



Director-General of Licensing

REASONS FOR DECISION

Matter:	APPLICATION FOR GRANT OF A STORE LIQUOR LICENCE
Proposed Premises:	ZUCCOLI IGA FRESH Zuccoli Plaza, Zuccoli Parade & Crosby Street Zuccoli, Northern Territory
Applicant:	ZUCCOLI PTY LTD
Proposed Nominee:	Mr Steven Rae
Objectors:	Department of Health NT Police NT Fire & Rescue Service
Legislation:	Section 26 and Part IV of the <i>Liquor Act</i>
Decision of:	Director-General of Licensing
Date of Decision:	12 July 2017

BACKGROUND

1. Pursuant to section 26 of the *Liquor Act* (the Act), Zuccoli Pty Ltd (ACN: 163 710 557) (the Applicant) applied for the grant of a Store Liquor Licence for premises to be known as Zuccoli IGA Fresh located at Zuccoli Plaza, Zuccoli Parade & Crosby Street in Palmerston.

CURRENT SITUATION

2. The proposed business is a new development comprising a medium sized grocery supermarket trading under the "IGA Fresh" banner. The supermarket proposes to operate a takeaway liquor outlet trading under the "Cellarbrations" banner.
3. The Applicant's intention is to offer clients a broad range of independently branded grocery products with the focus on the supply of a fresh range of fruit and vegetables, extensive grocery lines plus a gourmet selection of small goods. Should the licence be granted, the liquor component of the business will provide a selection of beers, wines and spirits available for purchase within a delineated liquor area.
4. The proposed trading hours sought by the Applicant for the sale of liquor are those normally applicable to a Store Liquor Licence, namely Monday to Friday - 10:00 am to 10:00 pm, Saturday and Public Holidays - 09:00 am to 10:00 pm with no trading Sunday, Good Friday or Christmas Day.

THE APPLICANT

5. The proposed Licensee is Zuccoli Pty Ltd, registered with the Australia Securities and Investments Commission on 8 September 2016. The directors of the company, as at the date the application was lodged with the Director-General of Licensing (the Director-General), were Michael Harvey, Helen Harvey¹, Michelle Harwood and Denis Maher. The proposed nominee/manager for the liquor licence was Mr Michael Harvey². Michael and Helen Harvey are known to the Director-General as directors of the companies holding the Rosebery IGA liquor licence and the Moulden Supermarket liquor licence.
6. The Applicant has provided satisfactory evidence attesting to the managerial capacity, general reputation and character of the company and its directors who have extensive experience in managing and operating businesses in the retail/hospitality industry within and outside the Northern Territory.
7. The National Police Certificates for the directors of Zuccoli Pty Ltd indicate no disclosable court outcomes. The materials submitted in support of the application demonstrate that the directors are fit and proper persons for the purposes of holding a liquor licence and managing the business conducted under a liquor licence. For reasons that will become obvious later in this decision notice, concerns in respect of the financial capacity and stability of Mr and Mrs Harvey are no longer required to be taken into consideration as they intend to resign as directors of Zuccoli Pty Ltd.

ADVERTISING:

8. The application was advertised in the Northern Territory News on Friday, 20 January 2017 and Wednesday, 25 January 2015. The objection period expired on Friday, 24 February 2017.

OBJECTIONS:

9. A total of three objections were received within the objection period.

NT Fire & Rescue Service:

10. On 23 January 2017 Mr Adam Gould, Station Officer with the NT Fire and Rescue Service (NTFRS) lodged an objection to the application on the grounds the premises were not compliant with building fire safety requirements which posed a risk to public safety.
11. On 24 March 2017 Mr Gould confirmed that the issues of concern in respect of building safety had been rectified and that NT Fire and Rescue Service no longer objected to the grant of a store liquor licence. As a result, no further consideration of the earlier objection is necessary for the purpose of this decision.

Department of Health:

12. Ms Sandra Schmidt, Acting Director, Alcohol and Other Drugs Directorate, Department of Health, lodged an objection pursuant to section 47F of the Act. The Department of Health has standing to lodge an objection pursuant to section 47F(3)(e) of the Act and the objection was lodged within the prescribed period. The objection raises concerns in respect of public safety and health should the liquor licence be granted.
13. The objection lodged by Ms Schmidt provided several reference links to both national and international specific data which highlights points relating to domestic violence in high liquor outlet density regions, pricing of liquor, Northern Territory (NT) consumption rates and

¹ Prior to determination of the application the Applicant advised that Mike Harvey and Helen Harvey intended to resign as directors of Zuccoli Pty Ltd. Refer to paragraph 117 of this decision.

² At the time of publication of this decision notice the Applicant has proposed the Mr Steven Rae be the nominee /manager for liquor licence in lieu of Mr Mike Harvey. Refer to paragraph 117 of this decision.

Indigenous health issues. The Department of Health's letter is based on information/statistics gathered through analysis of the effects of alcohol within the NT and more broadly throughout Australia and overseas.

Applicant's response to the objection lodged by the Department of Health:

14. In his response to the objection Mr Harvey stated that he did not believe that the Department of Health was raising a formal objection but rather providing comment in respect of the liquor licence application. On that basis he made no substantive comment in response to the objection and focussed on the response to the objection lodged by NT Police.

Assessment of the objection lodged by the Department of Health:

15. It is arguable whether the submission lodged on behalf of the Department of Health meets the criteria for a formal objection as prescribed in section 47F(2) of the Act. Mr Harvey, on behalf of the Applicant, is of the view the letter provided by the Department of Health is not an objection. The wording of the letter refers to not supporting the application, with the final paragraph referring to making a comment on the application. At no point does the letter specifically state that a formal objection is being lodged by the Department of Health, as would be expected from a Government agency familiar with the process for lodging objections opposing the grant of a liquor licence. However, it is clear from the submission put forward by the Department of Health that the application is not supported.
16. The data and references noted in the objection are generic in nature in respect of issues associated with alcohol consumption generally and does not provide any specific data linked to either the Palmerston or the Zuccoli localities. On this basis, it could be argued that the objection does not provide sufficient detail, as required by section 47F(2) of the Act, in showing the negative affect on public safety in the community specifically to the Zuccoli IGA Fresh premises. The submission of generic data relating to the consumption of alcohol in the NT overall is of little assistance to the Director-General when considering a specific application for a liquor licence in a specific location.
17. Having said that, the submission lodged by the Department of Health has been assessed as a valid objection to which the Applicant has been afforded a right of response as per the requirements of the Act. As noted above, Mr Harvey did not provide a substantive response on behalf of the Applicant as he did not consider the letter from the Department of Health to be a formal objection.

