



Director-General of Licensing

Decision Notice

Matter:	Application for a Liquor Licence
Proposed Premises:	Sage Resort Darwin
Applicant:	Mr Giovanni Morandini on behalf of Morandini Investments Pty Ltd
Proposed Licensee:	Morandini Investments Pty Ltd
Objectors:	Nil
Legislation:	<i>Liquor Act</i> Section 26
Decision of:	Director-General of Licensing
Date of Decision:	23 June 2016

Background

1. On 18 March 2016 Morandini Investments Pty Ltd ("the Applicant") submitted an application for a Liquor Licence pursuant to section 26 of the *Liquor Act* ("the Act"). The licence is intended to be an "On-Licence" for premises known as the "Sage Resort Darwin" located at 622 Lee Point Road, Lee Point NT 0820.

Application

2. The Applicant's submission addressed relevant criteria as mandated by section 6(2) of the Act and which identified the operations of the proposed business. The Applicant submitted that the information provided demonstrates that the grant of the licence will be in the public interest.
3. With specific reference to the requirements of the Act, the Applicant provided affidavit material pursuant to section 26A identifying that the Applicant is the only person to have influence over the liquor licence. It is intended that Morandini Investments Pty Ltd will be the Licensee and Mr Carl Thomas Forrest will be the Nominee for the premises.
4. Mr Forrest provided evidence of his Responsible Service of Alcohol Certificate, has successfully completed the *Liquor Act* test, has submitted appropriate identification and has provided Referee Reports which attest to his character and work ethic. He has also undergone a National Police criminal history and fingerprint check.
5. The trading name "Sage Resort Darwin" is a registered business name.
6. The proposed business is in the nature of a resort however, construction of the premises is not yet complete.

7. It is intended to have liquor available for sale:
 - from 11:00 hours until 23:59 hours each day of the week in 'Julio's Restaurant', the 'Sole Pool Bar'; and
 - from 11:00 hours to 01:00 hours (the following day) each day of the week in meeting rooms and for event and banquet functions.
8. The application was advertised in the Northern Territory News on Wednesday, 13 April 2016 and Friday, 15 April, 2016. The required 'green sign' was displayed at the proposed premises for the required period.

Stakeholder Comments

9. Key stakeholders were provided with a copy of the application for comment. Northern Territory Police ("NTPOL"), the Department of Health and City of Darwin confirmed that there is no objection to the licence being issued.
10. Northern Territory Fire Rescue Service ("NTFRS") advised that it is unable to provide comment on the fire safety aspects of the application until completion of the construction of the premises. Once complete, fire compliance inspections will be undertaken, including determination of the maximum patron numbers allowable on the premises.
11. No objections from members of the public were received in relation to this application.

Assessment

12. The Act prescribes that the decision maker must have regard to the objects of the Act when determining whether or not to grant a licence. The public interest in the sale, provision, promotion and consumption of liquor must be taken into account.
13. The material submitted in support of the application (with specific reference to relevant criteria including those set out in sections 6(2), 26, 26A and 28 of the Act, and that there have been no adverse comments from key stakeholders or public objections to the granting of this licence pursuant to section 47F(3) of the Act suggests a minimal risk of harm to the public in granting a licence.
14. The application suggests that the public interest would be served by the granting of a liquor licence.

Decision

15. In accordance with section 29(1)(a) of the Act and on the basis of the information provided in respect of the application, and for the reasons set out above, I approve the issue of an On-Licence to Morandini Investments Pty Ltd for the Sage Resort Darwin to be constructed at 622 Lee Point Road, Lee Point in the Northern Territory.

Subject to the conditions of the licence, liquor may be sold:

- (a) between the hours of 11:00 hours and 23:59 hours each day of the week in the area to be known as 'Julio's Restaurant'; and
- (b) between the hours of 11:00 hours and 23:59 hours each day of the week in the area to be known as 'Sole – Pool Bar'; and
- (c) between the hours of 11:00 hours and 01:00 hours (the following day) each day of the week in the area(s) referred to as 'Meeting Rooms' within the nominated premises; and

(d) between the hours of 11:00 hours and 01:00 hours (the following day) each day of the week in the area(s) referred to as 'Event/Banquet Facilities' within the nominated premises.

16. The licence will be issued immediately following the publication of this decision and, in accordance with section 31(1) of the Act, is subject to a condition that the Licensee will not commence trade in the sale of liquor under the licence until such time as the proposed premises are constructed and a Certificate of Occupancy under the *Building Act* has been issued to the licensee, authorising it to conduct the business of a Tavern and take away liquor outlet at the premises.
17. The licence will become operative, subject to the normal conditions associated with an On-Licence once the Applicant has presented evidence to the satisfaction of the Director-General that the premises have been satisfactorily constructed and the appropriate statutory approvals, including the issue of a certificate of occupancy, have been obtained by the licensee.
18. The Applicant will also be required to obtain the necessary approvals from the Northern Territory Fire Rescue Service in respect of patron capacity and fire safety issues prior to commencing operation.

Review of Decision

19. Section 120ZA of the *Liquor Act* provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. An application for a Liquor Licence pursuant to section 29 of the *Liquor Act* is specified in the Schedule and is a reviewable decision. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.

For the purpose of this decision the affected person is the Applicant.



Cindy Bravos
Director-General of Licensing

23 June 2016