



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-185

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	34
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Thursday, 29 July 2021 10:41:38 AM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

A large grey rectangular box redacting the contact details provided in the form.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

I am interested in obtaining information about a venue, “The Warehouse Roast Tap Brew” located at LG02 / 9 The Causeway, Kingston ACT 2604. I would like to understand where their outdoor licensed area extends to under their approved liquor licence, also known as the “Licence Plan” Can I also have the “Liquor licence Risk Assessment and Management Plan of “The Warehouse?”

I do not want to access the following documents in relation to my request:

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-185



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 29 August 2021, in which you sought access to:

- The Licence Plan and Risk Assessment and Management Plan (RAMP) of “The Warehouse - Roast Tap Brew” located at LG02 / 9 The Causeway, Kingston ACT 2604.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 26 August 2021 however, following on from third party consultations, the due date is now 16 September 2021.

Decision on access

Searches were completed for relevant documents and two documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that fall within the scope of your request and the access decision for each document.

I have decided to grant partial access to both documents as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant full access to the identified documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lie. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) contribute to positive and informed debate on important issues or matters of public interest.

I consider that disclosing the contents of the information sought would contribute to open discussion and informed debate on the matters pertaining to public spaces and the licencing of said spaces. I am satisfied there is a public interest in the processes involving the provision of amenities to the Canberra public. The release of this information would help to create positive and informed debate on issues of importance to the public.

I am satisfied that this is a relevant consideration favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford it significant weight.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*
 - (xi) *prejudice trade secrets, business affairs or research of an agency or person.*

When considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of doing business with the ACT Government, is a significant factor as the parties involved have provided their personal information for the purposes of statutory compliance which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. As your request sought personal information, section 28(6) of the Act provides that your access application will not be published in CMTEDD disclosure log.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
14 September 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
The Licence Plan and Risk Assessment and Management Plan (RAMP) of "The Warehouse - Roast Tap Brew" located at LG02 / 9 The Causeway, Kingston ACT 2604.	CMTEDDFOI 2021-185

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Licence plan	Dec 2019	Partial release	Sch 2 s2.2 (a)(xi)	Yes
2	3-7	Risk Assessment Management Plan	25 Nov 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
2						

LAND TITLES
OFFICE OF REGULATORY SERVICES
Department of Justice and Community Safety

Form 091 - FP

FLOOR PLAN

Division	Section	Block	UNITS PLAN No.
KINGSTON	60	29-41	

FLOOR NUMBER **LOWER GROUND**

CLASS A UNITS AND UNIT SUBSIDIARIES



TNRC PTY LIMITED BY ITS ATTORNEY
ALFONSO DEL RIO PURSUANT TO POWER OF
ATTORNEY ACT REGISTRATION NO. 0144120

Registered Proprietor

.....
Delegate of the
ACT Planning and Land Authority

Approved form AF 2010-180 approved by Brett Phillips, Registrar-General on 24/09/2010 under section 140 of the Land Titles Act 1925 (approved forms) - This form revokes AF2010-30

Authorised by the ACT Parliamentary Counsel - also accessible at www.legislation.act.gov.au

Liquor - Risk Assessment Management Plan (RAMP) - New Application - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

25 Nov 2019 1:15:41 PM

Reference code

WJLK8H

Access Canberra

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3000

Risk Assessment Management Plan (RAMP) - New Application

RAMP Type *

☒ **Liquor licence**

Licence class *

On

Subclass *

Cafe/Restaurant

Particulars of licence/permit

Licensee *

Axis Holdings Canberra Pty Ltd

Trading name *

The Warehouse, Roast Tap Brew

Premises address line 1 *

LG02

Premises address line 2

9 The Causeway

Suburb *

KINGSTON

State

ACT

Postcode *

2604

Premises phone number *

Schedule 2.2(a)(ii)

Email *

Schedule 2.2 @axisroasters.com.au

Details of person completing RAMP

Title

Mr

Given name *

Schedule 2.2

Family name *

Schedule 2.2

Phone number

Schedule 2.2(a)(ii)

Email *

Schedule 2.2 @axisroasters.com.au

Relationship to licence *

Authorised person

Premises information

The licenced or permitted times proposed for the premises to supply liquor to the public: *