NT Police:

18. Ms Zoe Langridge, Drug and Alcohol Policy Unit, lodged an objection to the application on behalf of NT Police. NT Police have standing to lodge an objection pursuant to section 47F(3)(c) of the Act. Whilst that objection is dated 23 February 2017 it was not lodged with Licensing NT until 27 February 2017 and was therefore lodged outside the prescribed objection period. On 28 February 2017 the Director-General, in accordance with section 127 of the Act, approved an extension of time to 27 February 2017 for the lodgement of the NT Police objection. With that approval the objection is valid and the substance of the objection was referred to the applicant for response.
19. In the objection lodged on behalf of NT Police Ms Langridge advised that Police do not support the application and object on the grounds an additional liquor outlet will adversely affect both the amenity of the neighbourhood in which the premises are located and the social condition of the community. The objection noted that there are currently 37 liquor licences in the immediate Palmerston area and 65 liquor licences in the Darwin Rural Area which fall largely within the Palmerston Policing District. It was stated that there are a number of liquor outlets which sell takeaway liquor located in close proximity to the Zuccoli IGA Fresh premises.

20. The objection from NT Police also referred to the risk factors associated with alcohol consumption including alcohol-attributable deaths, hospitalisations and suicides. The objection also noted that the annual per capita pure alcohol consumption for NT residents above 15 years of age was substantially higher than the national average. In addition, the total social cost of alcohol related harm in the NT was estimated to be \$4,197 per adult compared to the national estimate of \$943 per adult.
21. The objection on behalf of NT Police also noted a 13.7% increase in offences against a person in the Palmerston area in 2015/16 compared to the previous year. Of those offences 28.7% were alcohol related and 21.9% were domestic violence related. Also, NT Police advised that anti-social behaviour in the Palmerston and Rural District has risen by 6.29% in comparison to the previous year with 35% of those incidents being alcohol related.
22. The objection also submitted that that the density of liquor outlets in the Palmerston area does not demonstrate a need for an additional liquor outlet as there are numerous licensed premises within short distances from the Zuccoli IGA Fresh premises.
23. In conclusion the NT Police objection submits that there is a clear link between alcohol consumption and anti-social behaviour and harm in the Palmerston area and that, should the application be approved, the addition of another licensed takeaway liquor outlet will add to the harmful impacts on the Palmerston community.

Applicant's Response to the Objection by NT Police:

24. In response to the objection lodged by NT Police, Mr Harvey noted that NT Police did not object to the previous liquor licence application for Rosebery IGA some 12 months prior to the this application. He also made reference to the fact that the demographic of Zuccoli is not dissimilar to Rosebery and that the supermarket fit out meets the same high standards of Rosebery IGA.
25. Mr Harvey referred to the Public Impact Statement lodged in support of the application and submitted that it addresses the objectives of the Act as set out specifically in sections 6(1)(b), (2)(a),(c) & (f). He also noted that despite the number of licensed premises referred to as being in proximity to the Zuccoli IGA Fresh premises, not all of those premises are authorised to sell takeaway liquor. Mr Harvey submitted further that Zuccoli is one of the highest growth suburbs in Palmerston and that there are currently no licensed premises in the suburb.
26. Mr Harvey also noted that no objections to the application were received from residents of Zuccoli or members of the public generally which infers that the local community is therefore in support of the liquor licence application. He advocates that this is further supported by the positive feedback from clients that he has received in relation to the store.
27. In his response to the objection Mr Harvey states that the business is not interested in the promotion of cheap price point alcohol and is more concerned with providing an extensive range of quality beer, wine and spirits to match the gourmet food offerings available within the IGA supermarket. He submits further that the "Cellarbrations" banner also dictates adherence to stringent ranging, promotional activity and pricing with regular audits undertaken.
28. Mr Harvey also stated that Zuccoli IGA Fresh, along with Rosebery IGA and Moulden Supermarket for which he is also a director, are members of the Liquor Stores Association NT and remain up to date regarding industry best practice and compliance standards and those businesses continue to support any Local Area Strategies and Liquor Accords aimed at the reduction of harm or ill health to the broader community arising from the consumption of liquor.
29. In relation to the Police submissions referring to public order and safety, Mr Harvey suggests that these mainly apply to patrons consuming liquor on premise and not to those people purchasing takeaway alcohol. Mr Harvey also states that there are no indigenous communities or homeless people currently living in the proximity to the Zuccoli IGA Fresh premises.

30. Mr Harvey refutes that the grant of a further liquor licence will necessarily lead to an increase in alcohol consumption but rather it will result in Zuccoli residents having the option to travel a shorter distance to purchase alcohol, which he submits is a good outcome. In addition, Mr Harvey submits that it is the responsibility of Police to maintain and uphold public safety and for Government to provide Police with the necessary resources. Mr Harvey also submits that he and his family have extensive first-hand experience and knowledge in dealing with the pitfalls of irresponsible service of alcohol in various locations including Alice Springs and Fitzroy Crossing in Western Australia.
31. In response to concerns raised regarding the potential for undue offence, annoyance or disturbance to be caused by the premises, Mr Harvey states that the location of the proposed licensed premise is within the new greenfield commercial precinct of Zuccoli Plaza. He states that Zuccoli Plaza has been designed to suit the needs of the community with high levels of consideration to the community demographic and community aesthetics. There are no schools in close proximity and neither pedestrian traffic nor public transport services will be impeded should the licence be granted.

Assessment of the Objection lodged by NT Police:

