

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR MATERIAL ALTERATION
LASSETERS HOTEL CASINO [2025] NTLiqComm 17

REFERENCE: LC2025/005

LICENSEE: Alice Springs Casino Operations Pty Ltd

LICENCE NO.: 80103004

PREMISES: Lasseters Hotel Casino
112 Barrett Drive
ALICE SPRINGS NT 0870

LEGISLATION: Part 4 Division 2 of the *Liquor Act 2019*.

HEARD BEFORE: Mr Russell Goldflam (Chairperson)

Ms Elizabeth Stephenson (Health Member)

Ms Katrina Fong Lim (Community Member)

DATE OF HEARING: 26 March 2025

DATE OF DECISION: 6 May 2025

Decision

1. For the reasons set out below and in accordance with s 97 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to approve a material alteration to the licensed premises of the Lasseters Hotel Casino at 112 Barrett Drive Alice Springs NT 0870 (**the premises**) operated by Alice Springs Casino Operations Pty Ltd (**the licensee**) pursuant to liquor licence 80103004 (**the licence**).
2. Subject to the below conditions, the approved material alteration is:
 - a. to undertake the works authorised by and in accordance with the Exceptional Development Permit EDP23/0005 issued under s 40 of the *Planning Act 1999* (NT) by the Minister for Infrastructure, Planning and Logistics on 19 June 2023 as currently in effect or as may be varied from time to time;
 - b. to extend the footprint of the premises to the area delineated in red on the plan at Annexure 1 to this decision;

- c. if and when the proposed accommodation block labelled “BUILDING 02 APARTMENT” depicted on the plan at page 423 of Exhibit 1 of the hearing in this matter is commissioned as hotel accommodation for guests of the licensee, to further extend the footprint of the premises to include this accommodation block;
- d. if and when the proposed accommodation block labelled “BUILDING B03 APARTMENTS” depicted on the plan at page 423 of Exhibit 1 of the hearing in this matter is commissioned as hotel accommodation for guests of the licensee, to further extend the footprint of the premises to include this accommodation block;
- e. if and when the proposed accommodation block labelled “BUILDING B29 APARTMENT” depicted on the plan at page 423 of Exhibit 1 of the hearing in this matter is commissioned as hotel accommodation for guests of the licensee, to further extend the footprint of the premises to include this accommodation block;
- f. if and when the proposed accommodation block labelled “BUILDING B30 APARTMENT” depicted on the plan at page 423 of Exhibit 1 of the hearing in this matter is commissioned as hotel accommodation for guests of the licensee, to further extend the footprint of the premises to include this accommodation block; and
- g. if and when the proposed accommodation block labelled “BUILDING B31 APARTMENT” depicted on the plan at page 423 of Exhibit 1 is commissioned as hotel accommodation for guests of the licensee, to further extend the footprint of the premises to include this accommodation block.

3. This condition is inserted, to take effect immediately:

The licensee must prominently display:

- i. the National Health and Medical Research Council Australian guidelines to reduce health risks from drinking alcohol at the premises, and;
- ii. notices approved by the Director of Liquor Licensing (the **Director**) regarding the risks of drinking alcohol while gambling.

4. The Commission approves the arrangements in this paragraph for the purpose of s 97(5) of the Act. Noting that the premises is undergoing significant construction which is to take place on different areas at different stages and over several years:

- a. The licensee must obtain prior written approval from the Director before construction begins on any area or development stage.

- b. The licensee may continue to conduct business on the pre-existing licenced premises while the new area(s) are under construction, provided that the Director has given prior written approval to the licensee.
 - c. The licensee must take all reasonable steps to prevent the general public from entering or remaining on any area under construction, including the erection and maintenance of secure fencing and appropriate signage to exclude the public from the site.
 - d. The licensee must not permit the sale, supply, service or consumption of liquor in any of the newly constructed areas, including any new areas outside of the pre-existing licenced premises that are yet to be constructed, until:
 - i. the Director has confirmed in writing to the licensee that they are satisfied that the licensee has obtained all necessary statutory approvals (including but not limited to gaming approvals, building approvals, fire safety approvals and occupancy certificates);
 - ii. in relation to the new Nightclub area, the Director has confirmed in writing to the licensee that they are satisfied that the licensee has taken all steps to enable it to comply with the noise management condition set out at paragraph 5.b) below; and
 - iii. the Director has given written approval for the licensee to commence the sale, supply and service and to permit the consumption of liquor in the newly constructed area.
5. From the date of the written approval of the Director referred to in paragraph 4.d.iii) above for a newly constructed area, the following conditions are to apply for the applicable newly constructed area.
- a. In the special condition headed "Trading hours":
 - i. "TEMPO" is omitted and substituted by "TEMPO ROOFTOP BAR" (comprising the areas labelled "STEAKHOUSE TERRACE", "TERRACE BAR" and "SPORTS BAR TERRACE" on the plan at page 425 of Exhibit 1), with the existing Trading Hours;
 - ii. "THE JUICY RUMP" is omitted and substituted by "STEAK HOUSE" (comprising the areas labelled "STEAKHOUSE RESTAURANT" and "RAISED DINING LEVEL" on the plan at page 425 of Exhibit 1), with the existing Trading Hours varied to "between 10:00 and 01:00 the following day, Monday to Sunday each week";
 - iii. "RESORT POOL BAR" is omitted and substituted by "RESORT POOL BARS" (comprising the existing pool bar and the area

