

Director-General of Licensing

REASONS FOR DECISION

Matter:	Application for the grant of a liquor licence
Proposed Premises:	Coolalinga Village Tavern 425 Stuart Highway Coolalinga NT 0839
Applicant:	Gwelo Investments Pty Ltd as Trustee for the Even Lynne Family Trust
Proposed Nominee:	Ms Dianne Lee
Objectors:	NT Police Litchfield Council
Legislation:	Parts III and IV of the <i>Liquor Act</i>
Decision of:	Director-General of Licensing
Date of Decision:	5 June 2017

BACKGROUND

1. By application received on 22 June 2016, Mr Even Lynne, sole director of Gwelo Investments Pty Ltd (the Applicant), applied to the Director-General of Licensing (the Director-General) pursuant to section 26 of the *Liquor Act* (the Act), for the grant of a tavern liquor licence authorising the sale of liquor at premises to be known as Coolalinga Village Tavern, located in the Coolalinga Central Shopping Centre which is situated at 425 Stuart Highway, Coolalinga.
2. The proposed Coolalinga Village Tavern is yet to be constructed and Gwelo Investments Pty Ltd, a subsidiary of the major developer of the Coolalinga Central Shopping Centre, does not intend to conduct the business under the liquor licence should that be granted. An application for a liquor licence in circumstances where the proposed premises is yet to be constructed is provided for in section 26(2) of the Act.
3. The proposal is to develop a family friendly tavern in the rural community of Coolalinga offering quality food and beverage services accompanied by local live entertainment and gaming machines. The grant of a gaming machine licence for the venue is contingent on the grant of the liquor licence. The trading hours sought by the applicant are from 10.00 am to 11.59 pm from Sunday to Thursday and from 10.00 am to 2.00 am the following day on Friday and Saturday.
4. As required by the Act, the application was advertised in the NT News on 14 and 16 September 2016. In addition, and in accordance with standard practice, comments on the application were sought from key stakeholders including NT Police, the Department of Health, Litchfield Council, the NT Fire and Rescue Service and the Development Consent Authority.

5. By email dated 16 September 2016, Ms Amanda Lush, Project Officer, Strategic Policy Division, advised that NT Police supported the application with the exception of the weekend trading hours for the premises and requested that the trading hours be curtailed to a closure at 1.00 am on Fridays and Saturdays. That submission was made on the basis of the close proximity of the proposed tavern site to residential dwellings. The submission from NT Police was assessed as being an objection relating only to the proposed trading hours and not the grant of the liquor licence itself.
6. By letter dated 11 October 2016, Ms Wendy Smith, Planning and Development Manager with the Litchfield Council submitted that the closing time for the tavern on Fridays and Saturdays should be restricted to midnight rather than the 2.00 am closure on those nights sought by the application. That submission was also assessed as being an objection relating to the proposed trading hours only.
7. The Applicant responded to the objections by letter from its solicitors dated 11 November 2016. The Applicant submitted that Litchfield Council had provided no supporting evidence to the claim that the proposed trading hours would impact adversely on the amenity of the neighbourhood within which the tavern is proposed to be located. The Applicant also noted that the nearest residential premises were located over 140 metres from the tavern site and that the development of future stages of the shopping centre will block out any view of the tavern from the residential apartments on the opposite side of the shopping centre.
8. The Applicant also submits that noise disturbances to nearby residents will be minimal and entertainment will be limited to acoustic performances only with no live music at all after midnight. The applicant also noted that the trading hours applied for were consistent with those of similar tavern venues currently operating in shopping complexes located in residential neighbourhoods in the Darwin area. It was also noted that Applicant's Risk Assessment Management Plan and Business Plan address the risk of any negative impacts that may arise from the sale of alcohol during the trading hours sought.
9. In response to the objection lodged by the NT Police, the Applicant noted that Police support the application, apart from the proposed trading hours, indicating that they do not hold any concerns in respect of public safety, should the tavern licence be granted. The applicant reiterated that the objector had provided no supporting evidence that a reduction of the trading hours, from the hours sought, would benefit the nearby residential properties.
10. The receipt of objections in respect of the application enlivened the Director-General's Guideline in relation to the conduct of Public Hearings issued on 3 February 2017 which provides that a public hearing will be convened where a valid objection is lodged in respect of application for the grant of a liquor licences pursuant to section 26 of the Act.