32. The objection lodged by NT Police meets the criteria set out in section 47F(2)(a) & (b) of the Act and Police have standing under section 47F(3)(c) to lodge an objection to an application for the grant of a liquor licence.
33. The Police objection notes that there are a number of licensed premises already established in the Palmerston area and in close proximity to Zuccoli that people can access to purchase takeaway liquor. However, as submitted by Mr Harvey, not all licensed premises offer takeaway liquor and a number of those premises are clubs servicing members only.
34. Mr Harvey states correctly that there are currently no licensed premises in the suburb of Zuccoli. Australian Bureau of Statistics data indicates that Palmerston South, in which the suburb of Zuccoli is located, has experienced the greatest population growth rate in the NT with an increase in population of 26.2% in the past 12 months. However, that population increase equates to 348 more people residing in the suburb against a total population of 1,667. As a result it is at least arguable that the existing takeaway liquor outlets in the vicinity are adequate to service this growth in population.
35. The public safety concerns raised in the NT Police objection are valid in considering the increasing crime figures in the Palmerston area and the pattern of alcohol consumption and associated increasing levels of social harm. At the same time consideration must be given to the fact that it is difficult to attribute blame to responsible licensees without acknowledgement of the culpability of individuals who misuse liquor away from licensed premises and outside the control of licensees.
36. In assessing the potential for the grant of a liquor licence to impact on nearby schools it must be noted that the closest school to the Zuccoli IGA Fresh premises is the Mackillop Catholic College (1.4km), followed by Roseberry Primary School (3.9km). The subject premises are at least a twenty minute walk away from the nearest school site and there are no schools in the immediate vicinity. As a result it is unlikely that the grant of a liquor licence to the Applicant would have any significant adverse impact on the staff or students of the schools in the vicinity.
37. As noted above, the objections lodged by the Department of Health and NT Police were determined to be valid objections when assessed against the criteria set out in the Act. On 3 February the Director-General issued a Guideline titled – “Public Hearings to Be Held in Certain Circumstances”. The Guideline provides, amongst other matters, that a public hearing will be conducted where a valid objection to an application for the grant of a liquor licence has been lodged with the Director-General under section 47F of the Act. That situation applies in this case and the Director-General determined to conduct a public hearing in respect of the application on 30 May 2017.

PUBLIC HEARING

38. By letters dated 2 May 2017 representatives of the objectors were invited to attend the public hearing to address the grounds for objecting to the grant of the liquor licence. The Department of Health advised that they did not wish to have representatives attend the hearing but were content to rely on the content of its written objections, as set out above.
39. Commander Brent Warren on behalf of NT Police by way of letter dated 19 May 2017 advised that they also did not wish to attend the hearing. Commander Warren reiterated the content of the NT Police's previously submitted written objection and noted that NT Police did not oppose the application on the basis of who the proposed Applicant or nominee is but on the basis that "*...increased access to alcohol can adversely affect health, public safety and the social condition of the community.*" Commander Warren again commented on the density of liquor outlets in the area and specifically referred to Roseberry IGA being only approximately 3km away from the proposed licensed premise.
40. Whilst disappointing that both the Department of Health and NT Police did not consider it necessary to attend the public hearing in order to further address their grounds for objecting to the grant of a liquor licence, it is important to note that the objections remain on foot and remain a hurdle for the Applicant. However, through their non-attendance at the public hearing, the additional evidence presented by the Applicant at that hearing, especially in relation to their specific objections, goes uncontested by or on behalf of the objector.
41. Prior to the hearing date, Mr Patrick Cozens, legal representative for the Applicant, made submissions to the Director-General that the convening of a public hearing in this instance involved the retrospective application of the Guideline to his client's application which was unfair to his client and potentially an ultra vires application of the Guideline. Those submissions were rejected by the Director-General in a letter to Mr Cozens dated 11 April 2017.
42. The public hearing proceeded on 30 May 2017 with Mr Cozens in attendance with Mr Mike Harvey, a director of the Applicant company and, at that stage, the proposed nominee/manager for the liquor licence. Mr Cozens tendered written submissions in support of the grant of the liquor licence sought which may be summarised as follows.

Submissions on behalf of the Applicant:

43. The Application relates to a "greenfields" development and is part of a larger new shopping centre in the new suburb of Zuccoli, located to the south of Palmerston. In respect of the objections to the application, on 16 March 2017, the Applicant wrote to NTFRS indicating that all compliance issues would be remedied by the developer as they related to the base build. NTFRS subsequently withdrew its objection following the remedial works.

Objection from NT Police:

44. In response to the objection lodged by NT Police, Mr Cozens noted that no private objections had been lodged and that Police did not object to a similar application for Roseberry IGA which had been lodged 12 months earlier. Despite the number of licensed premises referred to in the objection, not all are takeaway liquor licences and a number of the identified premises are not trading.
45. Zuccoli is the highest growth suburb in Palmerston and to date has no licensed premises. No residents of Zuccoli have objected to the application and, in fact, many residents support the grant of the liquor licence sought. The Applicant is a member of the Liquor Stores Association NT and will use best practice, including not offering cheap alcohol products.
46. The comments from Police relating to public order and safety appear generic and not related to the location of the premises in Zuccoli. There are no indigenous communities or long grassers/homeless populations near the premises and, given the demographic of Zuccoli, a nearby outlet will not necessarily increase the consumption of alcohol, it will just provide a

shorter travel distance for residents. Given the nature of the premises within a new shopping centre in a new suburb, the supermarket and liquor outlet will add to community amenity.

47. The Applicant assumes that the Police data in respect of liquor outlet density in Palmerston is accurate but notes that the petition commissioned by the Applicant shows very clearly that many people in the area strongly support the Application and see the need for the liquor licence. Zuccoli, or more specifically the Southern Suburbs of Palmerston, is the highest growth area in Palmerston and is considered likely to remain so in the near future given on going land releases. Such population growth dictates the need for the provision of services and amenities across a broad spectrum of service delivery obligations upon Federal, Territory, Local Government and the private sector, one of these needs being the supply at the "local level" of groceries and liquor.
48. There are no licensed premises in close proximity and at present the local residents either travel to Rosebery IGA³ at 2.2 kilometres, into the CBD area of Palmerston creating further traffic and parking congestion or onto the Stuart Highway to access liquor outlets at Virginia or Coolalinga. In the context of local shopping 2.2km is not a "short distance" and it is certainly not considered walkable for most consumers.
49. The existence of non-trading licences is irrelevant and the option to purchase liquor at Zuccoli IGA Fresh would negate this additional travel which is therefore enhancing community safety by driving in "local" lower traffic speed zones, negating the need to go on the open highway with higher speed zones and thus lessening congestion and risk to road users. In addition, the liquor outlets referred to in the Palmerston CBD have a very poor range of product compared to what will be offered at Zuccoli IGA Fresh under the proposed "Cellarbrations" brand.
50. Mr Cozens submitted that the Applicant is well aware of the potential for harm, related to the heavy consumption of alcohol, and strongly supports the principles of Responsible Service of Alcohol and efforts by licensees and government to minimise any negative impacts. However, in relation to the specific issues raised in the Police objection, the Applicant notes that no evidence has been provided to support the broad sweeping statement "*Alcohol consumption is a major risk factor for health and even more pronounced in the NT*". Given its very broad and non-specific language, the Applicant does not consider that this statement can be scientifically or logically supported.
51. The Applicant also notes that NT Police have not provided any evidence to support statements regarding per capita alcohol consumption or the social cost of alcohol consumption. The Applicant notes that with any general conclusions such as this, there are many assumptions and qualifications that need to be considered. The Applicant generally notes that many of the concerns raised by Police presumably relate to indigenous or transient populations in the vicinity of the premises and submits there are no indigenous communities or housing trust properties near the Zuccoli IGA Fresh premises.
52. In respect of public order and safety the Applicant strongly supports Police and its role in protecting the community, however the Applicant considers that comments made under this heading by the NT Police may not have been properly targeted to this Application. The Applicant notes that the NT Police have not provided any evidence of a causal link between alcohol consumption, or the degree of alcohol consumption and crime and it is entirely possible that the criminals involved would have committed the crime sober with the exception of drink driving offences.
53. Mr Cozens submitted that the rising levels of reported crime has no relevance to this Application and it is well known that levels of reported crime, as distinct from actual crime, can be heavily influenced by many factors including the level and method of policing. The petition commissioned by the Applicant clearly shows that people in the area do consider that it is in

