

# NORTHERN TERRITORY LIQUOR COMMISSION

## Decision Notice

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**MATTER:** APPLICATION FOR A LICENCE

**REFERENCE NUMBER:** 2019/002

**PREMISES:** **Bar.B.Q Tonight NT**  
Tenancy B6  
7B Kitchener Drive  
DARWIN WATERFRONT NT 0800

**APPLICANT:** FMS Holdings Pty Ltd

**NOMINEE:** Mr Rana Ali Hassan

**OBJECTOR/S:** Nil

**LEGISLATION:** Section 26, Part IV and V of the *Liquor Act*.

**HEARD BEFORE:** Ms Jodi Truman (Deputy Chairperson)  
Mr Kenton Winsley (Health Member)  
Mrs Christine Hart (Community Member)

**DATE OF HEARING:** 7 March 2019

**DATE OF DECISION:** 8 March 2019

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### Decision

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act* ("the Act") the Commission has determined to issue a licence authorising the sale of liquor for consumption on or at the licensed premises to "FMS Holdings Pty Ltd".
2. In accordance with section 31 of the Act, the licence shall be subject to the specific conditions (in addition to those general conditions of all such licences) that:
  - a. The liquor shall be sold pursuant to an authority as restaurant authorising the sale of liquor for consumption on or at the premises ancillary to a meal.
  - b. The licence shall be subject to and inclusive of such additional conditions as may at any time be:

- i. Requested in writing by the Licensee;
    - ii. Approved by the Liquor Commission, as the case may require, or imposed by the Liquor Commission as a condition of the granting of such a request by a Licensee; and
    - iii. Notified in writing by the Director-General to the Licensee.
  - c. Those conditions set out at the conclusion of these reasons in addition to the general conditions included in a restaurant authority.
3. The licence will be issued immediately following the publication of this decision notice.

## **Reasons**

### **Background**

4. On 10 July 2018 an application was lodged by Mr Rana Ali Hassan, (“Mr Hassan”) as Director on behalf of FMS Holdings Pty Ltd (“the Applicant”) seeking a licence for premises located at Tenancy B6, 7B Kitchener Drive, Darwin Waterfront and known as “Bar.B.Q. Tonight NT” (“the premises”).
5. At the time of lodgement the application was deemed incomplete by the Director-General of Licensing NT (“the Director-General”). The application was therefore not taken to have been lodged until 20 September 2018 when all required materials were received by the Director-General.
6. The applicant operates a charcoal BBQ themed restaurant at the Darwin Waterfront offering diners Pakistani charcoal barbecue cuisine. The premises include indoor dining and undercover alfresco dining. The Applicant is seeking a liquor licence to complement the current restaurant that operates from the Premises. The restaurant has been operating at the premises since 28 February 2018.
7. The premises currently operate from:
  - a. 1200 hours to 2100 hours Sunday to Thursday and
  - b. 1200 hours to 2230 hours Friday and Saturday.
8. The applicant seeks to be able to sell liquor on the premises only including wine, light, mid and heavy strength beers and spirits and to have trading hours from:
  - a. 1100 hours to 2200 hours Sunday to Thursday and
  - b. 1100 hours to 2300 hours Friday and Saturday and all public holidays including Christmas Day, New Year’s Day, Good Friday and ANZAC Day.

9. During the course of the hearing Mr Hassan gave evidence that the theme of the restaurant was around Pakistani style cooking by a charcoal barbecue. Mr Hassan advised that his restaurant was in fact the “biggest” charcoal pit in the Northern Territory and he in fact understood was the “biggest” in Australia. Mr Hassan stated that his focus was on providing “new flavours” to “everyone” and a “restaurant that connects with people”, was family friendly and attracted locals and tourists alike. The venue is also completely “non-smoking”.
10. On 7 January 2019 pursuant to sections 28(1) and 50(a) of the Act the Director General of Licensing (“Director-General”) referred this application to the Commission to be determined by way of a public hearing whether to issue a licence subject to any conditions or to refuse the application. The application was initially listed for a hearing on 4 February 2019, but the applicant sought an adjournment as he was going to be overseas. As a result the application was re-listed for hearing on 7 March 2019.
11. There is no compliance history with respect to the applicant who is not known to Licensing NT.

