

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	Lasseters Hotel Casino Barrett Drive Alice Springs NT 0870
<b>Licensee:</b>	Ford Dynasty Pty Ltd
<b>Licence Number:</b>	80103004
<b>Proceedings:</b>	To Undertake a Hearing to Consider an Application for a Variation of Trading Hours for the Decking and Beer Garden at Lasseters Hotel Casino and Consider the Objection Lodged under Section 47F of the Liquor Act
<b>Members:</b>	Mr Richard O'Sullivan (Chairman) Mr Wally Grimshaw Mr Paul Fitzsimons
<b>Appearances:</b>	Mr Chris Satori for the Licensee Mr Danny Gillies (Objector) Deputy Director Chris McIntyre for the Director
<b>Date of Hearing:</b>	17 August 2011

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## Background

- 1) Ford Dynasty Pty Ltd, trading as Lasseters Hotel Casino ("the Casino") made application for a variation to liquor licence trading hours at the Decking and Beer Garden attached to the Juicy Rump.
- 2) The variation sought was to allow an additional hour's trading on Saturday and Sunday mornings at the Decking and Beer Garden which currently is able to trade from 10.00am each morning until 3.00am (the following day) seven days a week. The associated Juicy Rump Bar has trading from Thursday to Sunday from 10.00am until 05.00am (the following day) and 10.00 am until 06.00 am (the following day) on Fridays and Saturdays.
- 3) The intention of the Casino is to allow patrons access to the designated smoking area which is located within the Beer Garden for longer periods of time and better aligned to the Juicy Rump trading hours.
- 4) Following advertising, one objection was received from Mr Danny Gillies, a resident of Sunset Court across the Todd River from the Juicy Rump and the Casino. A decision by the Commission's Legal Member accepted the objection by Mr Gillies as it related to the amenity of the area and is consistent with grounds for objection contained in Section 47F of the Act. The Legal Member therefore determined that the objection lodged by Mr Gillies is valid and requires a Hearing pursuant to Section 47I(7) of the Act.

## The Hearing

- 5) At Hearing Mr Satori outlined that the application was made due to the new smoking laws necessitating an outdoor area being required for patrons wishing to smoke. He stated that the Juicy Rump had extended hours and that currently the Decking and Beer Garden closes at 3.00 am each morning. He considered the application was for a modest extension

of trading hours with no actual food or beverage servery in the Decking and Beer Garden, but if approved, would enable its use in a passive way by smokers.

- 6) Mr Gillies detailed his objection and expressed fears that if the application was successful it would result in increased noise and disturbance to the neighbourhood and his residence. He outlined a number of instances where the quiet amenity of his house had been impacted by noise from the Casino, drunken patrons exiting from the Casino and causing noise and other problems he associated with late trading of the Casino.
- 7) Mr Gillies said that while his house was in Sunset Court some distance from the Casino, he submitted that there was no barrier to stop the noise penetrating his home, causing disturbance to his family, including two children. He added that sometimes the music was incredibly loud and that staff often turn the music up after closing and when cleaning up.
- 8) The Commission questioned Mr Satori on the noise emanating from the Juicy Rump and queried whether an additional hour on Saturday and Sunday morning for patrons to access the Decking and Beer Garden would potentially result in an extended time for noise to emanate from the area as access to the outside area obviously requires doors to be open from the Juicy Rump, where amplified and loud music is played.
- 9) Mr Satori advised the Commission that the Juicy Rump trading on the mornings of the variation sought is until 6.00 am and that amplified music is played within the Juicy Rump. While the outside Decking and Beer Garden had speakers, Mr Satori said they would not be in use during the extra hour of trading sought for Saturday and Sunday mornings.

## Consideration of the Issues

- 10) The Commission is mindful that the variation sought by the Casino is for an additional two hours access to the Decking and Beer Garden per week. Currently the Decking and Beer Garden is open for client use and trading until 03.00am each morning. The Commission also takes into consideration that the current noise condition of the licence is as follows:

### ***Amplified Music***

*Amplified music is permitted in the area at any time, provided that music does not cause undue annoyance to residents.*

### ***Live Entertainment***

*Live entertainment in the nature of Sunset Jazz is permitted in the area on a Sunday evening.*

- 11) Mr Gillies has given evidence, to which the Commission attaches some credibility, that music emanating from the Juicy Rump causes a disturbance and annoyance to his and his family's quality of life. However, no evidence was placed before the Commission that there has been complaint over this noise, rather Mr Gillies has used the Casino application as a trigger to voice his concerns, through valid objection to the application.
- 12) The Commission considers that the noise conditions relating to the licensed area under application would benefit from tightening of noise controls. At this point of time however, there is nothing before the Commission by way of agreement from the Casino, submission from the Director of Licensing or suggestion from Mr Gillies, as to how noise mitigation could be put into effect. Mr Gillies' objection and submission purely relates to the two additional trading hours sought by the Casino.
- 13) The two additional trading hours sought are a minor variation only to the licence hours of the area under question. They are designed to meet patron demand for access to smoking areas within the broader licensed area. Currently the variation would merely provide access to a beer garden for smoking purposes from 3.00 am until 4.00 am Saturday and Sunday

mornings. The Commission can see no valid reason why this application should not receive approval.

- 14) A major question from the Commission's view is how to better improve neighbourhood amenity through lessening the impact of amplified music from the licensed premises during late trading, especially during the additional trading hours sought. Certainly the Commission is of the view that no use of external speakers to broadcast music from the Juicy Rump or any other music should be permitted in the extra trading time.
- 15) The Commission considers this is a matter that requires more attention than it is able to give at present and therefore seeks that the Director of Licensing consult with the Casino management and Mr Gillies and possibly other people in the neighbourhood, over ways to better effect noise control from the Casino.
- 16) The doorway from the Juicy Rump to the outside Decking and Beer Garden is the main means of noise exiting the venue and it is perhaps this matter that attention needs to be focused on. There is the related issue of speakers positioned in the outside area.

## Decision

- 17) The application to vary the trading hours for the Decking and Beer Garden at the Casino is approved on the condition that there is to be no use of the outside speakers for the broadcast of music from the Juicy Rump during these hours. This approval is also contingent on the Licensee working with the Director of Licensing and people in the neighbourhood to ensure better controls over noise emanating from the premises, in accordance with the current licence condition of the Licensee that any *"music does not cause undue annoyance to residents"*.

Richard O'Sullivan  
Chairman

16 September 2011