

Newmarket [2017] SALC 70

LICENSING COURT OF SOUTH AUSTRALIA

NEWMARKET HOTEL

JURISDICTION: S 120 Disciplinary Complaint

FILE NO: 2112 of 2017

HEARING DATE: 16 October 2017

JUDGMENT OF: His Honour Judge Gilchrist

DELIVERED ON: 16 October 2017

REPRESENTATION:

Counsel:

Applicant: Mr B Moody

Solicitors:

Applicant: Duncan Basheer and Hannon

- 1 On 14 September 2017 I granted an application by RJ Aust Investment Pty Ltd for a hotel licence in respect of premises situated at 1 North Terrace, Adelaide, on the site formerly operated under the trade name of the Newmarket Hotel.
- 2 These are my reasons for doing so. As there was nothing contentious about this application, apart from some negotiated conditions regarding trading, I do so briefly.
- 3 To succeed in this application the applicant needed to meet the prerequisites of ss 57 and 58 of the Liquor Licensing Act 1997 and it needed to persuade me, in the exercise of the Court's discretion, that the licence should be granted.
- 4 Section 57 concerns matters such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools; and whether the appropriate approvals, consents and the like, pertaining to the proposed premises have been granted.
- 5 These issues were addressed by the suite of conditions agreed upon.
- 6 Section 58 provides as follows:

“An applicant for a hotel licence must satisfy the licensing authority by such evidence as it may require that, having regard to the licensed premises already existing in the locality in which the premises or proposed premises to which the application relates are or are to be situated, the licence is necessary in order to provide for the needs of the public in that locality.”
- 7 For present purposes I think that relevant locality is the north western corner of the CBD in Adelaide.
- 8 The applicant is in the process of erecting within the locality a large facility that will have 401 apartments, commercial offices and retail shops. In seeking a hotel licence it wishes to compliment this with a hotel facility offering high quality meals and an extensive range of liquor to satisfy the needs of a diverse clientele.
- 9 The applicant's vision is to restore the site to the landmark status that it enjoyed from its commencement in 1847.
- 10 In developing the site the applicant sees the potential market that has occurred as a result of the increasing popularity of the North Terrace precinct as a tourist destination and the substantial investment and

development comprising of the new Royal Adelaide Hospital, the Research Centre and the Universities

- 11 It promises to be a very attractive development.
- 12 I formed the view that these matters coupled with the redevelopment of the Adelaide Convention Centre and the Adelaide Oval, all of which are in the north western part of the Adelaide CBD, has resulted in a substantial increase in the number of visitors to Adelaide and a commensurate increase in the demand for hotel facilities, especially in the this precinct.
- 13 I had regard to all of the licensed premises already existing in and around the locality. Whilst there are a number of high quality hotels in the immediate vicinity of the Adelaide Casino and on the corner of Morphett Street and Hindley Street in the form of the Rockford Hotel, that offers a range of facilities of the type not that dissimilar to those proposed by the applicant, these premises are some distance away from the proposed premises. To my mind this licence is necessary in order to provide for the needs of the public in this precinct. Indeed, if the position were otherwise, one can scarcely imagine that the applicant would commit to the substantial financial commitment that this development entails.
- 14 In all the circumstances, I was satisfied that the requirements of s 58 had been met.
- 15 Having been satisfied of all of the other pre-requisites for the grant of a licence had been met, having been advised that the objectors and the Corporation of the City of Adelaide had reached agreement as to the conditions to apply to the licence, and having been satisfied that there was no basis to exercise the Court's discretion to refuse the application, I granted the application with and Extended Trading Authorisation. I also granted approval for Mr Robert Yee Seng Lee to occupy a position of authority in by RJ Aust Investment Pty Ltd, having found that he is a fit and proper person to hold such office for the purposes of the Act.