

Decision Notification

Application Details

Application no.	208866
Licence No.	57619517
Licence Class	Liquor Production & Sales
Premises Name	DHI Distilleries Pty Ltd
Premises Address	5 Hill Street Parkside SA 5063
Applicant	DHI Distilleries Pty Ltd, DHI Distilleries Unit Trust
Application Type	Application for a Liquor Licence
Representative	Hugh Davidson - David Watts and Associates

Outcome

Decision	Granted
Effective Date	15 Jul 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:

- KIERAN WARDLE (167410)
- MURRAY MCINTYRE (167411)
- VICTORIA WARDLE (167412)
- Janet May McIntyre (167413)
- Kevin McIntyre (167414)

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.

Premises

New Premises

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

Authorisations

The following authorisations/restrictions are added to the licence

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

Reasons for Decision

Pursuant to section 77 of the Act, a submission was received from Mr Ben Allen (on behalf of the City of Unley) opposing the grant of this application. In summary, his grounds for opposing the application are as follows:

- The proposed licence premises is approved for residential use only and the marked area on the plans is described as a 'bedroom'.
- The required approvals, consents or exemptions for the purposes of section 57(2) have not been obtained (letter of approval withdrawn).
- The conditions described in the Notice of Application are not consistent with advice provided to the City of Unley.

In making my determination, I have considered the location of the proposed licensed premises, namely in a residential dwelling, in a room designated on the plan as a 'bedroom'. I note, the contention regarding the use of the space marked as 'bedroom 1' on the plan submitted with this application is a matter for council to consider under the *Planning, Development and Infrastructure Act 2016*. Council has offered no contrary opinion that the planned use of this space would be outside of what is considered 'home activity' as defined in regulation 3 of the *Planning, Development and Infrastructure (General) Regulations 2017*. I note that the City of Unley has approved similar plans in relation to Liquor Production and Sales licences attached to private residences within its jurisdiction. Therefore I am of the opinion that the approval of the area proposed to be a licensed premises would be consistent with past decisions.

Furthermore, the applicant agrees to waive the implied trading rights under s 39(1)(c), (e), (f) and (g) of the Act, and prohibit the consumption of alcohol (including sampling) at all times on the licensed premises. In addition, the licensee has agreed they will not manufacture or store a commercial quantity of liquor at any time on the licensed premises nor sell liquor via any other means than sales by direct sales transactions, as defined in the *Liquor Licensing Act 1997*.

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



Sarah Letinic
Hearings Delegate
15 Jul 2021