



Decision Notice

Matter:	Application for a Liquor Licence
Proposed Premises:	103/28 Bishop Street, Woolner NT 0820
Applicant:	Piper Collective Pty Ltd
Proposed Licensee:	Piper Collective Pty Ltd
Legislation:	<i>Liquor Act</i>
Decision of:	Deputy Director-General (Operations)
Date of Decision:	14 July 2016

Background

1. On 9 March 2016 Piper Collective Pty Ltd (the applicant) applied for a liquor licence pursuant to section 26 of the *Liquor Act* (the Act) for premises to be known as "Piper Collective" and to be located at 103/28 Bishop Street, Woolner NT 0820.
2. The trading name "Piper Collective" is a registered business name.

Application

3. The applicant submitted that the grant of the licence is in the public interest and in support of the application provided various materials relevant to the criteria set out in section 6(2) of the Act including a detailed business plan and evidence of the financial viability of the proposal.
 4. The applicant's Directors, Mr Michael Hope and Mrs Kelly Hope provided evidence of their good standing and character and attested to being the only persons intended to have influence over the proposed liquor licence.
 5. The applicant proposed that Mrs Kelly Anne Hope will be the Nominee and submitted evidence of her suitability to be appointed to the role.
 6. The applicant's intended business operation is in the nature of an online wholesaler of liquor to the general public focusing on the promotion, sale, supply, storage and education regarding specialist and boutique wines and spirits.
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7. The applicant intends to provide storage and cellar services in addition to the delivery of online sales. The applicant does not intend to have a 'shop front' or on premise retail sales and submitted that a condition of sales will include a minimum purchase of 12 bottles of wines or spirits for each order.
8. The sale and supply of liquor in the manner described is proposed from 10:00am until 8:00pm between Monday and Friday and 10:00am until 2:00pm on Saturday. The supply of liquor is not intended to be available on Sundays.
9. The applicant also sought licence to provide complimentary wine tasting at the premises once a month following which patrons might place an order online for subsequent delivery.
10. The application was advertised in the Northern Territory News in the approved form on Wednesday, 30 March 2016 and Friday, 1 April 2016.
11. A 'green sign' was displayed at the proposed premises for the required period.

Objections and Submissions

12. On 3 May 2016 Ms Katie Hearn of the City of Darwin (the Council) wrote to the Director-General of Licensing (the Director-General) and stated *inter alia* that the Council objected to the application in accordance with section 47F(2) of the Act and that:

'The introduction of additional liquor online delivery services may adversely affect the amenity of the neighbourhood and or the health, education, public safety or social conditions in the community...'

13. Ms Hearn noted that the Council had introduced the Darwin Safer City Program; the principals of which included supply reduction advocacy to address the adverse impacts of alcohol and to ensure the amenity and safety of the community. She noted that Council did not see the benefit to the community or the need for an additional online delivery service.

14. On 3 May 2016 Ms Sandra Schmidt of Alcohol and Other Drugs Services, Department of Health (the Department) wrote to the Director General and stated that whilst the Department had no adverse comment in relation to the application, it suggested that certain conditions be considered in the grant of a licence. Specifically, Ms Schmidt requested that consideration be given to conditions being imposed on the time frame for the delivery of orders and also that clear signage relating to non-smoking areas of on premise consumption be considered.

15. On 11 May 2016 Ms Sally Graetz of the Development Consent Authority wrote to the Director General advising that whilst the application indicated that the tenancy relating to the proposed business premises was considered to fit within the NT Planning

Scheme's definition, the applicant was encouraged to apply for a variation of its Development Permit to ensure that updated site plans reflected the actual usage of the premises. This was achieved on 2 June 2016 and the approved varied plans were subsequently submitted in support of the application.

16. On 11 June 2016 the Northern Territory Fire and Rescue Service confirmed that the business premises are compliant with relevant regulations.
17. No submission was received by Northern Territory Police.
18. No objections to the application were received by members of the public.

Assessment of matter

19. Having reviewed the application and supporting material I am satisfied that there is sufficient evidence to find that:

- (a) The premises is suitable for the purpose outlined;
- (b) The applicant has sound business reputation and financial viability; and
- (c) The applicant's Directors are fit and proper people to have responsibility for a liquor licence.

20. With specific reference to section 28(3B) of the Act I note that the submission made by Ms Hearn on behalf of the City of Darwin is a valid objection in accordance with section 47F(2)&(3)(e).

21. The stated grounds for the objection appear to fall within an objection contemplated by section 47F(2)(b) in that they relate to the health, education, public safety or social conditions in the community. However, whilst the Council has expressed a general view that there is no need for additional liquor delivery services and that the proposal is perceivably contrary to its Darwin Safer City Program and associated policies, the submission lacks detail in relation to the real or practical impact of the proposed licence on the amenity and safety of the community.

22. The applicant responded to the Council's submission on 11 May 2016 and noted that the boutique nature of the products intended to be supplied and sold as well as the specialization of related product services did not lend itself to adverse impact on the community. The applicant also submitted that it recognised opportunity for small businesses to work collaboratively with the Council and other organisations in reshaping the attitudes of the community in regard to the consumption of alcohol through education and awareness.

23. The applicant acknowledged that whilst the grant of a licence would potentially increase the availability of liquor it reiterated that the intended operation is not retail in nature or 'walk-in' such that liquor is available for immediate sale and consumption. It

distinguished its operation from other takeaway licenses by its varied and specialised services which are not presently available in Darwin.

24. In the present case, I am not satisfied that there is sufficient evidence to support a finding that the grant of a licence will adversely affect the amenity of the neighbourhood where the premises will be located or that the grant of a licence will adversely affect the health, education, public safety or social conditions of the community.

Decision

25. Having considered all of the relevant material with reference to the objects of the Act and with specific reference to sections 6(2), 26, 26A and 28, I am satisfied that the grant of a licence is in the public interest and presents minimal risk to the amenity or safety of the community given the nature of the proposed business operation.

26. Accordingly, I determine to grant the licence which will be issued immediately.

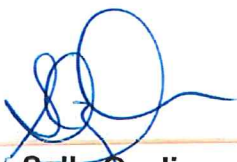
Review of Decision

27. Section 120ZA of the Act provides that a decision of a delegate of the Director-General is not a reviewable decision however; a decision made by a delegate of the Director-General is a 'delegate decision' pursuant to the *Licensing (Director-General) Act*.

28. Section 9 of the *Licensing (Director-General) Act* defines 'affected person' and allows such person to apply to the Director-General for a review of a delegate decision. Such application must be made within 28 days after written notice of the decision is given to the affected person, or within any additional time that the Director-General allows.

29. Accordingly, in the present case and pursuant to section 9(c)&(d) of the *Licensing (Director-General) Act* affected persons who may seek a review of the delegate decision are:

- (i) Piper Collective Pty Ltd;
- (ii) the City of Darwin; and
- (iii) the Department of Health.



Sally Ozolins
Deputy Director-General (Operations)
14 July 2016