

Decision Notification

Application Details

Application no.	208017, 208018
Licence No.	57619402
Licence Class	Liquor Production & Sales
Premises Name	101 BREWERY
Premises Address	49 Margaret Terrace WEST LAKES SHORE SA 5020
Licensee	Lishar Holdings Pty Ltd, D & L McNeill Family Trust
Applicant	Lishar Holdings Pty Ltd, Lishar Holding
Application Type	Application for a Liquor Licence, Application for up to five endorsements

Outcome

Decision	Granted
Effective Date	26 Jul 2021

Procedural

I allow the applicant to vary their application as follows:
amend premises address to 49 Margaret Terrace, Rosewater SA 5013.

Requirements

The following requirements in support of the application have been satisfied:

- 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 James McNeill (149796)
- Linda Johanna Mcneill (149795)

Conditions

The following conditions are added to the licence

- The licensee is authorised to sell or supply the licensee's product for consumption on and off the site of the event endorsement(s) as specified on this licence.
- 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.

Premises

New Premises

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

Capacity

The capacity of the venue is set at 6.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised, but restricted to sampling only
- Endorsements apply

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to 4:00 pm	-
Tuesday	9:00 am to 4:00 pm	-
Wednesday	9:00 am to 4:00 pm	-
Thursday	9:00 am to 4:00 pm	-
Friday	9:00 am to 4:00 pm	-
Saturday	9:00 am to 4:00 pm	-
Sunday	9:00 am to 4:00 pm	-

Endorsements

I note that the licensee must comply with all other restrictions on their licence, such as capacity and trading hours, when operating under the endorsement(s) below.

The following endorsements are added to the licence

- Approved Markets

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. The applicant has indicated an intention to sell liquor by wholesale and has sought an authorisation to allow sampling on the premises. The premises is located in a residential area.

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 note that the applicant has indicated an intention to sell liquor by wholesale (i.e. to other licensed persons for the purposes of resale) and that sale of this kind is considered to be of low risk to 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 *Liquor Licensing Act 1997* (the Act).

Pursuant to section 56 of the Act, I am satisfied that all persons who occupy a position of authority in the entity holding the licence, are fit and proper persons to occupy such a position.

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. I note that the City of Port Adelaide Enfield has confirmed that they do not object to the application on the basis that the trade undertaken by the licensee at the premises will fall within the parameters defined for a home activity.

Regulation 3 of the *Planning, Development and Infrastructure (General) Regulations 2017* 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.

Section 11C of the Act states that the Liquor and Gambling Commissioner (the Commissioner) should take reasonable steps to avoid any inconsistency with matters that are dealt with or addressed under the *Planning, Development and Infrastructure Act 2016*. To comply with this provision, the licensee is restricted to selling/suppling liquor for consumption on the premises for sampling purposes only.

The application for the licence is granted.

The applicant has also applied for an endorsement to allow the applicant to trade at 'approved markets'. The endorsement is granted subject to the condition that the licensee is only authorised to sell or supply their own product under this authorisation.

I am satisfied that the event would not be better authorised by an application for a short term licence or a licence of another category.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
26 Jul 2021