

Decision Notification

Application Details

Application no.	215534, 215535
Licence No.	57621093
Licence Class	Liquor Production & Sales
Premises Name	Ronghua Estate Pty Ltd
Premises Address	318 Rosedale Scenic Road Lyndoch SA 5351
Applicant	Ronghua Estate Pty Ltd
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person
Representative	Adrian Richards - South Australian Wine Industry Association (SAWIA)

Outcome

Decision	Conditional Grant
Effective Date	07 Jun 2022

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

Planning consent has been obtained

Certificate

A certificate of approval is issued for the premises to be situated:

318 Rosedale Scenic Road

Lyndoch SA 5351

The certificate is granted subject to the following conditions:

The certificate shall lapse on 7 Jun 2023 if the premises are not completed by this date.

The applicant must submit a copy of the development approval and a certificate of occupancy at which time a further order will be made and the final approved plan and licence will be issued.

The certificate of approval must be converted to a licence prior to the applicant commencing trade at the premises.

People

Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Xiuli Lin (172229)

Exemptions

The following exemptions are added to the licence

- Responsible Person

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.
- The licensee is authorised to despatch liquor from premises other than the licensed premises. Details of despatch sites must be made available for inspection by an authorised officer.
- The exemption from the Responsible Person requirements is granted on the condition that a Responsible Person or Licensee must be contactable by phone at all times the premises is open for trade.

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, other than to residents, restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised but, other than to residents, is restricted to sampling only

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to 5:00 pm	-
Tuesday	9:00 am to 5:00 pm	-
Wednesday	9:00 am to 5:00 pm	-
Thursday	9:00 am to 5:00 pm	-
Friday	9:00 am to 5:00 pm	-
Saturday	9:00 am to 5:00 pm	-
Sunday	9:00 am to 5:00 pm	-

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 applicant has applied for an exemption from this requirement.

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

The premise will be low risk, with a small capacity, rural setting and will not have authorisation to sell liquor for consumption on-site other than for the purpose of sampling. The current intention is to focus on structured tastings and experiences and focus on corporate customers. Hospitality offering, such as music, dining and similar will be limited.

I note that the planning consent granted by the local Council restricts trade at the premises to 9am to 5pm each day and also intends to restrict the capacity of the premises to 20 persons.

Having considered all of this, I am satisfied that, in view of the limited scope of the business conducted under the licence, an exemption from the responsible person requirements can be granted without compromising the principle of responsible service of alcohol and consumption of liquor. In granting the exemption I must approve alternative arrangements for the supervision and management of the business. I therefore grant the exemption on the condition that a responsible person or the licensee is contactable by phone at all times.

I also note that the exemption is granted on the basis of the restrictions set out in the planning consent. Should these change when the final development approval and certificate of occupancy is issued then the exemption will need to be reassessed in light of the new trading conditions.

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
07 Jun 2022