

Decision Notification

Application Details

Application no.	210036
Licence No.	57210656
Licence Class	Club
Premises Name	Metro Stars
Premises Address	T K Shutter Reserve Fourth Avenue KLEMZIG SA 5087
Licensee	North Eastern Metrostars Soccer Club Inc
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	05 Aug 2021

Requirements

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

The application has been advertised

Premises

Capacity

The capacity of the venue is set at 400.

Reasons for Decision

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

The licensee has applied to increase the capacity of the premises from 200 to 400.

Pursuant to section 11C of the *Liquor Licensing Act 1997* (the Act), the Liquor and Gambling Commissioner should take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the *Planning, Development and Infrastructure Act 2016* (the Planning Act). The applicant has provided the licensing authority with a copy of a letter from the City of Port Adelaide Enfield (the Council) which indicates that the Council does not object to the proposal to increase the capacity of the licensed premises to 400 and has indicated that the proposal is consistent with the existing use of the premises. The Council's consent is subject to a number of conditions, including that the consumption of liquor in the outdoor area is restricted to:

- 30 minutes either side of organised sporting activities, including soccer matches and training;
- between 10am and 8:30pm on Monday - Wednesday;
- between 10am and 9:00pm on Thursday, Sunday and public holidays;
- between 10am and 9:30pm on Friday and Saturday, and days prior to public holidays.

I note that the hours set by the liquor licence is the maximum hours allowable in any part of the premises. In circumstances where council has limited the hours that a licensee is able to trade in parts of the licensed premises, the licensee must comply with those restrictions in the relevant areas of the licensed premises - in this case, in the outdoor areas.

The letter from the Council also indicates that the maximum capacity of the indoor area is 120 persons. Again, the liquor licence only sets one capacity which is the maximum capacity of the premises at any one time. In circumstances where council restricts the capacity in some areas of the licensed premises, in this case in the indoor areas, the licensee must comply with that restriction in that area.

Though the restrictions that are set by the Council in certain areas of the premises do not appear on the liquor licence, as it would be a duplication of the matters that are addressed under the Planning Act, the licensee continues to be bound by them and I am satisfied that the increase to capacity on the liquor licence, which includes both the indoor and outdoor areas, would not be inconsistent with matters dealt with under the Planning Act in that the capacity set by the licensing authority relates to the total capacity of the licensed premises, being both indoor and outdoor areas, whereas the capacity set by the Council relates only to the indoor areas of the premises.

Pursuant to section 43 of the Act, the application to increase the capacity of the premises is granted.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
30 Jul 2021