labelled "BAR" on the plan at page 445 of Exhibit 1) in both the heading and the text of the sub-condition under this heading;

iv. The sub-condition headed "GOAT AND BUCKET" is deleted;

v. This sub-condition is inserted:

SPORTS BAR

Trading Hours for the Sports Bar (comprising the areas labelled "SPORTS BAR" and "RAISED LOUNGE" on the plan at page 425 of Exhibit 1) shall be between:

10:00 and 05:00 the following day Sunday to Thursday each week

10:00 and 06:00 the following day Friday and Saturday of each week.

vi. This sub-condition is inserted:

NIGHTCLUB

Trading Hours for the Nightclub (comprising the area labelled "NIGHT CLUB" on the plan at page 426 of Exhibit 1) shall be between:

10:00 and 05:00 the following day Sunday to Thursday each week

10:00 and 06:00 the following day Friday and Saturday of each week.

vii. This sub-condition is inserted:

NOODLE BAR

Trading Hours for the Noodle Bar (comprising the area labelled "NOODEL BAR DINING" on the plan at page 426 of Exhibit 1) shall be between:

10:00 and 03:00 the following day Sunday to Thursday each week

10:00 and 04:00 the following day Friday and Saturday of each week.

viii. This sub-condition is inserted:

BOWLING ALLEY AND GAMES ARCADE

Trading Hours for the Bowling Alley and Games Arcade (comprising the areas labelled “TEN PIN BOWLING (6 LANES)” and “GAMES ARCADE” on the plan at page 426 of Exhibit 1) shall be between:

10:00 and 03:00 the following day Sunday to Thursday each week

10:00 and 04:00 the following day Friday and Saturday of each week.

The Commission authorises the Director to approve in writing a request by the licensee to vary the name of any of the outlets listed in the special condition headed “Trading hours”.

- b. This condition is inserted, effective when the new nightclub commences to operate:

NOISE MANAGEMENT

1. The licensee must implement and comply with the recommendations at page 23 of the SLR Acoustic Report (Exhibit 3).
2. The licensee must establish, implement and comply with a Noise Management Plan that has been approved in writing by the Director as being substantially in accordance with the Noise Management Plan at pages 24 and 25 of Exhibit 3.
3. The Director on their own initiative may review noise issues pertaining to the licensed premises, and notwithstanding compliance by the licensee with the foregoing, the licensee shall implement such sound attenuation and noise mitigation measures as the Director in their discretion may notify to the licensee in writing at any time as having become in the Director’s view a reasonable requirement in the circumstances then prevailing.

Reasons

Background

6. The licensee, which owns and operates the Lasseters Hotel Casino in Alice Springs, holds a liquor licence with a casino authority, a public bar authority, an adult entertainment R-rated authority, a lodging authority and a catering authority.¹ The licensee is a member of the Iris Capital group of companies. Various Iris Capital companies also hold the licences of several other licensed premises in Alice Springs. Iris Capital is reputedly the largest private employer in Alice Springs.
7. In 2022, Iris Capital, which had acquired the premises the previous year, announced its plans for a \$100,000,000 extension and redevelopment of Lasseters Hotel Casino.² Those plans were underpinned by a casino operator's agreement pursuant to s 17 of the *Gaming Control Act 1993* (NT) between the licensee and the Northern Territory government that was tabled in the Northern Territory Legislative Assembly on 1 September 2022.³
8. On 19 June 2023 the Northern Territory Minister for Infrastructure, Planning and Logistics issued an Exceptional Development Permit for the development, the Approved Purpose of which was:⁴

To use and develop the land for the purpose of a hotel casino redevelopment (hotel/motel, bar-public, place of assembly, childcare centre, leisure and recreation, entertainment facility and 235 dwellings-multiple in buildings of up to 5 storeys in nine stages) in accordance with the attached schedule of conditions and the endorsed plans.

9. On 4 December 2024 the licensee lodged an application for a material alteration pursuant to s 96 of the *Liquor Act* with the Director.

