

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

CITATION:	PALMERSTON GOLF & COUNTRY CLUB INCORPORATED APPLICATION FOR MATERIAL ALTERATION [2026] NTLiqComm 9
REFERENCE:	LC2026-005
APPLICANT:	Palmerston Golf & Country Club Incorporated
PREMISES:	Palmerston Golf & Country Club
LICENCE:	81403928
LEGISLATION:	Part 4 Division 2 of the <i>Liquor Act 2019</i> (NT)
HEARD BEFORE:	Michaela Malone (Deputy Chair) Stephen Gelding (Health Member) Katrina Fong Lim (Community Member)
DATE OF HEARING:	27 May 2026
DATE OF DECISION:	26 June 2026

Decision

1. For the reasons set out below and in accordance with section 97 of the *Liquor Act 2019* (NT) ("the Act"), the Northern Territory Liquor Commission ("the Commission") has determined to approve the material alteration to the licensee's licensed premises as sought by the applicant. The enlargement of the liquor licensed area to the area bounded in red depicted on page 17 of Exhibit 1 tendered at the hearing of the application is approved.
2. In accordance with section 97(3) of the Act, the licensee must not, while the alteration is being made, conduct business on the licensed premises except in accordance with arrangements approved by the Director or the Director's delegate. Such arrangements are to be provided by the licensee to the Director for approval.

3. The licence including the material alteration will become operative once the applicant has presented evidence to the satisfaction of the Director or the Director's delegate, 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.
4. The licensee will also be required to obtain the necessary approvals from the Northern Territory Fire and Rescue Service in respect of patron capacity and fire safety issues prior to commencing operation.

Reasons

Background

5. The Palmerston Golf & Country Club Incorporated is the licensee for the premises trading as Palmerston Golf & Country Club. The substantive operative authority for the licence is a club authority, with a limited takeaway authority allowing for sales to members only, for consumption away from the premises. The licensee operates an 18-hole golf course, is the venue of the annual Northern Territory PGA tournament and has associated hospitality facilities.
6. In 2022, the Liquor Commission (differently constituted) approved the licensee's material alteration on the premises for the enlargement of the liquor licensed area, extension of buildings to incorporate new toilets, a commercial kitchen, an enlarged club entrance, enlarged indoor and outdoor bistro seating, a separate sports bar and lounge, and a new pro shop/kiosk within the new licensed area. The Commission also approved the inclusion of a mini golf course within the new licensed area and an enlargement of the gaming area.

The Application

7. On 16 March 2026, the licensee applied to further extend the footprint of its liquor licence, to essentially increase the size of the club by creating a larger Sports Bar, relocating and expanding the beer garden, and creating a new function room separate to the Club itself. The expansion is not portrayed as adding new offerings, but as allowing the expansion and growth of the licensee's existing facilities and services. There are no proposed changes to the existing conditions, hours of trade, or takeaway sales.

Consultation

8. The Commission was informed by the Director that the application was published in the NT News on 21 March 2026 and published on the Director's website the same day. In addition to the online publications, three signs were displayed at the proposed premises for 14 days in accordance with section 57(4) of the Act. The Director was satisfied that the applicant had complied with the requirements to advertise the application.
9. In accordance with s 56(4) of the Act, notification was given to the Department of Health, Northern Territory Police and the local council, that being the City of Palmerston. An additional notification was sent to the Northern Territory Fire and Rescue Service ("NTFRS"). Taking into account public holidays, the Director advised that the closing date for any objections was 7 April 2026.
10. The Director informed the Commission that there was no objection to the application from the Department of Health or Northern Territory Police. There was a note from the representative of NT Health suggesting a review of the smoking management plan for the premises in light of the proposed works but no formal objection was made. No objection was received by NTFRS or the City of Palmerston.
11. Following public consultation, two objections were received from neighbourhood residents. A third objection was received late on 21 May 2026. The Commission determined to accept this late objection on the basis of there being evidence to support the contention that the objector did try to lodge the objection within the prescribed time period but had technological difficulties with email.
12. The three objections were made by the following persons:
 - a. Mr Terry Commons (neighbourhood resident);
 - b. Mr Glen Patrick (neighbourhood resident); and
 - c. Ms Lee Monaghan (neighbourhood resident).
13. Each objector was entitled to object pursuant to section 61(4) of the Act and each objector made the objection pursuant to section 61(2)(a). Some of the submissions made were outside of the factual basis of what the Commission is

