

Decision Notification

Application Details

Application no.	214525
Licence No.	57008431
Licence Class	General & Hotel
Premises Name	Jacka Brothers Brewery
Premises Address	9-11 Lambert Street Melrose SA 5483
Applicant	Innes Experience Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	25 May 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 increase the proposed trading hours. The increased trading hours have been advertised.

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:

- Dale Gavin Hobbs (66915)
- Michelle Tracy Hobbs (171438)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 200.

Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

Innes Experience Pty Ltd (**the Applicant**) have applied for a General and Hotel licence in respect of premises situated at

9-11 Lambert Street, Melrose SA 5483 to be known as Jacka Brothers Brewery.

As part of the application the Applicant has submitted a Community Impact submission. It is the content of this submission and the application itself, that my decision is based on.

This application for a general and hotel licence is a designated application under section 53A of the Act and so may only be granted if the licensing authority is satisfied that the grant is in the community interest. In determining this application under section 53A(2) of the Act, I must have regard to:

- the harm that might be caused (whether to a community as a whole or a group within community) due to the excessive or inappropriate consumption of liquor;
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed)

I must also apply the Community Impact Assessment Guidelines (**the Guidelines**), which state: *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

The Guidelines generally impose an obligation upon an applicant to include with the application a community impact submission that, if relevant, is expected to address a range of matters, including: the applicant’s products/services in terms of key features and potential customers; business/professional experience, in particular relevant knowledge, experience and competency in relation to the service of liquor; general description of facilities and services; relevant construction details (e.g. materials, finishes, acoustic treatment, etc.); details of any food, including menu; liquor services (e.g. bar) and range of liquor; types of entertainment; types of accommodation; a statement as to whether the community supports the proposed business, including providing evidence of such support; and a statement as to why the granting of the application is in the community interest.

Applicants are also required to provide, where applicable: a map and report regarding the locality generated through Consumer and Business Service’s (CBS) Community Impact Portal; a business plan/plan of management; and a site or property plan, floor plan and/or photographs/artists impressions of the site/building.

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

Section 3(1) of the Act provides that:

- (1) The object of this Act is to regulate and control the promotion, sale, supply and consumption of liquor—
 - (a) to ensure that the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor; and
 - (b) to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor; and
 - (c) to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and
 - (d) to facilitate the responsible development of the licensed liquor industry and associated industries, including the live music industry, tourism and the hospitality industry, in a manner consistent with the other objects of this Act.

(1a) For the purposes of subsection (1)(a), harm caused by the excessive or inappropriate consumption of liquor includes—

- (a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and
- (b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and
- (c) the adverse effects on a person’s health; and
- (d) alcohol abuse or misuse; and
- (e) domestic violence or anti-social behaviour, including causing personal injury and property damage.

The Applicant must also satisfy the Authority that the pre-requisites in section 57 of the Act have been met, in relation to such matters such as: the suitability of the premises; the potential for them to cause undue offence, annoyance, disturbance or inconvenience to nearby residents, workers and worshipers in the vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools in the vicinity of the premises; and whether the appropriate approvals, consents and exemptions, in respect of the proposed premises have been obtained.

Additionally, section 53 of the Act gives the Authority “*an unqualified discretion to grant or refuse an application under this Act on any ground, or for any reason, the licensing authority considers sufficient (but is not to take into account an economic effect on other licensees in the locality affected by the application)*”, and s 53(1a) provides that the authority must refuse an application if it is satisfied that granting the application would be contrary to the public interest.

Section 53(1b) of the Act requires that the Authority must refuse an application for a licence if it is satisfied that granting the application would be inconsistent with the objects of the Act.

Nature of the Proposed Business

The Applicant has provided a description of the nature of the business to be conducted under the licence as:

“Jacka Brothers Brewery is a multi-faceted business that comprises of several historic buildings with specific purposes.

Originally built as a flour mill in 1877, it became an operating brewery from 1893 to 1934. For the next 82 years, the property was locked up and used as a shearing shed and agricultural storage facility. In 2016, Dale & Michelle Hobbs purchased the property and have spent the past five years renovating and redeveloping the property. Today, Jacka Brothers Brewery is a multi-faceted business that comprises of several historic buildings with specific purposes. The term ‘brewery’ is used only in name.

The redeveloped complex is now designed for hospitality and tourism purposes:

Brewery Guesthouse – A four room boutique guesthouse complete with ensuites

Brewers Cottage – A two-bedroom cottage

Accommodation Cabins – Currently under construction

Cellar Function Centre – A venue designed for weddings and special events

Brewery Taphouse – a small bar that will showcase the best of local products such as craft beer, gin and whisky

Stout Garden – An open-air space ideal for events under the stars or an overflow to the Cellar function Centre

Brewery grounds – An open area that consists of lawned space, table seating and shelters to allow customers to enjoy the vista towards Mount Remarkable

Jacka Brothers Brewery proposes to be a venue that is open on a regular basis for locals and tourists to experience a variety of:

Food (Wood Oven and Argentinean Grill)

Beverages (craft beer, local gin and local wine)

Activity booking venue (cycle tours, yoga classes, walking tours)

Events (film festivals, Sunday afternoon live music, weddings etc.)

