

Decision Notification

Application Details

Application no.	209814, 209815
Licence No.	57104562
Licence Class	On Premises
Premises Name	Terra & Sol
Premises Address	18 Jetty Road Adelaide SA 5000
Applicant	Rachel Jane Meuris
Application Type	Application for a Liquor Licence, Application for Extension of Trading Area (S 69)

Outcome

Decision	Granted
Effective Date	06 Sep 2021

Procedural

I allow the applicant to vary their application as follows:

- licence to be held by Rachel Jane Meuris as the licensee.

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

Licensee

The following persons are approved to hold the licence:

- Rachel Jane Meuris (119780)

Community Impact Assessment

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

I am satisfied that the granting of this application 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 88.

Licence Plan

The licensee is authorised to sell and supply liquor in an area adjacent to the premises for consumption in that area, as outlined in red on the approved plan.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor in an approved place adjacent to the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	5:00 am to 2:00 am the following day	-
Tuesday	5:00 am to 2:00 am the following day	-
Wednesday	5:00 am to 2:00 am the following day	-
Thursday	5:00 am to 2:00 am the following day	-
Friday	5:00 am to 2:00 am the following day	-
Saturday	5:00 am to 2:00 am the following day	-
Sunday	5:00 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*.

The application is for the grant of an on premises licence. The applicant already holds a liquor licence at the premises, being a restaurant and catering licence. The applicant has indicated that she wishes to expand her business to allow her to also trade as a cocktail bar and has, therefore, applied for an on premises licence. The applicant, has indicated that the new licence will not alter the overall nature of the business conducted at the premises, with the main function of the premises to remain that of a restaurant. The applicant has also indicated that the range of liquor served will not change from what is currently on offer, other than possibly expanding the number of cocktails on the menu.

Applications for the grant of on premises licences are designated applications for the purposes of the *Liquor Licensing Act 1997*. The application can only be granted if it is in the community interest to do so. In determining whether or not a designated application is in the community interest, the licensing authority must have regard to the matters set out at section 53A(2) of the Act, being:

- the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor);
- the cultural, recreational, employment or tourism impacts;
- the social impact in, and the impact on 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.

The applicant has addressed each of these matters in her community impact submission. The applicants submissions on each of the points can be summarised as follows:

Harm

The applicant submits that the application does not involve the introduction of a new liquor outlet, rather it enables patrons to stand and consume alcohol without having a meal. The applicant submits that the change in the provision of alcohol from what is authorised under the current licence is minor and that there is nothing to suggest that the change will bring about any potential harm or health impacts to any person in the locality. Further, the applicant submits that there are no 'at-risk' persons in the locality but has identified a number of schools within the locality and has indicated

that children often frequent Moseley Square and the beach area near the premises. The applicant submits that there is no risk to those persons as the change in licence will not authorise the consumption of liquor off the premises, and the consumption of liquor on the premises will be monitored and controlled by appropriately trained staff.

In indicating how the applicant will minimise the risk of harm, the applicant has indicated that the premises already has policies and procedures in place at the premises and will continue to ensure that all staff involved in the service of alcohol are appropriately trained and aware of their responsibilities under the Act.

Cultural, Recreational, Employment or Tourism Impacts

The applicant submits that the grant of the licence will benefit tourists who frequent the locality. The applicant concedes that, as the premises is already in existence, there may not be many tangible employment benefits, except for the possibility of employing an additional bar/cocktail attendant and additional security. The applicant has indicated that the change of category may result in greater opportunities to employ local musicians which would also have the benefit of supporting the local live music industry.

Social Impact and Impact to Amenity

The applicant has indicated that the premises is located within the premier tourist strip in Adelaide - a fact that the applicant says is supported by the number of licensed premises within the locality - being approximately 50 restaurant and catering licences, six general and hotel licences and six on premises licences. The applicant also submits that despite the existence of so many licensed premises within the locality, that no premises in the locality offers the same experience as what is proposed by the applicant - being a small, casual, upmarket venue where customers can enjoy a variety of liquor which can be consumed whilst either seated or standing, with or without food.

Nature of the Business

The applicant indicates that the premises is already trading as a restaurant and catering licence and that it also hosts private functions from time to time. As indicated above, the applicant submits that the change in licence category will not alter the overall nature of the business conducted at the premises, but rather enable the applicant to expand the offerings at the premises to include a cocktail bar.

I have had regard to each of the considerations and I am satisfied that the grant of the application is in the community interest. In particular, I am satisfied that the applicant has been running the venue, under a restaurant and catering licence, successfully for some time. I am satisfied that the trade to be undertaken will not contribute to harm in the community. The premises will be located in a tourist precinct - and the applicants previous experience in the hospitality industry will ensure strong harm minimisation policies and procedures which, in my view, would reduce the risk of alcohol related harm.

I note that the licensing authority has not received any submissions opposing the application.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in section 53 of the Act.

I am of the view that granting the application is in the community interest, the public interest, and is consistent with the objects of the Act.

Pursuant to section 56 of the Act, I am satisfied that Ms Meuris, who has applied to be the licensee, is a fit and proper person to hold the licence.

Pursuant to section 57 of the Act, I am satisfied that the premises for which the licence is sought are of a sufficient

standard for the purpose of carrying on business under the licence. Further, I am satisfied that the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Accordingly, the application for an on premises licence is granted.

The applicant has also applied for authorisation to sell liquor in a place adjacent to the licensed premises for consumption in that area.

Prior to granting an authorisation of this kind, I must be satisfied that the object of the application could not be more appropriately achieved by redefinition of the licensed premises. I am satisfied to that fact. If the relevant place is under the control of council - council must approve the application. A copy of an outdoor dining permit from the City of Holdfast Bay has been provided in support of the application.

Pursuant to section 69 of the Act, the application is granted and the place to which the authorisation relates is, when the sale of liquor is authorised, taken to form part of the licensed premises.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
06 Sep 2021