

Decision Notification

Application Details

Licence No.	57618799
Licence Class	Liquor Production & Sales
LGO Reference	L09745
Application no.	205278
Premises Name	Liney's Cellar
Premises Address	226 Jeffcott Street North Adelaide SA 5006
Applicant	LINEY'S CELLAR PTY LTD
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	18 Feb 2021

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 and to receive proceeds of the business conducted under the licence:

- James Kalleske (164807)
- Jonathon Marc Allgrove (165136)
- Alison Pace (165290)

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Joanne Hedges, Robert De Garis and Andrew De Garis

All three parties raise similar concerns in their submissions:

- Concerns about impacts of having patrons attend the premises, including the impact on parking and potential anti-social behaviour in the area
- Related concerns with production of liquor occurring at the property, including noise pollution and increase traffic
- Concerns about a commercial business operating in a residential area

I have considered the submissions lodged, but I am of the opinion that the application should be granted as the applicant proposes to use this premises as a 'Home Office' only and therefore I believe that the concerns raised by the submitters will not eventuate.

I must first note that the role of the Liquor and Gambling Commissioner is to regulate the sale and supply of liquor and that the production of liquor and how this occurs at relevant sites is a matter regulated by local Councils under the planning regime. The Liquor and Gambling Commissioner does not regulate or licence the production of liquor.

It is evident from the licence plan submitted with the application that the applicant intends to sell and supply liquor from a 'home office' he has set up at their residence and that it will not operate as a commercial premises. Correspondence received from the City of Adelaide confirms that under the relevant planning laws they are only permitted to use the premises for home activity purposes. The rules surrounding operating a business from a private residence is governed by local councils but includes restrictions relating to how many people, other than residents, can be present at the dwelling and restrictions on square meterage of the operation, amongst other restrictions.

I am of the opinion that the restrictions imposed by the local council surrounding the use of the residence for home activity only will ensure that it does not operate in a way that will be detrimental to those living nearby.

Premises

New Premises

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

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.

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 restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised, but restricted to sampling only

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



Ashleigh Hughes
Hearings Delegate
18 Feb 2021