

Delegate of the Director-General of Licensing

Decision Notice

MATTER:	Material Alterations and Variation of Liquor Licence Conditions
LICENSEE:	SKYCITY Darwin Pty Ltd
PREMISES:	SKYCITY Darwin
NOMINEE:	Mr Grant Dewsbury
OBJECTORS:	Nil
LEGISLATION:	Sections 119 and 32(A) of the <i>Liquor Act</i>
DECISION OF:	Delegate of the Director-General of Licensing
DATE OF DECISION:	1 August 2017

BACKGROUND

1. On 2 and 13 February 2017 the nominee/manager for the SKYCITY Darwin liquor licence (the Applicant) applied to the Director-General of Licensing pursuant to section 119 of the *Liquor Act* (the Act) for approval of material alterations to the licensed premises.
2. The Applicant also applied for permanent variations to the conditions associated with the liquor licence pursuant to section 32A of the Act.

CURRENT SITUATION

3. The material alterations include the relocation of the VIP gaming area, currently located in the Skyroom Private Salon, to the Diamond Room on the main gaming floor, which will be renamed the "Arafura" room and will facilitate VIP premium gaming. The proposed works include tiling the entry/egress and associated common areas of the VIP gaming entrance off the 100 club car park, placing partition panels along the new entrance to restrict access to the Arafura Room, removing a 1.5 metre section of the wall to allow access directly to the main gaming floor and replacing the glass swinging entry door to the room with a glass sliding door.
4. The alterations also include the replacement of the wall between the Sandbar and the Dolphin Electronic Gaming Machine Area.
5. The application for permanent variations to the licence conditions seeks approval to rename the existing "ACES" Bar to the "Sportsbar". The application also seeks a variation to the exemption under section 104(3)(g) of the Act that is currently in effect for the "ACES" bar be extended for the "Sportsbar" from the current hours of 4:00 am to 6:00 am to 04:00 am to 10:00 am. The application also seeks the removal of the rider attached to the section 104(3)(g) exemption that currently restricts the sale of alcohol during those hours to be only in conjunction with gaming activities. This request has been made on the basis that no gaming takes place in this area and activity primarily involves patrons viewing TV monitors showing

sports at all hours from all regions of the world. The applicant submits that this area may be utilised by patrons wishing to take a break from gaming activities.

6. Further, a variation undersection of 32A of the Liquor Act is sought in relation to Bar 8 to make the provisions relating to the service of alcohol consistent with those existing for premium gaming areas within the venue. The application seeks to have the following licence condition in place for Bar 8: "Trading is permitted at any hour in conjunction with gaming activities within the Arafura room. The Arafura room is an area to be used for private gambling by invitation only".
7. In accordance with Section 6(2) of the Act, the Applicant has addressed the criteria relevant to the application and submitted that the material alterations and the variation of licence conditions were unlikely to impact on the public interest in the business conducted under the liquor licence. As a result it was submitted that the Director-General should not require the application to be advertised by way of public notice.
8. Given the relatively minor nature of the material alterations and the variation of licence conditions, a delegate of the Director-General determined that there was no public interest in advertising the application. As a result there were no objections to the application from members of the public.

STAKEHOLDER CONSULTATION

9. As per normal practice, the application was forwarded to the following stakeholders: Department of Health, NT Fire Safety, NT Police, Development Consent Authority and Darwin City Council. There were no adverse comments received regarding the applications for material alterations and variation of licence conditions.

CONSIDERATION CRITERIA

10. In determining this application the objects of the Act must be taken into account. The objects, as set out in section 3 of the Act, include the regulation of the sale of liquor so as to minimise associated harms and to protect and enhance community amenity. A further objective of the Act is to facilitate a diversity of licensed premises and associated services for the benefit of the community.
11. As noted above, in waiving the requirement to advertise the material alterations and the variation to licence conditions a delegate of the Director-General determined that, given the relatively minor nature and impact of the alterations and variations to licence conditions, there was no public interest that would require the application to be publicly advertised. I agree with that assessment.
12. As a consequence, in considering this application with the objects of the Act in mind, there are no issues arising that would persuade me to refuse to approve the alterations to the premises or the variation to licence conditions that will necessarily flow from the relocation of the VIP gaming room.
13. In those circumstances I have determined to approve the application for material alterations and the application for variation of licence conditions as sought by the Applicant and as set out in paragraphs 3 to 6 above.

DECISION

14. Pursuant to section 119 of the Act I have determined to approve the material alterations to the SKYCITY Darwin premises as set out above.
15. In addition, I have determined pursuant to section 32A(7)(a) of the Act to approve the variation of licence conditions for the liquor licence authorise the renaming of the exiting "ACES" Bar to the "Sportsbar" and to vary the exemption granted under section 104(3)(g) of the Act for the "Sportsbar" from the current hours of 4:00 am to 6:00 am to the new hours of 04:00 am to 10:00 am. The rider attached to the current section 104(3)(g) exemption that restricts the sale of alcohol during those hours to be only in conjunction with gaming activities is to be removed as requested by the Applicant.
16. The sale of alcohol in the Bar 8 area of the premises shall be subject to the following licence condition: "Trading is permitted at any hour in conjunction with gaming activities within the Arafura room. The Arafura room is an area to be used for private gambling by invitation only".

REVIEW OF DECISION

17. Section 8 of the *Licensing (Director-General) Act* prescribes a delegate decision as a decision of the Director-General, under any act that is made by a delegate of the Director-General. The Director-General delegated the determination of applications made under Section 26 of the *Liquor Act* by instrument to the person from time to time holding, acting in or performing the duties of the position of Deputy Director-General (Operations), Licensing NT.

Section 10 of the *Licensing (Director-General) Act* provides that an affected person for a delegate decision may apply to the Director-General for a review of the decision. An application for review must be made within 28 days after written notice of the delegate decision is given to the affected person, or within any additional time that the Director-General allows.

Section 9 of the *Licensing (Director-General) Act* prescribes an affected person for a delegate decision to be an applicant and any person who made a submission, complaint or objection during the process that resulted in the decision being made. As there were no objections or submissions opposing the applications in this instance affected person is the Applicant.



Philip Timney
Delegate of the Deputy Director-General (Operations)

1 August 2017