

NOTICE TO THE MAYOR AND COUNCILLORS

A special meeting of the Council of City of Prospect will be held in the Civic Centre,
128 Prospect Road, Prospect on **Tuesday 5 December 2017 at 6.15pm**

AGENDA

1. Apologies
2. On Leave
3. Reports
 - 3.1 New Nordic - Application for Restaurant Liquor Licence**
(Pages 1-28, Recommendation on Page 2)
4. Closure



Cate Hart
Chief Executive Officer

30 November 2017

AGENDA ITEM NO.: 3.1

TO: Special Council on 5 December 2017

DIRECTOR: Nathan Cunningham, Director Community & Planning

REPORT AUTHOR: Scott McLuskey, Senior Development Officer, Planning

SUBJECT: New Nordic - Application for Restaurant Liquor Licence

1. EXECUTIVE SUMMARY

- 1.1 Under the current Liquor Licensing Act, when a licensee lodges an application for a new liquor licence the consent of the landlord and Council is required. The application along with supporting documentation is then submitted to the Office of the Liquor and Gambling Commissioner (OLGC) who is the relevant authority responsible for the final decision on any liquor licence application.
- 1.2 Malobo Investments Pty Ltd have applied to the OLGC for a Restaurant Liquor Licence for New Nordic at Tenancies 1-2, 94-98 Prospect Road, Prospect (refer **Attachment 1**). It is noted that the licence application did not propose trading hours, meaning that the licence (if approved without conditions) could allow for the sale of alcohol from 7am-12am midnight (as the relevant development approval restricts the operation of the restaurant to these hours).
- 1.3 Community consultation was undertaken in relation to the licence application in accordance with Council's Liquor Licensing Policy. As required by the policy; the application is being presented to Council for consideration due to Council receiving submissions from six nearby residents against the proposed licence. The concerns raised in these submissions include; an increased likelihood of noisy behaviour by patrons leaving the cinema complex, the departure from the trading hours prescribed through the development approval and Council's Liquor Licensing Policy, and potential amenity impacts arising from service equipment and waste collection. All submissions indicated a desire for Council to consider this licence application in a manner consistent with the Palace Nova Prospect Cinema and Anchovy Bandit applications.
- 1.4 During the preparation of this report, the applicant was made aware of concerns relating to the departure of the proposal from the trading hours supported in relation to other licences within the premises. New Nordic have expressed their understanding that Council's letter of support (if adopted) would be conditional so as to ensure consistency with Council's consideration of other applications within the same complex.
- 1.5 Given this, it is recommended that Council advises the OLGC that it does not object to the proposed licensing application from Malobo Investments Pty Ltd, subject to the imposition of trading hours and conditions.

2. RECOMMENDATION

(1) Council, having considered Item 3.1, advise Malobo Investments Pty Ltd and the Liquor Licensing Commissioner that Council does not object to the grant of a Restaurant Liquor Licence for New Nordic at Tenancies 1-2, 94-98 Prospect Road, Prospect in accordance with the following trading hours;

- Monday to Saturday: 10:00am-12:00am
- Sunday: 10:00am-11:00pm

(2) The Liquor Licensing Commissioner be requested to adopt the following conditions, to ensure that the use would not unreasonably affect the amenity of the locality and would not unduly offend, annoy or disturb people who reside in the vicinity of the premises:

1. No garbage or refuse (including empty bottles and cans) is to be moved from inside the premises to outside storage bins or areas between the hours of 10:00pm and 7:00am the following morning, except for Sunday where no garbage or refuse (including empty bottles and cans) is to be moved from inside the premises to outside storage bins before 10.00am.
2. Garbage and refuse is not to be collected by waste disposal or similar operators (other than those employed or organised by City of Prospect) between the hours of 10:00pm and 7:00am the following morning, except for Sunday where no garbage or refuse (including empty bottles and cans) is to be collected by waste disposal or similar operators from the outside storage bins before 10.00am.
3. The licensee shall at all times have displayed at all exits from the premises clearly visible signs in the form of: "Out of respect for our neighbours, please leave these premises as quietly as possible."

