

# Decision Notification

## Application Details

Application no.	213375
Licence No.	57008376
Licence Class	General & Hotel
Premises Name	Vault 91
Premises Address	Shop 1 91 King William Street Adelaide SA 5000
Applicant	MIPS Investments Pty Ltd
Application Type	Application for a Liquor Licence
Representative	Dimitris Parhas - WRP Legal & Advisory

## Outcome

Decision	Granted
Effective Date	11 Mar 2022

## Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained

## People

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Milivoj Ilic (70112)
- Paul Graham Shaw (170441)
- Kirsti Anne Ilic (170769)

## Premises

### New Premises

The licensed area is outlined in red on the approved plan.

### Capacity

The capacity of the venue is set at 200.

## Community Impact Assessment

This application for a General and Hotel licence is a designated application under section 53A of the *Liquor Licensing Act 1997* (the "Act") and so may only be granted if the licensing authority is satisfied that the grant is in the community interest. In determining this application under section 53A(2) of the Act, I must have regard to:

- the harm that might be caused (whether to a community as a whole or a group within community) due to the excessive or inappropriate consumption of liquor;

- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed)

I am also required to apply the community impact assessment guidelines which state, *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

I will have regard to the application and supporting materials in making my determination.

#### Nature of the business

The premises will operate as a café style venue during the daytime hours from Monday to Friday and transition into a wine bar from 5pm on Wednesdays, Thursdays and Fridays. The venue will be closed on weekends.

There will be a café style bar area where patrons can choose to sit at the bar or at nearby tables to consume food and beverages purchased from the premises. There will also be communal seating available to the public allowing people to consume their own food with or without non-alcoholic beverages purchased from the cafe.

The proposed venue will offer small seasonal plates, using ingredients sourced from local producers, as described in the sample menu provided by the Applicant. The wine list is also focus on small, local, family owned wineries, breweries and distilleries, with the addition of some rare international products from time to time.

The venue will offer a sunken lounge area that patrons can occupy during lunch hours for business meetings. This part of the premises will also operate as a wine bar allowing patrons to purchase bottles of wine to consume in the in the lounge area, or to take away for consumption off the premises.

The sale of liquor for consumption off premises will be limited to a select range of wines of the same varieties which are available for consumption on premises. The Applicant has advised that there will be no more than 40 different varieties of wine available for take-away sales at any one time.

The wines available for take away sales are “higher end” wines with a price point geared toward professional patrons. The Applicant expects the target market for take away sales to be patrons who have attended the venue for an afterwork drink and may wish to take a bottle home.

I note that the take away component of the business will not be advertised to the public at large nor will it function as a typical ‘bottle shop’ attached to a hotel. The Applicant also submits that there will not be a full range of liquor available for purchase, and there is no storefront on King William Street

The entertainment provided will consist predominantly of “in house” background music, with the occasional live musician. There will not be any accommodation provided at the venue.

As the venue is located on the ground floor of Westpac House on King William Street, the Applicant expects to attract office workers from the building and the broader CBD. The Applicant has stated that the core focus of the proposed business will be to service the 1800 people currently working in Westpac House. It is likely that there will be many visiting “business users” throughout the day to using the location as a place to meet. The wine bar will present an up market and sophisticated place to meet in the evenings during the latter part of the week.

#### Potential harm

The locality has been defined as the CBD, covering approximately 12.4 square kilometres and with a population of 16,000 according to the 2016 census. There are a significant number of licensed premises within the CBD including

hotels, restaurants and small venue licences, however, the Applicant maintains that the proposed venue is very different to the existing licensed premises and caters specifically to the corporate demographic.

There are a number of community services within the locality including educational facilities and hospitals. The Applicant has identified a number of schools including Adelaide High School, St Mary's College and the Specialised Assistance School for Youth.

The Applicant is of the view that as proposed venue will not pose a significant risk to children as: the Venue is located between 500m to 1.2km away from the schools; the Venue is within the ground floor of Westpac House and does not have a store front that is easily accessible to members of the public. On this basis, it is unlikely that school children would either know of the location or happen across it by accident and in any event, staff members will be well trained to ensure that liquor is not sold to minors. The venue will also employ a number of security staff to further deter minors accessing the premises.

The Applicant has identified other "at risk" groups in the locality as persons engaging in 'anti-social binge drinking' in and around Victoria Square as well as persons attending Hindley Street venues. It unlikely that the nature of this venue would appeal to such groups and on that basis will pose little risk

Nevertheless, the Applicant has outlined a number of measures to be put in place to minimise the risk of harm to these groups such as: appropriate signage prohibiting minors from entering the premises, checking id and implementing responsible service of alcohol practices, including free drinking water, ensuring food is available, and closely monitoring patrons for signs of excessive consumption of liquor

The venue will also implement the principles of Crime Prevention through Environmental Design (CPTED) to aid harm minimisation including, natural surveillance and lighting, security staff for events, use of CCTV, staff training so that staff members are able to diffuse difficult situations and prevent escalation.

Whilst the building itself comprises a number of residential spaces, the Applicant has advised that the venue will not adversely impact the way other groups use the building.

The Applicant will implement the existing CBS Risk Assessment and management plan. The venue will also promote responsible drinking practices, to this end the Applicant has advised that the venue will not participate in any 'pub crawl' or similar style events, nor will it permit "large boisterous groups" into the venue that may cause disturbance to other patrons.

#### Cultural, recreational, employment or tourism impacts

The venue will provide economic benefits by attracting consumer spending throughout the day and into the evening. It may be more attractive to city workers as it has a larger capacity than the small venues on Leigh and Peel Streets.

