

# Decision Notification

## Application Details

Application no.	215970
Licence No.	57304829
Licence Class	Restaurant & Catering
Premises Name	Marino Rocks Cafe Restaurant
Premises Address	1 Marine Parade MARINO SA 5049
Licensee	Marino Rocks Community Co-Operative Limited
Application Type	Variation to Conditions (Upgrade)

## Outcome

Decision	Granted
Effective Date	25 Jul 2022

## Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

## Premises

### Capacity

The capacity of the venue is set at 180.

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Mr Scott Harris

Under section 81(1)(a) of the Act, I exercise my absolute discretion to determine this matter without holding a hearing.

Mr Harris' submission relates to the issue of car parking in the area. Mr Harris submits that the car parking at the venue is insufficient and even with the venue operating at its current capacity of 60, they get the overflow of cars parking all the way up to their house, impacting the accessibility for his elderly father. To increase the capacity to 180 would only exacerbate this issue.

I note that the Liquor and Gambling Commissioner is only responsible for regulating the sale and supply of liquor, issues in relation to traffic flow and parking do not fall within the jurisdiction of the Commissioner and is a matter dealt with under the relevant planning and development laws. To avoid duplication and ensure compliance with section 11C of the Act we will not be regulating this matter.

Further, this is not a valid ground of submission for nearby residents and it is only local councils, under strict conditions, who may make submissions to the Licensing Authority regarding planning matters. The issues of parking would have been considered when the relevant development approval and certificate of occupancy was granted.

For these reasons I am of the opinion that the application ought to be granted as sought.

## Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

## Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes  
Hearings Delegate  
25 Jul 2022