3. RELEVANCE TO CORE STRATEGIES / POLICY

- *Development Act 1993*
- *Liquor Licensing Act 1997*
- Liquor Licensing Policy

Strategic Plan to 2020 Theme 1 – People "Know, empower, celebrate, educate and activate our community"

Strategy 1.3 Active living for every age, every stage	The establishment of licensed facilities, where appropriate, adds to the entertainment, recreation and social destination offerings within the Council area to our community.
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Strategic Plan to 2020 Theme 3 – Prosperity “More jobs, more investment, more activity, more vibrancy”

Strategy 3.1 A stronger local economy Strategy 3.2 A more vibrant night-time	The establishment of licensed facilities, where appropriate, provides greater diversity of trading hours and offerings within the Village Heart.
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Intelligent Community Indicators

Consideration of this licence application does not strengthen or diminish Council's performance against the relevant Intelligent Community Indicators.

4. REGIONAL IMPACT

This licensing application does not have any regional impact.

5. COMMUNITY INVOLVEMENT

- 5.1 Community consultation is required to be undertaken by the applicant once the licensing application has been submitted, as set out in the *Liquor Licensing Act 1997*.
- 5.2 Further, Council's Liquor Licensing Policy requires Council staff to undertake additional community consultation in respect of certain types of licence proposals. Upon receipt of correspondence concerning the proposed licensing application from Malobo Investments Pty Ltd, letters were sent to property owners adjacent 94-98 Prospect Road, Prospect inviting feedback on the proposed licence.
- 5.3 As a result of one or both of the above notification processes, six responses were received from nearby property owners all of whom raised objections to the proposed licence (refer **Attachments 2-22**). As a result of receiving those objections, this report has been prepared so that Council may consider whether to support or object to the Liquor and Gambling Commissioner granting the liquor licence.
- 5.4 Summarised briefly, the submissions highlighted the following concerns:
- The consumption of liquor is likely to lead to noisier behaviour by restaurant patrons when leaving the premises, disturbing the otherwise characteristic quiet amenity of surrounding residential street. Current experience with a nearby licensed restaurant indicates that behavioural issues arising from patrons leaving late at night are enhanced by the consumption of liquor.

- Given that the restaurant must cease all operation by 12am it is unclear why the licence proposes the consumption of liquor to occur until 1am, particularly given the greater potential amenity impacts associated with outdoor areas. Further, if the closing time of the restaurant is 1am, related servicing equipment such as air-conditioners would remain operational for longer hours, causing further amenity impact to nearby residents.
- Council's Liquor Licensing Policy anticipates that the operation of licensed premises should conclude at 10pm on Sundays.
- Council should recommend the imposition of conditions relating to the management and collection of waste in line with Council's recommendation to the OLGK regarding the Palace Nova Prospect Cinema application.

5.5 In accordance with Council's Liquor Licensing Policy, those persons who made submissions regarding the proposed liquor licence have been invited to attend this Council meeting.

6. DISCUSSION

6.1 The Office of the Liquor and Gambling Commissioner is the authority for granting or rejecting applications for a liquor licence. The *Liquor Licensing Act 1997*, in its current form, requires that public consultation occur when a licence is proposed, such that the Commissioner can consider submissions from the public when making their determination. An applicant for a liquor licence is also required to notify the relevant Council of the liquor licence application, and to provide the Commissioner with a copy of any feedback prepared by Council.

6.2 It is noted that the State Parliament passed substantial changes to the *Liquor Licensing Act 1997* on Tuesday 14 November 2017. These changes follow a review of the Liquor Licensing system by Tim Anderson QC, released in July 2016. Council, through its December 2015 meeting, indicated support for the intent of the review which was to reduce red tape by streamlining assessment processes while maintaining a strong focus on public safety. It is understood that the changes passed by Parliament reflect this intent. Council staff will provide Elected Members with further detail regarding these substantial changes to the Liquor Licensing system as such details become available. For clarity, it is confirmed that this application will be assessed by the Commissioner against the current version of the *Liquor Licensing Act 1997*, as the changes have not yet come into effect and are not expected to come into effect for some time.

6.3 To assist in considering licence proposals, Council has adopted a Liquor Licensing Policy. The policy sets out guiding principles to be followed in the consideration of each proposal, which relate to the type of licence proposed. In this case, the type of liquor licence proposed is a Restaurant Licence; which would permit the supply and consumption of liquor on the licensed premises in conjunction with the service of a meal by the licensee. The proposed Restaurant Licence would not permit the sale of take-away liquor.

