

## Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Application for material alteration to licensed premises
<b>LICENSEE:</b>	Northern Interests (NT) Pty Ltd
<b>PREMISES:</b>	Timber Creek Hotel 78 Victoria Highway Timber Creek
<b>LEGISLATION:</b>	<i>Liquor Act 2019</i> – Part 4 Division 2
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	21 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 to me 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 Northern Interests (NT) Pty Ltd for the material alteration to the premises known as Timber Creek Hotel to:
  - a) excise the current public area of 80304074/FLL and relocate it to the current restaurant area on the ground floor of the premises, thereafter that area will no longer be within the licensed footprint of the premises; and
  - b) move the restaurant area of the premises to the new covered and raised facility adjoining the pool and including the alfresco dining area measuring 12m x 8m.
2. The sale of takeaway liquor is prohibited from the restaurant area and may only be undertaken through the public bar area.
3. The commencement of trade under this new altered licence is prohibited until the licensee has provided evidence to the satisfaction of the Director they obtained any certifications that may be necessary for the use of each area and received written approval to commence trade in those areas under the new provisions.
4. For the avoidance of doubt, the new area may not be used for the sale of liquor until such time as the licensee has ceased trade in the current public bar area and relocated it to the current restaurant area as planned.
5. There is no change to the upstairs function area.
6. The amended licence reflecting these changes will be issued upon satisfaction of the above, until such time the current licence dated 24 April 2023 remains in place.
7. The new site plan is contained in Schedule 1 of this decision.

## REASONS

### BACKGROUND

8. On 1 September 2025, an application was lodged by Ms Teresa Hall of Ward Keller as Counsel for the licensee Northern Investments (NT) Pty Ltd for the premises Timber Creek Hotel, for which licence 80304074/FLL relates.
9. The application was for material alterations to the premises pursuant to section 95(1)(a) of the Act to excise the current public bar area of the licence and relocate it to the current restaurant area, then relocating the restaurant area to a new undercover area adjacent to the pool including an alfresco dining area.
10. The construction of the new facility has been undertaken and it is currently being used without the provision of liquor. The works were undertaken whilst the area was not within the licensed premises approved footprint, therefore this matter does not breach the provision of section 95(1) of the Act requiring prior written approval.

### APPLICATION

11. The application included the materials prescribed by the Act including a public interest and community impact assessment summary.
12. The overall modification and minimal expansion of the premises arguably falls within several branches of the definition of a material alteration as prescribed by section 95 of the Act, specifically constituting significant changes to the external appearance of the premises, and the external appearance of the premises.
13. These works are not considered to be a significant increase in the area, nor a change to the entrance to or an exit from the premises other than the removal of the current public bar entrance.
14. There is no changes to the nature of the business, nor the conditions of the licence.

### PUBLICATION & CONSULTATION

15. The premises are somewhat remote being in Timber Creek and it was considered of little effect to require the licensee to publish a public notice in the usual manner, being the public notice section of the local newspaper.
16. Pursuant to section 96(4) of the Act, a delegate of the Director exercised their discretion and determined the application was to be published through signage at the premises along with public notices at suitable notice boards within the community, as well as the substantive materials being available through the Director's website.
17. The only adverse submission made in relation to this matter was from Police who initially opposed the application based on previous "...multiple breaches" of the Act by the licensee.
18. Police were asked to confirm whether their submission was to be a formal objection which they confirmed and expanded on the alcohol-related anti-social behaviour in the location, which they attribute to the licensee.

19. Police stated there was "...noncompliance (sic) to RSA practices" and that Police are regularly called out to the premises for theft of alcohol and other concerns. Police have undertaken "education talks" with the licensee and base their opposition on adverse effects on the health of the local community, the corollary effect on school attendance and domestic violence issues.
20. Police also expressed the proximity of the proposed new area to the swimming pool, with their concern being an absence of a lifesaving devices, defibrillator or rescue aids.
21. Additionally, Police expressed the "...strong movement in the community by traditional owners to reduce the amount of take away to be sold to an individual".
22. These concerns were provided to the licensee through Counsel with a supplementary response being provided by Police on 16 October 2025.
23. Police met with the licensee and discussed their concerns as well as a discussion being undertaken with this delegate in which it was confirmed there is no requirement in the Act for pool signage or the like, and there if no other licence with any such conditions imposed on them. Also, it was confirmed takeaway liquor would not be available from this new area, but would remain only from the public bar area.
24. On that basis Police provided qualified support of the application "...based on their intentions of expansion".