#### **Disclosure of influential persons or potential beneficiaries**

12. The Commission notes that section 26A(1) of the Act requires applicants to make an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The applicant has filed such an affidavit.
13. The applicant is a company registered with the Australian Securities and Investments Commission (“ASIC”). Mr Hassan is both the Secretary and Director of that company. A review of the corporate structure shows that the applicant has a total of 100 shares and that those shares are held entirely by Mr Hassan. Mr Hassan is also the proposed nominee for the licence.
14. Mr Hassan has provided probity documents in support of this application including a letter from the applicant’s current accountant who confirms that the business has capacity to meet all its financial obligations.
15. Mr Hassan is also the principal executive officer of the Applicant and pursuant to section 26A(2)(a) of the Act is the appropriate person to make the affidavit required under section 26A of the Act. Mr Hassan has disclosed that there are:

“... no other person/s other than Rana Ali Hassan who will by any lease, agreement or arrangement be able to influence any decision made by the Director in relation to the sale of liquor or the consumption of liquor”

And that there:

“...is no other person other than the Director/ Rana Ali Hassan who by any lease, agreement or arrangement may expect any benefit from FMS Holdings Pty Ltd in relation to the sale of liquor or the sale and consumption of liquor”.

16. The Act prescribes that upon the application being filed, together with the affidavit under section 26A, there must be investigations conducted by the Director-General in relation to the application. The Commission has received no information to indicate there have been any adverse matters discovered as a result of the investigation by the Director-General.

### **Advertising and Objections**

17. Details of the application were advertised in the Northern Territory News on Wednesday 26 September 2018 and Saturday 29 September 2018 as well as having signage displayed at the premises for a period of 30 days. The objection period expired on 29 October 2018. There were no objections received in the objection period.
18. It is noted that section 27(3) of the Act requires that the Director-General must inform:
- a. the Chief Executive Officer (“CEO”) of the Department of Health (“DOH”);
  - b. the Commissioner of Police; and
  - c. if the application relates to premises within the area of a shire council or a regional council - the Chief Executive Officer (“CEO”) of the council.
19. That occurred with respect to this application and the following responses were received:
- a. The DOH made “no adverse comment”.
  - b. The NT Police advised:  
  
*“... the responses to the Public Interest questions in the attached (application) are reasonable and supported. The density of licenses at the Darwin Waterfront is an issue (currently 9 licensed premises existing in the same area)”.*
  - c. The City of Darwin advised that they had no jurisdiction and had no comment.
20. The Commission notes that the application was also forwarded to the Development Consent Authority (“DCA”), the Northern Territory Fire and Rescue Service (“NTFRS”) and to the Darwin Waterfront Corporation for comment. The following responses were received:
- a. The DCA confirmed that it had no town planning concerns and that the appropriate planning approval had been granted.
  - b. The NTFRS advised that there was no objection.
  - c. The Darwin Waterfront Corporation (“the Corporation”) advised that it had a “positive working relationship with the applicant and are supportive of the application”, also noting:

*“Trading hours of 12.00pm to 11.00pm (Corporation policy recommends a trading limit of no later than 11.30pm at the Waterfront for restaurants).*

*Service and consumption of alcoholic beverages, ancillary to food, is sought in the Application”.*

21. The Commission notes that Mr Sam Burke, General Manager of the Corporation was also in attendance at the hearing in support of the application.

## **Public Hearing**

22. Pursuant to section 50 of the Act, the Director-General must refer *inter alia* applications under sections 26 of the Act to the Commission. Therefore these applications must be heard and determined by this Commission.

23. As earlier noted, on 7 January 2019 pursuant to sections 28(1) and 50(a) of the Act the Director General referred this application to the Commission to be determined by way of a public hearing whether to issue a licence subject to any conditions or to refuse the application. The application was initially listed for a hearing on 4 February 2019, but the applicant sought an adjournment as he was going to be overseas. As a result the application was re-listed for hearing on 7 March 2019. Notice was sent to the applicant on 31 January 2019 advising of the new hearing date.

24. Pursuant to section 53 of the Act; the Commission is not bound by the rules of evidence and may inform itself in the manner it considers appropriate and conduct the hearing, or part of the hearing, by use of telephone or online facilities. A hearing must also be conducted in public unless the Commission considers that a public hearing is likely to cause undue hardship to a person. No such submission has been made to this Commission and there is no evidence to suggest any such hardship.

