

Northern Territory Licensing Commission

Reasons for Decision

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| Premises: | Berry Springs Hotel Lot 5, 795 Cox Peninsula Road Berry Springs |
| Proposed Licensee: | Sloaney Pty Ltd |
| Proposed Nominee: | Mr Ian Sloan |
| Licence Number: | N/A |
| Proceedings: | To consider and application for a provisional "Tavern Liquor Licence" for Sloaney Pty Ltd for operation at the premises to be known as Berry Springs Hotel, subject to receipt of the following documentation: A Copy of Executed Lease Agreement A Certificate of Occupancy An Eating House Certificate; and An inspection of the building by a Licensing Inspector |
| Members: | Mrs J M Large Mr W Grimshaw Mr J Brears |
| Date of Hearing: | 21 January 2010 |

- 1) An application was made by Mr Ian Colin Sloan, sole Director of Sloaney Pty Ltd for a provisional "Tavern Style Licence" to sell liquor from the proposed premises to be known as Berry Springs Hotel located at Lot 5, 795 Cox Peninsula Road, Berry Springs. The concept of the proposed premises is that of a rural hotel but without accommodation. It will have facilities for meals and entertainment and consist of a kitchen, bar area, function area, alfresco dining area and children's playground.
- 2) It is proposed that liquor will be sold for consumption of the premises with trading hours of 10:00 hours until 01:00 hours (the following day) seven (7) days a week (except Good Friday and Christmas Day). Breakfast to be available between 08:00 hours and 10:00 hours and menu based meals available for lunch between 12:00 hours and 14:00 hours, and dinner between 18:00 hours and 21:00 hours. Snacks to be available at all times the premises is open for trade.
- 3) The premises is being developed by the owner of the land, Mr Chris Keating together with Mr Brendan Walkley and then leased to Mr Sloan who will also be responsible for the internal fit out of the premises. The hotel is anticipated to be completed by the end of 2010, early 2011.
- 4) The application was advertised in the Northern Territory News in the correct format on Wednesday 20 May 2009 and Friday 22 May 2009 and no objections were received during the objections period.
- 5) The Northern Territory Police and Northern Territory Health offered no objection and the Litchfield Shire Council provided no comment to the proposal. Development Permit DP09/0528 approving the development of the land for the purpose of a hotel was granted on 20 July 2009.
- 6) The applicant has provided financial information which demonstrates a financial capacity to develop the site and operate the premises as a tavern. Mr Sloan, as the proposed

Nominee, has experience in the hospitality industry, particular as Licensee and Nominee of the Virginia Tavern.

- 7) A site visit by the Licensing Commission, together with Mr Sloan, showed a large cleared site which is situated off the Berry Springs road but with adequate access to the road and a substantial number of parking bays are included in the site plans. The Commission believes that due to the location and parking availability there is not likely to be any traffic hazards or problems associated with the development. Also, there are no residential properties in close proximity which will be unduly affected by any noise from the tavern. However, the normal noise provision will need to be included in any final approval for a licence.
- 8) Other liquor licences in the area include a couple of store licences and a restaurant with an on-licence. The Litchfield Hotel has a tavern licence but it is located approximately eleven (11) kilometres further along the Berry Springs Road. None of the current Licensees in the area have objected to the proposal.
- 9) Given the population of the immediate area of the proposed development was 1400 in February 2009 and it is an expanding population area the Commission is of the opinion that the proposed Berry Springs Hotel will provided a benefit to the community in the vicinity.

Decision

- 10) The Licensing Commission approves a provisional "Tavern Liquor Licence" to Sloaney Pty Ltd for operation at the premises to be known as Berry Springs Hotel to be developed at Lot 5, 795 Cox Peninsula Road, Berry Springs with trading hours of 10:00 hours until 01:00 hours (the following day) seven (7) days a week (except Good Friday and Christmas Day). Breakfast to be available between 08:00 hours and 10:00 hours and menu based meals available for lunch between 12:00 hours and 14:00 hours, and dinner between 18:00 hours and 21:00 hours. Snacks to be available at all times the premises is open for trade.
- 11) The provisional licence is approved subject to the following conditions:
 - a) As this is a provisional liquor licence based on a conceptual vision for the development of the premises the Commission considers it necessary to have a further hearing and site inspection when the development is completed. At that time the Commission will require:
 - copy of the Executed Lease Arrangement;
 - Certificate of Occupancy;
 - an Eating House Certificate; and
 - an inspection of the building by a Licensing Inspector.
 - b) Any finally approved licence is to include to standard tavern licence conditions.

Mrs J M Large
Presiding Member

29 January 2010