- 6.4 As described earlier in this report, Council's Liquor Licensing Policy requires that additional public consultation be undertaken by Council for this type of licence application, and that a report be presented to Council for consideration if objections are received.
- 6.5 It is noted that a development approval is in place for the premises, which includes restrictions relevant to consideration of the licence application. The approved uses of the overall building are for shops, a cinema complex and offices, with associated car parking. The proposed licence would apply to two of the shop tenancies only. The development approval includes restrictions on the operating hours of the shops (7am – 12am, Monday to Sunday) and the occupant capacity of the building's ground floor (maximum of 250 persons total within all six shop tenancies at any one time).
- 6.6 It is also noted that the liquor licence application cannot vary the restrictions imposed by the development approval as described above (nor can Council vary the development approval in response to the liquor licence application). As the licence does not propose trading hours, the licence would thus allow for the sale and consumption of alcohol from 7am-12am, Monday to Sunday. Such trading hours would be inconsistent with Council's considerations in relation to the Palace Nova Prospect Cinema and Anchovy Bandit applications. This inconsistency was drawn to the attention of the applicant, who indicated their understanding that Council's commentary to the OLGC would be conditional upon consistency being achieved between all liquor licence applications within the same complex.
- 6.7 Once the application is lodged with the OLGC, Council has a right to object to the proposal. Pursuant to Section 77(5)(g) of the Liquor Licensing Act, an objection may be made on the grounds that if the application were granted:
- 6.7.1 undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result; or
 - 6.7.2 the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or
 - 6.7.3 the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way.
- 6.8 As a result of the restrictions imposed by the relevant development approval, it is considered that the liquor licence would not give rise to increase parking demand beyond that expected during the assessment of the development application. Further, it is considered that the imposition of trading hours to the licence consistent with those applied in relation to other licences within the building, resolve concerns regarding trading hours and potential associated amenity impacts.
- 6.9 Council's Liquor Licensing Policy was drafted with the intent to achieve an equitable approach to the establishment of licensed premises that balances the benefits of a vibrant community against the potential impacts licensed venues can have. To this end, the policy provides guidance as to conditions that should be applied to any licence where necessary to minimise the potential for disturbance to the local area.

- 6.10 It is considered that if conditions are imposed on the licence as anticipated by Council's Liquor Licensing Policy, the management of waste and services can occur without unreasonable impact on adjoining property owners. While the development approval allows for the management of waste associated with the building from 6am, it is noted that because of the particular impact associated with recycling waste from licensed premises that the recommended licence condition would require this type of waste to be handled no earlier than 7am (except for Sundays upon which it is considered that this waste should be handled no earlier than 10am).
- 6.11 While the conditions recommended through the Liquor Licensing Policy are intended to suitably minimise disturbance that may be caused to nearby residents, it is noted that the Liquor and Gambling Commissioner is empowered by the *Liquor Licensing Act 1997* to vary or revoke a liquor licence in response to unduly offensive, annoying, disturbing or inconvenient behaviour by the licensed premises or its patrons. As described within the Liquor Licensing Policy, Council will assist residents in lodging a complaint to the Liquor and Gambling Commissioner where evidence exists of regular or repeated poor behaviour.

Financial and Resource Implications

There are no financial or resource implications arising from Council's consideration of this licensing application.

7. CONCLUDING STATEMENTS

Given all of the facts of the matter; it is recommended that Council support the licence being granted by the Liquor and Gambling Commissioner subject to the imposition of appropriate conditions.

ATTACHMENTS

Attachments 1: Liquor Licence Application

Attachments 2-22: Objections Received

FORM 1
LIQUOR LICENSING ACT 1997
NOTICE OF APPLICATION

MALOBO INVESTMENTS PTY LTD HAS APPLIED TO THE LICENSING AUTHORITY FOR A RESTAURANT LICENCE WITH SECTION 34(1)(C) AUTHORISATION IN RESPECT OF THE PREMISES SITUATED AT 94 - 98 PROSPECT ROAD PROSPECT 5082 TO BE KNOWN AS NEW NORDIC.