Accommodation (boutique guesthouse, brewers cottage and self-contained cabins)”

The Applicant asserts that it is focused on being the premier tourist destination in South Australia and submits that:

“To achieve this, we plan on offering a variety of accommodation choices, corporate retreats, wellness retreats, music events, film festivals, weddings, birthdays celebrations and other suitable events for the town and region. In addition to the events, we want to be a venue where locals and tourists can experience craft beverages and local food products on a regular basis.”

The Applicant has submitted that they intend to “sell and promote local South Australian products. These include Craft Beer, Wine, and Spirits (e.g., Gin & Whisky). The site will showcase local produce and food with a view to offering Jacka Brothers branded beers which will initially be brewed by a contract brewer with the forecast to establish a microbrewery onsite in years to come.”

The Applicant has advised that it intends to “provide all day dining, providing patrons an opportunity to purchase food throughout the day and evening”. The Applicant submits that “the menu will vary with the seasons.” The Applicant has submitted a sample menu which includes pizzas, burgers, salad and a grazing platter.

The Applicant submits that it will provide a range of entertainment at the premises. The predominant form of entertainment provided at the premises will be background music and solo artists.

The Applicant submits that it will host a range of community events such as market days, exhibitions, arts fringe, and food, beer & wine events. Solo, duo and bands will be considered secondary to the purpose of the event.

The Applicant submits that it will also offer on occasion outdoor music festivals, which will include multiple live music acts which will primarily be performed at their permanent outdoor stage. The Applicant will also offer other entertainment such comedy shows and fashion parades.

The applicant submits that it will host ticketed music events. These types of events may feature a headline act, support acts, or a series of music performers, with an entry fee/ticket price. This licence may apply to a single ticketed event, multi-act music event or an event series/tour.

The Applicant submits that it currently offers two types of accommodation.

“The first is the Brewery Guesthouse. It is a boutique style accommodation with 4 king ensuite air-conditioned rooms accommodating up to 8 guests

The Brewery Guest house was originally built as a bottling shed (1895-1934), then transformed into a shearing shed (1935-2018) has now been renovated to preserve and promote its history in a guesthouse setting. The key elements of

the building – stone masonry, original timber trusses, galvanised iron, flooring, sheep chutes and wool table display the buildings former glory days while the accommodation has a distinctive 21st century pizzazz while complimenting its unique history.

There is also a communal lounge, kitchenette, fireplace, barbeque, and outdoor seating help create spaces for catching up with friends and/or colleagues while enjoying a sense of tranquility created by the light, textures, and soft colours of the site with the majestic views of Mount Remarkable.

The second is the Brewers Cottage. It is the original Coopers Cottage (1895) now renovated and transformed into a refreshed and tastefully finished air conditioned 2-bedroom (1 double, 1 twin) cottage with lounge, dining and brand-new laundry/bathroom and full galley kitchen. It has a feel of old country charm, with all the modern conveniences subtly provided to ensure your greatest comfort. The cottage sleeps up to 4 guests, with the option of booking one room or two. The cottage has a beautiful outlook across the lawn to the magnificent gums, historic buildings onsite and Mount Remarkable which is in walking distance.”

The Applicant submits that they are in progress to add a third form of accommodation on site, namely loft cabins with two of the six cabins to be completed next year.

The Applicant submits that:

“We expect to draw customers from the local area of Melrose and the broader region including townships such as Jamestown, Port Pirie, Port Augusta, Peterborough and Crystal Brooke. We also expect to draw visitors from the greater city of Adelaide.”

The Applicant provides reference to:

“Research commissioned by South Australian Tourism Commission (SATC) which has detailed how South Australians are looking for increased short break experiences within the state. Ideally those experiences will be around 3 hours’ drive from Adelaide.”

The Applicant adds that:

“The Melrose mountain biking community has successfully proven that events such as the Fat Tyre Festival, 18 hours of Melrose and Gravity Enduro events can draw significant numbers into the region. The ongoing visitation for recreational pursuits remains a key driver for visitation which supports a myriad of local businesses. SATC research statistics show that the primary visitors to the region are 30 –50 year old South Australians, primarily Adelaide based, with or without kids. The majority of existing visitors are either short break travellers 3-4 days or traffic passing through on longer journeys (SATC, 2016).

