

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for the grant of a licence and authority
APPLICANT:	For Good Spirits Pty Ltd
PROPOSED PREMISES:	Speargrass Distillery Unit1, 35 De Latour Street Coconut Grove NT 0810
OBJECTORS:	Nil
LEGISLATION:	<i>Liquor Act 2019</i> - Part 3 and 4
DECISION OF:	Southern Region Manager – Licensing & Compliance
DATE OF DECISION:	18 February 2025

AMENDED DECISION

1. As a delegate of the Director of Liquor Licensing (the Director), I approve the application by For Good Spirits Pty Ltd for the grant of a liquor licence with a producers' authority, for the premises known as Speargrass Distillery at Shop 1, 35 De Latour Street, Coconut Grove.
2. Additionally, the applicant is granted a catering authority to be conducted from Shop 1, 35 De Latour Street, Coconut Grove but not at those premises, but on or in other premises with the consent of the owner or occupier of those premises for pre-booked bona-fide events.
3. An exception to this restriction is in circumstances where the hirer of the licensee also hires the premises at Shop 1, 35 De Latour Street, Coconut Grove for the private event, at which there is to be no members of the general public present.
4. The licence is granted in pursuance of section 60 of the *Liquor Act 2019* (the Act), with reference to sections 47(1)(j) and (m) of the Act, being a producers' authority and catering authority respectively.

5. The operating conditions in relation to the producers' authority are in accordance with Part 4, Division 13 of the *Liquor Regulations 2019* (the Regulations) and the following special conditions:
 - a) The hours of operation are to be between 10:00 hours and 22:00 hours seven (7) days a week (Good Friday and Christmas Day excluded)¹;
 - b) The licensee is to have available information materials in relation to the National Health and Medical Research Council's "Building a Healthy Australia – Alcohol Guidelines".
6. The operating conditions in relation to the catering authority are in accordance with Part 4, Division 5 of the Regulations and the following special conditions:
 - a) The hours of operation are to be between 11:30 hours and 24:00 hours, seven (7) days a week.
7. The sale, supply, service and consumption of liquor is not authorised and the licence will not issue until documentary evidence has been provided to the satisfaction of the Director that the applicant has obtained the necessary fire safety and building approvals, including a certificate of occupancy, in respect of the premises.
8. For the avoidance of doubt, the producers' authority only allows the licensee to sell liquor produced by the licensee. No other products may be sold under the authority, notwithstanding the licence also includes a catering authority. That is a separate authority for catering private events at premises with the consent of the owner or occupier.

BACKGROUND

9. Pursuant to section 52 of the Act, Mr Dominic Wundke the sole director of For Good Spirits Pty Ltd, lodged an application for a licence with a **producers' authority** and **catering authority** on 6 December 2025.

CURRENT SITUATION

10. The application is for a licence to allow for the sale of liquor produced by the licensee, for consumption on or off the licensed premises and separately, the catering of private events not open to the general public at premises other than those at Shop 1, 35 De Latour Street, Coconut Grove.

¹ *Liquor Regulations 2019*, r72 prohibiting sales on Good Friday and Christmas Day.

11. An exception to this restriction is in circumstances where the hirer also hires the premises at Shop 1, 35 De Latour Street, Coconut Grove for the conduct of the event and entry to the premises is restricted to bona-fide guests of the hirer and not the general public.
12. The licensee has a registration allowing for wholesale sales of their products from the premises, that registration however does not allow for on premises sales and consumption, or off-premises sales to the general public.
13. For completeness, that registration is held under the related entity Dom's Bar & Lounge Pty Ltd, for which Mr Wundke is also the sole director.
14. The licence is intended to focus on weekend bookings and private catered events specialised for their customers.
15. For the avoidance of doubt, the applicant for this licence cannot be the hirer for the purposes of the catering authority.
16. The focus of the facility is on production and not operating the premises as a bar or similar.
17. The operation has been underway at the premises since 2023 and supplying the related licensee Dom's Bar & Lounge Pty Ltd trading as Dom's Bar & Lounge, Shops 6 & 7, 60 Aralia Street, Nightcliff.
18. That licence (FLL11063) operates under a small bar and late night authority as well as producers' and catering authority, noting the production is undertaken at Shop 1, 35 De Latour Street, Coconut Grove.
19. This licence is intended to create two separate, but related commercial identities.
20. A menu was provided by the licensee in support of the application, based on the catering authority.

NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS

21. The applicant sought an exemption from the requirement of public notices for this application, submitting it raised no public interest concerns.
22. The request was considered by a delegate of the Director who refused the request on the basis:

"The producers' authority will by its very nature allow for takeaway sales, noting it is not a takeaway authority *per se*, but will effectively allow for takeaway sales that are not subject to the other restrictions placed on such an authority. I am also guided by the fact that to my knowledge no other similar application has been exempted and it has always been the position of the Director of Liquor Licensing such an application does give rise to public interests, therefore an exemption would be improper."

23. Pursuant to section 57(4) of the Act, the application was published in the NT News on 14 December 2024, with a fulsome publication of the materials on the Director's website for public viewing.
24. Accompanying the publications was signage at the premises in the customary fashion.
25. Following the prescribed publication period no objections were received by the public or any other party in relation to this application.
26. In pursuance of section 56(4) of the Act the application was notified to the Commissioner of Police and the Chief Executive Officers of the Department of Health (Health) and City of Darwin Council.
27. Although not a statutory requirement, as is practice, notification of the application was sent to the Northern Territory Fire and Rescue Service (NTFRS).
28. No adverse comments were received from any stakeholder.

APPLICATION

29. The applicant has provided a bundle of materials in support of the application including all materials prescribed by the Act.
30. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Liquor Commission to the Director of Liquor Licensing. The limitation including the authorities which may be granted under delegation being a producers' authority and catering authority.
31. The Director further delegated these powers to me by instrument.

DISCLOSURE OF PERSONS

32. Section 54 of the Act requires the applicant to make an affidavit disclosing each person who, if the licence is issued, may:
 - (a) be able to influence the applicant; or
 - (b) expect a direct or indirect benefit from the applicant.
33. I am satisfied with the materials provided by the applicant in relation to this requirement and note the applicant is the licensee for a number of other substantial premises.

RESULTS OF INVESTIGATION

34. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate. No materials have been discovered or provided to indicate there are any adverse matters in relation to this application.
35. A rudimentary Business Plan was provided detailing the nature of the business within the Public Interest and Community Impact submissions.

FINANCIAL STABILITY

36. As written previously, the applicant operates from the premises already as a wholesaler of liquor and operates the related premises at Nightcliff.
37. There are no matters known to the Director that would suggest the applicant is not financially stable and able to conduct the business of the licensee.

FIT AND PROPER PERSON

38. Section 59(3)(g)(i) of the Act requires the decision maker to consider whether the applicant and as the applicant is a body corporate, their nominated licensee, are fit and proper to hold a licence.
39. The applicant provided materials in support of this and Mr Wundke is to be the licensee's nominee in pursuance of section 53(3) of the Act.
40. Mr Wundke is already nominee of the related premises and therefore is considered fit-and-proper.

PUBLIC INTEREST AND COMMUNITY IMPACT

41. Section 49 of the Act requires the decision maker to be satisfied the applicant is fit and proper, the licence or authority is in the public interest and will not have a significant adverse impact on the community.
42. The first branch of the requirement has already been addressed.
43. It remains to consider whether the application is in the public interest, to do so consideration must be given to the objectives prescribed in section 49(2) of the Act which include:
 - a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;

- b. ensuring liquor is to be sold, supplied, served and consumed on or in licensed premises in a responsible manner;
 - c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
 - d. protecting the safety, health and welfare of people who use licensed premises;
 - e. increasing cultural, recreational, employment or tourism benefits for the local community area;
 - f. promoting compliance with this Act and other relevant laws of the Territory;
 - g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
 - h. preventing the giving of credit in sales of liquor to people;
 - i. preventing the practices that encourage irresponsible drinking;
 - j. reducing or limiting increases in anti-social behaviour.
44. In determining whether there would be a “significant adverse impact on the community” section 49(3) of the Act prescribes the decision maker “must consider the following”:
- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
 - b. the geographic area that would be affected;
 - c. the risk of harm from the excessive or inappropriate consumption of liquor;
 - d. the people or community who would be affected;
 - e. the effect on culture, recreation, employment and tourism;
 - f. the effect on social amenities and public health;
 - g. the ratio of existing liquor licences and authorities in the community to the population of the community;
 - h. the effect of the volume of liquor sales on the community;
 - i. the community impact assessment guidelines issued under section 50;
 - j. any other matter prescribed by regulation.
45. The Act is clear in that the applicant bears the onus of satisfying the decision maker of the relevant matters, irrespective of whether no objections were received as is the case in this matter.

