

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

APPLICANT: Mannin Pension Fund Pty Ltd

APPLICATION: Application for a Tavern Style Liquor Licence with Takeaway

DATE OF HEARING: 2 & 4 March 2006, 19 & 20 June 2006

DATE OF DECISION: 23 June 2006

PROPOSED PREMISES: Rum Jungle Tavern
5 Nurndina Street
Batchelor NT 0845

OBJECTORS: NT Police
Mr Rob Hobbs, Historic Retreat
Mr Robert Davis, Resident and Operator of Rum Jungle Motor Inn

HEARD BEFORE: Mr John Flynn (Chairman)
Ms Brenda Monaghan
Mr Paul Costigan

- 1) Mannin Pension Fund Pty Ltd has applied for a Liquor Licence for proposed premises at Batchelor to be called the Rum Jungle Tavern (the Tavern). The premises will be located at 5 Nurndina Street, Batchelor in a refurbished building formerly called the Rum Jungle Recreation Club. The application is for a Tavern style licence with a take away component.
- 2) The proposed Licensee is Janet McElwee. She and her husband will be the owner/managers of the Tavern. The liquor licence application was advertised in the following terms;

*Liquor may be sold for consumption on the premises between the hours of:
Sunday to Thursday: 1000 hours – 2330 hours;
Friday to Saturday: 1000 hours – 0100 hours (the following day)
No trading Good Friday or Christmas Day.
This includes both the Tavern/Bistro and Bar and Gaming areas.*

*Liquor may be sold for consumption away from the premises between the hours of:
Sunday to Friday: 1000 hours to 2200 hours;
Saturdays and Public Holidays: 0900 hours to 2200 hours.
No trading Good Friday or Christmas Day.*

- 3) In a decision dated 6 February 2006, the Commission decided that Assistant Commissioner Mark Payne (Northern Territory Police), Mr Rob Hobbs and Mr Davis, the latter being residents and business owners, were valid objectors entitled to a hearing. The hearing commenced in Batchelor on 2 March 2006 and reconvened on 4 March 2006 for further evidence to be taken. It was then adjourned part heard until 19 June 2006 in Darwin. The hearing concluded on 20 June 2006 and has been adjourned for a decision to be made by the Commission.
- 4) Both the objectors and the residents in Batchelor who gave evidence had no opposition to the applicants being granted a tavern licence for the “on premise” sale of alcohol provided that issues such as noise and late trading hours were properly addressed in the licence. The Police and the local community seem supportive of the general need for a community tavern in Batchelor with a focus on providing entertainment and a place to meet.
- 5) From the outset, Mr and Mrs McElwee have emphasised both to the community and the Commission that they intend their premises to be primarily focussed on servicing the local residents of Batchelor and to assist the town in nurturing a sense of community. Mr and Mrs McElwee were for a long time, the Licensees in Timber Creek and bring with them a wealth of experience in dealing with issues affecting more isolated licensed premises.
- 6) Should they receive approval in principle from us for their liquor licence, the applicants intend to commence renovations on the old Club premises sufficient for their purposes. The premises contain an existing purpose-built structure with a large area of land at the rear part of which will become the Beer Garden. The internal spaces already contain a Bar, a kitchen and an area which will become a Gaming Room should approval be granted. Whilst the building itself requires substantial renovation and refurbishment, the structure is sufficient for the purposes of running a tavern.
- 7) The main concerns for some objectors and for the Commission when considering an “on premises” licence were issues of noise and trading hours. As regards the question of noise emanating from the Tavern, it is hoped these concerns can be sufficiently met by the building and design initiatives being considered by the applicant together with the responsible management of noise issues by them. We intend to satisfy ourselves of the effectiveness of these measures by an inspection of the premises prior to opening. We have also made it abundantly clear that should noise become an issue, then we will immediately address it.
- 8) There were also some concerns expressed about the appropriate licence hours for a tavern such as this one where the residential community is relatively close in proximity. We have taken this concern into account when considering the conditions for licensed hours and for noise restraints. Once again, if the hours we grant cause nuisance issues for residents, then we will address those issues. It is up to the Licensees to be constantly mindful of the positioning of their venue within the community and to respond to community concerns.

