

Decision Notification

Application Details

Application no.	218937
Licence No.	57320671
Licence Class	Restaurant & Catering
Premises Name	Nosso Cafe
Premises Address	Unit 4 137-139 Brebner Drive West Lakes SA 5021
Applicant	Nosso Cafe Pty Ltd
Application Type	Application for a Liquor Licence
Representative	Andrew Wong - Lion Liquor Licensing Consultants

Outcome

Decision	Granted
Effective Date	05 Dec 2022

Procedural

I allow the applicant to vary their application as follows:

- reduce capacity to 40
- vary trading hours on Sunday to between 9am and 6pm.

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

Position of Authority

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

- Tassia Shimoide De Avila Mendes (169782)
- Carlos de Avila Mendes (174954)
- Ketlynn Caroline Pereira (174955)
- Caique Marques Guerreiro (174956)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 40.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption at the site of a function off the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	6:00 am to 10:00 pm	-
Tuesday	6:00 am to 10:00 pm	-
Wednesday	6:00 am to 10:00 pm	-
Thursday	6:00 am to 10:00 pm	-
Friday	6:00 am to 10:00 pm	-
Saturday	6:00 am to 10:00 pm	-
Sunday	9:00 am to 6:00 pm	-

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

The application is for the grant of a restaurant and catering licence. The applicant has addressed the objects of the *Liquor Licensing Act 1997* (the Act) in their application and I am satisfied that the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor and the expectations and aspirations of the public. The applicant has indicated that all persons under the age of 25 will have their identification checked and that the service of liquor will be monitored to ensure customers are consuming liquor responsibly. The applicant has also indicated that the business will be a restaurant primarily, with the service of liquor being ancillary to that.

I am satisfied that the grant of the licence would not be contrary to the public interest or inconsistent with the objects of the Act.

Pursuant to section 56 of the Act, I am satisfied that each person who occupies a position of authority in the licensee entity is a fit and proper person to occupy such a position in the entity holding the licence.

Pursuant to section 57 of the Act, I am satisfied that the premises for which the licence is sought are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied that the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Pursuant to section 72 of the Act, I am satisfied that the lessor has consented to the application.

I note that the applicant had initially sought a capacity of 70 persons for the premises and trade between 6am and 10pm every day. Section 11C of the Act requires that the Commissioner should, in the imposition of conditions under the Act, take reasonable steps to avoid any inconsistency with matters that are dealt with or addressed under the *Planning, Development and Infrastructure Act 2016*. By email of 3 November 2022, the City of Charles Sturt indicated that the development approval of the premises only authorises a capacity of 40 persons and trade between 9am and

6pm on Sunday's. The licensing authority has agreed to allow the applicant to vary their application, pursuant to section 51(3) of the Act, to seek a reduced capacity of 40 persons and trade on Sunday between 9am and 6pm.

The application is granted.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Tsourtos
Manager, Liquor and Gambling
05 Dec 2022