46. In relation to the issue of the community impact and public interest, those matters have previously been published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the *Liquor Act 2019*, and are taken to be community impact assessment guidelines issued under section 50 of the Act.
47. Those matters remain as previously published in numerous decisions by the Liquor Commission and I am guided by these decisions.

CONSIDERATION CRITERIA

48. Consideration must be made of the applicant's affidavit, the results of any investigation, objections and responses, the suitability of the premises along with the appropriateness of the applicant to be a licensee.
49. With regards to the matters raised in section 49(2) of the Act, I note the following:
 - a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:

I am satisfied the provision of liquor is complementary to the existing facilities being the distillery, and is a natural progression of the business to allow for boutique operation at the premises.
 - b. ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the material, it is unlikely any liquor sold, supplied, served and consumed will be done so in an irresponsible manner.
 - c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises:

The minimal nature of the premises naturally restricts patronage of the facility, making it improbable that public order and safety are likely to be jeopardised by the operation of the licence, also the licensee has prepared a suitable business plan including processes to safeguard against harm.
 - d. protecting the safety, health and welfare of people who use licensed premises:

The policies developed by the applicant applicable to the premises are considered to adequately protect the safety, health and welfare of people who are likely to use the licensed premises during its hours of operation.
 - e. increasing cultural, recreational, employment or tourism benefits for the local community area:

The primary intention of the licence is the natural growth of their premises and business, including the promotion of Territory made products.

- f. promoting compliance with this Act and other relevant laws of the Territory:

There are no materials provided which would suggest the applicant will not comply with the Act and any other relevant laws.

- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:

I am satisfied the applicant will appropriately manage and supervise service staff.

- h. preventing the giving of credit in sales of liquor to people:

No issues have been raised to suggest there is any concern in relation to this objective.

- i. preventing the practices that encourage irresponsible drinking:

No issues have been raised to suggest there is any concern in relation to this objective.

- j. reducing or limiting increases in anti-social behaviour:

No issues have been raised to suggest there is any concern in relation to this objective.

50. Turning to the matters under section 49(3):

- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school:

There are no materials to suggest there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of these authorities.

- b. the geographic area that would be affected:

The premises is pre-existing, and there has been no issues to date concerning the wholesale aspect of their operation. The premises is within a commercial lot, with a number of other commercial operations nearby.

- c. the risk of harm from the excessive or inappropriate consumption of liquor:

As previously indicated, there are no materials to suggest there will be excessive consumption of liquor.

- d. the people or community who would be affected:

The location is within an industrial area.

- e. the effect on culture, recreation, employment and tourism:

The promotion of Territory made products is a benefit to the local tourism industry and the consequential flow-on to employment and the economy.

- f. the effect on social amenities and public health:

It is unlikely there will be any significant adverse impact on the social amenities and public health by the granting of this licence to the applicant.

- g. the ratio of existing liquor licences and authorities in the community to the population of the community:

There is nothing to suggest there will be a significant change in the ratio of this type of authority in the immediate area. The industry itself is a growth industry, and it is likely similar applications will be a natural part of that growth. These will need to be considered on a case-by-case basis.

- h. the effect of the volume of liquor sales on the community:

The minimal nature of the operation is unlikely to significantly increase the volume of liquor sales in the area.

- i. the community impact assessment guidelines issued under section 50:

These have been considered and referred to earlier in this notice.

51. Having regards to the foregoing, I am satisfied that the issuing of the licence as sought is in the public interest and will not have an adverse effect on the community.

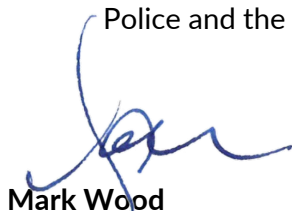
REVIEW OF DECISION

52. Section 27 of the Act provides for the applicant or a person who made a submission the subject of the decision, to seek a review of a decision made by the delegate of the Director.

53. The Director delegated the determination of applications made under section 52 of the Act by instrument to the person from time to time holding, acting in or performing the duties of the position listed in the Schedule of that instrument. This decision was made by a person referred to in that schedule.

54. An application for review must be lodged with the Director within 28 days after written notice of the decision is given to the person and must be in the form approved by the Director, stating the grounds for the review and the facts relied on to establish the grounds.

55. Accordingly, the affected persons in relation to this decision are For Good Spirits Pty Ltd, Police and the Department of Health.



Mark Wood
Southern Region Manager – Licensing & Compliance
Delegate of the Director of Liquor Licensing

18 February 2025