Consultation

10. Pursuant to s 96(4) of the Act, notices of the application were published in the NT News on 11 January 2025, on the Director's website, and by way of signs erected and displayed at the premises. The notice in the NT News failed to include the date by which any objections were required to be lodged.⁵ The

¹ The existing licence also states that the licensee has a BYO authority, but for the reasons explained at paragraph 90 below, the Commission considers that this is of no effect.

² Ted Tabet, "Iris Capital Unveils \$100m Desert Casino Redevelopment", *The Urban Developer* (18 November 2022), retrieved from <https://www.theurbandeveloper.com/articles/alice-springs-lassisters-casino-hotel-redevelopment>

³ (2022, September 1) Alice Springs Casino Operator's Agreement. Legislative Assembly of the Northern Territory, Darwin (NT). Retrieved from <https://hdl.handle.net/10070/884982>

⁴ Exhibit 1, pp 395 ff, Attachment D.5

⁵ Exhibit 1, p 505

Commission strongly recommends that the Director ensure that all future public notices of applications made under the Act include this important information. The Commission also suggests that the Director require applicants for matters relating to Alice Springs to publish notices of their application in the local Alice Springs printed newspaper, *The Centralian Today*.

11. As required by s 96(6) and (6A) of the Act, the Director notified the Department of Health (**DOH**), the Commissioner of Police and the Alice Springs Town Council (**ASTC**) of the application. In addition, the Director notified Northern Territory Fire and Emergency Services (**NTFRS**).
12. The Director informed the Commission that NT Police, the ASTC and NTFRS did not respond. However, as is detailed below, the licensee itself had previously taken the initiative to consult with these agencies.
13. On 5 April 2024, the licensee had written to NT Police inviting them to make comment on the proposed redevelopment. On 24 April 2024 NT Police responded as follows:⁶

On review of the Development Plans and Development Location document from the Lasseters website we have no objections to the proposed material alterations to the Lasseters precinct, noting that there is not any specific information relating any proposed variations to any existing liquor licences, new applications for a liquor licence or trading time alterations.

Should those liquor licence impacts materialise we would seek to make comment separately at that point through the normal application and review procedures.

14. On 5 April 2024 the licensee issued a similar invitation to NTFRS, who responded on 9 April 2024 to the effect that they had made comment on the licensee's related application to the Development Consent Authority.⁷
15. In a letter to the Director dated 31 May 2024, the licensee noted that ASTC "had been consulted and has endorsed the redevelopment through the Developmental [sic] Consent Authority process".⁸
16. In addition, in April 2024 the licensee invited comment on the proposed redevelopment from the public by way of:

- noticeboards displayed within the premises;

⁶ Exhibit 1, p 31

⁷ Exhibit 1, p 31

⁸ Exhibit 1, p 32

- information posted on the licensee's website linked to an on-line survey, which elicited 22 responses, nineteen of which were supportive; and
 - a letterbox drop of flyers to about 1,000 neighbourhood households, eliciting one email response, which was supportive.
17. In September/October 2024, DNS Specialist Services, a consultant engaged by the licensee, conducted more extensive community consultations. DNS sought comments from 16 local service providers, 15 of which either did not respond or responded by stating that they did not wish to provide a comment. The only service provider that provided comments was NT Police, who reiterated their support for the redevelopment.
18. DNS also hand-delivered to Alice Springs letterboxes 8,000 flyers with a QR-code link to an on-line questionnaire. 60 permanent residents of the town responded. A little over half of these respondents said they attend the premises monthly or weekly. Almost all of the respondents stated that they go to the licensee's restaurants, about half patronise its bars and the convention centre, and less than a quarter use its gaming facilities. Three quarters of the respondents supported the material alteration and believed it would benefit the community. A quarter opposed the material alteration and believed it would not benefit the community.
19. Given the low response rate to the survey (less than 1%), the Commission attaches limited weight to its results.

The objectors

20. DOH and the People's Alcohol Action Coalition (**PAAC**) lodged objections to the application. In summary, both objectors submitted that the licensee's proposal to increase the number of liquor outlets within its premises would lead to an increase in alcohol-related harm. In addition, PAAC submitted that the licensee's current extended late night trading hours contribute to alcohol-related harm, and should be decreased.

The licensee's record of compliance

21. The Director's referral to the Commission included no information about the licensee's record of compliance. The Commission considers such information to be of prime importance when assessing applications (as well as complaints) that are referred to it. The Commission strongly recommends that the Director ensure that all future referrals to the Commission of applications made under the Act include this important information, which is held by the Director's office.
22. At the hearing, prompted by a request from the Commission, the Director's representative provided the Commission with evidence of the licensee's recent compliance history. Between April 2023 and February 2025, Licensing NT investigated the licensee following four reports of incidents of concern that had occurred at the premises. On three of these occasions no evidence was

identified tending to show that the licensee had contravened the Act, the *Liquor Regulations 2019* (**the Regulations**) or the conditions of its licence. In relation to the remaining occasion, in April 2023, although Licensing NT considered that there was insufficient evidence to proceed with a complaint, its officers recommended to the licensee that the presence of crowd controllers in a particular area of the premises be increased.