permitted to consider pursuant to section 61(2)(a). Relevantly, the objectors raised that the material alteration would adversely affect:

- i. the amenity of the neighbourhood; and
- ii. social conditions in the community.

14. At the hearing of the application, the representative of the Director stated that the Director had no concerns with the application.

The licensee's record of compliance

15. The Director informed the Commission that the licensee has no adverse compliance history in relation to the operation of its liquor licence.

The referral

16. The proposed alterations fall under section 95 of the Act. Accordingly, on 21 April 2026, the Director referred the application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the applicant that the matter would be listed for a public hearing on 27 May 2026, the earliest date convenient to the Commission.

17. The Director provided the Commission with a brief, which included the following documents:

- a. Current liquor licence and conditions
- b. Application for approval of a material alteration to a licensed premises
- c. Various plans demonstrating existing structures and then proposed changes
- d. Application for Development Permit
- e. Smoking Management Plan for Licensed Premises
- f. Objection authored by Mr Glen Patrick
- g. Objection authored by Ms Lee Monaghan
- h. Applicant's written response to the above objections
- i. Notice to director of club function
- j. Contents of late objection by Mr Terry Commons

18. Further documents were provided by the applicant, being:

- a. Detailed plans showing distances
- b. Business Plan for the Palmerston Golf Country Club Function Centre
- c. Signed Development Permit
- d. Notice of Consent

The hearing

19. On 27 May 2026, the application proceeded as a public hearing. Mr Matthew Hewer (General Manager of the applicant) appeared in person and requested that Mr Dave Page (builder for the applicant) be permitted to assist him in the hearing with various questions. Mr Mark Wood appeared for the Director. Two of the objectors, Mr Terry Commons and Mr Glen Patrick, appeared in person.

20. The Commission thanks all persons for their attendance, the respect shown, and assistance provided at the hearing. Submissions were respectful and thoughtful, even when some of the matters raised involved sensitive or personal considerations such as residential amenity. The Commission was assisted by all in attendance.

21. Pursuant to section 23(3) of the Act, the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. Section 21(2) provides that a hearing must be conducted in public unless the Commission is of the opinion that it is not appropriate. No submissions were made to the Commission to this effect.

22. At the hearing on 27 May 2026, the Director's referral brief was tendered into evidence as Exhibit 1. Numerous other documents were also tendered, numbered from Exhibit 2 to 6 (these included various maps and building plans of the relevant area).

23. Oral evidence and further submissions were provided by two objectors at the hearing, being Mr Terry Commons and Mr Glen Patrick. It was beneficial for the Commission to receive the oral evidence from the objectors. It was clear on the evidence that both Mr Commons and Mr Patrick were long-term residents of the area and long-term supporters of the Palmerston Golf Club. However, they were both concerned about the proximity of the new function room to their own

premises. Neither had any concerns about the other changes made to the area and stated that it was an issue of location and proximity of the function room that concerned them.

24. In oral evidence, both Mr Commons and Mr Patrick noted that they would be supportive of the material alteration if the function room was moved to a different location and positioned further away from their homes. In submissions, Mr Patrick stated that *“the whole thing is, it’s the proximity to our houses”*. Mr Commons submitted to the Commission that if the function room was on the *“other side”* of the landscaping, then it would *“not [be] an issue”* and that there was *“no objection to the building, just the location of it”* and that the applicant should *“put it where Glen said, right behind those trees”*.

