

# Decision Notification

## Application Details

Application no.	218734
Licence No.	57320647
Licence Class	Restaurant & Catering
Premises Name	The Flipside Barcade
Premises Address	538 Goodwood Road Daw Park SA 5041
Applicant	Nugg Enterprises Pty Ltd
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	30 Nov 2022

## Procedural

I allow the applicant to vary their application as follows:

- capacity reduced from 80 persons to 70 persons
- trading hours on Friday and Saturday reduced from 11:45pm to 11pm.

## 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:

- Peter Kevin O'Shaughnessy (306)
- Joshua Peter O'Shaughnessy (174823)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 70.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

## Trading hours

The following are the approved trading hours

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

The application is for the grant of a restaurant and catering licence. The applicant has addressed the objects of the *Liquor Licensing Act 1997* (the Act) in their application and I am satisfied that the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor and the expectations and aspirations of the public. The applicant has indicated that all staff are properly trained to ensure the sale, supply and consumption of liquor is undertaken safely and responsibly. I am satisfied that the sale and supply of liquor will occur in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.

I am satisfied that the grant of the licence would not be contrary to the public interest or inconsistent with the objects of the Act.

Pursuant to section 56 of the Act, I am satisfied that each person who occupies a position of authority in the licensee entity is a fit and proper person to occupy such a position in the entity holding the licence.

Pursuant to section 57 of the Act, I am satisfied that the premises for which the licence is sought are 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.

Pursuant to section 72 of the Act, I am satisfied that the lessor has consented to the application.

I note that the applicant had initially sought a capacity of 80 persons for the premises and trade until 11:45pm on Fridays and Saturday's. Section 11C of the Act requires that the Liquor and Gambling Commissioner (the Commissioner) should, in the imposition of conditions under the Act, take reasonable steps to avoid any inconsistency with matters that are dealt with or addressed under the *Planning, Development and Infrastructure Act 2016*. A letter provided by the applicant in support of their application from the City of Mitcham shows that only a maximum number of 70 persons was authorised and trade until 11pm. The licensing authority has agreed to allow the applicant to vary their application, pursuant to section 51(3) of the Act, to seek a reduced capacity of 70 persons and trade until 11pm on all days.

The application is granted.

## Under Delegation from the Liquor and Gambling Commissioner



Natasha Tsourtos  
Manager, Liquor and Gambling  
30 Nov 2022