

FAIRVIEW PARK CELLARS
APPLICATION FOR PACKAGED LIQUOR SALES LICENCE
COMMUNITY IMPACT ASSESSMENT FORM

PART 1 - OVERVIEW

N/A

PART 2 - APPLICATION DETAILS

- 2.1 Liquor Licence No: N/A
- 2.2 Premises/Proposed Premises Name: Fairview Park Cellars
- 2.3 Physical address of premises: Fairview Green Shopping Centre, 325 Hancock Rd, Fairview Park SA

PART 3 - NATURE OF THE BUSINESS

- 3.1. **Locality** – the applicant has consulted with Masterplan Town and Country Planners and we attach a report from them as to the application.

You will note that Masterplan have considered the site and proposed a locality incorporating an area generally within a 2 kilometre radius of the subject site. That opinion is generally consistent with Schedule 2 of the Community Impact Assessment Guidelines published by CBS.

The applicant adopts the locality proposed by Masterplan and expects that the majority of trade for the store will come from within that described locality.

- 3.2. **The proposed business** – is a packaged liquor outlet to be located in the Fairview Green Shopping Centre at Fairview Park.

The plans indicate a proposed licensed area of approximately 150 square metres including storage and public areas.

The applicant intends to provide approximately 1,450 lines of liquor comprising 510 product lines of beer, 309 lines of spirits, 383 lines of wine, 207 lines of RTDs and 41 lines of cider.

There will be 21 doors of refrigeration each accommodating approximately 20 product lines per door.

The site is located directly adjacent to a full service independent Romeo's Foodland of approximately 3,835 square metres (by way of comparison the Coles Supermarket at Parkholme was approximately 3,500 square metres – refer Parkholme Judgement) as well as approximately 15 tenancies for a range of specialty stores including pharmacy, bakery, health store, newsagent, medical centre, massage, nail care and takeaway food outlets. There is also an ATM facility in the Centre.

The Fairview Green Shopping Centre is located on Hancock Road adjacent to a gym/fitness centre, Coles Express petrol station and the Blue Gums Hotel, with a range of carparking facilities available for patron use.

The Fairview Green Shopping Centre provides approximately 420 car parking spaces across 2 levels.

The proposed packaged liquor outlet will provide convenient one stop shopping for patrons using the other facilities in the centre.

Trading hours are proposed to be between 9am and 10pm 7 days a week.

Staffing will include at least 1 fulltime employee and 2 casuals with more at peak times throughout the year.

- 3.3. Food – Not Applicable.
- 3.4. Entertainment – Not Applicable.
- 3.5. No accommodation will be provided on site.
- 3.6. Prior to lodging the application with Consumer and Business Services the applicant provided a letter advising of the proposed application to adjacent premises. We attach a copy of that letter for your information. We also wrote to Tea Tree Gully Council, SAPOL Licensing Enforcement Branch, and the Departments for Education, Health and Wellbeing, Human Services and Aboriginal Affairs and Reconciliation Division of the Department of Premier and Cabinet – sample letter attached. No negative comments were received in response.

The applicant provided a letter advising of the proposed application to the following tenants within the Fairview Green Shopping Centre:-

- SA Quality Meats
- Amcal Pharmacy
- Hot and Fresh Bakery
- Kung Fu Asian Kitchen
- Go Vita Health Store
- Little Viet Foodie
- Fairview Green Newsagency
- Café Verde Pizzeria
- Fairview Chicken and Seafood
- Health Sense Medical Centre
- Phone Care Plus
- Foodland

None of the tenants who were contacted by the applicant expressed any opposition to the proposed licence application.

The applicant also spoke with the operator of the Gym/Fitness Centre adjacent to the shopping centre, who indicated full support for the proposed licence application.

The applicant also undertook a survey of approximately 60 patrons at the Blue Gums Hotel. The response was overwhelmingly positive with 92% support for the proposal and 3% undecided. Approximately 82% of respondents stated that it would be more convenient for them to buy liquor at the same time as their groceries as would be permitted by this proposal.

PART 4 - HARM

- 4.1. We refer to the Masterplan report which considers educational establishments, places of worship, health related facilities and dry areas in the locality.

Consistent with the Masterplan report, we do not consider that the application poses any significant degree of risk to any such “*at risk*” groups in the locality.

- 4.2. We note the Locality and Area reports attached to the Masterplan report sourced from the CBS Community Impact Portal.

Again, we refer to the Masterplan report addressing these matters and submit that the grant of the application is not likely to have any significant impact on persons using any such buildings/facilities/areas described in the Guidelines and Masterplan report.