THE APPLICATION HAS BEEN SET DOWN FOR HEARING ON 06/12/2017. ANY PERSON MAY OBJECT TO THE APPLICATION BY LODGING A NOTICE OF OBJECTION IN THE PRESCRIBED FORM WITH THE LIQUOR AND GAMBLING COMMISSIONER (AND SERVING A COPY OF THE NOTICE ON THE APPLICANT) AT LEAST 7 DAYS BEFORE THE HEARING DATE (VIZ 28/11/2017).

THE APPLICANT'S ADDRESS FOR SERVICE IS:
C/- BO MATSCHKE, PO BOX 212, SEMAPHORE 5019

THE APPLICATION AND CERTAIN DOCUMENTS AND MATERIAL (INCLUDING PLANS) RELEVANT TO THE APPLICATION MAY BE INSPECTED BY PERSONS WITH A GENUINE INTEREST, WITHOUT FEE AT THE CUSTOMER SERVICE CENTRE, 91 GRENFELL STREET, ADELAIDE SA 5000, DURING A PERIOD SPECIFIED BY THE LIQUOR AND GAMBLING COMMISSIONER.

PH: 8226 8655

EMAIL: LIQUORANDGAMING@SA.GOV.AU

DATED: 3/11/2017

APPLICANT: MALOBO INVESTMENTS PTY LTD

Liquor Licensing 1997

Notice of objection to an application

Where to lodge this Form

Electronically Scan and email to: CBSapplications@sa.gov.au	Post Licensing and Registration GPO Box 2169 ADELAIDE SA 5001	In person Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000	More information www.cbs.sa.gov.au Ph: 08 8226 8655
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Objector Contact Details

Contact Name Elizabeth Crisp Prospect Residents Assⁿ President
 Address _____
 Daytime phone _____ Email _____

Licensee / Proposed Licensee details

Applicant name MALOBO INVESTMENTS PTY LTD
 Trading name NEW NORDIC
 Address C/- BO MATSCHKE PO BOX 212 SEMAPHORE 5019
 Date of advertised hearing* 28/11/2017

*This is a mention date only. You will be notified in writing of a time and date the matter has been set down for a conciliation hearing.

Grounds of objection

- That the grant of the application would not be consistent with the objects of the Act or would be contrary to the Act in some other way.
- The applicant is not a fit and proper person to hold a licence
- The premises isn't suitable to be licenced
- It will cause undue disturbance, annoyance or inconvenience to people in the area
- It will affect the "amenity" of the area
- I am concerned about the safety or welfare of children attending schools in the area
- There are enough options in the area for the public to attend a licensed premises (hotel only)
- There are enough options in the area for the public to buy alcohol (retail liquor merchant only)

Reasons for this objection to be attached to this application

Service of Objection

- Copy of this notice given to the Licensee on 21 / 11 / 2017 OR
- I have not served a copy of this notice, but will do so at least 7 days before the hearing date
The objection will not proceed unless a copy is serviced within the required time

Signature of Objector

Elizabeth Crisp
 (name)

Signature ELIZABETH CRISP

Date

20/11/17

Scott McLuskey

From: Elizabeth Crisp
Sent: Monday, 20 November 2017 3:59 PM
To: Administration
Subject: Attention Scott McLuskey re Liquor license for Anchovie Bandits and The New Nordic
Attachments: New Nordic Objection.PDF

Hi Scott

Please find below the comments from the Prospect Residents Association regarding the liquor licenses for the two restaurants in the Maras complex namely Anchovie Bandits and The New Nordic.

I have not yet served on the New Nordic. I will do that tomorrow as I will need to deliver it to the Post Office box number at Semaphore.

- The biggest issue for this complex is going to be noise problems for local residents and liquor licensing decisions need to take this into consideration. (We are unsure whether either of these restaurants will be playing live music).
- The noise problem is already evident from the construction phase of the complex whereby neighbours are constantly being disturbed by the air-conditioning; they can hear the lifts and also hear conversations from the cinema car parks. (This is besides the noise issues from the poor management of the construction of the building). The design of the car park is poor such that noise from the parking facilities already echoes down the adjacent streets and there appears to be no noise reduction treatment in the off street car park.
- The noise problem is likely to increase once the cinemas and restaurants open as there are insufficient off street parking facilities and those that exit already indicate the noise problems that will occur. Once there are 53 cars coming and going from the off street parking indications are the noise problems will be exacerbated. There is no clarity about how the cinema or restaurant parkers will know when the car park is full and how the cinema will stop drivers going into the car park when it is already full and then needing to exit. If this is not managed and stopped from happening the noise problems will increase as a result of the poor design of the car park. Motor bikes in particular will be very concerning and may need to be banned from the car park with the current design and lack of noise dampening treatments.

