

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Beachfront Hotel 342 Casuarina Drive, Rapid Creek
Licensee:	Trojanmede Pty Ltd
Licence Number:	80315200
Proceeding:	Section 471 of the <i>Liquor Act 1978</i> , Decision on whether objections proceed to hearing
Date of these Reasons:	2 September 2003
Objectors:	Mr Michael Robbins Mr Phil Pethick on behalf of landlords and tenants Ms Heather Moyle Mr Scotty Mitchell on behalf of the Northern Territory Police

The licensee has applied to vary the conditions of the licence by the extension of trading hours each Thursday, Friday and Saturday. The current closing on these nights is at a minute before midnight. The application if approved, would permit trade to 02:00AM the following day. The application is specific to the premises' Trophy Room and Beer Garden.

The application was advertised in the public notices section of the "Northern Territory News" on Wednesday 4 June 2003 and Friday 6 June 2003.

The application attracted four objections; all lodged prior to the closing date.

The material placed before me by the Director of Licensing indicates that Mr Robbins and Ms Moyle are residents of the neighbourhood, each having given an address in the near vicinity of the premises as their residential address. Mr Robbins lives at Unit 31 of 336 Casuarina Drive and Ms Moyle at Unit 36 of the same address. The applicant's premises are at 342 Casuarina Drive. I find that in respect of Mr Robbins and Ms Moyle, the requirements of s.47F (3)(a) are satisfied.

Mr Phil Pethick is a Director and Property Manager of Darwin Rental Specialists; he is the property manager of many of the units at 336 Casuarina Drive and objects on behalf of his landlords and tenants.

From the information provided, Mr Pethick is not a resident of the neighbourhood. He is a property manager, selected by landlords in the neighbourhood, to care for their interests and is able, as their appointed representative, to object on their behalf. In my view the requirements of s.47F (3)(b) are satisfied.

Mr Mitchell is the OIC of the Drug and Alcohol Policy Unit of the Northern Territory Police. He is a member of the Police Force and as such, satisfies the requirements of s.47F (3)(c).

The objection of Mr Robbins refers to anti-social behaviour in the premises' car park, loud music being amplified through speakers in the beer garden, the emptying of glass bottles into a bin situated in the car park, a weapon being discharged in the car park and a brawl in the early hours of the morning. I find that Mr Robbins' objection bears upon the amenity of the neighbourhood and thus satisfies the requirements of s.47F(2).

Ms Moyle's objection refers regular Police attendance at the premises, the noisy and drunken behaviour of some patrons, amplified music and the discharge of a firearm. I find that Ms Moyle's objection satisfies the requirements of s.47F (2).

Mr Pethick's objection, lodged on behalf of landlords and tenants, refers to noise emanating from the premises, specifically loud music and revving cars in the car park. Accordingly, I find that Mr Pethick's objection satisfies the requirements of s.47F (2).

Mr Mitchell of the Police refers to disturbances in the area at closing time and on this basis I find that his objection satisfies the requirements of s.47F (2). Mr Mitchell touches on other matters, but on the information available I'm unable to establish a direct link to the amenity of the neighbourhood.

The applicant licensee's response, made pursuant to s.47G is relatively detailed but limited to addressing the substance of the objections. No attempt is made, pursuant to s.47F (3) or s.471 (2)(c)(i), to seek the disqualification of the objectors. In the main the licensee claims that the objectors' concerns are related to an earlier time and the previous conduct of the premises. The licensee's response also provides details of actions taken to deal with objectors' concerns. However whether or not the attention given by management is such that the amenity of the neighbourhood may not or will not be adversely affected by an extension of trading hours is not a matter for me to determine.

I am satisfied that the objections are not frivolous, irrelevant or malicious in nature and that the objectors' assertions are issues relevant to amenity; the weighing of evidence in that regard is a matter for the Commission which must now conduct a hearing in relation to the objections.

These findings are to be forwarded to the applicant licensee and to the objectors.

Peter R Allen
Member selected by the Chairman pursuant to s471(2)