25. The public hearing commenced at 11:30am on 7 March 2019. Mr Hassan attended in person on behalf of the applicant. Ms Tania Chin as representative for the Director-General was also present to provide information and assistance to the Commission during the course of the hearing.

## **Assessment of the Application**

26. As earlier noted, there were no objections to this application. This is despite the fact that the applicant undertook its obligations with respect to public advertisement and consultation in accordance with the ordinary notice provisions required under the Act. The objection process is specifically provided for under the Act at section 47F. That section clearly identifies those persons *who* may make an objection, the specific *kinds* of applications that may be objected to, the *grounds* upon which an objection can be made and *how* the objection is to be made.

27. It is important however to recall at all times that the Act makes clear under section 6B that it is the Applicant who bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test. Even if there are no objections, the Applicant must still satisfy this Commission of those matters.
28. As is clear from section 6(1) of the Act; when considering or determining an application under the Act in respect of a licence, this Commission **must** apply the public interest and community impact test as relevant to the application. Section 6(2) of the Act provides that:

“For subsection (1), the public interest and community impact test requires consideration of the following objectives:

- a. harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised;
- b. liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner;
- c. public order and safety must not be jeopardised, particularly where circumstances or events are expected to attract large numbers of persons to licensed premises or an area adjacent to those premises;
- d. the safety, health and welfare of persons who use licensed premises must not be put at risk;
- e. noise emanations from licensed premises must not be excessive;
- f. business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school;
- g. a licensee must comply with provisions of this Act and any other law in force in the Territory which regulate in any manner the sale or consumption of liquor or the location, construction or facilities of licensed premises, including:
  - i. by-laws made under the Local Government Act; and
  - ii. provisions of or under the Planning Act;
- h. each person involved in the business conducted at licensed premises must receive suitable training relevant to the person's role in the conduct of the business;

- i. the use of credit in the sale of liquor must be controlled;
- j. practices which encourage irresponsible drinking must be prohibited;
- k. it may be necessary or desirable to limit any of the following:
  - i. the kinds of liquor that may be sold;
  - ii. the manner in which liquor may be sold;
  - iii. the containers, or number or types of containers, in which liquor may be sold;
  - iv. the days on which and the times at which liquor may be sold;
- l. it may be necessary or desirable to prohibit persons or limit the number of persons who may be on licensed premises, on any particular part of licensed premises or in an adjacent area subject to the control of the licensee;
- m. it may be necessary or desirable to prohibit or limit the entertainment, or the kind of entertainment, which may be provided on licensed premises or in an adjacent area under the control of the licensee;
- n. it may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices;
- o. any sale of additional liquor due to the grant of a licence or the relaxation of restrictive conditions will not increase anti-social behaviour.”

29. In addition, pursuant to section 6(3), the Commission must:

- a. consider the potential impact on the community in the area that would be affected by the outcome of the decision to grant or refuse an application or the changing of conditions of a licence and, in doing so, must have regard to:
  - i. the harm that might be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor; and
  - ii. the cultural, recreational, employment or tourism impacts; and
  - iii. the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and

- iv. the density of existing liquor licences within the community area; and
  - v. the volume of alcohol sales within the community area, and any increase in volume within the community area arising from the licence the subject of the application; and
  - vi. any other prescribed matter; and
- b. apply the community impact assessment guidelines.”

30. On 6 March 2018, pursuant to section 6A of the Act, the Minister by Gazette notice published community impact assessment guidelines for determining whether or not an application being considered or determined under section 6(1) satisfies the public interest and community impact test. Relevantly those guidelines are stated to

“... set out those matters that will be considered by the Commission when assessing the community impact of the application against the criteria set out in section 6A(1) of the Liquor Act”.

