

Ibis Hotel [2014] SALC 1

LICENSING COURT OF SOUTH AUSTRALIA

IBIS HOTEL

JURISDICTION: Application for a Hotel Licence with Extended Trading Authorisation and Entertainment Consent

FILE NO: 5614 of 2013

HEARING DATE: 17 December 2013

JUDGMENT OF: His Honour Judge B Gilchrist

DELIVERED ON: 17 December 2013, (Reasons published on 5 February 2014)

*Application for a Hotel Licence - Whether having regard to the licensed premises that already exist within and in the vicinity of the proposed facility the licence is necessary in order to provide for the needs of the public in that locality - Whether in the exercise of the court's discretion the application should be refused - **Held** that the applicant has satisfied the prerequisites for the grant of a Hotel Licence for the proposed facility - **Held** that the public interest does not require the refusal of the application in the exercise of the court's discretion - Ss 53, 57 and 58 of the Liquor Licensing Act 1997*

REPRESENTATION:

Counsel:

Applicant: Mr J Firth

Solicitors:

Applicant: Cowell Clarke

- 1 On 17 December 2013 I granted an application by Grenfell Street Hospitality Pty Ltd for a hotel licence in respect of premises to be constructed at 122 Grenfell Street, Adelaide, and to be known as the Ibis Hotel. These are my reasons for doing so. As there was nothing contentious about this application I do so briefly.
- 2 To succeed in this application the applicant needed to meet the pre-requisites 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.
- 3 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.
- 4 None of these matters were in issue
- 5 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.”
- 6 This was the only issue that was of any consequence.
- 7 For present purposes I think that relevant locality is the eastern side of the CBD in Adelaide.
- 8 The applicant is in the process of erecting within the locality a large facility that will have a bar, restaurant and accommodation, comprising of several hundred rooms, as well as a conference facility and a business centre. It promises to be a very attractive development that is supported by the South Australian Tourism Commission.
- 9 The increasing popularity of events such as the Adelaide Fringe Festival, the Adelaide Festival of Arts, the Clipsal 500, Womadelaide, the Adelaide Cabaret Festival, the Tour Down Under and the Australian Horse Trials coupled with the redevelopment of the Adelaide Convention Centre and the Adelaide Oval, all of which are in the eastern part of the Adelaide CBD, has resulted in a substantial increase in the number of international and interstate visitors to Adelaide and a commensurate

increase in the demand for hotel facilities, especially in the eastern precinct of the Adelaide CBD.

- 10 I had regard to all of the licensed premises already existing in and around the locality. The effect of the evidence that was placed before me, which evidence I accepted, is that notwithstanding these premises, there is a significant gap in this locality, and indeed in the Adelaide CBD generally, of a premium 3 star quality hotel that offers a range of facilities, including a bar, restaurant and accommodation of the type proposed by the applicant.
- 11 Indeed, if the position were otherwise, one can scarcely imagine that the applicant would commit to the substantial financial commitment that this development entails.
- 12 It is notable that the Hotels Association of Australia, which represents the interests of hoteliers generally, supported the grant of this application.
- 13 In all the circumstances, I was satisfied that the requirements of s 58 had been met. I was satisfied that this licence is necessary to provide for the needs of the public in the locality as I found it to be.
- 14 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 and an Entertainment Consent.