

Decision Notification

Application Details

Application no.	209887
Licence No.	57000506
Licence Class	General & Hotel
Premises Name	Challa Gardens Hotel
Premises Address	337 Torrens Road WEST CROYDON SA 5008
Licensee	Australian Pacific Hotels (Challa Gardens) Pty Ltd
Applicant	RD Jones Challa Pty Ltd Challa Gardens Trading Trust
Application Type	Application for Transfer of Licence
Representative	David Tillett - DBH Lawyers

Outcome

Decision	Granted
Effective Date	04 Aug 2021

Requirements

The requirement to provide the following in support of the application has been waived:

The requirement to advertise the application by notice placed on the premises

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

- Landlord's consent has been obtained
- The application has been advertised

People

Position of Authority

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

- DANIELLE LOUISE DONALDSON (121180)
- RYAN CHRISTIAN JONES (12788)
- Denise Andrea Jones (217)

Licensee

I note that the applicant will hold the licence as trustee for Challa Gardens Trading Trust .

Transfer

The licence is transferred to RD Jones Challa Pty Ltd as the Trustee for Challa Gardens Trading Trust effective from 04 Aug 2021.

The licence is transferred, subject to settlement taking place on or before that date. If settlement does not take place on or before that date the applicant must advise this office in writing of the new settlement date.

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

Pursuant to section 63 of the *Liquor Licensing Act 1997* (the Act), I am satisfied that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in the entity holding the licence.

Pursuant to section 72 of the Act, I must not grant an application for transfer of a licence if the licensed premises are occupied under a lease and the lessor has not consented to the application. The circumstances around this application are slightly complicated in that the premises is subject to a Sale of Land Contract which was executed on 16 July 2021. The settlement date for the sale is the date for the completion of the Business Assets Sale Agreement made between the current lessor, Australia Pacific Hotels (Challa Gardens) Pty Ltd and the incoming lessor, RD Jones Challa Pty Ltd. The Completion Date, under the Business Assets Sale Agreement, means a date within seven days after the approval of the transfer of this licence and the associated gaming machine licence, or such other date agreed by the parties. The Business Assets Sale Agreement was executed by the current and incoming lessor on 16 July 2021. I am satisfied that these agreements constitute consent by both the current and incoming lessors.

The transfer application is granted effective from 4 August 2021, subject to settlement taking place on or before that date. If settlement does not take place on or before that date, the applicant must advise this office in writing of the new settlement date.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
04 Aug 2021