23. Ms Ganzer also provided the Commission with some data from police over the 12 months prior to the hearing. Over the course of that year, police recorded 1254 “events” at the premises, 54% of which were attendances by police patrolling on their own initiative to and on the premises. Of the remaining 567 recorded incidents, 99 were classed as “disturbance – general”, 65 as “disturbance – domestic”, 28 as “disturbance – licensed premises” and 28 as “assault – aggravated”. It was emphasised to the Commission that this was “raw dispatch data and gives no indication as to what the event was confirmed as or whether we had any follow up investigation as a result. It gives you a very general guide...”.

The referral

24. On 17 February 2025, the Director referred the application to the Commission, which subsequently notified the licensee and the objectors that the matter would proceed by way of a public hearing on 26 March 2025.
25. The Director provided the Commission with a bundle documents in support of the application (**the brief**), including:
- a. Liquor licence 80103004
 - b. Application for approval of a material alteration, 7 Nov 2024
 - c. Licensee submission to Director, 31 May 2024 (26 pages)
 - d. Public Interest & Community Impact Assessment summary, 7 Nov 2024
 - e. Public Interest Criteria statement (15 pages)
 - f. Community Impact Analysis (93 pages)
 - g. Responsible service of alcohol policies, procedures and training materials (105 pages)
 - h. Summary of Iris Capital’s Alice Springs community sponsorship programs and contributions
 - i. On-line survey, September 2024 (126 pages)
 - j. Exceptional Development Permit, 19 June 2023
 - k. Architectural drawings, plans, views (90 pages)

- l. Plan of proposed footprint of premises
- m. Evidence of public notification and stakeholder consultation
- n. DOH Objection (Dr Dan Wilson, Clinical Director, Addiction Medicine, Mental Health Alcohol and other Drug Services – Central Australia Region), 22 Jan 2025
- o. PAAC objection, 28 January 2025
- p. Extract from application to DCA, with outline of staged development
- q. Licensee's response to objections, 11 Feb 2025 (10 pages)

The hearing

26. On 26 March 2025 the application proceeded as a public hearing. Mr Baddeley SC appeared on behalf of the licensee instructed by Ms Hall, and accompanied by Mr Jervis, the licence nominee. Ms Ganzer appeared for the Director. Ms Gillick appeared for PAAC. No representative appeared on behalf of DOH. However, the previous day Dr Wilson had confirmed to the Commission that DOH maintained its objection, but would not attend the hearing.
27. The following documents were tendered and admitted into evidence.
- a. Exhibit 1: the brief
 - b. Exhibit 2: redacted brief, as supplied to the objectors
 - c. Acoustic Report, SLR Consulting Australia, July 2022
 - d. List of 26 Alice Springs liquor licences with late night authority
 - e. Notes of four Licensing NT investigations of licensee, 14 April 2023 to 3 Feb 2025
28. The only witness called at the hearing was Mr Jervis, whose oral evidence the Commission summarises as follows.
29. The proposed steakhouse restaurant, with a capacity of about 250 patrons, will replace The Juicy Rump, the kitchen of which currently closes at 21:30 hours. The licensee proposes to keep the steakhouse kitchen open until 23:00. Mr Jervis estimates that patrons of a venue of this type would usually leave by 03:00 hours.
30. The proposed rooftop terrace, which will replace the existing Tempo function space, will have a capacity of about 150 patrons, and, unlike Tempo, will be open to the general public, and not only be used when there is a booked function.

31. The proposed sports bar, with a capacity of about 150 patrons inside and 200 on the adjoining deck, will screen live sporting events at all hours, from all over the world, and serve American-style food such as burgers.
32. There is no proposed change to the operation of the Tali restaurant, which is currently authorised to trade until 13:00 hours and has a capacity of 220 patrons inside and a further 150 patrons on its deck.
33. The Lasseters Casbah bar, which services the casino gaming floor, will be moved, but its operation will otherwise remain as is.
34. The proposed nightclub will have a capacity of 150 to 200 patrons, with DJ entertainment from 20:00 or 21:00 hours on Thursdays, Fridays and Saturdays, and on special occasions in conjunction with events such as conferences. Currently, The Juicy Rump operates as a restaurant in the evening, and then changes to be the premises' nightclub, trading until 03:00 hours or sometimes later. The proposed steakhouse will not operate as a nightclub.
35. The licensee has not yet determined how many of the 235 new apartments that are planned in five blocks will be for private residential accommodation, and how many will be for the resort's hotel accommodation.
36. The licensee anticipates that with the projected increase in patronage of the premises, the volume of alcohol that will be sold will double, but that the proportion of revenue from liquor sales, which is currently around 12%, will fall.
37. The proposed childcare centre will help fill the shortfall of child care places in Alice Springs. It has not yet been decided whether the operation will be out-sourced. It will be adjacent to but not within and not part of the Lasseters Hotel Casino.

