

# Decision Notification

## Application Details

Application no.	207338
Licence No.	57318307
Licence Class	Restaurant & Catering
Premises Name	Masidak Chicken
Premises Address	Shop 4 10-16 Light Common Mawson Lakes SA 5095
Applicant	Ebisu Sushi Train Pty Ltd
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	07 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:

- Yongmi Jung (153354)

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Carmen Watkins and John Watkins

I exercise my discretion under section 81(1)(a) to determine this matter without holding a hearing.

I note that Mr and Mrs Watkins failed to provide a copy of the submission to the applicant 7 days prior to the date appointed for determination in accordance with s 77(4) of the Act. However, I exercised my discretion to allow the relevant documents to be provided to the applicant after the date appointed for determination, but prior to me making a decision on the application. I note that these varied requirements have been complied with.

The submission is made on the following grounds:

- Concerns with proposed trading hours to 11pm each night
- Residents are already experiencing noise from music, patrons and cars on the street below, even with adjacent shops only permitted to trade until 10pm

I note that the applicant has since varied the trading hours sought as part of this application and now only seek to trade until 9pm each night of the week.

The Act requires me to consider whether granting the application would result in undue offence, annoyance, disturbance or inconvenience to people who reside in the area, a prominent concern raised by both residents. The Licensing Court has discussed 'undue noise' on many occasions, with it being held that for the noise to be undue it must be excessive or beyond what is appropriate or natural, and that resident's should expect to tolerate a degree of disturbance or inconvenience in the interest of the community having access to a licensed premises. Applying the test in this scenario, I do not believe there is sufficient evidence to conclude that the granting of this application would cause undue noise to nearby residents.

Whilst the premises is located in a suburban area, the licence class sought is a Restaurant and Catering licence which restricts the licensee to providing liquor only to persons with a meal, seated at a table, or attending a function. This licence class will not allow them to operate a 'bar' which is commonly associated with noise. I do not consider the trading hours unreasonable either, with them only wanting to sell and supply liquor until 9pm, which is not unusual for a Restaurant in a suburban area.

After considering the submission lodged I am of the opinion that the application should be granted as sought.

## Premises

### New Premises

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

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	11:30 am to 9:00 pm	-
Tuesday	11:30 am to 9:00 pm	-
Wednesday	11:30 am to 9:00 pm	-
Thursday	11:30 am to 9:00 pm	-
Friday	11:30 am to 9:00 pm	-
Saturday	11:30 am to 9:00 pm	-
Sunday	11:30 am to 9:00 pm	-

## 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

