

Decision Notification

Application Details

Application no.	211199
Licence No.	57501764
Licence Class	Small Venue
Premises Name	Studio Vino
Premises Address	9-11 Bailey Street Adelaide SA 5000
Applicant	Pintarlo Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	22 Oct 2021

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act), I allow the applicant to vary the application to reduce the trading hours sought. The variation will bring the hours of operation in line with those provided in the planning approval for the premises.

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
- The applicant has satisfied the relevant eligibility criteria to hold a licence of this class

People

Position of Authority

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

- Jennifer Leigh Halman (136936)

Premises

New Premises

I am satisfied that the premises is located, or will be located, in a prescribed area for the purposes of section 37(2) of the Act.

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: Jeffrey Ruch

In summary, Mr Ruch's grounds for opposing the application are as follows:

- Potential noise from the venue later at night
- Inadequate car parking
- Concerns the "lane" will become the "beer garden" smoking area

The Act requires me to consider whether granting the application would result in undue offence, annoyance, disturbance or inconvenience to people who reside in the area. The Licensing Court has considered 'undue noise' on many occasions, and has held that for the noise to be 'undue' it must be excessive or beyond what is appropriate or natural, and that residents should expect to tolerate a degree of disturbance or inconvenience in the interest of the community having access to a licensed premises. Applying the test in this scenario, I do not believe there is sufficient evidence to conclude that the granting of this application would cause undue noise to nearby residents.

I do not consider the trading hours unreasonable either, with trade concluding at 10 pm Monday to Saturday and 5 pm on Sundays. In addition to this, the licensee on no more than 10 occasions a calendar year can trade until midnight. This is not unusual for a licensed venue on the western side of the Adelaide central business district.

In relation to the potential car parking issues that may be caused, this is a planning related matter and therefore, in accordance with section 77(3) of the Act I am not required to consider this.

I note that the applicant has not applied for the any outdoor area (including the lane) to be licensed, in addition to this smoking and smoking areas are not regulated under the Act.

After considering the submission lodged, I am of the opinion that the application should be granted.

Conditions

The following conditions are added to the licence

- The number of functions, where the licensee may trade until midnight shall not exceed 10 per calendar year.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	10:00 am to 10:00 pm	-
Tuesday	10:00 am to 10:00 pm	-
Wednesday	10:00 am to 10:00 pm	-
Thursday	10:00 am to 10:00 pm	-
Friday	10:00 am to 10:00 pm	-
Saturday	10:00 am to 10:00 pm	-
Sunday	10:00 am to 5:00 pm	-

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



Jane Widdowson
Hearings Delegate
22 Oct 2021