PUBLIC HEARING

11. The public hearing in respect of the Coolalinga Village Tavern was convened on Wednesday, 24 May 2017. Mr Miles Crawley, counsel for the Applicant, referred to an aerial view of the Coolalinga Central Shopping Centre development and surrounds. Mr Crawley noted that the residential apartments referred to in the objections were in fact located some considerable distance from the proposed tavern site being 125 metres and 149 metres away respectively. Mr Crawley submitted that the objections relating to potential noise disturbances on the basis of the close proximity of the tavern and the residential apartments were simply wrong in that there is considerable distance between the tavern site and the nearest apartment and the potential for noise disturbances is therefore remote.
12. Mr Crawley noted also that Gwelo Developments Pty Ltd, had developed the residential apartments and that all purchasers were aware that the apartments were located in close proximity to the shopping centre and the proposed tavern. In addition, once stages two and three of the shopping centre development are completed the shopping centre itself will provide a noise and line of sight barrier between the proposed tavern and the apartments.
13. Mr Crawley emphasised that the Coolalinga Village Tavern was to be developed as a family friendly venue and not a nightclub or late night entertainment venue. Entertainment provided would be of an acoustic style and an adjunct to patrons' enjoyment of the venue rather than a reason to attend the venue. Any live music will cease by midnight on Fridays and Saturdays with the expectation that majority of patrons remaining at the premises after that time would be enjoying a quiet drink or playing the gaming machines. The majority of patrons would access and exit the tavern from the Stuart Highway, rather than via the internal access roads to the shopping centre and the apartments, further reducing the risk that patrons leaving the tavern would disturb the residents of the nearby apartments.
14. It was submitted on behalf of the Applicant that adequate security would be provided at the premises to ensure that patrons left the venue in an orderly manner without disturbing nearby residents. Mr Crawley stated that patrons would be unlikely to linger in the car park area after leaving the premises or to use the internal roads to travel home unless they actually lived in the nearby residential apartments. He noted that the take away food outlets within the shopping complex were also likely to attract patrons late at night and that this activity was also unlikely to impact on residents due to the distance of the take away outlets from the apartments.
15. Mr Crawley referred to a number of taverns in the Darwin area that are also situated in shopping centres located in residential suburbs, for example Hibiscus Tavern, Karama Tavern and Casuarina All Sports Club. He submitted that those venues also offer trading in the sale of alcohol and the offering of gaming machines until 2.00 am on weekends without any apparent detrimental impact on neighbouring residences.

16. In conclusion Mr Crawley submitted that the objections in this instance were general in nature without any evidence linking the harms anticipated to the proposed tavern itself. He noted that the trading hours sought were equivalent to those applicable to many similar tavern style venues, and that the trading hours applied for were not excessive or likely to cause disturbance to the neighbourhood. On that basis Mr Crawley submitted that the application should be approved with the trading hours sought by the Applicant.
17. Superintendent Anthony Deutrom appeared at the hearing to address the objection lodged by the NT Police. He emphasised that Police were not opposing the application for a tavern liquor licence itself, but only the proposed trading hours. Superintendent Deutrom noted that there had been a significant increase in the rural population and infrastructure development in recent years that has led to an increase in demands for Police services and attendances at incidents.
18. Superintendent Deutrom submitted that a 1.00 am close on weekends was more appropriate for a tavern in the rural area taking account of the proximity of the tavern site to the existing residential apartments and dwellings. He noted that the taverns referred to in Mr Crawley's submission were developed in the 1980's when alcohol related harms and alcohol fuelled anti-social behaviour, were not as prevalent as they are today. Superintendent Deutrom noted also that whilst a number of taverns located in Darwin suburbs were authorised to trade until 2.00 am many of those premises did not do so due to lack of patron demand for the premises to remain open until that time.
19. Superintendent Deutrom submitted that the prospect of nearby residents visiting the tavern and then creating noise disturbances on the way home was also an issue of concern and that, as a general principle, the later licensed premises stayed open the more likely it was that patrons would become intoxicated, leading to an increase in the potential for noise disturbances as they leave the licensed premises. Superintendent Deutrom acknowledged that the attitude of the licensee and the presence of security officers may assist in the limiting of disturbances however, those factors alone do not provide a complete solution.
20. Ms Wendy Smith, Planning and Development Manager for the Litchfield Council, appeared at the hearing to address Council's concerns regarding the proposed trading hours for the tavern. She confirmed that Council's objection to the application for a tavern licence relates only to the proposed trading hours and the potential for noise and anti-social behaviour to impact adversely on people residing in the neighbourhood.
21. Ms Smith stated that Council currently has an issue with people accessing the shopping centre via tracks and undeclared roads to avoid traffic congestion on the major thoroughfares and that the concerns are heightened by the prospect of the tavern opening before those issues are addressed and resolved. She submitted that anti-social behaviour is already occurring with people driving off road and through private property to access the shopping centre and that the addition of a tavern had the potential to exacerbate the problems.