ASSESSMENT OF THE APPLICATION

38. It was common ground and the Commission readily accepts that the proposed redevelopment constitutes a material alteration as defined by s 95 of the Act, requiring the prior written approval of the Commission. The project entails "a significant change to the premises' facilities related to the sale, supply, service or consumption of liquor" (s 95(1)(e)).
39. The Commission is satisfied that the licensee has complied with s 95(2) of the Act, which prohibits alteration of licensed premises that would result in contravention of the Act and various other laws. In particular, in this case, the Commission notes that the licensee has been issued with an Exceptional Development Permit under the *Planning Act*. The Commission has fixed the condition set out at paragraph 4 above to ensure that the licensee continues to comply with s 95(2), and also by way of compliance with s 97(5).

40. The Commission is satisfied that the licensee has complied with and indeed exceeded the Director's requirements to notify the public of the application.
41. In accordance with s 97(1) of the Act, the Commission has considered the objections to the application, the licensee's response to the objections, whether approving the material alteration is in the public interest and whether the material alteration will have a significant adverse impact on the community.

The objections and their reply

42. The licensee properly conceded that both DOH and PAAC were qualified under s 61(4) to lodge an objection, and that their objections were based on the grounds permitted by s 61(2).
43. The Commission accepts a key submission made by both objectors that longer trading hours, greater density of outlets and more outlets have been shown to be associated with an increase in alcohol-related harm. For example, one frequently cited Australian systematic literature review of 21 studies found that "reducing the hours during which on premise alcohol outlets can sell alcohol late at night can substantially reduce rates of violence. Increasing trading hours tends to result in higher rates of harm, while restricting trading hours tends to reduce harm."⁹
44. The Commission summarises the licensee's written response to the objections submitted on 11 February 2025 as follows:¹⁰
- a. The increase in the footprint of the premises is merely to incorporate the new accommodation blocks.
 - b. The other changes are more of an "in-fill" or areas within the existing footprint.
 - c. The changes are needed to support the applicant's growing business, which is required to support the anticipated increase in tourism, and which will generate employment.
 - d. Police are supportive of the application.
 - e. The licensee does not anticipate that the additional liquor outlets will necessarily result in significant increases in liquor supply.
 - f. There is no proposed change to existing trading hours, which are typical of casinos.

⁹ Wilkinson C, Livingston M, Room R. Impacts of changes to trading hours of liquor licences on alcohol-related harm: a systematic review 2005–2015. *Public Health Res Pract.* 2016; 26(4): e2641644

¹⁰ Exhibit 1, p 534

45. The Commission considers the licensee's response at points (a) to (d) above to be cogent.
46. Having heard the licence nominee's evidence regarding the licensee's contention at point (e), the Commission proceeds on the basis that if the proposed development goes ahead, contrary to the licensee's contention, there will very likely be a significant increase in liquor supply. That said, the Commission also accepts the evidence of Mr Jervis that this will not be due to an increase in the amount of liquor consumed by each Lasseters patron, but by an increase in the number of patrons. Furthermore, the Commission accepts the licensee's submission at the hearing that the projected increase in trade will not be the result of a significant increase in Alice Springs community patronage, but the consequence of a substantial increase in the number of tourists who come to Alice Springs.
47. In relation to point (f), the Commission accepts that casinos typically operate until the very early hours of the morning, if not around the clock, and that some of the outlets within the premises are currently authorised to trade until 06:00 on weekends. However, as will be discussed below, the Commission does not accept that there "is no proposed change to existing trading hours".
48. An obvious hurdle for the objectors is that the licensee has operated the largest licensed premises in Alice Springs for decades, with the authority to trade until the early hours of the morning, and an apparently unblemished record of compliance with the Act, the Regulations and its licence.
49. In its objection, PAAC states:
- PAAC has long held the view that the service of alcohol on premises should cease at midnight, with closing no later than 1 a.m. There is unfortunately no consistent standard that applies to late opening hours in Alice Springs, and Lasseter's is permitted to open for many more hours than other venues. We do not believe that any premises in Alice Springs should be allowed to sell drinks beyond midnight.
50. In accordance with this long-held view, PAAC submits that the licensee should now not be permitted to trade after midnight. However persuasive such a submission might be in relation to an application for a new licence, for the reasons that follow the Commission considers that it has only limited application to the current case.
51. In 2019, the Minister for Alcohol Policy assured licensees that under the new liquor licensing scheme that came into force on 1 October of that year, they would be no worse off than previously. Section 324 of the Act in conjunction with reg 20 of the Regulations effectively give legal force to this assurance. Accordingly, the Commission discerns that Parliament intended that the 2019 scheme would operate on the basis that there is a presumption that the existing conditions of an established licence should be permitted to continue.

