

## Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Application for a material alteration to licensed premises
<b>LICENSEE:</b>	Proper Long Way Pty Ltd
<b>PREMISES:</b>	Berry Springs IGA X-Press 10 Doris Road Berry Springs NT 0837
<b>LICENCE NUMBER</b>	80903666/FLL
<b>LEGISLATION:</b>	Part 4 Division 2 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Director of Liquor Licensing
<b>DATE OF DECISION:</b>	7 October 2025

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#### DECISION

1. For the reasons outlined below in accordance with section 97 of the *Liquor Act 2019* (the Act), and with reference to the delegations provided by the Northern Territory Liquor Commission (the Commission) dated 5 July 2025, as a delegate of the Director of Liquor Licensing (the Director) I approve the application by Proper Long Way Pty Ltd for the material alterations to the premises, being a change to an entrance to or an exit from the licensed premises in the manner below:
  - a. Modification of the existing entry and egress point of the premises, by replacing the existing manual entry with an automated unit.
2. The licensee must provide as advised by the Director, all the necessary certifications in satisfaction of section 97(5) of the Act to allow for trade in the premises.
3. The licensee is comply with any lawful directions from the NTFRS in relation to this matter.
4. For completeness, there will be other internal alterations within the existing licensed premises these however are not material alterations as defined.
5. Upon completion of the works and final approval by the Director, an amended licence will be issued to reflect the new approved site plan.

#### REASONS

#### BACKGROUND

6. On 1 October 2025, an application was lodged by Ms Lily Jones of Ward Keller as Counsel for the licensee Proper Long Way Pty Ltd for the premises situated at 10 Doris Road, Berry Springs, for which licence 80903666/FLL relates.

7. The application was for material alterations to the premises pursuant to section 95(1)(c) of the Act to make a change to an entrance to or an exit from the premises.
8. The matter, having been processed in accordance with the provisions of the Act, was referred to the Commission in the usual manner on 6 October 2025.
9. On 7 October 2025, the Chairperson of the Commission refused the referral returning it to the Director for determination under the delegations dated 5 July 2025, as he was satisfied this application fell within the matters which may now be dealt with under those delegations.

## APPLICATION

10. The application included the materials prescribed by the Act.
11. There were no proposed changes to the conditions of the licence and the application was simple in nature and uncontroversial.

## PUBLICATION & CONSULTATION

12. On 16 May 2025, arising from submissions and general discussions relating to the application between Counsel and the Director prior to lodgement, 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.
13. Notification of the application was provided to those prescribed in subsections 96(6) and 96(6A) of the Act, with no adverse comments having been received from any party.

## ASSESSMENT OF THE APPLICATION

14. The works fall within the definition of a material alteration as they are a change to an entrance to, or an exit from, the premises<sup>1</sup>.
15. The application is simple in nature in that the licensee is undertaking changes to the existing entrance point to accommodate the installation of automated doors and related equipment.
16. As submitted by the licensee, this alteration is to become more accessible to individuals with mobility issues and combined with the proposed internal works, will reposition the manner in which patrons enter and exit the premises.
17. There has been no opposition to this application and no adverse comments, nor any compliance issues with this licensee.
18. The Northern Territory Fire and Rescue Service did, on 6 October 2025 after the matter had been referred to the Commission, provide the following submission relating to certifications:
  - a. Confirmation from BAS of any required certifications;
  - b. Inspection to be undertaken by the NTFRS once works have been completed.
19. It is accepted the premises is operational notwithstanding there will be some disruption to trade whilst the works are undertaken.

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<sup>1</sup> *Liquor Act 2019*, s95 (1) (c).

20. Ordinarily a condition may be placed upon an approval for material alterations prohibiting trade until such time as the relevant certifications and approvals have been provided to the satisfaction of the Director.
21. Without diminishing the need for certification of the works, a total prohibition on trade is considered unnecessary in these circumstances.
22. The Director and the licensee will work collaboratively to ensure a safe and appropriate arrangement for the ongoing trade in conjunction with the works necessary, conditional upon the Director reserving the right to instruct the licensee to provide reasonable documentation in relation to the works and to cease trade if the works pose a risk of harm to the public during ordinary trade.

### **Public interest and community impact requirements**

23. In accordance with section 97 of the Act, I have considered the public interest and community impact requirements and am comfortably satisfied that the alteration will be in the public interest, and that it is unlikely it will have any adverse impact on the community.
24. The intention of the licensee is to ensure greater security and control over the entrance to the premises as well as assist patrons with mobility issues to more easily enter and exit the licensed premises.
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 the primary purpose focussing on harm minimisation.
26. The proposed works clearly fall within the harm minimisation aspect, being physical harm to patrons as opposed to the liquor consumption considerations that are usually associated with the principle.
27. The works are unlikely to have any increase on the sales of liquor from the premises.
28. As required by that section this decision has been made in a manner consistent with those purposes.

### **REVIEW OF DECISION**

29. Section 27(1) of the Act provides for those persons prescribed to seek a review of a delegate's decision by the Director.
30. An application for a review of a decision must be made to the Director within 28 days after written notice of the decision is given to the person, in the approved form stating the grounds on which it is made, and the facts relied on to establish the grounds.



**Mark Wood**  
Delegate of the Director of Liquor Licensing  
7 October 2025