

# Decision Notification

## Application Details

Application no.	213612
Licence No.	57104790
Licence Class	On Premises
Premises Name	Mitchell Park Sports
Premises Address	139 Bradley Grove Mitchell Park SA 5043
Applicant	Corporation of the City of Marion
Application Type	Application for a Liquor Licence
Representative	Ben Allen - Wallmans Lawyers

## Outcome

Decision	Conditional Grant
Effective Date	30 Mar 2022

## Requirements

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

Landlord's consent as the applicant owns the premises

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

The application has been advertised

The applicant has planning approval for stage 1 of the development and development approval for stage 2

## Certificate

A certificate of approval is issued for the premises to be situated:

139 Bradley Grove  
Mitchell Park SA 5043

## People

### Position of Authority

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

- Mark Andrew Hubbard (25830)
- Andreas Hristos Sakkas (170664)

## Premises

### New Premises

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

## Trading hours

The following are the approved trading hours

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

## Reasons for Decision

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

The certificate of approval is granted subject to the following conditions:

The certificate shall lapse on 30 March 2023 if the premises are not completed by this date.

The licence for Mitchell Park Sports & Community Club Inc (57209972) must be surrendered prior to the certificate being converted to a licence.

The applicant must submit a Certificate of Occupancy at which time a further order will be made and the final approved plan and licence will be issued.

The certificate of approval must be converted to a licence prior to the applicant commencing trade at the premises.

The application is a designated application for the purposes of section 53A of the *Liquor Licensing Act 1997* (the Act). In accordance with the Community Impact Guidelines, I waive the requirement for the applicant to submit a Community Impact Submission as I am satisfied that special circumstances exist to warrant doing so.

The Mitchell Park Sports & Community Club Inc (57209972) currently holds a Club licence at 139 Bradley Grove, Mitchell Park. The City of Marion owns the site and intends to operate the site including the proposed licensed facilities. The existing Club licence cannot be transferred to the City of Marion due to the provisions of section 63(3) of the Act. The existing Club licence will be surrendered prior to the certificate of approval being converted to a licence.

The type of trade authorised under an On Premises licence is virtually the same as that of a Club licence (i.e. the sale and supply of liquor for consumption on the licensed premises). The applicant has applied for trading hours less generous than those permitted under the Mitchell Park Sports & Community Club licence. In addition to this, the applicant seeks the same capacity as the licence held by Mitchell Park Sports & Community Club Inc.

In determining whether or not a designated application is in the community interest, the licensing authority must have regard to the matters set out at section 53A(2) of the Act.

I have had regard to each of the considerations, and am satisfied that the grant of the application is in the community interest.

With respect to harm that might be caused due to the excessive or inappropriate consumption of liquor. All licensed

premises carry with them the potential for harm to the community.

The applicant currently holds two On Premises licences (Corporation of the City of Marion located at Hallett Cove – 57104172 and Corporation of the City of Marion located at South Plympton - 57104156) which operate in a similar manner to the proposed application before the Licensing Authority (the Authority) and are substantially similar to that of a licensed club. The licensee has operated under the Hallett Cove licence since February 2020 and the South Plympton licence since July 2020. I have considered the licensee's experience selling liquor for consumption on, of almost four years in total, the locality of the licensed premises, and the trade proposed under the On Premises licence.

I am satisfied that the potential risk of harm that this premises poses to the community is quite minimal and is far outweighed by the significant recreational and social benefits the premises would provide for the community as a whole. The grant of this application will allow the local community and sporting groups to continue to operate from a licensed premises.

With respect to the cultural, recreational, employment or tourism impacts that the grant of the licence will have on the locality. It is evident that there will be significant positive recreational impacts to the community in terms of providing facilities for a range of community clubs and sporting clubs to operate from. It is noted from the applicant's website, that a neighbourhood centre will be included in the development and will deliver a range of community programs. The applicant's website also states that an expanded centre would create jobs and local business opportunities while providing a home for up to 1000 players of various sporting codes.

I am satisfied that the grant of this application would have positive cultural, recreational, employment and tourism impacts on the locality. I am also satisfied that the grant of this application would have a positive social impact and a positive impact on the amenity of the locality of the premises.

For the reasons set out above, I am satisfied that the grant of the application is in the community interest.

I note that South Australia Police (SAPOL) does not oppose the application, and the authority has not received any submissions opposing the application.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in section 53 of the Act.

On the material before me there is no reason to refuse the application pursuant to either section 53(1a) or section 53(1b) of the Act.

I am of the view that granting the application is in the community interest, the public interest, and is consistent with the objects of the Act.

Pursuant to section 57 of the Act, I am satisfied that the proposed premises for which the licence is sought will be of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied that the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

The licensee shall notify the Liquor and Gambling Commissioner within seven days of any changes to the approved plans submitted with this application.

## Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson  
Hearings Delegate  
30 Mar 2022

