

# Decision Notification

## Application Details

|                  |  |
|------------------|--|
| Application no.  | 213811, 213812, 213813   |
| Licence No.      | 57005182   |
| Licence Class    | General & Hotel  |
| Premises Name    | Terrace Hotel on South Terrace   |
| Premises Address | 208 South Terrace<br>ADELAIDE SA 5000  |
| Licensee         | Hotels on South Terrace Trust, Hotels on South Terrace Pty Ltd                               |
| Application Type | Application for Alterations, Application for Redefinition, Variation to Conditions (Upgrade) |
| Representative   | Ben Allen - Wallmans Lawyers   |

## Outcome

|                |             |
|----------------|-------------|
| Decision       | Determined  |
| Effective Date | 17 Jun 2022 |

## Requirements

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

Landlord's consent has been obtained

The applicant has development approval for alterations to the existing motel accommodation including the demolition of an existing building. The application for variation to conditions has been advertised albeit noting that the notice was displayed on the premises 3 days late.

## Premises

### Alterations/Redefinition

The alterations to the licensed premises are approved in accordance with the plan lodged with the application.

The alterations to the licensed premises include alterations to the existing motel accommodation including the demolition of an existing building.

I approve the redefinition of the licensed premises to include the alterations to the building footprint.

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

## Reasons for Decision

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

The applicant has applied to redefine the licensed premises to include the car park of the motel accommodation. The applicant has also applied to increase the capacity of the licensed premises from 300 to 500 persons. It appears from the application material before me the licensee has sought to increase the capacity of the licensed premises as part of the increase to the licensed area to include the car park.

The applicant was asked to provide further information about the intended use of the car park as a licensed area. The applicant responded that licensing the car park would allow a patron to consume liquor in the area while smoking or enjoying some fresh air and for the occasional event.

I have been advised by the Adelaide City Council that the use of the car park as a licensed area would require a change of use application to be lodged with and approved by council. I am therefore not satisfied that the applicant has the relevant planning approvals for the redefinition of the licensed area to include the car park. In any event the risks to public safety far outweigh any benefit to the public in having a large car park area licensed.

I note that the area (footpath) directly in front of the accommodation rooms is currently licensed which will allow a patron to consume liquor in that area while smoking or enjoying some fresh air as sought by the licensee. Should the licensee wish to utilise the car park as a licensed area for occasional events, it would be appropriate to lodge an application for a short term licence so that public safety and noise and disturbance issues can be properly assessed by the licensing authority.

The redefinition of the licensed area to include the car park is refused. Therefore the application for variation to conditions to increase the capacity is also refused.

## Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson  
Hearings Delegate  
17 Jun 2022