

# Decision Notification

## Application Details

Application no.	210601
Licence No.	57104588
Licence Class	On Premises
Premises Name	The Precinct Loxton
Premises Address	25 Bookpurnong Road Loxton SA 5333
Applicant	Hospitality WA Pty Ltd
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	24 May 2022

## 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:

- Alexander Scott Lord (155001)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 300.

## Community Impact Assessment

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

Hospitality WA Pty Ltd (**the Applicant**) has applied for an On Premises Licence in respect of premises situated at Bookpurnong Road, Loxton, known as The Precinct Loxton.

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 Community Impact Submission, area report, location report, business plan, agreement (between Belgravia Health & Leisure Group Pty Ltd and Hospitality WA Pty Ltd) and letters of support. It is the content of these documents, as well as the application itself, that my decision is based on.

### **Nature of the Proposed Business**

Belgravia Health & Leisure Group Pty Ltd has a management agreement to operate the premises on behalf of the lessor, District Council of Loxton Waikerie.

The Applicant holds an ‘Agreement’ with Belgravia Health & Leisure Group Pty Ltd. The Agreement provides provision for the Applicant to conduct business from the ‘Function Areas’ of the Precinct Loxton. The ‘Function Areas’ include the ground floors, function areas and outdoor area of The Precinct Loxton.

As part of the Agreement the Applicant is required to provide refreshments and beverages for patrons of the function areas including but not limited to snacks, confectionery, and beverages.

The service of liquor will be restricted to the ‘function areas’ as described in the Agreement and as outlined on the plans provided to the Licensing Authority. Belgravia Health & Leisure Group Pty Ltd has granted permission for the Applicant to apply for an On Premises licence for the purposes of providing the services outlined in the Agreement.

The Applicants business plan states “The core business areas of the facilities are:

1. Functions and Events

2. Court Sports

Functions and events where sale and consumption of liquor is involved are managed by Hospitality WA Pty Ltd.

Recreational sports including court sports, school holiday programs and general community usage are managed by Belgravia Leisure.

Facilities and services within the centre include 2 court basketball/netball stadium, mezzanine function space, meeting rooms, program room and kiosk. These spaces offer a wide variety of leisure activities that connect our community to leisure, and we pride ourselves on being able to offer a clean and safe environment for employees, participants and spectators.”

The Applicant has provided a description of the nature of the business to be conducted under the licence as:

“The Venue is a community sports precinct featuring 2 levels of the main building set back from street, surrounded by a

carpark, basketball and netball courts along with a football oval.”

“The Venue currently operates 7 days per week through sporting activities and scheduled programs which are open to the community for participation. School holidays programs will be offered with regular community groups using the facility unless booked for a private function. Food and beverage service will vary between bookings with service to commence from 12pm midday with last orders at 12am midnight.”

The Applicant submits that:

“The functions venue area is for centre group players, spectators and private bookings only. Customers will be those attending pre-booked functions, events and scheduled sporting competition. Events could be functions, community meetings, trade-shows, weddings, funerals and birthday parties. Not all will have bar services included and therefore we will only open for those that have it as part of their booking.”

The premises is located outside of the Adelaide metropolitan area. In accordance with the Guidelines, the Applicant has supplied with the application, a map and report with a 5km radius of the proposed premises regarding the locality generated through the Community Impact Portal.

In terms of the locality of the premises and where the Applicant expects to draw customers the Applicant has submitted that:

“The Precinct Loxton is located in Loxton SA which is located in the Riverland Region of SA. The facility is located on Bookpurnong Terrace with access via an intersection from both directions of travel. The Precinct Loxton is located 600m from the start of East Terrace which is the main thoroughfare street of Loxton containing a number of retail shops, a cafe, pizza bar, bakery, supermarket and the Loxton hotel. Adjacent to the start of East Terrace is the Loxton Pioneer Playground. 80m South West of the Precinct Loxton is The Loxton Club. The Precinct Loxton is set back from the main road surrounded by an oval and sporting courts with ample carpark access for all patrons.”

“The Precinct is a recently opened facility which will have several sporting and recreation clubs merging in to call home.”

“The facility primarily will be utilised by sporting club members for both club and private functions, we will look to engage both local and the wider community. We are perfectly located for industry trade-shows having easy access with abundant carparking. Being a modern facility, we are looking to attract wedding ceremonies and receptions along with funeral services and birthday parties from the wider community of all ages.”

The Applicant submits that the type of food available will vary and that “the centre is equipped with a full commercial kitchen where a selected lunch and dinner menu will be put in place based on the type of events being booked through the centre. Our service will be limited to bar snacks such as chips and nuts.”

