

Decision Notification

Application Details

Application no.	205653
Licence No.	57618901
Licence Class	Liquor Production & Sales
Premises Name	MoonBurn
Premises Address	14a Main Street Loberthal SA 5241
Applicant	Tag Body Art Pty Ltd, The Trustee for R G J K Family Trust
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	25 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:

- Joseph Gordon White (157696)
- Katherine Michelle White (157697)

Licensee

I note that the applicant will hold the licence as trustee for R G J K Family Trust .

Premises

New Premises

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

Capacity

The capacity of the venue is set at 18.

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

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	11:00 am to 7:00 pm	-
Saturday	11:00 am to 7:00 pm	-
Sunday	-	-

Reasons for Decision

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

The Applicant must satisfy the Authority that the pre-requisites in s 57 of the *Liquor Licensing Act 1997* (the Act) have been met, in relation to such matters as: the suitability of the premises; the potential for them to cause undue offence, annoyance, disturbance or inconvenience to nearby residents, workers and worshippers 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, s 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) 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.

The Adelaide Hills Local Council is supportive of the application.

SAPOL have not objected to the application.

I've considered the submission by Mrs Knight, who resides next door to the premises, and the matters in s 57 of the Act and am satisfied in relation to the suitability of the premises for the purposes of carrying on the business under the licence. Given the hours of operation and limited capacity, I am satisfied that the operation of the licence would be unlikely to result in the potential for the premises to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools; and that the appropriate planning consents and approvals have been obtained.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in s 53 of the Act.

On the material before me there is no reason to refuse the application pursuant to either s 53(1a) or s 53(1B) of the Act.

I am of the view that granting the application is in the public interest and is consistent with the objects of the Act.

Accordingly, the application for a Liquor Production and Sales Licence is granted.

Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

25 Feb 2021