- 4.3. Director of the proposed licensee company Mr Sam Tomich has significant experience in operating licensed premises in South Australia and interstate.

Mr Tomich is a Director of the licensee of the Blue Gums Hotel and Somerset Hotel in suburban Adelaide, the Blue Gums being located in the locality as described above, “separated by significant distance and infrastructure” and not “within close proximity” of this site as determined by CBS in a recent application regarding the Hotel.

Mr Tomich has also owned and operated retail liquor facilities in Queensland for more than 9 years.

The applicant will adopt policies and procedures to minimise any potential harm or health impacts to any at risk groups in the community in accordance with responsible service principles and obligations under the Act and Code of Practice, including the following:-

- 4.3.1. Mandatory signage in place as to no service to minors, including all cigarette and tobacco products;
- 4.3.2. Staff to ask for suitable proof of age if patron appears under the age of 25 years – no id no service;
- 4.3.3. Refusal of service if staff member suspects fake or fraudulent identification;
- 4.3.4. No advertisements or promotions to be targeted to minors;
- 4.3.5. Refusal of service in situations where staff suspect liquor is being purchased on behalf of a minor (including no service to persons in school uniform);
- 4.3.6. Any tasting promotions on site will be of limited quantities to ensure responsible service and consumption;
- 4.3.7. No advertising or promotion of irresponsible sale and consumption of liquor;
- 4.3.8. All staff to have undertaken responsible service of alcohol training;
- 4.3.9. No service to any customer who appears intoxicated;
- 4.3.10. At least 1 approved badged responsible person to be on the premises at all times the premises are trading to the public;
- 4.3.11. Unaccompanied Minors will not be allowed on the premises in accordance with the Liquor Licensing Act.
- 4.3.12. There will not be discounted liquor at irresponsible prices.
- 4.3.13. Video camera surveillance will also be installed.
- 4.3.14. The design and layout of the store allow for clear line of sight of all public areas, in conjunction with the video camera surveillance.

PART 5 - SOCIAL IMPACT AND AMENITY

- 5.1 We refer to the area and locality reports sourced from the CBS Community Impact Portal and the Masterplan report.

There are no existing packaged liquor sales licences within the locality. There are 2 hotels, namely the Blue Gums Hotel referred to above and the Golden Grove Tavern located at the western edge of the locality.

The Blue Gums Hotel provides a 2 lane drive through Sip ‘n’ Save packaged liquor outlet along with a small walk in facility. The Golden Grove Tavern also provides a 2 lane drive through facility under the Sip ‘n’ Save banner along with adjacent walk in facilities.

The Blue Gums drive through is located on a significant slope, and only provides narrow lanes, not conducive to customers taking their time or browsing.

Significantly, there is no packaged liquor facility co-located with a full service supermarket in the locality – this proposal will provide that service to the public in the locality in a convenient manner.

The applicant understands that industry "rules of thumb" suggest 60% of drive through customers are male, whereas 60% of freestanding Bottleshop customers are female.

The proposed store will provide a convenient facility for shoppers, allowing trolley access for a safe, convenient shopping experience.

The Masterplan report estimates a population in the locality of 17,672 persons at the 2016 census.

For that population, the existing 2 takeaway liquor facilities at the hotels amounts to approximately 1 packaged liquor outlet per 8,800 residents. This is well below the State average ratio of something in the order of 1:2,000 referred to by His Honour Judge Gilchrist in the matter of Liquorland Parkholme indicating that the locality is significantly underrepresented for packaged liquor facilities.

The demographic material provided in the Locality and Area reports and the Masterplan material indicates an area of low unemployment with a lower crime rate than the State average and SEIFA indexes higher than National average and comparable to greater Adelaide.

We understand that the Centre attracted foot traffic of approximately 824,000 customers for the financial year 2020/2021 and that the Foodland store turnover for that same period was approximately \$31.5M.

The patron numbers through the Centre and significant turnover at the Foodland supermarket would all tend to indicate a successful supermarket and shopping centre where the public might reasonably expect to find a liquor store as proposed in this case. Also see attached Masterplan report as to the Shopping Centre and tenancies.

5.2 The premises are currently operated by a discount store.

Approximately \$150,000 is anticipated to be spent on the premises fitout.

PART 6 - CULTURAL, RECREATIONAL, EMPLOYMENT AND TOURISM ASPECTS

6.1 As described above, the applicant intends to employ at least 3 staff for the business, with greater numbers expected at busier times. No reduction in trading hours for other premises in the locality is expected.

PART 7 - CONCLUSION AND SUMMARY

7.1 This proposal will provide for a one stop shopping option in the locality which is not currently available to the public.

