

Decision Notification

Application Details

Application no.	209143
Licence No.	57008253
Licence Class	General & Hotel
Premises Name	Sideways Liquor Co
Premises Address	99A Prospect Road Prospect SA 5082
Applicant	MG PALLISTER PTY LTD PALLISTER TRUST
Application Type	Application for a Liquor Licence
Representative	Ben Allen - Wallmans Lawyers

Outcome

Decision	Granted
Effective Date	11 Aug 2021

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:

- Mathew John Pallister (167639)

Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

I am satisfied that the granting of this application is in the community interest.

Premises

New Premises

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

Capacity

The capacity of the venue is set at 40.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption off the licensed premises authorised

Trading hours

The following are the approved trading hours

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

Reasons for Decision

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

Sideways Liquor Co (**the Applicant**) has applied for a General and Hotel Licence in respect of premises situated at 99a Prospect Road, Prospect, SA 5082.

In order for this application to be granted I must be satisfied that the granting of the application is in the community interest. In making this determination, under section 53A(2) of the *Liquor Licensing Act 1997* (**the Act**), I must have regard to:

- the harm that might be caused (whether to a community as whole or a group within a community) due to the excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed).

I must also apply the Community Impact Assessment Guidelines (**the Guidelines**) when making a determination on the application. Importantly, the Guidelines state that: "*The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.*"

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

As part of the application, the Applicant has submitted a completed Community Impact Assessment Form as their community impact submission. It is the content of this form, as well as the application itself, that my decision is based on.

Nature of the Business

The proposed business is a unique boutique liquor store and small bar experience operating between 10:00am and 10:00pm up to 7 days per week.

The store will provide a limited range of approximately 250 lines of liquor for takeaway purchase, with the vast majority being Australia owned and/or produced. There are some limited exceptions that are sourced from overseas such as champagne and tequila.

A more limited range of liquor will be available for on-site consumption. There will be a limited number of chairs and tables for patrons to consume liquor onsite, with a maximum capacity of 40 patrons being proposed.

A limited food option will be offered comprising of products sourced primarily from local South Australian family businesses. The food will be complementary to the sampling and supply of liquor onsite such as olives, bread, oils, cured meats, cheeses and quiches.

The Applicant will provide education themed tastings onsite from time to time, which will also be available online to customers from their homes.

The Applicant has identified the 'locality' as Prospect, North Adelaide and Nailsworth, touching on a number of other suburbs listed in the Location Report. The focus of the locality is Prospect Road, Prospect, which the Applicant describes as "*an evolving cosmopolitan boulevard in an increasingly upwardly mobile demographic in inner suburban Adelaide.*"

The submission confirms that the Applicant has engaged in community consultation by providing a letter advising of the proposed application to 76 occupiers of premises on both sides of Prospect Road. The Applicant also wrote to the City of Prospect, SAPOL Licensing Enforcement Branch, and the Departments for Education, Health and Wellbeing, Human Services and Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet.

The Applicant advises that all email responses received from neighbours were positive. The only response from the

government departments was "*no comment*" from the Department for Education.

The Applicant has attached an article from the Messenger/Adelaide Now dated 19 January 2016 entitled "*Adelaide's main road with no beer - well, at least, not its own pub*" to infer council support for the proposal.

Potential Harm

The Applicant has relied on the Community Impact Portal to identify the communities and facilities in the locality, which includes a number of childcare, kindergarten and primary and secondary schools, as well as Black Friars Priory (apparently not listed on the CBS Area Report).

The Applicant submits that there are no specific 'at-risk' groups other than those referred to above.

ABS Census Data in relation to unemployment and median personal weekly income is provided to suggest that the figures relating to the suburb of Prospect in comparison to South Australia and Australia "*would not tend to indicate a particularly 'at-risk' community in the locality.*"

The Applicant undertakes to ensure compliance with the Act and the Code of Practice, and ensure that all staff are appropriately trained and informed of their obligations under the legislation.

The Applicant has identified a number of community buildings and facilities in the locality, including private health facilities, retirement villages and churches, as well as recreational areas such as Prospect Oval and the Adelaide Miniature Steam Railway Society. There are no dry areas in the City of Prospect council area according to the CBS website.

The Applicant submits that it "*does not consider that this proposal will impact on those facilities in any negative way whatsoever, given the nature of the proposal.*"

The Applicant goes on to say that:

"The relatively small size of the proposed licenced facility and boutique nature of the offering is considered unlikely to attract patrons who are at any particular risk of alcohol related harm. The limited range of takeaway liquor, and its generally higher price point, is also unlikely to result in harm from takeaway liquor sales."

In terms of policies and procedures to minimise any potential harm, the Applicant advises that all staff will be trained in responsible service of alcohol matters and there will be at least 1 approved badged responsible person on the premises at all times. The Applicant does not anticipate unaccompanied minors to be likely to attend the site. Non-alcoholic drinks and free water will be available at all times, as well as food. Video camera surveillance will be installed, and anti-social behaviour will not be tolerated. Finally, the design and layout of the premises allow for clear line of sight of all public areas.

Cultural, Recreational, Employment and Tourism Aspects

The Director of the Applicant will work in the business in a hands-on role. The Applicant expects to employ approximately 5-6 part-time and casual staff and intends to trade 7 days per week.

The Applicant advises that there will be an e-commerce aspect to the business requiring additional employment, however, no details are provided as to what this will entail.

Social Impact and Amenity

The Applicant has provided Location and Area Reports generated from the CBS portal as part of its application, and has identified 6 General and Hotel Licences in the locality, as well as 3 BWS Liquor Stores.

The Applicant submits that the proposed business is very different to what already exists in the area and says:

"This proposal is for a facility far different from any of those traditional hotels and we consider that it will appeal to a very different clientele who currently need to go to facilities outside of the locality, perhaps the CBD, for the style and nature of premises which is proposed in this application."

Based on the information I have before me, I would agree with this submission.

The Applicant advises that SAPOL statistics for reported crime in Prospect in February 2021 show a limited number of offences, primarily offences against property, that are not inconsistent with state averages. The Applicant submits that this proposal *"is not anticipated to have a detrimental impact on such activity."* I assume in saying this the Applicant means that the proposal will not adversely impact on crime in the area.

Decision

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining the application.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: "*to ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.*"

I note that SAPOL and the City of Prospect council have not objected to the application.

The Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application.

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor, and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low. The Applicant has identified a number of risk mitigation measures which I consider will adequately mitigate the risk of harm to vulnerable members of the community.

The proposed premises will provide employment opportunities, and it seems likely that some of these opportunities would be for the benefit of members of the relevant community.

The Act requires an evaluative exercise that involves weighing the positive aspects of the proposed application with the negative aspects in order to determine whether granting the application is in the community interest. I agree with the Applicant's assertion that the community benefits are significant, with very little potential for harm or negative community impacts.

There is no reason why the application should be refused on the basis of the matters outlined in section 57 of the Act such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools. The relevant consents and development approvals are in place to permit development of the proposed premises.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also

satisfied that granting the application is in the community interest.

For the reasons set out above, the application for a General and Hotel Licence is granted.

Under Delegation from the Liquor and Gambling Commissioner



Stephanie Burke
Hearings Delegate
11 Aug 2021