³ The Rosebery IGA supermarket was placed under voluntary administration and ceased trading shortly after the public hearing was convened.

the public interest that there be licensed premises in Zuccoli. At the time of the public hearing the petition had secured in excess of 1,000 signatures from people residing in Zuccoli or shopping at the Zuccoli IGA supermarket. The Applicant submits that there is no evidence to suggest that the people of Zuccoli cannot be trusted with a local off premise liquor store and this suggestion is likely highly offensive to such people.

54. The Applicant acknowledges that the premises are within a residential area and is in close proximity to a local park. However, the Applicant disputes the statement that the premises are in close proximity to "schools" as there are currently no schools in the suburb of Zuccoli with the nearest school being the MacKillop Catholic College located over one kilometre away on the opposite side of Lambrick Avenue. In any event, it is not uncommon for supermarkets to be located in close proximity to parks and schools within a residential area which has been zoned to allow this to occur.
55. Mr Cozens submitted that the statement "*if the application is approved information to hand suggest the additional licensed premises will add to the harmful impacts on the Palmerston community through the supply and consumption of alcohol regardless of the will and intentions of the applicant*" is misleading and misguided. He submitted further that there is no "*information to hand*" referred to by the Police that an "*additional licensed premises*" will "*add to the harmful impacts on the Palmerston community*". Likewise there is no "*information to hand*" that an "*additional licensed premises*" will even impact on the "*consumption of alcohol*" by local people.
56. Mr Cozens also referred to a previous decision regarding an application for a liquor licence for the Flynn Tavern by Armada Hotels & Leisure Pty Ltd dated 13th April 2016. That decision approved the grant of a Tavern License with the authority to sell takeaway liquor in close proximity to existing licensed premises, being Moulden Supermarket at 380 metres and Rosebery IGA at a distance of 1,400 Metres. Mr Cozens noted that NT Police did not object to that liquor licence application on the basis of the density of licensed premises in the vicinity or for any other reason.

The Objection from the Department of Health:

57. Mr Cozens submitted that the response from the Department of Health to the application was a comment and not an objection. Even if the letter is considered a valid objection, the Applicant does not deny that alcohol related harm is a serious issue. The Applicant submits that there is no evidence that this Application will contribute to this alcohol related harm and, due to the Applicant's proposed harm minimisation strategies, consumers purchasing alcohol from the Applicant may be less likely to be impacted than if they were to purchase alcohol from Coles or Woolworths.
58. In relation to studies referred to in the letter from the Department of Health, Mr Cozens submitted that the Whetton study of 2009 is approximately 8 years old and contains many assumptions and presumptions that are common in these type of broad guestimates. Accordingly, the figures quoted should be treated with some caution.
59. The Fone BMC 2012 study was conducted in United Kingdom and Wales over 5 years ago and does not distinguish between types of liquor licences (i.e. takeaway, tavern, drive through, motel etc). Given these significant limitations, the Applicant submits that the results of this study cannot be relied on with respect to this Application.
60. The Gruenewald report was published in 2007 and is now 10 years old. The study was conducted in New Mexico in 1998 and related specifically to drive through liquor outlets and, accordingly, it is of no relevance to this Application. Similarly the Livingston study of 2007 is also 10 years old and refers to previous research which indicate, amongst other things, that cross sectional studies focusing on the relationship between outlet density and alcohol consumption at the local community level have had mixed results.
61. Mr Cozens submitted that the theory on which alcohol outlet density assessment is based makes it clear that the subject Application will likely not increase alcohol consumption. The

Applicant has no intention of competing with the larger outlets, such as Coles and Woolworths, on price. Rather, the Applicant's intention is to provide a wider range and higher standard and more expensive alcohol and rely on lower sales volumes.

62. Given the diverse nature of the NT population, and in particular the substantial proportion of whom are indigenous people with a disadvantaged background, the Applicant submits that NT wide statistics have no relevance to a takeaway liquor licence application in the new suburb of Zuccoli, which was not even created when a number of the studies referred to in the objection were conducted.
63. Mr Cozens further submitted that the data relating to rates of involvement of alcohol in assault offences and domestic violence in the whole of the NT in 2014 are not relevant to density arguments or to this Application generally. They do not show any link between the density of outlets and assault and domestic violence in the NT and are not supported by any study or evidence. Even if the statistics are accepted, the higher rate of incidents in the NT compared with other jurisdictions that involve alcohol have no particular relevance to this Application and do not show the link between this Application and alcohol consumption, or even alcohol consumption generally in the NT and accidents involving alcohol.
64. The Applicant supports the Department's priority of addressing alcohol misuse in the NT. The Applicant simply submits that there is no evidence that this application will result in negative outcomes, and in fact submits the contrary. The Department in its letter admits that there is no data on the Zuccoli IGA Fresh premises and whether it would impact on or contribute to the alcohol related issues identified. Despite this acknowledged lack of data, and without any supporting evidence, the Department states "*increasing the number of alcohol outlets will only compound the existing alcohol problems*" and refers to local, national and international studies to support this position.
65. As noted in the Applicant's submissions, the studies quoted show mixed results and/or are not relevant. Contrary to the Department's suggestion, there are no local studies examining liquor outlet density and the link to consumption or negative effects, despite the fact the national and international studies referred to indicate that local factors are paramount.
66. Mr Cozens noted that the Applicant presumed that the Department took a neutral stance rather than formally objecting given the above. It was noted that the Department of Health had determined not to appear at the public hearing, providing further evidence that they did not consider their letter to be an "objection".
67. Whilst the Applicant had attended the public hearing it maintained that the referral of the matter to public hearing was unfair and potentially ultra vires on a number of grounds that had been conveyed to the Director-General in correspondence prior to the hearing date. The Applicant maintains that the decision to convene a public hearing was not valid, primarily due to the guidelines on which the decision was based had retrospective effect. Mr Cozens referred to a number of legal authorities in respect of the retrospective application of legislation.
68. In response to a question on the point, Mr Cozens conceded that the only detriment suffered by his client in being required to attend the public hearing was the resultant delay in obtaining the final determination on the application from the Director-General.
69. The Applicant acknowledges the existence of the Guideline relating to the grant of takeaway liquor licences and submits that this application meets criteria 3(a), that is a takeaway liquor licence for a premise to be located in a new residential or commercial land development in a greenfield site. With reference to the Review of Alcohol Policy currently being undertaken at the request of Government, the Applicant is aware that a review is being undertaken but notes that this has absolutely nothing to do with this application. The fact that the persons undertaking the review may look into the density and size of liquor outlets as part of their review is not relevant to this application and that it is not appropriate to prejudge the outcome of the Review.