22. Ms Smith noted that stage two of the shopping centre development may diminish the prospect of noise from the tavern impacting on residents of the apartments, however there was no time frame as to when stage two will actually be completed. She also noted that a further residential development was proposed for the area to the east of the shopping centre.
23. Ms Smith noted that the applicant proposed a family friendly tavern and queried whether families would actually require the venue to remain open and sell liquor until 2.00 am on weekends. She acknowledged that a number of fast food outlets in the vicinity were currently open for extended trading hours, but submitted that those premises did not sell alcohol and patrons were unlikely to remain at the food outlets for extended periods of time.
24. In response to the submissions of the objectors Mr Crawley confirmed that whilst Gwelo Investments Pty Ltd is the applicant for the liquor licence it did not intend to trade under the licence should it be granted. If the liquor licence is approved, Gwelo intends to construct the tavern which will then be leased to a third party. It is anticipated that the construction of the tavern will take approximately six months following which the liquor licence would be transferred to another party. Mr Crawley indicated that the proposed licensee has previous experience in managing a tavern. He stated further that the licence conditions sought by the applicant were as set out in the application and that the applicant had no desire to trade on Christmas day or Good Friday.
25. Prior to closing the hearing the Director-General informed the parties that she intended to conduct a site visit before issuing a formal decision in respect of the application. The site visit was conducted by the Director-General on Friday, 26 May 2017 in conjunction with Mr Bernie O'Connell and Mr Jason Jones of Gwelo Developments Pty Ltd, and Mr David De Silva, solicitor for the applicant.

STAKEHOLDER CONSULTATION:

Development Consent Authority

26. Ms Dawn Parkes, Acting Manager Rural Planning, Development Assessment Services advised on 28 September 2016 that the application for development approval for a tavern had not yet been received by Development Assessment Services. She also noted that the proposed use/development is discretionary under the NT Planning Scheme and requires consent.
27. During the course of the public hearing Mr Bernie O'Connell advised, on behalf of the Applicant, that development approval had not been sought to date as the applicant was waiting on the outcome of the application for a liquor licence. Should the liquor licence be granted the appropriate development approvals will be sought.

Department of Health

28. Ms Sandra Schmidt, Acting Director Alcohol and Other Drugs Directorate, Department of Health, in a letter dated 13 October 2016 advised that the Department had no adverse comment in respect of the application for a tavern liquor licence.

NT Fire and Rescue Service (“NTFRS”):

29. As the application for the tavern liquor licence relates to premises yet to be constructed NTFRS are unable to comment on fire safety related issues at this time. Should the liquor licence be granted it will be subject to a condition that trade in the sale of liquor will not be authorised prior to the applicant obtaining the necessary approvals and certificates from NTFRS.
30. It is of significance in terms of this application that none of the stakeholders contacted, objected to the actual grant of the tavern liquor licence, with the only issue raised being the trading hours and primarily the time of closure on weekends.

SUMMARY AND ASSESSMENT OF APPLICATION

31. The applicant has provided a detailed application including sufficient evidence to meet the requirements set out in the Act for the grant of a tavern liquor licence. In addition, the Applicant has provided evidence confirming that that applicant company, Gwelo Investments Pty Ltd, is financially sound and that Ms Diane Lee is an appropriate person to be appointed as Manager under a liquor licence.
32. The Business Plan lodged in conjunction with the liquor licence application states that the proposal is to offer the rural community a family friendly local establishment which offers a quality food and beverage service accompanied by appropriate entertainment in a welcoming, comfortable and safe environment. The Business Plan also identifies a number of significant development projects that have been completed by Gwelo Developments Pty Ltd in various locations in the NT. A number of those developments involved the construction of licensed premises which were subsequently on-sold or leased to the entity conducting the business under a liquor licence.
33. Gwelo Developments Pty Ltd is currently constructing the Coolalinga Central Shopping Centre and submits that a purpose built tavern in close proximity will positively benefit the amenities of the area by offering food and beverage services not currently available in the locality. The application does not include an application for authorisation to sell take away alcohol from the tavern premises. The applicant has also acknowledged, within the application and during the public hearing, that it is not the intent that Gwelo Investments Pty Ltd will manage or operate the tavern once construction is completed and should the liquor licence be granted. The proposal is to complete the development and subsequently on-sell or lease the premises to a separate licensee. Subject to the grant of a liquor licence, the premises are expected to open for trade in late 2017.
34. The proposed tavern site is located within the Litchfield shire approximately 25 kilometres from Darwin city. The site is part of a recently opened major shopping centre development in Coolalinga with major tenants including Coles, K Mart, fast food outlets, a petrol station, specialty shops and nationally franchised businesses. The tavern is expected to draw patronage from the surrounding rural areas including Howard Springs, Humpty Doo and Palmerston. It is also anticipated that tourists visiting national parks and other features in the vicinity will make use of the services proposed to be offered by the tavern.