31. Those matters are identified as follows:

<b>Criteria</b>	<b>Matters to be considered</b>
<p>The potential harm or health impact that may be caused to people, or any group of people within the local community area, due to the availability and accessibility of an additional liquor outlet.</p>	<p>Are there any ‘at-risk’ groups or sub-communities within the locality? This may include –</p> <ul style="list-style-type: none"> <li>• children and young people;</li> <li>• Aboriginal people normally resident within the locality and those Aboriginal people that might be likely to travel to the locality from a dry community;</li> <li>• migrant groups from non-English speaking countries;</li> <li>• people in low socio-economic areas; and/or</li> <li>• communities that experience high tourist/visitor numbers.</li> </ul> <hr/> <p>Are there any community building, facilities and areas within the locality? Such facilities would include:</p>



	<ul style="list-style-type: none"> <li>• schools and educational institutions;</li> <li>• hospitals, drug and alcohol treatment centres;</li> <li>• accommodation or refuges for young or disadvantaged people;</li> <li>• child care centres;</li> <li>• recreational areas;</li> <li>• dry areas; and</li> <li>• any other area where young people may congregate or be attracted to.</li> </ul> <p>What policies and procedures will the applicant implement to minimise any potential harm or health impacts to these 'at-risk' groups or sub-communities</p>
<p>Information about the location and area in which the premises is proposed to be so as to assess any social impact on the community. This includes information about the density of licensed premises within the community area.</p>	<p>This may include crimes statistics, social profile information and the location of existing licensed premises.</p> <p>This could also include traffic and pedestrian impact and any plans developed to address these potential issues.</p>
<p>Volume</p>	<p>This may include projected sales volumes and marketing analysis, liquor type and customer demographic (where applicable this should be provided for both on and off premises sales).</p> <p>The Commission will consider information available to it about the current alcohol consumption rates for the community area.</p>

Any cultural, recreational, employment or tourism benefits for the local community area.	Will the proposed licensed premises provide economic benefits, cultural, recreational or tourism benefits or any additional employment opportunities and to what level?
Why the grant of a relevant application is in the public interest and how the additional liquor outlet will benefit the local and broader community.	<ul style="list-style-type: none"> <li>• What additional services will be provided other than simply an additional outlet for the sale of liquor – this may include accommodation or dining?</li> <li>• Will the proposed licensed premises provide additional choices of service or products that are no available in the area?</li> <li>• Will the proposed premises provide liquor in a manner known to be safe and to minimise adverse impacts?</li> <li>• Will it use existing premises improve or add to existing premises or is it a new premises?</li> </ul>

32. As can be seen from the above, there are a large number of matters that this Commission must consider and that the Applicant must address (and satisfy the Commission of) under the new public interest and community impact test and guidelines. The guidelines do make clear however that:

“... the Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits”.

33. In addition to those matters, section 28(2) of the Act also provides as follows:

“The Commission must consider an application for a licence, the accompanying affidavit made under section 26A and the results of investigations conducted in relation to the application and make an assessment of the following matters:

- (a) the suitability of the premises in respect of which the application is made, having regard to any law of the Territory which regulates in any manner the sale or consumption of liquor or the location, construction or facilities of premises which are used for that purpose;
- (b) if the applicant is a natural person – the financial stability, general reputation and character of the applicant;

- (c) if the applicant is a body corporate – the business reputation and financial stability of the body corporate and the general reputation and character of the secretary and executive officers of the body corporate;
- (d) if the applicant is a federation of clubs – the business reputation and financial stability of each constituent club and the general reputation and character of the secretary and executive officers of each constituent club;
- (e) whether the applicant is a fit and proper person to hold a licence;
- (f) if a person is referred to in the affidavit under section 26A – whether that person is a fit and proper person to be an associate of a licensee;
- (g) if the Commission considers it appropriate – whether any other associate of the applicant is a fit and proper person to be an associate of a licensee;
- (h) if the applicant has nominated a person under section 25(2) to be its manager – whether that person is a fit and proper person to be the manager”.

34. Further the Act requires under section 28(3) as follows:

“In assessing whether an applicant is a fit and proper person to hold a licence, the Commission must have regard to any matters prescribed by the Regulations relevant to that assessment”.

- 35. The Commission notes there are no such matters prescribed by the Regulations.
- 36. Although there are many matters for the Commission to consider, like any application, some of the matters are highly relevant to this application whilst others are not as significant.
- 37. The Commission notes that there is no suggestion, nor any evidence to suggest, that the applicant is not a fit and proper “person” to hold the licence as sought, nor is there any suggestion or evidence to suggest that any person referred to in the affidavit under section 26A is not a fit and proper person to be an associate of a licensee. The Commission has already noted the contents of that affidavit in these reasons.
- 38. The Commission further notes that the premises have been operating since 28 February 2018 without issue and there are no issues of concern in relation to the business reputation and financial stability of the applicant and the general reputation and character of the secretary and executive officers of the applicant.
- 39. In relation to the public interest test; the applicant provided handwritten submissions noting (relevantly) as follows:

