

Decision Notification

Application Details

Application no.	211169
Licence No.	57616006
Licence Class	Liquor Production & Sales
Premises Name	Boho Farm
Premises Address	68 Sneyd Road Mount Jagged SA 5211
Licensee	Bolt Hoban Cellar Door and Events Pty Ltd
Application Type	Variation to Conditions (Upgrade)
Representative	Patrick Connelly - Clelands Lawyers

Outcome

Decision	Granted
Effective Date	12 Oct 2021

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

Premises

Capacity

- The capacity of the venue is set at 50.
- The capacity has increased from 25 persons to 50 persons.

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Mark Przibilla and Dan and Krystyna McCaul.

Reasons for Decision

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

The applicant has applied to increase the capacity of the licensed premises from 25 to 50. The following information has been provided in support of the application:

- A capacity assessment dated 5 August 2021 from Buildsurv
- A letter from Alexandrina Council dated 26 August 2021 indicating they have no objection to the capacity increase.

The applicant has also applied to vary the Saturday trading hours on the primary licence to align with the closing time (11:30pm) in the outlet section of the licence.

Objections (submissions) to the increase in venue capacity have been received and considered by the Commissioner.

There was a degree of confusion associated with the objections received regarding the venue's trading hours, the notice of application posted having created an impression that trading around the clock (24/7) was proposed. This is not the case and the trading hours on the licence are modest and have not materially changed.

I consider the primary objection to the application to relate to the increased venue capacity and the potential for this to cause undue annoyance, disturbance or inconvenience to local residents and businesses. Having carefully considered the submissions received from the objectors and the response from the applicant, I have decided to grant the application for the following reasons:

- The increase to the venue capacity is modest (25 to 50 people)
- A capacity assessment supporting the increase has been obtained and Alexandrina Council do not object to the increase
- There is significant distance and other intervening features between the licensed venue and the surrounding properties
- The licensed trading hours are modest, being 11am to 5pm on all days bar Friday (a 9pm closing time) and Saturday (11:30pm)
- I consider the proposed variations are not contrary to the public interest or inconsistent with the objects of the Act.

Pursuant to section 70 of the Act, I approve the variations.

Under Delegation from the Liquor and Gambling Commissioner



Ben Johns
Manager, Liquor & Gambling
12 Oct 2021