

Submission to Review of SA's Liquor Licensing Act

In his Foreward to the Discussion Paper the Attorney General sets out the following opportunity - "...to simplify the classification of licenses while streamlining the development and liquor licensing process ... enabling SA to nurture its diverse food and wine industry."

The discussion paper seeks views on the issues of reducing red tape and adding to the vibrancy of the industry.

This submission sets out as a case study the impediments that currently exist to the achievement of that objective and proposes a remedy along the lines proposed above.

Peter Seppelt Wines (formerly Karl Seppelt Wines) has operated in Eden Valley for 10 years as a grower and wine maker and seller of wine to the public.

The business has possessed a Producers License to allow for sales of its product to the public and for over 20 years has participate from time to time in the Barossa Gourmet Weekend and has hosted functions such as weddings where food, wine and entertainment were offered to guests and customers.

Considerable investments (\$1 million) have been made to enhance facilities to provide a quite unique setting with the construction of stone buildings and extensive gardens including grassed areas. Kitchens and other amenities have been added.

In order to benefit from the price mark up that would have been lost to others the business has sought ways to sell more of its wine direct to the public through the development of a restaurant and the holding of functions.

The business has won many plaudits for the quality of its restaurant and its functions.

However the path to the current success of the business and indeed to its continued existence has been a perilous journey with multiple obstacles thrown in its path.

In 2007 the business sought approval via a Special Circumstances License to offer food and hold functions on a more regular basis.

The objectives were discussed with the Barossa Council which did not, at the time, raise the need for development approval but instead expressed its views by opposing the issuing of the license. The Commissioner adjudicated a negotiated outcome leading to a number of conditions - proposed by the Council - to the license.

The business took this agreed outcome as Council approval.

At this point there were no objections from neighbours.

These conditions included designating areas within the property, limits on the number of people allowed in each area and limiting the number of days on which the business could operate and the number of functions (primarily weddings) that could be held in any year.

The number of functions was limited to 15 and in order to respond to growing demand the business sought and obtained Limited Licenses for an additional 7 functions last year, being the first time limited licenses were sort for functions at the Estate. The business overlooked the requirement to seek Council approval for this increase and was not reminded of this requirement through the license approval process.

During 2015 some neighbours raised complaints with the Barossa Council and in discussion with the Council it was pointed out, for the first time (and in contrast to a previous informal indication provided in March 2014), that the business now needed development approval because:

- the permitted number of guests in each area was not cumulative (despite a clear reading of the conditions on the license),
- the number of guests included minors – not just adults – something that had never been mentioned,
- the ‘areas’ have been arbitrarily redefined so that total area is different to the sum of the parts,
- that trading on Sundays was not permitted – when the conditions on the license allow trading on any 3 days in the week,
- that entertainment is not permitted – even though this had never been raised by the Council and indeed was approved as an amendment to the Special Circumstances License in 2012,
- despite the holding of the Limited Licenses the number of functions exceeded the agreed number of 15,
- a critical factor that has now been intruded is the existence of unsealed roads required for access to the property despite this being normal for many wineries in the Barossa Region and beyond the control of the business.

Prior to seeking an amendment to its Special Circumstances License the business is required to obtain development approval to overcome the impediments noted above.

Without the development approval the very future of the business is imperiled and in the face of the objections of neighbours (some of whom are recent arrivals) the approval process could be long, expensive and in the end unsuccessful.

Even with the development approvals the business will face the possibility of a new round of objections as it seeks to amend its Special Circumstances License.

The ambition of the business is to have approval for the following:

- the property to be treated as one venue including the restaurant area, the wine store (the former location of the Cellar Door), the covered outside areas and grassed courtyard areas,
- total capacity to be 120 adult guests,
- restaurant capacity to be 75 adult guests,
- trading on any 4 days of the week,
- 40 functions per year,
- entertainment up to midnight
- cellar door sales,
- wine to be consumed in accommodation areas

The approval process should be a single process with just one opportunity for objectors and supporters alike to express their views.

Such an approval will allow for a popular award winning business to remain economically viable and to expand in line with demand and to create a succession plan for the sixth generation family members to join and continue the family business.

Many local businesses such as accommodation providers, butchers, hotels (for beer and spirits), florists, event stylists, caterers, to name a few, have greatly benefitted from the functions especially, as have those who have gained casual employment (around 10 per function).

This business has already added to the vibrancy of the Barossa and the Adelaide Hills - providing the only (non hotel) food and wine experience between Angaston and Woodside.

The business brings together grape growing, wine making, food and entertainment all in the one delightful and authentic setting.

The enemy of the business is not so much the opposition of some neighbours (the views of objectors should be heard and properly tested) but a tortuous two stage process which allows for multiple opportunities for objections in some cases without the opportunity to test their weight and credibility.

This submission urges the Review to recommend a simplified and more flexible license procedure in keeping with the growth and sophistication of the food and wine industry and for the liquor license and development applications to be handled through one fair, balanced and inexpensive process.

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