

Decision Notification

Application Details

Application no.	218423
Licence No.	57105047
Licence Class	On Premises
Premises Name	Confession
Premises Address	60 Marryatt Street Port Adelaide SA 5015
Applicant	Confession Holdings Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Conditional Grant
Effective Date	18 Nov 2022

Procedural

I allow the applicant to vary their application as follows:

- variation to trading hours.

Requirements

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

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

Certificate

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

60 Marryatt Street
Port Adelaide SA 5015

The certificate is granted subject to the following conditions:

The certificate shall lapse on 18 November 2023 if the premises are not completed by this date.

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

This certificate of approval is not a licence.

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

People

Position of Authority

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

- Shane Marcus Hryhorec (174547)

Premises

New Premises

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

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.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	11:00 am to 4:00 am the following day	-
Tuesday	11:00 am to 4:00 am the following day	-
Wednesday	11:00 am to 4:00 am the following day	-
Thursday	11:00 am to 4:00 am the following day	-
Friday	11:00 am to 4:00 am the following day	-
Saturday	11:00 am to 4:00 am the following day	-
Sunday	11:00 am to 4:00 am the following day	-

Reasons for Decision

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

The application is for the grant of an on premises licence. The applicant, Confession Holdings Pty Ltd, indicates that the premises will operate as a bar and live music venue with a dance floor and that alcohol will be sold to customers attending the venue for the purpose of watching live music and attending events associated with festivals such as the Adelaide Fringe Festival.

Applications for the grant of on premises licences are designated applications for the purposes of the *Liquor Licensing Act 1997* (the Act). The application can only be granted if it is in the community interest to do so. In determining whether or not a designated application is in the community interest, the licensing authority (the Authority) must have regard to the matters set out at section 53A(2) of the Act, being:

- 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);
- the cultural, recreational, employment or tourism impacts;
- the social impact in, and the impact on 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.

The applicant has addressed each of these matters in their community impact submission and their application. Their submissions on each of the points can be summarised as follows:

Harm - the applicant has indicated that there are no at-risk groups in the locality of the proposed premises. The applicant, however, acknowledges that there are persons with diverse backgrounds within all communities, including within the locality of the premises. To ensure that liquor is sold and supplied in a safe and appropriate manner, the applicant has indicated that staff will be trained on the sale and supply of liquor and that there will be limits on the number of drinks a person is able to purchase in any one transaction. The applicant has advised that water will be provided for free and light snacks will be available for purchase. The applicant has also indicated that appropriate

security arrangements will be made.

Cultural, Recreational, Employment or Tourism Impacts - the applicant submits that the premises will provide a space for hospitality workers and musicians to perform and work and will look to celebrate local talent, professionals and products. The applicant states in their application that one of the aims of the premises will be to champion local produce and to provide a space for local companies to showcase their products and increase awareness of the products on offer in South Australia. The applicant notes that they have previously partnered with local breweries and vineyards to showcase products at their venue through the use of short term liquor licences.

The applicant further submits that the premises is an accessible venue that caters to patrons who use wheelchairs and mobility aids and that the venue will celebrate diversity and inclusivity in line with the mission statement of the Port Adelaide Renewal project which aims for Port Adelaide to be a place of discovery, energy, culture and diversity.

Social Impact and Impact to Amenity - The applicant has indicated that they will have echo acoustics installed in some areas of the venue and that they will be utilising an existing building which they will be renovating to ensure that all rooms will meet safety requirements.

Nature of the Business - The applicant submits that the premises will be a live music and events venue that will offer a line-up of local talent from Adelaide and around Australia. The applicant submits that the premises differs from other venues in that its focus is on a premises that is accessible to persons with mobility issues. The venue intends to host live music and DJ sets including burlesque performances, live bands, musical theatre performances, circus acts and dance performances.

I have had regard to each of the considerations and I am satisfied that the grant of the application is in the community interest. I am satisfied that the trade to be undertaken will not contribute to harm in the community and rather, will encourage a safe drinking environment while promoting the produce and art industries of South Australia.

I note that 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, is not contrary to the public interest, and is consistent with the objects of the Act.

Pursuant to section 56 of the Act, I am satisfied that Shane Hryhorec, who occupies a position of authority in the applicant, is a fit and proper person to occupy such a position.

Section 57(1) of the Act states that an applicant for premises or proposed premises must satisfy the Authority:

(a) that the premises for which the licence is sought are, or, in the case of premises not yet constructed, will be, of sufficient standard for the purpose of properly carrying on business under the licence; and

(b) that the operation of the licence would be unlikely -

(i) to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises; or

(ii) to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the

vicinity of the premises.

As part of their community impact submission, the applicant has addressed the existence of a preschool centre, a tertiary institution and places of worship within the locality of the premises. The applicant has advised that to mitigate any disturbance to persons using those institutions, full sound-proofing will be installed at the premises. I am satisfied that the proposed premises will be of sufficient standard and 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 and would be unlikely to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Section 57(2) of the Act states that an application for a licence for premises or proposed premises must not be granted unless the Authority is satisfied:

- that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the premises or proposed premises for the sale of liquor have been obtained; and
- that any approvals, consents or exemptions that are required by law for the carrying out of building work before the licence takes effect have been obtained; and
- that any other relevant approvals, consents and exemptions required for carrying on the proposed business from the premises have been obtained.

The applicant has provided the authority with a copy of the decision notification form (DNF) for the premises which indicates that development approval has been granted. The DNF states that a Certificate of Occupancy is required prior to the building being occupied.

Section 59(1) of the Act states that the Authority may refuse an application for a licence for proposed premises having regard to the extent to which the proposed premises are uncompleted but may, instead, grant a certificate of approval approving the plans submitted by the applicant in respect of the proposed premises if satisfied that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the proposed premises for the sale of liquor have been obtained. Section 59(3) states that if a certificate of approval has been granted and the holder of the certificate satisfies the Authority that the conditions on which the certificate was granted have been complied with, and the premises has been completed in accordance with the plans approved by the Authority on the grant of the certificate, a licence conferring the trading rights, and subject to the conditions specified in the certificate, must be granted to the holder of the certificate in respect of the premises.

Accordingly, the application for an on premises licence is refused and a certificate of approval is granted pursuant to section 59(1) of the Act. The plans provided by the applicant are approved. A licence conferring the trading rights, and subject to the conditions, set out above, will be granted to the applicant if the applicant satisfies the following condition and if the premises is completed in accordance with the approved plans:

- the applicant provides the Authority with a copy of the Certificate of Occupancy for the premises by 18 November 2023.

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



Natasha Tsourtos
Manager, Liquor and Gambling
18 Nov 2022

