

Decision Notification

Application Details

Application no.	206141
Licence No.	57619038
Licence Class	Liquor Production & Sales
Premises Name	Tall Tale Distillers
Premises Address	1/13 Byre Avenue Somerton Park SA 5044
Applicant	Unknown Distilling Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	22 Oct 2021

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 vary the address of the proposed premises.

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:

- Shana Nicole Hammond (165570)
- Benjamin Robert Laakmann (165571)
- Joshua Neil Tuohy (165572)
- Thomas Peter Schneider (165573)
- Katie Li-an Laakmann (166874)
- Elizabeth Phillipa Tuohy (166875)
- Emily Jane Schneider (166876)

Premises

New Premises

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

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: City of Holdfast Bay and Mr Martin Guppy

Mr Guppy has lodged a submission, pursuant to section 77 of the Act opposing the grant of the application. I note that Mr Guppy failed to provide a copy of the submission to the applicant 7 days prior to the date appointed for determination in accordance with section 77(4) of the Act. However, I exercised my discretion to allow the relevant documents to be provided to the applicant after the date appointed for determination, but prior to me making a decision on the application. I note that these varied requirements have been complied with.

In summary, Mr Guppy's grounds for opposing the application were as follows:

- The existing land use code is residential
- Concerns regarding noise and behavior if liquor is to be consumed after 8pm
- There is inadequate car parking

I note that the applicant has provided the relevant planning approvals for the proposed premises. In addition to this, I note that the approval contains a condition which does not allow the applicant to undertake retail sales from the premises.

In relation to the concerns raised in the submission about potential car parking issues at the premises these are planning related matters and therefore, in accordance with section 77(3) of the Act I am not required to consider these issues.

Mr Guppy has withdrawn his submission to the application.

The City of Holdfast Bay has lodged a submission, pursuant to section 77(3) of the Act. In the submission the City of Holdfast Bay has re-iterated the conditions of the planning approval.

I note that section 11C of the Act states:

The Commissioner should—

...

(b) in the assessment of an application for a licence under this Act; or

(c) in the imposition of conditions under this Act, take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the *Planning, Development and Infrastructure Act 2016*. I am satisfied that the Applicant has obtained the relevant planning approvals as required under section 57(2) of the Act.

The condition of the planning approval for the proposed premises does not allow the applicant to undertake retail sales from the premises, consequently the following conditions and authorisations are added to the licence:

- The licensee shall not, as part of, or in connection with, the business authorised by this licence, invite or admit prospective purchasers of liquor to any premises or place at which liquor is displayed or stored by the licensee.
- Sale of liquor restricted to the licensee's own product by direct sales transactions only

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.
- The licensee shall not, as part of, or in connection with, the business authorised by this licence, invite or admit prospective purchasers of liquor to any premises or place at which liquor is displayed or stored by the licensee.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor restricted to the licensee's own product by direct sales transactions only

Annual Fees

Noting the restricted trade authorised by this licence, I reduce the annual fees payable under this licence, on an ongoing basis, to align with the annual fees for a category 1 liquor production and sales licence.

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
22 Oct 2021