25. The third objector, Ms Lee Monaghan, was unable to attend due to work commitments, and so the Commission relied on her written objection for the purposes of the hearing. Ms Monaghan was concerned that both noise and lighting impacts would increase if this material alteration was approved. Ms Monaghan noted that she felt that the last material alteration approved in 2022 resulted in more noise, foot traffic, and significant lighting issues in the area, particularly within the mini golf course.

26. The applicant made submissions at the hearing. The applicant confirmed that the function centre location was maintained, but submitted that the applicant would be diligent in relation to noise and light issues. The applicant noted that the portion of the building facing the residential homes was mostly the side portion of the function centre (a brick wall), and the applicant expected that this would reduce noise. The area with patrons was described as mostly facing the golf course itself, away from residential homes. Further, the applicant stated that the landscaping would be replaced with mature landscaping.

27. In submissions, the applicant submitted that a primary purpose of the function room was to increase the overall facilities of the club for use by the community. The applicant submitted that the function room was intended to be an air-conditioned space that could be used for various community functions and events (particularly through the wet season). The applicant noted that celebratory functions would occur from time to time, but that daytime use was

also considered a main part of the function room use. During the day, the function room could be used for training such as first aid training, and other community events such as sports awards and club sports awards. Further, the applicant noted that many of these community events such as first aid training were held free of charge or for minimal fees, as this was a way in which the applicant intended to support the local community.

28. The usage of the function room in the daytime and the overall volume of usage at nighttime anticipated by the applicant was relevant to the Commission's consideration of the issue of lighting. In relation to the overall accumulation of light, the applicant was asked whether the existing lighting could be reduced on the mini golf course or whether this would be difficult to undertake. The applicant noted that there may be scope to reduce the lighting on the mini golf course as the lights are on a timer and that if there were no patrons on the course the lights could potentially be turned off in full or in part by way of manual turn-off. The Commission notes that it may be helpful for the applicant to investigate this further, noting the ongoing concerns from neighbours. The Commission did not consider it within the ambit of this application to impose conditions on the applicant, but does consider that it may be worthwhile for the applicant to consider these types of light reduction strategies.

29. In relation to any reply to the oral submissions provided by the objectors at the hearing, the applicant was asked to provide any submission in writing to the Commission within 5 business days. The applicant noted that it was unlikely that a reply would be made but agreed with the timeframe. No such submission in reply was made by the applicant.

30. Several documents were verbally referred to at the hearing by the applicant, and the applicant was to provide these documents to the Commission via email within 5 business days. The documents were received by the Commission and are referred to in detail at paragraph 18 of this Decision.

ASSESSMENT OF THE APPLICATION

Public notice and consultation

31. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with the Director's requirements under section 96(4) of the Act.

Public interest and community impact requirements

32. In accordance with section 97(1) of the Act, the Commission has considered the public interest and community impact requirements of the Act. Section 4(1) of the Act defines the public interest and community impact requirements as the requirements listed in section 49.

33. Section 49(2) of the Act states that the Commission must consider how the material alteration would advance the following objectives:

- 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.

34. The Commission has considered each of these objectives. The Commission is satisfied that the proposed material alterations will not result in a significant increase in the harmful sale, supply or consumption of liquor. The Commission is satisfied that the proposed material alterations will advance the recreational and employment benefits for the local community area. The Commission is satisfied that it is in the public interest to approve the material alteration.

35. Section 49(3) of the Act states that the Commission must consider whether the material alteration would have a significant adverse impact on the community by reference to the following:

- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- b. the geographic area that would be affected;
- c. the risk of harm from the excessive or inappropriate consumption of liquor;
- d. the people or community who would be affected;
- e. the effect on culture, recreation, employment and tourism;
- f. the effect on social amenities and public health;
- g. the ratio of existing liquor licences and authorities in the community to the population of the community;
- h. the effect of the volume of liquor sales on the community;
- i. the community impact assessment guidelines issued under section 50;
- j. any other matter prescribed by regulation.

