

Decision Notification

Application Details

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|---------------------------|---|
| Application no. | 212901, 212902 |
| Licence No. | 57617353 |
| Licence Class | Liquor Production & Sales |
| Premises Name | Threefold Distilling |
| Premises Address | 8a Union Street STEPNEY SA 5069 |
| Proposed Premises Address | Shop 2, 524 Anzac Highway GLENELG EAST SA 5045 |
| Licensee | Three Fold Distilling Pty Ltd |
| Application Type | Application for Removal of Licence, Variation to Conditions (Upgrade) |

Outcome

| | |
|----------------|-------------|
| Decision | Granted |
| Effective Date | 21 Mar 2022 |

Procedural

I allow the applicant to vary their application as follows:

The applicant had applied to remove the liquor production and sales licence to Shops 1 and 2, 524 Anzac Highway, Glenelg East.

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act) I allow the applicant to vary the application to Shop 2 only. I also allow the applicant to reduce the capacity sought.

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

Premises

Removal

The licence is removed to:
Shop 2, 524 Anzac Highway, Glenelg East SA 5045

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

Capacity

The capacity of the venue is set at 60.

Trading hours

The following are the approved trading hours

| | Consumption on premises | Consumption off premises |
|-----------|-------------------------|--------------------------|
| Monday | 4:00 pm to 10:00 pm | - |
| Tuesday | 4:00 pm to 10:00 pm | - |
| Wednesday | 4:00 pm to 10:00 pm | - |
| Thursday | 4:00 pm to 10:00 pm | - |
| Friday | 4:00 pm to Midnight | - |
| Saturday | Midday to Midnight | - |
| Sunday | Midday to 10:00 pm | - |

Outlet

I note Threefold Distilling are no longer part of a collective outlet with Massey Vineyards (57608922) and Moorak Wines Ptd Ltd (57616292). The licence is updated accordingly.

Reasons for Decision

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

Trading hours and capacity

The current approved trading hours for the liquor production and sales licence for consumption on are Monday to Sunday 10am to midnight. The current approved capacity of the premises is 120.

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. It is also important to note that whilst local Councils can regulate trading hours of premises, a licence issued under the Act only regulates the hours that liquor may be sold, supplied or consumed on the premises, not the actual trading hours of the premises. Whilst the two authorities are regulating different aspects of trade, where possible direct conflicts should still be avoided.

I note that the premises located at Shop 2, 524 Anzac Highway, Glenelg East has been issued planning approval by the City of Holdfast Bay for Development Application Number 21002556 on 7 October 2021.

Development Application Number 21002556 was granted Development Plan Consent subject to a number of conditions, condition 6 of the approval provides that the premises shall operate between the hours of 4pm to 10pm Monday to Thursday, 4pm to midnight Friday's, 12pm to midnight Saturday's and 12pm to 10pm Sunday's.

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

It is therefore appropriate for the licensing authority to amend the hours of trade for the liquor licence to those permitted under the relevant planning laws.

Under section 43 of the Act, the trading hours for consumption on the licensed premises will be amended to Monday to

Thursday 4pm to 10pm, Friday 4pm to midnight, Saturday 12pm to midnight and Sunday 12pm to 10pm.

The licensee has provided to the licensing authority planning approval for a capacity of 60 persons at the premises. The licence is updated accordingly.

Temporary occupancy

The licensee has provided to the licensing authority a certificate of occupancy issued by the City of Holdfast Bay dated 18 February 2022 which provides approval for the occupation of the premises on a temporary basis. This approval has been provided until 31 October 2022. I therefore provide approval for the use of the premises from the date of this order until midnight 31 October 2022. At which time the licensee will not be permitted to trade under the licence until another certificate of occupancy is provided.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
21 Mar 2022