

# Decision Notification

## Application Details

Application no.	213999
Licence No.	57008407
Licence Class	General & Hotel
Premises Name	Magill Estate Kitchen and Restaurant
Premises Address	78 Penfold Road Rosslyn Park SA 5072
Applicant	SAAR Six Investments Pty Ltd
Application Type	Application for a Liquor Licence
Representative	Vince Mascolo - Dentons

## Outcome

Decision	Granted
Effective Date	22 Mar 2022

## 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

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Scott Alexander Huggins (170990)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 200.

## Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

I have waived the requirement to submit a community impact submission given the limited scope of the proposed business, the low risk nature of the proposed trade, and the fact the proposed trade mirrors that previously in operation at this venue.

I am satisfied that the granting of this application is in the community interest.

## Conditions

### The following conditions are added to the licence

- Liquor shall only be sold or supplied for consumption on or off the licensed premises to persons:
  - with, ancillary to, or following a meal provided by the licensee; or
  - attending a pre-booked function.
- The sale and supply of liquor for consumption off the licensed premises is restricted to liquor produced by or at the direction of Penfolds Wine Australia Pty Ltd, Treasury Wine Estates Vintners Limited or a related body corporate.
- The sale and supply of liquor for consumption off the licensed premises is restricted to one bottle of wine per person.
- The licensee is prohibited from the sale and supply of liquor through direct sales transactions.

## 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 off the licensed premises authorised

## Trading hours

### The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Tuesday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Wednesday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Thursday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Friday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Saturday	5:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Sunday	5:00 am to Midnight	9:00 am to 10:00 pm

## Reasons for Decision

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

This application is for the grant of a general and hotel licence to operate two linked restaurant venues with limited off premises trading rights on the site of Penfolds Magill Estate (57007118). The Penfolds Magill Estate licence has been redefined to sever off the two sections of the premises which will form the foundation for this licence.

The proposed trade for this venue will largely mirror that which has previously occurred at these locations. The applicant has outlined the proposed trade as follows:

*The Magill Estate Restaurant offers a unique degustation experience of modern and contemporary Australian cuisine. The Magill Estate Kitchen offers a more relaxed dining experience – however still offering a high-end wine list and dining option. The Magill Estate Kitchen and Restaurant is the flagship dining location for Penfolds – at Penfolds spiritual home. The Premises offers an extensive collection of Penfolds branded wine, including the high-end epitome of the collection, the Grange collection. The Kitchen and Restaurant boast one of the pre-eminent wine lists in any dining locations in South Australia. Patrons of the Magill Estate Kitchen and Restaurant have come to expect and are consistently delivered one of the finest wine collections in South Australia. In particular, when undertaking the majestic*

*dining experience at the Magill Estate Kitchen and Restaurant, the Applicant offers patrons the opportunity to purchase the wine they have enjoyed when attending the Premises (subject to the conditions proposed as part of the application). The Magill Estate Kitchen and Restaurant has always attracted wine aficionados, who expect the opportunity to be able to take away wine they have just enjoyed (again, subject to the conditions proposed as part of the application). Importantly, the Applicant is not proposing to change the current operations being undertaken at the Magill Estate Kitchen and Restaurant. This instead is an application necessitated by an underlying transaction.*

The applicant has addressed the objects of the Act in their application and I am satisfied the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the responsible service and consumption of liquor, and the expectations and aspirations of the public. I note the limited trading rights sought by the applicant, including four explicitly restrictive conditions.

Pursuant to section 56 of the Act, I am satisfied the applicant is a fit and proper person to hold the licence. I note the following information provided by the applicant in this respect:

*Scott Huggins, who is the sole director of the Applicant will be, and has been as head chef, conducting two of the pre-eminent dining destinations in South Australia. Magill Estate Kitchen and Restaurant are nationally, and internationally, renowned dining destinations. It is an icon in South Australia, and has been so for many years. It has consistently been recognised in Australia's 'Top 100' restaurants by Gourmet Traveller Magazine – including numerous appearances in the 'Top 10'.*

Pursuant to section 57 of the Act, I am satisfied the proposed premises are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

I note City of Burnside Council has confirmed they support the proposed liquor licence and I am satisfied all relevant approvals, consents and exemptions are in place.

I am satisfied the capacity, trading hours and venue plan are appropriate, and that the proposed trade will not interfere or cause complications with respect to the Penfolds Magill Estate licence.

Pursuant to section 72 of the Act, I am satisfied the lessor has consented to the application.

I am satisfied the proposed licence is not contrary to the public interest or inconsistent with the objects of the Act.

Noting the considerations set out in section 53A of the Act, I am satisfied the grant of this licence is in the community interest. In particular, the proposed venue is low risk venue from a harm perspective and should offer benefits to the community and locality across a range of measures.

## Under Delegation from the Liquor and Gambling Commissioner



Ben Johns  
Manager, Liquor & Gambling  
22 Mar 2022