

Decision Notification

Application Details

Application no.	210480
Licence No.	57619868
Licence Class	Liquor Production & Sales
Premises Name	Tasi Wine Co.
Premises Address	13 Michigan Drive Highbury SA 5089
Applicant	Tasi Wine Co. Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	29 Sep 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 application to remove the trading hours for consumption on, as the applicant has advised that they will not be open to the public. I also allow the applicant to vary the application to reduce the capacity of the premises to zero, as the applicant has advised that they will not be inviting patrons on to the 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:

- Anzor Uzunashvili (167346)

Premises

New Premises

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

Determination Details

An intervention was lodged by the Commissioner of Police regarding the application.

Conditions

The following conditions 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 the licensed premises.
- 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.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor restricted to sale by direct sales transactions 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. The applicant had initially applied for authorisation to sell liquor for consumption on the licensed premises between Wednesday and Saturday 10am to 5pm and Sunday 11am to 5pm and with a capacity of 50.

Pursuant to section 28AA(1) of the Act, the Commissioner of Police lodged an intervention against the application on the 25 August 2021.

The Commissioner of Police made the following submissions in the intervention:

- the application is inconsistent with the objects of the Act, specifically, section 1(c) of the Act, in that, such a variation if granted, would be inconsistent with the expectations and aspirations of the public.

The public, it is submitted, have an expectation that such business activity will not occur in suburban residential areas. Enabling the business to trade akin to a bar, open to members of the public is not consistent with such expectations and as such, contrary to section 1(c).

- the nature of the application is such, if approved, would enable the business to operate, in effect, as a "small venue" (bar), outside the Adelaide Central Business District. Section 37 of the Act, does not permit such businesses to operate outside of the Adelaide Central Business District.
- that should the application be granted, the potential exists for adverse social impact, in particular impact on the amenity of the locality of the proposed business.
- the planning approval provided by the council is confined to a home activity, the activities proposed by the applicant therefore do not have the support of the council. Therefore the licensing authority cannot be satisfied of the requirements under section 57(2) of the Act and that to grant the application would be contrary to the Act. In addition to this the Commissioner of Police has noted that should the applicant satisfy section 57(2) of the Act, any licence granted or conditions imposed by the licensing authority should be wholly consistent with the conditions authorised or imposed by the council in order to avoid conflict with the planning system under section 11C of the Act.

I note that on the 30 August 2021, the applicant indicated that it does not intend to sell liquor for consumption on the proposed premises or allow prospective customers to visit the proposed premises. Therefore pursuant to section 51(3) of the Act, I have allowed the applicant to vary the application to remove the trading hours for consumption on the licensed premises and to reduce the capacity of the premises to zero.

In light of the revised conditions proposed by the applicant, the Commissioner of Police withdrew the intervention on

the 13 September 2021.

As the applicant has advised the licensing authority there will be no access to the proposed premises by the general public, I will impose the following conditions and authorisations on 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 the licensed premises.
- 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.
- Sale of liquor restricted to sale by direct sales transactions only.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
29 Sep 2021