

## Application Details

Licence No.	57104203
Licence Class	On Premises
Application no.	202759
Premises Name	Kauri Community and Sports Centre
Premises Address	Lipsom Avenue SEACLIFF SA 5049
Applicant	Hospitality WA Pty Ltd
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	17 Aug 2020

## 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 and to receive proceeds of the business conducted under the licence:

- Alexander Scott Lord (155001)

## Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

In order for this application to be granted I must be satisfied that the granting of the application is in the community interest. In making this determination, under section 53A(2) of the Liquor Licensing Act 1997 (**the Act**), I must have regard to:

- the harm that might be caused (whether to a community as whole or a group within a community) due to the excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of 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**) when making a determination on the application. Importantly, the Guidelines state that: "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.

As part of the application the Applicant has submitted a completed Community Impact Assessment Form as their community impact submission, and it is the content of this form, as well as the application itself, along with additional information provided by the Applicant in response to a request made pursuant to section 51(5) of the Act, that my decision is based on.

#### Nature of the business

The proposed premises is a multi-level sports club, currently the subject of a Club licence held by the Seacliff Sports Club. The first floor of the building operates as a function area and an agreement has been entered into for the Applicant, Hospitality WA Pty Ltd, to manage this part of the premises.

The Applicant has submitted that they wish to operate a bar in the function room that will only open and operate for pre-booked functions and large sporting events. It will not be open to public at large. They will provide a basic range of beer, wine, cider and some pre-mixed spirits, and will not provide food (other than bar snacks) or entertainment; however third parties booking the function area may provide their own entertainment, or bring in external caterers if they wish to do so.

The functions venue area is for private bookings only, and customers will be those attending pre-booked functions, large sporting events, and events such as trade shows, weddings, funerals and birthday parties (not all of which will require bar services).

Schedule 2 of the Community Impact Assessment Guidelines provides “locality guidelines”, to assist applicants to identify the geographic area surrounding the proposed business premises from which they expect to draw customers, and that they identify as most likely to be affected by the granting of the application. I note these guidelines are intended “as a guide only” and that Applicants: “are required to identify the geographic area from which they expect to draw customers having regard to the intended nature of business of the licensed premises” (pg6, Schedule 2 of the Community Impact Assessment Guidelines).

In terms of ‘locality’ the applicant has submitted that their locality is Seacliff and surrounds within the Adelaide Metropolitan area, and has provided location and area reports which highlight an area of 12.56 square kilometres, comprising 12 suburbs, within the post codes of: Marino-Seaview Downs; Brighton; Warradale and Hallett Cove to indicate where they expect to draw most of their customers from.

## Potential harm

The Applicant submits that their business will be well run and will benefit the local and broader community by allowing the facility to attract events and functions on a greater scale, in a safe environment with responsible service of alcohol.

I accept that the potential harm of their business model is lower than the potential harm of a bar open to the general public. That said, given that alcohol will be sold there is clearly still some potential for harm, which requires consideration as to how potential harms or risks will be addressed and mitigated by the Applicant.

The Applicant noted as part of their submission that they will operate during large sporting events. As the proposed licensed premises is in a community sporting club it is reasonable to assume that there will be some reoccurring patrons attending these large sporting events at the premises, as well as patrons attending infrequently for functions.

It is a reasonable presumption that there will be a number of minors in the vicinity of the proposed premises to participate in sports and other related activities from time to time. A number of functions will also likely have minors in attendance. The Applicant provided examples of functions they would host as including weddings and birthday parties, both of which would likely have some minors in attendance.

The Applicant has identified a number of measures to mitigate risk, and to reduce the potential for alcohol related harm, as follows.

The Applicant has advised that the food and beverage service will vary between bookings, and no function or operation of the venue will continue past 12am. The outer precinct area is closed at 10pm, and alcohol service ceases one hour prior to the closure of the venue. This should reduce the risk of intoxication and is also likely to aid in the orderly dispersal of patrons.

Security will be hired for any evening functions with anticipated numbers in excess of 120 people.

The park outside the premises and car park are well lit and the venue is inspected by security on regular patrols. The venue is on a bus and train route and taxis are readily available.

The Applicant also has adopted a standard procedure whereby its staff undertake an advisory discussion with the host half an hour prior to ending service to ensure preparedness for the venue closing, with the suggestion that patrons start to make their way to exit, and that they can assist with making arrangements for taxis to attend the premises for patrons if required.

All staff employed by the Applicant to work at functions are at least 18 years old, have Responsible Service of Alcohol

(RSA) training, are trained in all facets of First Aid and CPR, and undergo both police checks and working with children checks annually.

The Applicant has a target of 2% annual income to be spent on staff training, and staff are required to complete annual online training, which includes training in relation to dealing with intoxicated patrons. The Applicant requires its employees to be inducted in their policies and procedures to ensure they have an understanding of how to comply with and implement occupational health and safety (OHS) policy, injury prevention and management, risk assessment and hazard management, and centre safety inspections.

