

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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All public Acts appearing in this gazette are to be considered official, and obeyed as such

FIRE AND EMERGENCY SERVICES ACT 2005

SECTION 78

Fire Danger Season Amendment

THE South Australian Country Fire Service hereby:

Fixes the date of the Fire Danger Season within the part of the State defined as the Lower South East Fire Ban District so as to commence on the 22nd of November 2019 and to end on the 30th of April 2020.

Dated: 15 November 2019

MARK JONES QFSM
Chief Officer, SA Country Fire Service

LIQUOR LICENSING ACT 1997

SECTION 53B

*Community Impact Assessment Guidelines***General Information**

The following guidelines have been published by the Liquor and Gambling Commissioner under section 53B of the *Liquor Licensing Act 1997*.

Introduction

Under section 53A of the *Liquor Licensing Act 1997* (the Act), the licensing authority may only grant a *designated application* if satisfied that to grant the application is in the **community interest**. Applications which are classified as designated applications are set out in Schedule 1.

Whether or not a designated application is in the community interest is determined on a case by case basis by the licensing authority. The licensing authority takes the unique circumstances of each case into account when making a decision and will inform itself on whether a designated application is in the community interest, relying in part on the Community Impact Submission prepared by the applicant.

Community Impact Assessment*Considerations*

The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.

When determining whether or not a designated application is in the community interest the licensing authority will have regard to:

- a) the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor;
- b) the cultural, recreational, employment or tourism impacts;
- c) the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises (see Schedule 2 for description of locality); and
- d) the nature of the business conducted or to be conducted under the licence.

When determining an application, the licensing authority will have regard to:

- the application;
- the Community Impact Submission; and
- any other information that the licensing authority considers appropriate.

What do each of the considerations mean?

To assist applicants in forming their submissions, a brief explanation of each of the considerations is set out below.

- a) The ***harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor*** is quite broad and may include a consideration of the following:
 - o whether there are any 'at-risk' groups or sub-communities within the locality (see Schedule 2);
 - o whether there are any community buildings, facilities and areas within the locality which may include: schools and educational institutions; hospitals, drug and alcohol treatment centres; accommodation or refuges for young or disadvantaged people; child care centres; recreational areas; dry areas; and, any other areas where young people may congregate or be attracted to; and
 - o any policies and procedures that the applicant intends to implement to minimise any potential harm or health impacts to 'at-risk' groups and sub-communities in the locality.

Harm caused by the excessive or inappropriate consumption of liquor includes:

- o the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community);
 - o the adverse economic, social and cultural effects on communities (whether to a community as a whole or a group within a community);
 - o the adverse effects on a person's health;
 - o alcohol abuse or misuse; and
 - o domestic violence or anti-social behaviour, including causing personal injury and property damage.
- b) The ***cultural, recreational, employment or tourism impacts*** may include a consideration of whether the licensed premises/proposed licensed premises will provide economic benefits or any additional employment opportunities to the local community area.
 - c) The ***social impact in, and the impact on the amenity of, the locality*** (see Schedule 2) ***of the premises or proposed premises*** may include a consideration of relevant crime statistics, social profile information such as population, unemployment and the location of existing licensed premises within the locality.
 - d) The ***nature of the business conducted or to be conducted under the licence*** may include a consideration of the business to be conducted under the licence/proposed licence.

Completing a Community Impact Submission

Designated applications, at the time of lodgement, must be accompanied by a submission addressing how the application is in the community interest (except where otherwise indicated in Schedule 1). Consumer and Business Services has developed a form to help guide applicants as to the type of information they need to provide in support of their application. Applicants may complete the form, or may choose to instead prepare a submission in support of the application.

There is no requirement for a Community Impact Submission to be prepared by legal counsel or industry consultants. Applicants can complete their own Community Impact Submissions after liaising with the relevant key stakeholders and interest groups in the community and obtaining all other required information. Applicants are required to show, as part of their application, that they have engaged with members of the community and any relevant stakeholders. Evidence of this may include petitions, survey results and/or letters of support.

