

Decision Notification

Application Details

Application no.	206130
Licence No.	57619020
Licence Class	Liquor Production & Sales
Premises Name	Lust For Life Wine Co.
Premises Address	622 Grange Road Henley Beach SA 5022
Applicant	Simon Paul Caica, Samuel James Rowlands
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	13 Aug 2021

Procedural

I allow the applicant to vary their application as follows:

- applicant has confirmed that the request for approval of an outlet is not required.

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:

- Simon Paul Caica (156211)
- Samuel James Rowlands (167797)

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.

Premises

New Premises

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

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*.

The application is for the grant of a liquor production and sales licence.

Pursuant to section 76 of the *Liquor Licensing Act 1997* (the Act), the Commissioner of Police has lodged with the Liquor and Gambling Commissioner (the Commissioner) a submission in respect of the application. The concerns of the Commissioner of Police can be summarised as being a concern that the local council had not provided the requisite approvals for the applicants, Simon Caica and Samuel Rowlands, to allow the consumption of liquor, by way of sampling, on the licensed premises. The advice to the applicants from the City of Charles Sturt Council approval is that council approval is not required where the use of a site by a person resident on the site falls within the definition of 'home activity'. Regulation 3 of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Planning Regulations) defines 'home activity' as the use of a site by a person resident on the site -

(a) that does not detrimentally affect the amenity of the locality or any part of the locality; and

(b) that does not require or involve any of the following:

(i) assistance by more than 1 person who is not a resident in the dwelling;

(ii) use (whether temporarily or permanently) of a floor area exceeding 30m²;

(iii) the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services in the locality;

(iv) the display of goods in a window or about the dwelling or its curtilage;

(v) the use of a vehicle exceeding 3 tonne tare in weight.

The applicants have confirmed that the trade proposed at the premises will fall within that definition.

It is my view that allowing the applicant to offer sampling under the licence at the premises would not contravene the definition of home activity in the Planning Regulations.

The applicant has addressed the objects of the Act in their application and I am satisfied that the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor and the expectations and aspirations of the public.

I am satisfied that the grant of the licence would not be contrary to the public interest or inconsistent with the objects of the Act.

Pursuant to section 56 of the Act, I am satisfied that the applicants are fit and proper persons to hold the licence.

Pursuant to section 57 of the Act, I am satisfied that the premises for which the licence is sought are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied that the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside,

work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

The application is granted subject to the conditions and authorisations set out in this order.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
13 Aug 2021