The short to medium term strategy of the Brewery is to boost visitation through events and accommodation. The income derived from events will be reinvested into infrastructure at the Brewery with a long-term vision of rebuilding a brewing operation and supporting South Australian craft beer companies.

Cycle tourists have the potential to be high-yielding tourists, with a large proportion of them earning over \$100,000/year. However, as indicated by Schmellegger (2012), they can only be high yielding if there are enough commercial products in the region to spend money on. This study indicates that in the Southern Flinders Ranges there is potential to expand the current commercial options in the area, with particular focus on eating out destinations and accommodation. Schmellegger (2012) also indicated that cycle tourists would like to see more quality eating options and additional activities and events to entertain non-cycling members of the travel party.”

In terms of the locality of the premises, the Applicant has advised that:

“Jacka Brothers Brewery sits on the southern edge of the township of Melrose in the mid north of South Australia, some 270km north of Adelaide.

The population of Melrose is 347 (2016 census).

Melrose sits within the municipality of the District Council of Mount Remarkable. The local government area is located between the top of the Spencer Gulf and the base of the Southern Flinders Ranges.

The population of the District Council of Mount Remarkable was 2864 (2016 census).

The district encompasses a wide variety of towns, including coastal ports such as Port Germein and agricultural centres such as Booleroo. The economy of the district council is largely based on agriculture and a growing tourism market.”

The Applicant submits that “this is a long term project with a large personal investment from the owners, which is supported and praised by local residents, business owners, council, tourism as well as state government.”

The Applicant has provided evidence of community consultation by way of letters of support.

The Applicant has provided letters of support for the application from local community associations including Melrose Community Development Association Inc, Melrose Business Group Inc and the The Mount Remarkable Agricultural Society Inc

The Applicant has also provided letters of support from the District Council of Mount Remarkable, the Holy Trinity Church, neighbouring property owner Mrs Slee and Richard Bruce local business owner of Over The Edge Sports.

I am satisfied that the Applicant has provided relevant details to the Authority in relation to its business plan, range of products and services including key features, expected customers and community support for the application.

Locality

The premises is located outside of the Adelaide metropolitan area in a country town. In accordance with the Guidelines, the Applicant has supplied with the application, a map and report with a 5km radius of the proposed premises regarding the locality generated through the Community Impact Portal.

The Applicant has identified the locality as a 5km radius of the premises which encompasses the township of Melrose to be most likely affected by the grant of the application.

I am satisfied that the Applicant has adequately identified the locality likely to be affected by the grant of the application.

Potential Harm

The Applicant has not identified any ‘at-risk’ groups or sub-communities within the locality.

The Applicant submits that it “has consulted with the District Council of Mount Remarkable and the Melrose Business Group and it was determined that no ‘at risk’ groups or sub communities reside or frequent the locality. Melrose is considered a tourist destination town.”

The Applicant has submitted that there a number of community buildings, facilities and areas within the locality.

“The closest community building to the Jacka Brothers Brewery site is the Holy Trinity Church located on Brewery Street, Melrose.

Other community buildings and facilities are listed below:

1. Melrose Uniting Church – 25 Mount Street Melrose, 5483
2. Melrose Holy Trinity Church – Brewery Street Melrose, 5483
3. Melrose Institute Hall – Stuart Street Melrose, 5483
4. Melrose Primary School/Rural Care/Play Centre – 29 Stuart Street Melrose, 5483
5. RSL Office & Playground – 9 Stuart Street Melrose, 5483
6. Paradise Square Community Park – 24 Stuart Street, Melrose 5483
7. Caravan Pump Track (Bike track) – Joes Road Melrose, 5483”

The Applicant submits:

“Consultation has taken place with key stakeholders within the community. These include:

- Holy Trinity Church
- Melrose Uniting Church
- Melrose Community Development Association
- District Council of Mount Remarkable
- The Mount Remarkable Agricultural Society
- Immediate neighbours
- Melrose Business Group
- Local Businesses

These community groups and businesses view the application as a positive for the community. The nearest community building is the Holy Trinity Church. The church has been fully informed of our application for a General Licence and they support our application (letter attached).“

The Applicant has identified the following policies and procedures to minimise any potential harm.

- Staff Training in Responsible Service of Alcohol
- Follow the guidelines and rules applied under the Principles of Responsible Service of Alcohol.
- Monitoring alcohol consumption
- Monitoring people’s behaviour
- Signage regarding liquor licencing laws
 - o Persons Under 18
 - o Monitoring of minors
- Offer water in replace of alcohol

- Discourage patrons drinking in large rounds
- Effectively communicate responsible attitudes and practices towards alcohol promotion
- Not serve anyone under the age of 18
- Recognise the signs of intoxication and do not serve anyone at this point
- Not to serve anyone who arrives at our establishment already intoxicated.
- Identify customers to whom sale or service must be refused including minors, those purchasing on behalf of minors, intoxicated persons, and persons affected by the consumption of illicit and other drugs.
- Alcohol will be sold in a can, bottle, glass, and biodegradable glass depending on the event.