52. In the view of the Commission, in this matter the objectors have not adduced evidence capable of rebutting that presumption.
53. Even if the Commission is in error in its view that there is a presumption that pre-existing licence conditions should not be curtailed, having considered all the circumstances of the application, including those referred to at paragraphs 46 and 48 above, the Commission is not satisfied that making the material alteration will, to use the language of s 61(2) of the Act, adversely affect either the amenity of the neighbourhood or the health, education, public safety or social conditions in the community.
54. The frequency of attendances by police at the premises over the last twelve months arguably supports an inference, or at least raises a reasonable concern, that the supply and consumption of alcohol at the premises causes harm or ill-health. On the basis of the limited information the Commission has received, the Commission makes no such finding. However, even if the Commission had been provided with sufficient evidence to enable it to make such a finding, it does not follow that the proposed material alteration would exacerbate current levels of harm or ill-health, or otherwise adversely affect the Alice Springs community.
55. On the evidence received, the Commission considers that the material alteration is more likely to beneficially affect the amenity of the neighbourhood and social conditions in the community, principally as a result of the significant influx of tourists to the town, and the associated benefits to the local economy.

Whether issuing the licence is in the public interest

56. To determine whether the approval of the material alteration is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:
- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - (b) ensuring liquor is 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 practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

57. The Commission and the Northern Territory Civil and Administrative Tribunal (**NTCAT**) have repeatedly and consistently found that the Commission is not generally entitled to have regard to the presence of electronic gaming machines (**EGMs**) for the purpose of considering an application under the Act. The Commission has however, identified a limited exception to this limitation on its jurisdiction, namely that the Commission is entitled to have regard to the presence of EGMs on how liquor is consumed on the premises.¹¹ The Commission accepts the licensee's submission that the same principles apply in relation to casinos, which feature both EGMs and other forms of gambling.

58. Accordingly, the Commission has no regard to whether or not the material alteration will advance the objective of minimising the harm or ill-health caused to gamblers. The Commission does not anticipate that the redevelopment of the premises will significantly affect the current level of alcohol-related harm or ill-health suffered by Alice Springs residents. This is because the projected increase in consumption will be substantially due to the projected increase in patronage by interstate and international tourists. This might be a concern to the Commission if Alice Springs were notorious as a preferred destination for hard-drinking holiday-makers, but Alice Springs does not have that reputation.

59. The licensee has produced copious evidence in support of its submission that it has well-established and appropriate policies, procedures, staff supervision and training programs to ensure that liquor is supplied in a responsible manner. The Commission accepts this submission.

60. The Commission is satisfied that the licensee has adequate security officers. Being a casino, the licensee has a higher level of CCTV surveillance than most licensed premises. In addition, as has been observed above, NT Police frequently visit and patrol the premises.

61. The Commission accepts the licensee's evidence that the redevelopment will be a major boost to the town's economy, with 250 people being employed over the three-year construction phase, and a further 100 staff to be employed once the redeveloped premises have been commissioned.¹²

¹¹ *Darwin Services Club applications for substitution of premises and variation of licence conditions* [2025] NTLiqComm 5 at [80] – [82]

¹² Exhibit 1, p 28

62. Having considered all of the ten public interest objectives, the Commission is satisfied that it is in the public interest to approve the material alteration.

Whether the issue of the licence will have a significant adverse impact on the community

63. To determine whether it is satisfied that the material alteration will not have a significant adverse impact on the community, the Commission must consider the matters set out at s 49(3) of the Act:

- (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 s 50;¹³
- (j) any other matter prescribed by regulation.¹⁴

64. The premises are located in a Tourism Commercial zone with a residential suburb, Mount Johns, at its southern boundary; and a small housing estate on its northern boundary. The Commission is satisfied that these residents were notified of the licensee's plans well in advance. None of them has objected to the application. The Commission considers that the noise condition it has determined to impose, which is based on the recommendations in an Acoustic Report commissioned by the licensee, will adequately mitigate the risk that undue and unreasonable noise from the premises will adversely affect nearby residents.

¹³ In the view of the Commission, no such guidelines are currently in force.

¹⁴ No such matters have been prescribed by regulation.

