

Decision Notification

Application Details

Application no.	213780, 213781
Licence No.	57620657
Licence Class	Liquor Production & Sales
Premises Name	muffy malone brewing
Premises Address	51 oakridge road aberfoyle park SA 5159
Applicant	BENJAMIN WILLIAM FENWICK
Application Type	Application for a Liquor Licence, Application for up to five endorsements

Outcome

Decision	Granted
Effective Date	02 Mar 2022

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

Licensee

The following persons are approved to hold the licence:

- benjamin william fenwick (170791)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 4.

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Mr David Bruce

Under section 81(1)(a) of the Act, I exercise my discretion to determine this application without holding a hearing.

Mr Bruce lodged his submission on the following grounds:

- Concerns about the potential noise emanating from the licensed premises from both the production of liquor and the public attending the premises, especially as the entrance to the premises will be via a driveway that runs next to their bedroom in the neighboring property.
- Concerns about the aroma that could emanate from the premises due to the production of liquor.
- Concerns about parking for the premises and how it will affect traffic flow and neighboring properties. There are

no designated parking bays at the premises and due to the width of the road, traffic flow could be affected if cars were parked on both sides. There are also concerns patrons will park in front of neighboring properties.

4. Mr Bruce submits that granting this licence will constitute a change in the current land use zoning for the area, which is currently residential. There are also concerns that granting this licence will negatively affect the amenity of the area and could potentially lead to a loss in value for neighboring properties.

The applicant was provided an opportunity to respond to the concerns raised by Mr Bruce in his submission.

Production

It is important to note that the Liquor Licensing Act only regulates the sale and supply of liquor, therefore the production of liquor does not fall within the jurisdiction of the Liquor and Gambling Commissioner. As I can not regulate the production of liquor I will not be considering these aspects of the submission. Should any concerns arise in respect to production of liquor at the premises, and any impact this activity is having on neighboring premises, these should be raised with local council.

Zoning

The issues around Zoning also fall outside the scope of the Liquor and Gambling Commissioner, rather they are regulated via the relevant planning laws through local council. I am only required under section 57(2) of the Act to be satisfied that any approvals or consents under the relevant planning laws to permit the use of the premises for the sale of liquor have been obtained. The applicant provided a letter from the City of Onkaparinga confirming that the manner in which they intend to trade, with members of the public attending by appointment for sales and sampling, is consistent with the restrictions of a home activity and therefore can be undertaken at the premises. This letter satisfied me as to the requirements of section 57(2) of the Act.

Noise, Parking and Amenity

The applicant is required to comply with the restrictions of home activity which is defined under the relevant planning laws, and sets parameters which appear to try and minimise disruption to neighboring properties. On top of this, the applicant submits that the way he intends to trade is quite restrictive and he is not intending to operate a full scale cellar door with large numbers of patrons. I therefore am of the opinion that the concerns relating to patron noise, car parking and general amenity will not eventuate.

However, I do consider it appropriate to impose conditions relating to the sale and supply of liquor that ensure the applicant does trade consistent with how he has outlined to our office. I am of the view that the conditions, trading hours and capacity imposed by me, in conjunction with the restrictions of home activity the applicant must also comply with, will ensure that the neighboring properties will not be adversely affected by this licence operating at the premises, and therefore the application should be granted.

Conditions

The following conditions are added to the licence

- 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.
- All walk up sales and sampling shall be by single appointment only.
- There shall be no signage or promotion of the business conducted under the licence out the front of the licensed premises.
- Any promotion of the business conducted under the licence shall not be inconsistent with the conditions of this licence, or suggest that the premises are open to the public.

Authorisations

The following authorisations/restrictions are added to the licence

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

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to 5:00 pm	-
Tuesday	9:00 am to 5:00 pm	-
Wednesday	9:00 am to 5:00 pm	-
Thursday	9:00 am to 5:00 pm	-
Friday	9:00 am to 5:00 pm	-
Saturday	11:00 am to 5:00 pm	-
Sunday	11:00 am to 5:00 pm	-

Endorsements

The following endorsements are added to the licence

- Approved Markets

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
02 Mar 2022