close proximity to the high school, TAFE College and cinemas. It was consequently asserted that the grant of the application was not in the public interest.
- 15 Ms Margaret Pontin, the principal of the Parklands School, stated that the school already experiences problems with vandalism, unlawful entry onto school grounds and the stealing of school equipment. Ms Pontin submitted that these issues will only be exacerbated by the grant of the application.
- 16 Ms Karen Dale is the principal of the Albany Secondary Education Support Centre (ASESC) which is located approximately 700 metres from the proposed liquor store. Ms Dale objects in her private capacity as a person concerned about the impact that the grant of the application will have on students of ASESC. There are 45 students, aged between 12-18 years, at the school with intellectual disabilities and mental health conditions. These students are particularly vulnerable to advertising. During the school week, students attend the Great Southern Institute of Technology, located opposite the site of the liquor store, to complete vocational courses and Ms Dale is particularly concerned that some students with impaired judgment due to their disabilities will have convenient access to a liquor outlet.
- 17 Ms Sharon Doohan, who is the principal of the North Albany Senior High School (NASHS), objects in her private capacity as a person concerned that the grant of the application will cause undue harm to students of the NASHS, particularly on the basis that students will be exposed to the overt advertising of alcoholic products on their way to and from school. It was submitted by Ms Doohan that between 98-108 students cross over Albany Highway in the mornings and afternoons in front of the location of the proposed liquor store. Also, parents park in the cinema car park to collect their children after school.
- 18 According to McKail Investments Pty Ltd, the licensee of McKail's General Store, the grant of the application would not be in the public interest because of the density of existing liquor outlets in the locality and the lack of demand or support for an additional outlet. It was submitted that the proposed liquor store will not be a unique or distinctive venue and seeks to provide a service already met by the other packaged liquor outlets in the area. Catering to the requirements of consumers must be considered in the context of the proper development of the liquor industry in the area. In respect of the applicant's claims that the grant of the application will facilitate the convenience of one-stop shopping, it was submitted that this option is currently available from:

- the BWS liquor store located adjacent to the Albany Central Woolworths supermarket which is about 1.8 kilometres from the applicant's premises;
 - the North Road Liquor Store is anchored by a Super IGA supermarket, which is about 2.3 kilometres away; and
 - the existing Liquorland at the Coles Albany Plaza, which is located approximately 3.8 kilometres from the applicant's proposed premises.
- 19 McKail Investments Pty Ltd submitted a petition signed by 800 individuals opposed to the grant of the application together with 27 customer questionnaires from respondents indicating their satisfaction with the existing packaged liquor outlets in the area.
- 20 Ms Helen Shanks and the Albany Seventh-Day Adventist Church raised the same issues, namely:
- there are already sufficient liquor outlets in the area and granting a further liquor store licence may increase the risk of alcohol-related harm in the area;
 - the proposed liquor store will be located in proximity to the Great Southern Institute of Technology and the North Albany Senior High School;
 - there are at-risk groups in the area evidenced by the above average indigenous population, high unemployment, and lower than average family incomes; and
 - there is not strong support from the community for the grant of the application.

The Commissioner of Police

- 21 According to the Commissioner, there is existing alcohol-related harm occurring in the area surrounding the applicant's proposed liquor store. In 2014 there were:
- 1,618 reported criminal offences in the Albany Police Sub District of which 146 were alcohol-related;
 - 301 offences in the Albany CBD with 31 of these being alcohol-related;
 - 56 domestic assault offences in the Albany Sub District involving alcohol (and 119 non alcohol-related);
 - 17 domestic assault offences in the Albany CBD of which 1 involved alcohol;
 - 32 non-domestic assaults involving alcohol out of a total of 141 assaults in the Albany Sub District; and
 - 16 non-domestic assaults involving alcohol out of a total of 48 assaults in the Albany CBD.

- 22 The Commissioner further highlighted the fact that there are nine liquor stores in the town of Albany, and there are four packaged liquor outlets within a 2.3 kilometre radius of the applicant's proposed store. There is also a large, easily accessible destination packaged liquor store approximately 5 kilometres from the proposed venue.
- 23 Due to the proximity of the proposed liquor store to the high school and TAFE College, the Commissioner recommended a condition be imposed on the licence, if granted, prohibiting any external advertising of liquor products.