- The cinema complex has a capacity of 235 patrons and the cinema and two restaurants have access to 53 off street parks after 6 pm. This means a number of patrons will need to park in nearby streets or be dropped off and collected by taxis. This has the potential to increase parking and noise problems in the surrounding streets particularly when taxis are idling near the complex or people are arriving or leaving the complex as they talk and slam car doors etc.
- The restaurants need to take into consideration the fact that they are adjacent to residential homes and people need to be able to get decent sleep especially during the week.
- We are of the view that the licenses for the restaurants need to be the same as the license for the cinema. The businesses need to close at midnight except for Sunday when they need to close by 11.00pm. Therefore last drinks should be served by 11.00pm to give people time to finish their drink and leave by midnight or on Sunday should finish by 10.30pm in order to leave by 11.00pm. If there is a special event such as new years eve they can apply for a special license for the particular occasion should they want extended hours.
- These conditions would give consideration to children's need for sleep, workers needing to get a decent amount of sleep and residents who are sick or have a disability. This is particularly important given the poor design of the off street car park, the noise problems that have already been identified, the number of cars that will need to park in surrounding streets and the number of residents who expressed concern about this prior to the plans being approved.
- We also continue to be concerned about people commencing to consume alcohol before 10.00am in the morning and do not support the licenses being granted before 10.00am. We would need to hear significant reasons to consider supporting a license being granted with drinking before 10.00am.
- I understand from talking to you that Anchovie Bandits have amended their hours sought to the same hours as the cinema namely 10.00am to midnight Monday to Saturday and 10.00am to 11.00pm Sunday. We would support this position but will raise a complaint should there be any noise problems for surrounding residents.

- Further I understand from talking to you that The New Nordic has not stated any hours in their application which means if approved they would be granted a license from 7.00am until midnight seven nights a week. We do not support this position and only support their hours of license to be the same as Anchovie Bandits and the cinema as detailed above and as the council has determined for the cinema and has been decided by the Liquor Licensing Commission.
- It has been agreed with the Liquor Licensing Commissioner for there to be a trial for the licensing hours for the cinema. There will be review in April next year or earlier if there are ongoing problems. We would include any problems with the restaurant licenses at this time if needed. It has also be agreed that no drinks will be served after 11.00pm when the cinemas close at midnight.
- Finally we believe the complex car park should be locked from 11.00pm Sunday or midnight Monday until Saturday until 7.00am in the morning to allow neighbours the best possibility of getting a reasonable night's sleep. Generally 7 hours sleep is seen to be the minimum that is needed for people to be healthy and able to function well in their everyday life. Anything less than this is unacceptable. We will pursue this further in the future when the level of noise problems from the car park and street parking are clearer.

Elizabeth Crisp
President
Prospect Resident's Association
C/- Box 726
Prospect East
SA 5082
prospect.residents.assoc@gmail.com
<https://www.facebook.com/pages/Prospect-Residents-Association/532903980177553>

MOB:

Consumer and Business Services

Liquor Licensing 1997

Notice of objection to an application

Where to lodge this Form

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Objector Contact Details

Contact Name	WENDY FEWSDALE		
Address	PROSPECT SA 5082		
Daytime phone		Email	

Licensee / Proposed Licensee details

Applicant name	MALOBO INVESTMENTS PTY LTD		
Trading name	NEW NORDIC		
Address	94-98 PROSPECT ROAD PROSPECT SA 5082		
Date of advertised hearing*	06/12/2017		

*This is a mention date only. You will be notified in writing of a time and date the matter has been set down for a conciliation hearing.