The business will employ 10 staff members, though it is not clear if how many are full time, part time or casual. The Applicant contends that the grant of the General & Hotel Licence will not only benefit staff and future staff members, but will also boost the local South Australian economy, by adding a new vibrant casual dining and after-work drinks venue to the heart of the CBD

It is anticipated that the venue will attract patrons back into the CBD following the restrictions imposed as a result of the Covid-19 pandemic. The various dining experiences available the venue will encourage patrons to spend their money locally and to spend their work and after work hours in the CBD.

The proposed venue intends to showcase South Australian produce, including liquor for consumption on premises, and will also seek to stock locally sourced wine for take-away sales. The Applicant expects that encouraging patrons to

consume local wine and produce, both at the venue and at home will have a positive impact on the greater South Australian economy and community.

In particular, as the proposed premises will offer a select range of 'high end' wines. It is envisaged that when patrons purchase a bottle of wine to take home, it will provide an opportunity to sample varieties of wines from South Australian regions that they may have otherwise not encountered, and those patrons may then venture to the cellar doors of those wineries, potentially providing economic benefits to both the Venue local winemakers.

#### Social impact and impact on the amenity of the community

The venue is located in the Adelaide CBD, it will allow patrons who wish to avoid the busyness of the lane way venues to dine and drink in an intimate and vibrant setting. The nature of the existing premises presented an opportunity to develop a new style of bar on the ground level of a city office building. The Applicant maintains that this style of bar is unique within the Adelaide CBD and will attract office workers who may otherwise leave the city straight after work, without socialising or spending any money.

The Applicant submits that the location within Westpac House provides a unique choice of venue for corporate workers in the CBD that is unlike the surrounding bars and pubs in the CBD. Specifically:

- the venue is situated on the ground floor of Westpac House which will provide easy access to workers within the building and in neighbouring office buildings;
- nearby venues on Leigh Street and Peel Street do not boast a similar location that is suitable for both business meetings during the day, and drinks after work;
- the Venue offers a convenient alternative for office workers to the noisier and more crowded bars in the CBD; and
- the aesthetic of the Venue, whilst large in size, it will be vastly different to other nearby venues of similar size. It is intended to be more sophisticated and professional, noting that (unlike other venues) its location in Westpac House prohibits the Venue from playing loud music or creating a dance floor
- the inclusion of a take-away component provides another point of difference to other "small bars" in the locality that do not have a similar offering.

The Applicant notes, that as a result of the Covid-19 pandemic, businesses in the CBD suffered from a shortage of patrons, and the supply and demand of local produce has also been impacted. Specifically, local suppliers of food and wine have suffered disproportionately. People working within the CBD have been deprived of the opportunity to mingle with their colleagues both during work hours, and after, on account of the work-at-home directions and the capacity restrictions that have been imposed on venues since early 2020.

The Applicant contends that:

The Venue will attract a number of corporate workers from within Westpac House and neighbouring office buildings, in a venue unlike any other. The sophisticated and bespoke style of the Venue, the fit-out and the food and beverage menus, will encourage workers to stay in the CBD and spend money throughout the week, when they may have otherwise left the CBD and returned to their homes after work. From a social perspective, it is paramount to the wellbeing of office workers in the CBD that socialising and dining out once again becomes commonplace

SAPOL has not objected to the application, nor has the Adelaide City Council

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption off the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	10:00 am to Midnight	10:00 am to 10:00 pm
Tuesday	10:00 am to Midnight	10:00 am to 10:00 pm
Wednesday	10:00 am to Midnight	10:00 am to 10:00 pm
Thursday	10:00 am to Midnight	10:00 am to 10:00 pm
Friday	10:00 am to Midnight	10:00 am to 10:00 pm
Saturday	-	-
Sunday	-	-

## Reasons for Decision

This is an unopposed application for a General and Hotel licence, which purports to be operate in a very different style from the number of other licences of this category already in the locality.

The applicant will bring new vibrant, work day and ‘after-work’ dining and drinking experience to the Adelaide CBD with an café-style day time offering and upmarket wine bar, all within the entry foyer of an existing city office building. It is distinct from other licensed premises in the vicinity and likely to appeal to both CBD workers and visitors to the city.

The new venue will provide employment opportunities, showcase local wines and other local products, likely to attract more visitors to the city and encourage workers to stay in the city to socialise with friends or work colleagues.

I note that the applicant has provided information from the Community Impact Portal, as well as letters from various stakeholders showing a level of support for the proposal. The application has not attracted any objections from community bodies or industry groups.

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining the application.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: “to ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.”

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low, particularly given the nature of the business offering, the trading hours and the measures the Applicant will put in place to mitigate any risk.

The Act requires an evaluative exercise that involves weighing the positive aspects of the proposed application with the negative aspects in order to determine whether granting the application is in the community interest. I am of the view that the benefits to the community from the grant of this application outweigh any negative community impacts and that there is very little potential for harm.

There is no reason why the application should be refused on the basis of the matters outlined in s57 of the Act such as the suitability of the premises; the potential for the premises to cause undue offence, annoyance and the like to nearby workers, residents and worshipers in their vicinity; or prejudice to the safety or welfare of children attending nearby

schools. The relevant consents and development approvals are in place to allow the Applicant to carry on the proposed business at the premises.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also satisfied that granting the application is in the community interest.

For the reasons set out above, the application for a General and Hotel Licence is granted, subject to the following conditions:

1. The Licensee is not authorised to sell beer, cider, spirits or liqueurs for consumption off the premises. Sale of liquor for consumption off is limited to wine.
2. The Licensee shall have no more than 40 different wines on display, or available for sale for consumption off the premises, at any one time.

## Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello  
Hearings Delegate  
11 Mar 2022