65. As described at paragraphs 13 to 19 above, the licensee embarked on extensive consultations with Alice Springs service providers and residents. The Commission infers that if there were widespread concern in the town about significant adverse community impact, the consultations would have elicited a significant number of adverse responses. In fact, there were very few responses.
66. The Commission is satisfied that the material alteration is likely to have a significant beneficial community impact on recreation, employment and tourism.
67. As discussed above, the Commission does not consider that the volume of liquor sales to the Alice Springs community will significantly increase as a result of the material alteration.
68. Having considered all of these matters, the Commission is satisfied, in accordance with s 49(3) of the Act, that the material alteration will not have a significant adverse impact on the community.

The approved footprint

69. The licensee proposes to extend the footprint of the premises to incorporate two currently vacant areas of land located at the northern and southern ends of the licensee's property, upon which the licensee proposes to construct five multi-storey residential blocks. The Commission accepts Mr Jervis's evidence that the licensee has not yet finalised its plans as to the use to which these blocks will be put. At least some of them may ultimately contain apartments that are occupied by long-term residents.
70. The Commission notes that the plan provided by the licensee of the staged development of the premises includes a note stating "residential staging subject to pre-sales".¹⁵ This reinforces the Commission's view that there is some uncertainty about the licensee's ambitious development plans for the premises.
71. The Commission considers that there is a real possibility, having regard to the risks of a downturn in the local, Australian and indeed the global economy, and in particular in the Australian tourism and gaming sectors, that the licensee will at some future point revise its plans and not proceed with some or all of the proposed new residential blocks.
72. The details of the approved material alteration set out at paragraph 2 above have been formulated so that the footprint of the premises will include all the areas on the licensee's property that will be used by patrons of the casino, the hotel and its associated amenities, but not accommodation blocks occupied by long-term private residents.

¹⁵ Exhibit 1, p 414

Conditions

73. Section 97(3) of the Act provides that the Commission may attach conditions to the approval of the material alteration. In the view of the Commission, this power includes the power for the Commission to vary the conditions of the licence or to add conditions to the licence. The Commission has determined to fix the additional conditions set out at paragraph 3 and 5 above.

74. The licensee submitted that the licence should continue to authorise trading in the proposed steakhouse, the proposed night club and the proposed sports bar until 05:00 hours Sunday to Thursday, and until 06:00 hours on Friday and Saturday.

75. Regulation 30 of the Regulations provides:

The hours of operation for a casino authority are the hours specified in the authority issued to the licence.

76. The current licence specifies hours of operation for each of the nine individual liquor outlets identified in the licence, as follows:

The Diamond Lounge and The Juicy Rump, between:

10:00 and 05:00 the following day Sunday to Thursday each week

10:00 and 06:00 the following day Friday and Saturday of each week

Tempo, Lasseters Casbah, The Goat and Bucket and The Decking and Beer Garden, between:

10:00 and 03:00 the following day Sunday to Thursday each week

10:00 and 04:00 the following day Friday and Saturday of each week

Convention centre and designated lawn area, between:

06:00 and 03:00 the following day Sunday to Thursday each week

06:00 and 04:00 the following day Friday and Saturday of each week

Tali Restaurant, between:

10:00 and 01:00 the following day seven (7) days a week

The Resort Pool Bar, between:

10:00 and 22:00 seven (7) days a week

77. The licensee proposes to continue existing operations with existing hours for the Diamond Lounge (a VIP and members only facility), the Decking and Beer

Garden, the Lasseters Casbah¹⁶, the Convention Centre and designated lawn area, the Tali Restaurant and the Resort Pool Bar. Accordingly, the Commission has not varied any of the trading hours or other conditions for these outlets.

78. The licensee proposes to decommission Tempo and The Goat and Bucket. Accordingly, the Commission has varied the licence by deleting reference to these outlets.
79. The licensee proposes to replace Tempo with a facility it has provisionally titled "Tempo Rooftop Bar", with the same trading hours and similar operations to Tempo. The Commission has varied the licence accordingly.
80. The licensee proposes to establish a noodle bar in the vicinity of the Lasseters Casbah, with the same trading hours as the Lasseters Casbah. The Commission has varied the licence accordingly.
81. The licensee proposes to construct a ten-pin bowling alley and games arcade within the main casino building, to the south of the planned nightclub, with the same trading hours as the Lasseters Casbah. The Commission has varied the licence accordingly. The Commission recommends that, as proposed by the licensee, the Director make a declaration pursuant to s 298(1)(a) of the Act that these areas be prohibited to children after 22:00 hours.
82. The licensee proposes to install additional pools, and an additional pool bar, with the same trading hours and conditions as the existing Resort Pool Bar. The Commission has varied the licence accordingly.
83. The licensee proposes to extend and rebuild the area currently occupied by The Juicy Rump, which will be replaced by a sports bar and, next to it, a steakhouse restaurant. The location of the existing Decking and Beer Garden, which adjoins The Juicy Rump, will be retained. The Juicy Rump is currently a multi-function venue: as a restaurant, its kitchen is open until 21:30 hours; as a venue for patrons to watch sport, it is equipped with large screens; and as a night club, it operates on weekends.
84. The new steakhouse will not be a multi-function venue. It will be a restaurant. The Commission does not accept the submission based on Mr Jervis's evidence that there will be demand for the restaurant to remain open for a further four hours after the kitchen has closed at 23:00. The Commission has determined to fix the operating hours of the steakhouse to align with those of the Tali restaurant. The Commission does not accept that this constitutes a curtailment of the licensee's current conditions, as the Commission has approved extended late night trading hours for the new venues that will provide the non-restaurant services currently provided at The Juicy Rump.