Grounds of objection

- That the grant of the application would not be consistent with the objects of the Act or would be contrary to the Act in some other way;
- The applicant is not a fit and proper person to hold a licence
- The premises isn't suitable to be licenced
- It will cause undue disturbance, annoyance or inconvenience to people in the area
- It will affect the "amenity" of the area
- I am concerned about the safety or welfare of children attending schools in the area
- There are enough options in the area for the public to attend a licensed premises (hotel only)
- There are enough options in the area for the public to buy alcohol (retail liquor merchant only)

Reasons for this objection to be attached to this application

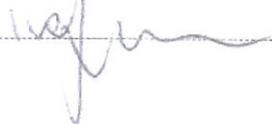
Service of Objection

- Copy of this notice given to the Licensee on _____ / _____ / _____ OR
- I have not served a copy of this notice, but will do so at least 7 days before the hearing date
The objection will not proceed unless a copy is serviced within the required time

Signature of Objector

WENDY DAWN FEWSDALE
 (name)

Signature



Date

06/11/2017



Objection to the Application

Reasons for objection – Request for restricted hours:

1. Operating beyond midnight is a breach of the Development Approval conditions, viz.
13. The hours of operation of the shops and cafes shall be limited to between 7:00am and 12:00am (midnight).
2. Operating beyond 10 pm on any Sunday is a breach of the City of Prospect Liquor Licensing Policy 2012 – Section 9.3.
3. Outdoor dining/liquor consumption until after 11 pm Mon to Sat and 10pm Sunday will affect the amenity of residents in surrounding streets.
4. Public Transport ceases operation at 11.50 pm – Monday to Saturday, and 11.20 pm Sunday, forcing people to rely on car transportation.
5. The entire Complex has limited onsite parking for office workers, restaurant/café, cinema patrons and staff of the complex – 54 vehicles – only 20 available for patrons, the remaining for office staff until 6.30 pm, forcing some dinner patrons to park offsite.

The original development application estimated that 112 car parking spaces were required in peak times and the complex had access to a further 58 spaces off-street parking spaces; however, it is unclear where these spaces are located. The majority of car parking spaces in the Rose Street to Myrtle Street lot are usually occupied, both in the daytime and evening.

Many off street parking spaces are currently utilised by existing businesses, day and night.

The lack of car parking spaces will result in patrons being forced to utilise on-street parking in surrounding streets, predominantly Azalea Street due to its proximity; but also, Pulsford Road, Labrina Avenue, and Rose Street (which has parking restrictions).

6. Patrons returning to their cars at a late hour will cause disturbance and loss of amenity – this is already a regular occurrence in Azalea Street and on Prospect Road from the patrons of the Greek Restaurant Meze-Mazi, at 86B Prospect Road.

This includes weeknights where residents are being awoken and disturbed at a late hour (sometimes up until midnight) by yelling, car horns, slamming car doors, long, loud conversations, plus cars roaring off and speeding.

7. In our experience, patrons who are consuming alcohol until late are more likely to display behavior which is inconsiderate, and therefore have a greater negative impact on the amenity of the local residents.
8. A closing time of 1am will result in service equipment (e.g. air conditioning) being operational until the complex is shut down for the night (at least 15 minutes after

Objection to the Application

“closing time”). This will result in increased ambient noise, further impacting residents’ quiet enjoyment, and ability to sleep (particularly in summer).

9. Conditions relating to service and delivery vehicles and rubbish disposal and collection should be in line with Council’s recommendation relating to the Palace Nova Cinema Liquor Licensing Application.
10. The scope of the surrounding residential area which would be affected – conservatively estimated at 70 homes. This could increase if on-street parking extends further east/west from the cinema, or spreads to Myrtle, Milner and Daphne Streets.



On-street parking – Residential Streets

Off-street parking – Car Parks & Parking Bays

Potentially Affected Residential Properties (~70)

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PH: 8226 8655
EMAIL: LIQUORANDGAMING@SA.GOV.AU

DATED: 30/10/2017

APPLICANT: MALOBO INVESTMENTS PTY LTD

Liquor Licensing 1997

Notice of objection to an application

Where to lodge this Form

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Objector Contact Details

Contact Name SHANE WILKINSON

Address PROSPECT 5082

Daytime phone _____ Email : _____

Licensee / Proposed Licensee details

Applicant name MALORO INVESTMENTS PTY LTD

Trading name NEW NORDIC

Address 94-98 PROSPECT ROAD PROSPECT 5082

Date of advertised hearing* 06/12/2017

*This is a mention date only. You will be notified in writing of a time and date the matter has been set down for a conciliation hearing.

