

Decision Notification

Application Details

Application no.	216675
Licence No.	57213638
Licence Class	Club
Premises Name	The Beltana Progress Association Incorporated
Premises Address	11 North Terrace Beltana SA 5730
Licensee	The Beltana Progress Association Incorporated
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	13 Sep 2022

Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

Authorisations

The following authorisations/restrictions are added to the licence

- 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	Midday to Midnight	Midday to 10:00 pm
Tuesday	Midday to Midnight	Midday to 10:00 pm
Wednesday	Midday to Midnight	Midday to 10:00 pm
Thursday	Midday to Midnight	Midday to 10:00 pm
Friday	Midday to Midnight	Midday to 10:00 pm
Saturday	Midday to Midnight	Midday to 10:00 pm
Sunday	Midday to Midnight	Midday to 10:00 pm

Reasons for Decision

Address of premises

I note from the documentation provided as part of this application that the premises address has changed from Lot 2 North Terrace to 11 North Terrace due to all streets in the town receiving street numbers in place of lot numbers.

Community Impact Assessment

The Beltana Progress Association Inc (**the Applicant**) has applied for an authorisation to sell liquor on the licensed premises for consumption off the licensed premises pursuant to section 36(2) of the *Liquor Licensing Act 1997* (**the Act**), in respect of their existing Club Licence situated at Lot 2 North Terrace, Beltana SA 5730.

This application is a designated application for the purposes of section 53A of the Act and may only be granted if the Licensing Authority (**Authority**) is satisfied that the grant of the application is in the community interest.

As part of the application the Applicant has submitted a Community Impact Assessment Form with supporting attachments, which included a letter from the applicant and a letter from the Outback Communities Authority.

In determining this application under section 53A of the Act, I must have regard to:

- 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; and
- 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 (as prescribed).

I must also apply the Community Impact Assessment Guidelines (**the Guidelines**), which state: *“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.

Section 3(1) of the Act relevantly provides that:

- (1) The object of this Act is to regulate and control the promotion, sale, supply and consumption of liquor—
 - (a) to ensure that 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; and
 - (b) to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor; and
 - (c) to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and
 - (d) to facilitate the responsible development of the licensed liquor industry and associated industries, including the live music industry, tourism and the hospitality industry, in a manner consistent with the other objects of this Act.
- (1a) For the purposes of subsection (1)(a), harm caused by the excessive or inappropriate consumption of liquor includes—
 - (a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and
 - (b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and

- (c) the adverse effects on a person's health; and
- (d) alcohol abuse or misuse; and
- (e) domestic violence or anti-social behaviour, including causing personal injury and property damage.

Additionally, section 53 of the Act gives the Authority “*an unqualified discretion to grant or refuse an application under this Act on any ground, or for any reason, the licensing authority considers sufficient (but is not to take into account an economic effect on other licensees in the locality affected by the application)*”, and section 53(1a) provides that the authority must refuse an application if it is satisfied that granting the application would be contrary to the public interest.

Nature of the proposed business

The Applicant currently holds a Club Licence pursuant to section 36 of the Act at Lot 2 North Terrace, Beltana. The Club Licence was granted on 6 February 2020. The licence currently permits the sale of liquor for consumption on the licensed premises from Midday to Midnight Monday to Sunday.

The applicant seeks to sell liquor on the licensed premises for consumption off the licensed premises from 12 midday to 10 pm Monday to Sunday. The Applicant has submitted that the variation is sought to cater for tourists who visit the heritage listed town so they can purchase a bottle of wine to take back to their caravan or bed and breakfast for the evening.

The Applicant submits that it is generally open from 4pm to 6pm to facilitate visitors staying in the town. The Applicant has stated that it will sell wine from McLaren Vale and where possible South Australian beer and premixes and that it will try to stay with South Australian products wherever possible.

The Applicant asserts that customers to the club “have asked for a bottle of wine to take back to their local accommodation or if they are from interstate to take home as a gift, given our wine comes from a small boutique operator in McLaren Vale.”

The Applicant also submits that there has been no opposition raised with members of the committee when the idea (to sell liquor for consumption off the licensed premises) was raised. Additionally, the Applicant has advised that most town residents are members of the association and currently enjoy all the benefits of the licence, which includes the income stream to fund community projects.

The Applicant has supplied with the application a letter from the Outback Communities Authority in support of the application.

Locality

The premises is located outside of the Adelaide metropolitan area in a country town. In accordance with the Guidelines, the Applicant has supplied with the application, a map and report of the locality generated through the Community Impact Portal.

The Applicant has identified the locality as the township of Beltana to be most likely affected by the grant of the application. Beltana is located 534 km north of Adelaide via Port Augusta and lies at the northern end of the Flinders Ranges.

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 submits that it has had no issues since the commencement of its liquor licence, that the population of Beltana is only 30 people, and that their RSA qualified personnel are very strict.

The population from the Australian Bureau of Statistics shows from the 2021 census that the population of Beltana is 35.

The applicant states that the extension of the licence to be able to sell takeaway to tourists staying in the area is a positive extension of their licence and that they do not foresee any social issues will arise from this extension.

The Outback Communities Authority 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.

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:

Our community is very small (30) we very rarely see the local Police and have only had one break and enter in 30 years. We all have a good relationship with the Police and if there are any issues it is usually the community alerting the Police to something they have seen relating to the travelling public.

The Applicant has submitted that it is 50km to another licensed premises.

According to the Area Report, the Beltana Progress Association does not have any licensed premises in the vicinity, nor does it have any schools.

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.

Cultural, Recreational, Employment and Tourism Aspects

The Applicant has advised that the change to their liquor licence will increase the income to the club, which in turn will allow the club to fund community development initiatives.

The Applicant expands stating that "the Beltana community has benefited from the Beltana Progress Association having a liquor licence as it provides a small but regular income to our community that does not have a local council and needs to fund its own community services. We run the local waste facility, provide public toilets, instigate community development and many other community centric activities all of which need to be funded."

The Applicant submits that it "has held a liquor licence for approximately 2 years. In that time having a licence has contributed positively to the social fabric of our small town of 30 people as we have been able to regularly open the bar, provide light snacks at no cost and provide a place for the community to gather."

I am satisfied that if the application were to be granted it may result in an increase in funds to the Club, and that those

funds will be used for community initiatives as detailed by the Applicant.

Decision

This application is based on the desire to sell liquor to customers for consumption off the licensed premises.

I note the Applicants submission that most town residents are members of the association and are therefore in support of the application and that the community currently enjoys all the benefits of the liquor licence, which includes the income stream to fund community projects, developments and many other community centric activities.

The club will offer a range of South Australian wines and where possible South Australian beer and premixes.

I note that the Applicant has provided information from the Community Impact Portal, as well as a letter from the Outback Communities Association in support of the proposal.

The application has not attracted any objections.

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 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 am of the view that the benefits to the community from the grant of this application far outweigh any negative community impacts, subject to the imposition of appropriate licence conditions. I am therefore of the view that granting the application is in the community interest.

Additionally, provided the licence is subject to appropriate conditions to ensure harm minimisation, I see no reason why the application need be refused on any public interest grounds.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act.

For the reasons set out above, the application to sell liquor on the licensed premises for consumption off the licensed premises pursuant to section 36(2) of the Act is granted subject to the following condition:

The licence does not authorise the sale or supply of the following for consumption off the licensed premises:

Bottled spirits and cask wine of any description (including port/ fortified wine)

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
13 Sep 2022