

Decision Notification

Application Details

Licence No.	57008164
Licence Class	General & Hotel
LGO Reference	L10277
Application no.	205533
Premises Name	Seed Deli Bistro Rooftop Clare Valley 5453
Premises Address	268 Main North Road Clare SA 5453
Applicant	SEED 5453 PTY LTD
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	29 Jan 2021

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 and to receive proceeds of the business conducted under the licence:

- Guy Charles Gregory Parkinson (132849)
- Sam Alexander Maitland (165021)
- Candice Cheree Leighton (132850)

Community Impact Assessment

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

This application may only be granted if the licensing authority is satisfied that the grant of the application is in the community interest. In determining this application under section 53A(2) of the *Liquor Licensing Act 1997* (the Act), I must have regard to:

- the harm that might be caused (whether to a community as a whole or a group within community) due to the excessive or inappropriate consumption of liquor;
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed)

I must also apply the community impact assessment which states, *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

As part of the application the applicant has provided a community impact submission and letters of support. I will have regard to this submission, the application itself and supporting material in making my determination.

Nature of the business

The proposed business includes a bistro, retail food and liquor section and a rooftop bar.

The bistro area seats 40 people for lunch and dinner with a “European inspired” menu, and an extensive wine list including 50 Clare Valley wines as well as other South Australian and international wines.

All wines will be available for both on and off premises sales, as well as all wine and food offered on site will be available for delivery.

The retail food and liquor section includes a deli with a fresh meat and cheese selection for off premises consumption as well as a wine room downstairs.

The rooftop bar is proposed to operate as a cocktail bar with light food available. The bar will offer bespoke cocktails and a high end liquor offering which is not currently available in the local hotels at Clare. A small range of select beer and wine will also be available.

The target market for the rooftop bar and premises over all is a mature clientele of locals and tourists.

There will be no accommodation provided on site and the entertainment will be low key, pre-recorded music with the occasional live performer.

The applicant has identified the locality as a 5km radius from the proposed premises site, it includes the township of Clare and surrounds. However, it is expected to draw customers from the locality as well as tourists from South Australia, Australia and overseas.

Potential harm

The applicant refers to information sourced from the community impact portal as well as ABS Census data to indicate a prosperous area with very few at risk groups. Clare has also seen a significant growth in regional tourism throughout 2020 which may continue.

The main street of Clare is a dry area, and there is a police station only 500 metres away from the proposed premises. There is also government supported housing within the locality, but according to the applicant, it is unlikely that this demographic group will be attracted to the proposed premises.

The rooftop bar area is only accessible to patrons who enter the main downstairs area before accessing the rooftop via stairs or elevator. Staff members will greet patrons and consider proof of age and intoxication levels before allowing them to access the premises.

The venue will be fitted with a full security system including cameras to monitor public spaces. The applicant as indicated that staff are trained to contact police if required.

The applicant has previously operated Seed restaurant and due to the nature and price points of the proposed business, it is not likely that this venue will attract or appeal to at-risk members of the community.

I note that there are 2 primary schools, 1 high school, 1 hospital and one skate park within 5 kms of the proposed site. The applicant has indicated that the proposed business is not anticipated to have any negative impacts on those facilities or users

Cultural, recreational, employment or tourism impacts

The venue proposes to trade 7 days per week and the applicant expects to employ 22 staff members, 9 full time employees and 3 part time casual staff. It is expected that most employees will be from the Clare Valley region.

The provision of an upmarket bistro and gourmet deli will add to the cultural and recreational facilities in Clare. The rooftop bar will also provide something new for the town.

The applicant anticipates that the majority of its customers will be South Australian, Australian and international tourists, as well as a fair percentage of Clare Valley locals looking for a new bar or dining experience, different from the other hotels in town.

It is submitted that attracting large numbers of tourists to the area will have spin off benefits for other Clare businesses, and that the grant of this licence will provide significant community benefits and little harm or negative impacts on the community.

Social impact and impact on the amenity of the community

The applicant has identified that there are 3 “traditional” General and Hotel licences in Clare, offering a range of bar, dining, bottle shop and gaming machine facilities. As well as the Clare Valley Wine, Food and Tourism Centre which also operates under a General and Hotel licence.

The target market for the proposed business, in particular the rooftop bar is very different to the clientele currently attracted to the ‘traditional’ hotels.

The premises are a refurbished former Commonwealth Bank building, rendered double brick with polished concrete floors. The roofing and walls are insulated to a high level of sound proofing, and all glass is double glazed. The applicant has also stated that as the premises is on Main Street, the neighbouring buildings are non-residential

Decision

This is an unopposed application for a General and Hotel licence, which purports to be very different from the small number of existing licences of this category already in the locality.

The applicant will bring new type of food, dining and drinking experience to the Clare Valley with an upmarket bistro, gourmet providore, wine room/cellar and roof top bar. All of which is distinct from other licensed premises in the region and likely to appeal to both locals and tourists alike.

The new venue will provide employment opportunities, showcase local wines and other products, attract more visitors to Clare and potentially benefit other local businesses and the community as a whole.

I note that the applicant has provided information from the Community Impact portal, as well as several letters of support showing a significant level of consultation with relevant bodies including government agencies, Members of Parliament (State and Federal) as well as local council.

Whilst I accept that the nature of the proposed business is such that it is unlikely to attract or otherwise have a negative impact on ‘at risk’ groups in the community, it is important to note that the applicant has addressed potential harm, and has put a number of strategies and procedures in place to mitigate this risk.

The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest. On the basis of the detailed information provided, together with the strong community support for the application, I am satisfied that the grant of this licence is in the community interest

Premises

New Premises

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

Capacity

The capacity of the venue is set at 200.

Authorisations

The following authorisations/restrictions are added to the licence

- Bottle Shop
- 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	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Tuesday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Wednesday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Thursday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Friday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Saturday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm
Sunday	8:00 am to 2:00 am the following day	9:00 am to 10:00 pm

Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello
Hearings Delegate
29 Jan 2021