

Decision Notification

Application Details

Application no.	217313, 217580
Licence No.	57500506
Licence Class	Small Venue
Premises Name	Quicksteps Dance, Club Studio
Premises Address	Level 1 253-255 Gouger Street ADELAIDE SA 5000
Licensee	Quick Steps School of Dance Pty Ltd
Application Type	Application for Redefinition, Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	11 Oct 2022

Premises

Alterations/Redefinition

- I redefine the licensed premises in accordance with the plan lodged with the application.
- The licensed area is outlined in red on the approved plan.
- The licensee seeks to redefine the licensed area to include the back room of the dance studio.

Determination Details

In relation to the application to vary the trading hours, a submission was lodged against the application by Ms Charmaine Fulton.

A copy was provided to the applicant and they were invited to provide a submission in response to the concerns raised by Ms Fulton for our office to consider as part of the application. The applicant provided a response on 3 October 2022.

In her submission, Ms Fulton raises concerns in relation to the noise emanating from the premises, due to the windows and doors being left open late in the evening.

The Act requires me to consider whether granting the application would result in undue offence, annoyance, disturbance or inconvenience to people who reside in the area. The Licensing Court has discussed 'undue noise' on many occasions, with it being held that for the noise to be *undue* it must be excessive or beyond what is appropriate or natural, and that resident's should expect to tolerate a degree of disturbance or inconvenience in the interest of the community having access to a licensed premises. Applying the test in this scenario, I do not believe there is sufficient evidence to conclude that the granting of this application would cause *undue* noise to nearby residents. In considering the amenity of the area, this is not a premises in a suburban residential street promoting itself as a late night bar, it is in the CBD where there are a number of other licensed venues in the immediate vicinity, one of which permits trade later than what the applicant is seeking in this application.

Although there are a number of residential apartments near the premises, I note that only 1 submission was received, indicating that no other residents held concerns that the potential noise would be so undue that they felt compelled to also lodge raise their concerns with this office.

I also note from the information provided by Council that there are conditions attached to the premises development

approval which restrict the level of noise emanating from the premises and remind the licensee of their obligation to comply with all other rules and regulations they are subject to, including conditions such as these imposed by local council.

The applicant in their response also states that, due to the concerns relating to covid waning, they can now look to close their windows later in the evening. Whilst I don't consider it necessary to impose this as a condition on their licence, I would recommend that the licensee look to implement this change for the purposes of reducing the amount of noise that can be heard outside the premises.

After considering the submission lodged I am of the opinion that the application should be granted as sought.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to Midnight	-
Tuesday	9:00 am to Midnight	-
Wednesday	9:00 am to Midnight	-
Thursday	9:00 am to Midnight	-
Friday	9:00 am to 1:00 am the following day	-
Saturday	9:00 am to 1:00 am the following day	-
Sunday	9:00 am to Midnight	-

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
11 Oct 2022