In relation to entertainment at the proposed premises the applicant submits that:

“Bookings may bring in their own band or DJ to provide entertainment. Music is played on the function level during operation, however the volume is controlled and down on DB restrictions. The main form of entertainment for the venue will be the sporting events and competitions being played within the facility. Other entertainment within the venue specific will be band or DJ for private booking included weddings, birthday and end of year sporting club presentation nights. No entertainment is provided by the facility operators.”

The Applicant has advised that there will be no accommodation available at the premises.

The Applicant has provided letters of support from the local council and adjacent clubs.

I am satisfied that the Applicant has provided relevant details to the Authority in relation to its business plan, layout, and the premises.

I am satisfied that the Applicant has adequately identified the locality likely to be affected by the grant of the application.

### **Potential Harm**

The Applicant has not identified any 'at-risk' groups or sub-communities within the locality.

The Applicant has submitted that:

“The Centre Manager holds an RSA along with all staff that service the bar” and that “All staff are fully inducted into the organisation and the venue. The induction focuses on general and specific WH&S and legislative requirements. Staff training continues throughout the employment cycle both internally and with external professional support. Employees under the age of 23 are also issued with a Young Employees Staff Handbook.”

In addition to this the Applicant has advised that it “utilises a centralised HR rostering platform that will not allow any staff to be rostered in an area that has pre-required qualifications. The system also sends prompts as the employee qualifications approach expiration.”

The Applicant submits that it will offer “Low strength beer” and that “pre-mixed carbonated beverages are available as an option along with tea and coffee” as an alternative to alcoholic beverages.

The Applicant has supplied a list of “Businesses in Loxton with child focus”

- 600m Loxton District Children’s Centre (Woodleigh) 11 Tobruk Terrace, Loxton South Australia 5333
- 800m Loxton Pre-School Centre - Anzac Cres, Loxton South Australia 5333
- 750m Centrelink Access Point - 4 Drabsch Street, Loxton SA 5333
- 750m Mission Australia - 13 Drabsch Street, Loxton South Australia 5333
- 850m Loxton Lutheran School - 6 Luther Road, Loxton South Australia 5333
- 850m Loxton Primary School - Pyap Street, Loxton South Australia 5333
- 1.2km Loxton High School - 1889 Bookpurnong Road, Loxton South Australia 5333
- 1km Saint Albert’s Catholic College - GERALDTON Street, LOXTON South Australia 5333
- 9km Loxton North Preschool - 379 Balfour Ogilvy Avenue, Loxton North South Australia 5333

The Applicant has submitted that the “Supervision of minors on site is extensive with a minimum of two staff in direct control of safety protocols. This is backed by the Centre Manager for the majority of the operation. Children under the age of 12 must be accompanied by an adult. Staff are trained in the identification of adults and will ask for ID if they feel the person is under the age of 25 years. Adult wrist bands can be provided on heavy load days to help in identification. “

The Applicant has advised that “To prevent people leaving the licensed area with alcohol, we will have signs at each exit area and these areas will be monitored by staff.”

The Applicant has provided an area report generated by the Community Impact Portal which shows that the locality has a number of licensed premises, these are predominantly Liquor Production and Sales licences. There is also a Packaged

Liquor Sales licence and two Restaurant and Catering licences and an On Premises licence.

The Applicant has identified the “Licensed venues close by” as:

- 750m Loxton Hotel (Licensed) - East Terrace, Loxton South Australia 5333
- 80m Loxton Club (Licensed) - 27 Bookpurnong Terrace, Loxton South Australia 5333
- Loxton Football and Sporting Club

The area report also includes the Loxton RSL and District Bowling Club.

The District Council of Loxton and Waikerie have not objected to the application.

SAPOL have not objected to the application.

I am of the view that if the licence were to be granted, the risk of any harm which may be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor is low and will be satisfactorily managed and mitigated by the Applicant.

### **Cultural, Recreational, Employment and Tourism Aspects**

The Applicant has submitted that they “anticipate with the increasing frequency of bookings we will be requiring up to 20 additional casual roles for employment. When sourcing contractors, products and staff, we look local, giving back and building relationships within the community.”

The Applicant has submitted that the proposed premises has been “Historically utilised by the sports club members, our offering has expanded to engage more of the local and wider community, supporting their need to celebrate significant events in a safe and responsible manner.”

The Applicant goes on to state that “Whilst there are many venues in the community, there are none close by offering the spectacular scenery and luxurious nature of this state-of-the-art facility. Our hire rates are conservative, ensuring affordability to all socioeconomic levels of the community. The function area will continue to be utilised by the sporting clubs based here and used throughout there [sic] seasons as there [sic] home and function/ event area benefiting a large section of the community.”

