

Decision Notification

Application Details

Application no.	210841
Licence No.	57104596
Licence Class	On Premises
Premises Name	The Warehouse Theatre
Premises Address	8 Unley Road Unley SA 5061
Applicant	THE CANIS MAJOR GROUP PTY LTD
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	03 Dec 2021

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act) I allow the applicant to reduce the size of the proposed licensed area.

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:

- Kim Spargo (161358)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 150.

Community Impact Assessment

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

The Canis Major Group Pty Ltd (**the Applicant**) has applied for an On Premises Licence in respect of premises situated at 8 Unley Road, Unley SA 5061, known as The Warehouse Theatre.

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 completed a Community Impact Assessment Form as her 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 Proposed Business

The applicant has provided a description of the nature of the business to be conducted under the licence as:

“a small, intimate theatre that has been designed to allow local artists, suppliers and performers to have access to a space to produce, try-out, experiment and premiere performances either as a one off experience or come back time and time again (which most do). We have created a supportive environment for new customers and the professional alike. As all staff are industry professionals, teachers or students studying the performing arts. The Warehouse Theatre is specifically designed to run performances, open-mic nights, rehearsals, poetry readings, performing arts workshops, classes and choral sessions. The bar will only be in operation during performances - which will be at various times of the day and night depending on the time of the performance as a matinee or evening performances. Our intended audiences will be of all different ages from children and parents for kids shows to mature age (M+) shows - depending on the specific shows presented.”

Therefore the applicant submits that this will be the type of entertainment to be provided at the premises. The applicant has advised that the type of food available at the premises will be snacks such as chips, chocolate and candy and occasionally a cheeseboard. The applicant submits that audiences are usually only on site for one to two hour shows and they usually have a drink before the show or at interval. There will be no accommodation on premises.

In terms of the locality of the premises, the applicant has advised that:

“The locality has been selected because of its proximity to the Adelaide CBD. This maximises its value as a performance space for professional and community groups, particularly during the world-famous Adelaide Cabaret and Fringe Festivals. The theatre will draw three kinds of customers: Vocal Artistry clients as part of their studies; professional performers and community groups for rehearsals and performances; and theatre-goers supporting local arts.”

The Applicant submits that it has the support of the local community, local council and adjacent business owners. The applicant has provided evidence of community consultation by way of letters of support from customers, past and present, parents of children who attend The Warehouse Theatre. Neighbouring businesses have also provided letters of support for the application and the business.

I am satisfied that the Applicant has provided relevant details to the Authority in relation to its business plan, layout, and the premises.

Locality

The premises is located in the Adelaide metropolitan area.

In accordance with the Guidelines, the locality has been identified as an area within a 2km radius of the proposed premises, and “encompasses three local councils being Unley, Burnside and Adelaide City. The locality comprises inner-city residential, offices, restaurants, and retail businesses.”

The applicant has supplied with the application, a map and report regarding the locality generated through the Community Impact Portal.

I am satisfied that the Applicant has adequately identified the locality likely to be affected by the grant of the application.

Potential Harm

The Applicant has not identified any ‘at-risk’ groups or sub-communities within the locality.

The Applicant has provided the following submission in relation to potential harm:

“There are approximately 18 schools / educational institutions within the locality, as well as a number of places of worship and recreational areas. Please see attached Area Report for the locality (sourced from the Community Interest Portal). The grant of this application will allow local businesses to also be exposed to the community of music, theatre & performing arts audience that will frequent this location. Patrons will see business signage and marketing material from local businesses that we will have available. Notably, there are also 431 licensed premises within the locality. This is a locality with a number of pubs, restaurants, cafés, and bars. The Warehouse Theatre would not impact the locality any differently to those 431 premises which have had their licenses approved.”

In terms of policies and procedures to minimise any potential harm, the Applicant advises that “we will always have a RP (responsible person) on site and RSA's (responsible service attendants) on site at all time that the bar is operational.”