## ASSESSMENT OF THE APPLICATION

25. There is no dispute there has been and continues to be, significant social order issues in Timber Creek, and it is not in dispute that any changes to licences that may increase these issues should be stringently examined and considered.
26. It is accepted the changes proposed by the matter are focussed on providing an improved facility for tourists and the general public to dine in. The area is not being used as a public bar and will only improve the facilities offered to the tourists and bona fide visitors to the area.
27. A similar facility was contemplated a short distance down the road however other circumstances have prevented that licence for commencing.
28. The sale of takeaway liquor will remain only from the public bar area and there is no change to the manner of the sale of liquor, or the conditions of the licence. Furthermore, there are no additional hours of sale being sought.
29. Police did raise the concern of the takeaway liquor sales in general terms however, that is outside of this matter and a separate consideration for the Commission under section 113 of the Act if they so determine.
30. The premises are old and in need of improvements and it is accepted these works will provide the necessary improvements to the facilities offered by the licensee.
31. The works have been viewed by inspectors who commented on the quality of the new area.
32. It is not in dispute this licensee has been the subject of disciplinary action and it is accepted the clientele may at times be challenging. These issues however may be attributed to the conduct within the public bar area of the premises.

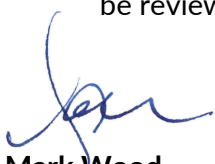
33. There are no known compliance issues that have arisen from the conduct of the restaurant area and there is nothing to suggest in this matter that those circumstances will change.
34. Conversely, if there are any breaches arising from the restaurant area of the premises whether or not in its current location, or the proposed new area, the usual process would be undertaken and the licensee dealt with accordingly.
35. There is also little evidence to link the previous non-compliance issues with this application.
36. Other than the initial opposition by Police which was subsequently changed to a qualified support, there has been no objections or adverse comments from any party or the general public.
37. The application was referred to the Commission on 20 October 2025, with the Chairperson refusing to accept the referral, with reference to the delegations of 5 July 2025, considering it appropriate the matter be determined by the Director or their delegate in the circumstances.

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

38. 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 is in the public interest, and that it be unlikely to have any adverse impact on the community.
39. There are no materials to suggest the approval of this application will be contrary to the public interest nor have any adverse impact to the community. As written earlier, these works have been undertaken some time ago albeit whilst the new area was **not** within the licensed premises.
40. 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.
41. As required by that section this decision has been made in a manner consistent with those purposes.

### **REVIEW OF DECISION**

42. Section 27 of the Act provides for those persons prescribed to apply to the Director for a review of a decision made by their delegate.
43. An application for a review of a decision must be lodged with the Director within 28 days after written notice of the decision of the Director is given to the person, in the form approved by the Director stating the grounds on which it is made and the facts relied on to establish the grounds.
44. This decision is one that falls within the provisions of section 27 of the Act and may therefore be reviewed by the Director.



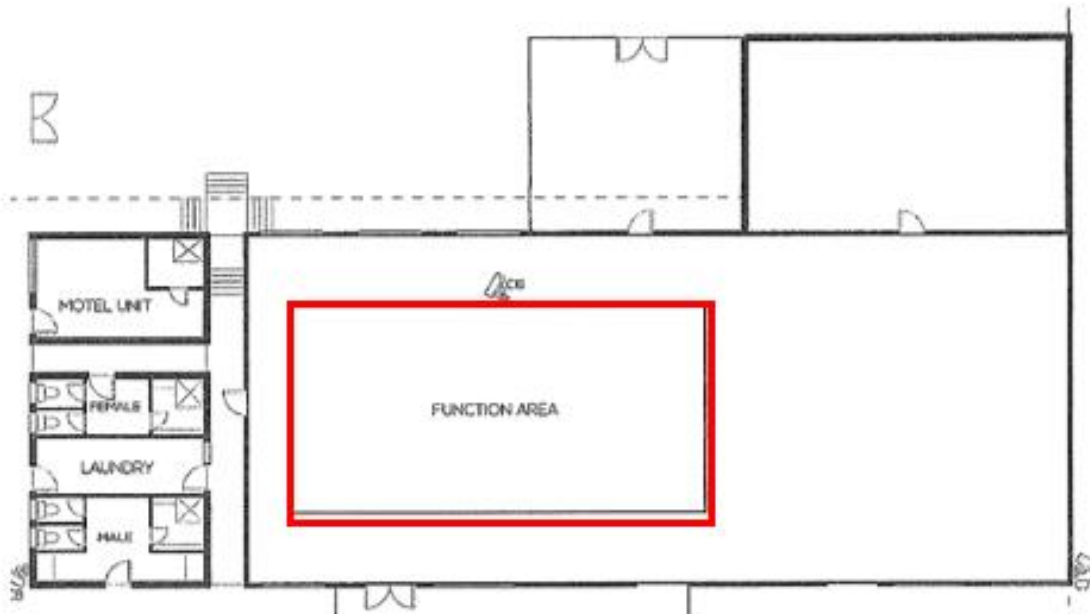
**Mark Wood**  
Delegate of the Director of Liquor Licensing  
21 October 2025

# SCHEDULE 1 - APPROVED SITE PLAN

## GROUND FLOOR



## SECOND FLOOR



# RESTAURANT AND ALFRESCO DINING AREA

