

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR APPROVAL OF MATERIAL ALTERATION

LICENCE NUMBER: 81416621

LICENSEE: Humpty Doo & Rural Area Golf Club Incorporated

PREMISES: Humpty Doo & Rural Area Golf Club
Section 2464 Pioneer Drive
HUMPTY DOO NT 0836

APPLICANT: Humpty Doo & Rural Area Golf Club Incorporated

LEGISLATION: Section 96 of the *Liquor Act 2019*

HEARD BEFORE: Mr Richard Coates (Chairperson)
Mr Bernard Dwyer (Health Member)
Ms Amy Corcoran (Community Member)

DATE OF HEARING: 26 March 2020

DATE OF DECISION: 26 March 2020

Decision

1. For the reasons set out below and in accordance with section 97(2) of the *Liquor Act 2019* (“the Act”), the Commission has determined to approve the material alteration to the licensee’s licensed premises as sought by the Humpty Doo & Rural Area Golf Club Incorporated (“the Licensee”).
2. In accordance with the approval given, the Licensee may continue to conduct business on the licensed premises during the construction period provided that no access to the two areas under construction is provided to patrons and secure fencing or partitioning and appropriate signage is erected to ensure the patrons are excluded from those areas.
3. The Licensee must not permit the sale or consumption of liquor in the additional and altered areas to the clubhouse until evidence has been provided to the satisfaction of the Director of Liquor Licensing (“the Director”) that all the relevant statutory building and fire safety approvals have been obtained.

Reasons

Background

4. The Licensee is the holder of Liquor Licence number 81416621 for the premises known as the Humpty Doo & Rural Area Golf Club, Section 2464 Pioneer Drive, Humpty Doo.
5. On 30 January 2020, the Licensee lodged two applications for approval of material alteration to its licensed premises through the Territory Business Centre Darwin and paid the application fees.
6. For administration purposes, both applications were consolidated into one referral of the Director.
7. The material alteration applications seek to:
 - a. enclose the existing outdoor smoking area and convert it into an enclosed meeting room and community space and to provide a weather resistant area that parents can oversee their children in the outdoor playground; and
 - b. install a solid roof over the existing alfresco area that is currently covered with shade cloth.
8. In support of the applications, the Licensee has provided the following documents:
 - Declaration of Associates;
 - Affidavit;
 - Draft notice for publication;
 - Community Impact Statement Summary;
 - Copy of Development Permit;
 - Copy of other plans of the building and proposed works.

Consultation

9. The application was not advertised as the Director determined that there was insufficient public interest to warrant advertising of the application.
10. Because it was not advertised, there were no objections from the public.
11. In accordance with section 96(6) of the Act, notification of the application was sent to the Chief Executive Officer, Litchfield Shire Council. The Council replied via letter dated 2 March 2020 stating it had no comments in relation to the applications.

12. Whilst not legislatively required, notification was also sent to:
- NT Police;
 - Department of Health;
 - NT Fire and Rescue.
13. NT Police replied via email dated 5 March 2020 stating it has no objections.
14. The Department of Health replied via email dated 2 March 2020 stating it has no adverse comments.
15. NT Fire and Rescue replied via email dated 2 March 2020 stating that it supports the application conditional to completed building works to go through the approval process as per the *Building Act 1993* and inspection of the premises to ensure compliance with *Fire and Emergency Act 1996* & Regulations and assessment of licensed areas for maximum patron numbers.

Compliance History

16. A check of the records held at Licensing NT indicates that there is no previous adverse history against the Licensee.

Public Hearing

17. The applications for approval of material alteration to licensed premises were referred to the Commission by the Director on 13 March 2020.
18. On 26 March 2020, the Commission convened and determined pursuant to section 21(2)(d) of the Act that conducting a public hearing would not be worthwhile and in accordance with section 21(3) it was appropriate to conduct the hearing in private by way of written submissions.

Assessment of the Application

19. In considering the applications, the Commission has had regard to the purposes of the Act (section 3), the application of the public interest and community impact test (section 49), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018, pursuant to section 50, and the onus on an applicant to satisfy the Commission that the approval of the application is in the public interest and will not have a significant adverse impact on the community (section 51).
20. It is relevant that the applications are not related to any increase in the area available for the sale and consumption of liquor. The Licensee has rather sought to change and enhance the purpose for which sections of its licensed premises will now be used.

21. The Commission notes that the smoking area is being moved further away from the children's play area which the application indicates will lessen exposure of children to smoking behaviours. The Licensee also stated that the renovations would provide a comfortable space for improved oversight of children in the playground with "the parents that bring their children to our junior golf clinics and family days have expressed excitement for the proposed enclosure". This reflects an increase to the recreational benefits for the local community. The cultural issue of the exposure of children to the normalisation of alcohol consumption was considered by the Commission, however, there was no evidence that the material alterations being proposed would negatively increase such exposure.
22. Based on the evidence presented, the Commission finds on balance that there is no evidence to suggest any potential harm or health impact may be caused to people, or any group of people, within the local community area, due to the availability and accessibility of liquor as a consequence of the material alterations sought.
23. It is as a result of the matters outlined above that the Commission has decided to approve the material alterations to the Licensee's licensed premises as sought and as outlined at the start of this Decision Notice.

Notice of Rights

24. Section 31 of the Act provides for any decision of the Commission for which a decision notice is required under the Act is reviewable by Northern Territory Civil and Administrative Tribunal.
25. Section 97(4) of the Act requires the Commission to give a decision notice to the applicant after making a decision under subsection (2).



RICHARD COATES
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
8 April 2020

On behalf of Commissioners Coates, Dwyer and Corcoran