

## Application Details

Licence No.	57101637
Licence Class	On Premises
Application no.	200134
Premises Name	Downtown on Hindley
Premises Address	27-29 Hindley Street ADELAIDE SA 5000
Licensee	Downtown On Hindley Pty Ltd
Application Type	Variation to conditions

## Outcome

Decision	Granted
Effective Date	01 Apr 2020

## Requirements

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

The application has been advertised

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Econ Property Group Pty Ltd, Paringa Holdings Pty Ltd and Stuart McLeod for Miller Apartments

## Reasons for Decision

I determine this application on the basis of the materials provided and written submissions made, without holding a hearing under section 81(1)(a) of the *Liquor Licensing Act 1997* (the "Act").

The application is to remove the following condition from the licence:

"Patrons may only enter or exit the premises via the Hindley Street western airlock entrance , except in the event of an emergency"

The application was advertised and a joint submission was received from Mr Adrian Battiston on behalf of Econ Property Group Pty Ltd, Paringa Holdings Pty Ltd and Stuart McLeod for Miller Apartments. The submission provided a number of reasons why the application should not be granted, I summarise those reasons as follows:

- The existing condition addresses a number of concerns relating to noise control (airlock door) and to managing and controlling patron queuing
- The condition also addressed safety issues by ensuring that there was only one entrance point for patrons and no entrance from the eastern side lane way off Gilbert Street as this is a narrow, no through way which is poorly lit.

Mr Battiston does concede that as the premises is now able to trade during the day it is accepted that it would be favourable to the licensee to be able to trade with the bi-fold doors open and enable patrons to move freely during the day without being restricted to the western airlock. I note that Mr Battiston also proposed conditions that would be acceptable to his clients.

The licensee in response to the submissions, proposed to replace the existing condition with the following:

- Whenever the licensee provides music above background level music in the ground floor of the premises, the licensee must ensure that the front doors on the Hindley Street facade are closed and patrons may only enter or exit via the western airlock entrance except in the event of an emergency when egress from the premises can be effected via Gilbert Place eastern or east side Hindley Street staircase.
- There shall be no patron access from the eastern side laneway off Gilbert Place which area must be kept clear at all times.

I have had regard to the submissions, and I understand that the licensee's proposal is acceptable to the parties and on that basis, I am satisfied that the grant of the application would not result in undue offence, annoyance and disturbance or inconvenience to people who reside or work in the vicinity of the premises to which the application relates.

The application for variation to licence conditions is granted

## Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello  
Hearings Delegate  
01 Apr 2020