35. The Business Plan identifies measures taken and procedures that will be implemented in respect of risk management and the minimisation of antisocial behaviour and noise disturbances in the vicinity of the proposed tavern.
36. No objections were received in respect of the application for the grant of a tavern liquor licence per se. As noted above, the application for a tavern liquor licence complies with the requirements of the Act and I am satisfied that the Applicant is an appropriate entity to hold a liquor licence of the type sought. There is no evidence or submission before me that would persuade me to refuse to grant a tavern liquor licence to the Applicant.
37. However, as set out above, objections relating to the proposed trading hours for the premises on weekends were received from the NT Police and Litchfield Council. Whilst the NT Police support the application for a tavern liquor licence itself, they oppose the premises being authorised to trade until 2.00 am the following day on Fridays and Saturdays, and submitted that an appropriate closing time would be 1.00 am on those days. Superintendent Deutrom made submissions to that effect during the public hearing.
38. The objection lodged on behalf of Litchfield Council was in similar terms to that lodged by NT Police and sought that the weekend trading hours be restricted to a midnight closure on Fridays and Saturdays. Both objections to the proposed trading hours were based on concerns that noise emanating from the premises, both from entertainment and patrons accessing and leaving the premises, has the potential to impact adversely on people residing in the nearby apartments and dwellings.
39. In response to those concerns, the Applicant submitted that the likelihood of disturbances to residences from entertainment and patron activity is minimal due to the significant distance between the proposed tavern site and the nearest residences. The Applicant also submitted that the completed stage one of the shopping centre development provides a physical as well as a visual barrier between the tavern site and some existing residences. It was also submitted by the Applicant that the completion of stages two and three of the shopping centre development will result in there being no line of sight between the proposed tavern and the existing residences which will further ameliorate the potential for noise to travel from the tavern to the residential apartments.
40. In respect of patron traffic in and around the shopping complex and proposed tavern, the Applicant submits that the majority of patrons visiting the tavern will leave via the Stuart Highway egress points. The only patrons of the tavern likely to leave the tavern premises via the shopping centre's internal roads would be those patrons who reside in the nearby apartments and dwellings.

41. So far as the proposed trading hours and potential disturbances to the neighbourhood are concerned, the applicant submits that trading beyond midnight on weekends is sought mainly to accommodate patrons who wish to utilise the gaming machines and for patrons who finish an evening with a drink before heading home. Live local entertainment is planned for the venue however, the Applicant submitted that any live entertainment will be of an acoustic nature only with no amplified or nightclub style music or entertainment. In addition, all entertainment will cease at midnight on weekends even if trading is approved until 2.00 am.
42. Having inspected the proposed tavern site I am satisfied that there is some considerable distance between the site and the nearest residential apartment. However, some apartments are clearly visible from the tavern site with the result the potential for noise disturbances does exist, especially during evening hours when the shopping centre is closed. In response to those concerns, the Applicant has presented a detailed business plan and risk assessment management policy detailing the manner it proposes to deal with potential issues with residential neighbours.
43. The site visit also confirmed that there will be no line of sight between the tavern and the residential apartments once the final stage of the shopping centre complex is complete. No firm date has been set for the completion of the remaining two stages of the shopping centre as timing will be dictated by the developer's ability to attract tenants to the centre.
44. The submissions of the objectors in respect of the potential for noise emanating from the venue and patron behaviour to impact negatively, are necessarily speculative for the simple reason the tavern has not been constructed and no licensed venue offering on premise consumption of liquor currently exists in the immediate area. Similarly, the Applicant is unable to state positively at this stage that there will be no disturbances to the neighbourhood when the venue is operational for the simple reason the proposed tavern does not have a trading history that can be taken into account.
45. In the course of the public hearing, the Applicant referred to similarly situated taverns in the Northern Territory, that is taverns located within or abutting shopping centres and surrounded by residential properties. It was noted by counsel for the Applicant that a number of similarly located taverns are authorised to trade until 2.00 am the following day on weekends, and have done so for many years, without creating any significant issues in the surrounding neighbourhood.
46. In response to that submission Superintendent Deutrom noted the taverns referred to had been developed in the early 1980's in conjunction with the development of the surrounding suburbs and housing. He noted that alcohol related harms and alcohol related antisocial behaviour were less prevalent during that period of time and that liquor regulation was not as stringent as it is today.

