

Licensing Board of Tasmania – Decision

Applicant: Mr Petr Kriz, Bottle Shop – Kings Meadows, 241 Hobart Road, Kings Meadows

Type of Application: Off Licence (Section 9 *Liquor Licensing Act 1990*)

Decision: 20 April 2015

Background

The application is for an Off Licence authorizing the sale of liquor on the premises between 5.00 am and 9.00 pm for consumption off the premises, in this case located at Hobart Road, Kings Meadows.

The application was heard on 15 April 2015 in Launceston at which were present the applicant, Mr Petr Kriz, and objector Mr Rohan Wade, Deputy General Manager, Tasmanian Hospitality Association (THA) who submitted a written objection.

A further written objection was received from Mr Matt Double who did not appear at the hearing.

The proposed premises is located on a large block of land (nearly 3 000m².) located on Hobart Road in Kings Meadows. The premises previously housed a kitchen joinery factory.

The applicant proposes a bottle shop with drive through access and with parking available for vehicles. Operating hours are proposed as 10.00 am to 8.00pm Sunday to Thursday, and 9.00 am to 10 pm on Friday and Saturday.

The Applicant's Submission

The applicant describes the site of the proposed premises as “premium” in its potential to provide access to takeaway liquor in an area under-served in this regard. The nearest bottle shop at the Kings Meadow Hotel, approximately one kilometre away, services the population of Kings Meadow, Youngtown and Norwood areas, described as affluent suburbs comprising 10 850 people. Additionally, the site’s position on a busy access road into Launceston (“a gateway to Launceston”) would attract custom from members of the broader Launceston community.

The applicant submits the grant of this Off Licence is in the best interests of the community and cites the following in support:

- the location and access to the site makes it far more convenient for most customers because it is in a standalone position away from the heavily congested traffic area of Kings Meadows (where the Kings Meadows Hotel is located);
- due to the size of the premises, a large range of products would be offered;
- employment opportunities for (perhaps) 6 to 7 full-time and part-time staff;
- contribution to the community by way of the fit out of the proposed premises estimated at \$500 000;
- significant price competition delivering cheaper liquor for customers;
- a large, secure, highly visible car park with excellent lighting, providing an extremely safe environment for customers;
- transformation of the site from manufacturing to retail use thereby removing noise from the surrounding area;
- re-investment of profits into the local community; and
- potential support for local community organisations.

The Objectors' Submissions

Written submissions were received from:

- Mr Rohan Wade, Tasmanian Hospitality Association, who attended and spoke at the hearing; and
- Mr Matt Double who did not attend the hearing.

The objectors made representations that the grant of this Off Licence would not be in the best interests of the community.

Mr Wade submits that no real evidence of any social or economic benefit has been provided and that the applicant does not make a sufficient case that the licence is in the best interests of the community.

He states that, given the applicant's claim that liquor will be competitively priced and that he anticipates a very high sales volume, there will be increased availability of discounted liquor and therefore increased risk from the negative effects of alcohol consumption. Greater access to more alcohol for the same price is, he submits, contrary to harm minimisation principles and not in the community's best interest.

The THA submits that there have been two recent approvals by the Board for bottle shops in the Launceston area and that this broader community's interests are not served by yet another outlet for the same reason as above.

The THA submits that many of the claims made by the applicant are based on assumptions that cannot be tested and are not backed by evidence: for example, future profits to be re-invested into the Launceston community and the promise of financial support for local community organisations.

The THA submits that it remains unclear whether the proposed bottle shop would be an independent retailer or part of a retail chain or buying group. This lack of clarity masks what third parties (if any) may be involved in the operation. It is contended that this is a matter of significant community interest.

Mr Double, the other objector, lives almost opposite the proposed site (at 7 Quarantine Road) and submits that the area is residential and the amenity of the area will be negatively impacted if the application is approved. He is concerned about the increased volume of traffic in Quarantine Road and the creation of a hazard for young families in the street. He submits that there will be increased levels of noise through traffic and people late at night due to the nature of the business.

Considerations by the Licensing Board

The Board visited the site of the proposed premises on 15 April 2015.

The Licensing Board is called upon to determine this application for an Off Licence (section 9) authorizing the sale of liquor for consumption off the premises.

The Board is satisfied that the principal activity to be carried on the premises is the sale of liquor.

The principal test for granting any licence is that it is in the best interest of the community that it be granted.

In considering an application for a Liquor Licence, the Commissioner or the Board must make a decision which, in the opinion of the Commissioner or the Board, is in the best interest of the community. (Section 24A (1) *Liquor Licensing Act 1990*)

The Board has weighed the submissions made by both the applicant and the objectors.

The Board agrees that the site is located in a premium position and the addition of a bottle shop would add significantly to the choice available for community members residing in Kings Meadows, Youngtown and Norwood as well as being very convenient for vehicular customers passing by on their way to other destinations.

The description of the proposed premises sounds attractive with the under-cover driveway through the bottle shop and a large car park providing convenience and ease of access for customers.

The possible increased employment opportunities and the proposed \$500 000 fit out of the property have the potential to contribute positively to the local community as a whole.

The Board places little weight on the applicant's other claims of benefit to the community regarding potential profit re-investment and support for local community organisations. As the THA contends, these are matters for the future.

A presence of a legitimate competitor in close proximity to the Kings Meadows Hotel could well see liquor prices decreased. This would be a good thing for purchasers. The related concern raised by the THA is whether this would increase the overall level of liquor consumption in the community such that it would lead to adverse impacts on individuals and the population generally.

The applicant's claim that the suburbs surrounding the proposed bottle shop are "of an affluent type" was not disputed by the objector and there is no evidence provided that this particular community is vulnerable in any way.

It is the Board's view that, despite claims, no evidence was offered that the grant of this particular licence would increase the harm that can be associated with the consumption of alcohol.

The other major objection of the THA regarding the lack of transparency around the independence of the proposed outlet was addressed by the applicant at the hearing; he disclosed clearly that the operation would be independent, backed by his own financial resources. The Board is not convinced that the issue is of relevance in any case.

Mr Double's objections regarding the negative impacts of the proposed outlet on the amenity of the area are not convincing. While there is a small number of residential properties in the immediate area (including Mr Double's), the area at best could be described as mixed: a combination of houses and manufacturing and industrial outlets. It is doubtful that the proposed outlet would create a significantly heightened negative impact on the amenity of the area. Local Council, through the planning application process, will deal with any potential traffic issues.

On balance, the Board believes the grant of this licence to be in the best interests of the community.

Decision

The Board directs the Commissioner to grant the application of Mr Petr Kriz as applied for.

Jenny Cranston (Chair)



David Logie (Member)



Ann Cunningham (Member)



20 April 2015.