

# Decision Notification

## Application Details

Application no.	218426
Licence No.	57320590
Licence Class	Restaurant & Catering
Premises Name	Bean and Bikkie Co
Premises Address	299 The Parade Beulah Park SA 5067
Applicant	VANESSA DONNA THOMPSON
Application Type	Application for a Liquor Licence

## Outcome

Decision	Conditional Grant
Effective Date	25 Jan 2023

## Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- The applicant has Planning Consent

## Certificate

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

299 The Parade  
Beulah Park SA 5067

The certificate is granted subject to the following conditions:

- The certificate shall lapse on 25 January 2025 if the premises are not completed by this date.
- The applicant must submit a copy of the Development Approval and, if required, a certificate of occupancy at which time a further order will be made and the final approved plan and licence will be issued.

**This certificate of approval is not a licence.**

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

## People

### Licensee

The following persons are approved to hold the licence:

- Vanessa Donna Thompson - Jones (2925)

## Premises

### New Premises

The licensed area is outlined in red on the approved plan.

## Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Dulwich Bakery and Ms Julia Germinario

Under section 81(1)(a) of the *Liquor Licensing Act 1997* (the Act) I exercise my discretion to determine this matter without holding a hearing.

### Submission

A submission has been lodged against the application by the following persons, who oppose the grant of the application:

- Mr Wayne Duffy on behalf of Dulwich Bakery
- Ms Julia Germinario

The concerns raised by both parties can be summarised as follows:

- The premises is not fit for trade
- The hours sought are inappropriate for the area
- The extra vehicles, and lack of parking, will cause congestion and inconvenience for residents
- The premises could negatively impact the safety of children attending the nearby school
- Smells emanating from the bins at the premises
- Patrons attending and making their way to and from the premises will create noise and disturbance to residents

The applicant made a submission in response to these concerns raised, pursuant to section 78 of the Act.

### Noise & Trading Hours

It has been commonly held in the Licensing Court that it is reasonable to expect some level of noise from a licensed premises, it only becomes an issue if the noise becomes 'undue', or unreasonable.

I note the application is for a Restaurant & Catering licence and the applicant intends to operate gingerbread café that focuses on breakfast, brunch and handmade gingerbread, with alcohol being ancillary to this. I further note the applicant has varied the trading hours sought to 7am to 5pm, with the ability to trade until 10pm on 4 occasions a year.

Their proposed trading hours seem quite appropriate for a café in this location. They do not intend to trade late into the night and do not intend to trade with liquor being their primary purpose.

Taking all these factors into consideration, I am not satisfied that it is likely the proposed premises will create a level of offence or annoyance to those residing nearby that would meet the test of being 'undue', and therefore warrant me exercising my discretion to refuse the application on this ground.

### Parking & Rubbish

I note that the Liquor and Gambling Commissioner is only responsible for regulating the sale and supply of liquor, issues in relation to traffic flow, parking & waste management do not fall within the jurisdiction of the Commissioner and is a matter dealt with under the relevant planning and development laws. To avoid duplication and ensure compliance with section 11C of the Act we will not be regulating these matters.

### Safety of school children

Having considered the nature of the proposed business, and the proposed trading hours, I am not satisfied that the presence of a licensed café poses a risk to children attending the nearby school. I note it is not uncommon to have licensed cafés in suburban areas where families and children frequent, so there is nothing unusual or concerning about

this application in the location sought.

### The premises is not fit for trade

I note that the applicant has received planning consent from the local council to operate a café from the premises. While they have not yet obtained full development approval and a certificate of occupancy (if required), I have discretion under section 59 to grant a certificate of approval, subject to the applicant providing the Licensing Authority with a copy of the relevant documents to confirm that the premises is complete and fit for trade prior to the certificate being converted to a licence.

### Decision

After considering the submissions lodged I am of the opinion that the application should be granted and that a certificate of approval should be issued.

## Conditions

The following conditions are added to the licence

- The number of functions, where the licensee may trade until 10:00pm is 4 per year, with a maximum capacity of 10 persons.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	7:00 am to 5:00 pm	-
Tuesday	7:00 am to 5:00 pm	-
Wednesday	7:00 am to 5:00 pm	-
Thursday	7:00 am to 5:00 pm	-
Friday	7:00 am to 5:00 pm	-
Saturday	7:00 am to 5:00 pm	-
Sunday	7:00 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*.

The licensee shall notify the Liquor and Gambling Commissioner within seven days of any changes to the approved plans submitted with this application.

## Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes  
Manager, Liquor & Gaming  
25 Jan 2023

