

# Decision Notification

## Application Details

Application no.	209874, 209876
Licence No.	57619698
Licence Class	Liquor Production & Sales
Premises Name	Buckley Estate Farm
Premises Address	230 Piggott Range Road Chandlers Hill SA 5159
Applicant	Buckley Estate Pty Ltd, Buckley Family Trust
Application Type	Application for a Liquor Licence, Application for up to five endorsements

## Outcome

Decision	Granted
Effective Date	11 Nov 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:

- Shane Thomas Buckley (168039)
- Julianne Buckley (168040)

## Premises

### New Premises

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

## Licensee

I note that the applicant will hold the licence as trustee for Buckley Family Trust .

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

## 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, other than to residents, restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised but, other than to residents, is restricted to sampling only
- Endorsements apply

## 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 which is restricted to the sale of the licensee's product only by direct sales transactions. Consumption on the premises is authorised, but is restricted to sampling only. The applicant has addressed the objects of the *Liquor Licensing Act 1997* (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 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 Onkaparinga 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* (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 30m<sup>2</sup>;

(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* (the Planning Act). 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



Jane Widdowson  
Hearings Delegate  
11 Nov 2021