47. During the hearing counsel for the Applicant submitted that the period between 1.00 am and 2.00 am was not anticipated to be a particularly busy time for the tavern. The main reason for the later closing time was to allow patrons to continue to utilise the gaming machines or to enjoy a final drink before leaving the premises. In my view, and taking account of that submission, the requirement to close one hour earlier than the closing time applied for should not cause any significant concern to the applicant.
48. With the above matters and concerns in mind I have determined to partially restrict the trading hours for the premises on weekends in line with the objection submitted by NT Police. That is, the premises will be authorised to trade in the sale of liquor on Fridays and Saturdays until 1.00 am the following day, as opposed to the 2.00 am closure sought by the Applicant. I am not persuaded to restrict the trading hours to a midnight closure, as requested in the objection lodged on behalf of Litchfield Council. Whilst it is patently obvious that a severe restriction of trading hours will inevitably lead to a reduction in the harms arising from alcohol misuse, licensees must be able to operate their businesses on an even footing with competitors and, in my opinion, a further restriction on the trading hours has the real potential to place the applicant at a competitive disadvantage in comparison to other taverns located in the rural areas surrounding Darwin.
49. Concerns expressed by the objectors with respect to the potential for the operation of the tavern to impact unreasonably on people residing near the shopping centre are obviously speculative at this stage. The real test in that regard will come once the construction is completed and the tavern is operational. As noted elsewhere in this decision notice, the completion of stages two and three of the shopping centre will create a significant sound and sight barrier between the tavern site and the nearest residences which is likely to further reduce the prospect of the tavern's activities disturbing neighbours.
50. Whilst it is essentially a business decision for the ultimate licensee, it is open to all licensees to apply for a variation of their licence conditions, including an application to extend the hours of trade. I would be prepared to consider such an application once the tavern has been operational for a period of 12 months and subject to confirmation that the operation of the tavern has had no material impact on nearby residents in terms of noise disturbances or increased alcohol related anti-social behaviour in the neighbourhood.
51. In granting the tavern liquor licence, the knowledge that Gwelo Investments Pty Ltd will not operate the premises once construction is completed must be taken into account. The assurances provided by the Applicant in terms of the business concept and manner in which the premises will operate, both in the materials supporting the application and in the evidence presented at the public hearing, need to be enshrined in the conditions attached to the liquor licence to ensure that the ultimate licensee is bound to the same extent as would occur if Gwelo Investments Pty Ltd were to operate the venue.

52. For that purpose specific conditions will be attached to the licence to ensure that the future development and management of the premises continues to present a family friendly tavern in a rural setting, offering a quality food and beverage service accompanied by appropriate entertainment in a welcoming, comfortable and safe environment regardless of the entity or individual who ultimately holds the liquor licence.
53. The special licence conditions will include the following:
- Concept condition requiring the premises to trade as a family friendly tavern offering quality meals and drinks in a safe and comfortable environment;
 - The sale of take-away alcohol is not authorised;
 - Live entertainment will be conducive to the concept of the premises and restricted to acoustic performances with no amplified music or entertainment;
 - Nightclub and disco style entertainment will not be permitted;
 - Adult entertainment (including strip and lingerie performances) will not be conducted on the premises;
 - All live music performances and entertainment to cease at 12 midnight;
 - Meals will be available on request between the hours of 11:30 and 14:00 and again between the hours of 18:00 and 22:00 seven days a week;
 - Dress code to be in place and enforced for the dining room after 6.00 pm including a ban on thongs, singlets and high visibility work wear.
 - Snacks will be made available at all times the premises is open for trade.
 - No trading on Good Friday or Christmas Day.

DECISION

45. In accordance with section 29(1)(a) of the Act and on the basis of the information provided in respect of the application, and for the reasons set out above, I approve the issue of a Tavern Liquor Licence to Gwelo Investments Pty Ltd for the proposed Coolalinga Village Tavern to be located at 425 Stuart Highway, Coolalinga.
46. The licence will be issued immediately following the publication of this decision and, in accordance with section 31(1) of the Act, is subject to a condition that the Licensee will not commence trade in the sale of liquor under the licence until such time as construction of the proposed premises is completed and a certificate of occupancy under the *Building Act* has been issued to the licensee, authorising it to conduct the business of a tavern at the premises.

