

Director of Liquor Licensing

Decision Notice

MATTER:	Application for material alteration to licensed premises
LICENSEE:	Darwin Trailer Boat Club Incorporated
PREMISES:	Darwin Trailer Boat Club 8 Atkins Drive FANNIE BAY
LEGISLATION:	<i>Liquor Act 2019</i> – Part 4 Division 2
DECISION OF:	Director of Liquor Licensing
DATE OF DECISION:	5 August 2025

DECISION

1. For the reasons outlined below, and in accordance with section 97 of the *Liquor Act 2019* (the Act), and with reference to the delegations provided to me by the Northern Territory Liquor Commission (the Commission) dated 5 July 2025, as the Director of Liquor Licensing (the Director) I approve the application by Darwin Trailer Boat Club Incorporated for the material alterations to the premises being an extension of the licensed premises in the manner below:
 - a. the licensed premises is to be delineated into two distinct areas being the “Existing Licence Area” identified by a blue border, and the “Proposed Extension Licence Area” which abuts the existing area and is identified by the red border as described in Schedule 1 of this notice.
 - b. the sale, supply or consumption of liquor in the “Proposed Extension Area” is contingent upon the licensee holding a valid “Licence over Crown land” pursuant to section 90 of the *Crown Lands Act 1992* and any conditions placed upon that licence.
 - c. If no “Licence over Crown land” is held the “Proposed Extension Licence Area” is not to be used for the sale, supply or consumption of liquor.
 - d. The additional point of sale for this area to be known as the “Beach Bar” is approved for placement in the alfresco dining area of the premises. The operation of this point of sale is not contingent upon a “Licence over Crown land” and may be used at the licensee’s discretion during the following dates and times:
 - i. from 1 April to 31 October each calendar year
 - ii. between the hours of 15:00 hours and 23:00 hours

REASONS

2. On 4 July 2025, an application was lodged by the Darwin Trailer Boat Club Incorporated for the premises situated at 8 Atkins Drive, Fannie Bay for which licence 81401081/FLL relates.
3. The application was for material alterations to the premises pursuant to section 95(1)(a) of the Act to increase the overall licensed premises to include an extension onto the adjoining beach foreshore and an additional point of sale in the existing alfresco dining area.

4. The matter having been processed in accordance with the provisions of the Act was referred to the Commission in the usual manner on 28 July 2025.
5. On 5 July 2025, the Commission delegated additional matters to the Director for determination and this application falls within the matters which may now be dealt with under those delegations.
6. Accordingly, on 30 July 2025 the Commission refused to accept the referral so that it may be finalised under the delegation.

APPLICATION

7. The application included the materials prescribed by the Act including a public interest and community impact assessment summary.
8. The overall expansion of the premises is for an area measuring 20m out onto the beach foreshore and 90m in length.
9. There were no other proposed changes to the conditions of the licence, notwithstanding the licensee also sought an additional point of sale to service this area.

PUBLICATION & CONSULTATION

10. On 14 July 2025, a delegate of the Director determined the application was not required to be subject to the public notice requirements of section 96(4) of the Act.
11. Notification of the application was provided to those prescribed in section 96(6A) of the Act, with no adverse comments having been received from any party.
12. It was noted however Crown Lands as the licensor of the additional area to the Darwin Trailer Boat Club Incorporated placed a time limitation and other conditions on the "Licence over Crown land".
13. This approval therefore is contingent upon the time limitation and conditions imposed by the licensor as in force at any given time.

ASSESSMENT OF THE APPLICATION

14. The works fall within the definition of a material alteration as they are a significant increase to the area of the premises used for the sale, supply, service or consumption of liquor¹.
15. It may also be argued it is a significant change to the external appearance of the premises and facilities².
16. The application is simple in nature in that the licensee has increased the overall area of the licensed premises, which operates under the substantive club authority to include the extended beach area and additional point of sale in the alfresco dining area.
17. As submitted by the licensee, this expansion is intended to take advantage of the unique location of the premises so that the tourist industry is further supported by providing such facilities.
18. It is also noted patrons naturally wish to take advantage of the location and regularly take drinks down onto the beach area, with the licensee having to insist they return to the current licensed area.

¹ *Liquor Act 2019*, s95(1)(a).

² *Ibid*, s95(1)(d) and (e).

19. This extension will assist the licensee with compliance and restrict glass from the area.
20. There has been no opposition to this application and no adverse comments, nor any compliance issues with this licensee.
21. The licensee has confirmed that all the necessary "Licence over Crown land" has been obtained and the approval and use of this area will be dependent upon that being continued.

Public interest and community impact requirements

22. In accordance with section 97 of the Act, I have considered the public interest and community impact requirements and am satisfied that the alteration will be in the public interest, and that it is unlikely it will have any adverse impact on the community.
23. Stringent conditions have been placed on the use of this area by Crown Lands and are imposed on this approval.
24. The intention of the licensee is to expand the business and take advantage of the location of the premises, which overlooks the Arafura Sea and provides a significant viewing point for the public to utilise.
25. Section 3(4) of the Act requires a person exercising a power under this Act to have regard to both the primary and secondary purposes of the Act, with a secondary purpose being the regulation of the industry in a way that stimulates the tourism and hospitality industries.
26. As required by that section this decision has been made in a manner consistent with those purposes.

REVIEW OF DECISION

27. Section 29(1) of the *Liquor Commission Act 2018* provides any decision of the Director is reviewable by the Northern Territory Liquor Commission (the Commission), with section 29(2) of the Act prescribing the persons who may apply for a review of the decision.
28. An application for a review of a decision must be made to the Commission within 28 days after written notice of the decision of the Director is given to the person, in the form approved by the Commission stating the grounds on which it is made, and the facts relied on to establish the grounds.
29. This decision is one that falls within the provisions of section 29(1) of the *Liquor Commission Act 2018* and is not one that is excepted by subsections (a) or (b) and is therefore reviewable by the Commission.



Mel Garde
Director of Liquor Licensing

5 August 2025

SCHEDULE 1

