

## Application Details

Licence No.	57618341
Licence Class	Liquor Production & Sales
LGO Reference	L02009
Application no.	203008, 203009
Premises Name	El Estanco
Premises Address	18-22 Murray Street Greenock SA 5360
Applicant	A Osborne & J Velasquez
Application Type	Application for a Liquor Licence, Application for up to five endorsements

## Outcome

Decision	Granted
Effective Date	02 Sep 2020

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

- Julian Velasquez (138716)
- Abigail Victoria Osborne (163048)

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Jennifer Watson, Cathy McMillan, Michael Knight, Trudi Robinson and Gary Clasholm.

## 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

- 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
- Endorsements apply

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	7:00 am to 9:00 pm	-
Tuesday	7:00 am to 9:00 pm	-
Wednesday	7:00 am to 9:00 pm	-
Thursday	7:00 am to 9:00 pm	-
Friday	7:00 am to 10:30 pm	-
Saturday	7:00 am to 10:30 pm	-
Sunday	7:00 am to 9:00 pm	-

## Endorsements

I note that the licensee must comply with all other restrictions on their licence, such as capacity and trading hours, when operating under the endorsement(s) below.

The following endorsements are added to the licence

- Approved Markets

## Reasons for Decision

In considering whether to grant this application for a Liquor Production and Sales Licence, I have considered the application and Applicant's submissions, along with submissions received by the licensing authority opposing the application, and have also had regard to the objects set out in section 3(1) of the *Liquor Licensing Act 1997 (the Act)* in deciding whether or not to grant the application, as required by section 3(2) of the Act.

The submissions opposing the grant of the application canvass a number of matters and concerns, which can be summarised as follows: the capacity sought (200) is too high and may result in disturbance and a shortage of parking; patron's cars may block driveways and affect access to neighbouring properties; that broken glass and discarded bottles are often littered in proximity to a nearby hotel; that Council have only approved a carpark for 20 vehicles and that this is not enough for the proposed business, and could result in 70 plus cars being parked along Murray Street and side streets, contributing to congestion and noise; that 200 people leaving the premises at 'last drinks' will cause disturbance to neighbours; that the patrons of El Estanco may flow on to the local pub after dining and then return to their cars afterwards, potentially intoxicated and causing disturbance; potential negative impact to property values; and that neighbours may be adversely impacted by 'hoon' behaviour and noise when patrons return to their vehicles late at night.

The Applicant submits that whilst planning permission is for 200 people, it will be rare for 200 people to be on site at one time, that the business is not a night club or 'rave' venue and does not serve 'last drinks', and that due to the nature of the business patrons will not all be leaving 'en masse' at the same time.

In relation to the parking and congestion concerns raised, the Applicant submits that the car park approved by the Light Pass Council can hold around 51 vehicles (with at least 41 spaces available), and that there is a large public car park at the bottom of Murray Street (which can accommodate a further 50 vehicles), as well as a large capacity for public car parking on the Greenock Oval at the rear of El Estanco. The Applicant also submits that the majority of properties in the neighbourhood have off-street parking, with the inference being that this should further reduce the potential impact of congestion on neighbours residing in the vicinity.

In relation to concerns raised about noise, intoxication, closing hours and disturbance, the Applicant submits that: it does not attract the types of patrons who throw beer bottles in the street; it stringently adheres to responsible service of alcohol, and its patrons come to the restaurant to eat a meal, not get drunk; it does not consider being licensed to 10.30pm on a Friday and Saturday night to be late; and it does not consider that the clients it will attract are likely to go on to the local pub after dining.

Having considered the application and submissions, and having had regard to the objects in section 3(1) of the Act, I have determined that the application should be granted.

I am satisfied that the event would not be better authorised by an application for a short term licence or a licence of another category.

## Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

02 Sep 2020