47. Commencement of trade in the sale of liquor will also be conditional on the Applicant obtaining the necessary approvals from the Development Consent Authority. The Applicant will also be required to obtain the usual approvals from the Northern Territory Fire Rescue Service in respect of patron capacity and fire safety issues prior to commencing business under the liquor licence.
48. The licence will become operative, subject to the special conditions identified above and the normal conditions associated with a tavern liquor licence once the Applicant has presented evidence to the satisfaction of the Director-General that the premises have been satisfactorily constructed and the appropriate statutory approvals, including the issue of a certificate of occupancy, have been obtained by the licensee.
49. A copy of the liquor licence is attached to this decision at Annexure A.

REVIEW OF DECISION

50. Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. The grant of a liquor licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision.
51. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision. For the purpose of this decision, and in accordance with section 120ZB(1) of the Act, the affected persons are the Applicant and the organisations who made a submission or objection being the NT Police, Litchfield Council and the Department of Health.



Cindy Bravos
Director-General of Licensing

Date: 5 June 2017

LIQUOR ACT

LIQUOR LICENCE NUMBER 80319462

LICENSEE: Gwelo Investments Pty Ltd

NOMINEE: Dianne Jayne Lee

NAME OF PREMISES: Coolalinga Village Tavern
Pad 6, 425 Stuart Highway
COOLALINGA NT 0839

AUTHORITY – TAVERN

**Sale For Consumption On
The Premises**

Subject to the conditions specified below this licence authorises the sale of liquor for consumption on or at the licensed premises.

**Condition issued
pursuant to Section 31(3)
regarding commencement
of trade.**

The sale of liquor is not permitted under this licence until a certificate of occupancy under the *Building Act* is issued to the licensee and approval in writing to commence sale provided by the Director-General of Licensing.

5 June 2017
DATE OF EFFECT
Licence Number: 80319462



Cindy Bravos
Director-General of Licensing

CONDITIONS

Failure To Comply

1. The licence will be subject to a condition that a breach of the *Liquor Act* by any person employed by or on behalf of the Licensee, shall constitute and be deemed to be a breach of the licence conditions by the Licensee.

Notice To Be Displayed

2. The Licensee shall erect and maintain a prominent notice of a size and type satisfactory to the Director specifying:
 - The Full name of the Licensee, the Nominee (where the licence is held by a Body Corporate) and the licence number;
 - The hours between which liquor shall be sold;
 - Subject to the conditions of this licence, liquor will not be sold to persons under the age of 18 years;
 - That the licence and its conditions are available for inspection.

Licence To Be Available For Inspection

3. This licence or a fair copy of it shall be kept on the licensed premises at all times and shall be immediately available for inspection by any person.

Liquor Purchase Records To Be Kept

4. The written record required to be maintained by the Licensee pursuant to Section 111 of the Act shall be kept on the premises in a form approved by the Director-General.

Liquor purchases shall be entered into the record within 28 days of such purchases being made.

Fire Precautions

5. The Licensee shall comply with the requirements or instructions of an Authorised Member of the Northern Territory Fire and Rescue Service appointed under the *Fire and Emergency Act*.

5 June 2017

DATE OF EFFECT

Licence Number: 80319462



Cindy Bravos

Director-General of Licensing

Health Requirements

6. The Licensee shall comply with the requirements of the Chief Health Officer appointed under the *Public Health Act* and his delegates with respect to the requirements of that Act, the *Food Act* and any other Territory legislation.

Premises To Be Kept In Good Repair

7. The Licensed Premises and all plant, machinery, equipment, fittings, furniture, furnishings and any other item used in connection therewith shall be kept in good order and repair and the premises and its immediate environs shall be maintained in a neat and tidy appearance.

Non-alcoholic Drinks To Be Kept

8. The Licensee shall maintain a reasonable range and stock of soft drinks and fruit juices to the satisfaction of the Director.

Definitions

9. In this licence, unless the contrary intention appears:

- (a) the masculine includes the feminine;
- (b) the singular includes the plural and vice versa;
- (c) 'the Act' means the *Liquor Act*;
- (d) 'the licensed premises' means the area delineated as such on the plan initialled and dated by the Director and kept by the Director-General at its office in Darwin or Alice Springs.

Adult Entertainment

10. Adult entertainment, including strip and lingerie performances, or wet t-shirts contests are not to be conducted on the premises.



