

Northern Territory Licensing Commission

Decision

Premises:	Todd Tavern
Licensee:	Iliadmede Pty Ltd
Licence Number:	80102200
Nominee:	Diane Loechel
Proceeding:	Application to vary and extend the liquor licence
Objectors:	(1) Mr R W Fields, Commander, NT Police, Fire and Emergency Services, Southern Region (2) My Brycen Brook, A/Manager, Central Australian Alcohol and Other Drugs Service
Heard Before:	Mrs Mary Ridsdale (Presiding) Ms Annette Milikins Mr Brian Rees
Date of Hearing:	7 & 8 August 2001
Date of Decision:	24 September 2001
Appearances:	All parties in person

On Tuesday 7 August 2001 the above Hearing commenced.

Mr and Mrs Loechel conducted their own application and gave information to the Commission as to reasons for alterations and to their plans for Alfresco dining under the verandah of the Todd Tavern in Todd Mall. They have a strong desire to open up the north end of the Mall for tourists and the towns people of Alice Springs to enjoy a pleasant area of the Mall especially in the warm weather. They believe this will be well patronised and enjoyed.

Lack of traffic and pedestrians going through to the bottle shop will make the area less congested and more attractive.

Mr and Mrs Loechel called a number of witnesses to support their application who were unanimous in their opinions that Alfresco dining would enhance the Mall as both a tourist attraction and a pleasant area for the town. These witnesses were:

- Stuart Pritchard
- Neville Hall
- Nicholas Scarvelis
- Kenneth Lechleitner
- Gary Carter
- Russell Naismith

Mr Nick Scarvelis, CEO of the Alice Springs Town Council advised that the Council approved of the concept for the Mall and would endeavour to assist in all ways to bring a better image to the north end of the Mall. He considered the closure of the passage through from the bottle shop would greatly assist this together with additional lighting and removal of seats.

Limited objection to the application was made by A/Superintendent Colleen Gwynne of the Alice Springs Police in regard to the traffic hazard outside the proposed dining area and considered closing of the drive through from the bottle shop would be a very good solution and accidents far less likely to occur. The Police have no objection to the concept as planned.

Objection was also raised by Mr J Easterby-Wood of the Regional Health Office. His concern was the increase of availability of alcohol to the area and this was taken into consideration by the Commission.

He also submitted further letters of objection dated the day of the hearing. The Commission did not accept these as time for objections was well past. The later two objectors were proprietors of commercial premises for restaurants and not considered by the Commission pursuant to section 48(1A) of the *Liquor Act*.

Pursuant to Section 32 of the *Liquor Act*, the Commission, having considered the application as presented and the evidence of the objectors, the applicant was advised that its application to vary and extend the liquor licence of the Todd Tavern to include proposed changes to the licensed areas and Al Fresco dining adjacent to the two new areas of the building which would be a restaurant and bistro with a small bar as marked on the plan tendered as Exhibit 1, was approved in principle and that the following were the additional conditions to be placed on the licence when issued pursuant to Section 32 of the *Liquor Act*.

1. Entrance to the Todd Mall be closed from the Bottle Shop either by a fence at entrance to the Mall or locked gates and if the latter then to be opened only for the access to and egress from the storage area of the Hotel by semi trailer for deliveries. No walking by patrons of the Bottle Shop through to the Mall at any time. Security to be placed at the gates during the open period.
2. Alfresco dining under the verandah to be enclosed by a fence and/or shrubbery to delineate the licensed area on the footpath beneath the verandah of the adjoining buildings.
3. Patrons must at all times be seated at tables while meals are served and no bar stools permitted in this area. Table service only to be provided.
4. Hours of trading for this area and the adjoining bistro be 11:00 to 01:00am seven days a week. Lunches to be served between 11:30 and 14:30 and dinner between 18:00 and 21:30. At all other times light meals to be available to patrons on request.
5. Further improvements to be provided are lighting, removal of wooden seats and car parking adjacent to hotel to be approved by Alice Springs Town Council and the Planning Authority (prior to the issue of any licence) in respect of closure of passage from bottle shop.
6. Plans for all areas of the hotel to be approved by the Director of Licensing prior to commencement of work.
7. All alterations and additions to licensed premises to be completed by the Licensee and all approvals be obtained within twelve months of approval of plans by the Director of Licensing.
8. Hours of trading for Auntie's Bar will continue as at present but subject to review prior to issue of licence. We note the Licensees have amended their application for Auntie's Bar to open at 12 noon by agreement with the Police as set out in the letter of the applicant at Folio 35 of the Hearing Brief, Exhibit 2.

With these conditions in place, the Commission considered that the north end of the Todd Mall would be a pleasant area both for tourists and the people of Alice Springs to enjoy. The Commission commended the members of the applicant company for their proposal and concern for the improvement in the Todd Mall.

The hearing concluded at 11:00.

Dated the day of September 2001.

Presiding Member