36. The Commission notes there are no such “other” matters prescribed by regulation.

37. The applicant bears the onus of satisfying the Commission of the relevant matters.

38. Having considered all of these matters, the Commission is satisfied that the proposed material alteration will not have a significant adverse impact on the community. Indeed, the Commission is satisfied that the material alteration will be beneficial for the community.

Amenity considerations

39. The Commission received the signed and approved Development Permit from the applicant in relation to the material alteration. In the Notice of Determination signed by the Development Consent Authority ("the Authority"), the Authority noted that the "amenity considerations including hours of operation and noise" fall within the Commission's ambit. The Commission has considered these amenity considerations. The licensee has not applied to change the conditions of its liquor licence, including the trading hours, which are not unusual for a facility of this nature. The Director has confirmed that the applicant has not been the subject of any noise complaints or compliance issues in the past.

40. It is noted that the Authority considered the amenity of the area, stating the following:

"The impacts to amenity as a result of this proposed development may include visual impacts, artificial light impacts, noise impacts and impacts from the operation of the use to neighbouring residential areas.

The above impacts to amenity have been considered. The visual impacts and impacts from artificial lights are likely to be mitigated through proposed landscaping, required landscaping and conditions on the permit. The noise impacts and impacts from the operation of the use are likely to be regulated through the Liquor Act 2019."

41. In relation to noise, section 93 of the Act prohibits all liquor licensees from causing or permitting their employees or patrons to cause undue and unreasonable noise that affects the amenity of the neighbourhood. The licensee is subject to the noise pollution provisions of other legislation as well as the relevant provisions of the Act.

42. The Authority also required that the applicant enhance landscaping, and stated the following:

“a condition [is imposed] on the permit showing additional landscaping enhancements that will improve visual amenity when viewed from neighbouring residential uses with particular attention given to the residential area to the west of the subject site.”

43. It is recognised by the Commission that the objectors had concerns about lighting, noise, and amenity in relation to their respective homes. The Commission is satisfied that both the planned landscaping, together with the positioning and orientation of the building, may alleviate some of these concerns.

The objects of the Act

44. Finally, section 3(4) of the Act provides that in performing its function to decide whether to approve a material alteration, the Commission must have regard to the primary and secondary purposes of the Act.

45. The Commission considers that the approval of the material alteration is consistent with the purposes of the Act and that it has exercised its power in a manner consistent with the purposes.

46. For these reasons, the Commission has determined that the application should be granted.

Extension of time

47. Section 60(2)(c) of the Act requires the Commission to decide whether to approve the material alteration within 28 days after the last relevant notice period. The notice was published on 21 March 2026. According to the Director, the objection period expired on 7 April 2026. Following receipt of the objections, the Director provided the objections to the applicant on 8 April 2026, noting a 14-day timeframe for any response, that being 22 April 2026. This is the last relevant notice period. Therefore, the Commission's decision should have been made within 28 days from 22 April 2026, that being 20 May 2026. However, it is noted that the hearing was listed for 27 May 2026.

48. Section 318 of the Act provides that the Commission may, at its discretion, extend time for the making of its decision.

49. Pursuant to section 318 of the Act, the Commission determines to extend the time allowed for the making of this decision to 26 June 2026. The Commission considers this extension appropriate having regard to the date of the hearing, the further documents sought by the Commission and the weight of the submissions being considered, with several objections raised and heard.

NOTICE OF RIGHTS

50. Section 31(1), read with s 97(4) of the Act, provides 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 *Northern Territory Civil and Administrative Tribunal Act 2014* (NT) provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

51. 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 applicant, and persons who made an objection.



Michaela Malone

DEPUTY CHAIRPERSON

NORTHERN TERRITORY LIQUOR COMMISSION

26 June 2026

On behalf of Commissioners Malone, Fong Lim and Gelding