7am to

12 midnight

Days and times proposed for the premises to be open to the public: *

☐ Same time for all days

☐ Monday

☐ Tuesday

☐ Wednesday

☒ Thursday

Opening time *

15:00

C osing time *

21:00

☒ Friday

Opening time *

15:00

C osing time *

21:00

☒ Saturday

Opening time *

12:00

C osing time *

21:00

☒ Sunday

Opening time *

12:00

C osing time *

18:00

Premises safety

Compliance with the occupancy loading

The number of people in each public area at the premises will be counted, monitored and managed in the following manner: *

- ☒ **Prominently displaying occupancy loading signage at or near the main entrance to the public area**
- ☒ **Staff or security will count the number of patrons upon entry or exit of the premises**

Emergency exits

Number of exits from the premises *

The emergency exits of the premises must remain unimpeded at all times. This will be ensured by: *

- ☒ **Staff regularly checking exits for objects stored in egress and removing them immediately**
- ☒ **Displaying signage**

General and fire safety

The following general and fire safety procedures are in place for the premises: *

- ☒ **Spills will be identified and cleaned immediately to avoid injury**
- ☒ **Emergency exit lights will be maintained to ensure they illuminate during an emergency**
- ☒ **Emergency evacuation plan in place for premises**
- ☒ **Fire equipment will be kept on premises (e.g. extinguisher, hose, blanket)**

Premises lighting

- ☒ **The premises will remain sufficiently lit during hours of operation to ensure the safety of patrons and staff ***

Responsible Service of Alcohol (RSA)

Responsible service of liquor

The licensee/permit holder will ensure responsible service of liquor at the premises by: *

- ☒ **Ensuring staff who serve liquor at the premises (and crowd controllers) undertake an ACT approved RSA training course**
- ☒ **Keeping a copy of the ACT approved RSA certificate**
- ☒ **Ensuring employees provide responsible service of liquor at the premises through adequate training**
- ☒ **Not providing liquor to persons who are intoxicated**
- ☒ **Checking identification and not providing liquor to persons who are under the age of 18 years**
- ☒ **Not supplying liquor in containers larger than 570ml if the liquor is intended to be consumed directly from the container**
- ☒ **Not promoting the sale of liquor for consumption at the premises at reduced prices, for more than 2 hours prior to midnight**

Water availability

- ☒ **Licensee/Permit holder will make water available for consumption free of charge. ***

Note: Drinking water must not be provided from a bathroom facility.

Intoxication

Intoxicated people at the premises will be identified by: *

- ☒ **The person's speech, balance, coordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that this is a result of the consumption of liquor.**

Intoxicated people at the premises will be dealt with in the following ways: *

- ☒ **No further service of alcohol**
- ☒ **Staff will offer water and food**
- ☒ **Staff will assist intoxicated person to leave the premises safely/contact transport**
- ☒ **Contact the police if required**
- ☒ **Incidents will be recorded in liquor incident register**

Disorderly behaviour

Disorderly people at the premises will be dealt with in the following ways: *

- ☒ **Approached by staff or security and asked to adjust behaviour**
- ☒ **Asked to leave premises by staff or security if disorderly behavior continues after initial engagement**
- ☒ **Contact the police if required**
- ☒ **Incidents will be recorded in liquor incident register**

Community impact

Noise produced by the premises

Will there be amplified entertainment provided at the premises? *

☒ **Yes** ☐ **No**

The licensee/permit holder will mitigate the noise from the premises in line with the noise standards identified in the *Environment Protection Regulation 2005*, by doing the following: *

- ☒ **Closing windows and doors at 10pm**
- ☒ **Double glazed windows**
- ☒ **Staff will use decibel readers to manage noise levels**
- ☐ **Other**

Awareness of the acceptable decibel levels for the premises: *

- ☒ **Residential Zones**
7am-10pm (8am-10pm Sunday and Public Holidays) = 45dB(A)
10pm-7am (10pm-8am Sunday and Public Holidays) = 35dB(A)

Impact of the premises on the amenity of the surrounding areas

Are there any places of worship, schools, residential areas or hospitals nearby? *

☒ **Yes** ☐ **No**

Describe (nearby places of worship, schools, residential areas or hospitals). *

Premises is located within the Kingsborough apartment complex

The impact of the premises on the amenity of the surrounding areas will be mitigated by doing the following: *

- ☒ **Ensure all glass or rubbish created by the premises is cleaned up promptly**
- ☒ **Staff will not loudly dispose of rubbish after midnight**
- ☒ **Limiting promotion of liquor during school hours**
- ☒ **Prevent excessive sound after 10pm**