Evidence of Mr Paul Tisato, General Manager SA/NT Australian Liquor Marketers Pty Ltd

70. Australian Liquor Marketing (ALM) is a subsidiary of Metcash Trading Limited and is Australia's largest liquor wholesaler to independent licensees. It is proposed that Zuccoli IGA Fresh liquor store will trade as Cellarbrations at Zuccoli under a retail alliance licence agreement with ALM.
71. Mr Tisato gave evidence at the hearing that Cellarbrations' primary target market demographic is females from the ages of 26 to 40 years of age. Over the past five years, sales data has shown a strong trend across both wholesale and retail data sets of a decline in consumption volume and an increase in unit price per transaction. This trend is described by the liquor industry as "premiumisation" and points most strongly to customers in Australia consuming less volume, less frequently but paying a higher price for liquor of a higher quality.
72. Mr Tisato stated Cellarbrations are chasing this trend through its promotional and marketing programs and that the company has set a minimum single 750ml wine bottle price at \$8.99 per bottle and a multi-buy single 750ml wine bottle equivalent price of \$8.90 per bottle. Cellarbrations do not promote any cask wine and through its promotions and marketing does not target vulnerable individuals and groups where liquor consumption is potentially causing harm and violence, including domestic violence, in the community.
73. Mr Tisato noted that Cellarbrations key retail competitors in the greater Darwin area are BWS (Woolworths) and Liquorland (Coles) who, Mr Tisato states, regularly promote cask and bottled wine at low retail prices.
74. Mr Tisato gave evidence that Cellarbrations at Rosebery IGA and the proposed Cellarbrations at Zuccoli IGA Fresh will be under the same management and will have some common directors across the two entities. Mr Tisato described Cellarbrations at Rosebery IGA as a contemporary, wide ranged and premium liquor store, similar to what is proposed for Zuccoli IGA Fresh. He submitted that the store would meet the contemporary client expectation of the ability to purchase groceries and liquor at the one location in a "one stop shop". It is also proposed that Cellarbrations at Zuccoli IGA Fresh liquor store will carry a similar range of mainstream products across all categories of liquor, but will carry a significantly wider range of craft beer, premium international beer, premium and boutique Australian wines, imported wines, premium and luxury spirits and liqueurs, Australian craft and micro distillery whiskies and gins.
75. On the basis of the submissions during the course of the public hearing, together with the materials lodged with the application, Mr Cozens submitted that the Director-General should approve the Application and grant the store liquor licence.
76. For reasons that will become obvious later in this decision notice, the comparisons to the Rosebery IGA store by Mr Tisato are both intriguing and a cause for concern given that the Rosebery IGA store ceased trading and was placed under voluntary administration the day after Mr Tisato presented his evidence at the public hearing.

COMMENTS FROM ADDITIONAL STAKEHOLDERS:

77. As is the normal course for applications of this nature, comments were sought from various agencies who are concerned with the impact of new licensed premises on the community at large. Submissions from the Department of Health, NT Police and the NT Fire and Rescue Service are addressed above in this decision.

Development Consent Authority

78. On 19 January 2017 an email was received from Sarah Gooding, Senior Planner, Development Assessment Services, who advised that the applicant has appropriate planning approval.

City of Palmerston Council

79. A letter was received from City of Palmerston Council dated 19 January 2017 acknowledging receipt of the application information, however no further comments or submissions were received.

SUMMARY ASSESSMENT OF APPLICATION AND OBJECTIONS

80. The Applicant has provided a detailed application which meets the requirements prescribed in the Act. In accordance with section 26(3) of the Act, the application addresses the objects of the Act as set out in section 6(2). The application submits that the grant of the licence will be in the public interest on the basis there are currently no licensed premises in the suburb of Zuccoli. The Applicant has sworn an affidavit in accordance with section 26A of the Act, stating that there are no persons, apart from the Directors of Zuccoli Pty Ltd, who are able to influence the conduct of the business under the proposed licence.

Suitability of Premises – Location

81. The business plan states that the Zuccoli IGA Fresh premises are part of a new development at Zuccoli Plaza, which will provide a local commercial centre for people living in the suburb and surrounds. The shopping centre will incorporate up to 14 shops including the supermarket, gym, medical centre, chemist and a coffee shop. The shopping village offers 160 car parks. There are no places of worship in the immediate locality of the premises.

Nature of Business – Concept

82. The application is for a Store Liquor Licence. The premises is a new development and will conduct business under the "IGA Fresh" banner operating as a medium sized grocery supermarket. Should the liquor licence be granted the supermarket will incorporate a takeaway liquor outlet trading under the "Cellarbrations" banner.

Guideline for applying for a Takeaway Liquor Licence

83. The Applicant submits that this application falls within the parameters of the Takeaway Licence Guideline issued by the Director-General on 19 October 2016. The Guideline provides that an application for a takeaway liquor licence will be considered only if the proposed licence meets any of the following criteria:

- a) a takeaway liquor licence for premises to be located in a new residential or commercial land development in a greenfield site; or
- b) a takeaway liquor licence for a new hotel allowing for the sale of alcohol to bona fide guests only, for consumption away from the licensed area but within the premises (specifically for the capacity to offer minibar, room service and conference facility options); or
- c) a takeaway liquor licence for the sale of local Territory liquor products that are produced at the premises.