In addition to addressing the criteria set out under 'Considerations', applicants, in their Community Impact Submission, are also asked to address the following, where applicable:

- the applicants products/services in terms of key features and potential customers;
- business/professional experience, in particular relevant knowledge, experience and competency in relation to the service of liquor;
- general description of facilities and services;
- construction details (e.g. materials, finishes, acoustic treatment, etc.);
- details of any food, including menu;
- liquor services (e.g. bar) and range of liquor;
- types of entertainment;
- types of accommodation;
- a statement as to whether the community supports the proposed business, including providing evidence of such support; and
- a statement as to why the granting of the application is *in* the community interest.

Applicants are also required to provide, where applicable:

- a map and report regarding the locality generated through the Community Impact Portal;¹
- a business plan/plan of management; and
- a site or property plan, floor plan and/or photographs/artists impressions of site/building.

When providing information, applicants should keep in mind that Community Impact Submissions will be made public. Any information that an applicant does not wish to be made public should be redacted or omitted from the Community Impact Submission.

As each application is different, the level of detail required in a Community Impact Submission may differ depending on the complexity of the application and the impact the premises/proposed premises will have on the surrounding community. If a Community Impact Submission does not adequately address all necessary issues, the licensing authority may require additional information to be provided prior to determining an application.

When is a Community Impact Submission not required?

Unless exceptional circumstances exist, or where otherwise stated in Schedule 1, all designated applications must be accompanied by a Community Impact Submission at the time of lodgement.

Can the requirement for a Community Impact Submission be waived?

The licensing authority may vary or waive the requirement for a Community Impact Submission if:

- the application does not propose a significant change to the licensed premises or the nature or extent of the business carried on from the licensed premises;
- the purpose of the Community Impact Submission can be achieved by other means; or
- other special circumstances exist.

The application will remain a designated application for the purposes of the Act.

¹ The Community Impact Portal can be found at www.cbs.sa.gov.au/ciportal.

SCHEDULE 1

Designated Applications

For the purposes of section 53A of the Act, a designated application is:

- an application for the *grant or removal* of:
 - a **general and hotel licence**;
 - an **on premises licence**, unless –
 - (i) the premises to which the proposed licence relates is a public conveyance;²
 - (ii) the licence is, or is proposed to be, subject to a condition that the business conducted at the licensed premises be such that at all times the primary service provided to the public at the premises is the provision of accommodation; or
 - a **club licence**, if –
 - (i) the licence is, or is proposed to be, subject to a condition authorising –
 - the sale of liquor to persons (other than a resident) for consumption off the licensed premises; or
 - the sale of liquor after 2am on any day; or
 - (ii) in the opinion of the licensing authority,³ the business conducted under the licence and activities on the premises or proposed premises will have a substantial adverse impact on the amenity of the locality in which those premises are, or are to be, situated, taking into account –
 - the size of the premises or proposed premises; and
 - the trading hours or proposed trading hours under the licence; and
 - any other matter the licensing authority considers relevant; and
 - a **packaged liquor sales licence**, other than if the licence is, or is proposed to be, subject to a condition authorising the licensee to only sell liquor through direct sales transactions; and
- any other application that the licensing authority has determined, in accordance with these guidelines, to be a designated application (see below).

In addition, the licensing authority has determined that the following applications are also designated applications:

- an application to *redefine* or *alter* a **general and hotel licence** to provide for a bottle shop;⁴
- an application to *vary* an **on premises licence** to allow for the sale of liquor after 2am on any day, unless –
 - the premises to which the proposed licence relates is a public conveyance;⁵ or
 - the licence already authorised the sale of liquor after 2am on any day;
- an application to *vary* a **club licence** to authorise –
 - the sale of liquor to persons (other than a resident) for consumption off the licensed premises; or
 - the sale of liquor after 2am on any day unless the licence already authorises the same of liquor after 2am on any other day;
- an application to *redefine* a **packaged liquor sales licence**; and
- an application to *vary* a **packaged liquor sales licence** to:
 - remove a condition restricting the licensee to the sale of liquor through direct sales transactions only; or
 - remove or vary a condition restricting the type of liquor that the licensee can sell or supply under the licence.

² A public conveyance means an aeroplane, vessel, bus, train, tram or other vehicle used for public transport or available for hire by members of the public, but does not include a conveyance hired on a self-drive basis if all passengers (if any) are to be transported free of charge or other consideration.

³ The licensing authority will inform an applicant if their application is a designated application. Unless the conditions set out under (i) are satisfied and/or unless and until the licensing authority informs an applicant otherwise, applicants are to lodge and proceed with their applications as if they were *not* designated applications.