It is well accepted that a significant portion of the community appreciates the ability to purchase liquor at the same time as supermarket shopping which will be available as a result of this proposal.

The data reveals that, consistent with the observations of His Honour Judge Gilchrist in the matter of Liquorland Parkholme [2020] SALC 37 at page 7:-

"The suburbs under consideration here are typical metropolitan suburbs. They are not especially affluent, nor are they especially disadvantaged".

Adding a packaged liquor facility in this location, again consistent with the findings of the Court in Liquorland Parkholme, "is likely to add to the popularity of the centre and its viability" – refer Judgement at page 12.

His Honour Judge Gilchrist also noted in the Parkholme Judgement referred to, at page 9, *“the values of many contemporary Australians for whom the ability to undertake “one stop shopping” is very important”*.

The proposal here is more akin to Parkholme than the observations of the Court in the matter of Hove Sip 'n' Save. By way of comparison, the supermarket centre at Hove provided for 54 carparks in the centre (refer page 8 of Judgement of Hove Sip 'n' Save [2021] SALC 7 as opposed to the 420 car parking spaces provided in this centre.

We also note that the comments of His Honour Judge Gilchrist in the matter of Cellarbrations Mannum [2021] SALC 42 at page 21 quoting from the matter of Liquorland v North Adelaide Village Shopping Centre Pty Ltd [2012] SALC 42 that *“some people do not like purchasing takeaway liquor from a hotel and would prefer to make their purchases from a dedicated retail facility”*.

Also at page 21 of the Mannum Judgement His Honour also noted that:-

“I am also permitted to know that many woman would prefer to purchase takeaway liquor from a standalone bottleshop rather than a hotel”.

This proposal is for a significantly different liquor offering from what is currently available in the locality and would provide for a convenient one stop shop option for local shoppers adjacent to a substantial supermarket in a locality underserved with packaged liquor outlets. The director of the applicant company is an experienced licensee, and will implement a range of practices to minimise harm and ensure responsible service of liquor. The proposal will not result in undue proliferation of licences in the locality and will provide for a greater degree of choice for shoppers with very limited prospects for any negative outcomes in terms of liquor related harm to the community.



WALLMANS
LAWYERS



E-MAILED

2-11-21

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human approach.

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ABN 98 802 494 422

Our Ref: BDA:CMW:20-2989

Your Ref:

2 November 2021

Department of Human Services

BY EMAIL: enquiries@dhs.sa.gov.au

Dear Sir/Madam

**APPLICATION FOR PACKAGED LIQUOR SALES LICENCE
FAIRVIEW GREEN SHOPPING CENTRE
325 HANCOCK RD, FAIRVIEW PARK SA
OFFICE OF LIQUOR AND GAMBLING COMMISSIONER**

We act for Blue Sky Investment Holdings (SA) Pty Ltd.

Our client intends to apply to the Liquor and Gambling Commissioner for the grant of a Packaged Liquor Sales Licence at the above site.

We write to you to advise you of the application and to seek your comments (if any).

Should you have any comments as to the application could you please provide them to us on or before 9/11/21 so that we can provide your comments to the Licensing Authority.

Thank you for your assistance.

Yours faithfully
WALLMANS LAWYERS

BEN ALLEN

Partner

Direct Line: 08 8235 3018

Email: ben.allen@wallmans.com.au

The Occupier
Fairview Green Shopping Centre
324 Hancock Road
FAIRVIEW PARK SA 5126

13 September 2021

Dear Neighbour

**PROPOSED LIQUOR STORE
FAIRVIEW GREEN SHOPPING CENTRE**

By way of introduction my name is Sam Tomich and I am the Director of Blue Sky Investment Holdings (SA) Pty Ltd (the licensee for the proposed liquor store intending to trade as Fairview Park Cellars).

I am also Director of the licensee of the Blue Gums Hotel (located adjacent to the centre) and have extensive experience in operating retail liquor both here in South Australia and Queensland.

A tenancy has become available to us in the Fairview Green Shopping Centre and we would like to operate a takeaway bottle shop from the tenancy, but are unable to do so under the Blue Gum's liquor licence.

Accordingly, I intend to apply to the Liquor and Gambling Commissioner for the grant of a Packaged Liquor Sales Licence for the site. We would propose to trade up to 7 days a week, generally between the hours of 9am and 10pm.

Should you have any comments as to the application please feel free to email me on 0408 087 189 or via email at: stomich@tomich.com.au

I look forward to welcoming you to our new business soon.

Thanks

Sam Tomich