The District Council of Mount Remarkable have not objected to the application.

SAPOL have not objected to the application.

I am of the view that if the licence were to be granted, the risk of any harm which may be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor is low and will be satisfactorily managed and mitigated by the Applicant.

Social Impact and Amenity

The Applicant has provided the following submissions in relation to the locality of the premises and the assessment of any social impact on the community:

The Applicant has submitted:

“Jacka Brothers Brewery sits on the southern edge of the township of Melrose in the mid north of South Australia, some 270km north of Adelaide.

According to the Area Report, Melrose has four licenced [sic] premises:

1. Melrose Tennis Club
2. Melrose Memorial Bowling Club
3. North Star Hotel
4. Wozza’s Vault Cafe

The population of Melrose is 347 (2016 census).

There are three schools in the area:

Melrose Primary School

Melrose Rural Care

Melrose Play Centre

Employment figures indicate that the town’s unemployment sits well below the national average.”

The Applicant has submitted that “the construction of the complex is predominately made from stone and concrete.

The walls of the buildings are over two foot in thickness. The new buildings, such as the amenities block is made of timber frame and corrugated iron”

I am of the view that the grant of the application will not have a negative social impact on the locality due to the location and nature of the premises.

Cultural, Recreational, Employment and Tourism Aspects

The Applicant has advised that the precinct created 2 full time equivalent positions in 2021.

The Applicant has included with their application a table of the projected employment positions to be created by Jacka Brothers Brewery over the next five years.

The Applicant has estimated “that 5.3 full time equivalent positions will be created by the end of the 3rd financial year. Five-year projections indicate the number of FTE jobs swell to 13.2 showing ongoing business development.”

The Applicant has submitted:

“The site for this development is located less than 1 hours’ drive from two major rural centres and several small centres. The population within an hour’s drive is approximately 25,000 people, encompassing the major rural centres of Port Pirie and Port Augusta along with smaller centres such Jamestown, Quorn and Crystal Brook.

Many of the ongoing jobs being created at Jacka Brothers Brewery will include food and beverage staff, cleaners and groundskeepers. Higher level jobs include General Manager and Events Co- Ordinator, as well as ongoing services provided by caterers, musicians, security, first aid staff etc.

Our business will develop the Flinders Ranges & Outback economy through increased visitor numbers to the region. Increased visitor nights for other accommodation businesses within the region

Therefore, it is anticipated that the provision of the licence may provide employment opportunities on site, and by supporting local businesses providing services (i.e. caterers, musicians, security, supply of goods).”

I am satisfied that if the application were to be granted it may result in an increase in employment in the locality, and that some of those employment opportunities are likely to be provided to people and businesses within the local community.

Decision

The Applicant will offer a variety of accommodation choices, function and event options and various community events.

The venue will provide employment opportunities, showcase local wines and other local food products and will be likely to attract more visitors to the region.

I note that the applicant has provided information from the Community Impact Portal, as well as letters from various stakeholders showing a level of support for the proposal.

The application has not attracted any objections from community bodies or industry groups.

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining the application.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: “to

ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.”

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low, particularly given the nature of the business offering, the trading hours and the measures the Applicant will put in place to mitigate any risk.

The Act requires an evaluative exercise that involves weighing the positive aspects of the proposed application with the negative aspects in order to determine whether granting the application is in the community interest. I am of the view that the benefits to the community from the grant of this application outweigh any negative community impacts and that there is very little potential for harm.

There is no reason why the application should be refused on the basis of the matters outlined in s57 of the Act such as the suitability of the premises; the potential for the premises to cause undue offence, annoyance and the like to nearby workers, residents and worshipers in their vicinity; or prejudice to the safety or welfare of children attending nearby schools. The relevant consents and development approvals are in place to allow the Applicant to carry on the proposed business at the premises.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also satisfied that granting the application is in the community interest.

For the reasons set out above, the application for a General and Hotel Licence is granted.

Authorisations

The following authorisations/restrictions are added to the licence

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

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	11:00 am to Midnight	11:00 am to 8:00 pm
Tuesday	11:00 am to Midnight	11:00 am to 8:00 pm
Wednesday	11:00 am to Midnight	11:00 am to 8:00 pm
Thursday	11:00 am to Midnight	11:00 am to 8:00 pm
Friday	11:00 am to Midnight	11:00 am to 8:00 pm
Saturday	11:00 am to Midnight	11:00 am to 8:00 pm
Sunday	11:00 am to Midnight	11:00 am to 8:00 pm

Reasons for Decision

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

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
25 May 2022