Grounds of objection

- That the grant of the application would not be consistent with the objects of the Act or would be contrary to the Act in some other way;
- The applicant is not a fit and proper person to hold a licence
- The premises isn't suitable to be licenced
- It will cause undue disturbance, annoyance or inconvenience to people in the area
- It will affect the "amenity" of the area
- I am concerned about the safety or welfare of children attending schools in the area
- There are enough options in the area for the public to attend a licensed premises (hotel only)
- There are enough options in the area for the public to buy alcohol (retail liquor merchant only)

Reasons for this objection to be attached to this application

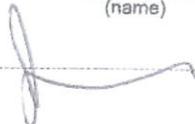
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The objection will not proceed unless a copy is serviced within the required time

Signature of Objector

SHANE WILKINSON
 (name)

Signature



Date

06/11/2017

Objection to the Application

Reasons for objection – Request for restricted hours:

1. Operating beyond midnight is a breach of the Development Approval conditions, viz.
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Objection to the Application

“closing time”). This will result in increased ambient noise, further impacting residents’ quiet enjoyment, and ability to sleep (particularly in summer).

9. Conditions relating to service and delivery vehicles and rubbish disposal and collection should be in line with Council’s recommendation relating to the Palace Nova Cinema Liquor Licensing Application.
10. The scope of the surrounding residential area which would be affected – conservatively estimated at 70 homes. This could increase if on-street parking extends further east/west from the cinema, or spreads to Myrtle, Milner and Daphne Streets.



On-street parking – Residential Streets

Off-street parking – Car Parks & Parking Bays

Potentially Affected Residential Properties (~70)

FORM 1
LIQUOR LICENSING ACT 1997
NOTICE OF APPLICATION

MALOBO INVESTMENTS PTY LTD HAS APPLIED TO THE LICENSING AUTHORITY FOR A RESTAURANT LICENCE WITH SECTION 34(1)(C) AUTHORISATION IN RESPECT OF THE PREMISES SITUATED AT 94 - 98 PROSPECT ROAD PROSPECT 5082 TO BE KNOWN AS NEW NORDIC.

THE APPLICATION HAS BEEN SET DOWN FOR HEARING ON 06/12/2017. ANY PERSON MAY OBJECT TO THE APPLICATION BY LODGING A NOTICE OF OBJECTION IN THE PRESCRIBED FORM WITH THE LIQUOR AND GAMBLING COMMISSIONER (AND SERVING A COPY OF THE NOTICE ON THE APPLICANT) AT LEAST 7 DAYS BEFORE THE HEARING DATE (VIZ 28/11/2017).

THE APPLICANT'S ADDRESS FOR SERVICE IS:
C/- BO MATSCHKE, PO BOX 212, SEMAPHORE 5019

THE APPLICATION AND CERTAIN DOCUMENTS AND MATERIAL (INCLUDING PLANS) RELEVANT TO THE APPLICATION MAY BE INSPECTED BY PERSONS WITH A GENUINE INTEREST, WITHOUT FEE AT THE CUSTOMER SERVICE CENTRE, 91 GRENFELL STREET, ADELAIDE SA 5000, DURING A PERIOD SPECIFIED BY THE LIQUOR AND GAMBLING COMMISSIONER.

PH: 8226 8655
EMAIL: LIQUORANDGAMING@SA.GOV.AU

DATED: 30/10/2017

APPLICANT: MALOBO INVESTMENTS PTY LTD

Liquor Licensing 1997

Notice of objection to an application

Where to lodge this Form

Electronically Scan and email to: CBSEApplications@sa.gov.au	Post Licensing and Registration GPO Box 2169 ADELAIDE SA 5001	In person Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000	More information www.cbs.sa.gov.au Ph: 08 8226 8655
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Objector Contact Details

Contact Name ROB AND LIZ THOMAS

Address PROSPECT SA 5082

Daytime phone _____ Email _____

Licensee / Proposed Licensee details

Applicant name MA LOBO INVESTMENTS PTY LTD

Trading name NEW NORDIC

Address 94-98 PROSPECT RD PROSPECT SA 5082

Date of advertised hearing* 28/11/17

*This is a mention date only. You will be notified in writing of a time and date the matter has been set down for a conciliation hearing.

