

Decision Notification

Application Details

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| Application no. | 206657 |
| Licence No. | 57104392 |
| Licence Class | On Premises |
| Premises Name | Thebarton Oval |
| Premises Address | 1a Meyer St Torrensville SA 5031 |
| Applicant | SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAG |
| Application Type | Application for a Liquor Licence |

Outcome

| | |
|----------------|-------------|
| Decision | Granted |
| Effective Date | 27 May 2021 |

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:

- Philip James Gallagher (57998)
- Nicole Gaye Haack (166007)
- Rob Kerin (166008)
- Peter John Lindner (25589)
- William Steven Moody (4137)
- Louise Helen Small (166009)
- Thomas Zorich (166010)

Determination Details

An intervention was lodged by the Commissioner of Police regarding the application.
A conciliation conference was held on 19 May 2021.

Premises

New Premises

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

Capacity

The capacity of the venue is set at 9000.

Trading hours

The following are the approved trading hours

| | Consumption on premises | Consumption off premises |
|-----------|-------------------------|--------------------------|
| Monday | 5:00 am to Midnight | - |
| Tuesday | 5:00 am to Midnight | - |
| Wednesday | 5:00 am to Midnight | - |
| Thursday | 5:00 am to Midnight | - |
| Friday | 5:00 am to Midnight | - |
| Saturday | 5:00 am to Midnight | - |
| Sunday | 5:00 am to Midnight | - |

Reasons for Decision

The South Australian National Football Club Incorporated (**SANFL**)(**the Applicant**) has applied for an 'On Premises' licence for Thebarton Oval.

An On Premises Licence falls within the definition of "designated licence" and would ordinarily require a Community Impact Submission. The Applicant requested the Licensing Authority (**the Authority**) to waive this requirement on the basis that "exceptional circumstances" exist, as per the exception provided at pg3 of the Community Impact Assessment Guidelines (**the Guidelines**), namely that:

- 1. The South Australian Amateur Football League currently holds Club Licence 57212072 at Thebarton Oval, 1a Meyer Street, Torrensville.*
- 2. City of West Torrens as owner of the site granted a lease in favour of the current licensee.*
- 3. The current licensee assigned the lease to South Australian National Football League Inc (SANFL).*
- 4. SANFL intends to operate the site including licensed facilities.*
- 5. The existing Club Licence cannot be transferred to SANFL due to the provisions of Section 63(3) of the Liquor Licensing Act.*
- 6. SANFL is therefore required to seek a new licence for the site.*
- 7. SANFL is applying for the grant of an on premises licence for trading hours which are identical to the existing Club Licence.*
- 8. On the basis of the continuity of trading hours and conditions sought, we seek waiver of the requirement for this application to be subject to the usual community impact assessment submission process due to the "exceptional circumstances" that exist, as described on page 3 of the Community Impact Assessment Guidelines*

The Authority agreed to waive the requirement for the Applicant to provide a Community Impact Submission in respect

of this application.

Pursuant to section 3(2) of the *Liquor Licensing Act 1997* (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 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.

The Applicant must also satisfy the Authority that the pre-requisites in s 57 of the Act have been met, in relation to such matters as: the suitability of the premises; the potential for them to cause undue offence, annoyance, disturbance or inconvenience to nearby residents, workers and worshippers in the vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools in the vicinity of the premises; and whether the appropriate approvals, consents and exemptions, in respect of the proposed premises have been obtained.

Additionally, s 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 s 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.

Section 53(1b) requires that the Authority must refuse an application for a licence if it is satisfied that granting the application would be inconsistent with the objects of the Act.

I note that the City of West Torrens Council, as landowner, has consented to the application; and that the Council consent to the capacity being set at 9,000 people.

SAPOL intervened on the application pursuant to s28AA of the Act, seeking the imposition of various conditions on the licence in the public interest, but did not oppose the grant of the licence. I acceded to the Applicant's request to endeavour to resolve the matter by conciliation pursuant to s 79 of the Act, and consider that it was appropriate that I determine the application so as to reflect the agreement reached by the parties at conciliation in respect of the conditions to be placed on the licence.

I am satisfied in relation to the suitability of the premises for the purposes of carrying on the business under the licence. I am also satisfied that the operation of the licence would be unlikely to result in the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools; and that the appropriate planning consents and approvals have been obtained.

I am satisfied that granting the application is in the community interest.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in s 53 of the Act.

On the material before me there is no reason to refuse the application pursuant to either s 53(1a) or s 53(1B) of the Act.

I am of the view that granting the application is in the public interest and is consistent with the objects of the Act.

The application for an On Premises Licence is granted.

Under Delegation from the Liquor and Gambling Commissioner

P. Bertram

Paul Bertram

Hearings Delegate

27 May 2021