Determination

- 24 The LeGrande Shopping Centre has recently been built in Orana, a suburb of Albany, and the applicant seeks to establish a convenience style package liquor outlet adjacent to its Coles supermarket within the new Centre. The proposed liquor store will be approximately 181.5m² and operate under the national Liquorland banner.
- 25 There were 33 objections to the grant of the application together with a notice of intervention from the Commissioner of Police. Except for an intervener, who carries no onus to establish their assertions of fact or opinion (refer *Re Gull Liquor* (19990 20 SR (WA) 321), the Act places a burden of persuasion on each party to the proceedings.
- 25 An applicant for the grant of a liquor store licence must, pursuant to s 38(2) of the Act, satisfy the licensing authority that granting the application is in the public interest, while the burden of establishing the validity of any objection lies on the objector (refer s 73(10) of the Act).
- 26 In determining whether the grant of an application is "in the public interest" I am required to exercise a discretionary value judgment confined only by the scope and purpose of the Act (refer *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 492; *O'Sullivan v Farrer* (1989) 168 CLR 210; *Palace Securities Pty Ltd v Director of Liquor Licensing* [1992] 7WAR 241; and *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175).
- 27 In *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 Tamberlin J said:

"The reference to "the public interest" appears in an extensive range of legislative provisions upon which tribunals and courts are required to make determinations as to what decision will be in the public interest. This expression is, on the authorities, one that does not have any fixed meaning. It is of the widest import and is generally not defined or described in the legislative framework, nor, generally speaking, can it be defined. It is not desirable that the courts or tribunals, in an attempt to prescribe some generally applicable rule, should give a description of the public interest that confines this expression."

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- 28 The scope and purpose of the Act can be ascertained from its objects (refer s 5), which the licensing authority is bound to take into consideration when determining an application.
- 29 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.
- 30 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.
- 31 The licensing authority is also entitled (but not bound) to take in to account the factual matters set out in s 38(4) of the Act as part of the public interest considerations.
- 32 The licensing authority must deal with each application on its merits (refer s 33) but has an absolute discretion to grant or refuse an application for any reason that the licensing authority considers in the public interest (refer *Woolworths Ltd v Director of Liquor Licensing* [2012] WASC; *Palace Securities v Director of Liquor Licensing* (1992) 7 WAR).
- 33 To discharge its onus, the applicant has submitted a variety of evidence to demonstrate that the grant of the application is in the public interest and will not adversely contribute to levels of alcohol-related harm in the community. This evidence included telephone and intercept survey data, a town planning report and a report from Bodhi Alliance. According to the applicant, the grant of the application will provide one-stop shopping convenience to persons using the LeGrande Shopping Centre and to others living in close proximity to the proposed store.
- 34 In *Charlie Carter Pty Ltd v Streeter and Male Pty Ltd* (Appeal 116 of 1990) the then Chief Justice accepted that it was a reasonable requirement, based on convenience, for members of the public to purchase their liquor at the same time and at the same

place that they do their other shopping and this requirement may not be met by the existence of other licence premises in the vicinity.

- 35 Most of the objections contained single statements of the issues, with little or no supporting evidence. The objectors raise very similar concerns, namely there are sufficient packaged liquor outlets in the area and the proposed liquor store will be located in proximity to the Great Southern Institute of Technology, the North Albany Senior High School and the Albany Secondary Education Support Centre and that persons attending these institutions may be exposed to overt advertising of alcoholic products. The licensee of McKail's General Store also submitted a petition signed by 800 people who do not support the grant of the application because they feel the existing licensed premises in the area currently meet their requirements for packaged liquor. The respondents to the questionnaires, also submitted by the licensee of McKail's General Store, make similar claims.
- 36 In response to concerns about the location of the proposed liquor store in proximity to educational premises and children being exposed alcohol advertising, the applicant has revised the plans of the premises to ensure that no liquor advertising will face the car park and the only liquor product advertising at the store will comprise 3 A0 posters (2 of which are internal to the Centre facing the supermarket), which will comply both with Liquorland's 'Responsible promotion and advertising of liquor guidelines' and the Director of Liquor Licensing's 'responsible promotion policy'.
- 37 In considering the application from a harm minimisation perspective, it is appropriate to consider the level of harm, due to the use of liquor, which is likely to result if the application is granted. This does not mean that only the increased harm which may result from the specific premises in question is to be considered, rather it must be assessed against any existing harm or ill-health so as to assess the overall level which is likely to result (refer *Executive Director of Health v Lily Creek International Pty Ltd & Ors* [2000] WASCA 258). Consequently, I need to consider the level of alcohol-related harm which is likely to result from the grant to the application and whether the possibility of harm or ill-health is of such a serious nature for the application to be refused. The outcome will turn on the facts and circumstances of each case, but requires an element of predicting the future (refer *Malec v JC Hutton Pty Ltd (1990) 169 CLR*).
- 38 Whilst the Commissioner's evidence establishes that there is some existing alcohol-related harm occurring in Albany, as there is in most towns and suburbs, the overall level of alcohol-related offending would appear to be lower than the State rate. Based on the evidence presented, I am satisfied that the locality in which the proposed liquor store is to be located, and the surrounding area, is not overly burdened with alcohol-related harm. Ipp J in *Lily Creek* observed that it is significant that the primary object in section 5(1)(b) is to "minimise" harm or ill-health, not to prevent it absolutely. The word "minimise" is consistent with the need to weigh and balance all relevant considerations.