– *“License application is for restaurant at Darwin Waterfront.*

- *Locality has number of dine-in places that carries liquor license already.*
- *Consumption will be on premises only through table service in a controlled environment.*
- *Limited lines of alcohol to only compliment the food.*
- *Alcohol will be served only with the food purchase.*
- *No bar stools or waiting at bar option.*
- *It will be served to adults according to the guidelines and their tables only.*
- *Alcohol will not be sold as a take away option.*
- *Noise levels will be minimum in our restaurant*
- *Restaurant will operate during trading hours only and bar will serve only till 9.00pm on weekdays and 10pm Fri/Sat.*
- *RSA course and a certificate has been attained to comply with all rules and regulations.*
- *All staff is well trained and carry required qualification and certificates to conduct service.*
- *There will be no credit option*
- *There will be no competitions or marketing involving alcohol or similar events.*
- *Promotions will be related to food only.*
- *Absolutely no promotions will run involving alcohol anyway”.*

40. In relation to the community impact test; the applicant provided written submissions as follows:

1. *“The potential harm or health impacts that may be caused to people, or any group of people within the local community area, due to the availability and accessibility of an additional liquor outlet.*
  - *We believe that the potential harm and health impact of adding liquor serving option at our already established, charcoal BBQ themed fine dine restaurant is so slight. Reason being its location at the Darwin Waterfront, there are very few 'at-risk' groups or sub-communities. In saying that we do have children and young people, but we are a family friendly venue. We intend to exercise very limited and responsible table service only so our customers can enjoy a pleasant meal.*
  - *We do have significant numbers of tourists in the area and the venue is designed both around the tourist and locals alike. We are looking at premium offerings, in regard to food and beverage, both non-alcoholic and alcoholic.*

- *We don't see any significant numbers of aboriginal people that reside within the community and there is little likelihood of travelling to the Darwin Waterfront from a dry community, for the reason of alcohol consumption.*
  - *The area is a premium destination and as such, we don't really see significant numbers of people from low socio-economic areas or migrant group from non-English speaking countries.*
2. *Information about the location and area in which the premises is proposed to be so as to assess any social impact on the community. This includes information about the density of licensed premises within the community area.*
- *Although the Darwin Waterfront is located in the Darwin CBD, or 250 meters away from the Smith St Mall, this distance is enough of a barrier to totally separate it from most of the anti-social issues we see playing out in Darwin. In the time since the launch of the Darwin Waterfront, the only property crime I have been told is a broken window at Chow. There has been a burglary at Oyster Bar and a few minor crimes, but this is a distinctly different situation to the commercial crime and general crime statistics in Darwin.*
  - *Liquor Licences in the area include;*
    - i. *The Coffee Club Darwin City Waterfront*
    - ii. *Chow*
    - iii. *Fiddlers Green*
    - iv. *Oyster Bar*
    - v. *Hot Tamale*
    - vi. *Wharf One Food and Wine*
    - vii. *Adina Vibe (Curve)*
    - viii. *Precinct Tavern*
    - ix. *The Darwin Convention Centre*
  - *The Darwin Waterfront Precinct has 340 residential apartment, many of which are leased as short-term rental for both corporate and tourist alike.*
  - *There is no specific crime statistics I can find for the Darwin Waterfront, but it is well known that the Darwin Waterfront is a very safe precinct. Adding to this, the area has active security guards on 24 hours a day and has a significant level of CCTV coverage.*
3. *Any cultural, recreational, employment or tourism benefits for the local community area.*
- *This venue really will add to the mix of venues at the Waterfront, and further enhance its reputation as a premium dining destination. We have designed our menu around charcoal BBQ and invested significantly in Darwin's longest charcoal pit and extraction systems to introduce an authentic traditional flavour that I can guarantee no one has ever tasted before not just only in Darwin but the whole country.*
  - *Employment will also be significant with the venue expected to have a team of around 15-20 during peak season.*