Grounds of objection

- That the grant of the application would not be consistent with the objects of the Act or would be contrary to the Act in some other way;
- The applicant is not a fit and proper person to hold a licence
- The premises isn't suitable to be licenced
- It will cause undue disturbance, annoyance or inconvenience to people in the area
- It will affect the "amenity" of the area
- I am concerned about the safety or welfare of children attending schools in the area
- There are enough options in the area for the public to attend a licensed premises (hotel only)
- There are enough options in the area for the public to buy alcohol (retail liquor merchant only)

Reasons for this objection to be attached to this application

Service of Objection

- Copy of this notice given to the Licensee on _____ / _____ / _____ OR
- I have not served a copy of this notice, but will do so at least 7 days before the hearing date
The objection will not proceed unless a copy is serviced within the required time

Signature of Objector

Elizabeth Thomas ROBERT THOMAS
(name)

Signature Elizabeth Thomas Date 6/11/17

Objection to the Application

Reasons for objection – Request for restricted hours:

1. Operating beyond midnight is a breach of the Development Approval conditions, viz.
13. The hours of operation of the shops and cafes shall be limited to between 7:00am and 12:00am (midnight).
2. Operating beyond 10 pm on any Sunday is a breach of the City of Prospect Liquor Licensing Policy 2012 – Section 9.3.
3. Outdoor dining/liquor consumption until after 11 pm Mon to Sat and 10pm Sunday will affect the amenity of residents in surrounding streets.
4. Public Transport ceases operation at 11.50 pm – Monday to Saturday, and 11.20 pm Sunday, forcing people to rely on car transportation.
5. The entire Complex has limited onsite parking for office workers, restaurant/café, cinema patrons and staff of the complex – 54 vehicles – only 20 available for patrons, the remaining for office staff until 6.30 pm, forcing some dinner patrons to park offsite.

The original development application estimated that 112 car parking spaces were required in peak times and the complex had access to a further 58 spaces off-street parking spaces; however, it is unclear where these spaces are located. The majority of car parking spaces in the Rose Street to Myrtle Street lot are usually occupied, both in the daytime and evening.

Many off street parking spaces are currently utilised by existing businesses, day and night.

The lack of car parking spaces will result in patrons being forced to utilise on-street parking in surrounding streets, predominantly Azalea Street due to its proximity; but also, Pulsford Road, Labrina Avenue, and Rose Street (which has parking restrictions).

6. Patrons returning to their cars at a late hour will cause disturbance and loss of amenity – this is already a regular occurrence in Azalea Street and on Prospect Road from the patrons of the Greek Restaurant Meze-Mazi, at 86B Prospect Road.

This includes weeknights where residents are being awoken and disturbed at a late hour (sometimes up until midnight) by yelling, car horns, slamming car doors, long, loud conversations, plus cars roaring off and speeding.

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PH: 8226 8655
EMAIL: LIQUORANDGAMING@SA.GOV.AU

DATED: 30/10/2017

APPLICANT: MALOBO INVESTMENTS PTY LTD

Consumer and Business Services

Liquor Licensing 1997

Notice of objection to an application

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Objector Contact Details

Contact Name HUGH DAVID + VERITY ROBERTSON

Address Prospect SA 5082

Daytime phone _____ Email _____

Licensee / Proposed Licensee details

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Trading name NEW NORDIC

Address T01 + 102 94-98 Prospect Rd Prospect 5082

Date of advertised hearing*

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Signature of Objector

HUGH DAVID ROBERTSON VERITY ROBERTSON
 (name)

Signature

[Handwritten Signature]

Date

6/11/2017

Objection to the Application

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PH: 8226 8655
EMAIL: LIQUORANDGAMING@SA.GOV.AU

DATED: 30/10/2017

APPLICANT: MALOBO INVESTMENTS PTY LTD

Scott McLuskey

From:
Sent: Monday, 30 October 2017 2:57 PM
To: Administration
Subject: Re:Liquor Licence Applicatons

Nathan Cunningham

Director Community & Planning

Prospect Council

Dear Nathan,

It has come to our attention that "Anchovy Bandit" is applying for a liquor licence and the application is set down for the 20/11/17. With regard to liquor licence hours for outlets in the Palace Nova complex eg "Anchovy Bandit" & "New Nordic" & other proposed outlets in the near vicinity we urge Council to maintain the position adopted at Council meeting on 24/10/17 to facilitate consistency of provisions of liquor.

Regards,

Maree Angelou & Brian Iversen

Prospect

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>