¹⁶ The existing Lasseters Casbah will be replaced by a new bar located in the area labelled "NEW BAR" on the plan at page 426 of Exhibit 1

85. The first of these services is to provide patrons with the opportunity to watch televised sport. Many sporting events of interest to Australian fans take place in time zones on the other side of the world, and the Commission considers that a well-appointed venue equipped with big screens that can broadcast such events live is a beneficial amenity for both visitors to and residents of Alice Springs. The Commission approves the same hours of operation for the sports bar as are currently permitted for The Juicy Rump.
86. Secondly, the premises proposes to build and establish a purpose-built nightclub to replace the use of The Juicy Rump as a late night music and dance venue. The Commission accepts that the nightclub will offer enhanced security and safety to patrons, and will have significantly more effective acoustic shielding than The Juicy Rump, to the benefit of both other Lasseters guests and residents of the neighbourhood. Unlike The Juicy Rump, the nightclub will be completely enclosed within the main building of the premises, which will also facilitate surveillance of patrons and control of who is permitted to enter the venue.
87. Lasseters operates the only premises in Alice Springs authorised to remain open after 02:00 hours. The Commission is acutely aware of the harm associated with the consumption of alcohol in the early hours of the morning. Tragically, several Alice Springs nightclubs that have operated in the past closed down after incidents of serious violence causing death or catastrophic injury either on those premises or involving intoxicated persons who had been drinking at the premises. Importantly, however, the Commission notes that The Juicy Rump has been operating as a de facto nightclub for some years without, as far as the Commission has been made aware, being associated with any such incidents, and without being subject to any disciplinary action. The Commission approves the same hours of operation for the nightclub as are currently permitted for The Juicy Rump.
88. The Commission has fixed a noise management condition in accordance with the recommendations of the acoustic report commissioned by the licensee.
89. The Commission has also fixed a condition requiring the licensee to remind its patrons of the risks of excessive consumption of alcohol, and in particular, the risks of drinking while gambling, for the same reasons as it recently imposed a similar condition on the licence of the Darwin Services Club.¹⁷
90. The licensee has requested the Commission to delete the BYO authority from the licence. On 19 November 2021 the *Liquor Legislation Amendment Act 2021* came into force. Section 9(1) of that enactment repealed BYO authorities. In place of BYO authorities, the legislature enacted a BYO server registration scheme. Accordingly, the Commission considers that since 19 November 2021, references in liquor licences, including the licensee's licence, to a BYO authority have been of no effect. Accordingly, the Commission recommends to

¹⁷ *Darwin Services Club applications for substitution of premises and variation of licence conditions* [2025] NTLiqComm 5

the Director that when the license is re-issued following the publication of this decision notice, reference to the BYO authority in the licence be deleted.

91. The licensee has proposed that the declarations made pursuant to s 298 of the Act prohibiting or restricting access by children to certain areas on the premises at certain times be varied. The Commission notes that the Act confers power to make (and hence, to vary) s 298 declarations exclusively on the Director. The Commission requests the Director to give due consideration to the licensee's proposals.

The objects of the Act

92. Section 3(4) of the Act provides that in performing its function to decide whether to approve the material alteration, the Commission must have regard to the primary and secondary purposes of the Act.
93. The Commission considers that the approval of the material alteration with the conditions imposed is consistent with the purposes of the Act.
94. For these reasons, the Commission has determined that the material alteration should be approved, subject to the conditions set out at the commencement of this Decision Notice.

NOTICE OF RIGHTS

95. Section 31(1) read with s 97(4) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal. Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
96. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the Director, the licensee, PAAC and DOH.



Russell Goldflam

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
6 MAY 2025

On behalf of Commissioners Goldflam, Stephenson and Fong Lim

ANNEXURE ONE

