

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Applicant:</b>	Craft Beer Australia Pty Ltd
<b>Premises:</b>	The Precinct Tavern
<b>Nominee:</b>	Mr Ryan Jenkins
<b>Licence Number:</b>	80318470
<b>Application:</b>	Variation of Licence Conditions
<b>Members:</b>	Mr Richard O'Sullivan (Chairman) Mr Seán Parnell Mr John Brears
<b>Appearances:</b>	Mr Terry O'Neill, Deputy CEO, Darwin Waterfront Corporation
<b>Hearing Date:</b>	22 August 2014 (Hearing on Papers)
<b>Date of Decision:</b>	29 August 2014

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## Background

- 1) The applicant has sought the removal of the following five conditions from The Precinct Tavern liquor licence:

***“Restaurant***

- *Liquor shall only be sold by way of wait staff to patrons who are seated at a table.*
- *No high tables or bar stools permitted in the Restaurant Area.*

***Alfresco Area***

- *With the exception of those persons entering or exiting the venue through the Alfresco Area, all patrons to be seated.*
- *No high tables or stools permitted in the Alfresco Area.*

***Special Conditions – Entertainment***

- *No speakers or live performances permitted in the Alfresco Area.”*

- 2) A joint objection to the application was received from Mr Ross Baynes and Miss Avril Vaughan who reside at Wharf 1, Kitchener Drive. In a Decision of the Chairman of 24 July 2014, the objection was determined as valid and required a Hearing pursuant to Section 471(7) of the Liquor Act. In that Decision it was noted that no formal response to the application had been sought from Police, the Waterfront Corporation and Health as normally occurs at the time of an application being advertised.

- 3) Following discussions involving the objectors, the applicant and a Licensing Inspector, the objectors determined not to give evidence at a formal Hearing, but to rely on their written objection as submitted on 14 May 2014. The Commission then determined to conduct a Hearing on the Papers.
- 4) Mr Terry O'Neill, Deputy CEO, Darwin Waterfront Corporation had sought clarification over the advertising and objection process and was invited to speak to the three Commission Member panel. His appearance was to provide background on the Waterfront, its development and general attitude to liquor licensing.

## **Hearing on Papers**

- 5) Mr O'Neill spoke to the "Darwin Waterfront Corporation Liquor Guidelines" as issued in April 2013. He outlined the mixed use concept behind the Waterfront development and that in public areas and open spaces it was designed to be family friendly. Accordingly he advised there was a focus on fostering family friendly ambience at the recreation lake, lawn areas and wave pool. He explained that it was the Waterfront Corporation's concern that alfresco areas of licensed premises that face out onto the public areas provide an appearance consistent with this family friendly usage. To meet this objective the Waterfront Corporation would prefer that patrons in alfresco areas be seated and that noise coming from the alfresco areas be at a volume so as not to cause disturbance to the public areas. In particular he referred to the need for lifesavers at the wave pool to hear any distress calls, with the potential safety of the wave pool users compromised if noise from The Precinct Tavern alfresco area was at too high a volume.
- 6) The Commission noted the safety issue of noise in relation to the operation of life savers at the wave pool. It also noted the desire of the Waterfront Corporation to maintain a mixed used and family friendly environment in the Waterfront Precinct area. In relation to the noise from The Precinct Tavern, including the alfresco area, the Commission expresses the requirement that noise or music is not to adversely impact on the amenity of the neighbourhood or impair the safety operations of nearby wave pool life guards.
- 7) Careful consideration was made of the application to remove the requirements for patrons to be seated in the alfresco area. The Commission is mindful of the Waterfront Corporation's desire to maintain a family friendly atmosphere in public spaces. Visibility of the licensed alfresco areas from the lawns and aquatic areas of the Waterfront require that they present an orderly appearance. In the Commission's view patrons standing while drinking is less likely to present such an orderly environment than if patrons are seated.

## **Decision**

- 8) The Commission has determined to remove the following conditions from The Precinct Tavern liquor licence:
  - Liquor shall only be sold by way of wait staff to patrons who are seated at a table.
  - No high tables or bar stools permitted in the Restaurant Area.
  - No high tables or stools permitted in the Alfresco Area.

- 9) The Commission does not remove the requirement that patrons in the Alfresco Area are to be seated.
- 10) In relation to the existing licence condition that “No speakers or live performances permitted in the Alfresco Area”, the Commission removes the ban on speakers. Speakers will be permitted to broadcast music so long as the volume does not adversely impact on the amenity of others users and occupiers of the area and does not impact on the safety of users of the wave pool. The playing of live music in the alfresco area is to be subject to individual application and approval as a temporary licence variation.

Richard O’Sullivan  
Chairman

29 August 2014