

# Northern Territory Licensing Commission

## Decision on Whether Objection Will Proceed to Hearing

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<b>Premise:</b>	Arch Rival Bar & Grill
<b>Applicant:</b>	T.J. Investments Pty Ltd
<b>Licence Number:</b>	80315
<b>Nominee:</b>	Jason Hanna
<b>Decision of:</b>	Mr Richard O'Sullivan (Chairman)
<b>Date of Decision:</b>	13 October 2014

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### Background

- 1) T.J. Investments Pty Ltd, through Director Jason Hanna, has made application under section 32A of the Liquor Act ("the Act") to vary the operating hours of the premises trading as The Arch Rival Bar and Grill, located at Lot 4536 University Avenue, Palmerston.
- 2) The application has been duly advertised on 23 and 25 July 2014, with the expiration of the objection period being close of business on 25 August 2014.
- 3) In essence the application seeks to extend trading hours 7 days a week through opening at 10:00am as opposed to the current commencement of trading at 11:30am.
- 4) Only two responses were received in response to the advertisement and notices sent out on behalf of the Director of Licensing to relevant organisations. The Department of Health advised that they had no adverse comment to lodge. The City of Palmerston, through the Director of Technical Services, Mr Mark Spangler, advised that Palmerston City Council resolved: "That Council not support the variation to Liquor Licence on Lot 4536 (11) University Avenue, Palmerston".

### Decision

- 5) While the submission of Palmerston Council was lodged within the required timeframe it does not constitute an objection. The words "not support" do not necessarily imply an objection. Additionally, under the Act to qualify as an objection a submission must meet the criterion specified in Section 47F(2)(a) or (b):

**47F     *Person may object to certain applications***

- (2) *The objection may only be made on the ground that the grant of the licence, variation of conditions, substitution of other premises or material alteration may or will adversely affect:*

- (a) *the amenity of the neighbourhood where the premises the*

*subject of the application are or will be located; or*

*(b) health, education, public safety or social conditions in the community.*

- 6) Palmerston Council has not specified any grounds for not supporting, opposing or objecting to the application. Pursuant to Section 47I I determine that there is no objection, valid or otherwise, to the application and that there is no requirement for the Northern Territory Licencing Commission to conduct a Hearing.

Richard O'Sullivan  
Chairman

October 2014