- *The benefit for the local community is the introduction of Darwin's first and only charcoal BBQ restaurant, adding a unique flavour which only people from Darwin can trial first. I can probably guarantee that this will be the first franchise system which will start its operations from Darwin, hopefully adding further employment opportunities.*
4. *Why the grant of a relevant application is in the public interest and how the additional liquor outlet will benefit the local and broader community.*
- *The grant of a liquor licence for this venue is in the interest of the local and broader community;*
    - i. *We will operate very responsibly with limited liquor options just to complement our menu and it will be table service only.*
    - ii. *There will be no bar stools or "wait at the bar" option. Alcohol is a requirement for such restaurants as customers want to enjoy their drink with the kind of food being served. We have already had number of customers walk out as we do not carry a license at this stage which will impact our business significantly in the near future if we are not licensed.*

*We will operate for lunch and dinner. We are a premium restaurant, which only adds to the area, for both locals and tourists alike. Alcohol is definitely a part of the business plan, but our priority is food."*

41. During the course of the hearing the Commission indicated to Mr Hassan that we were concerned with the level of thought put towards the issues required under the public interest and community impact submissions. Further oral submissions were made on these tests with Mr Hassan in fact indicating to the Commission that it had initially been his intention not to have a liquor licence and to have this as his restaurant's "point of difference". Mr Hassan stated that he was fully aware of the issues surrounding alcohol and this was why he had attempted to operate a restaurant that focussed solely on good food and excellent service.
42. Mr Hassan stated however that his customers "wanted" a restaurant that provided alcohol. He stated that even when customers were informed that they could bring their own alcohol it had been his experience that generally customers wanted a dining experience that included alcohol available to be purchased and consumed at the premises.
43. Mr Hassan informed the Commission that whilst he had attempted to continue to operate without providing alcohol, the fact of the matter was that if he did not obtain a licence and provide his customers with the ability to purchase and consume alcohol at the premises he did not think his restaurant would survive.
44. Having heard the additional oral submissions made to the Commission it is clear that Mr Hassan has carefully considered the "community" within which his business operates and the public interests. Mr Hassan has worked hard to address the issues that may arise with the addition of a further liquor outlet and is seeking to lower any such risks by proposing that liquor can only be consumed with a meal. The Commission is satisfied that Mr Hassan has taken these matters seriously.

45. Having considered all of the evidence presented to this Commission and noting there are no objections to the application for a liquor licence, 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 licence sought.
46. The applicant has in place appropriate measures to ensure liquor is sold in a responsible manner.
47. The Commission has received no information that would suggest there is likely to be an impact upon law and order, community safety or public amenity by virtue of this application.
48. The Commission is satisfied that the concept of “easy listening” music which is also proposed by Mr Hassan in future will not increase noise to such an extent as to warrant this application being refused, or that the business to be conducted at the premises will cause undue offence, annoyance, disturbance or inconvenience to the neighbourhood.
49. The Commission notes there is no evidence which identifies any negative impact upon the local community area such as to warrant refusal of the licence.
50. The Commission accepts that in granting such a licence this will obviously increase the number of licensed premises in the area, but given the proposal is for a family friendly environment, with a focus on food and with the consumption of alcohol ancillary to a meal; the Commission considers this outweighs the fact of the increase and will provide an enhanced dining experience. It is also clear to this Commission having heard the evidence that the proposal is at the lower end of the scale in terms of risk of alcohol related anti-social behaviour.
51. It is as a result of the matters outlined above that this Commission is, on balance, satisfied that the approval of the application for a restaurant authority meets the public interest and community impact tests. As outlined at the start of this Decision Notice, the licence will include the general conditions of a “restaurant” authority liquor licence and will also include the following conditions:

<b>“Appearance</b>	The premises shall at all times have the appearance of and shall trade predominantly as a restaurant.
<b>Consumption of Liquor</b>	Consumption of liquor shall occur on or at the premises and only ancillary to a meal.
<b>Kitchen Operation</b>	Premises shall close no later than one half hour after the kitchen closes.

**Noise**

The Licensee shall ensure that there is no excessive noise caused by the operations on the premises which affect the amenity of the neighbourhood.

This includes ensuring the delivery of stock or removal of rubbish is at appropriate hours and that patrons, whilst on the premises or in the course of leaving the premises (including after close of trading), are not rowdy or noisy and do not cause any disturbance to the vicinity of the premises.

**Entertainment**

Entertainment shall be limited to 'easy listening'.

**Notice of Rights:**

52. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to issue a licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision.
53. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.
54. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the applicant.



JODI TRUMAN  
Presiding Member  
Deputy Chairperson

8 March 2019