

# Decision Notification

## Application Details

Application no.	218231
Licence No.	57501926
Licence Class	Small Venue
Premises Name	Circles
Premises Address	33-37 Wright Street Adelaide SA 5000
Applicant	NOBLE GROUP INVESTMENT PTY LTD
Application Type	Application for a Liquor Licence
Representative	Andrew Wong - Lion Liquor Licensing Consultants

## Outcome

Decision	Granted
Effective Date	18 Jan 2023

## 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:

- Zilong Huo (174439)
- hongzhe Chen (174440)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 30.

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Moira Henningsen, Virginia Poole, Stuart Boyd, Josh Heffernan, Claire Williams, Gail Goldfinch, Neelofar Salam, Martin Spason, Laura Gray, Kur Ngor, Chen, Mengxian Zhong, Eteri Tut.

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	11:00 am to 9:00 pm	-
Tuesday	11:00 am to 9:00 pm	-
Wednesday	11:00 am to 9:00 pm	-
Thursday	11:00 am to 9:00 pm	-
Friday	11:00 am to 10:00 pm	-
Saturday	11:00 am to 10:00 pm	-
Sunday	11:00 am to 9:00 pm	-

## Reasons for Decision

Noble Investment Group Pty Ltd (**the Applicant**) has applied for a Small Venue Licence pursuant to section 37 of the *Liquor Licensing Act 1997* (**the Act**) in relation to premises located at 33-37 Wright Street, Adelaide which is to operate under the trading name "Circles". Circles is to be located in the ground floor retail space of the ERGO apartment complex, which is a predominantly residential low rise apartment building, with a number of residential apartments located on the floors above the proposed offering.

The application was advertised with a proposed capacity of 100 persons and trading hours 11am - 2am the following day, 7 days per week and the Applicant initially advised that "the venue will operate as a small boutique bar" (which represented a change of the approved use).

The Licensing Authority (**the Authority**) received a significant number of objections to the proposal from people residing in the ARGO residential complex, from the Body Corporate Manager of that complex, and from nearby residents who have complained variously that the trading hours sought (to 2am) are too late and will negatively impact on their sleep and quiet enjoyment of their properties. A number of the complainants have expressed concern about patrons congregating out the front of Circles and smoking and feel this will negatively impact their amenity. Concerns have also been raised that the proposal may reduce property values.

Adelaide City Council has provided comment in relation to the proposed business. Council advised that the Applicant would need to operate in accordance with Development Approval 22012660 (DA 2212660) which includes:

- gaming / internet cafe use continuing (not a bar)
- remaining within the hours nominated in condition 4 of the DA (i.e. "hours of operation shall be limited to 10am to 11pm Monday to Thursday and Sunday, and 10am to 12 midnight Friday and Saturday").
- noise controlled in accordance with conditions 2 and 3 (paying attention to addressing recent noise complaints from nearby residents)
- maximum of 2 staff and 30 patrons

The Applicant has confirmed that it is agreeable to proceed on the basis as stipulated by Council and is no longer pressing for a change of use of for hours beyond those approved in the DA. I permit the Applicant to vary their application accordingly pursuant to section 51(3) of the Act.

The site of the proposed premises falls within the Adelaide CBD and is therefore within a "prescribed area" as defined by section 37 of the Act.

I have considered the objects of the Act and requirements of section 57 of the Act, and the concerns raised by residents. In my view it would not be appropriate in light of the location of the proposed venue and objections received to grant a Small Venue Licence with trading hours in line with the trading hours permitted in the DA (10am to 11pm Monday to Thursday and Sunday, and 10am to 12 midnight Friday and Saturday) due to the risk that would pose of the premises causing undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises. In my view the liquor licence trading hours ought to be further reduced than what has been sought in order to address this risk.

I consider it appropriate to grant the Applicant a Small Venue Liquor Licence subject to the following trading rights:

- trading hours are set at 11am - 9pm Sunday to Thursday and 11am - 10pm Friday and Saturday;
- capacity is set at 30.

## Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

18 Jan 2023