

Decision Notification

Application Details

Application no.	213464, 213465
Licence No.	57620584
Licence Class	Liquor Production & Sales
Premises Name	Pennant Distillery
Premises Address	102 Duthy Street Malvern SA 5061
Applicant	Merpass Pty Ltd
Application Type	Application for a Liquor Licence, Application for up to five endorsements

Outcome

Decision	Granted
Effective Date	10 Feb 2022

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act) I allow the applicant to vary the proposed licensed premises.

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:

- Cameron Philip Giles Shaw (170530)

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: Michael Woodhouse

Mr Woodhouse has lodged a submission, pursuant to section 77 of the Act opposing the grant of the application.

I have exercised my discretion to provide a copy of the submission to the applicant after the date appointed for determination, but prior to me making a decision on the application.



In summary, Mr Woodhouse's grounds for opposing the application were as follows:

- Concerns about the establishment of a distillery in a residential area
- Concerns that there may be an increased fire risk with flammable substances being used or stored on the premises for the distilling process.
- Concerns that potential fumes or vapours that may be emitted into the atmosphere

In addition to this Mr Woodhouse has stated "Fail to understand why the Licensing Authority would consider this designated application to be in the community interest, as required under Section 53A Part 4 of the Liquor Licensing Act. There is no perceived benefit for the immediate neighbours living in the area and only a potential nuisance impact with fumes, increased fire risk, noise and other environmental issues arising from activities etc. The only potential benefit is for the applicant namely Merpass Pty Ltd."

The object of the *Liquor Licensing Act 1997* (the Act) is to regulate and control the promotion, sale, supply and consumption of liquor. The Act does not regulate the manufacture of liquor, therefore it would not be appropriate for the Commissioner to comment on such matters. The use of a site for the manufacture of liquor is dealt with under the relevant planning laws.

I note that the applicant has provided the relevant planning approvals for the proposed premises.

In addition to this, the application made by the applicant is not a designated application under section 53A of the Act as the applicant has not applied for a designated licence. Therefore the applicant is not required to satisfy the licensing authority that the application is in the community interest.

Conditions

The following conditions are added to 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.
- The licensee is authorised to despatch liquor from premises other than the licensed premises. Details of despatch sites must be made available for inspection by an authorised officer.
- The licensee is authorised to sell or supply the licensee's product for consumption on and off the site of the event endorsement(s) as specified on this licence.
- 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 (other than at a site endorsed on the licence).

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor restricted to the licensee's own product by direct sales transactions only
- Endorsements apply
- Sale of liquor for consumption at a site endorsed on the licence is authorised, but restricted to sampling only.

Endorsements

I note that the licensee must comply with all other restrictions on their licence, such as capacity and trading hours, when operating under the endorsement(s) below.

The following endorsements are added to the licence

- Approved Markets

Annual Fees

Noting the restricted trade authorised by this licence, I reduce the annual fees payable under this licence, on an ongoing basis, to align with the annual fees for a category 1 liquor production and sales licence.

Reasons for Decision

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

I am satisfied that the event would not be better authorised by an application for a short term licence or a licence of another category.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
10 Feb 2022