The Applicant has also advised that it utilises an online incident reporting system to track and audit incidents and that this is also used for training and continuous learning and improvement of how the business operates.

The Applicant will adopt strategies to ensure that only people attending a function or event are permitted in the licensed area (e.g.- patrons will be asked to provide their invitation; wrist bands and pass outs will be used to identify people leaving and re-entering the licensed area). Patrons will be monitored to ensure that alcohol is not removed from the licensed area.

I am satisfied that the venue is going to be properly managed and that the Applicant has appropriate measures in place to mitigate and reduce the risk of alcohol related harm.

#### Cultural, recreational, employment or tourism impacts

The Applicant has submitted that there will be economic benefits for the community by way of income derived from the function centre being able to reduce the community subsidy from Council required to operate the precinct.

The Applicant has engaged with local groups and facilitators to establish regular use of the centre, which will result in opportunities for members of the community to participate in recreational activities.

The Applicant anticipates that there could be the potential to employ up to 10 casual staff members, which is a positive employment prospect for the community.

#### Social impact and impact on the amenity of the locality

The Applicant has provided area and location reports for the locality they have identified, which includes 12 suburbs within the postcodes of Marino-Seaview Downs; Brighton; Warradale and Hallett Cove.

There are a number of transport stops (4), school crossings (1), schools (8) and licensed premises (16) within the locality.

The existing licensed premises in the locality of the proposed licence fall into the following categories:

- 5 Restaurant and Catering Licences
- 1 On Premises Licence
- 1 General and Hotel Licence
- 4 Club Licences
- 2 Liquor Production and Sales Licences
- 3 Packaged Liquor Sales Licences

The presence of existing licensed premises in the locality does not necessarily mean that a new licensed premises is not in the community interest, and I note that the offering proposed by the Applicant is aimed primarily at pre-booked functions and large sporting events.

The Applicant submits that the crime rate in the locality is very low and that the unemployment rate in the Seacliffe area is only 3%. The Location Report provided by the Applicant confirms that the unemployment rate in the locality is low, and there is nothing in the report, or in the material before me, which would suggest that the granting of this application poses a risk to any particular “at risk” groups in the community, or will negatively impact on the amenity of the locality.

The granting of the application will provide a high quality venue for community members seeking a place in which to hold the types of functions mentioned above and is likely to add to the amenity of the locality.

### Decision

In terms of ‘locality’ the Applicant has submitted that their locality is Seacliff and surrounds within the Adelaide Metropolitan area, and has provided area and location reports which show an area of 12.56 square kilometres highlighted, comprising 12 suburbs, within the post codes of: Marino-Seaview Downs; Brighton; Warradale and Hallett Cove to indicate where they expect to draw most of their customers from. The Applicant has advised that it also expects to attract customers from a broader area, which I agree is likely given the nature of the business and types of functions it caters for. I consider that the Applicant has correctly identified the area from which it will draw most of its customers.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act; “to ensure 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.”

In terms of identifying and addressing potential harms, the Applicant has identified and outlined a range of measures to manage and mitigate risk, and aid in harm minimisation.

I note that SAPOL has not objected to the application, and the City of Holdfast Bay has provided a letter of support to the Applicant.

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining this application.

I have considered the harm that might be caused (whether to a community as a whole or a group within community) due to the excessive or inappropriate consumption of liquor, and I am satisfied on the material before me that the risk of harm posed by the proposed business is very low, and that the Applicant intends to put in place appropriate measures, policies and training for staff that will further reduce the risk of harm.

The proposed business is likely to result in some employment and economic benefits as identified by the Applicant, and will add to the amenity of the locality.

The onus is on the Applicant to satisfy the licensing authority that the grant of the application is in the community interest. On the basis of the application and information provided, I am satisfied that the granting of this application poses a very low risk of harm to the community, that it will provide a number of benefits to the community, and that on weighing potential risks against the benefits, the grant of this application is in the community interest.

Accordingly, under section 53A(1) of the Act the application is granted.

## Premises

### New Premises

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

## Conditions

### The following conditions are added to the licence

- No liquor is to be taken away from the licensed premises.
- The licensee will endeavour to ensure that no person is knowingly allowed entry to or permitted to remain on the licensed premises that is:
  - Any person wearing clothing, jewellery or accessories which are associated with declared criminal organisations (including outlaw motorcycle gangs);
  - Any person displaying tattoos associated with a declared criminal organisation (including outlaw motorcycle gangs);
  - Any person identified by a Police Officer as being a member or associate of a declared criminal organisation (including outlaw motorcycle gangs)

## 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 Midnight	-
Saturday	9:00 am to Midnight	-
Sunday	9:00 am to Midnight	-

## Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

17 Aug 2020