

NORTHERN TERRITORY LIQUOR COMMISSION

Decision Notice

MATTER:	APPLICATION FOR MATERIAL ALTERATION
REFERENCE:	LC2021/041
LICENCE NUMBER:	81416928
LICENSEE:	King Ash Bay Fishing Club Incorporated
PREMISES:	King Ash Bay Fishing Club 1 Batten Road KING ASH BAY NT 0854
APPLICANT:	King Ash Bay Fishing Club Incorporated
NOMINEES:	Mr Ashley Garner and Mr Scott Hallett
LEGISLATION:	Section 96 of the <i>Liquor Act 2019</i>
HEARD BEFORE:	Mr Richard Coates (Chairperson) Mr Bernie Dwyer (Health Member) Ms Amy Corcoran (Community Member)
DATE OF HEARING:	18 November 2021
DATE OF DECISION:	18 November 2021

Decision

1. For the reasons set out below and in accordance with section 97 of the *Liquor Act 2019* (the Act) the Northern Territory Liquor Commission (the Commission) has determined to approve the application by the King Ash Bay Fishing Club Incorporated (the Licensee) to make a material alteration to the premises known as the King Ash Bay Fishing Club located at 1 Batten Road, King Ash Bay in the terms sought by the Licensee being the extension of the existing licensed footprint in the manner depicted in Attachment C to Exhibit 1 in these proceedings.

Reasons

Background

2. The Licensee is the holder of liquor licence number 81416928 for premises known as the King Ash Bay Fishing Club situated at 1 Batten Road, King Ash Bay.

3. On 21 October 2021, Helen Correia, Compliance Manager, lodged an application on behalf of the Licensee for approval of a material alteration to the licenced premises.
4. The application is to extend the current licensed area to include an outdoor bar area to the west and south of 1460 square metres. The open-air gravel area will be delineated with bollards, planter boxes and ropes.
5. The extended outdoor bar area will accommodate larger numbers of patrons during busier times and alleviate the need to apply for a special event authority when holding fishing competitions in the future, as has been the case in the past.
6. The application was accompanied by the following supporting documents:
 - Proposed site plan;
 - Cover letter;
 - Email dated 21 October 2021 confirming the Licensee holds a Crown Lease in Perpetuity 01476 over the occupied area;
 - Minutes of Committee Meetings evidencing support of the application;
 - Receipt of application fee.

Publication and Consultation

7. Based on a range of considerations, the delegate of the Director of Liquor Licensing (the Director) abridged the advertising time period for the application from 28 days to 14 days.
8. The application was published by public notice erected at the Community Notice Board on 27 October 2021 and 30 October 2021 and by notice displayed at the premises and evidence of display was provided.
9. The application was also published on the Director's webpage "Advertised liquor licence applications" for a 14-day period.
10. As a result of the public advertising of the application, there were no formal objections received.
11. In accordance with the Act, the following stakeholders were notified of the application:
 - the Chief Executive Officer of the Department of Health;
 - the Commissioner of Police;
 - the Chief Executive Officer of Roper Gulf Shire Council.
12. The Department of Health replied via email dated 26 October 2021 stating it had no objection subject to compliance with smoking legislation.
13. NT Police replied via email dated 26 October 2021 stating it had no objection.

14. The Roper Gulf Shire did not reply.

Public Hearing

15. The Director referred this matter to the Commission on 15 November 2021.
16. On the same day, the Commission notified the Licensee that this matter would be determined by way of public hearing via tele-conference on 18 November 2021.
17. At the hearing, Ms Helen Correia appeared by telephone link from Melbourne for the Licensee and Mr Jeff Verinder appeared for the Director. The Commission thanks them for their attendance and assistance.
18. The Hearing Brief was tendered at the hearing without objection and marked as Exhibit 1.

Assessment of the Application

19. The application to extend the premises to include a larger outdoor bar area is not particularly contentious. The Licensee has in the past sought and been granted special event authorities to hold major fishing competitions.
20. Approximately 80 people reside at King Ash Bay all year round and in the Dry Season this increases to approximately 300 – 400. Major fishing events attract a large number of short-term visitors such that, there have been up to 1,000 visitors at the site. It is for this reason that the Licensee is seeking to extend the licensed footprint 20 metres on the two sides out from the existing premises. There will be no structural alterations but chairs and tables will be positioned in the extended area. The Club appears to be trading profitably and from an examination of the Management Committee Minutes, is well managed. There have been no compliance issues.
21. On the evidence now before it and having regard to the considerations set out in section 49 of the Act, the Commission is satisfied that approving the material alteration to the licensed premises will not have any significant adverse impact on the community and is also in the public interest. Accordingly, the application is approved as set out at the commencement of this Decision Notice.
22. The Licensee was notified that its application had been approved at the conclusion of the hearing.

Notice of Rights:

23. Section 31(1) read with section 60(3) of the Act provides that the decision set out in this decision notice is reviewable by Northern Territory Civil and Administrative Tribunal (NTCAT). 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.

24. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the Licensee.

A handwritten signature in black ink, appearing to read 'Richard Coates', with a large, stylized initial 'R'.

RICHARD COATES
CHAIRPERSON, NORTHERN TERRITORY LIQUOR COMMISSION
26 November 2021

On behalf of Commissioners Coates, Dwyer and Corcoran