

NORTHERN TERRITORY LICENSING COMMISSION

PROCESSING APPLICATIONS BY DEVELOPERS FOR LIQUOR LICENCES

The Licensing Commission has reviewed its current practice of requiring developers to obtain development approval by the Development Consent Authority before proceeding with their liquor licence application.

Attached* is a flow chart that sets out an alternative procedures for processing liquor licence applications lodged by developers. Under this procedure, developers are encouraged to apply for a liquor licence at the same time as they lodge their development application with the Development Consent Authority (DCA) for approval. The liquor licence application will then normally be dealt with in a two (2) stage process in circumstances where the developer does not intend to be involved in the management of the proposed licensed premises being built. In this way, the developer will, if successful, be granted a conditional licence to allow the development to progress and the details of management, security etc will be dealt with at a later stage when the proposed licensee becomes involved.

Points to note:

- Conditional licences will not be granted when the development is still at the concept stage. The developer's application to the Commission will be required to contain sufficient information to inform both the public (via advertising) and the Commission of relevant matters including:
 - a) The type of licence sought;
 - b) The concept, target market and anticipated patron capacity;
 - c) Detailed plans of the proposed venue (as provided to the DCA); and
 - d) An analysis of likely community impact of the development in the particular neighbourhood.
- The suggested process enables unopposed liquor licence applications (ie where no objectors respond to the advertisements) to be given conditional approval prior to a project receiving a development permit from the DCA - if the Commission is satisfied that it is appropriate to do so. This stage is likely to involve a site visit, communication with various agencies such as Police, Health and the Darwin City Council and meetings between the developers and the Commission. Further, it is important for developers to realise that unopposed applications are not merely rubber-stamped and the Commission retains the right to refuse the application even where there are no objectors.
- If a conditional approval is granted, the Commission will normally fine-tune the terms of the liquor licence once a Development Permit has been obtained and further information is able to be provided to the Commission. The conditional approval will normally provide a time frame within which the development must be completed. If more time is required, then an extension of time must be sought in writing by the developer. Finally, the Commission will not normally issue the liquor licence itself until it is satisfied that the development is complete and all required approvals from other agencies have been obtained.

- As a general rule, any liquor licence application that is opposed by objectors must await a decision by the DCA before the formal liquor licence hearing can proceed. A formal hearing is a requirement under the *Liquor Act* if objections to the liquor licence application are received. The proposed change to our current system, however, will enable all preparatory matters such as advertising to be dealt with early so that the liquor licence application can proceed shortly after the development permit is obtained.
- The Commission will also retain a discretion to give conditional approval to an opposed application where it is satisfied that “special circumstances” exist. It will be up to the developer to satisfy the Commission of these special circumstances. (eg if the developer needs certainty to get finance approved or to forward-plan and the only objections relate to minor matters that can be easily met by licence conditions.)