84. Zuccoli is one of the newer suburbs under development in Palmerston South with the Zuccoli Sales and Information Centre and Display Village opening in September 2015. Zuccoli encompasses an area of some 400 hectares and, when complete, Stage 1 of Zuccoli is expected to deliver 900 homes for up to 2,700 residents. As at the date of the 2016 Census there were 1,129 people resident in Zuccoli. The ABS also reports that the population increase for Palmerston South, where Zuccoli is situated, experienced a population increase of 26.4% in the year from 2015 to 2016, the largest population growth recorded in the NT for that period.

85. It is apparent when visiting Zuccoli that the suburb continues to be an area of major residential and infrastructure development, including the development of Zuccoli Plaza within which the Zuccoli IGA Fresh premises are located. It is also apparent that Zuccoli occupies land that was formerly undeveloped bushland and therefore falls within the definition of a greenfield site as that term is commonly understood. As a result, the application for a takeaway liquor licence in this instance falls within the Guideline for such applications under criteria a) above.

Density of takeaway liquor outlets in the area:

86. As is often the case, one of the main issues with this application necessarily includes consideration of the location of the proposed premises in relation to the location of other licensed premises in the vicinity. In that respect, leaving aside premises where takeaway liquor is only accessible to members, there are nine takeaway liquor outlets in the greater Palmerston area, noting that the Rosebery IGA supermarket, which is located 3.1 kilometres from the Zuccoli IGA Fresh premises, has ceased to trade since being placed under voluntary administration. At this stage there is no indication as to whether the closure of the Rosebery IGA will be permanent, however, at this point in time the liquor licence for Roseberry IGA remains valid and must be taken into consideration as though it was an operational takeaway liquor outlet.
87. The next closest takeaway liquor outlets to Zuccoli IGA Fresh are the Bell Bar and Bistro (4.9 kilometres) and the Bakewell BWS outlet (5.2 kilometres). There are six takeaway liquor outlets located within a five to six kilometre radius of the Zuccoli premises. The remaining two takeaway outlets in the Palmerston area, which are under construction and not yet trading, will be located more than seven kilometres from the Zuccoli IGA Fresh premises.
88. Both objections received from NT Police and the Department of Health in respect of this application raise the issue of density of liquor licences in the Palmerston area and submit that there are already sufficient licences within close proximity to the Zuccoli IGA premises. With respect, those submissions included all liquor licences in the Palmerston area, including those that are not authorised to sell takeaway liquor.
89. In considering an application of this type the Director-General is obliged to take the objects of the Act into account. The primary object of the Act, as set out in section 3(1), is to regulate the sale, provision, promotion and consumption of liquor so as to minimise the harm associated with the consumption of liquor in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor. The harms associated with the misuse of alcohol are well known and particularised in some considerable detail in the objections lodged by the Department of Health and NT Police.
90. In respect of the public interest in the sale of liquor, it is of note that the application for a liquor licence for the Rosebery IGA supermarket that was lodged in 2015 attracted a total of 27 objections opposing the grant of the takeaway liquor licence, the majority of which came from residents of Rosebery. Many of those objections raised similar issues of concern, namely the proposed location of the premises in proximity to existing liquor outlets and concerns that licensed premises in the Rosebery suburb would inevitably lead to an increase in unlawful consumption of alcohol and anti-social behaviour.
91. Of particular significance, the grant of a takeaway liquor licence for the Rosebery IGA did not result in the level of alcohol related anti-social behavior and violence anticipated by the resident objectors. During the period the Rosebery IGA premises was authorised to sell takeaway liquor, no complaints were referred to the Director-General by Police or the general public, nor was there any reporting of an increase in alcohol related harm in Rosebery or the Palmerston area as a result of the grant of that licence.
92. It is significant to note that no residents of Zuccoli lodged an objection to the grant of a liquor licence to Zuccoli IGA Fresh with the only objections coming from government agencies. To the contrary, the petition commissioned by the Applicant of its own volition attracted in excess of 1,000 signatures from local residents and clients of the supermarket supporting the application. The petition, in itself, provides a clear indication that the residents of Zuccoli do see a need for a liquor outlet in Zuccoli and support the concept of a local supermarket at which they can purchase groceries and liquor, as occurs in the majority of Darwin and Palmerston suburbs.

93. I also note the submissions made at the public hearing by Mr Cozens in respect of the currency and utility of the reports and research papers referred to by the objectors indicating that liquor outlet density has a direct correlation to adverse outcomes in terms of alcohol related crime and antisocial behaviour. Mr Cozens careful analysis of the references showed clearly that many of the research papers are significantly dated, a number relate to jurisdictions outside the NT and indeed outside Australia, the findings are mixed and none of the research or reports relate specifically to Zuccoli or the application currently under consideration.
94. As such, the research papers and academic reports are of little probative value to the Director-General in the assessment of this application for a store liquor licence in the new suburb of Zuccoli, which remains under development. There are no liquor licences in Zuccoli at present. The petition commissioned by the Applicant demonstrates clearly that many residents of Zuccoli are in support of the opening of a liquor outlet in their suburb at the local shopping centre, a situation that is normal for the major urban suburbs in the NT.
95. The fact that neither of the objectors was represented at the hearing results in a situation whereby Mr Cozens submissions in respect of the deficiencies and irrelevance of the various research papers and reports were unchallenged by the objectors.
96. In the same vein, the objections are based on generalisations in respect of alcohol related harm and do not specifically relate to the Zuccoli IGA Fresh premises or the manner in which the Applicant proposes to conduct the business under the liquor licence should that be granted.
97. The genuine nature of the submissions of the objectors is acknowledged, as are the concerns expressed regarding the potential for alcohol related anti-social behaviour. However, in the circumstances set out above I am not persuaded to refuse the grant of a liquor licence to the proposed Zuccoli IGA Fresh on the basis of objections that are speculative as to the potential for adverse and harmful outcomes. The track record of the Rosebery IGA supermarket, prior to its closure, demonstrates clearly that speculation of that nature in respect of harmful outcomes arising from the grant of a liquor licence do not always result in actual harm.
98. A considerable factor in that regard is the manner in which a store liquor licence is managed by the licensee and the manager/nominee. In this instance I am satisfied that the Applicant will have in place adequate controls and risk management procedures, similar to those that were in place for the Rosebery IGA premises. I am satisfied that those measures, if adhered to, will significantly minimise or eliminate the prospect of poor practices leading to the types of harms identified by the objectors.
99. In the circumstances considered in some detail above, I am not persuaded by the submissions of the objectors to refuse the grant of the licence on the basis that the density of takeaway liquor licences in the vicinity of the Zuccoli IGA Fresh premises is likely to result in the overall social impact of granting this licence being detrimental to the wellbeing of the local and broader community.

