

Decision Notification

Application Details

Application no.	213444
Licence No.	57613579
Licence Class	Liquor Production & Sales
Premises Name	Eisenstone Wines
Premises Address	56 Murray Street TANUNDA SA 5352
Licensee	SJ & RF Cook Pty Ltd
Application Type	Variation to Conditions (Upgrade)
Representative	Hugh Davidson - David Watts & Associates

Outcome

Decision	Granted
Effective Date	16 Feb 2022

Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

Conditions

The following conditions are removed from 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.

Authorisations

The following authorisations/restrictions are added to the licence

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

The following authorisations/restrictions are removed from the licence

- Sale of liquor for consumption on the licensed premises authorised
- 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

Reasons for Decision

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

The current approved trading hours for the consumption of liquor on the licensed premises are Monday to Sunday 6am to midnight.

I note that under section 11C of the Act, the Commissioner should take steps to avoid inconsistencies with matters that

are dealt with under the relevant planning laws.

The applicant has supplied with the application a letter from the Barossa Council dated 24 January 2022. In the letter, the council makes reference to the application for variation to conditions of the liquor production and sales licence before the licensing authority and states that the sale of wine from other producers is consistent with current planning approval for the premises located at 56 Murray Street, Tanunda being use as a shop and the sale of bottled wine, including tastings would not be a change of use.

The council goes on to state that the premises does not have planning approval for the sale and supply of liquor of wine produced by other producers being mindful that there is no authorised consumption on the licensed premises.

Further to this council has confirmed that the premises does not have planning approval for any consumption of liquor on the premises.

I do not consider it appropriate for a liquor licence, for the sale, supply and consumption of liquor on the premises to exceed the use permitted under the relevant planning laws.

It is therefore appropriate for the licensing authority to amend the authorisations of the liquor production and sales licence to the use permitted under the relevant planning laws.

Under section 43 of the Act, the authorisation allowing the consumption of liquor on the licensed premises is removed from the licence.

As the premises is permitted under the relevant planning laws to provide sampling the following condition is added to the licence:

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

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
16 Feb 2022