

Decision Notification

Application Details

Application no.	210514
Licence No.	57619876
Licence Class	Liquor Production & Sales
Premises Name	Tangaussi Pty Ltd
Premises Address	38 Newcombe Avenue West Lakes Shore SA 5020
Applicant	TANGAUSSI PTY LTD
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	06 Sep 2021

Procedural

I allow the applicant to vary their application as follows:

- applicant has advised that they will not be open to the public and will not sell liquor for consumption on the premises, as such, I approve the applicant varying their application to remove the trading hours for the consumption of liquor on the premises
- applicant has advised that they will not be inviting patrons on to the premises - as such, I approve the applicant varying their application to reduce the capacity to zero.

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:

- YUNSHAN DENG (168464)
- JIANMING DENG (168465)
- JIANHUI HE (168466)

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: Sandra Atwell, Giacomo DeRuvo, Nelia Duarte, Andrew Evans, Brett Hidson, Philip Hollitt, Kaye Lambden-Stewart, Stephen Mullighan, Debra Phillips, Leonre Reinke, Leonie Rugless, Colin Sleep, Graham Stewart, Colin Taylor, Ciaran Whelan

Conditions

The following conditions are added to the licence

- This licence does not authorise the sale or supply of liquor for consumption on the premises.
- This licence does not authorise the sale of liquor for consumption off the premises.
- The licensee shall not, as part of, or in connection with, the business authorised by this licence, invite or admit prospective purchasers of liquor to the licensed premises.

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 liquor production and sales licence. The proposed licensed premises is located in a quiet residential street in Highbury. Initially the applicant applied for authorisation to sell liquor for consumption on the licensed premises between 7:00am and 2:00am daily and with a capacity of two. However, the applicant has since indicated that it does not intend to authorise the sale of liquor for consumption on the premises or to authorise prospective customers to visit the premises. Pursuant to section 51 of the *Liquor Licensing Act 1997* (the Act), I have allowed the applicant to vary its application to remove the trading hours for consumption on the licensed premises and to reduce the capacity of the premises to zero.

Pursuant to section 77 of the Act, a number of persons have made written submissions to the Liquor and Gambling Commissioner (the Commissioner) in respect of the application. I note that many of these submissions were received prior to the applicant varying its application. The concerns of those persons can be summarised as follows:

- concerns around the proposed hours of trade and the undue offence, annoyance and disturbance that may be caused by allowing the consumption of liquor on the premises between those hours;
- concerns around the sale of liquor for consumption off the premises, and the increase in liquor in the residential area;
- concerns around the production of liquor at the premises;
- concerns about the grant of a liquor licence generally and, in particular, the possibility for any conditions that are imposed as part of the grant of a licence being amended or removed in the future to authorise greater trade;
- concerns around the capacity of the premises and the inconvenience that would be caused by patrons of the premises; and
- concerns around the noise and disturbance to be caused by increased traffic, including trucks, to the premises.

The applicant has confirmed with the licensing authority that the intended trade at the premises will be limited to a home office and that the activities to be undertaken at the premises will fall within the confines of home activity. 'Home activity' is defined in regulation 3 of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Planning Regulations) as the use of a site by a person resident on the site -

(a) that does not detrimentally affect the amenity of the locality or any part of the locality; and

(b) that does not require or involve any of the following:

(i) assistance by more than 1 person who is not a resident in the dwelling;

(ii) use (whether temporarily or permanently) of a floor area exceeding 30m²;

(iii) the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services in the locality;

(iv) the display of goods in a window or about the dwelling or its curtilage;

(v) the use of a vehicle exceeding 3 tonne tare in weight.

I note that the City of Charles Sturt Council has indicated that it has no concerns with the application as long as the operations on the premises do not involve manufacturing, walk-up sales, the consumption of liquor on the premises, including sampling, or the storage of liquor on the licensed premises.

To address the concerns of the submitters, I intend to impose the following conditions on the licence:

- This licence does not authorise the sale or supply of liquor for consumption on the premises.
- This licence does not authorise the sale of liquor for consumption off the premises.
- The licensee shall not, as part of, or in connection with, the business authorised by this licence, invite or admit prospective purchasers of liquor to the licensed premises.

I note that the applicant is also bound to comply with any planning restrictions imposed on the premises, including to ensure compliance with the definition of 'home activity' as set out above.

The applicant has addressed the objects of 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.

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 all persons who occupy a position of authority in the applicant entity are fit and proper persons to occupy such a position.

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.

The application is granted subject to the conditions set out in this order.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
06 Sep 2021