- 38 The revised plans of the premises, so that no advertising of liquor products will be facing the car park, and the otherwise quite limited nature of external advertising, should ameliorate the risks posed to juveniles or other at-risk persons who may pass the Centre or who may be, as asserted by the objectors, vulnerable to advertising. It should also be noted that access to the proposed liquor store will be via an internal mall within the Centre and the applicant has in place appropriate measures to ensure that liquor is not sold or supplied to a juvenile.
- 39 Clearly, the evidence establishes that some members of the community do not support the grant of a new liquor store licence in Orana; however this is not determinative of the application. Although some members of the community may find the existing licensed premises convenient and to their liking, this does not detract from the applicant's evidence that other members of the community will find it more convenient to purchase their packaged liquor at the same time when shopping at the LeGrande Shopping Centre. Persons who prefer to use the existing licensed premises in Albany, such as the signatories to the petition and questionnaires lodged by the licensee of McKails General Store, are able to exercise freedom of choice. Although they are in regard to some of the repealed provisions of section 38 of the Act as they related to the "needs test", the words of Rowland J in *Coles Myer Ltd v Liquorland Noranda*, unreported; FCt SCt of WA; library No 8627 are still germane:
- "It is not particularly relevant that other residents and others who pass through the area are sufficiently catered for by other licensed outlets in the area, if there is a significantly large section of the public who would find it more convenient" (... to purchase packaged liquor from the applicant's liquor store).*
- 40 The City of Albany Activity Centres Strategy identifies the Orana NAC as the most significant activity centre along the north-western corridor along Albany Highway. The subject land is shown to be a future large neighbourhood centre providing up to 5,000m² of retail floor space. According to the MGA report, whilst the Albany CBD is the major provider of services, for communities and rural residents further north on Albany Highway, the Orana NAC will offer the best range for weekly shopping purposes. Although the results of the DAA surveys are not necessarily compelling, approximately 50% of the locality is comprised of existing residential neighbourhoods within 1-1.5km of the shopping centre, including land zoned for future residential expansion.
- 41 Whilst there are some negative social indicators for the locality (i.e. lower than average median individual, household and family incomes and above average unemployment), it has an Australian Bureau of Statistics Socio-Economic Index for Areas (SEIFA) decile of 5 in comparison to all postcodes throughout the nation. The population of the locality therefore has an average measure of socio-economic advantage/disadvantage.

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- 42 Ultimately, it is a matter for me to determine what weight should be given to the competing interests and other relevant considerations (refer *Hermal Pty Ltd v Director of Liquor Licensing* [2001] WASCA 356).
- 43 In consideration of the applicant's evidence as a whole, I am satisfied that the grant of the application would be consistent with objects 5(1)(c) and 5(2)(a) of the Act. The development of the LeGrande Shopping Centre is in accordance with the City of Albany Activity Centres Strategy with the Orana NAC providing for the current and future requirements of the population in the area. Whilst there is some existing alcohol-related harm in the area, it does not appear to be any greater than what is to be commonly accepted in the community. Wheeler J in *Executive Director of Public Health v Lily Creek International Pty Ltd & Ors* [2001] WASCA 410 stated that when assessing the risk of harm that may result from the grant of an application, it is not to be considered in some abstract sense, but rather the risk having regard to the proved circumstances of the particular area in relation to which the application is made.
- 44 I have already observed that the change in the plan of the premises and the limited external advertising should ameliorate the risks to any at-risk group who might be susceptible to the overt advertising of liquor products. The proposed liquor store is located approximately 174 metres from the footpath along Albany Highway and 160 metres from the LeGrande Avenue footpath. Entry to the store is via the internal shopping centre mall. There is both physical and visual separation afforded by Albany Highway and the car park.
- 45 Therefore, in respect of the harm minimisation object of the Act, I am satisfied that the grant of the application will not cause undue harm or ill-health to people in the community due to the use of liquor.
- 46 Consequently, I am satisfied that the applicant has discharged its onus under s 38(2) of the Act and the objectors have failed to establish the validity of their objections.
- 47 I am therefore satisfied that 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 premise;
 - (c) all work being completed within 12 months in accordance with the plans and specifications dated 15 February 2015.
 - (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 **27 October 2016** 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

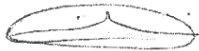
The licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing.

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.

- 48 Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the operation of the licence.
- 49 The applicant is reminded that trading **may not** commence without the prior written approval of the licensing authority.
- 50 Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.
- 51 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