

Decision Notification

Application Details

Application no.	219677
Licence No.	57320841
Licence Class	Restaurant & Catering
Premises Name	Sea & Beans Wyomi
Premises Address	179 Marine Parade Wyomi SA 5275
Applicant	Bridgette Michelle Olsen
Application Type	Application for a Liquor Licence
Representative	Andrew Wong - Lion Liquor Licensing Consultants

Outcome

Decision	Granted
Effective Date	02 Feb 2023

Procedural

I allow the applicant to vary their application as follows:

- Premises name change from Wyomi Beach Cafe to Sea & Beans Wyomi

Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained

People

Licensee

The following persons are approved to hold the licence:

- Bridgette Michelle Olsen (175491)

Premises

New Premises

The licensed area is outlined in red on the approved plan.

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Mrs Margaret Munro, Mr Samuel Densley, Mrs Leini Fiebig & Mr David Burgess. All of the persons above raised similar concerns in their submissions against the application. I have read and considered all submissions, and the main points can be summarised collectively as follows:

- There are residential dwellings within close proximity of the proposed premises who will be disrupted by the

noise and littering etc. caused by patrons of the premises.

- That the hours proposed are excessive.
- There are already adequate licensed premises in the area, another licensed premises is not required.
- The proposed premises lacks appropriate parking spaces and the safety of the residents and potential patrons is of concern due to the lack of street lighting and footpaths.

The applicant's representative made a submission in response to these concerns raised, pursuant to section 78 of the Act, which I have also taken into consideration.

Noise

The Act requires me to consider whether granting the application would result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the area. It has been commonly held in the Licensing Court that it is reasonable to expect some level of noise from a licensed premises, it only becomes an issue if the noise becomes 'undue', or unreasonable. The applicant's representative raised in their response that the premises will implement a strict noise management plan to ensure that the premises does not cause disturbance to the local residents.

Taking into account the nature of the premises, being a restaurant with the primary purpose being the provision of meals, and the applicant's response I am not satisfied that it is likely the premises will create a level of noise that would be considered undue to those nearby.

Trading hours

The applicant's representative submits in their response that the sought trading hours are Monday to Sunday 8am to 12 midnight, this is consistent with the application. Trading hours are determined by council as part of planning and development approvals and council have determined that these hours are appropriate taking into consideration the location of the premises. I am of the view that the hours sought are not unreasonable for this type of licence.

Adequate Licensed Premises

Some of the submission argue that there are already sufficient licensed premises in the area and another licensed venue is not needed in the area. This is not one of the grounds in which a submission can be made, as set out in section 77 of the Act. There is no requirement in the Act for the applicant to satisfy the Authority that there is a need for their premises in that location.

Parking

One of the major matters of concern, raised by almost everyone who lodged a submission, is the issue of parking. In addition to this it was also raised the concern of safety for patrons and others due to the lack of street lighting and designated footpaths.

I note that the Liquor and Gambling Commissioner is only responsible for regulating the sale and supply of liquor, issues in relation to traffic flow, parking and footpaths do not fall within the jurisdiction of the Commissioner and is a matter dealt with under the relevant planning and development laws. To avoid duplication and ensure compliance with section 11C of the Act we will not be regulating this matter.

Decision

After considering the submissions lodged I am of the opinion that the application should be granted as sought.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption at the site of a function off the licensed premises authorised

Trading hours

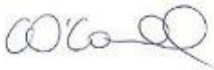
The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	8:00 am to Midnight	-
Tuesday	8:00 am to Midnight	-
Wednesday	8:00 am to Midnight	-
Thursday	8:00 am to Midnight	-
Friday	8:00 am to Midnight	-
Saturday	8:00 am to Midnight	-
Sunday	8:00 am to Midnight	-

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

Under Delegation from the Liquor and Gambling Commissioner



Caitlin O'Connell

A/Team Leader, Liquor and Gaming

02 Feb 2023