

Decision Notification

Application Details

Application no.	209399, 209401, 213894
Licence No.	57601881
Licence Class	Liquor Production & Sales
Premises Name	Oliver's Taranga Vineyards
Premises Address	246 Seaview Road MCLAREN VALE SA 5171
Licensee	Oliver's Taranga Vineyards Pty Ltd
Application Type	Application for Redefinition, Variation to Conditions (Upgrade), Application for Alterations
Representative	Andrew Wong - Lion Liquor Licensing Consultants

Outcome

Decision	Granted
Effective Date	08 Feb 2022

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 reduce the capacity sought in the application

Requirements

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

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

Premises

Capacity

- The capacity of the venue is set at 150.
- The capacity for the licensed premises is increased from 50 to 150.

Alterations/Redefinition

- The alterations to the licensed premises are approved in accordance with the plan lodged with the application.
- I redefine the licensed premises in accordance with the plan lodged with the application.
- The licensed area is outlined in red on the approved plan.
- The alterations to the licensed premises include the new tasting area, kitchen, store, new outdoor seating area and new toilet block.

The licensed area is redefined to include the new tasting area, kitchen, store, new outdoor seating area and an increase in the outdoor area.

Reasons for Decision

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

It is a requirement under section 97(1) of the Act that premises must be personally supervised by a responsible person at all times that they are open to the public, however under section 97(2) of the Act the Commissioner may exempt a licensee from this requirement and approve alternative arrangements for the supervision and management of the business.

I note that the licensee currently has an exemption from this requirement.

As part of the application to increase the capacity of the premises, I have reviewed this exemption and asked the applicant to provide a submission as to why the exemption should remain on the licence.

As part of the application, I have reviewed this exemption and asked the applicant to provide a submission as to why the exemption should remain on the licence.

In response to this request the licensee has provided a brief submission along with details of the business to be conducted under the licence.

An exemption can only be granted if the licensing authority is satisfied that, in view of the limited scope of a business conducted under a licence, an exemption would not compromise the principle of responsible service of alcohol and consumption of liquor. To allow the continuation of the exemption, I must be satisfied that the business conducted under the licence is of a limited scope.

The current capacity of the premises is 50 persons, this has now increased significantly to 150 persons as a result of this application.

I have considered the submission made by the licensee, the category of licence held by the licensee, the extent of the trading hours and capacity of the premises.

I do not consider a premises trading with up to 150 people at any one time with trading hours until 2am to be of 'limited scope' therefore I do not consider an exemption appropriate in these circumstances.

However, I am prepared to retain the exemption subject to the condition that it only applies when there are less than 50 patrons at any one time and before 5pm. This will ensure that should they trade later in the evening or with a greater capacity that an appropriately approved person is present. At all other times a responsible person or director of the licensee company must be contactable by phone at all times the premises is open for trade.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
08 Feb 2022