Coolalinga Village Tavern

Trading Hours

Trading Hours for Coolalinga Village Tavern shall be between:-

Sunday 10:00 and Sunday 23:59

Monday 10:00 and Monday 23:59

Tuesday 10:00 and Tuesday 23:59

Wednesday 10:00 and Wednesday 23:59

Thursday 10:00 and Thursday 23:59

Friday 10:00 and Saturday 01:00

Saturday 10:00 and Sunday 01:00

No trading on Good Friday or Christmas Day.

Meals and Snacks

- (a) A meal shall be available on request between 11:30 hours and 14:00 hours and again between 18:00 hours and 22:00 hours seven days a week.
- (b) Snack food must be available at all times the premises are open for the sale of liquor.

SPECIAL CONDITIONS

Concept

The premises are to trade as a family friendly tavern offering quality meals and drinks in a safe and comfortable environment.

Sale of Take-away Liquor

The sale of liquor for consumption away from the premises and is not authorised at these premises.

5 June 2017

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Cindy Bravos

Director-General of Licensing

Address for the Service of Notices

The Licensee must provide to the Director-General of Licensing a current address for the service of notices issued under the Liquor Act together with an emergency contact phone number. In the event of a change of address for the service of notices or a change in the emergency contact phone number, the Licensee must inform the Director-General in writing of the new address and/or phone number. For the purposes of this condition, an address for the service of notices may be a private mailing address, a post office box number or an email address.

Outlaw Motorcycle Gang

A Licensee or employee of a Licensee, shall exclude or remove from licensed premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).

Camera Surveillance Requirement

The Licensee shall comply with such requirements for and in relation to camera surveillance as the Director-General shall at any time notify to the Licensee in writing as being thereafter applicable to the licensed premises.

Entertainment

Entertainment may be provided and shall be consistent with the concept of the premises, but shall not include amplified nightclub or disco-style music or entertainment.

Live acoustic music performances may be conducted however must be in keeping with the concept of the premises.

All live music performances and entertainment to cease at 12 midnight.

Any entertainment must not be of a nature that would disturb adjacent premises or residents, or interrupt their quiet enjoyment of the same.

Noise Control

The Licensee shall take measures necessary to ensure that noise from the premises does not cause undue disturbance or discomfort to residents of the neighbourhood.

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Cindy Bravos
Director-General of Licensing

Dress Code

The Licensee is to enforce a dress code prohibiting the wearing of thongs, singlets and high visibility workwear, in the dining area of the premises from 18:00 hours each day.

Responsible Service Of Alcohol Certificate

- (a) All staff, who are directly involved in the sale, service or supply of alcohol to the public or the supervision of these activities, are required to hold or obtain a Responsible Service of Alcohol (RSA) Certificate within one (1) month from commencement of employment.
- (b) An RSA Certificate must be obtained from an accredited service provider within Australia.
- (c) An RSA register in the form approved by the Director-General must be maintained on the premises at all times with a copy of each staff member's RSA certificate included.

Fire

- (a) Liquor shall not be sold or supplied at, on, or from the licensed premises, without the Licensee having the current written requirement of an Authorised Officer of the Northern Territory Fire and Rescue Service as to the maximum number of persons permitted to occupy the licensed premises, at any one time.
- (b) The Licensee at all times shall display such requirements of the Northern Territory Fire and Rescue Service, or a true copy thereof, in a prominent location in the licensed premises and in each part of the premises to which the requirement may discretely relate, all to the satisfaction of the Director of Licensing.
- (c) At all times that the licensed premises are trading or are otherwise open to the public for any purpose, the number of persons in or upon the licensed premises or any part thereof shall not exceed the current requirement of the Northern Territory Fire and Rescue Service.



- (d) In this condition, the requirement of the Northern Territory Fire and Rescue Service shall not be regarded as current unless it has been obtained by the Licensee subsequent to the most recent fit-out, renovation, refurbishment, or structural alteration of the premises, whichever is the later. The proof of such currency will be upon the Licensee in any proceedings or inquiry.

Crowd Controllers

The Licensee shall keep a record of the full name, residential address and licence number of each licensed crowd controller employed at the licensed premises, which shall be immediately provided on request to an Inspector of Licensed premises or an Inspector appointed under the *Private Security Act*.

Lease And Management Agreements

- (a) This licence is subject to the condition that a breach of the *Liquor Act* by any person employed by or on behalf of the Licensee, or by or on behalf of any contracted manager of the Licensee, shall constitute and be deemed to be a breach of the licence conditions by the Licensee.
- (b) This licence does not authorise the sale of liquor on or from any part of the licensed premises by any person other than the Licensee or an employee of the Licensee unless the prior approval in writing of the Director-General has been obtained by the Licensee.
- (c) Within twenty four hours of a request by an Inspector of licensed premises, the Licensee shall produce for inspection, by the Inspector, true copies of all agreements and other records establishing or evidencing
- (i) the contractual relationship between the Licensee and any current manager, lessee or other operator of the licensed premises or any of any part thereof; and
 - (ii) the employer/employee relationship respectively pertaining to all current bar staff and security personnel.



