

Our ref: TLC/212229

12 January 2016

Consumer and Business Services  
Attorney-General's Department  
GPO Box 1719  
ADELAIDE SA 5001

By email: CBSReforms@sa.gov.au

Dear Sir/Madam

**Submission - Liquor Licensing Discussion Paper**

This firm acts for Mainglen Holdings Pty Ltd, the operator of a licensed café and function centre at

These submissions on the State Government's "Liquor Licensing Discussion Paper" ("**the Discussion Paper**") are made on my client's behalf.

**My client's submission**

The Discussion Paper invited submissions from the public on a range of issues, including the following question:

*"Should small venue licences currently restricted to the CBD be available in other locations?"*

The Small Venue licence category is presently only available in the "Adelaide central business district" as defined in section 40A of the *Liquor Licensing Act 1997 (LLA)*. That area is bounded by South Terrace, East Terrace, West Terrace and the northern bank of the River Torrens.

In short, my client strongly believes that it is entirely appropriate and consistent with the State Government's strategic priority for a vibrant city, that the Small Venue Licence category in the LLA to be expanded across the River Torrens to North Adelaide, including my client's land.

My client's submissions will focus on the above question about the Small Venue licence category and are set out below.

### **Small Venue expansion will be consistent with planning policy**

My client's venue is located within the Main Street (Melbourne East) Zone of the Adelaide (City) Development Plan (24 September 2015 consolidation) (the Zone).

The Desired Character applying in the Zone was amended on 30 October 2014 by the "Residential and Main Street DPA (Part 1)" (DPA).

Following the DPA, the Desired Character Statement for the Zone generally contemplates development of the kind proposed in its proposed location. In particular, the Desired Character Statement acknowledges that:

*...land uses that add to the vitality of the area and extend activities into the evening should occur, including... small licensed premises...*

...

*small licensed premises will occur in limited numbers where they are designed and sited to maintain day and evening activation at street level and minimise impacts on nearby residential development.*

The Principles of Development Control applying in the Zone were also substantially amended and are now far more sympathetic to the kind of small licensed premises generally envisaged by the Small Venue Licence category, for example:

- 2** *A mix of land uses should exist which primarily provide services to the local residential community.*
- 3** *Land uses that add to the vitality of the area and extend activities into the evening should occur, including restaurants, shops, small licensed premises, educational, community and cultural facilities, and visitor and residential accommodation.*

From the above, the new planning policy introduced by the DPA in my submission appears to have been drafted with the Small Venue Licence category in mind.

For example, the new planning policy also contains a non-complying trigger applying to a "licensed entertainment premises" if the maximum patron capacity exceeds 120 persons. This 120 person capacity is also entirely consistent with the maximum patron capacity of 120 that applies to a Small Venue Licence under section 40A(3) of the LLA.

In my submission, having regard to the above planning policy for the Zone, it may already be the Government's intention to expand the Small Venue licence category to my client's land.

Even if that intention does not (yet) exist, clearly the desired character of the Zone will be supported and enhanced by the introduction of a Small Venue Licence category. The existing planning controls applying in the Zone will also ensure that amenity impacts from such uses will be appropriately controlled and managed when the relevant application(s) is assessed.

It follows that the introduction of the Small Venue Licence category to the Zone (and to North Adelaide more broadly) will compliment the existing planning policy and range of envisaged land uses in the area and is consistent with current planning policy in North Adelaide.

### **Flexibility and red tape reduction**

The availability of the Small Venue licence category to venue operators in areas outside the Adelaide Central Business District will provide much needed flexibility for existing and future North Adelaide-based operators of licensed premises.

As the Government is well aware, the Small Venue licence application processes are substantially more streamlined than the range of other licence categories currently available to licensed premises operators such as my client.

The introduction of the Small Venue licence category has already assisted entrepreneurs establishing themselves in the CBD to avoid the substantial “red tape” and inhibitors for business that can be associated with other licence categories.

The result of expanding this streamlined licence class to operators outside of the CBD will therefore necessarily result in a substantial and much needed reduction in “red tape” for persons wishing to do business in North Adelaide.

The resultant benefits for local entrepreneurs and the economic benefits that will flow from this expansion are self-evident and are discussed in further detail below.

### **State Government Strategic Priority will be achieved**

It is now one of the seven “strategic priorities” of the State government, to achieve greater vibrancy across Adelaide. The State Government’s “creating a vibrant city” website outlines the Government’s objective in the following way:

*As the state’s capital, it is essential that Adelaide competes nationally and internationally for people and investment and thrives as a cultural, economic and social centre of the state.*

*Adelaide is consistently rated as one of the world’s most liveable cities. It is recognised internationally for its arts, festivals, fine foods and wine. It has an advanced economy, world-class universities and a flourishing multicultural heritage. It has many of the qualities that mark out great cities.*

*Yet it has a reputation for being conservative and staid. Many of our young people are still leaving our state. If we want people to stay here we must show that we can accommodate more lifestyle and career choices...<sup>1</sup>*

Adelaide is slowly beginning to realise substantial social and economic benefits following the introduction of the “small bar culture” established under the Small Venue Licence scheme that has undoubtedly added to the vibrancy of the city.

Particularly after the redevelopment of the Adelaide Oval, North Adelaide is in my submission has enormous potential to enhance the vibrancy and economic benefits

---

<sup>1</sup> <http://www.priorities.sa.gov.au/content/creating-vibrant-city>

that are already being realised in the CBD following the introduction of the Small Venue Licence category in 2013.

In addition to the CBD, many people also access the Oval through North Adelaide and especially via more central thoroughfares such as Melbourne Street. In my submission, this presents an excellent opportunity for local business to attract patrons to small licensed premises to further enhance the vibrancy of these North Adelaide thoroughfares particularly on game days.

### **Economic benefits for Small Venue Licence expansion to North Adelaide**

In my submission, the economic benefits of increased vibrancy and activation of the Melbourne Street through the introduction of the Small Venue Licence category speak for themselves.

My client understands that over 300 jobs have been created as a result of the establishment of premises operating under the Small Venue licence category since its introduction in 2013.

The regime has also encouraged new and innovative business models for premises in the CBD of which the government is no doubt well aware.

The expansion of the Small Venue licence category into North Adelaide can only have similar positive benefits for the State's economy.

### **Summary**

For at least the above reasons, it is submitted that the small venue licence scheme should be expanded to cover areas of North Adelaide, in particular the Main Street (Melbourne East) Zone.

My client wishes to be heard in respect of any public meeting to consider the Discussion Paper.

In the meantime, please contact me if you have any questions about this submission.

Yours faithfully



**Tom Crompton**  
**BOTTEN LEVINSON**  
Email: [tlc@bllawyers.com.au](mailto:tlc@bllawyers.com.au)