I have reviewed the area report provided by the applicant dated 19 September 2021 and note that the number of licensed premises is shown as 456.

The City of Unley have not objected to the application.

SAPOL have not objected to the application.

I am of the view that if the licence were to be granted, the risk of any harm which may be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor is low and will be satisfactorily managed and mitigated by the Applicant.

Cultural, Recreational, Employment and Tourism Aspects

The Applicant provided the following submission to address cultural, recreational, employment and tourism impacts:

“The Warehouse Theatre will provide a unique small venue, cabaret club, to Adelaide. There are very few venues available all year round where emerging and local artists can access a supportive staff and team that understand the industry. Already The Warehouse has provided employment equivalent to 1 full time staff member and 4 casual staff

members and through events like fringe etc it also includes employment for 8 or more casual staff. The more bookings the more staffing opportunities The Warehouse Theatre can offer.

The Warehouse Theatre is also very proud to be an establishment that mentors students and new people in the industry to understand the technical side of theatre and the roles required backstage include bar and hospitality - many of these positions are unpaid until the specific person grows to be an independent worker. The Warehouse Theatre also provides opportunities for students, emerging & professional artists to perform to a live audience. Through festivals and independent performances the artists are paid. We also provide paid opportunities for musicians to accompany a diverse array of students, international, local & emerging artists in their performances. The Warehouse Theatre will uniquely bring theatre goers from all over SA to the Unley council area providing economic benefits to the locality.

“The Warehouse Theatre is an advocate for celebrating diversity and welcoming artists and audience members from across South Australia. We are also pro-active in using local suppliers and businesses in all facets of our business and bringing people not only for shows but also to sample local products during intervals.” In addition to this the applicant has indicated that the bar is usually stocked with locally sourced ciders (Adelaide Hills Cider Company), local beers (MisMatch Beers) and local liquors (e.g. 78 degrees gin), when licensed under a short term licence. The applicant has submitted that the proposed licensed premises “would benefit the SA economy and the broader support for local business.”

Therefore, it is anticipated that the provision of the licence may provide employment opportunities on site, and by supporting local businesses providing services (i.e. supply of goods).

I am satisfied that if the application were to be granted it may result in an increase in employment in the locality, and that some of those employment opportunities are likely to be provided to people and businesses within the local community.

Social Impact and Amenity

The applicant has provided the following submissions in relation to the locality of the premises and the assessment of any social impact on the community:

“The Warehouse Theatre is located in a urban lane tucked behind other local businesses. Nearby are other food & hospitality venues and corporate industry. Our location deems us part of the Unley Council and according to their website, it is a blue collar district which has a current GRP 3.15 billion and a population of approx 39,416. Local jobs are also sitting currently at 22,567 and The Warehouse Theatre currently employs the equivalent of 4 full time staff and 8 casual staff. Researching the SAPOL site the crime rate is very low for Chances Lane and the adjacent streets to The Warehouse Theatre.

We will not be competing against other venues that currently hold a license of either an 'on premises' or the 'restaurant & catering category' as we will only be operating the license during an event, show, festival, or performance - not every day/night.

Granting this 'on premises' liquor license will benefit the local and broader community because it will accompany audience members coming from broader council areas and communities and venturing into the Unley Council area and community.”

I am of the view that the grant of the application will not have a negative social impact on the locality due to the location and nature of the premises.

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.

The Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application, and I note that the City of Unley has not objected to the application.

The Applicant has provided substantial evidence of community support for 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 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 will implement policies and procedures which, in my view, will adequately mitigate the risk of harm to members of the community.

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.

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 an On Premises Licence is granted.

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

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	8:30 am to 11:00 pm	-
Tuesday	8:30 am to 11:00 pm	-
Wednesday	8:30 am to 11:00 pm	-
Thursday	8:30 am to 11:00 pm	-
Friday	8:30 am to Midnight	-
Saturday	8:30 am to Midnight	-
Sunday	8:30 am to 11:00 pm	-

Reasons for Decision

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

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
03 Dec 2021

