

# Decision Notification

## Application Details

Application no.	216582
Licence No.	57104928
Licence Class	On Premises
Premises Name	Chop It
Premises Address	unit 2 50-54 Maude st Victor Harbor SA 5211
Applicant	BARRY-DEAN DEWSON
Application Type	Application for a Liquor Licence

## Outcome

Decision	Determined
Effective Date	10 Aug 2022

## 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:

- Barry-Dean Dewson (167648)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 99.

## Determination Details

An intervention was lodged by the Commissioner of Police regarding the application.

## Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

Barry-Dean Dewson has applied for an on-premises licence for premises located at 50-54 Maude Street Victor Harbor, known as Chop It Axe Throwing.

This application is a designated application for the purposes of section 53A of the Act and may only be granted if the licensing authority is satisfied that the grant is in the community interest. In determining this application under section 53A(2) of the *Liquor Licensing Act 1997* (the Act), I must have regard to:



- the harm that might be caused (whether to a community as a whole or a group within community) due to the excessive or inappropriate consumption of liquor;
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed)

I must also apply the community impact assessment guidelines which state, *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

As part of the application the applicant has submitted a completed Community Impact Assessment Form as their community impact submission. It is the content of this form, the application material itself and an intervention from the Commissioner of Police opposing the grant, that my decision will be based on.

#### Nature of the business

The nature of the proposed business is a “recreational axe throwing” venue, conducting axe throwing sessions for individuals and groups. The Applicant submits that axe throwing is a popular and fast growing fun activity which has been welcomed in Victor Harbor.

The premises includes 8 axe throwing lanes that are individually fenced and gated. All participants are required to complete an online waiver, and will receive a safety briefing from the axe-throwing coach. Customers may choose to participate in a one-off session, or join a weekly tournament.

The Applicant currently operates a café in the venue offering hot and cold beverages, gourmet hot dogs, cakes and other snacks. The venue also sells merchandise including t-shirts, hoodies and beanies.

According to the Applicant, the venue is situated in an industrial area and workers will often come in at the end of their work day to enjoy a beverage and relax while watching others engage in the axe throwing activity. The Applicant wishes to expand its services by providing local beers and wines to its customers, there is no intention to provide spirits or cocktails.

The venue has been operating successfully since April 2021 and has been well received and supported by the local community. The Applicant submits that in recent times many customers have expressed a desire to have an alcoholic beverage either after their session, or while watching others participate in axe throwing.

The applicant has not identified the locality in accordance with the Community Impact Portal, as a 2km radius from the proposed site. The submission refers to the locality as Victor Harbor and more widely the Fleurieu Peninsula, which according to the Applicant, there is a “constant demand for more recreational activities in this area”

#### Potential Harm

The Applicant has not identified any vulnerable or ‘at-risk’ groups in the community, but has indicated that, as the venue is located in an industrial area there is no likelihood of people gathering or loitering in the vicinity of the premises.

The Applicant has advised that it will not be advertising liquor as the main attraction, and liquor will only be offered to spectators or those who have completed their axe throwing activity. In addition, I note the following harm minimisation measures will be put in place:

- proof of age will be required before participating in axe throwing

- all customers will be required to sign an on-line waiver form which specifies that there will be no alcohol consumption before or whilst axe throwing.
- all customers will be required to follow strict guidelines
- all staff members will have undertaken the requisite responsible service of alcohol training

The premises are located in an industrial area on the outskirts of Victor Harbor. The Applicant has identified a nearby school and football ground, but states that children and adults do not generally gather outside either the school or football ground. It is the Applicant's view that the grant of this application will have not have a negative impact on the community or any community buildings or facilities.

#### Social Impact and Amenity

The Applicant submits that the locality of Victor Harbor is a popular tourist destination, and its population of 17,000 often doubles in peak holiday season. As the proposed venue is outside the town centre, according to the Applicant, there are no hotels, bars or restaurants in the immediate vicinity. It is submitted that a liquor license at the proposed venue would be a welcomed addition to the area and the economy.

The Applicant has described the interior of the premises as a "Scottish Lodge", lined with natural materials, wood and comfortable seating to help customers feel relaxed, secure and comfortable. Safety is a major concern and all axe lanes are lined with fencing and gated entry as to only allow the current axe thrower in the alley, and signage promoting safety standards and policies have been placed around the venue.

#### Cultural, Recreational, Employment and Tourism Impacts

The Applicant claims that that the business already provides great economic benefits for the area, however, has not elaborated on what those perceived benefits are, other than to suggest that it has many return visitors from interstate and the wider region.

The Applicant has indicated that as the business is grows, it is likely, in the near future to employ at least two additional staff members. Further to this, as the venue will only provide "local" beer and wine, it will support other local Victor Harbor and Fleurieu Peninsula wine makers and breweries.

It is submitted that the proposed recreational venue will increase tourism the area and the Applicant is of the view that more people are likely to visit to relax with friends and family and will either participate in the activity, or enjoy an alcoholic drink while watching others.

#### Intervention from the Commissioner of Police

The Commissioner of Police has lodged an intervention against this application on the basis that the grant of the application in its current form would be contrary to the public interest. The police seek the imposition of conditions similar to those imposed at other similar venues in South Australia and interstate.

The police have sought the following conditions to ensure public safety:

1. All liquor is to be opened at the point of service
2. Liquor shall only be sold or supplied to persons who are not involved in axe throwing or have completed their involvement in axe throwing
3. The licensee must erect signage at the axe throwing area stating "Liquor must not be taken beyond this point".
4. All signage is to be clearly visible and unobstructed.

I have considered these proposed conditions and note the Applicant does not oppose the imposition of such conditions on the basis these conditions are largely consistent with its proposed business model.

## Conditions

The following conditions are added to the licence

- All liquor is to be opened at the point of service.
- Liquor shall only be sold or supplied to persons who are not involved in axe throwing or have completed their involvement in axe throwing.
- The licensee must erect signage at the axe throwing area stating "Liquor must not be taken beyond this point". The signage is to be clearly visible and unobstructed.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor in an approved place adjacent to the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	Midday to 10:00 pm	-
Tuesday	-	-
Wednesday	-	-
Thursday	Midday to 10:00 pm	-
Friday	Midday to 10:00 pm	-
Saturday	10:00 am to 10:00 pm	-
Sunday	10:00 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*.

This is an application for a recreational facility where the sale and consumption of liquor is ancillary to the main activity of axe throwing.

The venue has been operating for almost 18 months and has brought a new type of entertainment into the community of Victor Harbor as one of very few axe throwing venues in South Australia. It is likely to create employment opportunities and support the local economy as well as encourage social interaction in a recreational activity which is unique in Victor Harbor.

It is of some concern that the applicant has not clearly identified vulnerable groups in the community. However, I can accept that the nature of the business suggests that the grant of this licence would have a minimal impact on vulnerable groups in the locality.

The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest. On the basis of the information provided, together with the application, I am satisfied that the grant of this application is in the community interest.

Accordingly, under section 53A(1) of the Act I grant the application.

However, I also accept the Police concerns in respect of the potential risk to public safety from the unrestricted consumption of liquor by persons engaged in axe throwing. On that basis, and with the consent of the parties, I impose the following conditions:

1. All liquor is to be opened at the point of service
2. Liquor shall only be sold or supplied to persons who are not involved in axe throwing or have completed their involvement in axe throwing
3. The licensee must erect signage at the axe throwing area stating "Liquor must not be taken beyond this point". The signage is to be clearly visible and unobstructed.

## Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello  
Hearings Delegate  
10 Aug 2022