If the Licensee is unwilling to give the Inspector permanent custody of such copy of documentation, the Inspector shall be entitled to remove all documentation produced as aforesaid for the purpose of taking photocopies thereof before returning the produced documentation to the Licensee as soon as reasonably practicable, provided always that such copy of documentation shall remain confidential between the Licensee and the Director-General.

Credit

The practice known as book up or book-down, is prohibited, and the Licensee may sell liquor on credit only in accordance with the following conditions –

- (1) If the purchaser is not a residential guest or lodger and does not tender payment by way of a nationally recognised credit card, the Licensee:
 - (a) shall provide the purchaser at the time of each and every sale with an invoice showing the name of the purchaser, the date, description of the goods, and the total balance owed by the purchaser to the Licensee at the conclusion of the sale to which the invoice relates;
 - (b) shall obtain upon delivery of the liquor, the signature from or on behalf of the purchaser on a duplicate of such an invoice in acknowledgment of the receipt of such liquor;
 - (c) shall keep and retain all such signed duplicate invoices for a period of twelve calendar months;
 - (d) within that period shall forthwith produce such duplicate invoices for inspection by any inspector of licensed premises who shall request such production.



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- (2) The Licensee shall not sell or supply liquor to any person in exchange for or on the security of or by debit against any third party cheque unless the provisions of paragraph (1) hereof shall be complied with in relation to the transaction.

**Special Conditions
Prevail**

Notwithstanding anything contained in this licence, where there is a conflict between a general and special condition, the special condition prevails.

Temporary Variations

Procedure for adding temporary conditions to licence from time to time rather than issuing special licences.

This licence shall be subject to and inclusive of such additional conditions as may at any time be:

- (i) requested in writing by the Licensee;
- (ii) approved by, or imposed by the Director-General as a condition of the granting of such a request by a Licensee; and
- (iii) notified in writing by the Director-General to the Licensee in the approved form.

And such additional conditions shall be deemed to be embodied in this licence and to be conditions of this licence for the expressed duration of their applicability.

For the purposes of this condition "writing" shall include facsimile and e-mail transmission on the approved form.

**Criminal Charge Or
Conviction Of Person
Engaged By Licensee**

- (a) Upon the Licensee learning of the charging or conviction of any person working for or on behalf of or at the direction of the Licensee in the licensed premises, for an offence in any way related to violence or unlawful possession of drugs for any purpose, the Licensee shall immediately advise the Director of the charge or conviction, as the case may be, regardless of whether or not the event giving rise to any such charge or conviction occurred within the licensed premises.



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(b) In relation to any person charged or convicted as aforesaid, the Licensee shall comply with the written directions of the Director as to any limitation of duties within the licensed premises which may be assigned to such person or any limitation of direct contact permitted between such person and any patrons on the licensed premises until such time as the matter is considered and dealt with by the Director-General, whose powers in that situation shall include but not be limited to the extension or variation of the directions which have been issued by the Director.

Changes In Corporate Structure

(a) Where the Licensee is a corporate entity it shall notify the Director in writing, no later than fourteen days after the relevant event, whenever a person assumes a position of authority or ceases to hold a position of authority.

(b) Upon receipt of any such notification, the Director and the Director-General may re-examine the question of the Licensee's fitness to hold the licence, and for that purpose to conduct such reasonable further investigation as thought fit.

(c) A person occupies a position of authority in a corporate entity if the person :

(i) is a director of the corporate entity;

(ii) exercises, or is in a position to exercise, control or have substantial influence over the corporate entity in the conduct of its affairs;

(iii) manages, or intends to manage, the business of the corporate entity conducted under the licence and is not the nominee under Section 25 of the *Liquor Act*;

(iv) if the corporate entity is a club or association – is a member of the Committee of Management;

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- (v) if the corporate entity is a proprietary company, either private or public – is a shareholder owning or controlling more than ten per centum (10%) of the issued voting stock of the company.
- (d) A minor who is a shareholder in a company is not for that reason to be regarded as a person occupying a position of authority.

_____ End of Licence _____



To View a Site Plan of the Licensed Premises click on the URL address below.

www.nt.gov.au/justice/licenreg/documents/liquor/scannedsiteplans/coolalingavillagetavern.jpg