

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *TINDAL RAAF WORKERS ACCOMMODATION VILLAGE APPLICATION FOR APPROVAL OF A MATERIAL ALTERATION* [2024] NTLiqComm 46

FILE NUMBER: LC2024/043

LICENSEE: Sirrom Village Services Pty Ltd, formerly known as Northern Rise Village Services Pty Ltd

PREMISES: Workers Accommodation Village
RAAF Base
TINDAL RAAF NT 0853

LEGISLATION: Sections 97 of the *Liquor Act 2019*

DECISION OF: Mr Russell Goldflam (Chairperson)
Mr Bernard Dwyer (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF DECISION: 31 October 2024

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 an application by Sirrom Village Services Pty Ltd (**the Applicant**) for a material alteration to liquor licence FLL1395 (**the licence**) at the Tindal RAAF Base Workers Accommodation Village (**the premises**), located 15 kilometres outside of Katherine, NT.
2. The approved alteration is to enlarge the licensed footprint by encompassing the alfresco area adjacent to the tavern and dining area marked in pink on Annexure One to this decision notice.
3. The Commission fixes the following additional condition:

The Licensee must prominently display on the premises information about the National Health and Medical Research Council (NHMRC) Australian guidelines to reduce health risks from drinking alcohol.
4. The Commission approves the immediate commencement of business in the enlarged premises.

REASONS

Background

5. The Applicant's current licence, FLL1395, is within a secure complex under the control of the Royal Australian Air Force. Access to the Workers Accommodation Village, and the centrally positioned licensed premises, is restricted to the Applicant's employees and civilian guests sub-contracted to undertake works at the adjacent defence facility.

The Application

6. On 11 September 2024, an application was lodged on behalf of the Applicant for a material alteration to extend the licensed area for the premises to encompass the alfresco area situated adjacent to the tavern and dining area.
7. As the premises is not a naval, army or air force mess, canteen, camp or post, it is not exempt from licence requirements as per s 43(1)(a) of the Act.

Consultation

8. As required by the Director pursuant to s 96 of the Act, on 4 October 2024 notice of the application was published in the NT News and on the Director's website, and a sign was displayed at the premises.
9. Also, in accordance with s 96 of the Act, notification of the application was given to the Department of Health, NT Police and the Katherine Town Council, as well as the Northern Territory Fire and Rescue Service.
10. The application elicited no objections, and the consulted stakeholders were supportive of the material alteration, subject to a re-assessment of maximum patron numbers.

The Licensee's Record of Compliance

11. The Director informed the Commission that since being granted a liquor licence, the applicant has operated in compliance with the Act and the conditions of its licence.

The Referral

12. On 23 October 2024, the Director referred the application to the Commission.
13. The Director provided the Commission with a brief (**the brief**) that includes:
 - a. Liquor licence for Northern Rise Village Service Pty Ltd, licence number FLL1395, issued 8 August 2024
 - b. Liquor licence for Sirrom Village Services Pty Ltd, licence number FLL1395, issued 14 October 2024
 - c. Application for the approval of material alteration

- d. Site plan with proposed licensed premises outlined in red
- e. Public interest and community assessment summary
- f. Licensee's policies and procedures
- g. Probity documents for licence nominee
- h. Compliance history
- i. Details of the publication of application
- j. Correspondence with stakeholders
- k. ASIC Company Extract for Sirrom Village Services Pty Ltd

The Hearing

- 14. Pursuant to s 21 of the Act the Commission may direct that a hearing be conducted by way of written submissions if the Commission is of the opinion that it is not appropriate in the circumstances to conduct a public hearing because to do so would not be worthwhile or if the matter is not controversial. The Commission, having formed that opinion, determined to conduct the hearing by written submissions.

ASSESSMENT OF THE APPLICATION

- 15. The proposed alteration will nearly double the overall licensed area. In the terms of s 95(1)(a) of the Act, this is "a significant increase in the area of the premises", and accordingly an alteration that requires the approval of the Commission before being made.
- 16. The Commission is satisfied, having regard to s 95(2) of the Act, that the alteration will not result in a contravention of any law of the Territory that regulates the sale of liquor or the construction of facilities used for the sale of liquor. The Commission accepts that the material alteration will not involve any construction work or other regulatory certification or approvals.
- 17. The applicant has provided a site plan of the proposed alteration.
- 18. The application was originally submitted on behalf of the Northern Rise Village Services Pty Ltd and was subsequently corrected to reflect the recently amended entity name, Sirrom Village Services Pty Ltd. The change is a name change only, there was no change in the structure, ownership or officers of the corporation.

Public interest and community impact requirements

- 19. In accordance with s 97 of the Act, the Commission has considered the public interest and community impact requirements. In doing so, the Commission has had particular regard to the following:

- The premises is located within a secure complex 15 km outside of Katherine and is not accessible by members of the public. As the use of the premises is restricted to residents and guests authorised to stay at the accommodation village, the alteration will not likely result in an increase in the amount of liquor sold.
- The increase to the licensed footprint will enhance the premises by expanding the outdoor alfresco area and provide a significant amenity to guests and residents of the accommodation village.
- As would be expected of a military run complex, the licensee has implemented robust policies and procedures to minimise harms associated with the consumption of liquor and to minimise the impacts on other guests staying at the accommodation village, including implementing a noise curfew. The Commission accepts that there is minimal, if any, impact to the surrounding community.
- The licensee has a good record of compliance with the Act and its conditions.

20. The Commission is comfortably satisfied that the alteration will be in the public interest, and that it will not have any adverse impact, let alone a significant adverse impact, on the community.

NOTICE OF RIGHTS

21. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
22. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Applicant and Director.



Russell Goldflam
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
5 November 2024

On behalf of Commissioners Goldflam, Dwyer and Fong Lim

