

Decision Notification

Application Details

Application no.	214045
Licence No.	57612793
Licence Class	Liquor Production & Sales
Premises Name	Curtis Family Vineyards
Premises Address	514 Victor Harbor Road MCLAREN VALE SA 5171
Licensee	Tuscany Hills Pty Ltd
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	25 Mar 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 vary the application to reduce the proposed trading hours sought in the application.

Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

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 Midnight	-
Saturday	10:00 am to Midnight	-
Sunday	10:00 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*.

Capacity

The current approved capacity for the Liquor Production and Sales licence is 550.

I note that under section 11C of the Act, the Commissioner should take steps to avoid inconsistencies with matters that are dealt with under the relevant planning laws.

I note that the premises located at 514 Victor Harbor Road, McLaren Vale has been issued planning approval by the City of Onkaparinga for Development Application Number 145/3169/2020 on 26 October 2021.

Development Application Number 145/3169/2020 provides a number of advisory notes, condition 6 of these notes state that the conditions of previous consents continue to apply to the subject land and includes a capacity of 24 patrons for the cellar door and 248 patrons for the function centre (DA 145/299/2017).

I do not consider it appropriate for a liquor licence to provide a capacity that exceeds the capacity permitted under the relevant planning laws.

It is therefore appropriate for the licensing authority to amend the capacity of the the liquor licence to those permitted under the relevant planning laws.

Under section 43 of the Act, the capacity for the licence is amended to 272.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
25 Mar 2022