

Decision Notification

Application Details

Application no.	206676, 206677
Licence No.	57619185
Licence Class	Liquor Production & Sales
Premises Name	Balnaves of Coonawarra
Premises Address	15635 Riddoch Highway COONAWARRA SA 5263y
Applicant	Balnaves Vineyard Services Pty Ltd
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

Outcome

Decision	Granted
Effective Date	27 Apr 2021

Requirements

The requirement to provide the following in support of the application has been waived:

Landlord's consent as the applicant owns the premises

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

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:

- Douglas Ian Balnaves (80325)
- Peter Douglas Balnaves (22066)
- Kirsty Balnaves (154415)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 107.

Conditions

The following conditions are added to the licence

- The licence authorises the sale of liquor produced by the licensee either personally or under contract. Details of all contracts entered into must be available for inspection by an authorised officer.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor by direct sales transactions and the sale of liquor for consumption off the licensed premises restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	7:00 am to 2:00 am the following day	-
Tuesday	7:00 am to 2:00 am the following day	-
Wednesday	7:00 am to 2:00 am the following day	-
Thursday	7:00 am to 2:00 am the following day	-
Friday	7:00 am to 2:00 am the following day	-
Saturday	7:00 am to 2:00 am the following day	-
Sunday	7:00 am to 2:00 am the following day	-

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 Liquor Licensing Act 1997 (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. 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.

The licensee of the Balnaves of Coonawarra has applied for an exemption from this requirement.

The applicant has submitted the following reasons why they should be granted an exemption:

Second Venue Responsible Person would be at the businesses main premises Monday to Friday during business hours or accessible via mobile telephone 7 days per week. There will not be high numbers of patrons visiting the Tasting Room at any one time. All staff working at the Tasting Room will have Responsible Service Of Alcohol Training and training in the Liquor Licence Risk Assessment and Management Plan.

To grant the exemption, I must be satisfied that the business conducted under the licence is of a limited scope. From

the information provided as part of the application it can be seen that the premises will operate as a winery with a cellar door open to the public. It is therefore quite evident that liquor, more specifically wine, is their primary and predominant purpose. Furthermore, the trading rights granted to the licensee allow them to trade with a significant number of patrons on the premises, being 107, and also late into the evenings, until 2 am each day of the week.

As part of this application the applicant has sought to be able to sell liquor in accordance with section 39 of the Act, without restriction. This means that they can sell and supply:

- Their product for consumption on (in any quantity); and
- Their product, and other liquor of the same type for the purposes of comparison, by way of sample; and
- Any liquor for consumption with a meal they have provided; and
- Any liquor for consumption at a function at which food is being provided; and
- Any liquor for consumption to a person who is seated at a table

They are not being restricted to just samples of liquor, the licence that is being granted to them will allow them to sell full glasses of liquor for consumption on the premises in a wide range of circumstances.

This exemption should not be granted on the grounds of convenience for the licensee. The principles of responsible service of alcohol are of the utmost importance to ensuring public safety and should not be compromised purely to convenience the licensee. Any employee can lodge an application seeking approval as a responsible person with our office, this process is not onerous and does not act as a barrier to ensuring compliance with the requirement to have a responsible person present; it is not difficult to comply with this requirement.

I am not satisfied that the business that will be conducted under the licence (being the sale and supply of liquor) will be of a limited scope. For this reason, the application for an exemption from these requirements is refused. Therefore, at all times the premises are open to the public the licensee must ensure that a responsible person, or person approved in a position of authority in the licensee entity, are present to supervise and manage the business.

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
27 Apr 2021