⁴ A bottle shop is a specific area of a licensed premises which is dedicated primarily to the selling of packaged liquor. This includes facilities commonly known as bottle shops, drive-ins or drive through bottle shops, but does not include the sale of packaged liquor across the bar.

⁵ See footnote 3.

SCHEDULE 2

Locality Guidelines

The term 'locality' refers to the area surrounding the licensed premises/proposed licensed premises and is the area most likely to be affected by the granting of the application. As part of the Community Impact Submission, applicants are required to identify the geographic area from which they expect to draw customers.

The following has been prepared as a guide for applicants.

Guide to Locality Area

The following is intended as a guide only. Applicants are required to identify the geographic area from which they expect to draw customers having regard to the intended nature of business of the licensed premises.

Adelaide Metropolitan Area: The locality of a premises in the Adelaide Metropolitan Area is the area within a 2km radius of the site of the relevant premises. A list of the suburbs considered to be in the Adelaide Metropolitan Area can be found below. The list is intended to be used as a guide only.

Outside the Metropolitan Area: With regards to country cities, town or communities, unless remotely located, the locality of the premises is the area within a 5km radius of the site of the relevant premises.

Regional: Where a premises/proposed premises is remotely located, the applicant should, as part of their Community Impact Submission, choose an appropriate locality to address in their submission, keeping in mind that the locality of a premises is the area most likely to be affected by the grant of the application.

Suburbs located in the Adelaide Metropolitan Area

Aberfoyle Park	Bowden	Coromandel Valley	Erindale
Adelaide	Bradbury	Cowandilla	Ethelton
Adelaide Airport	Brahma Lodge	Crafers	Evandale
Albert Park	Bridgewater	Crafers West	Evanston
Alberton	Brighton	Craigburn Farm	Evanston Gardens
Aldgate	Broadview	Craigmore	Evanston Park
Aldinga	Brompton	Croydon	Evanston South
Aldinga Beach	Brooklyn Park	Croydon Park	Everard Park
Allenby Gardens	Brown Hill Creek	Cumberland Park	Exeter
Andrews Farm	Buckland Park	Darlington	Eyre
Angle Park	Burnside	Davoren Park	Fairview Park
Angle Vale	Burton	Daw Park	Felixstow
Ascot Park	Camden Park	Dernancourt	Ferryden Park
Ashford	Campbelltown	Devon Park	Findon
Ashton	Carey Gully	Direk	Firle
Athelstone	Castambul	Dorset Vale	Fitzroy
Athol Park	Cavan	Dover Gardens	Flagstaff Hill
Auldana	Chandlers Hill	Dry Creek	Flinders Park
Banksia Park	Cheltenham	Dudley Park	Forestville
Basket Range	Cherry Gardens	Dulwich	Frewville
Beaumont	Cherryville	Eastwood	Fulham
Bedford Park	Christie Downs	Eden Hills	Fulham Gardens
Belair	Christies Beach	Edinburgh	Fullarton
Bellevue Heights	Clapham	Edinburgh North	Garden Island
Beulah Park	Clarence Gardens	Edwardstown	Gawler
Beverly	Clarence Park	Elizabeth	Gawler East
Bibaringa	Clarendon	Elizabeth Downs	Gawler South
Birkenhead	Clearview	Elizabeth East	Gawler West
Black Forest	Cleland	Elizabeth Grove	Gepps Cross
Blackwood	Clovelly Park	Elizabeth North	Gilberton
Blair Athol	College Park	Elizabeth Park	Gilles Plains
Blakeview	Collinswood	Elizabeth South	Gillman
Blewitt Springs	Colonel Light Gardens	Elizabeth Vale	Glandore
Bolivar	Coromandel East	Enfield	Glanville