Maximum Floor Area for Store Licence

100. On 27 June 2017 the Act was amended to incorporate new section 33AB which provides that it is a condition of every Store Liquor Licence that the area in which the public can browse for and purchase liquor is limited to a maximum of 400 square metres. That area excludes driveways, car parking areas and cool rooms or storage areas to which the public does not have access. The amendment has retrospective application and therefore applies to this application.
101. Having considered the floor plans for the liquor area associated with the Zuccoli IGA Fresh premises I am satisfied that that the floor area for the liquor licence comprises approximately 200 square metres and therefore does not exceed maximum area prescribed by section 33AB of the Act.

FINANCIAL CIRCUMSTANCES OF THE APPLICANT

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ANCILLARY TRADE CONDITION

124. A further issue in respect of Zuccoli Pty Ltd's application for a store liquor licence arose following the public hearing on 30 May 2017 and viewing of the Zuccoli IGA Fresh premises by the Director-General on 26 May 2017. Store liquor licences are distinct from stand-alone bottle shops and are invariably subject to a licence condition stipulating that the sale of liquor is to be ancillary to the sale of groceries and other goods. An example of the specific terms of such a store licence condition is as follows:

Liquor to be Secondary Business:

The sale of liquor at the premises authorised by this licence shall be ancillary to the operation of those premises as a supermarket or general store, by which is meant ancillary both in terms of turnover and of the general shopping environment presented by the store. The main business of the store must always be the sale of stores other than liquor products, and in terms of fit out, facilities, product range, ambience, external and internal signage and all advertising and promotional material in all media, the premises at all times must maintain the appearance of trading predominantly as a supermarket or general store. (Emphasis added).

125. Having viewed the premises as constructed, the Director-General formed the tentative view that the current configuration and external appearance of venue is not capable of complying with that condition. The area proposed for the sale of takeaway liquor has the appearance of a stand-alone bottle shop, given the significant frontage exceeding 14 metres that directly faces the public carpark. In addition, the entrance to the takeaway liquor area of the store is separated from the entrance to the supermarket area by a distance of approximately 30 metres, with the intervening space occupied by a separate business, again creating an external appearance indicating that the takeaway liquor area is a separate and discrete business from the supermarket. It was apparent from viewing the premises that a customer could enter the liquor licensed area, purchase liquor and leave the premises without entering the supermarket.
126. In the interests of allowing the Applicant to respond to those concerns Mr Cozens was invited to present any further submissions the Applicant may wish to make in respect of the issues relating to the configuration, appearance, fit out and external advertising and signage proposed for the takeaway liquor area of the premises.
127. Mr Cozens provided a response to those concerns on 3 July 2017 and advised that the Applicant was aware of the standard terms on a Store Liquor Licence. He submitted that the layout of the store is consistent with the licence condition because the design initially allowed for three Points of Sale [POS] in liquor, two POS with hand held scanners and one POS complete with fixed scanner, handheld scanner and scales to accommodate the weighing of grocery items for the convenience of customers. The third POS with scales was dropped due to the upcoming re-introduction of the requirement to scan customer identification at the time of a liquor purchase as part of the Banned Drinker Register program and complexities in keeping customer flow.
128. Mr Cozens stated that the POS system has the ability to place a grocery sale on "hold" then be scanned back up on any other POS, including the POS within the liquor area, allowing a grocery and liquor shop in one transaction so as to minimise card/bank fees. He also submitted that the liquor area is under the same lease as the grocery area and the IT network for both areas is integrated with the rest of store and back office systems and the CCTV system is integrated through whole of store.

129. Mr Cozens also submitted on behalf of the Applicant that two door access to the liquor area is not uncommon for store liquor licences. For example, BWS attached to Woolworths at Oasis Shopping Centre, Liquorland attached to Coles at Palmerston CBD, Liquorland attached to Coles at the Mitchell Centre and BWS at Hibiscus Shopping Centre. The design layout was deemed best use of the space available and one that would enable restocking of products with little impact upon customers.
130. In respect to the store frontage for the Zuccoli IGA Fresh liquor area, Mr Cozens submitted that the external graphics will be tasteful and not covering the entire shop front and there will be minimal promotional price boards placed externally and internally to the premises. The sales forecasts show liquor sales anticipated at 23% of overall sales. The floor area of the liquor area is 203 square metres or 15.2% of the whole leased area of 1,333 square metres. The public are generally well aware that "Cellarbrations" is associated with IGA and IGA branding will be apparent in both the grocery and liquor parts of the store.
131. Mr Cozens stated that the public are well accustomed to the liquor part of a grocery store being physically separated, due to trading hour restrictions, and this is apparent in every such grocery store, with varying design aspects. He submitted that the fact that the store's main entrance and the liquor area entrance are separated by a different business does not impact on determining whether the liquor part of the store is ancillary or is an independent business. He submitted that it would be plain to any customer of the store in the liquor area that it comprises part of the supermarket business.
132. In order to address the concerns raised by the Director-General, Mr Cozens advised that the Applicant will agree to a licence condition stipulating that the door facing the carpark in the liquor area of the store will be "exit only", meaning that customers must enter the supermarket's main entrance and pass through the grocery area of the store before being able to enter the liquor area. He submitted that this condition will remove any uncertainty in the mind of the public as to whether or not the liquor store is part of, and ancillary to, the wider supermarket business.
133. With those concession in mind I am satisfied that, with the conclusion of suitably worded licence conditions, the Applicant will be able to satisfy the ancillary trade and appearance condition and maintain the appearance of trading predominantly as a supermarket or general store.

TIME TAKEN TO PROCESS THE APPLICATION:

134. In his letter to the Director-General of 3 July 2017, Mr Cozens also made reference to the time taken for Licensing NT to process the application for a store liquor licence. He noted that six months has elapsed since the application was lodged and that this significant delay is affecting cash flow and threatens the viability of the business going forward. He requested that the amended application be determined within 14 days.
135. The comments in respect of the time taken to process the application and the inference that the delay has been caused entirely by Licensing NT and/or the Director-General cannot go unchallenged.
136. Mr Harvey lodged the application for a store liquor licence to authorise the sale of takeaway liquor at the Zuccoli IGA Fresh supermarket on 3 January 2017. Processing of the liquor licence application for Zuccoli IGA Fresh has been carried out in the normal manner and in accordance with the requirements of the *Liquor Act*. The application was advertised on 20 and 25 January 2017 with the objection period closing on 24 February 2017. As required by the Act, the objections were forwarded to the Applicant for comment. Following receipt of the applicant's response a comprehensive report on all aspects of the application, including the objections, was presented to the Director-General on 3 April 2017. Following receipt of the report the

Director-General advised the applicant and the objectors that the application would be referred to a public hearing in accordance with the Guideline dealing with public hearings.