The Applicant submits that “the liquor license [sic] will benefit the local and broader community by allowing the facility to attract events and functions of a greater scale to the facility. By doing this, and in a safe environment with responsible service of alcohol, we will be able to reduce the community subsidy required to operate this facility and ensure we utilize [sic] the facility to full capabilities it was designed and built for the community. It will provide a home for sporting clubs within the Precinct area and a place where members of all sporting clubs can come together and socialise in a safely managed and controlled environment.”

“The function area will continue to be utilised by the sporting clubs based here, District Council of Loxton Waikerie have determined the four centre based clubs will receive discounted function hire for 3 events per year that they host (total 12 across the year for all four clubs). Not only will this support the clubs, we will be on hand to ensure all license conditions are upheld.”

It is anticipated that the provision of the licence may provide employment opportunities on site, and by supporting local businesses providing services (i.e. supply of goods).

I am satisfied that if the application were to be granted it may result in an increase in employment in the locality, and that some of those employment opportunities are likely to be provided to people and businesses within the local

community.

It is evident that the proposed premises will provide an opportunity for members of the community to accommodate cultural and recreational celebrations.

I am satisfied that if the application were to be granted there are significant positive recreational impacts to the community in terms of providing facilities for the community, various community clubs and sporting clubs to operate from.

### **Social Impact and Amenity**

The Applicant has provided the following submissions in relation to the locality of the premises and the assessment of any social impact on the community:

“Loxton is a town on the south bank of the River Murray in the Riverland region of South Australia.”

“At the 2016 census, Loxton had a population of 4,568 with 47.6 being male and 52.4% being female. It is a service town for the surrounding districts.

Based on the 2016 census data Loxton has a Unemployment rate of 5.5%. Crime statistics for the area are also low, with only five offences recorded for May 2021 on the South Australia Police crime database (<https://www.police.sa.gov.au/about-us/crime-statistics-map>). The crime statistics for the Loxton area for the 2019-20 show that 128 offences were committed in this period compared to 96,000 State wide reported offences over the same period. These statistics indicate that the crime rate is negligible over at least the last twelve month period.

Located on the premise already is the Loxton Netball Club., The Loxton Football Club and The Loxton Basketball Club.”

In terms of construction the Applicant has submitted that the premises was constructed over 12 months ago. The Applicant advises that “The location of the function room is on the second floor - accessible by two sets of stairs or an elevator from the inside of the facility and 1 set of stairs from the outside of the facility. The bar is a small area at one end of the function room with the kitchen situated behind the bar area - with back-fill fridges and bench top along the front and side. The Court area is finished with acoustic paneling [sic] on the wall and floor to assist with the Noise. The function space is also finished with a portion of acoustic paneling [sic] to assist with noise during and event.

I am of the view that the grant of the application will not have a negative social impact on the locality due to the location and nature of the premises.

### **Decision**

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

The Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application, and I note that the District Council Loxton Waikerie has not objected to the application.

The Applicant has provided evidence of community support for the application.

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.*”

I have considered the harm that might be caused (whether to a community as a whole or a group within a 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 licence is low. The Applicant will implement policies and procedures which, in my view, will adequately mitigate the risk of harm to members of the community.

There is no reason why the application should be refused on the basis of the matters outlined in section 57 of the Act such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshipers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also satisfied that granting the application is in the community interest.

For the reasons set out above, the application for an On Premises Licence is granted.

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	Midday to Midnight	-
Tuesday	Midday to Midnight	-
Wednesday	Midday to Midnight	-
Thursday	Midday to Midnight	-
Friday	Midday to Midnight	-
Saturday	Midday to Midnight	-
Sunday	Midday to Midnight	-

## Reasons for Decision

The District Council of Loxton and Waikerie has provided correspondence to the Licensing Authority dated 24 May 2022, which states that Belgravia Health & Leisure Group Pty Ltd have a month to month arrangement for the tenure and management of the Precinct Loxton. The commencement of this arrangement begins on the first day of each month and ends on the last day of that same month.

The District Council of Loxton and Waikerie has provided approval for the occupation of the premises by Belgravia Health & Leisure Group Pty Ltd on a temporary basis expiring on 31 May 2022.

The District Council of Loxton and Waikerie has also provided approval for Hospitality WA Pty Ltd to operate an on premises licence from the premises for the same period.

I am satisfied that the applicant has the relevant approvals under section 72 of the Act on a temporary basis expiring on 31 May 2022.

Therefore the licence will be issued on a temporary basis expiring on 31 May 2022, unless the Applicant provides to the Authority, prior to the expiration of the licence approval from the District Council of Loxton and Waikerie for the licence to be extended beyond this date.

Under section 43 of the Act, I impose the following condition on the licence:

The licence will expire on 31 May 2022.

The premises must not be hired, sub-let or made available by the licensee to any other person.

## Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson  
Hearings Delegate  
24 May 2022