Glen Osmond	Lenswood	Para Hills	Springfield
Glenalta	Lightsview	Para Hills West	St Agnes
Glenelg	Linden Park	Para Vista	St Clair
Glenelg East	Lockleys	Paracombe	St Georges
Glenelg North	Longwood	Paradise	St Kilda
Glenelg South	Lonsdale	Parafield	St Marys
Glengowrie	Lower Mitcham	Parafield Gardens	St Morris
Glenside	Lynton	Paralowie	St Peters
Glenunga	Macdonald Park	Park Holme	Stepney
Globe Derby Park	Magill	Parkside	Stirling
Glynde	Malvern	Pasadena	Stonyfell
Golden Grove	Manningham	Payneham	Sturt
Goodwood	Mansfield Park	Payneham South	Summertown
Gould Creek	Marble Hill	Penfield	Surrey Downs
Grange	Marden	Penfield Gardens	Taperoo
Green Fields	Marino	Pennington	Tatachilla
Greenacres	Marion	Peterhead	Tea Tree Gully
Greenhill	Marleston	Piccadilly	Tennyson Teringie
Greenwith	Marryatville	Plympton	The Range
Gulfview Heights	Maslin Beach	Plympton Park	Thebarton
Hackham	Mawson Lakes	Pooraka	Thorngate
Hackham West	Maylands	Port Adelaide	Tonsley
Hackney	Mclaren Flat	Port Noarlunga	Toorak Gardens
Hallett Cove	Mclaren Vale	Port Noarlunga South	Torrens Island
Hampstead Gardens	Medindie	Port Willunga	Torrens Park
Happy Valley	Medindie Gardens	Prospect	Torrensville
Hawthorn	Melrose Park	Queenstown	Tranmere
Hawthorndene	Mile End	Redwood Park	Trinity Gardens
Hazelwood Park	Mile End South	Regency Park	Trott Park
Heathfield	Millswood	Reid	Tusmore
Heathpool	Mitcham	Renown Park	Uleybury
Hectorville	Mitchell Park	Reynella	Underdale
Hendon	Moana	Reynella East	Unley
Henley Beach	Modbury	Richmond	Unley Park
Henley Beach South	Modbury Heights	Ridgehaven	Upper Hermitage
Hewett	Modbury North	Ridleyton	Upper Sturt
Highbury	Montacute	Rose Park	Uraidla
Highgate	Morphett Vale	Rosewater	Urrbrae
Hillbank	Morphettville	Rosslyn Park	Vale Park
Hillcrest	Mount George	Rostrevor	Valley View
Hillier	Mount Osmond	Royal Park	Verdun
Hilton	Munno Para	Royston Park	Virginia
Hindmarsh	Munno Para Downs	Salisbury	Vista
Holden Hill	Munno Para West	Salisbury Downs	Walkerville
Hope Valley	Mylor	Salisbury East	Walkley Heights
Horsnell Gully	Myrtle Bank	Salisbury Heights	Warradale
Houghton	Nailsworth	Salisbury North	Waterfall Gully
Hove	Netherby	Salisbury Park	Waterloo Corner
Humbug Scrub	Netley	Salisbury Plain	Wattle Park
Huntfield Heights	New Port	Salisbury South	Wayville
Hyde Park	Newton	Sampson Flat	Welland
Ingle Farm	Noarlunga Centre	Scott Creek	West Beach
Ironbank	Noarlunga Downs	Seacliff	West Croydon
Joslin	North Adelaide	Seacliff Park	West Hindmarsh
Kangarilla	North Brighton	Seacombe Gardens	West Lakes
Kensington	North Haven	Seacombe Heights	West Lakes Shore
Kensington Gardens	North Plympton	Seaford	West Richmond
Kensington Park	Northfield	Seaford Heights	Westbourne Park
Kent Town	Northgate	Seaford Meadows	Whites Valley
Keswick	Norton Summit	Seaford Rise	Willaston
Keswick Terminal	Norwood	Seaton	Willunga
Kidman Park	Novar Gardens	Seaview Downs	Willunga South
Kilburn	Oakden	Sefton Park	Windsor Gardens
Kilkenny	Oaklands Park	Sellicks Beach	Wingfield
Kings Park	O'Halloran Hill	Sellicks Hill	Woodcroft
Kingston Park	Old Noarlunga	Semaphore	Woodforde
Kingswood	Old Reynella	Semaphore Park	Woodville
Klemzig	One Tree Hill	Semaphore South	Woodville Gardens
Kudla	Onkaparinga Hills	Sheidow Park	Woodville North
Kuitpo	Osborne	Skye	Woodville Park
Kurralta Park	O'Sullivan Beach	Smithfield	Woodville South
Largs Bay	Ottoway	Smithfield Plains	Woodville West
Largs North	Outer Harbor	Somerton Park	Wynn Vale
Leabrook	Ovingham	South Brighton	Yatala Vale
Leawood Gardens	Panorama	South Plympton	Yattalunga