137. Noting that the timeframes associated with objections are prescribed by the Act, it is fair to say that the application has been assessed in a timely manner. It is apparent from correspondence received by the Director-General that Mr Harvey was aggrieved by the fact the licence application would be delayed pending the public hearing. There is no doubt that the reintroduction of public hearings for liquor licence applications will inevitably delay the process for considering liquor licence applications. However, that fact needs to be balanced against the public interest in the grant of liquor licences, and particularly the grant of a takeaway liquor licences in suburban settings.
138. The objections lodged by NT Police and the Department of Health both raise issues in respect of the potential for adverse impacts to result from the grant of an additional takeaway liquor outlet in the Palmerston community. Both objections comply with the requirements of the Act and the Director-General has a positive obligation to properly consider the objections in determining whether or not to grant the liquor licence sought. The convening of a public hearing not only assists the Director-General in reaching the appropriate decision but also provides an avenue for the submissions of the applicant and the objectors to be aired in a public forum which in turn provides a legitimate measure of public involvement in the liquor licence application process.
139. The construction of the Zuccoli IGA Fresh supermarket is complete and the business is already trading in the sale of groceries, having opened for trade on 8 April 2017. It is apparent from correspondence received by the Director-General from the lawyers representing Zuccoli Pty Ltd that Mr Harvey expected the liquor licence to have been granted prior to the opening of the business.
140. The fact that the liquor licence application had not been determined by the time of the opening of the supermarket is largely a result of Mr Harvey's own inaction. The Act specifically provides for an application for a liquor licence for premises that are yet to be constructed. It was open to Mr Harvey to apply for a liquor licence well prior to the commencement of the construction of the supermarket and the fact that he waited until the supermarket was almost built represents a commercial risk of his own making. It cannot be the case that the Director-General must grant a liquor licence simply because an applicant has built the premises on the erroneous assumption that the grant of a liquor licence is a mere formality.
141. As noted above, immediately following the public hearing the Rosebery IGA premises ceased trading and was placed under voluntary administration. The Applicant could have raised and addressed that issue at the public hearing but, for reasons unknown to the Director-General, failed to do so. The investigation by the Director-General into the financial circumstances of Mr and Mrs Harvey certainly added to the time taken to determine the application. However, that again was a situation caused by directors of the Applicant, Mr and Mrs Harvey, and not the Director-General who has a positive obligation under the Act to consider the financial position of all applicants for liquor licences, including the directors of corporate applicants.
142. As Mr Harvey and Mr Cozens are well aware, due to their involvement with the grant of a store liquor licence for the Rosebery IGA premises, even if the licence were to be granted by the Director-General, objectors are entitled to seek a review of such decisions before the NT Civil and Administrative Tribunal with the potential to further extend the time required to lawfully deal with the application. The review processes stipulated in the Act are perfectly appropriate however the timing for such reviews is a matters completely beyond the control of the Director-General.

SUMMARY

143. The proposed business model outlined in the application is for a medium sized upmarket supermarket under the IGA banner that stocks quality produce and many higher end liquor products. The sale of liquor must be ancillary to the grocery and goods sales and the liquor area will be manned by well trained staff with relevant RSA qualifications. Whilst there is always the potential for there to be alcohol related anti-social behaviour around a licensed takeaway liquor outlet, the risk in this instance is assessed as low due to the demographics of Zuccoli combined with the proposed business model and the risk management procedures to be applied by the Applicant.
144. The application for a store takeaway liquor licence for the purpose of the Zuccoli IGA Fresh premises satisfies the requirements set out in the Act for the grant of liquor licence of that type. Testimonies and evidence submitted in support of the amended application indicate that the proposed nominee, Mr Steven Rae, is a fit and proper person to be the manager/nominee for a Store Liquor Licence. The directors of the applicant company, with the exception of Mr Michael Harvey and Mrs Helen Harvey, are persons who are fit and proper to hold a liquor licence. The financial situation in respect of Mr and Mrs Harvey is discussed in some detail above. Suffice to say that since the recent closure and voluntary liquidation of Rosebery IGA, their financial situation is unable to be determined with any certainty and nor will it be for some time.
145. I am satisfied that this application satisfies at least one of the criteria set out in the Guideline promulgated for the grant of a takeaway liquor licence. Namely, the licence is to be located in an area that falls within the definition of a greenfield site as that term is commonly understood. As a result, the application for a takeaway liquor licence in this instance falls within the Guideline for such applications under criteria a) of the Guideline.
146. From the materials submitted it is evident that significant population increase in the Zuccoli over recent years, coupled with new developments in both residential and commercial development in the vicinity, indicates that the proposed venue is in a location which would provide services to the increasing numbers of residents and other visitors to the suburb.
147. The objections, including the genuine motives of the objectors to the application are acknowledged and considered above in some detail. In summary, and on the basis of the reasoning set out above, including the speculative nature of the grounds of the objections and the limited probative value of the research papers referred to by the objectors, I find that none of the objections are of sufficient weight to persuade me to refuse to grant the licence.

DECISION

148. In accordance with section 29(1)(a) of the Act and on the basis of the information provided in respect of the application, and for the reasons set out above, I approve the issue of a Store Liquor Licence to Zuccoli Pty Ltd for the purpose of conducting a takeaway liquor business, in conjunction with the operation of a supermarket, for premises known as Zuccoli IGA Fresh located in Zuccoli Plaza, Zuccoli Parade & Crosby Street, Zuccoli in the NT.
149. The consideration of this application has raised a number of issues that will be addressed by the imposition of specific licence conditions, concerned mainly with the requirement for liquor sales to be ancillary to the primary business, being the sale of groceries and other goods. The conditions will address concerns with access and egress to the liquor licensed area of the supermarket as well as conditions relating to external and internal signage and the advertising of liquor products.
150. The licence will also be subject to a condition that the Applicant will not commence trade in the sale of liquor prior to providing confirmation to the Director-General, by way of a certificate issued by the Australian Securities and Investment Commission, that Mr and Mrs Harvey have resigned as directors of Zuccoli Pty Ltd.

REVIEW OF DECISION

151. Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. An application for a liquor licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision. For the purpose of this decision, and in accordance with section 120ZB(3) of the Act, the affected persons are the Applicant and the persons who lodged valid objections, namely NT Police and the Department of Health.



Cindy Bravos
Director-General of Licensing

12 July 2017