9) We intend to grant an “in principle” liquor licence for the Rum Jungle Tavern to allow for the on premises sale and consumption of liquor. We have reserved our decision on the application for a takeaway licence for further consideration. The on premises licence must include the following conditions:

a) **CONCEPT:** The concept for the premises shall be that of a community-focussed Tavern serving local resident (including families), visitors and tourist by providing good food, beverages and entertainment in the internal bar/restaurant area and in the beer garden. The venue will cater for people of various ages and will provide a range of entertainment including such activities as quiz nights, Bingo, live bands and duo's, television coverage of racing and sporting events, gaming machines and TAB access (if the appropriate licences are granted). There shall be sufficient seating provided in the internal spaces and in the beer garden to maintain the concept of these premises as a community tavern with an emphasis on the provision of food and entertainment. The Commission must first approve any material change in concept.

b) **LICENSED HOURS:** Liquor may be sold for consumption on premises within the licensed area as defined in the attached plan. The licensed hours are as follows:

Sunday to Thursday inclusive:	10:00 hours to 23:30 hours
Friday, Saturday and Public Holidays:	10:00 hours to 01:00 hours (the following day).

There shall be no trading on Good Friday or Christmas Day.

c) **NOISE:** The Licensee shall not permit or suffer the emanation of noise from the licensed premises of such a nature or at such levels as to cause unreasonable disturbance to the ordinary comfort of the lawful occupiers of any premises. Further, there shall be no amplified music after 22:30 hours from Sunday to Thursday and after 23:59 hours on Friday, Saturday and Public Holidays.

Not withstand compliance by the Licensee with this requirement, the Licensee shall effect such further or other sound attenuation as the Commission in its discretion may notify the Licensee in writing at any time as having become a reasonable requirement in the considered view of the Commission in circumstances then prevailing provided always that the licensee shall be entitled to request a hearing in relation to any such requirements of the Commission.

d) **FOOD:** On Sunday to Saturday inclusive between 12:00 hours and 14:00 hours and then again between 18:00 and 20:00 hours, a light or full meal shall be available upon request. Light meals (such as toasted sandwiches, hamburgers and the like) and snacks shall also be available from 10:00 hours to thirty (30) minutes before closing. A good range of non-alcoholic beverages shall also be available.

Persons may enter and remain on the premises from 07:00 hours to 10:00 hours seven (7) days a week for the purpose of consuming breakfast or morning tea. No alcohol shall be sold or consumed during this time.

- e) **MINORS:** Persons under the age of eighteen (18) years may enter and remain on the premises from 10:00 hours to 22:00 hours only if they are in the company of their parent, guardian or spouse (who has attained the age of eighteen (18) years)
 - f) **BOUNDARY FENCING:** Such fencing shall be provided to the satisfaction of the Director of Licensing.
 - g) **CAMERA SURVEILLANCE:** Coverage to be provided to the satisfaction of the Director of Licensing.
 - h) This in principle approval is given on the following terms:
 - i) That it is subject to and conditional upon the approval by the Commission of plans prior to the commencement of renovations;
 - ii) That the sale of liquor from the proposed premises following renovations will not be permitted until the approval in writing to do so has first been obtained from the Commission. Such approval will be given upon the Commission's satisfaction that the premises have been completed in accordance with the applicant's presentation to the Commission and that the applicant is ready to trade in a manner consistent with the concept that has been presented to the Commission. Further, the licensed premises shall not open until the required approvals including a certificate of completion and a *Food Act* Certificate have been obtained and the camera surveillance requirements have been complied with to the satisfaction of the Director of Licensing;
 - iii) This "in principle" approval may be cancelled by the Commission if upon the expiration twelve (12) calendar months from this date, the applicant shall have failed to obtain from the Commission either the approval to commence trading or an extension of time within which to seek such approval. The allowance of any such extension of time shall be a matter entirely within the Commission's absolute discretion.
- 10) The above decision allows the Licensee to proceed with its intention to operate a Tavern for the "on premises" consumption of alcohol. The applicant has also sought a licence for the sale of take away alcohol from its premises. All evidence and submissions have been made to the Commission on this issue and a decision will be made and published in the near future.

John Flynn
CHAIRMAN

23 June 2006